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NEVADA COUNTY
BOARD OF SUPERVISORS

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GRAND JURY
COUNTY OF NEVADA
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Nevada City, California 95959
Phone Number: 530-265-1730
Email: grandjury@nccourt.net

7 May 2019

Nevada County Board of Supervisors
950 Maidu Avenue
Nevada City CA 95959

Enclosed is a copy of the report prepared by the Grand Jury on the subject of *Detention Facility Inspection Report*. Please be advised that your response(s) are due on or before 12 July 2019.

This report will be published 13 May 2019 at 11:00 a.m. when it will be posted on the Grand Jury's Website: <http://nccourt.net/divisions/gj-reports.shtml>.

The California Penal Code (§933.05) prohibits disclosure of any portion of this report prior to its publication by the Grand Jury.

The California Penal Code also requires that responses to Grand Jury reports be addressed to:

The Honorable Thomas Anderson
Supervising Judge of the Grand Jury
201 Church Street
Nevada City, California 95959

To assist you in writing your response, we are enclosing a copy of Section 933.05 (a) of the Penal Code and an example of the correct format for responding. To assist you with responding, an electronic formattable copy of this report can be obtained by request from the jury at grandjury@nccourt.com.

The Grand Jury appreciates your cooperation.

Sincerely,

Gordon Mangels, Foreperson
2018-2019 Nevada County Grand Jury

CALIFORNIA PENAL CODE
(EXCERPT FOR RESPONDENTS)

Section 933.05 (a): For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future; with a timeframe for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

EXAMPLE: CORRECT FORMAT FOR RESPONDING TO A GRAND JURY REPORT

As required by Penal Code Section 933.05

FINDINGS:

1. Even when notification proceeds properly, the foster child's school records may not arrive at the new school for as long as eight or ten weeks. During this time the child may not be permitted to attend school

Disagree

Children are not denied education and a child's school record has to be requested by the school of enrollment.

2. Our CPS is on record as demanding that foster parents not home school the foster children in their care. CPS finds it difficult to enforce its own policy.

Partially agree

Nevada County CPS requires that its foster children be mainstreamed in education unless there are exceptional circumstances.

3. There can be a number of possible reasons for the foster child's relocation to another county, i.e., the availability of foster homes, need for special care, relationships between foster parent and foster child, the location of a desirable member of the child's extended family.

Agree

RECOMMENDATIONS:

6. The Board of Supervisors should consider taking back from the State the responsibility for the approval and training of foster parents within the County.

The recommendation will not be implemented at the present time

The Board believes the current process for the approval and training of foster parents in Nevada County is sufficient at the present time.

7. The Board of Supervisors should maintain funds and services to continue the County's model of the transition of 18-year-olds in the foster care system into independent living.

The recommendation has been partially implemented

Additional initiatives to redesign the California Child Welfare System will be implemented in Nevada County in conjunction with changes in State regulations.

Detention Facility Inspection Report

2018-2019 Nevada County Grand Jury

Detention Facility Inspection Report

Summary

The 2018-2019 Nevada County Grand Jury (Jury) has conducted an inspection of the detention facilities in the Nevada County (County) to “inquire into the conditions and management of the public prisons within the county” as required by Penal Code § 919(b). The Jury toured and inspected the Wayne Brown Correctional Facility (Wayne Brown), the Carl F. Bryan II Juvenile Hall (Juvenile Hall), the Washington Ridge Conservation Camp (Washington Ridge), and two holding facilities: the Nevada County Sheriff’s Office’s Truckee Sub-Station (Truckee Jail) and the Nevada County Superior Court Holding Facility in Nevada City (Nevada City Holding Facility).

In general, the Jury found the public prisons in the County to be well managed and in good condition except for problems related to the age of the facilities at the Nevada City Holding Facility and at the Truckee Jail.

The Jury made the following recommendations.

- Improve Correctional Officer recruiting and staffing processes.
- Complete a comprehensive review of the Inmate Welfare Fund (IWF) at Wayne Brown.
- The Board of Supervisors should make a decision on the use of Juvenile Hall.
- The Board of Supervisors should examine the need for security improvements at Juvenile Hall and the Nevada City Holding Facility.

Glossary

2015-2016 Report

AB 109
Cal Fire
CDCR
CO
County
GED
IWF
Jury
Juvenile Hall
Nevada City Holding Facility
NCSO
SCFAO

Grand Jury’s 2015-2016 Report entitled
Carl F. Bryan II Regional Juvenile Hall - Is It Worth the Cost?
California Public Safety Realignment Act of 2011
California Department of Forestry and Fire Protection
California Department of Corrections and Rehabilitation
Correctional Officer
Nevada County
General Education Diploma
Wayne Brown Inmate Welfare Fund
2018-2019 Nevada County Grand Jury
Carl F. Bryan II Juvenile Hall
Nevada County Superior Court Holding Facility
Nevada County Sheriff’s Office
Sheriff’s Chief Fiscal Administrative Officer

**TAY
Truckee Jail
Washington Ridge
Wayne Brown**

Transitional Age Youth Program
Nevada County Sheriff's Office's Truckee Sub-Station
Washington Ridge Conservation Camp
Wayne Brown Correctional Facility

Background

The California Constitution of 1849 provides in Section 23 of Article 1 that a grand jury "be drawn and summoned at least once a year in each county." Accordingly, the Superior Court in each of the 58 counties in the State yearly impanels a grand jury whose primary function is to investigate the operation of the various officers, departments, and agencies of local government. A grand jury may examine all aspects of county and city government, special districts, and other tax-supported organizations to ensure that the best interests of the citizens of the county are being served. The jury reviews and evaluates procedures, operations, and systems utilized by local agencies to determine whether more effective methods may be employed.

California Penal Code § 919(b) requires each county's jury to inquire annually into the condition and management of public prisons within the county. The subject of this report is the result of the 2018-2019 Nevada County Grand Jury's (Jury) inquiry into the condition and management of the public prisons in the County.

Approach

The Jury inspected each of the public prisons in the County as follows:

Carl F. Bryan II Juvenile Hall	August 9, 2018
Nevada County Sheriff's Office's Truckee Substation	August 16, 2018
Nevada County Superior Court Holding Facility	September 13, 2018
Wayne Brown Correctional Facility	October 11, 2018
Washington Ridge Conservation Camp	January 17, 2019

These inspections included a walk-through of each facility, interviews, and a review of procedures and documents related to each facility. In addition, the Jury reviewed previous grand jury reports on the facilities.

The Jury observed the condition of each building and discussed the management of each facility with its staff. Where appropriate, the infirmary was inspected for any insufficiencies and hazardous conditions. The kitchen in each facility, where present, was inspected. Educational and vocational programs as well as discipline and inmates' grievance procedures were reviewed. Policies for inmate classification, orientation, and visitation were also reviewed.

The following describes the current condition of each facility.

Wayne Brown Correctional Facility

Wayne Brown was originally opened in 1992 with a rated capacity of 239 inmates. Its capacity has varied over the years. At the time of the Jury's inspection there were 225 inmates in custody (175 males and 50 females) of ages ranging from 19 to 80 years. The average stay is 17 days, up from 14 days in previous years. The current facility rated capacity is 283 inmates with five additional beds in the medical unit to be used as needed. Inmates are segregated by gender and individual classifications based in part on the seriousness of each inmate's offense and term of sentence.

In addition to inmates from the County, the facility houses inmates from the California Department of Corrections and Rehabilitation (CDCR) assigned under the California *Public Safety Realignment Act of 2011* (AB 109). The current population of inmates is approximately one-quarter Federal and three-quarter's County pursuant to a contract with the Federal Bureau of Prisons and other California county agreements.

At the time of the Jury's inspection there were 46 Correctional Officers (COs). The ratio of male to female COs is approximately 50/50. Nine of the COs are supervisors. Management must create four teams from the remaining 37 officers. The facility is short staffed by 10-12 COs due to availability (sickness, vacations, etc.) and must make up the shortfall through the use of overtime. The facility faces an ongoing challenge attempting to maintain mandatory minimum staffing due to a lack of applicants who can pass the background check needed to qualify.

Sixty percent of the inmates at this facility are repeat offenders, a statistic slightly lower than the statewide average. The Wayne Brown staff is working to reduce the number of repeat offenders by introducing evidence-based treatment programs with proven outcomes. An example is Moral Reconciliation Therapy, a systematic cognitive behavior program aimed at increasing an inmate's moral reasoning. Other programs, such as a recent Arts Program brought in from the community, have been well received and are reported to reduce inmate anxiety.

Housing costs per day, per inmate are \$177.27. The State reimbursement rate for inmates from other counties is \$77.17 per day.

During the last year there were eight attempted suicides and one death due to natural causes at Wayne Brown. There were no escapes from this facility in the last year.

The Jury visited the housing pods and recreational room; toured the intake area including the sally port, holding cells, and safety cell; and reviewed the booking process. The housing and intake areas were well maintained and clean. It appeared that there were sufficient surveillance cameras to maintain the safety of inmates and staff. Inmates were oriented to rules and procedures via a handbook given to each inmate upon entry into the facility. There was a grievance process in place with appeals to various levels as necessary. There were approximately 400 grievances filed per year.

Environmental Health and Nutrition inspections of the facility are made periodically.

Fire and emergency drills are performed twice a year and every two years the Nevada City Fire Department conducts an inspection. This facility has an Automatic Emergency Defibrillator and all staff members are trained to use it. The staff is also trained in First Aid and CPR.

All cooking and baking is performed in-house at Wayne Brown. The kitchen is commercial grade and staffed by inmates who are eligible to do such work. The crews of all men or all women alternate on working the AM or PM shifts.

Educational programs are provided that can lead to a General Education Diploma (GED), a high school diploma, or community college level credits. The courses are free and are taught by three high school teachers paid by the Wayne Brown Inmate Welfare Fund (IWF). The facility also provides programs to treat drug/alcohol abuse and anger management.

During the inspection of Wayne Brown, the Jury inquired into the operation and management of the IWF. The IWF is established by Penal Code § 4025 which states:

The sheriff of each county may establish, maintain, and operate a store in connection with the county jail and for this purpose may purchase confectionery, tobacco and tobacco users' supplies, postage and writing materials, and toilet articles and supplies and sell these goods, articles, and supplies for cash to inmates in the jail.

Subsequent subsections of § 4025 speak to other sources of revenue for the IWF.

The 2017-2018 Nevada County Grand Jury in its *Detention Facility Inspection Report* identified a number of concerns regarding the IWF that included:

- management of the fund,
- lack of financial audits,
- Nevada County Sheriff's Office (NCSO's) conservative approach to the use of the IWF,
- compliance with the NCSO Corrections Division Directive 64,
- lack of a IWF Committee, and
- lack of inventory records.

During its investigation into the management and operation of the IWF the Jury found:

- The IWF is a separate trust fund in a separate line item in the NCSO financial account. The annual NCSO budget request is prepared by the NCSO and submitted for approval by the Nevada County Board of Supervisors. The Sheriff's Chief Fiscal Administrative Officer (SCFAO) administers the NCSO account. The County Auditor-Controller audits the NCSO account, however the IWF account is not separately audited.
- The SCFAO reviews requests for the IWF budget and removes those that are considered inappropriate. The account had a balance of \$440,419.02 at the end of FY 2017-2018 compared to a balance of \$282,273.55 at the end of FY 2014-2015. The expenses for

FY 2017–2018 were \$84,712.59, reflecting again a very conservative approach to the use of the IWF. The IWF receives a commission of 25% on all items sold in the commissary.

- A review of the NCSO Corrections Division Directive 64 revealed that it had been revised with a new effective date of June 12, 2018. The revision does not mention an IWF Committee. There is also no requirement for inventories or inventory records. The Jury was told that the County only requires inventories of capital assets valued in excess of \$5,000 and that the IWF has none in that category.
- A review of the NCSO Corrections Division Directive 64 found that it was in compliance with the requirements of Penal Code § 4025.

Carl F. Bryan II Juvenile Hall

Pursuant to California law, only persons under 18 years of age at the time of their violation can be held in juvenile detention facilities. For a variety of reasons discussed in detail in the Jury's 2015-2016 report, entitled *Carl F. Bryan II Regional Juvenile Hall - Is It Worth the Cost?* (2015-2016 Report), there is an ongoing national and local trend away from incarceration of juveniles in favor of alternatives to detention including release on recognizance, release on bond, community support, and formal evidence-based monitoring programs. At the time of the Jury's inspection there were five male inmates, aged 13 to 17 years. This facility has a capacity for 60 inmates but is currently staffed for 30 inmates. All five inmates were from Nevada County.

As discussed in the 2015-2016 Report, one result of the decrease in juvenile detention and the maintenance of state-mandated staffing levels has been a steadily rising cost per inmate. A new California program called the Transitional Age Youth program (TAY) has been implemented at juvenile halls. TAY applies to inmates who are 18 years of age or older but under 21 years of age on the date their offense was committed. Under California law, juveniles under the age of 18 must be held in a juvenile holding facility. It permits incarceration of such inmates outside of county jails in facilities such as juvenile halls that offer programs for rehabilitation. Modifications have been made to Juvenile Hall so that inmates in the TAY program can be housed there but not co-mingled with the 17 and younger inmates. It was anticipated by staff that the TAY program would increase the number of inmates at Juvenile Hall and reduce the cost per inmate. At the time of the Jury's inspection there were no inmates in the TAY program present.

The total budget for Juvenile Hall this year is \$2.9 million, down from \$3.3 million a year ago. The goal for 2019-2020 is under \$2.5 million. These budget reductions are due to reductions of staff. An ad hoc committee looked into whether the facility should be closed, re-purposed in its function, or share operations with other county holding facilities.

At the time of the Jury's visit the need for the following facility improvements were noted.

- The Main Pod control panel is in need of repair.
- Two additional cameras with swivel capabilities would improve security.
- Recording capabilities for all cameras would improve facility surveillance.

There are numerous programs and incentives to help inmates get a fresh start. Recreational facilities and educational programs are provided. Inmates are able to acquire work skills in gardening and the culinary arts. All meals are prepared onsite and inmates can earn culinary worker certifications that can be used for work after they are released.

The interaction between inmates and COs appeared to be cordial. The staff appears to be forward thinking and firm but respectful of their charges.

Washington Ridge Conservation Camp

Washington Ridge, located northeast of Nevada City off Route 20, is one of 44 conservation camps administered jointly by the CDCR and the California Department of Forestry and Fire Protection (Cal Fire). The cooperation between CDCR and Cal Fire is impressive. While in the camp the inmates are under the supervision of CDCR but when working as firefighters or performing community service projects they are under the supervision of Cal Fire. CDCR officers are on duty at all times.

Washington Ridge has a resident inmate capacity of approximately 100 but can handle up to 300 additional fire fighters when necessary to respond to major disasters. During the Jury's visit there were 74 inmates assigned to Washington Ridge including support inmates assigned to do the cooking, cleaning, and yard and equipment maintenance. The camp is self-sufficient. It has its own water wells and a back-up generator that can run the entire camp.

Washington Ridge has five transport and support vehicles, each supporting a crew of 12-17 inmates. Each vehicle is equipped to be self-sufficient for days if necessary. At the time of the Jury's visit only four vehicles were being maintained because of the lack of inmates at the camp. The primary cause of the camp operating below capacity is the reassignment of non-violent offenders from State prisons to county jails as mandated by AB 109. As a consequence of AB 109, the eligible pool of inmates available for assignment to conservation camps has decreased over the years. In response, the CDCR and Cal Fire have started to broaden the requirements for eligibility to serve time in the conservation camps. In addition, they encourage county sheriffs to transfer eligible inmates from county jails to conservation camps. At the time of the Jury's visit there were no NCSO inmates serving at Washington Ridge.

The firefighting inmates are rigorously trained to perform very dangerous duty. Even though many man-hours of service are provided yearly fighting fires within the State the number of accidents is very low. Fire crews average 2,000 hours each on a fire line. In 2018, there were 91,750 total fire-fighting hours recorded by camp inmates. The total operating budget for the camp is approximately \$6M. In addition to firefighting the crews perform needed work in the community. Local projects include cutting firewood, working in public parks, and performing needed work for nonprofit programs such as maintenance of parks and sports fields. Full crews are available to counties, cities, and certain nonprofit organizations for approximately \$200.00 per day.

Each inmate has a trust account that can be used for commissary purchases and phone calls. Inmates earn \$1.45 per day. Inmates who have learned a skill in camp earn \$2.65 per day. Inmates who are on a fire line or performing other emergency type work earn \$1.00 per hour. These amounts were doubled in March of 2019.

Inmates may have pre-cleared visitors on Saturday and Sunday between the hours of 8:30 AM to 5 PM.

The Jury toured the dormitories, recreation hall, cafeteria, woodshop, wood mill, tool repair shop, equipment shop, and fire transport and support vehicle garages. Washington Ridge continues to be a well-run and maintained facility. The Jury has no recommendations for changes or improvements at this time.

Nevada County Sheriff's Office's Truckee Sub-Station

The Truckee Jail is used to temporarily hold inmates arrested in eastern Nevada County until they can be transferred to Wayne Brown and it houses inmates transferred from Wayne Brown to stand trial at the Truckee Branch Courthouse. The Truckee Jail also serves as a holding facility for the Truckee Police Department, the Sheriff Departments of Sierra and Placer Counties, and the California Department of Parks and Recreation. This facility has a capacity for 12 inmates. At the time of the Jury's visit there were two male inmates. This is a Type I holding facility with a maximum holding time of 96 hours. Their current housing cost is \$130-\$140 per day with a reimbursement cost of \$77 per day for non-county inmates. The facility must be staffed with one Sheriff's Deputy and two COs at all times. They are down two positions and that shortage requires, on average, 12 hours overtime per week. Transportation to and from Wayne Brown is the responsibility of NCSO deputies. In addition to staff on duty, first response medical personnel and the local fire department serve the facility as needed. For nonemergency medical attention inmates are transported to Wayne Brown.

The Truckee Jail was built in the early 1960s and its age is showing. Nevertheless, it appears to be adequate for its limited use.

Nevada County Superior Court Holding Facility

The Jury inspected the Nevada City Holding Facility including its administrative offices, the security monitoring station, its cells, the hallways leading to the courtrooms, and the sally port through which the inmates are brought into the facility. The deputies and COs were questioned regarding their duties, inmates treatment, safety of the inmates, safety of the public, security, maintenance of the inmates' hygiene level, and air quality in the building.

Inmates brought to the Nevada City Holding Facility arrive in a law enforcement vehicle at the sally port and are escorted into the holding area where they are secured in individual cells. When it is time for the inmate's court appearance, the inmate is chained and handcuffed, then escorted

through public hallways and the lobby into a courtroom where the inmate is guarded by an armed deputy sheriff.

The Nevada City Holding Facility includes a control room where multiple cameras allow the COs to monitor the movements of inmates from the cells to the courtrooms. There are cameras directed at some entrances and exits to the courthouse and on the exterior of the building to help control access. The Jury noted that if additional cameras and alarms were positioned at the front and back doors of the courthouse, increased security would result. At the time of the Jury's visit it was noted that the camera monitoring process was very slow. We were told this is a problem caused by the age of the building and that the cost of the internal wiring upgrades required were slowing down the work. The Jury also noted that video is not recorded nor retained for future review.

The cell area was clean and well maintained and nothing appeared to be a potential danger for either the inmates or the COs who supervise the inmates.

Although there is little risk of escape, the location of a public access door into the lobby on the east side of the first floor does present an enticement to prisoners. Because of the restraints employed and the alertness of the officers, prisoners who attempt to flee are unlikely to be successful.

The Courthouse is showing its age but appears to be maintained and kept in a serviceable condition.

Findings

- F1** In general, the Jury found the public prisons in the County to be well managed and in good condition except for problems related to the age of the facilities at the Nevada City Holding Facility and at the Truckee Jail.
- F2** There is a significant staffing shortage of Correctional Officers within Nevada County.
- F3** The use of evidence-based programs at Wayne Brown has had a positive impact.
- F4** Education programs funded by the IWF provide opportunities for inmates to obtain a GED, high school diploma, or community college credits increasing their potential for success upon release.
- F5** The IWF committee was deleted from the NCSO IWF Policy (Sheriff's Corrections Division Directive 64).
- F6** IWF expenditures for inmates are conservative and do not match revenues; and they also appear to be restrictive.

- F7** The substantial funds in the IWF account provide the opportunity to introduce new programs or reduce the commissions charged for purchases.
- F8** Financial oversight is limited with no requirement for audits of IWF funds or the taking of inventory of IWF purchased equipment.
- F9** An ad hoc committee has made a presentation to the Board of Supervisors suggesting the repurposing of Juvenile Hall. No decision has been made at the time of publication.
- F10** The Main Pod control panel at Juvenile Hall is in need of repair.
- F11** Two additional cameras with swivel capabilities would improve security at Juvenile Hall.
- F12** Recording capabilities for all cameras would improve facility surveillance at Juvenile Hall.
- F13** The entrance and exit surveillance cameras at the courthouse are insufficient.
- F14** The holding facility camera monitoring station at the courthouse needs to be updated.

Recommendations

The Nevada County Grand Jury recommends:

- R1** The Nevada County Human Resources Office should increase the priority for Correctional Officer staffing.
- R2** NCSO should revisit IWF Policy to consider reestablishment of an Inmate Welfare Committee, establish periodic audits of IWF funds and resources, and review revenue and expenditure policies to balance revenue and expenditures.
- R3** The Nevada County Board of Supervisors should expedite a decision on the use of Juvenile Hall.
- R4** The Nevada County Probation Department should provide the necessary repairs and additional surveillance capability to Juvenile Hall.
- R5** NCSO should request the Court to provide additional improvements in security cameras and monitoring capabilities.

Request for Responses

Pursuant to Penal Code § 933.05, the Nevada County Grand Jury requests responses from the following:

Nevada County Human Resources – Finding F2 and Recommendation R1 by 11 August 2019.

Nevada County Sheriff's Office – Findings F5, F6, F7, F8, F13, F14 and Recommendations R2, R5 by 12 July 2019.

Nevada County Board of Supervisors – Finding F9 and Recommendation R3 by 12 July 2019.

Nevada County Probation Department – Findings F10, F11, F12 and Recommendation R4 by 11 August 2019.

