

WAYNE BROWN CORRECTIONAL FACILITY

REASON FOR INVESTIGATION

California Penal Code Section 919(b) requires the Civil Grand Jury to inspect annually all detention facilities within the county.

PROCEDURE FOLLOWED

The Grand Jury inspected the Wayne Brown Correctional Facility on October 4, 2000, and made a follow up visit on October 26, 2000. The Jury interviewed Sheriff's personnel responsible for security at the facility. On November 15, 2000, The Personnel Director of Nevada County was also interviewed.

FINDINGS

1. Wayne Brown Correctional Facility has an inmate capacity numbering 230. These inmates may be sentenced for a period of up to one year. Male and female inmates are housed separately.
2. Visiting area is partitioned so there is no physical contact between inmate and visitors. Re-design of the front lobby provides improved security of main entrance. Facility is clean and well maintained.
3. Inmates can earn the privilege of working in the kitchen, laundry or on grounds.
4. Nevada County contracts with California Forensic Medical Group which provides medical care for inmates.
5. Currently inmates are transported to the Nevada County Courthouse to appear before a Judge for arraignment. They must be physically searched before leaving the Wayne Brown Correctional Facility and again upon return. However, video equipment being installed at the Wayne Brown Correctional Facility and the Courthouse will reduce the number of inmates transported.
6. The Board of Corrections recommends a staffing level of 55 to operate the Wayne Brown Correctional Facility. At the date of this report, 16 positions were either unfilled or vacant due to illness or injury with three additional officers scheduled to leave before the end of the year. Active recruitment by the personnel department is underway.
9. Correctional officers say their fatigue and stress are at the highest level in years.
10. Correctional officers are offered a salary and retirement package lower than neighboring counties.

CONCLUSIONS

1. The Wayne Brown Correctional Facility was understaffed 33% as of December 31, 2000. This situation jeopardizes officers and inmates. The risk of financial liability to the county also increases.

2. The county continues to lose qualified correctional officers. Reasons cited include low salaries, mandatory overtime, high levels of stress and an inadequate retirement plan.
3. Recommendations from the previous Grand Juries regarding bringing the number of staff at this facility up to the Board of Corrections requirement have not been met. The number of qualified staff continues to decline. The sheriff's department is having to supplement jail staff with a deputy from Truckee and a bailiff from the courthouse.

RECOMMENDATIONS

1. The staffing at this facility should be increased to 55 to meet the requirement of the Board of Corrections.
2. The Nevada County Board of Supervisors should adopt a competitive wage and benefit package.

REQUIRED RESPONSES

Sheriff, Due March 26, 2001

Board of Supervisors, Due April 25, 2001

RESPONSES



COUNTY OF NEVADA

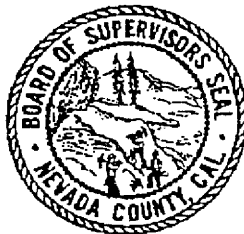
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April 25, 2001

The Honorable Kathleen Butz
Presiding Judge of the Nevada County Courts
Nevada County Court House
Nevada City CA 95959

Subject: Board of Supervisors Responses to the 2000-2001 Nevada County Civil Grand Jury Interim Report No. 5, dated January 22, 2001 regarding the Wayne Brown Correctional Facility.

Dear Judge Butz:

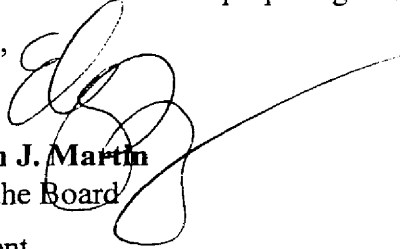
The attached responses by the Board of Supervisors to the 2000-2001 Nevada County Civil Grand Jury Interim Report No. 5, dated January 22, 2001, are submitted as required by California Penal Code §933.

These responses to the Grand Jury's findings and recommendations were approved by the Board of Supervisors at their regular meeting on April 24, 2001. Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the response by the Sheriff and the Personnel Department, or testimony from the Board chair and county staff members.

The Board also recommends the Grand Jury, in future reports, consider directly interviewing the Chair of the Board regarding decisions related to staffing of county departments and/or salary authorizations. The Board has direct responsibility for determining staffing and salary levels. Grand Jury interviews of the Board could help explain the rationale for making these types of personnel decisions and could perhaps enhance Grand Jury understanding of the issues involved before their report is prepared.

The Board of Supervisors would like to thank the members of the 2000-2001 Grand Jury for their participation and effort in preparing this Interim report.

Sincerely,


Elizabeth J. Martin
Chair of the Board

Attachment
ejm:pjw:pb

cc: Foreman, Grand Jury
Ted Gaebler, County Administrator
County Counsel
Pers. Director
4/25/01

**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO
2000-2001 CIVIL GRAND JURY INTERIM REPORT NO. 5**

DATED January 22, 2001

RE: WAYNE BROWN CORRECTIONAL FACILITY

Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the response by the Sheriff and the Personnel Department, or testimony from the board chairman and county staff members.

I. GRAND JURY INVESTIGATION:

Wayne Brown Correctional Facility

A. RESPONSE TO FINDINGS & RECOMMENDATIONS:

Findings:

1. **Wayne Brown Correctional Facility has an inmate capacity numbering 230. These inmates may be sentenced for a period of up to one year. Male and female inmates are housed separately.**
Agree.
2. **Visiting area is partitioned so there is no physical contact between inmate and visitors.**
Agree.
3. **Re-design of the front lobby provides improved security of main entrance.**
Agree.
4. **Facility is clean and well maintained.**
Agree.
5. **Inmates can earn the privilege of working in the kitchen, laundry or on grounds.**
Agree.
6. **Nevada County contracts with California Forensic Medical Group which provides medical care for inmates.**
Agree.

7. **Currently inmates are transported to the Nevada County Courthouse to appear before a Judge for arraignment. They must be physically searched before leaving the Wayne Brown Correctional Facility and again upon return. However, video equipment being installed at the Wayne Brown Correctional Facility and the Courthouse will reduce the number of inmates transported.**

Agree with sentences 1 & 2. Video conferencing equipment presently being installed at the correctional facility and the Courthouse will allow video arraignment and conferencing and should reduce transporting of inmates between the two facilities. Actual reductions in the number of inmates transported have not yet been determined.

8. **The Board of Corrections recommends a staffing level of 55 to operate the Wayne Brown Correctional Facility. At the date of this report, 16 positions were either unfilled or vacant due to illness or injury with three additional officers scheduled to leave before the end of the year. Active recruitment by the Personnel Department is underway.**

Disagree with sentences 1 & 2. Agree with 3rd sentence.

The Board of Corrections in their staffing study of the Wayne Brown Correctional Facility in November, 1999, recommended increasing the allocated staffing level at the facility by ten officers to a total of 59.

At the date of the Grand Jury report, January 22, 2001, there were 4 Correctional Officer vacancies and 4 Officers out on leaves of absence. Employees who are on leave of absence are not considered vacancies and their positions cannot be back-filled.

An active recruitment to fill vacant Correctional Officer positions was conducted by the Personnel Department (see response to Recommendation No. 2).

9. **Correctional officers say their fatigue and stress are at the highest level in years.**

Neither agree nor disagree. The Board has no knowledge of correctional officers' testimony to the Grand Jury.

10. **Correctional officers are offered a salary and retirement package lower than neighboring counties.**

Disagree.

Nevada County currently pays a maximum salary of \$2,993, which is 8.8% above the average of our neighboring counties. In addition, Nevada County's Correctional Officer salary will increase 4% in October of 2001.

Nevada County offers the miscellaneous retirement package of 2% at 55 to Correctional Officers. The majority of neighboring counties are offering the safety package at 2% at 50.

Neighboring counties include Sierra, Yuba, Placer, El Dorado, Butte and Sutter.

County	Salary	Retirement
Butte	\$2871	Safety 2% at 50
El Dorado	\$2891	Safety 2% at 50
Placer	\$3243	Safety 2% at 50 (3% in 2/02)
Plumas	\$2602	Misc. 2% at 55
Sierra	\$2120	Misc. 2% at 55
Sutter	\$2782	Safety 2% at 50
Yuba	Not comparable	
Average	\$2751	

As of this date, Nevada County is fully staffed at our allocation of Correctional Officers.

RECOMMENDATIONS

1. **The staffing at this facility should be increased to 55 to meet the requirements of the Board of Corrections.**

The recommendation requires further analysis to be completed by June 30, 2001.

Current authorized staffing at the Wayne Brown Correctional Facility is 49 Correctional Officers. The California Board of Corrections, in a staffing study conducted in November, 1999, recommended the staffing at the facility be increased by ten to 59 Correctional Officers. The Board of Corrections report was advisory only. Mandatory staffing requirements set by a State agency would be an unfunded mandate. Sheriff Royal, in his report to the Board of Supervisors regarding the Board of Corrections' staffing recommendation, indicated he would conduct further review and return to the Board with his recommendation at a later date.

In his response to the Grand Jury regarding this report, the Sheriff indicated he has determined that 6 additional Correctional Officers are necessary. He further indicated he would present this recommendation for 6 additional Correctional Officer positions at the Wayne Brown Correctional Facility during the FY2001/02 budget hearings.

The Board of Supervisors will consider this request during the budget hearings beginning in June 2001, and make a decision on the Sheriff's recommendation at that time.

2. **The Nevada County Board of Supervisors should adopt a competitive wage and benefit package.**

The recommendation has been implemented.

In October of 2000, the Personnel Department began an aggressive recruitment and retention strategy to solve this chronic vacancy problem which included the following:

1. The Personnel Director met with Correctional Officers to discuss their concerns with the position and their ideas regarding recruitment and retention.
2. Continuous recruiting for Levels I and II were implemented
3. A monthly testing schedule was implemented and eligibility lists were established with a continuous flow of candidates for the Sheriff's Department to interview. To date there is a list of approximately 30 candidates awaiting the opportunity to interview with the Sheriff.
4. In December 2000, the Personnel Department created and ran an energetic and innovative radio ad on local stations KNCO AM 830 and STAR FM 94.3. The ad was based on a "Mission Impossible" theme and received a favorable response.
5. Flyers were posted in supermarkets, gyms, and convenience stores. In addition to Personnel staff posting job announcements, Sheriff's Deputies posted flyers while out on patrol.
6. Although Nevada County implemented the first two phases of the 1999 Classification and Compensation Study (which resulted in an 8% increase), the vacancies for the position continued to rise. A hard-to-recruit compensation survey was conducted in October, resulting in the Board of Supervisors approving an additional 10.5% increase to the salary range that was implemented January 7, 2000. This has increased both our retention and recruitment efforts. The position will also receive an additional 4% increase in October of 2001.
7. The Personnel Department recruited at booths during local events such as the Grass Valley Friday Night Farmers Market and at career fairs.
8. The Personnel Department prepared a hiring and retention incentive plan to back-up our efforts. The other efforts worked so well that additional hiring and recruitment incentives were not needed.

For the time period October, 2000 through April 15, 2001, thirteen (13) Correctional Officers were hired and the facility is now at its fully authorized staffing of 49 officers.

The salary increase has made the county more competitive in the recruitment of Correctional Officers, and has made a significant difference in staff recruitment and retention. The success of this effort is reflected in the hiring of 13 new Correctional Officers since October 2000, bringing the Wayne Brown Correctional Facility to full Correctional Officer staffing for the first time in recent memory.

B. OTHER RESPONSES REQUIRED:

Keith Royal, Sheriff-Coroner – March 26, 2001

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**NEVADA COUNTY
SHERIFF'S OFFICE**



**KEITH ROYAL
SHERIFF/CORONER**

January 30, 2001

rec'd
APR 5 - 2001

OK *[Signature]*
4/16/01

Honorable Carl F. Bryan II, Presiding Judge
Superior Courts of Nevada County
301 Church Street
Nevada City, CA 95959

RE: RESPONSE TO GRAND JURY REPORT (January 22, 2001)

Dear Honorable Carl F. Bryan II:

This report is prepared in response to the Grand Jury's Interim Report dated January 22, 2001, relative their findings, conclusions and recommendations as they pertain to the Nevada County Sheriff's Office.

The Sheriff's Office would like to acknowledge the investigative efforts of the Grand Jury, as well as recognize their hard work in preparation of this important report. The Sheriff's Office's responses to the Grand Jury's findings and recommendations are listed as follows:

RESPONSE TO FINDINGS

I agree with findings 1-10.

RESPONSE TO CONCLUSION #1

I agree with the conclusion. Since taking office, maintaining an adequate staffing level at the Wayne Brown Correctional Facility has been an ongoing dilemma. As of January 24th, 2001, the Wayne Brown Correctional Facility is currently understaffed by 29 percent of its functional work force. This total includes eight personnel who are either sick or injured, and five vacant correctional officer positions.

The Sheriff's Office and the County Personnel Office have gone to great lengths to streamline the hiring process. The Sheriff's Office has attempted monthly testing for the correctional officer classification since August 2000. Additionally, I have increased our staff of background investigators by two investigators to expedite the hiring process, and as of January 25th, 2001, there will be approximately twenty individuals participating in oral interview testing for the position of correctional officer.

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Response to Grand Jury Report (January 22, 2001)

January 30, 2001

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I have reallocated existing staff from other assignments as a temporary measure to help reduce mandatory overtime by existing personnel until such time as an appropriate staffing level is attained.

I have also implemented a twelve-hour shift schedule to more effectively utilize our existing staff. The twelve-hour shift schedule has become the standard of the industry. And lastly, during FY 00/01, I reclassified five existing jail positions to that of correctional officers thus providing greater flexibility in the use of existing staff.

All these steps have been taken in an effort to reduce the risk of financial liability to the County, as well as provide greater safety measures to staff and inmates.

RESPONSE TO CONCLUSION #2

I agree with the conclusion. Historically, turnover in personnel has been a significant problem relative the operation of the correctional facility. During the last two years, the Sheriff's Office has taken a number of steps toward resolving this ongoing problem. My Office has worked closely with the Personnel Office in an effort to address salaries comparable to surrounding counties. To that end, effective January 7, 2001, the correctional officers received a 10 1/2 percent raise in salary as a result of efforts by Personnel Director Angie Ureta. This salary adjustment was in addition to the classification and compensation study performed during the prior fiscal year that also raised the salary levels of correctional officers, as well as other County employees.

Although I do not participate directly in the contract negotiations for employees represented by recognized labor groups, I have conveyed to the Personnel Director and the County Administrator's Office my concerns regarding competitive wage and benefit package issues respective of the correctional officer classification.

RESPONSE TO CONCLUSION #3

I agree with the conclusion. In November 1999, the California Board of Corrections prepared a staffing study of the Wayne Brown Correctional Facility. As a result of that study, the Board of Corrections made a recommendation to increase its allocated staffing level for the Facility by ten additional correctional officers. The Board of Corrections made their recommendations based on consideration of what was determined to be fixed post assignments, as well as a historical perspective relative a staffing relief factor. The staffing relief factor was determined by the historical use of time off by existing personnel for various reasons (i.e., sick leave, vacation).

Response to Grand Jury Report (January 22, 2001)

January 30, 2001

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In June 2000, I presented to the Board of Supervisors the staffing study recommendations made by the Board of Corrections regarding the Wayne Brown Correctional Facility. At that time, the Board of Corrections recommended hiring ten additional correctional officers. I advised the Board of Supervisors that I would conduct further review of the staffing recommendations, and would return to the Board with my recommendations at a later date.

As a result of further review of the data, my office has determined that 6 additional correctional officer positions are necessary to adequately staff the Wayne Brown Correctional Facility.

As such, I will present to the Board of Supervisors my recommendation for implementing an increase in staffing levels for the Wayne Brown Correctional Facility during the FY 01/02 budget hearings.

RESPONSE TO RECOMMENDATION #1

I agree with the recommendation. I will present to the Board of Supervisors my recommendations for implementing an increase in staffing levels for the Wayne Brown Correctional Facility during the FY 01/ 02 budget hearings.

RESPONSE TO RECOMMENDATION #2

I agree with the recommendation. Although I do not participate directly in the contract negotiations for employees represented by recognized labor groups, I have conveyed to the Personnel Director and the County Administrator's Office my concerns regarding competitive wage and benefit package issues respective of the correctional officer classification.

As of January 7, 2001, the Board of Supervisors has made great strides in implementing a competitive wage for the correctional officer classification by increasing their pay by 10 1/2 percent above the previous adjustment received during the prior fiscal year based on the compensation and classification study.

Should you have any additional questions regarding this matter, please feel free to contact me at 265-1382.

Sincerely,



Keith Royal, Sheriff

