

# NEVADA COUNTY SHERIFF'S OFFICE

## REASON FOR THE INVESTIGATION

The Nevada County Civil Grand Jury found no recent review of the Sheriff's office and specifically the investigative and evidence management responsibility. Further, a question concerning the Sheriff's responsibility as County Coroner was raised in a citizen complaint.

## PROCEDURE FOLLOWED

The Grand Jury visited all evidence holding areas. The Grand Jury interviewed:

- Former Sheriff Troy Arbaugh
- Current Sheriff Keith Royal
- Truckee Substation Commander
- The sergeant in charge of narcotics investigations
- The sergeant in charge of all other investigations
- The sergeant in charge of recruiting and training
- Sheriff's personnel responsible for evidence management

The Grand Jury reviewed the Sheriff's Department internal audit report dated February 1998 on the evidence holding areas and practices and reviewed the Commission on Peace Officer Standards and Training (POST) report on "Employment Data for California Law Enforcement for 1998." Members of the Grand Jury rode a shift with a Sheriff's deputy.

## FINDINGS

### I. EVIDENCE HOLDING

1. There are five areas for evidence holding in two different buildings in Nevada City. The Grand Jury noted in the inspection of one evidence holding area in Nevada City, where large items are held, county maintenance employees have uncontrolled access for building maintenance purposes..
2. There is a secure evidence room with lockers and two steel shipping containers for evidence holding at the Truckee Substation.
3. There are two Sheriff employees in charge of evidence holding in Nevada City and one in Truckee. A log is maintained on all evidence when it is first delivered to the evidence holding area. Entries are made whenever items are removed and returned to the holding area. All entries to the log about evidence movement are manual. A computer report is available from the courts when a case is adjudicated; however, this report does not advise the evidence management staff when evidence can be disposed.

4. Evidence seized by a court warrant requires a court order to return the evidence to the property owner. Other evidence has varying holding periods. Firearms can be held for up to 10 years. Large items may be photographed and then returned. However, the owner can not dispose of the item until all legal action is completed. Illegal drugs are kept in state specified quantities until court actions are completed, then either burned in state licensed incinerators or disposed of by a state authorized chemical laboratory.
5. A licensed gun dealer is authorized to dispose of legal firearms. Legal weapons seized by the Sheriff may be sold to the dealer and he is authorized to sell the weapons. Illegal weapons seized by the Sheriff are destroyed when the court case is completed.
6. Budget requests for improved evidence holding facilities have not been made during recent County budget cycles. The Sheriff's Department has developed a plan to improve the inventory system for evidence management.
7. An in-house audit of evidence was conducted in February 1998 by request from the Sheriff's office. The audit was based on a random selection of cases from the years 1993 through 1997. The audit found different procedures in use at Nevada City and Truckee. The audit did not find that evidence had been lost; however there were five cases with serious discrepancies and 18 with minor discrepancies in the 52 cases selected from evidence held in Nevada City. The audit found one case with a serious discrepancy and two with minor discrepancies in the 19 cases selected from the evidence held in Truckee. "Serious" discrepancies are defined as those cases where items were missing or evidence was in custody after documentation stated it had been released to an insurance company. "Minor" discrepancies are those cases where evidence documentation was not completed to support final disposition.
  - The audit recommended standardized procedures for all county evidence holding areas and the development of formal procedures and forms to record property log notations. The audit found written procedures for evidence management at the Truckee Substation but no written procedures in Nevada City evidence management.
  - The audit recommended a regular interval of re-keying of property rooms and re-coding of the alarms in each of the holding areas. The audit recommended correction of the situation where county maintenance employees have uncontrolled access to an evidence area.

## II. INVESTIGATIONS

1. The sergeant in charge of narcotics investigations has four deputies and one secretary assigned to his staff. In addition, he has one full time Nevada City police officer assigned to his staff.
  - The sergeant has been involved in narcotics investigations since 1980. He has both federal and California training. He is as an expert witness for California courts and courts in neighboring states.

- The major type of illegal drug in Nevada County is methamphetamine. Marijuana was a major problem in the 1980s. However, a turning point in control happened about 1986 due to rigorous enforcement and destruction of growing areas.
  - The narcotics investigation staff are required to use county purchased vehicles that are retained up to five years.
2. The sergeant in charge of all investigations other than narcotics was interviewed. The two investigative sections are separate as both require unique training. There are four full-time investigators and one part-time. Deputies assigned to this section of investigations are rotated to other assignments every four years.
    - Investigative training of deputies is limited due to the cost.
    - A computer is used to access databases for any information concerning a suspect..

### **III OTHER RESPONSIBILITIES**

1. The Sheriff is also the County Coroner. The coroner is responsible for investigation and determination of cause of death. The mortuary service for the coroner is performed under contract to the County. The last contract awarded had two bidders.
2. The Sheriff, as Public Administrator, is responsible for the management of a deceased's estate when no living relatives can be found.

### **IV OTHER FINDINGS**

1. The former Sheriff stated he believed the long delays in changes and improvements to the county jail and other sheriff's facilities is due to the fact that sheriff's personnel are required to develop change designs and requests for proposal with little or no assistance from the County General Services Department.
2. The Sheriff's Department has difficulty in filling deputy and correctional officer vacancies. The sergeant responsible for recruiting and training attends job fairs and speaks at local schools. The recruiting sergeant testified the department had difficulty in recruiting candidates for entry positions and that the low entry pay is a problem. The Grand Jury found at the time of this review that Nevada County is 42<sup>nd</sup> of 58 counties in salary ranges for deputy entry pay. Nevada County is 34<sup>th</sup> of 58 counties for the maximum pay for deputies. Two of the four neighboring counties provide both higher entry salaries and higher maximum salary.
3. Both the former and the current Sheriff stated that improved communications equipment is a major need.

## CONCLUSIONS

1. The evidence holding areas in Nevada City are totally inadequate. A larger organized storage area designed for evidence management would prevent unauthorized access. The current situation places an undue burden on the staff in charge of evidence holding.
  - Property held as evidence, and management of the evidence inventory, lack control.
  - Movement of the evidence for use in court lacks consistent documentation.
  - Uncontrolled access to evidence holding areas by county maintenance employees is unacceptable.
2. The commander and the evidence technician at Truckee are to be congratulated for their development of evidence management procedures.
3. Using purchased county cars for long periods in narcotics investigations places investigators at a disadvantage as the cars are identified by the suspects involved in illegal activities.
4. The low entry pay, when compared to other nearby counties, has contributed to the problems of recruiting deputies.

## RECOMMENDATIONS

1. The Sheriff's Department should develop a plan for a single evidence facility for Nevada City evidence storage.
2. The Sheriff's Department should purchase and implement a computer-based evidence management system with common procedures to reduce the errors that are currently a part of the manual logging and management of evidence.
3. Access to evidence holding areas should be controlled, preventing unauthorized access by all persons except those Sheriff's department employees with responsibility for evidence.
4. Procedures to periodically re-key access doors and re-code alarms to evidence holding areas should be implemented without delay.
5. The County Administrative Officer (CAO) should direct the County General Services Department to investigate, with the Sheriff's Department, potential benefits of using leased cars vs purchased cars for narcotics law enforcement.
6. The CAO should direct the County General Services Department to develop, with the Sheriff's Department, a cooperative process in the design and planning of future changes in the Sheriff's facilities.
7. The Sheriff's Department should request the CAO to conduct a study to determine an entry pay rate that would attract viable candidates for deputies and correctional officers.

## REQUIRED RESPONSES

Sheriff  
Due August 30, 1999

County Administrative Officer  
Due August 30, 1999

Rec 8/13/99 DS

**NEVADA COUNTY  
SHERIFF'S OFFICE**



**KEITH ROYAL  
SHERIFF/CORONER**

July 27, 1999

Judge Carl Bryan, Nevada County Courts  
301 Church Street  
Nevada City, CA 95959

RE: RESPONSE TO GRAND JURY REPORT

Dear Judge Carl Bryan:

This report is prepared in response to the Grand Jury's 1998/1999 Final Report dated June 30, 1999, relative their findings, conclusions and recommendations as they pertain to the Nevada County Sheriff's Office.

The Sheriff's Office would like to acknowledge the investigative efforts of the Grand Jury, as well as recognize their hard work in preparation of this important report.

The Sheriff's Office's responses to the Grand Jury's findings and recommendations are listed as follows:

**Wayne Brown Correctional Facility**

**Findings**

1-14 The Sheriff agrees with the findings.

**Recommendations**

None made by Grand Jury.

**Nevada County Courthouse and Holding Facility**

**Findings**

1-4 The Sheriff agrees with the findings.

5. The Sheriff agrees with the finding. Furthermore, the staff has and uses handheld radios throughout the Courthouse as a primary means of communication.
- 6-7 The Sheriff agrees with the findings.
8. The Sheriff agrees with the finding. At this time, the walk-through metal detector is going into use at the main building entry.
9. The Sheriff agrees with the finding.
10. The Sheriff's staff did not agree to the installation of these doors; the doors could not be staffed safely with the available officers. The issue of public safety during inmate transport has not been an issue. The issues that needed to be addressed concerned security of inmates (keeping them free from harm by outsiders or other inmates), and the availability of contraband to inmates while they are being moved through public corridors.
11. The Sheriff agrees with the finding.

### **Conclusions**

1. The Sheriff agrees with the conclusion. Currently the Sheriff, his staff and the Court staff are working on a plan to increase the safety and security of the Courthouse.
2. The Sheriff agrees with the conclusion.

### **Recommendations**

1. The recommendation has been implemented. The Sheriff also encourages ongoing planning to meet the security needs at the Courthouse.
2. The recommendation requires further analysis, as well as decision relative to budgetary constraints. The Sheriff will work with the Courts to determine the viability and need for installing a surveillance system.
3. The Sheriff supports this recommendation.

## **Nevada County Sheriff's Substation at Truckee**

### **Findings**

1. The Sheriff agrees with the finding.

2. The Sheriff agrees with the finding. The sheriff's office has corrected this problem. Audio and video monitoring systems, as recommended by BOC, have been installed and are operational as of this date. In addition, there are five correctional officers assigned to the Truckee facility of which four positions are currently filled by female officers. As such, staffing complies with BOC guidelines.
3. The Sheriff agrees with the finding. All of the improvements suggested by the Truckee command staff and the BOC have been completed as of this date. The jail has been reopened 24 hours a day, seven days a week. However, as a point of clarification, during 1998, one additional correctional officer position was added to the existing staffing increasing the allocated number of positions from four to five. A sixth position is desirable to allow for a relief factor, however, because of budget considerations, is not currently under proposal nor is it required by the BOC.
4. The Sheriff agrees with the finding. Audio and video monitoring systems as recommended by BOC have been installed and are operational as of this date. In addition, one additional correctional officer position has been added and is currently filled by a female correctional officer.
5. The Sheriff agrees with the finding.
6. The Sheriff agrees with the finding. The surveillance and security equipment as recommended by BOC has been installed and is operational as of this date.

### Conclusions

1. The Sheriff's Office recognizes the need for clear communication in matters such as these. The Truckee command staff kept the executive staff within the Sheriff's Office well informed of the progress, or lack thereof. In turn, the executive staff of the Sheriff's Office worked diligently with General Services' staff in order to facilitate the work. What obstructions or delays that did occur, we feel were due to a lack of clear communication between our executive staff and staff of General Services, and steps are now in place to help prevent such a reoccurrence. Clear written agreed upon expectations are to be used for any projects of significance between the Sheriff's Office and General Services. This should reduce the misunderstandings and confusions that delayed the Truckee project. If blame is to be assigned in the Truckee project, it certainly does not lie within the Truckee command staff, but rather within the executive staff of the Sheriff's Office and other county departments.
2. The Sheriff agrees with the conclusion.
3. The Sheriff disagrees with this conclusion. The projects were broken into individual ones due to the varied funding sources. Accounting and payment was easier if projects funded from different sources were completed in total before going on to the next. One project was subject to some limitations on cost but was not broken



into several projects. The confusion and unacceptable delays were genuine but not as a result of the facts as stated by the Grand Jury report.

4. The Sheriff agrees with the conclusion.
5. The Sheriff agrees with the conclusion. The Sheriff's Office, especially the command staff of the Truckee Sheriff's Station, made exceptional attempts to coordinate the efforts. The lack of a system of accountability and an individual assigned to hold the process accountable was responsible for an inefficient effort at coordination.

### **Recommendations**

- 1- 3 The Sheriff agrees with all three recommendations.

The Sheriff has implemented that all requests will include detailed formal plans and specific timelines for completion. In addition, the Sheriff's Office will establish a priority for the proposed task and a status reporting schedule for management.

The Sheriff recommends in addition to those listed, that the timely accountability demanded be the responsibility of one individual in a position to oversee such projects who has the motivation and authority to sanction those not complying with the agreed upon work plan document.

### **Nevada County Sheriff's Office**

### **Findings – Evidence Holding**

1. The Sheriff agrees with the finding. The Sheriff's Office has submitted a request to modify this holding area to eliminate this problem.
2. The Sheriff agrees with the finding.
3. The Sheriff agrees with the finding. As of this date, this report is being forwarded to the Sheriff's Office evidence staff. It is helpful, but procedures still include, by preference of the evidence staff, manual checking of the DOJ 8715 report.
4. The Sheriff agrees with the finding
5. The Sheriff agrees with the finding.
6. The Sheriff agrees with the finding. Budget requests for improved evidence holding facilities will be made during the next budget cycle. A study of current space, future needs for space and specialized equipment needs has recently been completed. A report outlining such needs will be submitted with this report. The

plan to improve the inventory system is in process consisting of updating current policies, creating a written procedure for evidence handling by technicians and involving additional manpower resources.

7. The Sheriff disagrees partially with the finding.

The finding stated, "...there were five cases with serious discrepancies and 18 with minor discrepancies in the 52 cases selected from evidence in Nevada City." The evidence technician assigned at the time of the audit submitted a report in response to the audit resolving all but one issue.

The audit also recommended standardized procedures for all county evidence holding areas and the development of formal procedures and forms to record property log notations. The audit found written procedures for evidence management at the Truckee Substation but no written procedures in Nevada City evidence management. The Sheriff's Office is currently in the process of updating the written procedures for both facilities.

Lastly, the audit recommended a regular interval of re-keying property rooms and re-coding the alarms in each of the holding areas. The audit recommended correction of the situation where county maintenance employees have uncontrolled access to an evidence area. Both of these issues are also in the process of being corrected.

### **Findings - Investigations**

1. The Sheriff agrees with the finding. However, as a point of clarification, the Sheriff's Office coordinates a narcotics task force that is comprised of one sergeant, three sheriff's deputies, one secretary, and one Nevada City Police Officer. In addition, as of this date, one California Highway Patrol Officer has been added to the task force.
2. The Sheriff agrees with the finding. However, as a point of clarification, the investigative unit is comprised of one sergeant, four full-time investigators, one secretary, and one part-time investigator.

### **Other Findings**

- 1-3 The Sheriff agrees with the findings.

### **Conclusions**

1. The Sheriff disagrees partially with the conclusion. The current system is comprised of several separate storage areas, which can place an undue burden on staff in charge of evidence holding. By nature of the locations and size of the

storage areas, the maintaining of evidence is staff intensive, and results in a waste of staff time and a decreased level of service to the community.

However, it is important to point out that as cumbersome as the system exists, the integrity of the evidence has been maintained. The evidence system is fully functional. There certainly is room for improvement and additional space is needed. However, the evidence system is functioning as it should albeit inadequate.

Lastly, in an effort to improve the existing system, the Sheriff's Office has implemented suggested changes relative updating current policies and procedures as they pertain to the handling of evidence, as well as uncontrolled access problems that were identified by the Grand Jury. However, I feel it important to clarify that the Sheriff's Office's evidence technicians do not allow evidence to leave the facility without proper documentation.

2-4 The Sheriff agrees with the conclusions.


### Recommendations

1. The Sheriff agrees with the recommendation. Research is currently underway with recommendations to be submitted to the Board of Supervisors and CAO in the near future. Because this is a budget issue, further action will rest with the Board of Supervisors.
2. The Sheriff agrees with the recommendation. The Sheriff's Office would like to purchase and implement such a system; however, identifying the funding source is the greater challenge in light of current budget constraints.
3. The recommendation has not yet been implemented, but will be implemented within the next two months, if not sooner.
4. The recommendation has been implemented. The doors have been rekeyed, and the alarms recoded. Formal policies that address the periodic changing of these items will be completed within the next six months.
5. The Sheriff supports this recommendation; however, further analysis is required due to financial considerations. The Sheriff will work with the CAO relative possible implementation, and conduct a study of this recommendation within the next six months, if not sooner.
6. The Sheriff supports this recommendation and will work with the CAO relative possible implementation.
7. The Sheriff supports this recommendation and will work with the CAO relative possible implementation. The County is currently conducting a pay and classification study relative this issue as it pertains to correctional officers. The

Deputy Sheriff's Association, by agreement, chose to be excluded from the study, and recently entered into a negotiated contract relative compensation. The Deputy Sheriff's Association will again begin contract negotiations sometime during October 1999.

Should you, or any member of your Grand Jury, have additional questions regarding this matter, please feel free to contact me at 265-1382.

Sincerely,

A handwritten signature in cursive script, appearing to read "Keith Royal".

Keith Royal, Sheriff

Response

# COUNTY OF NEVADA

STATE OF CALIFORNIA

950 Maidu Avenue • Nevada City, California 95959-8617

Telephone: (530) 265-1480 • FAX (530) 265-1234

E-Mail: [www.co.nevada.ca.us/ncbos/clerk](http://www.co.nevada.ca.us/ncbos/clerk)

BOARD OF SUPERVISORS



Peter Van Zant, 1st District  
Karen Knecht, 2nd District  
Bruce Conklin, 3rd District  
Elizabeth Martin, 4th District  
Sam Dardick, 5th District

September 28, 1999

Cathy R. Thompson  
Clerk of the Board

The Honorable Carl Bryan  
Presiding Judge, Nevada County Courts  
Nevada County Courthouse  
201 Church Street  
Nevada City CA 95959

**SUBJECT: Board of Supervisors Responses to the 1998-99 Nevada County Civil Grand Jury Final Report**

Dear Judge Bryan:

The attached responses by the Board of Supervisors to the 1998-99 Nevada County Civil Grand Jury Final Report are submitted as required by California Penal Code 933(b).

These responses were reviewed and approved by the Board of Supervisors at their regular meetings on September 14 and 28, 1999, and are believed to provide a full response to the Grand Jury's findings and recommendations.

The Board will subsequently review a comprehensive list of the implementation dates included in responses to Grand Jury recommendations. Some dates may be adjusted due to availability of resources and time needed by the County Administrator and other departments and agencies to fully implement each recommendation as requested by the Board. Any changes in implementation dates will be forwarded to you as they occur.

The Board of Supervisors would like to thank the members of the 1998-99 Grand Jury for their participation and effort in preparing the final report.

Sincerely,

PETER VAN ZANT  
Chairman of the Board

Attachments

II. GRAND JURY INVESTIGATION:

**Nevada County Courthouse and Holding Facility**

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

A. RESPONSE TO FINDINGS & RECOMMENDATIONS:

**Findings:**

1. Agree.
2. Agree.
3. Agree.
4. Agree.
5. Agree.
6. Agree.
7. Agree.
8. Partially disagree. A walk-through metal detector was installed at the main courthouse entrance in conjunction with the card lock door alarm and security system upgrade and is now regularly monitored by assigned courthouse security staff.
9. Agree.
10. Agree.
11. Disagree. A card lock door alarm and security system was installed on all courthouse security doors after the Grand jury report was published.

**Recommendations:**

1. **That staffing needs and funding be identified and obtained in order to screen all visitors entering the courthouse.**

The recommendation has been implemented. Resources for future courthouse security system needs will be identified as part of the Sheriff's Department planning process.

2. **That electronic surveillance equipment be purchased and installed in the courtrooms and hallways of the building.**

Disagree. The recent security upgrades at the courthouse now provide improved screening of visitors to the courthouse and have reduced the security threat identified by the Grand Jury. Installation of additional interior electronic surveillance equipment would require construction of a security control facility and assignment of additional staff. The additional expense for enhanced security measures of this type are not presently justified by the potential security threat at the courthouse. The Courts and the Sheriff will monitor the currently installed security system in relation to the on-going security threat and will identify system enhancements when needed. The Board will consider the appropriation of additional funds for future security system improvements when the need is fully validated and funds are available.

3. **That the BOS direct the County Administrative Officer to develop a written procedure to assure that future delays caused by lack of planning are eliminated in completing any projects.**

The recommendation has been implemented. A written project monitoring system will now provide a more comprehensive and effective way to track project status and costs. This system should provide significant improvement to previous procedures but will not totally ensure that all future project planning delays will be eliminated.

III. GRAND JURY INVESTIGATION:

Nevada County Sheriff's Substation at Truckee

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

A. RESPONSE TO FINDINGS & RECOMMENDATIONS:

Findings:

1. Agree.
2. Agree. The substation now complies with all BOC guidelines.
3. Agree. All the recommended improvements have been completed and the facility is open 24 hours a day.
4. Agree. Staffing has been increased and new audio and video monitoring systems have been installed and are operational.
5. Agree.
6. Agree. Audio and video monitoring systems recommended by BOC have been installed and are operational.

Recommendations:

1. **That the BOS direct the County Administrative Officer to develop a work plan document that must be used for all requests for maintenance and remodels that exceed monetary amounts determined by the county.**

The recommendation has been implemented. A new work plan document and revised procedures for processing maintenance and remodel requests exceeding a designated monetary amount have been developed. The General Services department is now using the new system.

2. **That all facility changes using the document defined above must have detailed formal plans and a specific timeline for completion. The originating department must state a priority for the proposed task and a status-reporting schedule for management. This priority requires coordination between affected departments before changing the priority level.**

The recommendation has been implemented. The County Administrator has implemented a priority tasking and status tracking system for all facility projects. Originating departments must also identify funding sources and amounts.

3. **That the BOS demand timely accountability from all department managers and directors involved in correcting any potentially hazardous condition that places the County, its employees or its citizens at risk.**

The recommendation has been implemented. The County Administrator has reminded all department heads to ensure all potentially hazardous facility conditions are promptly identified and corrected. Department and agency heads have also been directed to include the requirement to report and correct hazardous conditions as part of their annual performance measurement objectives within the strategic planning process.



B. OTHER RESPONSES REQUIRED:

Sheriff.

B. OTHER RESPONSES REQUIRED:

Sheriff.

County Administrative Officer.