

# **WAYNE BROWN CORRECTIONAL FACILITY**

## **REASON FOR INVESTIGATION**

California Penal Code Section 919(b) requires the Grand Jury to annually inspect the condition and management of the public prisons within the county.

## **PROCEDURE FOLLOWED**

The Grand Jury inspected Wayne Brown Correctional Facility (WBCF) on September 18, 2001. The Jury interviewed the staff assigned. The Grand Jury also interviewed Sheriff Royal on October 9, 2001, and received correspondence from both the Director of Personnel and Sheriff Royal.

## **FINDINGS**

1. The facility is clean and well maintained.
2. All male and female inmates are housed separately in either the maximum or minimum security areas. In the minimum security area, they share a common recreation facility.
3. Nevada County contracts with California Forensic Medical Group to provide medical care for inmates. Dental services are also available.
4. A program is in place, which allows qualified inmates to work in WBCF facilities and on the Rood Center grounds. Some inmates are allowed to work with local organizations and businesses.
5. Inmates are transported to and from the Nevada County Courthouse to appear before a Judge for arraignments and court hearings.
6. To reduce such transports, video equipment was installed between the courthouse and WBCF. However, it is rarely used.
7. The California State Board of Corrections recommends a minimum staff of 55 Correctional Officers for safe operation of WBCF.
8. Nevada County has authorized a staffing level of only 52 Correctional Officers assigned to the Sheriff's Department at WBCF. Of these, 38 are at WBCF (including four on leave), four are assigned to the Courthouse, and there are ten vacancies.

9. According to the Board of Supervisors response to last year's Grand Jury report, the Board of Corrections staffing study of November 1999 recommended a staffing level of 59 officers.
10. Correspondence from the Director of Personnel, dated October 11, 2001, indicates ten vacancies for Correctional Officers.
11. Since its opening in 1992, WBCF has never been at the minimum recommended staffing level.
12. Correctional Officers at WBCF are currently scheduled to work 12-hour shifts, four days one week and three days the next week.
13. Because of the under staffing Correctional Officers often work overtime.
14. In addition, Correctional Officers work on their days off, both voluntarily and assigned.
15. California Government Code Section 24009 describes the responsibilities of the Public Administrator. Section A-11 1.5 of the Nevada County Administrative Code, states that the Sheriff in Nevada County is the Public Administrator. His responsibilities include coroner duties, search and rescue, court security, jail operation, and general law enforcement. Patrol services are not mandatory.

## **CONCLUSIONS**

1. The Board of Supervisors and the Sheriff's Department must bring the number of Correctional Officers assigned to the WBCF to the recommended minimum of 55. Continuing to operate at lower than recommended staff levels could put unwarranted financial liability risk to the county by jeopardizing safety and security of Correctional Officers and inmates.
2. Patrol services provided by the Sheriff may be detrimentally impacted if the county continues to understaff WBCF, as those officers may be assigned to the WBCF to maintain legal mandatory obligations.
3. The Grand Jury commends the WBCF for providing inmates a clean facility with many privileges including a library, medical and dental treatment, and recreation facilities.

## **RECOMMENDATION**

The Nevada County Board of Supervisors has an obligation to the public to make safety and security at WBCF a priority by ensuring that staffing is brought to the Board of Corrections minimum standard of 55 Correctional Officers. This level should be maintained at all times.

## **REQUIRED RESPONSES**

Board of Supervisors due by September 19, 2002

Sheriff due by August 14, 2002

**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO  
2001-2002 CIVIL GRAND JURY INTERIM REPORT NO. 8  
DATED JUNE 14, 2002  
RE: WAYNE BROWN CORRECTIONAL FACILITY**

*Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by the Sheriff, 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. The facility is clean and well maintained.**

Agree

- 2. All male and female inmates are housed separately in either the maximum or minimum security areas. In the minimum security area they share a common recreation facility.**

Agree

- 3. Nevada County contracts with California Forensic Medical Group to provide medical care for inmates. Dental services are also available.**

Agree

- 4. A program is in place which allows qualified inmates to work in WBCF facilities and on the Rood Center grounds. Some inmates are allowed to work with local organizations and businesses.**

Agree

- 5. Inmates are transported to and from the Nevada County Courthouse to appear before a Judge for arraignments and court hearings.**

Agree

6. **To reduce such transports, video equipment was installed between the courthouse and WBCF. However, it is rarely used.**

Agree

The decision regarding whether or not to conduct a video arraignment or court hearing from the Wayne Brown Correctional Facility (WBCF) is normally made by the courts in consultation with the Sheriff and District Attorney. This decision is made based on legal considerations and the operational requirements of each agency. The Board of Supervisors has no authority regarding video arraignment and court hearings from the WBCF.

7. **The California State Board of Corrections recommends a minimum staff of 55 Correctional Officers for safe operation of WBCF.**

Partially disagree

The 1999 Board of Corrections (BOC) study recommended 65.47 allocated positions at the WBCF. These positions included correctional officers, correctional technicians, legal process clerks and dispatchers. The staffing level recommendation was based on a 12-hour shift work schedule.

Conversion of some of the recommended positions and additional funding in the FY 2002-2003 budget have resulted in a current allocation of 53 correctional officers, one senior correctional officer, and 4 correctional technicians for a combined total of 58 allocated positions. Four of the correctional officers are assigned to the court holding facility at the courthouse.

8. **Nevada County has authorized a staffing level of only 52 Correctional Officers assigned to the Sheriff's Department at WBCF. Of these, 38 are at WBCF (including four on leave), four are assigned to the Courthouse, and there are ten vacancies.**

Partially disagree

At the time of the Grand Jury report 52 correctional officers were assigned to the WBCF. One additional correctional officer position was approved in the FY 2002-2003 budget from non-General Fund Sheriff's Department COPS funding, bringing the current total allocation to 53 positions.

Forty-nine of the 53 authorized correctional officer positions are assigned to the WBCF. Four are assigned to the court holding facility and there is presently 1 vacancy for a current total of 48 fully staffed correctional officer positions at the WBCF.

9. **According to the Board of Supervisors response to last year's Grand Jury report, the Board of Corrections staffing study of November 1999 recommended a staffing level of 59 officers.**

Agree

10. **Correspondence from the Director of Personnel, dated October 11, 2001, indicates ten vacancies for Correctional Officers.**

Agree

There are presently 9 correctional officer vacancies.

11. **Since it's opening in 1992, WBCF has never been at the minimum recommended staffing level.**

Agree

Despite not being able to fully staff the allocated correctional officer positions at the WBCF, all operational requirements mandated by the state for operating the facility have been maintained.

12. **Correctional Officers at WBCF are currently scheduled to work 12-hour shifts, four days one week and three days the next week.**

Agree

13. **Because of the understaffing Correctional Officers often work overtime.**

Agree

14. **In addition, Correctional Officers work on their days off, both voluntarily and assigned.**

Agree

15. **California Government Code Section 24009 describes the responsibilities of the Public Administrator. Section A-II 1.5 of the Nevada County Administrative Code, states that the Sheriff in Nevada County is the Public Administrator. His responsibilities include**

**coroner duties, search and rescue, court security, jail operation, and general law enforcement. Patrol services are not mandatory.**

Partially disagree

The responsibilities of the Public Administrator are set forth in Chapter 4 of Division 7, Part 1, of the California Probate Code, commencing at section 7600 with the duties most particularly described at section 7601.

**Recommendations:**

- 1. The Nevada County Board of Supervisors has an obligation to the public to make safety and security at WBCF a priority by ensuring that staffing is brought to the Board of Corrections minimum standard of 55 Correctional Officers. This level should be maintained at all times.**

The recommendation will not be implemented at this time.

The Board of Supervisors agrees with the Grand Jury that safety and security at the WBCF is a priority and has been working with the sheriff to achieve this goal.

An on-going and aggressive correctional officer recruitment program has been conducted by the Sheriff in cooperation with the Human Resources department to seek out and hire qualified candidates. There has been some success, but the nature of the position and the available candidate pool has limited the county's ability to successfully fill the vacant correctional officer positions and maintain an acceptable retention rate. The recruitment effort will continue with emphasis on filling the vacant positions presently authorized by the Board before proceeding to consider authorizing more positions that have not yet been requested.

The Sheriff in his FY 2002-2003 budget request requested two new Correctional Officer positions. One was approved and funded from Sheriff's Department COPS funds. Based on the operational priorities of the Sheriff and the availability of needed resources, the Board will continue to work with the Sheriff to ensure the highest possible levels of public safety are maintained by seeking to fill existing openings in currently authorized positions. If additional Correctional Officer staffing increases are needed at the WBCF, the Board will work in partnership with the Sheriff to identify appropriate staffing needs and resources based on operational requirements and available resources. The Board will normally consider such a request in relation to other priorities and available resources as part of the FY 2003-2004 budget process. Any request by the Sheriff for emergency appropriations for additional staffing at the WBCF will be considered by the Board if the need arises.



### Wayne Brown Correctional Facility

#### Findings

1. "The facility is clean and well maintained."

Response: The respondent agrees with the finding.

2. "All male and female inmates are housed separately in either the maximum or minimum security areas. In the minimum security area they share a common recreation facility."

Response: The respondent agrees with the finding.

3. "Nevada County contracts with California Forensic Medical Group to provide medical care for inmates. Dental services are also available."

Response: The respondent agrees with the finding.

4. "A program is in place which allows qualified inmates to work in WBCF facilities and on the Rood Center grounds. Some inmates are allowed to work with local organizations and businesses."

Response: The respondent agrees with the finding.

5. "Inmates are transported to and from the Nevada County Courthouse to appear before a Judge for arraignments and court hearings."

Response: The respondent agrees with the finding.

6. "To reduce such transports, video equipment was installed between the courthouse and WBCF. However, it is rarely used."

Response: The respondent agrees with the finding.

7. "The California State Board of Corrections recommends a minimum staff of 55 Correctional Officers for safe operation of WBCF."

Response: The respondent disagrees wholly with the finding. The 1999 BOC report recommended 65.47 allocated positions (includes CO's, correctional technicians, legal process clerks, and dispatchers) based on a 12-hour shift schedule and taking into consideration the current shift relief factor.

The shift relief factor is established based on the prior 12-months employees' use of all accumulated time off from the work place (includes sick leave, scheduled training, workers' compensation, other medical leave, vacation and holiday time off, and compensated time off).

The Sheriff's Office, with the help of the Personnel Office, has converted the legal process clerk and jail dispatcher positions to that of a correctional technician classification. Furthermore, as the technician positions become vacant, they are converted to Correctional Officer positions. This transition has helped provide the Sheriff's Office with greater staffing flexibility.

The WBCF is currently allocated 53 Correctional Officer positions, one senior correctional officer, and 4 correctional technicians for a combined total of 58 positions. However, 4 of the Correctional Officer positions are assigned to the court holding function at the Courthouse. As a result, there are only 54 allocated combined positions as compared to the Board of Corrections recommendation of 65.47 positions.

8. "Nevada County has authorized a staffing level of only 52 Correctional Officers assigned to the Sheriff's Department at WBCF. Of these, 38 are at WBCF (including four on leave), four are assigned to the Courthouse, and there are ten vacancies."

Response: The respondent disagrees partially with the finding. It is true that 52 Correctional Officers are authorized. Only 48 of those are assigned to the WBCF. Four are at the courthouse. Currently, four are on medical leave for injuries, illnesses or pregnancy, and there are nine vacancies. Fiscal year 02/03, the Sheriff's Office was allocated an additional correctional officer position bring its total allocation to 53.

9. "According to the Board of Supervisors response to last year's Grand Jury report, the Board of Corrections staffing study of November 1999 recommended a staffing level of 59 officers."

Response: We have not seen the Board of Supervisors' response as mentioned.

10. "Correspondence from the Director of Personnel, dated October 11, 2001, indicates ten vacancies for Correctional Officers."

Response: Respondent agrees with the finding.

11. "Since it's opening in 1992, WBCF has never been at the minimum recommended staffing level."

Response: Respondent agrees with the finding.

12. "Correctional Officers at WBCF are currently scheduled to work 12-hour shifts, four days one week and three days the next week."

Response: Respondent agrees with the finding.

13. "Because of the understaffing Correctional Officers often work overtime."

Response: Respondent agrees with the finding.

14. "In addition, Correctional Officers work on their days off, both voluntarily and assigned."

Response: Respondent agrees with the finding.

15. "California Government Code Section 24009 describes the responsibilities of the Public Administrator. Section A-11 1.5 of the Nevada County Administrative Code, states that the Sheriff in Nevada County is the Public Administrator. His responsibilities include coroner duties, search and rescue, court security, jail operations, and general law enforcement. Patrol services are not mandatory."

Response: Respondent agrees with the finding.

### **Recommendations**

1. "The Nevada County Board of Supervisors has an obligation to the public to make safety and security at WBCF a priority by ensuring that staffing is brought to the Board of Corrections minimum standard of 55 Correctional Officers. This level should be maintained at all times."

Response: The recommendation will not be implemented because it is not reasonable due to budget constraints. The Sheriff's Office agrees with the Grand Jury recommendation that staffing should be increased above the current allocated 50 positions (includes 48 current

CO's, 1 newly budgeted CO, and 1 senior CO position), but this would require Board approval and an appropriate funding increase.

The 55 Correctional Officer positions identified is still far short of that recommended by the Board of Corrections, but increasing our current level of staffing would significantly mitigate existing security issues, as well as potential liability.

**Additional Information:** The Board of Corrections in their 1999 staffing study identified a number of post positions that are required to operate the facility and the number of staff required to fill those positions 24/7. They are as follows:

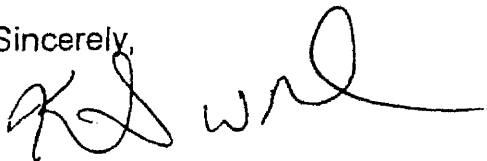
Position	Number of personnel required
Classification Officer	5.29
Booking Officer	5.76
A Pod Control Officer	5.76
A Pod Rover	5.76
B Pod Control Officer	5.76
B Pod Rover	5.76
N Section Control Officer	5.76
N Section Rover	11.52
Sheriff's Technician (now converted to CO)	4.66
Legal Process Clerk (now converted to CO)	4.78
Jail Dispatcher (now converted to CO)	4.66
<b>Total Personnel Needed</b>	<b>65.47</b>
Minus the four existing Correctional Technicians	-4.0

Total number of Correctional Officers needed to staff WBCF **61.47 \***

This is the number required to adequately staff the WBCF. If the Nevada City Court Holding Officer and the three correctional officers assigned to Transportation are added in, the total number of Correctional Officers needed in the Division, not including Truckee, is **65.47**.

Should you have any further questions regarding this matter, please feel free to contact me at 265-1384.

Sincerely,



Keith Royal, Sheriff