

# NEVADA COUNTY HOLDING FACILITY TRUCKEE COURTHOUSE

## Summary

The Nevada County Grand Jury is statutorily required to inspect public prisons annually within Nevada County. The Nevada County Sheriff's Office has responsibility for the management of county correctional facilities, including inmate holding facilities at the Nevada County Sheriff's Office Truckee Sub-Station and the Nevada County Superior Court, Truckee Branch.

There is a holding area in the Nevada County Superior Court Truckee Branch used to hold inmates awaiting court appearances. This holding area and its access is one segment of this report.

The Nevada County Grand Jury is concerned about officer safety and court office privacy and safety. The Nevada County Grand Jury observed that there is open viewing of a court office. There are no barriers to keep an out of control vehicle from crossing the sidewalk adjacent to the building and impacting the outside wall of the court office.

The Nevada County Grand Jury also found that there is an open unsecured walkway that is used once the inmate has debarked from the transport van and prior to entering the courthouse interior. Once inside, there is a toilet facility that has a solid door that doesn't allow supervision by corrections staff of inmates using that facility.

The Nevada County Grand Jury strongly recommends the Superior Court, Nevada County Sheriff's Office and Nevada County Board of Supervisors work together to obtain funding for safety and security upgrades.

## Reasons for Investigation

The California Penal Code §919(b) states, in part, "*The grand jury shall inquire into the condition and management of the public prisons within the county.*" The Nevada County Grand Jury (Jury) defines public prisons as any adult or juvenile correction or detention facility within the county.

## Background

The Nevada County Sheriff's Office (NCSO) is a county sheriff's office within the State of California as defined by the California Penal Code. The NCSO is responsible for the management of the county correctional facilities located at the Truckee Sub-Station (Sub-

Station) and the Nevada County Superior Court, Truckee Branch (Court). The administrative staff of the Court is responsible for the daily functions of this facility.

Criminal and civil court activities are conducted within the government administrative building, also commonly known as the Joseph Center. The Joseph Center also houses Nevada County departmental offices.

The operation of the Joseph Center is governed by a Joint Occupancy Agreement (JOA) between Nevada County and the Judicial Council of California (Council). The Administrative Office of the Courts (AOC) implements the Council's policies and decisions.

The Court holding facility is a Type 1 facility as defined by the Corrections Standards Authority, an agency of the California Department of Corrections and Rehabilitation. The holding facility is a low-security risk, temporary holding facility. The holding facility is used to hold inmates awaiting court appearances that day.

The 2011-2012 Grand Jury Report contained two recommendations each for the NCSO and Nevada County Board of Supervisors (BOS):

- NCSO: R.5.: *“In conjunction with the Nevada County Board of Supervisors, secure the open inmate loading/unloading area at the Courthouse with a fenced enclosure, commonly known as a sally port.”*
- NCSO: R.6.: *“In conjunction with the Nevada County Board of Supervisors, secure the open walkway area used to transport inmates into the Court with a fenced enclosure.”*
- Board of Supervisors: R.7. *“Provide funding to secure the open inmate loading/unloading area at the Joseph Center with a fenced enclosure, commonly known as a sally port.”*
- Board of Supervisors: R.8. *“Provide funding to secure the open walkway area at the Joseph Center, used to transport inmates into the Courthouse, with a fenced enclosure.”*

The 2011-2012 Jury Report recommendations listed above were not implemented. The responses to the Jury report from the NCSO and BOS stated that funding was not available.

## **Procedures Followed**

On September 12, 2013, the Jury inspected the holding area within the Joseph Center, located at 10075 Levon Avenue, Truckee, California. The Jury toured the facilities and interviewed representatives from the NCSO. On subsequent dates, the Jury interviewed Nevada County Superior Court staff and reviewed documents concerning the Truckee holding facilities and the Court.

## Facts

- Fa. 1** Nevada County (County) is the owner of certain real property, located in the Town of Truckee and having a street address of 10075 Levon Avenue, commonly known as the Joseph Center.
- Fa. 2** The Joseph Center was built in the 1950s. The County purchased the property and structure and in 1992 remodeled the facility providing space for the Court and county offices.
- Fa. 3** Ownership of the Joseph Center is shared by the County [70.68%] and the Administrative Office of the Courts (AOC) [29.32%]. This arrangement was completed in 2008 and is known as: Transfer of Responsibility for Court Facility Agreement; Joint Occupancy Agreement (JOA), and Memorandum of Joint Occupancy Agreement.
- Fa. 4** Maintenance costs are shared by the above percentages in the common areas. The Court pays for their exclusive area and the County pays for their exclusive area. The County performs all maintenance and is reimbursed by the AOC. The County is responsible for the maintenance of the common area.
- Fa. 5** The common area includes: driveways, adjacent parking lot areas, walkways and any means of access to the portion of the Joseph Center.
- Fa. 6** At the end of Fiscal Year 2011-2012, there were 24 pending requests for funding of maintenance and security projects to the AOC for this facility. The total cost for these requests is \$2,601,301.
- Fa. 7** To date, none of the 24 requests have been funded by the AOC.
- Fa. 8** There is no NCSO facility in the building other than a holding cell.
- Fa. 9** Inmates are transported from the Wayne Brown Correctional Facility and the Sub-Station to the Court by armed NCSO correctional staff in a secure transportation vehicle.
- Fa. 10** There is no fenced enclosure, commonly known as a sally port, at this location.
- Fa. 11** At the Court, the inmates are moved from the secure vehicle and into the holding facility along an outdoor, unsecured, unfenced, public area, adjacent to an open parking lot.
- Fa. 12** This area is located in near proximity to a public library and county offices operating in the Joseph Center, frequented by the public.

- Fa. 13** Movement of inmates is in the immediate area of a Court office with exterior windows.
- Fa. 14** There is no one-way material on the window to prevent individuals from viewing all activities of the Court office at any time.
- Fa. 15** The parking lot is adjacent to the outside wall of a Court office.
- Fa. 16** On December 13, 2013, the AOC issued a memorandum outlining their safety inspection of the Joseph Center that identified areas of safety concern and recommended work.
- Fa. 17** The December 13, 2013 memorandum outlined and suggested upgrades to the following areas:
- barriers at the first floor Court office,
  - upgrade the windows at the first floor Court office,
  - addition of security cameras on second floor areas,
  - second floor Court office window upgrade,
  - partitions at the clerk's counter and,
  - first floor holding area restroom door modification.
- Fa. 18** The NCSO is responsible for submitting an annual budget BOS for approval.
- Fa. 19** The BOS has the responsibility of approving the NCSO's budget.

## **Findings**

- Fi. 1** The current conditions at the Joseph Center are believed to pose an imminent threat of serious injury to the public, courthouse employees and county employees.
- Fi. 2** Safety improvements identified by the county and AOC have not been approved and/or funded by the AOC.
- Fi. 3** Proposed safety improvements would enhance the safety of the public and Court and county employees.
- Fi. 4** The BOS and the Court have not provided leadership in urging the AOC to release the necessary funds to improve the safety at the Joseph Center.

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## **Recommendations**

- R. 1** The Nevada County Board of Supervisors, the Nevada County Sheriff's Office, the Administrative Offices of the Court and the Nevada County Superior Court should take all the measures necessary to move forward with a formal agreement which provides the recommended safety improvements immediately to ensure the safety of the public and employees.
  
- R. 2** The Nevada County Board of Supervisors, the Nevada County Sheriff's Office, the Administrative Offices of the Court and the Nevada County Superior Court staff should prioritize funding requests to implement the recommended safety improvements.
  
- R. 3** The Nevada County Board of Supervisors, the Nevada County Sheriff's Office, the Administrative Offices of the Court and the Nevada County Superior Court staff should coordinate efforts to follow through with the request for funding, the implementation of the safety improvements and ensure the required work is completed.

## **Responses**

Nevada County Sheriff: Finding 1 – 4 and Recommendations: 1, 2 and 3.  
Due Date: July 29, 2014.

Nevada County Board of Supervisors: Finding 1 – 4 and Recommendations: 1, 2 and 3.  
Due Date: August 29, 2014.

Nevada County Superior Court: Finding 1 – 4 and Recommendations: 1, 2 and 3.  
Due Date: July 29, 2014.



**NEVADA COUNTY SUPERIOR COURT  
OFFICE OF THE JURY COMMISSIONER  
201 CHURCH STREET, SUITE 6  
NEVADA CITY, CA 95959**

Thomas M. Anderson  
*Presiding Judge of the  
Grand Jury*

Audrey M. Golden  
*Deputy Jury Commissioner*

**(530) 265-1475**

**August 6, 2014**

Keith Overbey Foreman  
Nevada County Civil Grand Jury  
950 Maidu Avenue  
Nevada City, CA 95959

Dear Keith:

Enclosed is the response from the N.C. Sheriff's Office on the Holding Facility at the Truckee Courthouse.

Sincerely,

A handwritten signature in black ink, appearing to read "Audrey M. Golden", written over a horizontal line.

Audrey M. Golden

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**NEVADA COUNTY  
SHERIFF'S OFFICE**



**KEITH ROYAL**  
SHERIFF/CORONER  
PUBLIC ADMINISTRATOR

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June 27, 2014 Updated on July 22, 2014

The Honorable Thomas M. Anderson  
Presiding Judge of the Grand Jury  
201 Church Street  
Nevada City, Ca. 95959

RE: Response to 2013-2014 Nevada County Holding Facility Truckee Courthouse Grand Jury Report

Dear Honorable Judge Anderson:

In response to the Grand Jury Report dated May 29, 2014 on the Nevada County Holding Facility Truckee Courthouse.

**FINDINGS:**

1. The current conditions at the Joseph Center are believed to pose an imminent threat of serious injury to the public, courthouse employees and county employees.

**Disagree**

**Due to past experience, we do not feel an imminent threat of serious injury to the public, courthouse employees, and/or county employees exists. We have had an excellent record with our transport of prisoners from transportation units to the Courthouse in Truckee with no threats, escapes or injuries. We are committed to mitigating risk at every opportunity within the County's existing resources. Inmates are transported from the transportation unit to the Courthouse in customary restraints, including leg shackles and waist shackles.**

2. Safety improvements identified by the county and AOC have not been approved and/or funded by the AOC.

**Agree**

3. Proposed safety improvements would enhance the safety of the public and Court and county employees.

**Agree**

4. The BOS and the Court have not provided leadership in urging the AOC to release the necessary funds to improve the safety at the Joseph Center.

### **Disagree**

**Our experience has been that both the BOS and the Court provide leadership and are prudent in prioritizing funding requests to the AOC.**

### **RECOMMENDATIONS:**

1. The Nevada County Board of Supervisors, the Nevada County Sheriff's Office, the Administrative Offices of the Court and the Nevada County Superior Court should take all the measures necessary to move forward with a formal agreement which provides the recommended safety improvements immediately to ensure the safety of the public and employees.

**The recommendation will not be implemented on the part of the Nevada County Sheriff's Office because it is not reasonable. The State of California Administrative Office of the Courts has not approved \$2,601,301 in funding for prior requested maintenance and security projects. The Sheriff's Office has no information to doubt the Superior Courts ability to properly prioritize its funding requests and balance them against safety and security. The Sheriff's Office feels confident it will not be able to insert itself in the middle of the formal annual budget process between the Superior Court and the AOC, nor strike a formal agreement with the AOC outside that process. We are more than willing to work with them should funding from the AOC be identified.**

2. The Nevada County Board of Supervisors, the Nevada County Sheriff's Office, the Administrative Offices of the Court and the Nevada County Superior Court staff should prioritize funding requests to implement the recommended safety improvements.

**The recommendation will not be implemented on the part of the Nevada County Sheriff's Office because it is not reasonable. It is the responsibility of the Nevada County Superior Court to make prioritized funding requests to the Administrative Office of the Courts, who in turn has the responsibility of prioritizing all funding requests for the entire State of California court system. The Nevada County Sheriff's Office has an advisory only role at the Court House when it comes to recommending security concerns. The Sheriff's Office is confident the Superior Court has properly prioritized its funding requests to the AOC and has put great weight into the safety and security of the Courthouse visitors. The Sheriff's Office has no control over funding decisions the AOC makes at a State level.**

3. The Nevada County Board of Supervisors, the Nevada County Sheriff's Office, the Administrative Offices of the Court and the Nevada County Superior Court staff should coordinate efforts to follow through with the request for funding, the implementation of the safety improvements and ensure the required work is completed.

**The recommendation will not be implemented on the part of the Nevada County Sheriff's Office because it is not reasonable. The end product of the recommendation is a completed project. As stated above, prioritized funding requests have been made by the**



Grand Jury Response

July 22, 2014

Page 2

**Nevada County Superior Courts to the State of California Administrative Office of the Courts. As of this date, the AOC has decided not to fund those requests. The Sheriff's Office assumes other funding requests received by the AOC were given greater weight as to their priority. We are willing to work with the involved parties in an attempt to move these projects forward, however, with the apparent lack of funding from the AOC, we feel it is unlikely that this recommendation can be fully accomplished.**

The Sheriff's Office would like to thank the members of the 2013-2014 Grand Jury for their participation and effort in preparing their reports. We are committed to providing the highest level of safety and security to our employees, the public, and inmates.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith Royal', with a long horizontal flourish extending to the right.

Keith Royal  
Sheriff-Coroner



**NEVADA COUNTY SUPERIOR COURT  
OFFICE OF THE JURY COMMISSIONER  
201 CHURCH STREET, SUITE 6  
NEVADA CITY, CA 95959**

Thomas M. Anderson  
*Presiding Judge of the  
Grand Jury*

Audrey M. Golden  
*Deputy Jury Commissioner*

**(530) 265-1475**

July 30, 2014

Keith Overbey Foreman  
Nevada County Civil Grand Jury  
950 Maidu Avenue  
Nevada City, CA 95959

Dear Keith:

Enclosed is the response from the Courts on the Holding Facility at the Truckee Courthouse.

Sincerely,

A handwritten signature in blue ink, appearing to read "Audrey M. Golden", with a long horizontal line extending to the right.

Audrey M. Golden

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**County of Nevada**

CANDACE S. HEIDELBERGER,  
*Presiding Judge*



G. SEAN METROKA,  
*Court Executive Officer*

**201 Church Street**  
**Nevada City, CA 95959**  
**(530) 265-1311**

July 29, 2014

Grand Jury, County of Nevada  
Attn: Keith Overbey, Foreperson  
950 Maidu Avenue  
Nevada City, CA 95959

Dear Mr. Overbey:

As requested in the 2013-2014 Nevada County Grand Jury Report on the subject of the Nevada County Holding Facility, Truckee Courthouse, the following response is submitted.

**Findings**

**Fi.1** The current conditions at the Joseph Center are believed to pose an imminent threat of serious injury to the public, courthouse employees and county employees.

Disagree.

While we agree that the current conditions can and should be improved, the assertion that these conditions may “pose an imminent threat of serious injury to the public, courthouse employees and county employees” is greatly overstated. Many countermeasures are in place in this facility which significantly mitigates the potential risk to court users and employees.

**Fi.2** Safety improvements identified by the county and AOC have not been approved and/or funded by the AOC.

Partially agree.

Several improvement requests have been approved and funded by the AOC. These include tinting of exterior windows, installing obstacles to prevent running a vehicle into sensitive areas of the building and installation of bullet resistant windows. There are other requests awaiting approval and funding, however, they are still in the approval process.

**Fi.3** Proposed safety improvement would enhance the safety of the public and court and county employees.

Agree.

**Fi.4** The BOS and the Court have not provided leadership in urging the AOC to release the necessary funds to improve the safety at the Joseph Center.

Disagree.

The Court has made several attempts to gain approval of our requests for safety improvements at the Joseph Center. We regularly follow up on these requests and provide additional information as necessary to establish an appropriate priority for funding. The plain fact is that funding across the State is too little to meet all security needs in all courthouses. The Grand Jury's assumption that this is a shortfall in leadership on the part of the BOS and Court completely lacks foundation.

### Recommendations

- R.1** The Nevada County Board of Supervisors, the Nevada County Sheriff's Office, the Administrative Office of the Courts and the Nevada County Superior Court should take all the measures necessary to move forward with a formal agreement which provides the recommended safety improvements immediately to ensure the safety of the public and employees.

Partially implemented.

The Court has taken all appropriate steps to secure funding for the identified security improvements. The recommendation that this effort should be pushed forward at all cost clearly fails to consider the statewide limitations on funding and competing priorities – not the least of which is simply providing sufficient staffing of court operations to provide basic access to justice for all.

- R.2** The Nevada County Board of Supervisors, the Nevada County Sheriff's Office, the Administrative Office of the Courts and the Nevada County Superior Court staff should prioritize funding requests to implement the recommended safety improvements.

Partially implemented.

We have prioritized our security requests and submitted them to the State for consideration and funding. The State considers requests from all jurisdictions and establishes statewide priorities. We do not control that process.

- R.3** The Nevada County Board of Supervisors, the Nevada County Sheriff's Office, the Administrative Office of the Courts and the Nevada County Superior Court staff should coordinate efforts to follow through with the request for funding, the implementation of the safety improvements and ensure the required work is completed.

Partially implemented.

We do currently coordinate our efforts in this area and will continue to do so. Ensuring these improvements are completed is outside of our control and subject to approval and funding by the State.

Respectfully submitted,



Candace S. Heidelberger  
Presiding Judge



G. Sean Metroka  
Court Executive Officer