

**Report on Responses
to the 2017-2018 Grand Jury Report:**

Detention Facility Inspection Report

2018-2019 Nevada County Grand Jury

Detention Facility Inspection Report

A Report on Responses to the 2017-2018 Grand Jury Report

Summary

The 2018-2019 Nevada County Grand Jury (Jury) has reviewed the responses to the report entitled *Detention Facility Inspection Report* issued by the 2017-2018 Jury and inquired about progress toward implementation of those responses where appropriate. This document contains all of the responses received, any results of follow-up investigation, and any comments the Jury may have on those responses.

Comments on Responses

The 2018-2019 Grand Jury has no comments on the responses.

Summary from the Original Report

The 2017/2018 Nevada County Grand Jury (Jury) has conducted an inspection of the detention facilities in the County of Nevada (County) to “inquire into the conditions and management of the public prisons within the county” as required by Penal Code Section 919(b). The Jury toured and inspected the Wayne Brown Correctional Facility (Wayne Brown), the Carl F. Bryan II Juvenile Hall (Juvenile Hall), the Washington Ridge Conservation Camp (Washington Ridge), and two holding facilities: the Nevada County Sheriff’s Office’s Truckee Sub-Station (Truckee Jail) and the Nevada County Superior Court Holding Facility in Nevada City (Nevada City Holding Facility).

There are three problems with the detention facilities that the Jury believes should be addressed.

California law provides that the sheriff in each county may establish an Inmate Welfare Fund (IWF) to pay for services to inmates. The balance in the IWF at Wayne Brown at the end of the 2016-2017 fiscal year was approximately \$400,000. The Nevada County Sheriff’s Office (NCSO) has issued regulations concerning the administration of the Wayne Brown IWF but the regulations are not being followed. While the uses of the IWF are broadly discretionary and no misuses of such funds are apparent, compliance with written policies is important when large amounts of money are being collected and expended. The NCSO should either follow the policies it has promulgated or promulgate new policies that reflect how the IWF is being administered.

The Jury also was concerned by the air quality it experienced in the Nevada City Holding Facility. The Jury became more concerned when it could find no record of the air quality having been tested. The multitude of unhealthy agents that could be present in the ill-ventilated basement of an old building requires at a minimum that testing be done.

Finally, the 2015-2016 Grand Jury reported on the excessive costs associated with maintaining Juvenile Hall when the number of juvenile detainees has radically decreased. That report estimated an excessive cost in the neighborhood of \$2,000,000/year. Juvenile Hall continues in operation notwithstanding that there are now even fewer detainees than there were two years ago. While the programs offered at Juvenile Hall are exemplary, the cost is prohibitive. The Board of Supervisors must investigate alternatives to this over-expenditure of scarce County funds.

Other than those issues, in general, the Jury found the public prisons in the County to be well managed and in good condition except for problems related to the age of the facilities at the Nevada City Holding Facility and at the Truckee Jail. The Jury has issued a separate report on conditions related to the transport of prisoners to and from the Truckee Branch of the Nevada County Superior Court.

Findings and Recommendations from the Original Report

Findings

- F1** The written policies and procedures of the Sheriff's Office concerning the Inmate Welfare Fund are not being followed.
- 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.
- F3** The air quality in the administrative and holding cell area at the Nevada County Courthouse Holding Facility in Nevada City is poor.

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.
- 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.
- 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.

- 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.

Respondents to the Original Report

Nevada County Sheriff's Office – Findings F1 and F3 and Recommendations R1, R2, and R4 by 9 August 2018.

Nevada County Board of Supervisors - Finding F2 and Recommendations R3 and R4 by 9 August 2018.

Responses to the Original Report

Begin on the next page.

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

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

Reviewed
7/13/18
TMA

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

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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