

**NEVADA COUNTY
SHERIFF'S OFFICE**



SHANNAN MOON
SHERIFF/CORONER
PUBLIC ADMINISTRATOR

September 8, 2022

The Honorable B. Scott Thomsen
Presiding Judge of the Grand Jury
201 Church Street
Nevada City, CA 95959



RE: Response to 2021-2022 Grand Jury report regarding the Inmate Welfare Fund

Dear Honorable Judge Thomsen,

In response to the Grand Jury Report dated July 5, 2022:

FINDINGS

- F1. *The overtime noted in the last six years indicates the need for additional staff.*
-Agree
- F2. *The Sheriff's Office Policy 1001 reference to the IWF for the "general" inmate population may artificially limit programs beneficial to inmate welfare. Reference to "capital improvements" may lead Nevada County to use the funds in conflict with Penal Code §4025.*
-Disagree
- F3. *The NCSO has not provided an annual report of the itemized IWF expenditures to the BoS for the past six years as per Penal Code §4025.*
-Disagree
- F4. *The Aramark contract for food and commissary services at WBCF was renewed without issuing a competitive request for proposal (RFP).*
-Agree
- F5. *The IWF will continue to serve as a financial resource towards improving the welfare of the inmates incarcerated in Nevada County. The decrease in the Telmate funds from \$0.21 to \$0.07 will not diminish the overall balance.*
-Agree
- F6. *The Jury found there was no clear and transparent process or point of contact within NCSO to evaluate potential non-profit or profit partnerships.*
-Disagree

- F7. *The NCSO did not provide programs to the same extent as other comparable counties during the last two years. Other Counties (e.g., Humboldt) continued programs, ensuring availability of programs for the inmates' welfare.*
-Agree
- F8. *For the last two years, programs listed on the NCSO website were curtailed or suspended.*
-Agree
- F9. *The Jury found NCSO did not have adequate staff to apply for grants, develop programs, or establish partnerships for the benefit to the inmates.*
-Disagree
- F10. *The Jury found the NCSO lacks programs such as Humboldt's SWAP or the JBCP to benefit inmates.*
-Agree

RECOMMENDATIONS

- R1. *Use a portion of the \$557k IWF balance to create an IWF coordinator position. The job description will include establishing partnerships with non-profits, programs, and application and management of grants.*

The recommendation will not be implemented.

The Inmate Welfare Fund Committee reviews prospective partnerships with non-profits and prospective programs. The Sheriff's Finance Unit assists the Executive Lieutenant in application and administration of any grants specific to the jail (to include programming or other debits to the Inmate Welfare Fund). Since the processes are already in place, we find it would be inefficient to create a position specifically designated to oversee the Inmate Welfare Fund, particularly when that fund would be used to pay for said position.

In the face of diminishing revenues to the Inmate Welfare Fund, a full-time position would likely eliminate the fund in a matter of three to four years – this seems counterintuitive. Currently we bill the Inmate Welfare Fund for any personnel hours dedicated to the distribution of commissary. Commissary is the primary source of revenue to the Inmate Welfare Fund. At present, our agency could bill the Inmate Welfare Fund for every minute of personnel time spent drafting contracts (commissary services, educational programming, telephone services) as those contracts directly benefit the general inmate population. We could also bill for every minute used to administer the Inmate Welfare Fund, but that approach seems to be contrary to the best interests of the incarcerated people in our custody.

- R2.** *Update Sheriff's Office Policy 1001 with the appropriate verbiage found in Penal Code §4025 to avoid misuse of this fund.*

The recommendation will not be implemented.

The current policy lists the appropriate uses of the Inmate Welfare Fund in concise language drafted by attorneys who have reviewed the applicable law(s). Further, this policy has been reviewed by Nevada County's County Counsel and several administrators within our agency. While we appreciate the Jury's concern, our policy does not supersede the law – the appropriate section of which is referenced therein for further clarification if needed by any party tasked with determining whether Inmate Welfare Funds are used appropriately.

- R3.** *Maintain compliance with Penal Code §4025 by presenting an itemized list of the expenditures from the IWF annually to the BoS.*

This recommendation is already in effect.

Each year during budget subcommittee meetings with the Board of Supervisors, our sheriff, chief financial officer, or their designee, reports on the use of our special revenue funds and how those funds are being used in our overall budget. Though there is no special report on the Inmate Welfare Fund alone, combined financials are collated by the auditor controller. Actual expenses can be reviewed by supervisors of the board at any time through the use of our "Fin +" financial system.

- R4.** *Initiate a competitive RFP process before the current food and commissary contract expires. Request proposals from qualified vendors.*

This recommendation may be implemented.

Prior to the most-recent addendum to the commissary contract, our intent was to issue a request for proposals for this service. During that time, numerous legislative proposals had been introduced that would essentially eliminate any profit on any commissary sales. Contracts in place, however, were not to be affected. Though none of the legislation had passed in the prior session, given the uncertainty, no prospective vendors had incentive to bid on a new, capital-intensive startup operation. Without a vendor that provided the service at no cost to the County, it would have been difficult and costly for the County to provide commissary services, even services on a vastly reduced scale. We intend to make the best financial decisions for the Inmate Welfare Fund at the time the current contract expires while still considering the legislative bellwether we have observed.

- R5.** *Create a process to develop and implement partnership opportunities, including sharing grants, free services (AA/NA), and government programs (e.g., §4025.5).*

This recommendation is already in effect.

The Nevada County Sheriff's Office's Inmate Welfare Fund Committee, which meets twice a year, is charged with reviewing prospective partnership opportunities and programs that are potentially funded in-whole, or in-part, by the Inmate Welfare Fund. It should be noted that any program offered in the jail has to be offered to every inmate. This becomes burdensome as many are segregated and the volunteers cannot accommodate all the various schedules – lack of programming room causes conflict with education, etc.

- R7.** *Establish an objective for a fully utilized, low-targeted IWF balance and spend the IWF efficiently for programs to benefit inmates.*

This recommendation will not be implemented.

This agency will always strive to spend the Inmate Welfare Fund balance efficiently for programs to benefit our incarcerated population. An absence of programming in our facility over the past few years is not a result of an unwillingness to spend money, rather the net effect of isolating our inmate population from potential exposure during a pandemic. Further, a low balance in the Inmate Welfare Fund is not evidence that it is being spent appropriately, only that it is being spent.

- R8.** *Maintain the NCSO website to accurately reflect the status of the programs listed.*

This recommendation will not be implemented.

There is no statutory requirement to conspicuously post programming opportunities offered in the jail. Further, the Sheriff's Office does not have ultimate control of content posted on the County of Nevada's website. While we will strive to keep our website updated regularly with all content, focused attention in this regard must be kept on statutory requirements (e.g., Policies, Procedures, and Training, per SB 978).

- R10.** *Leverage successes from other California counties by developing and implementing programs to enhance inmate welfare (e.g., SWAP, and JBCTP).*

This recommendation will not be implemented.

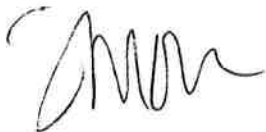
Other counties' successes are not transferable from county to county. In most cases specific local policies, practices, population sizes, and contractual obligations prevent the proverbial cut and paste from one county to the next. As the Jury appropriately observed, the Nevada County Sheriff's Office does not have a Jail-Based Competency Treatment program (JBCT). That said, this is not a program funded by the Inmate Welfare Fund, nor is our lack of this program a result of disinterest. The JBCT program is a program in the

jail administered by the medical and mental health provider in conjunction with the Department of State Hospitals. This program, unfortunately not scalable in a financially appropriate manner to fit the needs of Nevada County, would consist of medical personnel who work within the secure facility daily. These members would follow the same quarantine and isolation protocol as other members of the medical team and have direct accountability to the medical contractor for failure to comply. That said, this particular medical initiative could have run while the strictest pandemic protocols were in place, as we imagine happened in Humboldt County. This unfortunately differs from other types of programming, which requires outside volunteers, vaccination attestations, regular testing, and a willingness to come into the facility by volunteers and vendors alike. Those challenges are further coupled with COVID protocols that can differ wildly from county to county. While one county's department of public health may interpret guidelines for congregate living settings in a manner more favorable to allowing programming, another county may set strict boundaries around who should and should not be let into a custodial / congregate living facility.

Other programs, like Humboldt's SWAP program, would require staff from our agency to supervise inmates – there are further constraints based around the length of sentence, pending cases, ability to perform the manual labor, ability to work one day a week, ability to work eight hours in a day, the ability to secure reliable transportation and the ability to prove residency within a physical residence within the County of Nevada. While this is a fantastic idea, it will not work with current staffing constraints and will not be implemented at present.

Presently, our jail population is hovering around 150 inmates. Of those 150 inmates, only 18 are sentenced. Of those 18 sentenced inmates, none are minimum security inmates, as such, none could actually take part in a work program outside of the facility. Additionally, upon their return to jail, all inmates would have to be quarantined for 14 days if they had exposure to anyone other than the guards or each other.

As COVID protocols evolve to allow more programming within our facility, our Compliance Officer will continue to work with jail administration to identify and implement evidence-based programming within our facility and work release alternatives outside of our facility.

A handwritten signature in black ink, appearing to be 'J. Moran' or similar, located at the bottom left of the page.