

WAYNE BROWN CORRECTIONAL FACILITY

REASON FOR INVESTIGATION

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

PROCEDURE FOLLOWED

The Grand Jury performed a physical inspection of the facility on three occasions, interviewed the captain in charge, the assistant sheriff, the sheriff, the Nevada County administrative officer, members of the Board of Supervisors and other law enforcement personnel. The Grand Jury reviewed previous Grand Jury findings and official responses, internal documents and reports prepared by other governmental agencies.

FINDINGS

1. The California Board of Corrections rated the facility capacity as 230 full-time beds including five beds in the medical section. There are also nine beds in the disciplinary section where an inmate can be held for a maximum of 30 successive days.
2. The population currently averages 150 inmates during the week with a small increase (approximately 20) over weekends.
3. The county Sheriff's Department has a Home Detention Program, wherein appropriately classified inmates wear an electronic device which allows the Sheriff's Department to monitor their location.
4. Minimum-security prisoners may volunteer to work outside the facility during the day for government agencies and non-profit organizations.
5. The facility appeared clean and operationally efficient. It includes a kitchen where inmates make up most of the staff. There are: a dental facility, recreation areas for maximum-, medium- and minimum-risk inmates, a law and lending library, laundry facilities, booking and visiting areas.
6. The facility has two roll-up "sally port" doors which secure the area for vehicles used to transport inmates to court and other destinations. During all inspections it was noted the "sally port" doors were inoperable, which the Grand Jury found has been the case since April 1997. One is locked in an open position using "C clamps" and the second is locked in a down position. The Sheriff's Department reported that "leaving the doors open with the clamps has created a severe security problem for arresting officers and correctional staff."
7. Regarding the "sally port" doors the following time line was noted by the Grand Jury during their research:

- Sometime during the period April 1, 1997, to April 10, 1997, the “sally port” doors became inoperable. The Grand Jury was unable to find a Sheriff’s Department log entry indicating the precise date when the doors became inoperable.
- April 15, 1997: An intra-department communication from the facility captain to the sheriff, described broken doors as a “severe security hazard.”
- April 22, 1997: Letter from the sheriff to the County Administrative Office described the broken doors as “a major security problem” and “a severe security problem for the arresting officers and the correctional staff.”
- April 25, 1997: E-mail from the County Administrative Office to the assistant sheriff stated, “We agree that this is a security issue and should be addressed.”
- May 8, 1997: E-mail from the County Administrative Office to General Services-Purchasing with copy to the Sheriff’s Department, giving approval to repair or replace the doors “when you have identified a funding source.” Note: The Grand Jury found the Criminal Justice Temporary Facilities Construction Fund had a balance of \$86,000 as of May 8, 1997. The county counsel verified that these funds could have been used as the funding source.
- The Grand Jury was unable to find documentary evidence that any further action was taken for the seven-month period from May 8, 1997, to December 15, 1997. There was evidence of dialogue between General Services and the Jail Operations, but there was no conclusive action.
- December 15, 1997, the Grand Jury interviewed the county administrative officer and the then chairman of the Board of Supervisors regarding the inoperative doors. The chairman of the Board of Supervisors stated this was the first time he was aware of this problem. As a result of this interview the chairman of the Board of Supervisors took immediate action to see that these doors were repaired.

8. At the March 3, 1998, meeting of the Board of Supervisors the “sally port” doors were discussed. The chief administrative officer stated “that while the issue was known in April 1997, it was not presented as an urgent item.” Although the sheriff’s letter of April 22, 1997, did not specifically describe the broken doors issue as “urgent,” it did indicate that such caused a “major” and “severe security problem.” The Grand Jury finds that major and severe security problems affecting the safety of officers and correctional staff are urgent items which should be identified as such to the Board of Supervisors and remedied immediately.

CONCLUSIONS

1. With the exception of the doors, noted above, the Wayne Brown Correctional Facility appears to be well maintained and operated efficiently.
2. The Sheriff's Department took appropriate and timely action in notifying the chief administrative officer of the problem. However the Sheriff's Department failed to follow up on the initial communication with assertive action to assure that the problem was corrected.
3. The office of the county administrator failed to inform the sheriff that funds were available to repair the doors from the Criminal Justice Temporary Facilities Construction Fund. The sheriff should have known of the existence and availability of these funds.
4. The Grand Jury has significant concern that the Board of Supervisors does not always receive accurate information in reports to the board as noted in the meeting of March 3, 1998.

RECOMMENDATIONS

1. The Sheriff's Department must take responsibility for problems with detention facilities, and ensure that appropriate and timely corrective action is taken.
2. The Board of Supervisors should ensure that county policy has a requirement that all departments inform the board of security issues where county employees or the public are at risk.

REQUIRED RESPONSES

Board of Supervisors
Due September 30, 1998

Sheriff
Due August 30, 1998

**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO THE
1997-1998 CIVIL GRAND JURY FINAL REPORT
FINDINGS & RECOMMENDATIONS**

I. GRAND JURY INVESTIGATION:

Wayne Brown Correctional Facility.

A. RESPONSE TO FINDINGS & RECOMMENDATIONS:

Findings:

1. Agree.
2. Agree. The average inmate population is below the maximum capacity of the facility.
3. Agree.
4. Agree.
5. Partially disagree. Inmates working in the kitchen as volunteers to receive sentence credit are not considered facility staff.
6. Agree.
7. Agree. A funding source was identified in May 1997, but the sally port doors were not repaired until March 1998.
8. Agree.

Recommendations:

- 1. The Sheriff's Department must take responsibility for problems with detention facilities and ensure that appropriate and timely corrective action is taken.**

The Board agrees with the Sheriff's response that the recommendation has been implemented. Additionally, the Board will recommend to the Sheriff that a formal policy and procedure be developed to implement security and safety notifications and response protocols.

The Board also agrees that the Sheriff should remain responsible for the identification and reporting of operational and structural problems at the facility, despite the transfer of facility management responsibilities to the General Services Department.

2. **The Board of Supervisors should ensure that county policy has a requirement that all departments inform the board of security issues where county employees or the public are at risk.**

The Board of Supervisors has directed the implementation of procedures and protocol for identifying safety and security issues and reporting them to appropriate authorities, including the Board of Supervisors. These procedures and protocol will be distributed to all County departments on the first of each year, beginning on January 1, 1999.

Staff has been directed to prepare a directive resolution implementing the program and present it to the Board for consideration by October 31, 1998.

B. OTHER RESPONSES REQUIRED:

Sheriff