

# NEVADA COUNTY SHERIFF'S SUBSTATION AT TRUCKEE

## REASON FOR THE INVESTIGATION

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

## PROCEDURE FOLLOWED

The Grand Jury visited the Substation on September 14 and November 4, 1998, and January 29, 1999. The Grand Jury in the course of this investigation interviewed the following personnel:

Sheriff Troy Arbaugh  
Newly elected Sheriff Keith Royal  
Assistant Sheriff Robert Hammill  
Commander, Truckee Substation  
Director, General Services  
County Administrative Officer  
County Counsel

The Grand Jury reviewed pertinent sections of the State of California Penal Code and the Board of Corrections (BOC) guidelines. BOC documents, inspection reports and a total of 68 e-mails in the Sheriff's Department were reviewed. The Grand Jury reviewed the 1997-98 Grand Jury report in reference to the Truckee substation.

## FINDINGS

1. The Truckee Substation was built as a multi-use government building in 1964. At that time this building was used not only as the jail, but was also used as the courtroom, District Attorney's Office, Probation Department and Sheriff's office. Since 1992 the building has been used solely for the Sheriff's Department and since incorporation of the City also serves as the Police Department for Truckee under contract with the Sheriff's Department for police services.
2. The Grand Jury found the substation to be in noncompliance with BOC guidelines relating to female detainees dating back to 1991.
3. The Grand Jury found that some of the critical improvements to the Substation had not been accomplished since the 1997-98 Grand Jury report on the Truckee facility was released. At the time of our investigation, the Truckee Substation Jail was not open full time due to a shortage of jail staff. The jail will not reopen on a full time basis until a minimum staff of six correctional officers is assigned to comply with BOC standards.
4. On September 23, 1997, a BOC field representative, in a letter to the Assistant Sheriff, made several recommendations regarding the Truckee Substation. Some of these recommended changes which have not been made are:

- Upgrade the jail facility to meet current standards for audio monitoring in accordance with California Code of Regulations, Title 24, Section 470A.2.22.
- Video monitoring of specified areas critical to supervision of female inmates.

The letter further stated that a BOC inspection dated December 18, 1996, had noted noncompliance with staffing standards. The BOC inspector recommended that all existing jail staff vacancies be filled and that an additional position be added to provide relief for staff vacancies and coordination of operations.

5. The Grand Jury researched why the needed changes to the Truckee Substation had not been completed. The list below is in chronological order:

- 9-23-97 letter from BOC field representative to Assistant Sheriff describing required upgrades to the Truckee substation
- 9-30-97 letter from a construction firm to Sheriff's office with a detail bid on some requested work including new fire doors and new dividing walls
- 10-9-97 electrical company bid on electrical and surveillance equipment needed for the substation
- 10-24-97 electrical company bid on dispatch area
- 10-30-97 safety inspection report by the office of the State Fire Marshall on the Truckee Substation calling for needed repairs to the fire alarm system
- 11-04-97 work order from an electronic systems company for work on the fire alarm and related systems
- 11-18-97 letter from Office of the State Fire Marshall, in a follow up inspection, that the fire alarm system was operational and "fire watch" conditions were no longer necessary
- 11-19-97 letter from Deputy State Marshall, Department of Forestry and Fire Protection to facility captain requesting immediate attention to several issues including electrical, fire alarm system and inoperable exit door
- 12-11-97 letter from Assistant Sheriff to Facilities Management of Nevada County requesting changes and improvements needed to upgrade the Truckee Substation
- 3-31-98 construction bid on framing, electrical, sheet rock work, doors, hardware and flooring in dispatch area
- 4-02-98 second bid on same work
- 6-19-98 e-mail from Truckee Dispatcher to Commander, Truckee Substation notifying of an electrical failure in the dispatch and 911 center the previous night
- 8-12-98 through 8-31-98 eleven e-mails between Sheriffs Department, General Services Department and County Risk Manager discussing unsafe working conditions and funding for proposed corrective work
- 8-31-98 e-mail between Sheriff's Department and General Services Department discussing placement and prices of equipment, including discussion of why plans or specifications are not available
- 9-15-98 e-mail from Commander, Truckee Substation to Assistant Sheriff discussing diagrams of proposed changes and discussed Grand Jury visit and the Grand Jury's dismay that work requested in 1997 had not even been started

- 9-17-98 letter from County Risk Manager to Sheriff again describing the electrical problems at the Truckee Substation
  - 9-25-98 e-mail from Assistant Sheriff to Director, General Services asking why the Sheriff's office is required to define equipment and installation
  - 9-25-98 five more e-mails between the Truckee Substation Commander, the Sheriff's office and General Services on the above issues with no apparent action
  - 10-08-98 e-mail Sheriff's Department to General Services Department about budget transfer of \$10,000 for Truckee Substation project
  - 11-03-98 three e-mails, from Sheriffs Department, General Services Department and dispatch manager of the Truckee Substation, the first discusses the need for Board of Supervisors (BOS) approval. The other two discuss the deplorable work environment at the Truckee Substation. A remodel that had started September 21, 1998 only included American Disabilities Act requirements. This resulted in a hazardous dispatch /911 work area because wiring and exposed flooring had not been properly completed.
  - 11-10-98 Nevada County Board of Supervisors (BOS) minutes, (volume 58, pages 371 through 373) discusses repairs to the Truckee Substation. This discussion included dollar amounts placed on projects keeping them below County and State mandated levels, to expedite certain purchasing contracts without the necessity of either formal bidding and/or BOS approval. Government Code Section 25500 authorizes a county to employ a Purchasing Agent. If such is done, competitive bidding requirements are generally dispensed with within the area of the Purchasing Agent authority. The State mandated level is below \$6500 and the County level is below \$10,000.
6. The Grand Jury found on 12-29-98 during their visit to the Truckee Substation that some of the work projects as per BOC requirements dated 9-23-97 were close to completion. The surveillance and security equipment arrived at the Nevada County Purchasing Department on or about January 29, 1999. As of April 5, 1999 a decision as to who will install this equipment has not been made.

## CONCLUSIONS

1. The above chronology clearly demonstrates a lack of planning, failure to take ownership of the issue and in general a dismal display of bureaucratic paper shuffling. The Grand Jury finds this totally unacceptable.
2. The Grand Jury concludes that the Sheriff's Department should not be required to research equipment prices. This is improper use of Deputy Sheriff time.
3. The reason why this project was broken into several smaller projects was to keep the amount of any one project from exceeding an amount as noted in the BOS minutes of 11-10-98. This led to confusion and unacceptable work delays.
4. The Grand Jury concludes that it should not have taken more than a year to start the required modifications requested by various agencies that would provide increased safety to county employees and jail inmates.

5. The Grand Jury concludes that the probable cause of this prolonged delay was the failure of the Sheriff's Department and General Services Department to coordinate their efforts with a written work plan.

## **RECOMMENDATIONS**

1. The Grand Jury recommends that the BOS direct the County Administrative Officer to develop a work plan document that must be used for all requests for maintenance and remodels that exceed monetary amounts determined by the county.
2. The Grand Jury recommends that all facility changes using the document defined above, must have detailed formal plans and a specific timeline for completion. The originating department must state a priority for the proposed task and a status-reporting schedule for management. This priority requires coordination between affected departments before changing the priority level.
3. The Grand Jury recommends that the BOS demand timely accountability from all department managers and directors involved in correcting any potentially hazardous condition that places the County, its employees or its citizens at risk.

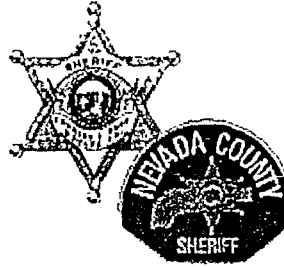
## **REQUIRED RESPONSES**

Sheriff  
Due August 30,1999

Board of Supervisors  
Due September 30,1999

Rec 8/13/99 DS

**NEVADA COUNTY  
SHERIFF'S OFFICE**



**KEITH ROYAL  
SHERIFF/CORONER**

July 27, 1999

Judge Carl Bryan, Nevada County Courts  
301 Church Street  
Nevada City, CA 95959

RE: RESPONSE TO GRAND JURY REPORT

Dear Judge Carl Bryan:

This report is prepared in response to the Grand Jury's 1998/1999 Final Report dated June 30, 1999, 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:

**Wayne Brown Correctional Facility**

**Findings**

1-14 The Sheriff agrees with the findings.

**Recommendations**

None made by Grand Jury.

**Nevada County Courthouse and Holding Facility**

**Findings**

1-4 The Sheriff agrees with the findings.

5. The Sheriff agrees with the finding. Furthermore, the staff has and uses handheld radios throughout the Courthouse as a primary means of communication.
- 6-7 The Sheriff agrees with the findings.
8. The Sheriff agrees with the finding. At this time, the walk-through metal detector is going into use at the main building entry.
9. The Sheriff agrees with the finding.
10. The Sheriff's staff did not agree to the installation of these doors; the doors could not be staffed safely with the available officers. The issue of public safety during inmate transport has not been an issue. The issues that needed to be addressed concerned security of inmates (keeping them free from harm by outsiders or other inmates), and the availability of contraband to inmates while they are being moved through public corridors.
11. The Sheriff agrees with the finding.

### **Conclusions**

1. The Sheriff agrees with the conclusion. Currently the Sheriff, his staff and the Court staff are working on a plan to increase the safety and security of the Courthouse.
2. The Sheriff agrees with the conclusion.

### **Recommendations**

1. The recommendation has been implemented. The Sheriff also encourages ongoing planning to meet the security needs at the Courthouse.
2. The recommendation requires further analysis, as well as decision relative to budgetary constraints. The Sheriff will work with the Courts to determine the viability and need for installing a surveillance system.
3. The Sheriff supports this recommendation.

### **Nevada County Sheriff's Substation at Truckee**

### **Findings**

1. The Sheriff agrees with the finding.

2. The Sheriff agrees with the finding. The sheriff's office has corrected this problem. Audio and video monitoring systems, as recommended by BOC, have been installed and are operational as of this date. In addition, there are five correctional officers assigned to the Truckee facility of which four positions are currently filled by female officers. As such, staffing complies with BOC guidelines.
3. The Sheriff agrees with the finding. All of the improvements suggested by the Truckee command staff and the BOC have been completed as of this date. The jail has been reopened 24 hours a day, seven days a week. However, as a point of clarification, during 1998, one additional correctional officer position was added to the existing staffing increasing the allocated number of positions from four to five. A sixth position is desirable to allow for a relief factor, however, because of budget considerations, is not currently under proposal nor is it required by the BOC.
4. The Sheriff agrees with the finding. Audio and video monitoring systems as recommended by BOC have been installed and are operational as of this date. In addition, one additional correctional officer position has been added and is currently filled by a female correctional officer.
5. The Sheriff agrees with the finding.
6. The Sheriff agrees with the finding. The surveillance and security equipment as recommended by BOC has been installed and is operational as of this date.

### Conclusions

1. The Sheriff's Office recognizes the need for clear communication in matters such as these. The Truckee command staff kept the executive staff within the Sheriff's Office well informed of the progress, or lack thereof. In turn, the executive staff of the Sheriff's Office worked diligently with General Services' staff in order to facilitate the work. What obstructions or delays that did occur, we feel were due to a lack of clear communication between our executive staff and staff of General Services, and steps are now in place to help prevent such a reoccurrence. Clear written agreed upon expectations are to be used for any projects of significance between the Sheriff's Office and General Services. This should reduce the misunderstandings and confusions that delayed the Truckee project. If blame is to be assigned in the Truckee project, it certainly does not lie within the Truckee command staff, but rather within the executive staff of the Sheriff's Office and other county departments.
2. The Sheriff agrees with the conclusion.
3. The Sheriff disagrees with this conclusion. The projects were broken into individual ones due to the varied funding sources. Accounting and payment was easier if projects funded from different sources were completed in total before going on to the next. One project was subject to some limitations on cost but was not broken

into several projects. The confusion and unacceptable delays were genuine but not as a result of the facts as stated by the Grand Jury report.

4. The Sheriff agrees with the conclusion.
5. The Sheriff agrees with the conclusion. The Sheriff's Office, especially the command staff of the Truckee Sheriff's Station, made exceptional attempts to coordinate the efforts. The lack of a system of accountability and an individual assigned to hold the process accountable was responsible for an inefficient effort at coordination.

### **Recommendations**

- 1- 3 The Sheriff agrees with all three recommendations.

The Sheriff has implemented that all requests will include detailed formal plans and specific timelines for completion. In addition, the Sheriff's Office will establish a priority for the proposed task and a status reporting schedule for management.

The Sheriff recommends in addition to those listed, that the timely accountability demanded be the responsibility of one individual in a position to oversee such projects who has the motivation and authority to sanction those not complying with the agreed upon work plan document.

### **Nevada County Sheriff's Office**

### **Findings – Evidence Holding**

1. The Sheriff agrees with the finding. The Sheriff's Office has submitted a request to modify this holding area to eliminate this problem.
2. The Sheriff agrees with the finding.
3. The Sheriff agrees with the finding. As of this date, this report is being forwarded to the Sheriff's Office evidence staff. It is helpful, but procedures still include, by preference of the evidence staff, manual checking of the DOJ 8715 report.
4. The Sheriff agrees with the finding
5. The Sheriff agrees with the finding.
6. The Sheriff agrees with the finding. Budget requests for improved evidence holding facilities will be made during the next budget cycle. A study of current space, future needs for space and specialized equipment needs has recently been completed. A report outlining such needs will be submitted with this report. The



plan to improve the inventory system is in process consisting of updating current policies, creating a written procedure for evidence handling by technicians and involving additional manpower resources.

7. The Sheriff disagrees partially with the finding.

The finding stated, "...there were five cases with serious discrepancies and 18 with minor discrepancies in the 52 cases selected from evidence in Nevada City." The evidence technician assigned at the time of the audit submitted a report in response to the audit resolving all but one issue.

The audit also recommended standardized procedures for all county evidence holding areas and the development of formal procedures and forms to record property log notations. The audit found written procedures for evidence management at the Truckee Substation but no written procedures in Nevada City evidence management. The Sheriff's Office is currently in the process of updating the written procedures for both facilities.

Lastly, the audit recommended a regular interval of re-keying property rooms and re-coding the alarms in each of the holding areas. The audit recommended correction of the situation where county maintenance employees have uncontrolled access to an evidence area. Both of these issues are also in the process of being corrected.

### Findings – Investigations

1. The Sheriff agrees with the finding. However, as a point of clarification, the Sheriff's Office coordinates a narcotics task force that is comprised of one sergeant, three sheriff's deputies, one secretary, and one Nevada City Police Officer. In addition, as of this date, one California Highway Patrol Officer has been added to the task force.
2. The Sheriff agrees with the finding. However, as a point of clarification, the investigative unit is comprised of one sergeant, four full-time investigators, one secretary, and one part-time investigator.

### Other Findings

- 1-3 The Sheriff agrees with the findings.

### Conclusions

1. The Sheriff disagrees partially with the conclusion. The current system is comprised of several separate storage areas, which can place an undue burden on staff in charge of evidence holding. By nature of the locations and size of the

storage areas, the maintaining of evidence is staff intensive, and results in a waste of staff time and a decreased level of service to the community.

However, it is important to point out that as cumbersome as the system exists, the integrity of the evidence has been maintained. The evidence system is fully functional. There certainly is room for improvement and additional space is needed. However, the evidence system is functioning as it should albeit inadequate.

Lastly, in an effort to improve the existing system, the Sheriff's Office has implemented suggested changes relative updating current policies and procedures as they pertain to the handling of evidence, as well as uncontrolled access problems that were identified by the Grand Jury. However, I feel it important to clarify that the Sheriff's Office's evidence technicians do not allow evidence to leave the facility without proper documentation.

2-4 The Sheriff agrees with the conclusions.

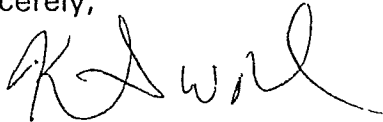
### **Recommendations**

1. The Sheriff agrees with the recommendation. Research is currently underway with recommendations to be submitted to the Board of Supervisors and CAO in the near future. Because this is a budget issue, further action will rest with the Board of Supervisors.
2. The Sheriff agrees with the recommendation. The Sheriff's Office would like to purchase and implement such a system; however, identifying the funding source is the greater challenge in light of current budget constraints.
3. The recommendation has not yet been implemented, but will be implemented within the next two months, if not sooner.
4. The recommendation has been implemented. The doors have been rekeyed, and the alarms recoded. Formal policies that address the periodic changing of these items will be completed within the next six months.
5. The Sheriff supports this recommendation; however, further analysis is required due to financial considerations. The Sheriff will work with the CAO relative possible implementation, and conduct a study of this recommendation within the next six months, if not sooner.
6. The Sheriff supports this recommendation and will work with the CAO relative possible implementation.
7. The Sheriff supports this recommendation and will work with the CAO relative possible implementation. The County is currently conducting a pay and classification study relative this issue as it pertains to correctional officers. The

Deputy Sheriff's Association, by agreement, chose to be excluded from the study, and recently entered into a negotiated contract relative compensation. The Deputy Sheriff's Association will again begin contract negotiations sometime during October 1999.

Should you, or any member of your Grand Jury, have additional questions regarding this matter, please feel free to contact me at 265-1382.

Sincerely,

A handwritten signature in cursive script, appearing to read "K. Royal".

Keith Royal, Sheriff

*Response*

# COUNTY OF NEVADA

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BOARD OF SUPERVISORS



Peter Van Zant, 1st District  
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Bruce Conklin, 3rd District  
Elizabeth Martin, 4th District  
Sam Dardick, 5th District

September 28, 1999

Cathy R. Thompson  
Clerk of the Board

The Honorable Carl Bryan  
Presiding Judge, Nevada County Courts  
Nevada County Courthouse  
201 Church Street  
Nevada City CA 95959

**SUBJECT: Board of Supervisors Responses to the 1998-99 Nevada County Civil Grand Jury Final Report**

Dear Judge Bryan:

The attached responses by the Board of Supervisors to the 1998-99 Nevada County Civil Grand Jury Final Report are submitted as required by California Penal Code 933(b).

These responses were reviewed and approved by the Board of Supervisors at their regular meetings on September 14 and 28, 1999, and are believed to provide a full response to the Grand Jury's findings and recommendations.

The Board will subsequently review a comprehensive list of the implementation dates included in responses to Grand Jury recommendations. Some dates may be adjusted due to availability of resources and time needed by the County Administrator and other departments and agencies to fully implement each recommendation as requested by the Board. Any changes in implementation dates will be forwarded to you as they occur.

The Board of Supervisors would like to thank the members of the 1998-99 Grand Jury for their participation and effort in preparing the final report.

Sincerely,

PETER VAN ZANT  
Chairman of the Board

Attachments

II. GRAND JURY INVESTIGATION:

Nevada County Courthouse and Holding Facility

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

A. RESPONSE TO FINDINGS & RECOMMENDATIONS:

Findings:

1. Agree.
2. Agree.
3. Agree.
4. Agree.
5. Agree.
6. Agree.
7. Agree.
8. Partially disagree. A walk-through metal detector was installed at the main courthouse entrance in conjunction with the card lock door alarm and security system upgrade and is now regularly monitored by assigned courthouse security staff.
9. Agree.
10. Agree.
11. Disagree. A card lock door alarm and security system was installed on all courthouse security doors after the Grand jury report was published.

Recommendations:

1. **That staffing needs and funding be identified and obtained in order to screen all visitors entering the courthouse.**

The recommendation has been implemented. Resources for future courthouse security system needs will be identified as part of the Sheriff's Department planning process.

2. **That electronic surveillance equipment be purchased and installed in the courtrooms and hallways of the building.**

Disagree. The recent security upgrades at the courthouse now provide improved screening of visitors to the courthouse and have reduced the security threat identified by the Grand Jury. Installation of additional interior electronic surveillance equipment would require construction of a security control facility and assignment of additional staff. The additional expense for enhanced security measures of this type are not presently justified by the potential security threat at the courthouse. The Courts and the Sheriff will monitor the currently installed security system in relation to the on-going security threat and will identify system enhancements when needed. The Board will consider the appropriation of additional funds for future security system improvements when the need is fully validated and funds are available.

3. **That the BOS direct the County Administrative Officer to develop a written procedure to assure that future delays caused by lack of planning are eliminated in completing any projects.**

The recommendation has been implemented. A written project monitoring system will now provide a more comprehensive and effective way to track project status and costs. This system should provide significant improvement to previous procedures but will not totally ensure that all future project planning delays will be eliminated.

III. GRAND JURY INVESTIGATION:

Nevada County Sheriff's Substation at Truckee

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

A. RESPONSE TO FINDINGS & RECOMMENDATIONS:

**Findings:**

1. Agree.
2. Agree. The substation now complies with all BOC guidelines.
3. Agree. All the recommended improvements have been completed and the facility is open 24 hours a day.
4. Agree. Staffing has been increased and new audio and video monitoring systems have been installed and are operational.
5. Agree.
6. Agree. Audio and video monitoring systems recommended by BOC have been installed and are operational.

**Recommendations:**

1. **That the BOS direct the County Administrative Officer to develop a work plan document that must be used for all requests for maintenance and remodels that exceed monetary amounts determined by the county.**

The recommendation has been implemented. A new work plan document and revised procedures for processing maintenance and remodel requests exceeding a designated monetary amount have been developed. The General Services department is now using the new system.

2. **That all facility changes using the document defined above must have detailed formal plans and a specific timeline for completion. The originating department must state a priority for the proposed task and a status-reporting schedule for management. This priority requires coordination between affected departments before changing the priority level.**

The recommendation has been implemented. The County Administrator has implemented a priority tasking and status tracking system for all facility projects. Originating departments must also identify funding sources and amounts.

3. **That the BOS demand timely accountability from all department managers and directors involved in correcting any potentially hazardous condition that places the County, its employees or its citizens at risk.**

The recommendation has been implemented. The County Administrator has reminded all department heads to ensure all potentially hazardous facility conditions are promptly identified and corrected. Department and agency heads have also been directed to include the requirement to report and correct hazardous conditions as part of their annual performance measurement objectives within the strategic planning process.

B. OTHER RESPONSES REQUIRED:

Sheriff.

County Administrative Officer.