

NEVADA COUNTY SHERIFF'S SUBSTATION AT TRUCKEE

REASON FOR THE INVESTIGATION

California Penal Code Section 919(b), requires the Civil Grand Jury to inspect all detention facilities within the county.

PROCEDURE FOLLOWED

The Grand Jury visited the substation at Truckee on September 18, 1997, November 5, 1997, and April 9, 1998. The Grand Jury interviewed Sheriff Troy Arbaugh, both assistant sheriffs, the captain and a sergeant assigned to Truckee. The Grand Jury also reviewed pertinent sections of the State of California Penal Code and the Board of Corrections (BOC) guidelines. Internal BOC documents in the Sheriff's Department were also reviewed by the Grand Jury.

FINDINGS

1. The sheriff is responsible for the substation and managing the holding facility in compliance with state Penal Code requirements and BOC guidelines.
2. The staffing at the substation has not been in compliance with California Penal Code Section 4021, which requires the separation of genders between correctional officers and detainees during booking, body searches and jail management.
3. The BOC inspection dated March 14, 1997, found the substation noncompliant with BOC staffing requirements. Prior BOC documents showed the substation had been noncompliant regarding the management of female detainees since 1991.
4. In August 1997, it was reported that a facility correction officer was reported for allegedly inappropriate conduct with female detainees. He was immediately placed on administrative leave and subsequently terminated. On September 23, 1997, he was arrested and charged with 12 counts involving six complainants.
5. On September 23, 1997, a BOC field representative, in a letter to an assistant sheriff, made the following recommendations regarding the Truckee substation:
 - Improve supervision and accountability of employees at the facility.
 - Improve safety of inmates at the facility.
 - Review the Truckee holding facility procedures to reflect the requirements of Penal Code Sections 4020.7, 4020.8, 4021 and 4023.6. These sections define the role of female staff and the treatment of female detainees.
 - Upgrade the facility to meet current standards for audio monitoring in accordance with California Code of Regulations, Title 24, Section 470A.2.22.
 - Video monitor certain areas critical to supervision of detainees.

- Keep daily log of jail checks and activities in a bound ledger that cannot be altered to insure that staff maintain required checks and not rely on cameras to monitor detainees.
- Make supervisors to staff and inmates and make no less than one logged jail check per shift to monitor compliance with policies and procedures.
- The letter further stated that a BOC inspection dated December 18, 1996, had noted noncompliance with staffing standards. The BOC inspector recommended that all existing jail staff vacancies be filled and that an additional position be added to provide relief for staff vacancies and coordination of operations.

6. During their November 5, 1997, visit the Grand Jury requested a daily log and BOC documentation indicating that the facility had been in compliance since September 1997; neither was provided.

7. The holding facility's operational hours were reduced effective December 24, 1997, because no female staff members were available and the holding facility was in noncompliance with BOC guidelines. The directive to reduce hours was from the administrative sergeant to all personnel. The directive stated that all detainees were to be transported to the Wayne Brown Correctional Facility in Nevada City when the jail is closed. These procedures were subsequently confirmed by a memo from the captain effective January 28, 1998. The captain in charge on April 6, 1998, issued a memo for processing and transporting of female detainees at the facility to the four correctional officers. A copy of Penal Code 4021 was attached and all personnel acknowledged that they had read the memo.

8. The Grand Jury found confusion in the chain of command in the management of the jail facility at the substation.

9. The Grand Jury reviewed the substation's policies and procedures manuals and found there were neither revision numbers nor dates on the contents. Therefore the Grand Jury was unable to determine if these manuals had been revised to reflect current policies and requirements.

10. A review of BOC proposed physical improvements to the facility was held during the Grand Jury's April 9, 1998, visit. The status of these proposed improvements is still unknown.

CONCLUSIONS

1. The continued operation of the Truckee substation holding facility with less than the required staff placed the sheriff, the detainees and Nevada County taxpayers at risk.
2. The sheriff operated the holding facility in violation of the California Penal Code and BOC guidelines.
3. The Truckee holding facility has not been properly managed by the Sheriff's Department.

RECOMMENDATIONS

1. The Grand Jury recommends that the sheriff operate all holding facilities in the county in compliance with the California Penal Code and all requirements of the BOC.
2. The Grand Jury recommends that the sheriff advise the Board of Supervisors annually of the risks associated with failure to comply with Penal Code and BOC regulations.
3. The Grand Jury recommends that the Truckee facility be closed if not in complete compliance with the California Penal Code and all BOC regulations.

REQUIRED RESPONSES

Sheriff
Due August 30, 1998