

Detention Facility Inspection Report

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Summary

The 2017/2018 Nevada County Grand Jury (Jury) has conducted an inspection of the detention facilities in the County of Nevada (County) to “inquire into the conditions and management of the public prisons within the county” as required by Penal Code Section 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).

There are three problems with the detention facilities that the Jury believes should be addressed.

California law provides that the sheriff in each county may establish an Inmate Welfare Fund (IWF) to pay for services to inmates. The balance in the IWF at Wayne Brown at the end of the 2016-2017 fiscal year was approximately \$400,000. The Nevada County Sheriff’s Office (NCSO) has issued regulations concerning the administration of the Wayne Brown IWF but the regulations are not being followed. While the uses of the IWF are broadly discretionary and no misuses of such funds are apparent, compliance with written policies is important when large amounts of money are being collected and expended. The NCSO should either follow the policies it has promulgated or promulgate new policies that reflect how the IWF is being administered.

The Jury also was concerned by the air quality it experienced in the Nevada City Holding Facility. The Jury became more concerned when it could find no record of the air quality having been tested. The multitude of unhealthy agents that could be present in the ill-ventilated basement of an old building requires at a minimum that testing be done.

Finally, the 2015-2016 Grand Jury reported on the excessive costs associated with maintaining Juvenile Hall when the number of juvenile detainees has radically decreased. That report estimated an excessive cost in the neighborhood of \$2,000,000/year. Juvenile Hall continues in operation notwithstanding that there are now even fewer detainees than there were two years ago. While the programs offered at Juvenile Hall are exemplary, the cost is prohibitive. The Board of Supervisors must investigate alternatives to this over-expenditure of scarce County funds.

Other than those issues, 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 has issued a separate report on conditions related to the transport of prisoners to and from the Truckee Branch of the Nevada County Superior Court.

Glossary

2015-2016 Report

AB109

Cal Fire

CDCR

CO

County

Nevada City Holding Facility

IWF

Jury

Juvenile Hall

NCSO

TAY

Truckee Jail

Washington Ridge

Wayne Brown

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

County of Nevada

Nevada County Superior Court Holding Facility

Inmate Welfare Fund

Nevada County Grand Jury

Carl F. Bryan II Juvenile Hall

Nevada County Sheriff's Office

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 civil 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 grand jury reviews and evaluates procedures, operations, and systems utilized by local agencies to determine whether more effective methods may be employed.

California Penal Code Section 919(b) requires each county's grand jury to inquire annually into the condition and management of public prisons within the county. The subject of this report is the results of this year's Jury's 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:

Truckee Jail	August 24, 2017
Nevada City Holding Facility	September 7, 2017
Wayne Brown	October 5, 2017
Juvenile Hall	January 11, 2018
Washington Ridge	March 8, 2018

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 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/or hazardous conditions. The kitchen in each facility, where present, was inspected. Educational and vocational programs as well as discipline and inmate 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. In 2007 the average daily population was 189 inmates but by 2016 the average daily population had increased to 210. In October 2017 it was 220. The current rated capacity is 283 inmates with 5 additional beds in the medical unit to be used as needed.

Wayne Brown is staffed with three full-time deputies, 47 correctional officers (CO), and five sergeants. The ratio of male to female COs is approximately 50/50. There is an ongoing problem with maintaining mandatory minimum staffing due to a lack of applicants who can pass the background check needed to qualify. In addition, COs often apply to become deputies when the opportunity arises. The shortage of COs and mandatory minimum staffing requirements result in the regular need for mandatory overtime and shift extensions.

The infirmary is staffed by one nurse. One nurse practitioner also is available during the day shift to handle sick call. There is a doctor on call and one full time psychological worker to handle psychological issues. Such issues have become more of a problem in recent years. These professionals evaluate mental disorders or competencies to determine if inmates should be transferred to a state hospital or other secure treatment facility.

The Jury visited the housing pods, recreational room, toured the intake area including the sally port, holding cells, 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. The Jury also interviewed prisoners away from staff for their input into jail operations.

All cooking and baking is performed in-house at Wayne Brown. The kitchen is commercial grade and is staffed by federal inmates who are eligible to do such work. Due to the longer terms for such federal inmates, they provide more continuity in the kitchen. Unfortunately, the kitchen does not offer food handler certification to help in job placement when inmates return to society as does the kitchen at Juvenile Hall.

The traditional library has been replaced by digital resources. The former library room has been converted to a space for mindfulness stress reduction programs, inmate dramatic productions, and other recreational opportunities.

There were several areas of concern in connection with the operation of Wayne Brown. First, the Public Safety Realignment Act of 2011 (AB109) transferred certain inmates from State prison to county jails and increased the number of felons in county jails. In the past, the normal maximum term in county jails was one year. Wayne Brown, like most county jails, was not designed for housing long-term inmates. It lacks, for example, the recreation facilities that are offered in state prisons. It is not clear how this issue can be resolved without State intervention.

Another area of concern is the management of the IWF. The IWF is established by Penal Code Sec. 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 speak to other sources of revenue for the IWF. Substantial amounts of money are involved. The balance of funds in the Wayne Brown IWF at the beginning of 2017 was \$399,901.

Pursuant to the statute, the permitted uses of funds from the IWF are, among others:

- generally, uses primarily for the benefit, education, and welfare of the inmates confined within the jail;
- the salary and benefits of personnel used in the programs to benefit the inmates such as education, drug and alcohol treatment, and “other programs deemed appropriate by the sheriff;” and
- to augment those required county expenses such as meals, clothing, housing, or medical services “as determined by the sheriff to be in the best interests of inmates.”

Thus, use of IWF funds is broadly discretionary. It appears that the NCSO has adopted a conservative approach to the use of IWF funds, keeping close to the statutorily approved uses.

The NCSO has adopted a directive (Corrections Division Directive #64) “[t]o establish procedure [sic] for the administration of the Inmate Welfare Fund.” Directive #64 establishes numerous operational procedures for the IWF. However, the NCSO appears to be out of compliance with Directive #64 as follows:

- Section A of Directive #64 establishes a Welfare Fund Committee comprising 3 voting members: the Facilities Operations Lieutenant, the Facility Support Lieutenant, and a “volunteer member from the general public.” Directive #64 provides that “[t]he committee shall provide advice and counsel regarding administration and expenditures of the Inmate Welfare Trust Fund.” There currently is no Welfare Fund Committee. There is no input from a member of the general public. Decisions about purchases from the IWF currently are reviewed up the chain of command in the same manner as non-IWF expenditures.
- Section B of Directive #64 sets forth “Staff Duties” for a Facility Support Lieutenant, an Accounting Assistant, and a Program Manager. Currently, the “Staff Duties” provisions of Directive #64 are not followed. It appears that the listed duties are carried out but not by the staff designated in Directive #64.
- Section E of Directive #64 provides that “Inmate Welfare Fund property will be assigned a permanent welfare fund ID number and entered onto an asset inventory list. An inventory will be conducted annually by the Facility Support Lieutenant and the Program Manager.” There currently are no inventories maintained as required by Section E. A general inventory of items above a designated price threshold is maintained at Wayne Brown but there is no separate inventory for the IWF.

There is no statute or policy that requires the NCSO to follow its own directives concerning the IWF. Nor have we been able to find any source of “best practices” concerning the operations of an IWF in California. There is a separate statute, Penal Code Sec. 5005, that establishes IWFs in the State prisons and it specifically requires biennial audits and, in the intervening years, a “statement of operations.” However, that statute does not apply to IWFs in county jails like Wayne Brown.

No audit of the IWF has been performed by the County Auditor nor are transactions in the IWF reviewed by anyone other than the NCSO. The Auditor-Controller has not performed a separate audit of the fund but individual transactions are reviewed by that office. The Jury has not found any suspicious financial activity related to the IWF but the lack of an inventory and the sporadic summary reports of financial activity provided to the Board of Supervisors make any analysis of IWF income and expenditures challenging.

Carl F. Bryan II Juvenile Hall

Pursuant to California law, only persons under 18 years of age at the time of his or her 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 and 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 of Juvenile Hall, there were four detainees resident in a facility configured to hold 30 detainees. All four of the detainees were from Nevada County. While the County has

agreements with neighboring counties for the detention of juveniles from those counties at Juvenile Hall, there have not been any such detainees at Juvenile Hall for several months. One reason for the drop off in detainees from other counties is the recent completion of a new juvenile facility in Tuolumne 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 detainee. A new California program called the Transitional Age Youth Program (TAY) has been in effect for about a year. The TAY program relates to detainees who are 18 years of age or older but under 21 years of age on the date their offense was committed. It permits incarceration of such detainees outside of county jails in facilities such as Juvenile Hall that offer programs for rehabilitation. Modifications have been made to Juvenile Hall so that detainees in the TAY program can be detained there but not co-mingled with the 17 and under detainees. It was hoped that the TAY program would increase the number of detainees at Juvenile Hall and reduce the cost per detainee. Unfortunately, very few detainees eligible for TAY have been available and there has been no amelioration of the financial difficulties that were discussed in the 2015-2016 Report.

The County continues to spend upwards of \$2,000,000 on Juvenile Hall that could be saved by placing juvenile detainees in juvenile halls in other counties. In its response to the 2015-2016 Report, the Board of Supervisors asserted that housing detainees in other counties would increase costs by requiring NCSO deputies or Probation officers drive detainees to and from the places of detention. However, we note that all of the contracts that the County entered into with neighboring counties for detention of their juveniles at Juvenile Hall provided that Nevada County would bear the costs of transportation. Hence, we would expect that Nevada County would not incur those costs in sending juveniles the other way.

At the time of the Jury's visit, we observed that the facility is clean and well maintained. There are numerous programs and incentives to help detainees get a fresh start. Recreational facilities and educational programs are provided. Detainees are able to acquire work skills in gardening and the culinary arts. All meals are prepared onsite and detainees 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.

Juvenile Hall experienced a brief period of intensive use last summer when detainees from the Yuba and Sutter County juvenile halls, at risk during the Oroville Dam crisis, were transferred here. Thirty-four new detainees arrived on very short notice. By all accounts, the staff and facilities performed well. The kitchen was able to ramp up to meet the increased needs and even got some of the Yuba and Sutter detainees working on food preparation.

In summary, it appears that Juvenile Hall continues to be a well-run and maintained facility. While the financial issues discussed in the 2015-2016 Report, in particular the \$2,000,000 annual excess cost, continue to be a concern, the administration and staff continue to work on encouraging uses that could reduce the financial problems. One promising possibility involves

the use of the building as a regional facility for incarceration and treatment of prisoners with mental health issues. Such a use is in very preliminary stages of discussion but, if it is possible, could help solve an ongoing and increasing problem in jails in the foothill counties.

In its response to the 2015-2016 Report the Board of Supervisors pointed out that "Resolution No. 00-427, dated September 5, 2000, passed by the Nevada County Board of Supervisors, to receive the Construction Grants Program Grant Contract between the State Board of Corrections and County of Nevada, funding to build the Carl F. Bryan II Juvenile Hall stipulates in Exhibit D, page 1 of 4, "The Grantee assures and certifies that it: will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site or facilities, or lease the facility for operation by other entities, without permission and instructions from the Office of Juvenile Programs, U.S. Department of Justice." We note that the TAY program comprised such an alternative use and the approval for that alternate use from the U.S. Department of Justice was obtained through a brief exchange of emails. It is difficult to believe that the Department of Justice will force the County to operate Juvenile Hall at an excess cost of \$2 million per year.

The Jury has no further recommendations for change at this time. The Jury again entreats the Board of Supervisors to consider closing down Juvenile Hall and to find an alternative use of the facility. While the programs offered at Juvenile Hall are exemplary, the cost is prohibitive.

Washington Ridge Conservation Camp

Washington Ridge, located northeast of Nevada City off Route 20, is one of 44 conservation camps administered jointly by the California Department of Corrections and Rehabilitation (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 100 but can handle up to 300 additional firefighters when necessary to respond to major disasters. The current inmate population is 78 including support inmates assigned to do the cooking, cleaning, yard maintenance, and equipment maintenance and repair. 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 AB109. As a consequence of AB109, 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 prerequisites for eligibility to serve time in the conservation camps. In addition, they have sought to encourage county sheriffs to transfer eligible inmates from county jails to conservation camps. There currently is one NCSO inmate serving at Washington Ridge. The cost to the County for that inmate being housed and fed at Washington Ridge is \$10/day.

The camp is self-sufficient. It has its own well and a back-up generator that can run the whole camp. It maintains five fire trucks each having a crew of 13-17 inmates. The trucks are equipped to be self-sustaining for days, if necessary. The inmates do the maintenance on the trucks and on the other fire-fighting equipment including chainsaws and hand tools.

The firefighting inmates are selected in a multi-step process and are carefully trained to perform their dangerous duty. Even though many man-hours of service are provided yearly fighting fires within the State the number of accidents is very low. In addition to firefighting, the crews perform needed work in the community. Local projects have included cutting firewood, working in public parks, and performing needed work for nonprofit programs such as maintenance for parks and sports fields. Crews are available for \$250 per day for a full crew for counties, cities, and certain nonprofit organizations. Washington Ridge estimates that local communities have saved \$3.5 million in the last year due to the use of Washington Ridge inmates doing community improvement projects. During 2017, Washington Ridge inmates did an estimated 115,000 hours of community service work and 69,000 hours of firefighting.

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 to house 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. There is 24-hour staffing with a minimum of two COs including one female CO and two trustees. One trustee is on site full time and one part time. 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.

The Truckee Jail was built in the early 1960s and it is showing its age. Nevertheless, it appears to be adequate for its limited use. The Jury has issued a separate report on conditions related to the transport of prisoners to and from the Truckee Branch of the Nevada County Superior Court.

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 prisoners are brought into the facility. We questioned the deputies and the COs regarding their duties, prisoner treatment, safety of the prisoners, safety of the public, security, maintenance of the 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, and 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 also are cameras directed at entrances and exits to the courthouse and some on the exterior of the building to help control access. The cell area was clean and well maintained, and nothing appeared to be a potential danger for either the prisoners or the COs who supervise the prisoners.

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 the prisoner. Because of the restraints employed and the alertness of the officers, any prisoner who attempts to flee is unlikely to be successful.

There is an air quality problem in the area where the NCSO's administrative offices and security monitoring station are located. The County is responsible for the maintenance of the building and the Jury could find no record that the County has made any effort to measure air quality at that location. Asked about air quality in the control center, no one could remember it having been tested. Moreover, no one knew if or when maintenance had been performed on the ventilation system. This is a potential issue for both inmates and COs because of the propensity of bacteria to flourish in a closed environment with many different individuals passing through. During our visit, two members of the Jury were affected by the quality of the air.

The age of the building also causes concern about the existence of asbestos possibly being used in its construction. If so, it creates a health hazard to the lungs of everyone who enters the building, and especially those who remain in it for a prolonged period.

Findings

- F1** The written policies and procedures of the Sheriff's Office concerning the Inmate Welfare Fund are not being followed.
- F2** The County continues to spend upwards of \$2,000,000 on Juvenile Hall that could be saved by placing juvenile detainees in juvenile halls in other counties.
- F3** The air quality in the administrative and holding cell area at the Nevada County Courthouse Holding Facility in Nevada City is poor.

Recommendations

The Nevada County Grand Jury recommends:

- R1** The Nevada County Sheriff's Office should comply with the regulations that it has established for the administration of the Inmate Welfare Fund at the Wayne Brown Correctional Facility.

- R2** Alternatively, the Nevada County Sheriff's Office should draft new regulations that describe procedures that actually are being followed in connection with the administration of the Inmate Welfare Fund.
- R3** The Nevada County Board of Supervisors should undertake an urgent review of alternatives to the current use of Juvenile Hall to explore more cost-effective uses of the facility and to explore the placement of Nevada County juvenile detainees in juvenile halls in neighboring counties.
- R4** The Nevada County Sheriff's Office and the Nevada County Board of Supervisors should cause tests to be done of the air quality in the Nevada County Courthouse Holding Facility in Nevada City to insure that it is safe.

Request for Responses

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

Nevada County Sheriff's Office – Findings F1 and F3 and Recommendations R1, R2, and R4 by 9 August 2018.

Nevada County Board of Supervisors - Finding F2 and Recommendations R3 and R4 by 9 August 2018.