

COUNTY OF NEVADA
STATE OF CALIFORNIA
BOARD OF SUPERVISORS



Heidi Hall, 1st District
Chair Edward C. Scofield, 2nd District
Dan Miller, 3rd District
Wm. "Hank" Weston, 4th District
Vice-Chair Richard Anderson, 5th District

Julie Patterson Hunter,
Clerk of the Board

July 10, 2018

Reviewed
7/13/18
TMA

The Honorable Thomas Anderson
Presiding Judge of the Nevada County Grand Jury
201 Church Street
Nevada County, CA 95959

RE: Board of Supervisors' Responses to the FY 2017/18 Nevada County Civil Grand Jury Report, "Detention Facility Inspection Report."

Dear Honorable Judge Anderson,

As required by California Penal Code Section 933, the Board of Supervisors hereby submits its responses to the FY 2017/18 Nevada County Civil Grand Jury Report; dated May 11, 2018 entitled "*Detention Facility Inspection Report.*"

These responses to the Grand Jury's Findings and Recommendations were approved by the Board of Supervisors at their regular meeting on July 10, 2018. The Responses are based on either personal knowledge, examination of official County records, or information received from the Board of Supervisors and County staff members.

The Board of Supervisors would like to thank the members of the FY 2017/18 Grand Jury for their participation and effort in preparing their Reports, and their participation in the Grand Jury process.

Sincerely,

Edward C. Scofield, Chairman
Nevada County Board of Supervisors

cc: Thomas Achter, Foreman, Grand Jury
Richard Haffey, County Executive Officer
Alison Barratt-Green, County Counsel
Keri Klein, Public Defender
Phebe Bell, Behavioral Health
Michael Heggarty, Health and Human Services Agency
Steve Monaghan, Information General Services
Michael Ertola, Chief Probation Officer

950 Maidu Avenue, Suite 200, Nevada City CA 95959-8617
phone: 530.265.1480 | fax: 530.265.9836 | toll free: 888.785.1480 | email: bdofsupervisors@co.nevada.ca.us
website: <http://www.mynevadacounty.com/nc/bos>

NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO

2018 Nevada County Civil Grand Jury Report

Detention Facility Inspection Report

DATED July 10, 2018

Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by the County Executive Officer, Probation, County Counsel, Public Defender, Behavioral Health, and Health and Human Services agency representatives or testimony from the Board of Supervisors and county staff members.

A. RESPONSES TO FINDINGS

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.

Agree

B. RESPONSES TO RECOMMENDATIONS

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.

The recommendation has already been implemented, in part.

A county interdisciplinary workgroup has been established and is reviewing the use and cost of the juvenile hall facility. The workgroup includes Probation, Sheriff's Office, County Executive Office, County Counsel, Public Defender, Behavioral Health and Health and Human Services representatives. As this report notes, the facility was built utilizing Department of Justice (DOJ) funds and any change in use is subject to DOJ approval.

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.

This recommendation will not be implemented at the present time

To date, no complaints have been lodged by the holding facility or the Sheriff's Office regarding the air quality at the Nevada County Courthouse Holding Facility in Nevada City. The County will make a determination on whether a test should be done of the air quality at the Nevada County Courthouse Holding Facility in Nevada City pending the Sheriff's response to the Grand Jury's Report on findings F3 and R4.

TAAOK

NEVADA COUNTY
SHERIFF'S OFFICE



KEITH ROYAL
SHERIFF/CORONER
PUBLIC ADMINISTRATOR

June 22, 2018

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

RE: Response to Grand Jury Report on the subject of Detention Facility Inspection Report

Dear Honorable Judge Anderson:

The Nevada County Sheriff's Office appreciates the opportunity to weigh in on this report by the Grand Jury, published on May 13, 2018 regarding the Detention Facility Inspection Report. The Sheriff's Office is aware the Grand Jury is mandated to inquire into the condition and management of the public prisons within the County, in this case the jail system. The Sheriff's Office absolutely encourages the Grand Jury to tour any of the facilities, with or without prior notice. We are fully open to input from the Grand Jury and take their outside perspective of Findings and Recommendations seriously.

However, there is no legal requirement that the Grand Jury write a report on any particular aspect of the inquiry. It is wholly unclear why the Grand Jury has again made the decision to point out in a public document a potential security flaw that could compromise the safety of the public, inmates and staff. On prior occasions, the Sheriff's Office has made it very clear how serious it takes any safety and security information and has made prior releases to the Grand Jury of this type of information conditional. The Sheriff's Office would strenuously urge the Grand Jury to refrain from future public releases of Safety and Security information without first consultation with the responsible entities; in this case, the Court and the Sheriff's Office.

FINDINGS:

- F1 The written policies and procedures of the Sheriff's Office concerning the Inmate Welfare Fund are not being followed.

Disagree

The Sheriff's Office disagrees with this finding as it is misleading.

The Grand Jury reports, "**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**". The Sheriff's Office does not have an employee on

staff under the job classification of "Program Manager" and has not for numerous years. However, the Sheriff's Office does have staff overseeing and managing the programs offered inside the Jail, as well as commissary services.

- F3** The air quality in the administrative and holding cell area at the Nevada County Courthouse Holding Facility in Nevada City is poor.

Disagree

The Sheriff's Office disagrees with the Grand Jury findings because it appears to be based on inaccurate and/or incomplete information.

Per the Grand Jury, "Moreover, no one knew if or when maintenance had been performed on the ventilation system." It can't be discerned who "no one" is. If the Grand Jury is referring to Court Holding Staff, then there's a very small likelihood they would be familiar with the maintenance schedule of the ventilation system. However, by simple inquiry, the Sheriff's Office has learned that County Maintenance inspects the system and changes out the filters on a quarterly basis. They have also responded to off cycle maintenance requests. Neither County Maintenance nor Environmental Health are aware of any air quality complaints by staff at Court Holding.

Per the Grand Jury, "During our visit, two members of the Jury were affected by the quality of the air." This statement is too vague to be of use. In speaking with Environmental Health, they would have expected more information regarding the symptomology of how the two Jury members were affected, approximately eight (8) months ago. Environmental Health did respond to Court Holding on May 16, 2018 to test the air for any chemical contaminants and subsequently reported negative findings. To date, the Sheriff's Office has not received any complaints from staff as to the quality of the air at Court Holding.

Per the Grand Jury, "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." The Grand Jury presents no factual information in its report that asbestos actually exists, only the possibility drawn from speculation, presumably "due to the age of the building"? During the Sheriff's Office investigation, we found that if in fact asbestos does exist, the health hazard under the circumstances is remote to non-existent. Per Nevada County Environmental Health, asbestos presents no health hazard to the lungs of anyone unless it is disturbed and then becomes airborne.

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.

This recommendation will not be implemented. See the Sheriff's Office response for "R2".

- 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.

This recommendation will not be implemented as proposed by the Grand Jury. There is no need to "draft new regulations". However, the current policy has been revised with minor changes to reflect our current staffing.

- 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.

The recommendation will not be implemented because it is not warranted or is not reasonable.

Unfortunately, some of the conclusions in the Grand Jury report appear to be erroneous. The County does have the ability to detect chemicals that may be dispersed through the ventilation system or simply present in a room. During our investigation of the claims made by the Grand Jury, no airborne chemicals were detected by Environmental Health staff. Additionally, there have been no respiratory issues presented or reported by staff working in the Court Holding area. Our investigation showed there have been a few service requests (no heat, air pressure, odd smell, etc.) directed at County Maintenance related to the HVAC system at the courthouse since the first of this calendar year; none involving staff being affected by the air quality. The HVAC systems is regularly maintained and inspected on a quarterly basis by County Maintenance. With the very limited information provided by the Grand Jury in their report, it is impossible to decipher how the "two members of the Jury were affected by the quality of the air."

The Sheriff's Office would like to thank the members of the 2017-2018 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 community.

Sincerely,



Keith Royal
Sheriff-Coroner