

**GRAND JURY INSPECTIONS OF
CORRECTIONAL FACILITIES IN NEVADA COUNTY
CARL F. BRYAN II REGIONAL JUVENILE HALL**

REASON FOR INVESTIGATION

California Penal Code section 919(b) requires the Grand Jury to inquire annually into the condition and management of the public prisons within the county. An essential element of these inquiries is an inspection tour of each facility.

PROCEDURE FOLLOWED

The Grand Jury inspected the Carl F. Bryan II Regional Juvenile Hall, located at 15434 State Hwy 49, Nevada City on September 16, 2005. The jury toured the facility, reviewed documents and interviewed several staff members including the Superintendent. The present facility was dedicated in 2002.

BACKGROUND

Juvenile Hall is a secure detention facility for juvenile offenders (wards). A juvenile, as defined by California Welfare and Institutions Code 602, "is any person under the age of 18 years when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court."

FINDINGS

1. The Juvenile Hall facility appears to be well maintained.
2. The facility includes a secure intake area for acceptance and transfer of juvenile offenders.
3. Juveniles must be arraigned within 72 hours of arrest.
4. The law prohibits booking status offenders such as runaways in Juvenile Hall.
5. The facility is designed to accommodate 60 wards.

6. Housing units are monitored from a sophisticated electronic central control station. Control is maintained over general areas, classrooms, individual cells, and an outside recreation yard. Surveillance includes broad, direct sightlines and remote television cameras.
7. During the grand jury inspection, the fence gate to the recreation yard was unlocked while a county employee mowed the grassy area.
8. Facility security has been improved since last year's grand jury inspection, but issues remain:
 - a) There is not enough outdoor lighting to allow 24-hour surveillance of the recreation yard.
 - b) The single video camera in the recreation yard does not have a direct line of sight to all points in the yard.
 - c) The area surrounding the recreation yard is not secure.
9. There is no emergency eyewash basin in the kitchen or laundry as required by California law.
10. Generally, a third of the wards have work detail in the kitchen, laundry, and general clean up.
11. Most juveniles are incarcerated because of criminal behavior due to drug or alcohol use. Common offenses include burglary, petty theft, and assault.
12. Those under the influence of drugs or alcohol at the time of arrest are transported to the Sierra Nevada Memorial Hospital for evaluation.
13. Most juveniles who are repeat offenders often "graduate" to the Wayne Brown Correctional Facility after the age of 18.
14. Juvenile Hall contracts with the California Forensic Medical Group (CFMG) to provide and coordinate medical services for individuals incarcerated in the County's correctional system. The services provided by CFMG include medical, mental health, and dental care for the ward population.
15. Juveniles receive a medical evaluation upon entering the facility. This evaluation often reveals the use of multiple medications prescribed by different physicians.
16. A contracted psychiatrist is available to evaluate the ward's medications and confer with the ward's personal physician. Parents must initiate any action or follow-up appointments.
17. The county provides on-site health care 4 to 5 hours per day, 5 days per week. Wayne Brown health care staff provides urgent health care needs at other times.

18. Health of the wards is monitored and determined by non-medical Juvenile Hall employees when an on-site health care professional is unavailable.

19. Contact visits are allowed, and juveniles are not always strip thoroughly searched after these visits.

CONCLUSIONS

1. Many juveniles entering juvenile hall are determined to be taking several prescription drugs that may be inappropriately prescribed (poly-pharmaceutical drug use).
2. Poly-pharmaceutical drug use can be a serious problem because many wards are in Juvenile Hall because of illegal drug use.
3. The use of non-medical Juvenile Hall staff in the absence of contracted health care providers could lead to misdiagnosis.
4. Lack of eyewash basins in the kitchen and laundry could lead to serious injury to the wards and staff.
5. Some security procedures need improvement.

RECOMMENDATIONS

1. Improvements should be made in facility security:
 - a) Outdoor lights should be installed in the recreation yard and the surrounding area.
 - b) An additional video camera should be installed in the recreation yard to complete line-of-sight coverage.
 - c) The recreation yard fence gate should be locked during yard maintenance.
 - d) Juveniles should be strip thoroughly searched after contact visits.
2. Improvements should be made for ward and staff safety and well being:
 - a) Eyewash basins should be installed in the kitchen and laundry.
 - b) Hours and days of medical coverage by professional health care providers should be increased.

REQUIRED RESPONSE

Nevada County Board of Supervisors August 09, 22006

COUNTY OF NEVADA

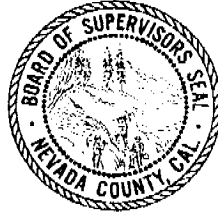
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Cathy R. Thompson
Clerk of the Board

July 19, 2006

The Honorable Judge Al Dover
Presiding Judge of the Nevada County Courts
Nevada County Court House
Nevada City CA 95959

Subject: Board of Supervisors Responses to the 2005-2006 Nevada County Civil Grand Jury Report, Inspections of Correctional Facilities in Nevada County – Carl F. Bryan II Regional Juvenile Hall

Dear Judge Dover:

The attached responses by the Board of Supervisors to the 2005-2006 Nevada County Civil Grand Jury Report, dated May 11, 2006, entitled Inspections of Correctional Facilities in Nevada County – Carl F. Bryan II Regional Juvenile Hall, are submitted as required by California Penal Code §933.

These responses to the Grand Jury's Findings and Recommendations were approved by the Board of Supervisors at their regular meeting on July 18, 2006. Responses to Findings and Recommendations are based on either personal knowledge, examination of official County records, information received from the Chief Probation Officer, the County Executive Officer, or testimony from the Board of Supervisors and County staff members.

The Board of Supervisors would like to thank the members of the 2005-2006 Grand Jury for their participation and effort in preparing their Reports, and their participation in the Grand Jury process.

Sincerely,

John C. Spencer

Vice-Chair, Board of Supervisors

Attachment

cc: Foreman, Grand Jury
County Executive Officer
Chief Probation Officer

NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO
2005-2006 CIVIL GRAND JURY REPORT
DATED MAY 11, 2006

INSPECTIONS OF CORRECTIONAL FACILITIES IN NEVADA COUNTY – CARL F.
BRYAN II REGIONAL JUVENILE HALL

Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of information received from the Chief Probation Officer, the County Executive Officer, or testimony from the Board of Supervisors and County staff members.

ADD 2/17/06

I. GRAND JURY INVESTIGATION:

Inspection of Correctional Facilities in Nevada County – Carl F. Bryan II Regional Juvenile Hall.

A. RESPONSE TO FINDINGS & RECOMMENDATIONS:

Findings:

1. **The Juvenile Hall facility appears to be well maintained**
Agree
2. **The facility includes a secure intake area for acceptance and transfer of juvenile offenders.**
Agree
3. **Juveniles must be arraigned within 72 hours of arrest.**
Agree
4. **The law prohibits status offenders such as runaways in Juvenile Hall.**
Agree
5. **The facility is designed to accommodate 60 wards.**
Agree
6. **Housing units are monitored from a sophisticated electronic central control station. Control is maintained over general areas, classrooms, individual cells, and an outside recreation yard. Surveillance includes broad, direct sightlines and remote television cameras.**

Agree

7. **During the grand jury inspection, the fence gate to the recreation yard was unlocked while a county employee mowed the grassy area.**

Partially agree

No minors are allowed in the recreation yard while lawn maintenance is being done. The gate is opened to allow a trailer with the mower on it to pass into the recreation yard. A new procedure has been implemented to provide for the gate to be unlocked to allow the trailer to pass and then locked again while maintenance is performed. Procedures require staff to walk the perimeter of the recreation yard for a contraband check prior to letting minors out in the yard and to check the area after every maintenance event.

8. **Facility security has been improved since last year's grand jury inspection, but issues remain:**

- a) **There is not enough outdoor lighting to allow 24-hour surveillance of the recreation yard.**

Disagree

The facility currently uses the strongest allowable light and the maximum projection allowed by building codes and local ordinances and regulations addressing nighttime outside lighting requirements.

Even though minors are not permitted in the recreation yard after dark, an exterior camera was installed that is a low-light type camera that allows 24-hour video surveillance of the recreation yard.

Additionally, Title 24 of the California Code of Regulations establishes nighttime lighting levels permissible in the sleeping rooms. Any additional lights installed in the recreation yard have the potential to shine into the sleeping rooms at a level exceeding Title 24 regulations.

- b) **The single video camera in the recreation yard does not have a direct line of sight to all points in the yard.**

Partially agree

The area that is not covered by the camera is in an area of direct sight supervision of staff on a continuous random basis. This area is in an enclosed fenced area of the recreation yard. Staff is looking into options to install an additional camera for complete video surveillance of the recreation yard.

- c) **The area surrounding the recreation yard is not secure.**

Agree

Razor wire will be attached to the existing fence top to surround the entire recreation yard. This will be completed by September, 2006.

- 9. There is no emergency eyewash basin in the kitchen or laundry as required by California law.**

Agree

At the time of the Grand Jury's inspection, there were no eyewash basins in the kitchen or laundry. These have now been installed in both the kitchen and laundry.

- 10. Generally, a third of the wards have work detail in the kitchen, laundry, and general clean-up.**

Agree

- 11. Most juveniles are incarcerated because of criminal behavior due to drug or alcohol use. Common offenses include burglary, petty theft, and assault.**

Agree

- 12. Those under the influence of drugs or alcohol at the time of arrest are transported to the Sierra Nevada Memorial Hospital for evaluation.**

Agree

- 13. Most juveniles who are repeat offenders often "graduate" to the Wayne Brown Correctional Facility after the age of 18.**

Partially agree

Approximately 8% of the minors booked into juvenile hall move on into the adult criminal justice system. The On-Track program and a stepped up case management program have been implemented this year to try and address the progression into the criminal justice system behavior area. Both programs assign juvenile hall staff to individual minors to look in depth at the reasons for the minors' incarceration and match counseling resources to these needs.

- 14. Juvenile Hall contracts with the California Forensic Medical Group (CFMG) to provide and coordinate medical services for individuals incarcerated in the County's correctional system. The services provided by CFMG include medical, mental health, and dental care for the ward population.**

Agree

- 15. Juveniles receive a medical evaluation upon entering the facility. This evaluation often reveals the use of multiple medications prescribed by different physicians.**

Partially agree

A review by CFMG indicates only about 15% of the minors booked fall into this category. Since this event happens outside the Hall there is very little that can be done because civilian doctors have the right to treat as they see fit. It is only when the minors come under the care of Juvenile Hall medical staff that a centralized evaluation of medicines can be accomplished and a plan developed to address the problems of multiple medications. When CFMG notes a particularly bad case they often contact the civilian doctor to advise them of the situation.

- 16. A contracted psychiatrist is available to evaluate the ward's medications and confer with the ward's personal physician. Parents must initiate any action or follow-up appointments.**

Agree

Parents must give consent, absent a court order, for psychiatric treatment and medications. Parents are responsible for after release follow-up or appointments.

- 17. The county provides on-site health care 4 to 5 hours per day, 5 days per week. Wayne Brown health care staff provides urgent health care needs at other times.**

Agree

Health care is provided by CFMG, Inc. the county-contracted health care provider. The contract specifies the hours of health care and health care staff are based out of the Wayne Brown Correctional Facility. Direct services are provided in the Juvenile Hall medical unit.

- 18. Health of the wards is monitored and determined by non-medical Juvenile Hall employees when an on-site health care professional is unavailable.**

Partially agree

Staff takes sick call requests that are forwarded to CFMG medical staff. Any medical complaints or injuries are reported to staff and forwarded to CFMG staff for telephonic consultation when on-site health care professionals are not in the facility. A determination to have medical professionals come over to the facility to see the minor is made. Staff is trained annually on medical emergencies and policy and procedure is defined on staff response. This protocol is in accordance with Title 15 of the California Code of Regulations.

- 19. Contact visits are allowed, and juveniles are not always thoroughly strip searched after these visits.**

Partially agree

(See response to Recommendation No. 1d.)

Recommendations:

1. Improvements should be made in facility security:

a) Outdoor lights should be installed in the recreation yard and the surrounding area.

The Recommendation requires further analysis to be completed by January 31, 2007.

The outdoor lighting installed at the facility is at the brightest and maximum projection permitted under currently permissible building code regulations and local ordinances and regulations addressing nighttime outside lighting requirements. Title 24 regulations also require consideration of light shining into the sleeping rooms and establishes limits for the nighttime lighting levels in sleeping rooms.

By this response, the Board of Supervisors directs the Chief Probation Officer, through the County Executive Officer (CEO) to conduct a review of outdoor lighting at the Carl F. Bryan II Regional Juvenile Hall to determine if additional lighting can be installed and if so, identify the best locations, given building code and Title 24 limitations. Following this review, the CEO is directed to present a report to the Board of Supervisors by January 31, 2007.

b) An additional video camera should be installed in the recreation yard to complete line-of-sight coverage.

The Recommendation has not yet been implemented but should be completed by October 2006.

A project is currently underway to secure an additional camera for the recreation yard and outside perimeter area. The estimated date of installation is October 2006, based on completion of the scope of work, submittal of quotes, procurement of the camera and time needed to complete the installation.

c) The recreation yard fence gate should be locked during yard maintenance.

The Recommendation has been implemented.

Juvenile Hall policies and procedures have been reviewed and revised to lock the gate during yard maintenance.

d) Juveniles should be thoroughly strip searched after contact visits.

The Recommendation has been partially implemented.

All juvenile wards are not strip searched after contact visits. In situations where legally permitted, some juveniles are strip-searched.

Statutory law and case law define when minors may be strip-searched. Not all instances allow for the lawful strip search of minors. The Juvenile Hall strip search policy underwent extensive rewriting and review by County Counsel in March 2005. The policy has been monitored for current case law compliance. There is also a difference between Federal law and State law with regard to strip searches, which further adds issues as to when a permissible strip search may be done. Title 15 of the California Code of Regulations was recently

amended to reflect a direction more in accordance with Federal law. The Juvenile Hall policy is reflective of this change regarding strip searches.

The Superintendent of the Hall monitors the policy for compliance with current case law and statutory law via attendance at quarterly California Association of Probation Institution meetings and updates. Staff has also been trained on current strip search procedures and receive on-going training as State law changes and court decisions continue to address this issue.

2. Improvements should be made for ward and staff safety and well being:

a) Eyewash basins should be installed in the kitchen and laundry.

The Recommendation has been implemented.

Eyewash basins have been installed in the kitchen and laundry area. All detergents within the laundry and kitchen area are dispensed through automated dispensers thus eliminating the chance for minors or staff to have contact with chemicals. Juvenile Hall Policy does not allow minors to dispense any cleaning chemicals.

b) Hours and days of medical coverage by professional health care providers should be increased.

The Recommendation will not be implemented for reasons as explained.

An increase in physician hours was discussed with our medical services contractor (CFMG) in developing the scope of work for our new contract with them. CFMG indicated that the current physician hours were adequate to see all consults and they would not recommend increasing physician hours. We believe 4 to 5 hours a day, 5 days per week on-site health care for an average of 30 wards is adequate and that urgent care needs are handled in a timely manner. Further amendments will be made to the medical services contract as the population levels increase in the Juvenile Hall.

REQUIRED RESPONSES

Board of Supervisors – by August 9, 2006