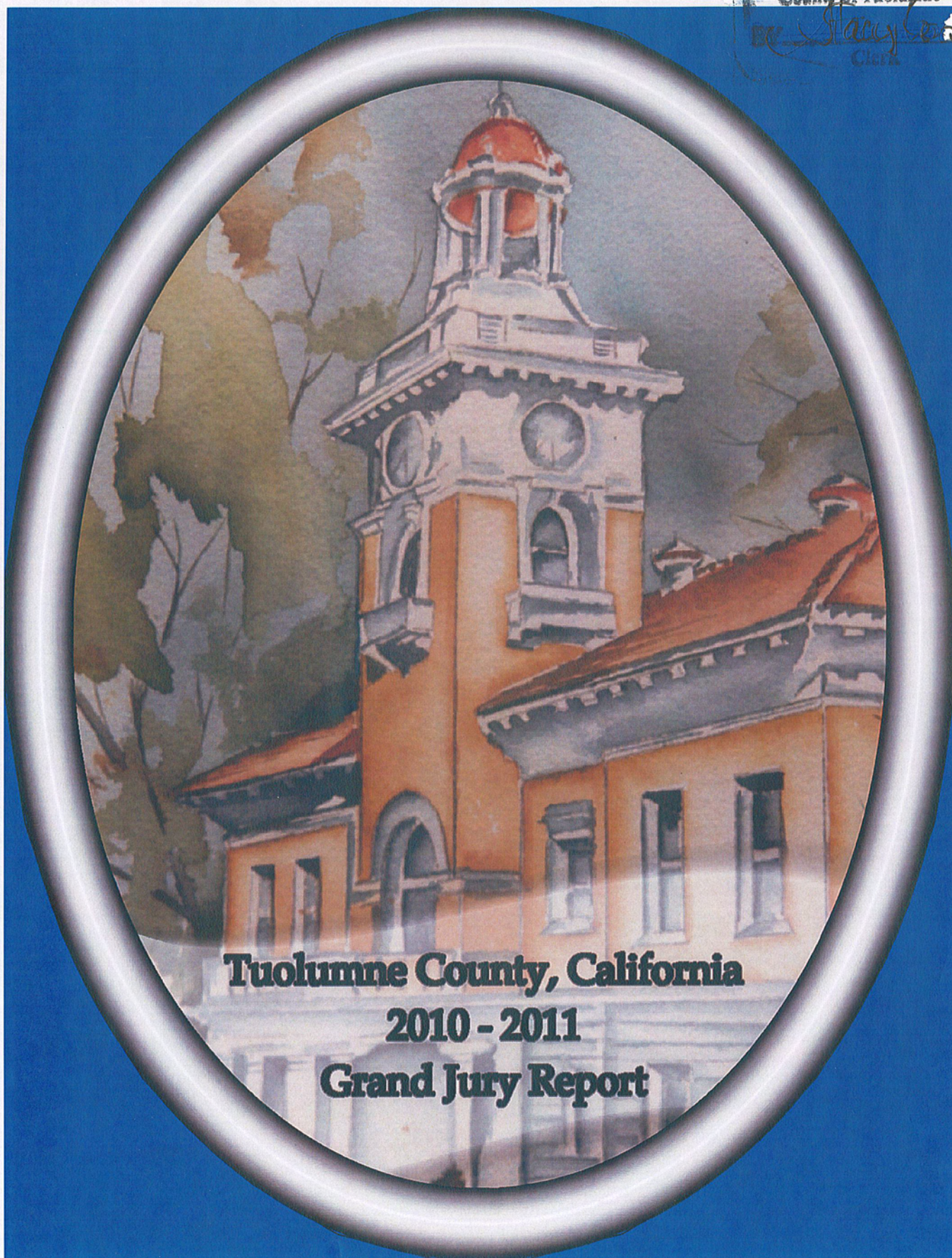


FILED

6/29/2011

Superior Court of California
County of Tuolumne

By *Stacy Cooper*
Clerk



Tuolumne County, California
2010 - 2011
Grand Jury Report

COUNTY COURTHOUSE, SONORA, CALIFORNIA

WATERCOLOR BY: PATRICIA TIPPETT

FROM THE SONORA COLLECTION

OF

ANGELA BROWN

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Grand Jury — County of Tuolumne

Tuolumne County Administration Center
2 South Green Street
Sonora, CA 95370

June 15, 2011
The Honorable Eleanor Provost
Superior Court of Tuolumne County
60 North Washington Street
Sonora, CA 95370

Dear Judge Provost,

The 2010-2011 Tuolumne County Grand Jury is pleased to present its final report to you, the Tuolumne County Board of Supervisors, and the citizens of Tuolumne County.

On behalf of the entire Grand Jury, I thank you for your guidance throughout the year. I would also like to thank our legal advisors, District Attorney Donald Segerstrom, and Assistant District Attorney, Mike Knowles for their advice and assistance.

It has been an honor to represent Tuolumne County. The County has dedicated, committed individuals who tirelessly answered our questions, found information upon our requests and work diligently to keep our county working efficiently. Thank you.

I would like to most sincerely, thank the individual members of the Grand Jury for their conscientious work, resiliency and dedication to our charge. The members of the 2010-2011 Tuolumne County Grand Jury dedicated time and energy to investigate, interview, tour, research and prepare this report.

Grand Jury service is a rare experience. We consider it an honor to have represented our community. We strongly encourage every citizen of Tuolumne County to review our findings, recommendations and responses.

Respectfully submitted,

Terri L. Bell

Terri L. Bell, Foreperson
Tuolumne County Grand Jury 2010-2011

2010-2011 Grand Jury

Foreperson: Terri L Bell, Twain Harte

The Jury

Terry E. Foster Berlin, Sonora
Carol Rensh Biederman, Columbia
Angela F. Brown, Sonora
R L. Eslick, Twain Harte**
Bonnie Hahn, Sonora
Pattilee Hester, Sonora**
Richard A. Jerome, Tuolumne
Tammy K. Johnson, Tuolumne**
Lynham W. Jones, Twain Harte**
Kristen P. Kestly, Tuolumne
Nicole K. Kikugawa, Sonora**
Roger R. McConnell, Groveland**
Edward M. Mintline, Twain Harte**
Jay P. Reis, Groveland
Howard E. Scott, Sonora
Carol H. Shepard, Twain Harte
Karen L. Traverse, Sonora
Joe E. Walton, Sonora

** Denotes Committee Chairperson



CIVIL GRAND JURY INTRODUCTION AND THE REPORT OF THE CONTINUITY COMMITTEE

Introduction

The Tuolumne County Grand Jury (the “Jury”) is a “civil” jury and is charged with representing the citizens of Tuolumne County as overseers of the activities of local government: county, city, school districts, special districts and joint powers. The Jury is not impaneled to investigate potential criminal behavior which might lead to a criminal indictment.

The body of the Jury is composed of nineteen (19) volunteers selected from within the County using voter registration roll and/or drivers' license applications and renewals. The Jury may include up to ten (10) jurors who are “holdovers” from a previous Jury.¹ The Superior Court of Tuolumne County also maintains acceptable alternate volunteers, who may be sworn in should a current sworn juror become unable to serve. In the juror selection process, the supervising judge does due diligence to impanel a jury that “represents a diversity of men and women from socioeconomic, ethnic, age, educational background and geographical areas of the County”.²

The term of the Jury is one year, which begins in July and ends in June.

1 Tuolumne County Grand Jury Guide pg. 7

2 Tuolumne County Grand Jury Guide pg. 7

During the term, the Jury may:

- Establish functional committees that define areas of possible investigation. These County functional areas might be Criminal Justice, Special Districts, Finance, Development/Regulatory, Human Services and Community Service. The only investigative requirement for the Jury, by law, is the county jail and California State prison, both located within Tuolumne County.
- Determine areas of investigation and get full Jury approval by super majority. The areas for investigations may include formalized complaints correctly submitted by the citizens of Tuolumne County that do not imply potential illegal activities.
- Conduct investigations by analyzing work preformed, interviewing department directors and employees, researching on topics and seeking legal opinions using the office of the District Attorney. In a gathering of information, the focus is on the accuracy of the data and source.
- Analyze the facts gathered into a cohesive presentation where the conclusions can be stated in findings and recommendations on the issues.
- Meet with the head of the agency being investigated to ensure that the facts gathered by the Jury, during the interviews, are accurate.
- Write a final report on each topic and get the approval of the full Jury and have the report reviewed by the superior court judges for legal correctness.
- Issue the Final Reports to the County.

Methodology

Overview

Within the organization of the Jury, to maintain a link for activities of previous juries to current and future juries, a Continuity Committee (the “Committee”) can be established.

The Committee may choose “to monitor the responses to the previous grand jury’s reports”³ and ensure the responses are in the format as specified in the California Penal Code 933⁴. Where the Jury feels responses have not been received or the response is not within the format of the Penal Code, these omissions and/or errors can be reported to the presiding judge of the Superior Court of Tuolumne County for actions as the judge deems necessary.

The Committee aids the full Jury by communicating which government entities may need review due to the length of time since the last review, and maintaining a record of entities that are reviewed by the current Jury, which is passed on to the next Grand Jury.

3 Grand Jurors Training Manual, Pages 13-14, Monitoring the Final Report Response Process

4 Grand Jurors Training Manual, Pages 13-14, Monitoring the Final Report Response Process

The Committee can aid the full Jury by communicating which government entities may need review due to the length of time since the last review, and may maintain a record of entities that are reviewed by the current Jury, which is passed on to the next Grand Jury.

Response Monitoring

According to the PC §933(c), “no later than 90 days after the grand jury submits a final report on the operation of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has jurisdiction pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court”⁵.

Section 933.05(a) states that, “...as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the respondent shall specify the portion of finding that is disputed and shall include an explanation of the reason therefore.”

Section 933.05(b) states that, “...as to each grand jury recommendation the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matters to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the grand jury report.
- (4) This recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.”

The above sections of penal code Section 933 were used as the criteria in reviewing the responses to each finding and recommendation from each department or entity included in the 2009-2010 Civil Grand Jury Report.

The Committee chose to monitor responses and created the Department and Agency Response Summary form to log in and control the responses when received (Exhibit 1) and the Individual Department and Agency Response form to make notations

5 California Penal Code §933

pertaining to the specific entity (Exhibit 2). The format for these forms will be passed on to the future jury for use if they so choose.

Investigation Selection

Since 1993, each serving Tuolumne County Grand Jury has maintained the Grand Jury Investigations Matrix (Exhibit 3), which records agencies and departments that were reviewed by year. This year's Jury used this Matrix as a guide for investigation selection, but was not the exclusive source.

Background

Tuolumne County Grand Jury Guide

The County Grand Jury of 2007-8 prepared the Tuolumne County Grand Jury Guide (the "Guide"), which is presented by the Judge of the Superior Court to each member selected to the Grand Jury. The Guide is currently being revised. The purpose of the Guide is to provide "an overview of jury procedures and operations specific to Tuolumne County". Since the majority of the jurors have not served before it is used as a reference for the duties and responsibilities of the Jury.

Jurors' Training Seminar

The California Penal Code 914.(a), which became law in 1959, states: (See Exhibit 4)

(b) To assist a grand jury in performance of its statutory duties regarding civil matters, the court, in consultation with the district attorney, the county counsel, and at least one former grand juror, **shall ensure** that a grand jury that considers or takes action on civil matters receives training that addresses, at a minimum, report writing, interviews, and the scope of the grand jury's responsibility and statutory authority.

The California Grand Jurors' Association, in support of PC §914.(b), provides a two day training seminar for newly appointed jurors. Tuolumne, Calaveras, and Amador counties have joined to hold this seminar and each county pays for each attendee. It provides the participants, in part, with an introduction of jury essentials, the laws governing juries, investigation techniques and report writing. Each of these topics combined give an opportunity for the juror to comprehend the scope of the Grand Jury service and the amount of personal time expected of each juror during their term.

Grand Jury Budget

The Jury, as with all County functions, has an operational budget, which is approved by the Tuolumne County Board of Supervisors. The Jury functions as a volunteer panel, but is reimbursed for mileage (\$.51/mile) and a small stipend (\$15) for each meeting attended. The budget also includes the cost for printing the Jury's final report, which is distributed to the Board of Supervisors, main department heads and courtesy copies to other selected counties. The cost of the Jury's Training Seminar is part of the budget.

The Jury has an operating budget that can be adjusted to meet the needs of the serving Jury in its term. The past years actual expense and the 2010-2011 budget is shown below.

Grand Jury Budget Trends

Account Title	2009 Actual Dollars	2010 Actual Dollars	2011 Adopted dollars
Jury & Witness Expense	\$18,864	\$25,774	\$21,043
Office Expense	\$2,254	\$2,894	\$1,000
Expense-Photocopy	\$113	\$650	\$1,500
Expense Postage	\$0	\$0	\$20
Publication-Legal Notices	\$462	\$853	\$2,000
Travel-Seminars	\$2,638	\$1,074	\$1,200
Total Budget	\$24,331	\$31,245	\$26,763

Investigation Selections and Approach

There are seventeen (17) major departments reporting to the County's Chief Administrator, twelve (12) school districts, and seventeen (17) special districts, and each of these has the potential for review by a sitting Jury. Only the two detention facilities, Tuolumne County Jail and Sierra Conservation Center, are required for annual review as set by California law. So the scope of the Jury, to meet the commitment to the citizens to oversee local government, is large and considering the tenure of the Jury, the subject for the investigation selection process is a principle concern of the Jury.

To aid the Jury, the past investigations are recorded in the Grand Jury Investigations Matrix. This matrix is used to determine if a Tuolumne County function has not been investigated in recent years. There is the possibility that a current issue within the County, that has reached the citizens through the news media, may be able to be clarified by a jury review, and that issue may be selected for investigation. Citizen Complaints, submitted to the Jury, may also be selected by a sitting Jury for investigation. All information gathered in an investigation, including Citizen Complaints, is held in confidence within the Jury.

Once government functions have been identified for review, and jury committees established, if the Jury chooses to create committees, a committee may create a 'white paper' identifying the purpose and scope of the specific review. This Request For Review is presented to the entire jury panel for approval, which will require twelve (12) of the nineteen (19) members.

The committees then begin the process of scheduling interviews with government entities, usually during normal business hours, attending evening meetings of various boards, and scheduling and attending presentations of department speakers before the full Jury.

The time and travel demand while conducting the investigation for each Jury member can be extensive.

Facts

Organization

The Jury tenure is for one year beginning in July of the current fiscal year. However, the actual time available for investigation and interviewing is much less than a year considering the time required for organizing the Jury into various committees, selecting areas for investigation and getting full Jury approval for that investigation. The time required for this phase is dependent upon the member's background and interest, as well as, the member's individual and collective ability to form working relationships. The introduction seminar provided by the tri-counties provides the new members a structure for a team approach to the jury functions, the laws governing grand juries, and the internal organizational team building activities that jury must deal with as a unit. Having carefully selected jurors from a previous jury may aid the organizational process.

The final step of report writing and getting judicial approval also consumes a large block of time. The recommendation of the seminar is to have the reports submitted by January. This allows time for formatting, corrections and approval of the full Jury and the judicial branch prior to printing and distribution.

Delays in this process, caused by false starts due to inappropriate investigations and changes to jury members due to resignations or dismissals, will jeopardize the quality of the final report.

Response to Recommendations

The 2010-2011 Continuity Committee conducted follow-up interviews for departmental responses received for the 2009-2010 Grand Jury Report. The focus was on the various actions that were indicated as being implemented or that would be implemented in the future, to determine if such implementations have occurred. The follow-ups were conducted by phone confirmation or on-site inspection.

Administration

The Jury needs a home base to meet and conduct business, which includes review of citizen complaints, presentations from government officials, exchanges of committee reports and other business of the Jury. The designated place for the Jury is the Tuolumne County Jury Assembly Room on Washington Street. This area is principally used by the Superior Court of Tuolumne County as a collection area for citizens summoned for jury duty and the room is not designed nor appointed with equipment necessary for conducting meetings.

Commentary

Jury Instructions and Training

The Civil Grand Jury is normally composed of County citizens who have never served on a Grand Jury and therefore are not familiar with the function and legal boundaries of a jury. The Jury consists of nineteen members, who frequently are not known to each other, and therefore may not have worked before as a team nor exposed to “group dynamics” of such a large organization.

To ease the matriculation of the Jury, the judicial branch provides an orientation process for jurors. There are introductions to the functions of the jury and the legal boundaries in presentations provided by the presiding judges and the District Attorney’s office.

The County pays for the attendance of a two-day seminar prepared by the California Grand Jurors’ Association. This seminar prepares the sworn juror for areas such as investigation selections, investigation techniques, and report writing.

This Jury suggests that consideration be given to expanding the local introduction presentations on subject matter and presenters so that topics covered in the Association seminars are focused on the government organizations of Tuolumne County. The Jury also encourages future jurors to attend the Association seminar.

With the Grand Jury process under scrutiny, specifically by California Assembly Bill 622 (AB 622) (Exhibit #4), as regards to the Jury report accuracy, interview process, and attorney representation, it seems appropriate jurors utilize the training programs supplied by the County. Specifically, that training on the selection of potential subjects for investigation, that is not necessarily limited to the Matrix, investigative procedures and review of investigative Facts and Findings with department heads to insure accuracy and acceptance of report Recommendations.

Jury Alternates

As mentioned, the Jury is composed of nineteen (19) sworn members. There are additional jurors, not sworn, who act as alternates in the event sworn members are unable to serve as a result of death, illness, dismissal or personal reasons.

The addition of alternates to the sworn jury through out the year may be disruptive to the sitting jury and new members may be slow to the orientation process of the jury process.

This Jury created a mentor program where new members were assigned to a current juror to answer questions and help the new member find a committee investigation that was of interest. This eased the matriculation process. Future juries may find this tool useful.

Remarks

The perception of the value of any Grand Jury by the community in which it serves, and by the government agencies it helps govern shall never be greater than that perception of value given by the judges that impanel it. The 2010-2011 Grand Jury feels the reports contained herein, are a community's single voice of concerns and the voice of justly given praise for employees of Tuolumne County working under difficult financial conditions. The Jury has taken pride in the mutual respect of its members and in it's accomplishments as a body.

Exhibit 1

DEPARTMENT AND AGENCY RESPONSE SUMMARY GRAND JURY REPORT 2009/2010

Entities	Due Date	Response	Disposition	Follow Up
Animal Control	28-Sep	Received	Accepted	Done
Jamestown Land Fill	28-Sep	Received	Accepted	None
Community Development Dept.	28-Sep	Received	Accepted	Done
Child Welfare Services	28-Sep	Received	Accepted	Done
Senior Center	28-Sep	Received	Accepted	Not Required
Public Health Department	28-Sep	Received	Accepted	Done
Sonora Union High School	28-Aug	Received	Accepted	Done
Airports	28-Sep	Received	Accepted	Done
UC Cooperative Extension (Farm Advisor)	28-Sep	Received	Accepted	Done
Veteran Services	28-Sep	Received	Accepted	Done
Public Defender's Office	28-Sep	Received	Accepted	Done
Sierra Conservation Center/Baseline Fire Camp	28-Sep	Received	Accepted	Done
County Jail	28-Aug	Received	Accepted	Done
Superior Court Transportation and Detention	28-Aug	Received	Accepted	Not Required
Probation Department	28-Sep	Received	Accepted	No Response
Drug & Alcohol Court	28-Sep	Not Required	Not Required	Not Required
Early Release Program	28-Aug	Received	Accepted	None

Exhibit 2

INDIVIDUAL DEPARTMENT AND AGENCY RESPONSE GRAND JURY REPORT 2009/2010

Page
Ref:

15-18

Report:	Animal Control
Responding Dept:	Animal Control
Respondent:	Vicki Helmar
Response Due:	28/Sep/10
Response Date Received:	9/Aug/10
Grand Jury Disposition:	ACCEPTED
Recommendation Follow-up:	
R1	Jury recommendation in error. Vehicles are in good working order. Replacements not required.
R2	Visibility to the community-Union Democrat radio and magazine "Friends and Neighbors"
R3	Budget constraints
Grand Jury-2010-2011 Comments:	No Comments

19-20

Report:	Jamestown Land Fill
Responding Dept:	Department of Public Works
Respondent:	Mr. Peter Rei
Response Due:	28/Sep/10
Response Date Received:	24-Jun-10
Grand Jury Disposition:	ACCEPTED
Recommendation follow-up:	
R1	None
R2	None
Grand Jury-2010-2011 Comments:	No Comments

21-23

Report:	Community Development
Responding Dept:	Community Development
Respondent:	Ms. Bev Shane
Response Due:	28-Sep-10
Response Date Received:	28-Jul-10
Grand Jury Disposition:	ACCEPTED
Recommendation follow-up:	
R1	On going-Building officials met once a week. 2010 training for all due to change in building codes. Five training sessions (education week) for all employees.
R2	Public access-investigating purchase of software module.
Grand Jury-2010-2011 Comments:	No Comments

25-27

Report:	Child Welfare Services
Responding Dept:	Human Services Agency
Respondent:	Ms. Ann E. Connolly
Response Due:	28-Sep-10
Response Date Received:	4-Aug-10
Grand Jury Disposition:	ACCEPTED
Recommendation follow-up:	
R1	No Response
R2	Recruitment is a top priority with ten (10) licensing sessions, two (2) presentations, public service announcements, two adds in newspaper and billboards on fields
R3	Not Reasonable. Lawsuit pending which may increase foster family dollars.
Grand Jury-2010-2011 Comments:	No Comments

Exhibit 2.2

INDIVIDUAL DEPARTMENT AND AGENCY RESPONSE GRAND JURY REPORT 2009/2010

Page
Ref:
29-29

Report:	Senior Center
Responding Dept:	
Respondent:	
Response Due:	28-Sep-10
Response Date Received:	
Grand Jury Disposition	
Recommendation follow-up:	
	None
Grand Jury-2010-2011 Comments:	No Comments

Report:	Public Health Department
Responding Dept:	Human Services Agency
Respondent:	Ms. Ann E. Connolly
Response Due:	28-Sep-10
Response Date Received:	4-Aug-10
Grand Jury Disposition	ACCEPTED
Recommendation follow-up:	
	R1 No Response
	R2 Relocation not completed
	R3 BOB van may be discontinued due to lack of funds
Grand Jury-2010-2011 Comments:	No Comments

Report:	Sonora Union High School
Responding Dept:	Sonora Union High School
Respondent:	Dr. M. L. McCoy Ph.D.
Response Due:	28-Aug-10
Response Date Received:	15-Sep-10
Grand Jury Disposition	ACCEPTED
Recommendation Follow-up:	
	R1 Recommendation has been implemented-SHS has Board policy-request of public document, under Freedom of Information Act
	R2 Fresh fruit, vegetables and salad are available to the students
	R3 Violation of collective bargaining
	R4 Dress is appropriate for the job. Logo shirts with SHS are worn.
	R5 No recommendation
	R6 No recommendation
	R7 Did not happen
	R8 No comments required
	R9 School maintained Ag classes for year 2010-2011
	R10 No comments required
Grand Jury-2010-2011 Comments:	No Comments

Report:	Tuolumne Airports
Responding Dept:	Tuolumne County Airport
Respondent:	Mr. Jim Thomas
Response Due:	28-Sep-10
Response Date Received:	28-Jul-10
Grand Jury Disposition	ACCEPTED
Recommendation Follow-up:	
	R2 No Action-Budget constrains
	R3
	An on going effort specifically revised wording in Father's Day Fly-In - NOTAM to revise arrival and holding procedures to avoid noise sensitive to the area located south/west of airport.
	R4 Applied for CAL TRANS Div of Aeronautics Annual Credit Grant. Planning to apply for a FAA airport improvement grant next year for installation of a fire protection water line for south/west of airport.
Grand Jury-2010-2011 Comments:	No Comments

Exhibit 2.3

INDIVIDUAL DEPARTMENT AND AGENCY RESPONSE GRAND JURY REPORT 2009/2010

Page
Ref:

41-42

Report:	UC Coop -Farm Advisor
Response Due:	28-Sep-10
Response Date Received:	3-Aug-10
Grand Jury Disposition:	ACCEPTED
Recommendation Follow-up:	R3 Weekly newspaper articles and informational booths and on line Q&A
Grand Jury-2010-2011 Comments:	No Comments

43-43

Report:	Veteran Services
Responding Dept:	TC Veterans Service Office
Respondent:	Mr. Eric K. Larson
Response Due:	28-Sep-10
Response Date Received:	6-Jul-10
Grand Jury Disposition:	ACCEPTED
Recommendation Follow-up:	R1 Addition Staff- No County funding. R3 Public Service Announcements-TV Cable 8, radio spots on veterans benefits, Union Democrat articles, health and Motherlode Fairs.
Grand Jury-2010-2011 Comments:	No Comments

45-46

Report:	Public Defender's Office
Responding Dept:	Public Defender's Office
Respondent:	Mr. Robert J. Price
Response Due:	28-Sep-10
Response Date Received:	5-Aug-10
Grand Jury Disposition:	ACCEPTED
Recommendation follow-up:	R1 County will attempt to maintain competitive attorney salaries
Grand Jury-2010-2011 Comments:	No Comments

47-49

Report:	Sierra Conservation Center
Responding Dept:	Sierra Conservation Center
Respondent:	Mr. F.X. Chavez
Response Due:	28-Sep-10
Response Date Received:	30-Jun-10
Grand Jury Disposition:	ACCEPTED
Recommendation follow-up:	R2 Vocational Training is provided in the areas of auto body repairs, welding, masonry, carpentry and computer training repairs. R3 None R4 State requires that employees take furlough time to save State money. This includes medical staff. The State requires medical staff at prisons. Prisons must, therefore, require medical staff work during furlough time at overtime rates. This results in more expense for the State.
Grand Jury-2010-2011 Comments:	No Comments

51-53

Report:	Tuolumne County Jail
Responding Dept:	Tuolumne County Sheriff
Respondent:	Sheriff James Mele
Response Due:	28-Aug-10
Response Date Received:	10-Jul-10
Grand Jury Disposition:	ACCEPTED
Recommendation follow-up:	R1 R2 R3 Sally Port Issue- Continues to be partially used as temporary storage due to lack of County space. R6 All fire extinguishers are inspected and serviced annually in compliance with regulations.
Grand Jury-2010-2011 Comments:	No Comments

Exhibit 2.4

INDIVIDUAL DEPARTMENT AND AGENCY RESPONSE GRAND JURY REPORT 2009/2010

Page
Ref:
55-56

Report:	Transportation & Detention	
Responding Dept:	Tuolumne County Sheriff	
Respondent:	Sheriff James Mele	
Response Due:	28-Aug-10	
Response Date Received:	10-Jul-10	
Grand Jury Disposition:	ACCEPTED	
Recommendation follow-up:		
	R1	None
	R2	None
	R4	None
Grand Jury-2010-2011 Comments:	No Comments	

57-59

Report:	Probation Department	
Responding Dept:	Probation Department	
Respondent:	Ms. Adele Arnold	
Response Due:	28-Sep-10	
Response Date Received:	6-Aug-10	
Grand Jury Disposition:	ACCEPTED	
Recommendation follow-up:		
	R1	
	R2	
	R3	
	R4	
	R5	
Grand Jury-2010-2011 Comments:	No Comments	

61-63

Report:	TC Drug & Alcohol	
Responding Dept:		
Respondent:		
Response Due:	28-Sep-10	
Response Date Received:	Not Required	
Grand Jury Disposition:		
Recommendation follow-up:		
	None	
Grand Jury-2010-2011 Comments:	No Comments	

65-66

Report:	TC Early Release	
Responding Dept:	Tuolumne County Sheriff	
Respondent:	Sheriff James Mele	
Response Due:	28-Aug-10	
Response Date Received:	10-Jul-10	
Grand Jury Disposition:	ACCEPTED	
Recommendation follow-up:	None	
Grand Jury-2010-2011 Comments:	No Comments	

Exhibit 3

GRAND JURY INVESTIGATIONS MATRIX

		(X) INVESTIGATIONS, (C) COMPLAINTS, (F) FOLLOW-UPS TO PREV REPORTS																
Department	Year	93/94	94/95	95/96	97/98	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	10/11
BOARD OF SUPERVISORS																		
Board of Supervisors																		
County Travel				C										X				
COUNTY ADMINISTRATOR'S OFFICE																		
County Administrative Office		X					X		X									
Salary Increases - County Administrator																C		
Ethics															X			
Claims & Settlements																		
Facilities Management		X										X						
Tuolumne City Memorial Hall				C														
County Administrative Officer							X		X	F								
County Budget											X							
Human Resources Department				C											X			
Information Systems and Services						X				X								
Y2K Preparedness							X											
COMMUNITY SERVICES																		
Airports		X			X					X							X	
Farm Advisor											X						X	
Library		X			X	X								X				
Carlo M. DeFerrari Archives										X								
Parks & Recreation		X	X															
Recreation Department		X								X								
Youth Centers		X																
Sierra Railroad Right-of-Way										C								
County Schools Office/Office of Education								X	F	X								
Special Education										X								
Schools Consolidation																	X	
Sonora Union High School						X	F											X

Exhibit 3.2

GRAND JURY INVESTIGATIONS MATRIX

Department		Year	[(X) INVESTIGATIONS, (C) COMPLAINTS, (F) FOLLOW-UPS TO PREV REPORTS]																	
			93/94	94/95	95/96	97/98	98/99	99/00	00/01	01/02	02/03	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	10/11
Big Oak Flat Groveland Unified School District/Tenaya School							X					C	F							
Curtis Creek School				C																
Superintendent & Staff Salaries											X									
Veteran's Services											X							X		
OFFICE OF THE COUNTY COUNSEL																				
Salary Increases - County Counsel										X										
DEVELOPMENT & REGULATORY																				
Dept. of Agriculture		X																		
Ag Commissioner					X									X						
Ag Programs														X						
Special Services (Bees, Weed Control)		X																		
Consumer Protection		X																		
Environmental Protection		X																		
Weights and Measures		X												X						
Air Pollution Control		X					X	X					X	X						
Animal Control							X	X	X		F		X	X				X		
City of Sonora-Development Project Bungalows@ Woods Creek														C						
Community Development Department										X								X		
A.N. Francisco Bldg. Hours of Operation														C						
Building Department						C	X								X					
Clerical															X					
Building & Safety		X																		
Code Compliance															X					
Engineering Development Division															X					
Department of Public Works			X			C		X							X					
Monument Fees				X																
County/Traffic Study				X																

Exhibit 3.3

GRAND JURY INVESTIGATIONS MATRIX

		[X] INVESTIGATIONS, (C) COMPLAINTS, (F) FOLLOW-UPS TO PREV. REPORTS]																
Department	Year	93/94	94/95	95/96	97/98	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	10/11
Educational Reimbursement (DPW)												X						
Fire Prevention													X					
Tuolumne County Fire Protection													X					X
Geographic Information System													X					
Planning Department		X			X	F							X					
Traffic and Services Mitigation Fees (Planning Dept)				F														
Jamestown Beautification Project(DPW and Planning Dept.)													X					
County Fire		F						X							X			
Fire Protection Districts		X		X										X				
Ambulance- Fire																		
Economic Development Company				X														
Jamestown Landfill				C													X	
Jamestown Mine Property							X			X								
Solid Waste Management															C			
SPECIAL DISTRICTS																		
Tuolumne Utilities District						C				X	X							
Twain Hart Community Services District						X									X			
Carters Cemetery																		X
Tuolumne City Parks & Recreation																		X
Tuolumne City Sanitation District																		C
Tuolumne City Fire District																		C
Tuolumne City Lighting District																		X
FINANCE																		
Assessor- Recorder												X						X
Archives												X						
Financial Services					X													
Mgt./Over-sight of Fiscal Affairs										X								

Exhibit 3.4

GRAND JURY INVESTIGATIONS MATRIX

		[(X) INVESTIGATIONS, (C) COMPLAINTS, (F) FOLLOW-UPS TO PREV REPORTS]																	
Department	Year	93/94	94/95	95/96	97/98	98/99	99/00	00/01	01/02	02/03	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	10/11
Clerk/Auditor-Controller			X	F		X	X			X			X	X	X				X
Clerk/Elections Division/Registrar of Voters														X			X		
Public Audit											F								
Tax Collector-Treasurer			X	F		X													X
Revenue & Recovery						X						X							
Visitors Bureau/Film Commission							C												
GRAND JURY AUDITS																			
Continuity Committee																			X
Conflict of Interest State of Economic Interests Form 700										X									
The Brown Act							X												
Grand Jury Recommendations/Responses (Survey)			X	X			X	X		X				X			X		
Correspondence Committee							X												
Investigations Matrix																X	X	X	X
Website														X					
HUMAN SERVICES																			
Amador/ Tuolumne Community Action Agency														C					
Human Services Agency/Dept of Social Services			X			X			X					X		X			
Adult Protective Services									X					X					
Child Protective Services/Child Welfare Services		C	X		C	C			X		X	F	C	X			X		
Eligibility Division									X										
Health Department																		X	
Office of Emergency Services	X				X									X			F		
Office of Bio-Terrorism														X					
Women, Infant, Child Program													C	X					
Environmental Health	X	X																	
In-Home Support Services									X										

Exhibit 3.5

GRAND JURY INVESTIGATIONS MATRIX

		[(X) INVESTIGATIONS, (C) COMPLAINTS, (F) FOLLOW-UPS TO PREV REPORTS]																
Department	Year	93/94	94/95	95/96	97/98	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	10/11
Adult Welfare					X													
Groveland Community Services District						X		X		F								
Area 12 Agency on Aging						C							X					
Senior Center			X														X	
Early Fraud Prevention	X																	
Tuolumne General Hospital				C	F	X		X		X	X	X						
Behavior Health/Mental Health/Alcohol/Drug Services (King's View)							X			F				X		X		
CRIMINAL JUSTICE																		
District Attorney					X			X										
Family Support Division	X																	
Probation	X				X							C						X
Early Release Program				X													X	
Juvenile			X	F													X	
Drug and Alcohol Court																		
Public Defender					X						X						X	
Sheriffs Department					X	X	C	X	X	X								X
911/Emergency Response			X	X											X	X		
Jail	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X
Superior Court - Transportation & Detention																	X	
Jim Mele														X				
Law and Justice Center		X															X	
Morale												X						
Narcotic Task Force/Tuolumne Narcotics Team											X				X			X
Sierra Conservation Center	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X
Tuolumne County Transit											X							

Exhibit 4

CALIFORNIA CODES
PENAL CODE
SECTION 914-924.6

914. (a) When the grand jury is impaneled and sworn, it shall be charged by the court. In doing so, the court shall give the grand jurors such information as it deems proper, or as is required by law, as to their duties, and as to any charges for public offenses returned to the court or likely to come before the grand jury.

(b) To assist a grand jury in the performance of its statutory duties regarding civil matters, the court, in consultation with the district attorney, the county counsel, and at least one former grand juror, shall ensure that a grand jury that considers or takes action on civil matters receives training that addresses, at a minimum, report writing, interviews, and the scope of the grand jury's responsibility and statutory authority.

(c) Any costs incurred by the court as a result of this section shall be absorbed by the court or the county from existing resources.

914.1. When a grand jury is impaneled, for purposes which include the investigation of, or inquiry into, county matters of civil concern, the judge of the superior court of the county, in addition to other matters requiring action, shall call its attention to the provisions of Chapter 1 (commencing with Section 23000) of Division 1 of Title 3, and Sections 24054 and 26525 of the Government Code, and instruct it to ascertain by a careful and diligent investigation whether such provisions have been complied with, and to note the result of such investigation in its report. At such time the judge shall also inform and charge the grand jury especially as to its powers, duties, and responsibilities under Article 1 (commencing with Section 888) of Chapter 2, and Article 2 (commencing with Section 925), Article 3 (commencing with Section 934) of this chapter, Article 3 (commencing with Section 3060) of Chapter 7 of Division 4 of Title 1 of the Government Code, and Section 17006 of the Welfare and Institutions Code.

Exhibit 5

California Assembly Bill (AB 622) *Civil Grand Juries.*

Existing law requires each grand jury to submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year, as specified.

This bill would require a civil grand jury to meet with the chief executive or department head of an agency subject to its investigation at least 45 days prior to the issuance of its final report to discuss the nature of the investigation and to receive the comments of the chief executive or department head. By requiring additional duties of local government officials, this bill would impose a state-mandated local program.

Existing law provides that a grand jury acting through its foreman and the attorney general or the district attorney may make a joint written request for public sessions of the grand jury, as specified. Existing law provides that if the court, or the judge, finds that the subject matter of the investigation affects the general public welfare, involving the alleged corruption, misfeasance, or malfeasance in office or dereliction of duty of public officials or employees or of any person allegedly acting in conjunction or conspiracy with such officials or employees, the court or judge may make an order directing the grand jury to conduct its investigation in a session or sessions open to the public.

This bill would instead require every civil grand jury session in which testimony under oath is given to be open to the public. The bill would allow the grand jury, acting through its foreman, and the Attorney General or district attorney to make a joint request for closed sessions, as specified.

Under existing law, no person is permitted to be present during the criminal sessions of the grand jury except the members and witnesses actually under examination, and certain other specified persons, including, among others, the district attorney, an interpreter, and the officer having custody of a prisoner witness while the prisoner is testifying.

This bill would authorize any witness who is called to give testimony under oath before a civil grand jury to have counsel present on his or her behalf while he or she is testifying. The bill also would create in any witness who is the subject of a grand jury investigation the right to disclose, in writing, exculpatory evidence to the prosecutor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Tuolumne County Parks and Recreation Department

Reason For Investigation

The 2010/2011 Grand Jury decided to look at the Tuolumne County Parks and Recreation Department (TCPRD) as it had not been investigated for some time. The Grand Jury (the Jury) chose to focus attention on youth related facilities and activities: Standard Park, Sonora Tiny Tots, Tuolumne County Youth Centers, Aquatics and the Fire Fighter Training Program.



Methodology

The Jury began its investigation by meeting with the staff from the Tuolumne County Parks and Recreation Department in October of 2010. The Jury then visited all County Youth Centers during the fall of 2010 and, in early December, Sonora Tiny Tots. During the Jury visitations, all personnel graciously answered questions and provided any documents or information that was requested.

Background

The TCPRD is located at 43 North Green Street in Sonora, CA. Maureen Frank is the Deputy County Administrator in charge of the operations and facilities. TCPRD's goal statement reads: "Creating Community through People, Parks, and Programs."

Keeping this goal in mind, the Parks and Recreation Department work to provide many recreational services to the public. The TCPRD works to strengthen community image and provide a sense of place, while promoting fun and celebration for all who use TCPRD facilities.

Facts

Standard Park

Standard Park has been utilized by Tuolumne County for several decades. It is located at 18500 Standard Road in Sonora, CA. It is overseen by one supervisor and is maintained by one grounds keeper. It has four athletic fields, a concession stand, playground, public restrooms, and a picnic area in the parking lot. Approximately 100,000 visitors utilize this facility each year. Standard Park is the most profitable of all departments under TCPRD.

The park is primarily used for athletic purposes, but can be rented by the community for personal events. Renting the area, advertising on bill boards, and concession stand sales are all sources of revenue for TCPRD. The concession stand is contracted out to an outside vendor, the Senior Youth Partnership (SYP). The park receives a rental fee and approximately 10% of the profits. Standard Park has a three-year contract with SYP.



Inside the park is a playground area with aging equipment. The public restrooms are dimly lit and the scoreboards are in need of an upgrade. The park is clean and family friendly; accessibility and parking meet reasonable standards. During the course of the Jury's investigation, TCPRD informed the Jury that a grant had been

obtained to help with improvements to the park. The passage of Proposition 40, the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (2002 Resources Bond), in the amount of 2.6 billion dollars provides funding for local assistance grants.

Please see Appendix A for Tuolumne County Prop 40 funds.

Findings

- F1.** The lighting in and around the restrooms needs to be improved.
- F2.** Standard Park has lost billboard rentals due to business closures and the poor economy.
- F3.** The scoreboards are in need of repair or replacement as several lights are out and the face of some are broken. The playground equipment has aged and is currently under repair. Due to the high water table work has been postponed. It is roped off until approval is complete. The stairs and slide were replaced in February, 2011.

Recommendations

- R1.** Continue with the plan to use the grant money to fix the restroom lighting issues.
- R2.** Create a billboard that can be seen from the roadway to let the public know what facilities are available to rent.
- R3.** Continue with the plan to use grant money to update the playground and scoreboards.

Remarks

The Jury feels that Standard Park is an asset to Tuolumne County. We would like to promote the usage and availability of this park to the public. We greatly appreciate the cooperation of TCPRD in helping to obtain information for this report.

Request for Response

According to the penal code §933(c), no later than 90 days after the grand jury submits a final report on the operation of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has jurisdiction pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court.

The Jury suggests the following respond to the recommendations:

R1-R3 Tuolumne County Parks and Recreation Department

Facts

Sonora Tiny Tots

Sonora Tiny Tots is a program that serves Tuolumne County children between the ages of three to pre-kindergarten. The program is located in the log cabin building at 732 S Barretta St in Sonora, CA. This facility is a multiple use facility and can be rented by other organizations. This multiple use requires the Tiny Tot staff to secure their materials in locked cabinets each night. The yard is very large with little visible outside equipment.



Sonora Tiny Tots employs one coordinator and two assistants. The coordinator is required to have 14 Early Childhood Education credits and the assistants at least 12 credits. All employees are fingerprinted. This program serves 30 students each session. The school offers five sessions a year (four, six week sessions and one, seven week summer session). Each session runs Monday through Thursday. A lottery system is used to determine who attends each session. The cost for the program is \$124.75 for two days per week or \$249.50 for all four days. Each session runs from 9 a.m. to 12 p.m. The program receives \$1800 per year from Tuolumne County.

Findings

- F4.** Sonora Tiny Tots program provides safe, developmentally appropriate, preschool opportunities for Tuolumne County children.
- F5.** Playground and outdoor structures need updating.

Recommendations

- R4.** Continue with program and increase funds as they become available.
- R5.** Use Proposition 40 funds to update equipment (On March 5, 2002, voters passed Proposition 40 by 56.8 percent, the 2.6 billion dollar "California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002" (2002 Resources Bond). The passage of Proposition 40 provided funds

for local assistance grants, as provided for in Sections 5096.600 through 5096.683 of the Public Resources Code.)

Remarks

The Jury found the facility to be run smoothly and the children were happy. There was a feeling of pride that was evident to anyone entering the classroom. The staff greeted the Jury openly and welcomed questions.

Request for Response

According to the penal code §933(c), no later than 90 days after the grand jury submits a final report on the operation of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has jurisdiction pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court.

The Jury suggests the following respond to the recommendations:

R4,R5 Tuolumne County Parks and Recreation Department

Facts

Tuolumne County Youth Centers

The County Youth Centers started in the early 1960's. There are currently three centers in operation at this time. They are: The Groveland Youth Center located at 18950 Hwy 120 in Groveland, The Jamestown Youth Center located in Jamestown at 10540 7th Street, and The Tuolumne City Youth Center at 18636 Main Street Tuolumne. The facilities are open and free to youths from 8 to 18. The center hours of operation are 2:30 p.m. to 8:30 p.m. Each facility has one full-time coordinator. All employees are fingerprinted and a background check is cleared by the Department of Justice. Tuolumne County Youth Centers provide a safe, adult-monitored place for children to interact. Each center has marked emergency exits, fire extinguishers and a kitchen facility.

Organized activities are provided when funding permits. Due to recent funding cuts, the Activities Director positions and the Teen Pregnancy program no longer operate. Field trips and activities have been scaled back. The centers have an average attendance of 300-800 youth per month and upwards of 1000 youth participate in programs during the summer.

The Groveland Center was the first center in the County and has recently moved to a new location. Members of the community, through strong involvement, helped to bring the center to its new and current location next to Mary Laveroni Park. It is

used by many students and utilizes community volunteers to help maintain an on-site homework club.

The Jamestown Center is in an area close to Jamestown Elementary School and Family Resource Center. It is the most heavily used facility in the County. The center is housed in a modular building owned by the county, with the land being leased from the Jamestown School district. It is the oldest and most worn facility.

The Tuolumne City Center is located next to the Tuolumne City County Library. A range of organizations and activities utilize the facility. A senior group meets for a monthly breakfast and a youth council meets once a month to discuss community and youth needs.

Findings

- F6.** Due to the loss of an Activities Director position, cuts in the program offerings have been made.
- F7.** The Youth Centers provide a variety of programs for youths ages 8-18.
- F8.** The Youth Centers provide an adult-monitored environment.
- F9.** Some facilities are in need of basic maintenance and repairs.

Recommendations

- R6.** As funding permits, bring back the Activities Director position.
- R7.** No recommendation
- R8.** No recommendation
- R9.** As funds permit, make improvements for basic maintenance and repairs.

Remarks

We wish to thank all of the Youth Center Coordinators who took their time to talk with us. Children are a vital part of our community. With the help and support of our communities we can continue to provide an opportunity to enrich our youth by establishing an adult-monitored environment that offers activities and a safe place to go.

Request for Response

According to the penal code § 933(c), no later than 90 days after the grand jury submits a final report on the operation of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has jurisdiction pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court.

The Jury suggests the following respond to the recommendations:

R6,R9 Tuolumne County Parks and Recreation Department

Facts

Aquatics Program

The aquatics program has been a part of TCPRD since the 1960's. Currently four pools are in use from May through September. They are:

- Sonora: 430 North Washington St., Sonora, CA
- Tuolumne City: 8640 Main St., Tuolumne, CA
- Twain Harte: 23075 Fuller Drive, Twain Harte, CA
- Columbia: 22540 Parrotts Ferry Drive, Columbia, CA

TCPRD offers Red Cross swimming lessons, life guard training, swim club, recreational swim, teen nights, family nights, water carnivals and adaptive aquatics. A water polo program is offered at the Sonora pool and has approximately 100 members. The pools are also available to rent for parties. Rentals include lifeguards and the use of the picnic areas. All lifeguards are employed by TCPRD and must pass a pre-swim test. All must be at least fifteen years of age and certified in CPR, cardio pulmonary resuscitation and first aid.

Several pools have not been renovated in many years and are in need of various repairs. A renovation project is planned under Proposition 40 and will include chemical storage areas, security covers, surveillance cameras, auto control systems, pool heaters, filtration systems and restroom remodeling. A portion of the money for these projects is coming from the Twain Harte project grant funded by Robert-Z Harris (RZH), that TCPRD applied for and won. This will provide \$324,000 to the project.

Findings

F10. The pools hire 40-50 youths each season.

F11. The pools are in need of safety covers and other updated modifications.

F12. The pools are well utilized by the community. An average weekly attendance is 2800 swimmers. The pools are open May-September.

Recommendations

R10. Continue to keep the pools open. They provide summer work for young adults and a supervised activity for the community. Look into extending the season.

- R11.** Utilize Proposition 40 funds and the RZH grant to make needed repairs and upgrades.
- R12.** Increase public awareness as to rental possibilities. Look into extending the season.

Remarks

The Jury found that the Aquatics program continues to not only be a favorite with the community, but is also a large source of employment for the youth of our communities. May it also be noted that, even with the continued fiscal challenges at hand, the pools of Tuolumne County have managed to stay open.

Request for Response

According to the penal code §933(c), no later than 90 days after the grand jury submits a final report on the operation of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has jurisdiction pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court.

The Jury suggests the following respond to the recommendations:

R10-R12 Tuolumne County Parks and Recreation Department

Facts

Fire Fighter Training Program

TCPRD partners with the Stanislaus National Forest Service to offer a one-week training program for youths from grade 12 to the age of 21. The program is designed to help those interested in furthering their career in fire fighting. The program has been in existence for ten years. Classes are held each spring over the course of one week. The maximum class size is 30, with 5 alternates. The 2011 cost for each participant was \$150 which included all supplies and books.



Photo courtesy of Tuolumne County Parks and Recreation Department

Findings

- F13.** The program provides a unique training opportunity to begin a career with the Forest Service.
- F14.** Acceptance into the program requires that a student be a high school graduate or enrolled and in good standing with their high school.
- F15.** The program is posted online, advertised through local schools and TCPRD. Applications are available at TCPRD.
- F16.** The program has been successful and has met the capacity for enrollment.

Recommendations

- R13.** No recommendations
- R14.** No recommendations
- R15.** Continue to provide appropriate information to the public regarding classes.
- R16.** The class is well attended. Offer another one-week session as the need and funding arises.

Remarks

The Jury wishes to acknowledge Eric Aitken as he was most helpful in providing timely answers to our questions.

Request for Response

No response requested.

Appendix A

PROP 40 PER CAPITA PROJECTS			
<u>COLUMBIA PIONEER PARK:</u>		<u>SONORA SKATE PARK PROJECT:</u>	
New Bleachers with shade covers	\$11,600	Concrete picnic tables	\$3,244
Paint restrooms	\$1,000	Bleachers	\$6,604
Paveball field entrance road up to the bathrooms	\$51,400	Garbage receptacles	\$1,600
		Paint "Steam Donkey" and logging equipment	\$2,552
<u>COLUMBIA POOL RENOVATION PROJECT:</u>		<u>STANDARD PARK SPORTS COMPLEX:</u>	
Chemical storage area	\$150,000	Warning track	\$14,500
Pool security cover	\$8,000	Facility lighting (not field lights)	\$80,000
Surveillance cameras	\$20,000	Playground reconstruction	\$62,200
Automated Control System	\$23,000	Heating and cooling system for hub building	\$11,020
Pool Heater	\$50,000	Surface coat, seal and stripe parking lots	\$18,000
New pool filtration system	\$54,800	Restroom remodel	\$26,500
		Safety netting	\$26,500
<u>JAMESTOWN PATTERSON FIELD RENOVATION PROJECT:</u>		Surveillance cameras	\$34,000
Infield reconstruction	\$5,650	Shade structure for south leg of park	\$42,000
Outfield reconstruction	\$6,050		
Scoreboard	\$6,000	<u>MUSEUM AND HISTORY CENTER PROJECT:</u>	
Bleachers	\$11,600	High density mobile storage system	\$40,000
Snack bar improvements	\$7,650		
Restroom improvements	\$6,650	<u>TUOLUMNE POOL RENOVATION PROJECT:</u>	
Picnic benches	\$4,100	Chemical storage area	\$80,000
Seal coat and restripe parking lot	\$5,000	Pool security cover	\$10,000
		Surveillance cameras	\$20,000
<u>JAMESTOWN ROCCA PARK PROJECT:</u>		Automated control system	\$23,000
Paint restrooms with graffiti paint	\$2,500	Pool heater	\$46,000
Seal and stripe parking lot	\$5,000	Pool restroom remodel	\$43,800
Replacement of trash receptacles and barbeques	\$1,600		
Pour concrete slab around picnic tables and replace wooden stairs with concrete steps	\$5,000	New pool filtration system	\$54,800
		<u>PROP 40 RZH PROJECT:</u>	
		TWAIN HARTE POOL RECONSTRUCTION	\$324,000



Tuolumne County Jail

Reason For Investigation

The Grand Jury is required by the *California State Penal Code §919(a) and §919(b)* to annually inspect any jail facility located within the county limits. The intent of the mandatory inspection is to evaluate the management and condition of the jail on an annual basis. While it has been consistently reported that the jail is in a deteriorating state, the Jury chose to focus the investigation on the following areas: inmate health & medical services, nutrition, education & recreation facilities as well as guard safety.

Methodology

The Jury began its investigation with an overall tour of the facility. The tour provided general information of how inmates are booked, transferred and monitored while being detained. The Jury was introduced to the jail Sergeant, guard deputies, nurse, and kitchen supervisor. Subsequent interviews were conducted to gather more information. As the Jury learned more about the operations of the facility, the focus narrowed on the areas of investigation, with consideration to other aspects of concern. Further information and/or documents were requested and obtained through email communication with department heads.

Background

The Tuolumne County Jail was built in 1959 and has undergone several additions since then. Today, the jail has a maximum capacity of 140 inmates and had a daily average census of 127 inmates for the first quarter of 2010. At the time of the initial

tour, there were 125 inmates. The function of the County Jail is to detain both non-sentenced and convicted adult criminal offenders for a period no longer than 12 months, unless consecutive sentences are being served. The jail facility is comprised of an intake booking area, a work release holding cell, three general population areas (two for males and one for female), isolation rooms, a small library, kitchen and monitoring station. There are four guards and one staff sergeant on duty monitoring a monthly average of 127 inmates.

Facts

Heath/Medical Services

Since 1999, the Tuolumne County Public Health Department has held a contract with California Forensic Medical Group (CFMG), for the provision of health care and medical services to inmates of the Tuolumne County Jail. The dental contract is not included in this contract. The 2009 contract was budgeted for \$822,780 and has now increased to \$845,900, a 2.81% increase.¹ These costs are paid out of the County's health department's fund and not the general fund as is with most other counties. CFMG will cover up to \$15,000 for inpatient medical visits; any costs that exceed that amount are paid for by the county health department. Currently, there is no cap on what the County pays for inmate medical services. The following County health department programs have experienced cut-backs due to their declining budget:

- Public Health Clinic - provides cancer detection and confidential family planning services for people at or below 200 percent of the Federal Poverty Level.
- Targeted Case Management - a home visiting program that previously took referrals for any number of high risk residents, but now is limited to newborns at risk.
- HIV screening services - through referrals only rather than on site testing.
- Health Officer Hours - modified depending upon grant coverage, such as from the H1N1 grant and overall budget cuts.

It should be noted that mid-way through the investigation, the County's health department issued a Request for Proposal (RFP) for inmate medical services for the FY 2011-2012. This attempt to change medical service providers could lead to a reduction of overall medical costs.

Upon arrest, inmates who may be in need of medical attention are taken to the hospital prior to intake. In this case, the County is not responsible for the associated medical costs and they are usually covered by private insurance or Medi-Cal. Upon booking, inmates are assessed during the intake process for drug, alcohol or health related issues. They are monitored closely and medicated per protocol.

¹ http://portal.co.tuolumne.ca.us/psp/ps/tup_admin/entp/c/tu_dept_menu.tu_doc_list.gbl?action=u&content_pnm=employee&catid=2581

The Jury was surprised to find nearly 60-70% of inmates are treated for mental health issues. While funding for the care of mentally ill offenders is generated from a number of sources, the Mentally Ill Offenders Crime Reduction (MIOCR) Grant was a program that provided targeted care to inmates and was funded through the state.

This funding ceased in September of 2008. The objective of the grant was to support local efforts to reduce recidivism and promote long-term stability among mentally ill offenders. The Jury found that Kern County utilized an Adult Transitional Team (ATT), which focused on reducing homelessness, incarcerations and hospitalizations, while increasing education and employment for mentally ill offenders. The ATT reported the one year recidivism rate of participants was only 8% as compared to their pre-program recidivism rate of 41%.²

Medical and Psychological doctors are available Tuesday and Thursday between 8:30-12:00pm. The Inmates are prioritized and may wait up to two weeks to be seen. If inmates come in with communicable diseases, they are quarantined. There are two sick cells and 10 other single cells that can be used with higher risk inmates. Inmates are assessed for decomposition and may be placed in a single cell and seen by a nurse three times a week. Although most deaths at the jail are due to suicide or overdose, there is also a high mortality risk due to asthma. Inhalers are routinely given to inmates and a rescue inhaler of albuterol in cases of acute need.

The nurses work 10 hour shifts which overlap, covering a total period of 20 hours. Between the hours of 3a.m.-7a.m. there is no nurse on staff. Deputies reported the highest intake period for arrests and bookings is 11p.m. to 4a.m. It was noted that often a nurse comes in at 6a.m. to prepare. However, this still leaves the period between 3a.m.-6a.m. without medical staff. Initially, this gap in nursing staff purposed a concern to the Jury. However, the Jury learned that high intake periods do not necessarily translate to increased medical needs. Often times, inmates need a detoxification period prior to medical attention. It was reported that the total number of jail inmates seen in the emergency room at Sonora Regional Medical Center between September 1, 2010, and March 1, 2011, was 21. Of these, only two inmates were seen between the hours of 3a.m. and 7 a.m. Furthermore, at the request of the Tuolumne Health Department, a cost benefit analysis was conducted by CFMG, and it was discovered that the additional cost to employ four hours more was not economical.

Findings

- F1.** The Tuolumne County Health Department public services and programs are being diminished or eliminated due to lack of funding. The County's health department funds are being absorbed by the increasing costs of inmate health services.
- F2.** The Tuolumne County Jail's recidivism rate is 75% within two years of release. This cost the county \$43,763 per year, per offender. The jail currently does not have a socialization or transitional program to assist

2 http://www.cdcr.ca.gov/comio/docs/mentally_ill_in_jails_paper%20.pdf

mentally ill offenders. The jail's physical limitations are considered to be one of the problems with implementing any socialization programs.

- F3.** The lapse in nursing coverage between 3a.m. and 6a.m is a concern of the Jury. However, due to the low rate of inmates sent to Sonora Regional Medical Center during those hours and the report conducted by CFMG, the Jury does not find it viably economical at this time to increase nursing coverage.
- F4.** There are clear and precise guidelines and protocols for infection control, employee exposure, safety and communicable disease screening.

Recommendations

- R1.** No recommendation other than to proceed with the RFP for 2011-2012 for change of medical group and reduce overall inmate medical costs.
- R2.** Create transitional and socialization programs such as ATT for mentally ill offenders. Modify the TV systems to allow for broadcasting of DVD programs to overcome the physical challenges of the jail.
- R3.** No Recommendation
- R4.** No Recommendation

Remarks

The Jury found Dr. Stolp to be very dedicated and proactive to County's health service needs. His detailed responses to our inquiries were much appreciated.

Request for Response

According to California penal code 933(c), no later than 90 days after the grand jury submits a final report on the operation of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has jurisdiction pursuant to section 914.1 shall comment within 60 days to the presiding judge of the superior court.

Tuolumne County Health Department

Facts

Nutrition

The Jury was able to sample the food and found it to be satisfactory and presented in an acceptable manner. The kitchen was clean and items clearly labeled. The

nutritionist oversees food guidelines and ensures that calorie count guidelines are followed. In 2009, the jail outsourced the food service to Aramark, which has greatly reduced food costs overall. The cost per meal is \$2.39. Inmates are allowed to buy commissary foods, which can be purchased once a week. The kitchen staff is required to wear a hair net and gloves, but the Jury found on two out of three visits, hair nets were not worn.

Findings

- F5.** During the tour of the kitchen facility, there were three occasions in which two of the people providing food service were not wearing hair nets.
- F6.** The food is overseen by a nutritionist and follows guidelines but is lacking in fresh fruits and vegetables. Due to cost and budget many food items are processed and commissary items chosen by many inmates are not highly nutritious. Furthermore, personal eating habits may affect the intake of adequate nutrition.

Recommendations

- R5.** Enforce kitchen standard health policies and require all kitchen personnel to wear hairnets and gloves at all times. Post signs as a reminder.
- R6.** The inmates should be advised to discuss with their Primary Care Physician a vitamin supplement regiment and the benefits of a healthy diet.

Request for Response

According to California penal code 933(c), no later than 90 days after the grand jury submits a final report on the operation of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has jurisdiction pursuant to section 914.1 shall comment within 60 days to the presiding judge of the superior court.

R5. Tuolumne County Sheriff's Department

R6. Tuolumne County Health Department

Facts

Education & Recreation

Almost 90% of the jail population is incarcerated for alcohol or drug related issues. Narcotics Anonymous (NA) and Alcoholics Anonymous (AA) courses are available to the inmates. Each course is held four times a month, twice for men and twice for women. This only accommodates six participants at each session. Instructors for NA

and AA classes must have been through the program themselves, be clean/sober for a minimum of two years and recommended by Association leaders before they can serve as instructors. Bible Study classes are held each week and accommodate six participants.

The jail has a library cart with books the inmates may check out. The Cart Program receives books from the Groveland and Sonora Libraries. A depository for donated paperback books is being set up at Sierra Bible Church, so that members of the community may contribute.

Morris Gaede, the Inmate Program Specialist, is implementing a new General Education Degree (GED) program. Due to the transient nature of the jail population and because of the lack of teachers, classrooms, tutors, budget restraints, minimal jail staffing and the limitations of the existing facility, Mr. Gaede has chosen a 'self help' approach to the securing of a GED. To this end, the Program Specialist has purchased quality self-study materials that the inmates can request, check out and keep in their cells to study and prepare to take the exam. A referral system is in place for inmates to continue their GED preparation studies at Columbia College upon release from jail. Sheriff Mele is committed to addressing the needs of those inmates interested in furthering their education.³ These materials are paid for through the Inmate Welfare Fund, a charge on commissary items that inmates purchase, at no cost to taxpayers.

In addition to the GED program, Mr. Gaede has purchased DVD programs that address parenting, jobs, substance abuse, anger management and release planning. The jail is hoping to modify the TV system to allow for jail-wide closed circuit broadcast of these programs. Once implemented, this plan will offer more educational services to the jail population.

Currently, the inmates have a mandatory recreational period of three hours per week. The open air space has high walls, a wire mesh at top with a few metal benches and an exercise apparatus against the wall. The basketball hoop was removed due to injuries and abuse. Through inmate interviews, two inmates reported that the recreation area was "adequate".

Findings

- F7.** The limited classroom space environment makes it difficult to provide NA and AA support for what is the vast majority of inmates. Also, it is difficult to find and maintain a consistent supply of instructors.
- F8.** The availability of the self-help approach and materials for a GED as well as Columbia College's provision for continuing study makes opportunities possible that the inmates might not otherwise have.
- F9.** Reading is one of the primary ways inmates cope with 'doing time.' The inmates in the County jail encompass all levels of reading ability and all levels of interest. For many, this is the first time they have ever taken the

3 The Union Democrat, February 14, 2011

time to read.

- F10.** The recreational space is small and not adequate for any variety of sports. To maintain good physical and mental health, exercise is an important factor.

Recommendations

- R7.** Members of the community who meet the criteria mandated by NA and AA for instructors are encouraged to volunteer for the jail program, since having more instructors to draw from assures the continuity of the existing program.
- R8.** No Recommendation
- R9.** Create a community book donation program, so that members of the community can donate books directly to the jail. Community members should be encouraged to donate used paperback books to the donation center at Sierra Bible Church.
- R10.** The Construction of a new jail facility is greatly needed. This would allow for adequate movement and open space. Detention facilities with higher risk inmates have more open space and equipment which allows for the promotion and sustainability of proper health.

Remarks

The Grand Jury commends the Inmate Program Specialist for instituting the new GED program, the Sheriff for his support of the program and Columbia College for providing the opportunity for inmates to continue their studies, Sierra Bible Church for making possible a donation site for paperback books and the Groveland and Sonora libraries for donating books.

Request for Response

According to California penal code 933(c), no later than 90 days after the grand jury submits a final report on the operation of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has jurisdiction pursuant to section 914.1 shall comment within 60 days to the presiding judge of the superior court.

Tuolumne County Sheriff's Department

Tuolumne County Health Department

Facts

Guard Safety

The Jail Guards stated their main role is to protect the inmates. The dilapidated state of the Jail poses many safety concerns for the guards as well as the inmates.

Although the fire and security systems are said to be checked monthly, the guards have no fire protective gear in the event of an emergency. They reported that they do not have the necessary gear to evacuate the inmates safely and went on to say, in the event of a fire, they would basically have to open the emergency exits and worry about rounding the inmates up later. On March 9th, 2011 the Corrections Standards Authority (CSA) conducted the 2010-2012 biennial inspection of the Tuolumne County Jail, pursuant to Penal Code Section 6031. Under Section 1032, Title 15, Fire Suppression Preplanning, a monthly fire prevention inspection is required by facility staff with 2-year retention of records. During the last inspection only 7 of 14 preceding monthly inspection records could be produced.

The Jury learned that often there was only one deputy covering three stations. This leaves some areas at risk and poses a major safety concern for the guards and inmates. The decrease in staffing is mainly attributed to the current budget issues. However, the physical layout of the jail contributes to these risks as well. Previous Grand Jury Reports have continuously reported the need for a new jail. The CSA inspection also reported the facility as “clean, but is showing its 50-yr age.” Monthly inspection reports indicated constant maintenance service requests for leaky roofs, missing hardware, faulty plumbing and peeling wall coverings. Water damage was also observed in several areas. The new Law & Justice Center, although it has not been approved by the Tuolumne County Board of Supervisors yet, is intended to include the following buildings: Courthouse-100% State Funded, Juvenile Detention Facility-75% State Funded and CHP Patrol Office-100% State Funded. Due to the availability of State funding, construction on these buildings will most likely begin within the next few years. Additional County buildings planned for the site are: Jail-needs significant State funding, Sheriff’s Office-100% County Funded, Justice Building-100% County Funded. It was reported by the County Administrative Officer the estimated cost of constructing a new jail is approximately \$90 million. The County is hoping that the State will return to its historic way of funding jails via statewide general obligation bonds, voted by the people of the State. This traditionally covered 90-95% of the building costs.

Findings

- F11.** Guards do not have the proper fire gear and equipment to safely evacuate the jail inmates. Per the CSA inspection, compliance with the Fire Suppression Preplanning code could not be verified.
- F12.** As consistently reported, the facility and the level of staffing are inadequate. This continues to be a problem and a safety issue for the guards and inmates. If the State does go through with the transferring of criminals from

prisons to local jails, the need for a new jail will be even greater. The County cannot afford the construction of a new jail and needs the funding support of the State.

Recommendations

- R11.** Provide the necessary protective gear and equipment to safely evacuate personnel and inmates. Consult the fire department to assist in determining the proper safety gear needed. Perform and record all monthly fire inspections.
- R12.** Ensure all stations have a guard at all times. Continue to push for the new jail construction. Community members should appeal to their County supervisors to approve the Law & Justice Center and be cognizant of new legislature which pertains to the issuance of statewide general obligation bonds as a way to fund county buildings.

Request for Response

According to California penal code 933(c), no later than 90 days after the grand jury submits a final report on the operation of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has jurisdiction pursuant to section 914.1 shall comment within 60 days to the presiding judge of the superior court.

Tuolumne County Sheriff's Department

Remarks

The jail personnel continue to make the best of the difficult situation. The Jury commends them on their ability to work in a challenging workspace while maintaining a positive work attitude. The Sergeants and Deputies demonstrated strong work ethics and appeared to have positive interactions with inmates.



Tuolumne County Probation Department

Reason For Investigation

The Grand Jury chose to investigate the Probation Department with a particular focus on the fundamental challenges of the Department as well as the Juvenile Delinquent and Adult Sexual Offender Divisions. Additionally, the overcrowding of state prisons, combined with cuts in state and local budgets, presents a potentially significant future impact on the County's Probation Department and the programs they offer.

Methodology

As part of the investigation, the Jury met with the Tuolumne County Probation Department on several different occasions. The focus of the meetings was to obtain a broad perspective of the Adult and Juvenile Department's roles and responsibilities. The Jury was greeted by the Department Chief and several probation Officers. They provided us with in-depth power-point presentations on the organizational structure, goals, programs and activities. Furthermore, they described the juvenile intake procedure and Adult Sex Offenders monitoring process. Subsequent questions were directed to the Department Chief, all of which were answered in a timely manner.

Background

The Tuolumne County Probation Department goals are: to serve the courts, restoration of victims, protect the community and rehabilitate offenders to become contributing members of the community. Probation Officers are an important component of the criminal justice system. They attempt to rehabilitate offenders

while enforcing court orders by balancing the roles of social worker and law enforcement officer.

Probation is a court-ordered process providing a suspended sentence that includes treatment and rehabilitation of offenders, while allowing them to remain in the community under supervision. Probation links the county's systems and resources such as law enforcement, the courts, prosecutors, defense attorneys, and community-based organizations (such as mental health and drug and alcohol). Each county offers varying types of specialized services and programs. Some departments evaluate their probation programs, but this varies from county to county.¹ It is believed that probationers "who remain in the community maintain a family connection and family support, which often enhances their overall ability to benefit from services."² Furthermore, the cost of probation has been found to represent a small fraction of the expense of institutional confinement.³

In California, probation is administered at the county level and is unique in its governance structure. Nationally, there are six basic governance models. (See Table 1 below) California is the only state to follow the combination of local judicial and executive governance.⁴ This means probation departments are governed by both the judicial (the courts) and the executive (the county government) branches of local government.

Probation Departments: Organizational Options

Organizational Structure	Number of States	Percentage
State-Level executive agency	30	60.00%
State-level judiciary	9	16.00%
Local judiciary	5	10.00%
Local executive agency	3	6.00%
State and local executive agencies	3	6.00%
Local executive agency and judiciary*	1	2.00%

* California

In addition, California probation departments differ from other states in their funding source. The majority of states, approximately 70%, receive funding support primarily from the state. About 24% are supported through a combination of state and local funding. However, California and Indiana are the two states who receive primary funding exclusively from local government. State and federal grants are additional revenue sources but may not be available during times of fiscal uncertainty. Many states, including California, receive additional funding through offender fines and fees.⁵

1 <http://70.89.227.250:8080/stateprofiles/profiles/CA06.asp>

2 <http://www.courts.ca.gov/xbc/cc/fullReport.pdf>

3 <http://www.courts.ca.gov/xbc/cc/fullReport.pdf>

4 B. Krauth and L. Linke, *State Organizational Structures for the Delivery of Probation Services* (June 1999) table 3: Primary Funding Sources for Adult Probation Services, p. 8.

5 <http://www2.courtinfo.ca.gov/probation/documents/new/executivesummary.pdf>

Probation departments in California generally supervise both juvenile and adult offenders. Currently there is no statewide agency who oversees county probation operations. Furthermore, there is no statewide standard for caseload size.

Facts

Juvenile Department

The Tuolumne County Juvenile Department employs sixteen people:

- one Chief Officer,
- two senior officers,
- six deputy officers,
- four part-time aides (drivers),
- one counselor,
- one technician clerk
- one legal clerk.

Three vacant positions were reported during the investigation. The Investigation Officers review all juvenile police reports, refer charges/offenses to the District Attorney, complete the investigation and prepare court reports with dispositional recommendations. If the juvenile needs to be detained, they are held at the local probation department until pickups or placement arrangements are made. Each officer carries a case load that varies between 18-40 cases.

State law requires all county boards of supervisors to establish and maintain juvenile halls or to establish joint juvenile halls with other counties. There are 60 juvenile halls in California, with approximately 8,221 beds available. Additionally, there are 66 camps and ranches which provide 5,706 beds.⁶ All but three of California's 58 counties have their own juvenile halls and many operate their own camp and ranch facilities. Tuolumne County does not currently have its own Juvenile Hall facility but instead contracts five beds at the Yolo County Juvenile facility (240 miles away) for \$110 per day. These beds are paid for whether filled or empty. This amounts to \$40,150 per year not including transportation and other costs.

The alternatives to detention are: the Electronic Monitoring System (EMS), Home Supervision, Crisis Home Placement and Juvenile Work Program. In addition to Yolo County, Tuolumne outsources Detention to: Bakersfield, Redding, Trinity and San Benito. The following issues underscore the need for a Juvenile Hall facility in Tuolumne County:

- Extraordinary County resources are devoted to out-of-County placement for juveniles that require incarceration.
- Programs that are likely to reduce recidivism and possible out-of-home placement through family involvement are not available to our juveniles and

⁶ <http://70.89.227.250:8080/stateprofiles/profiles/CA06.asp>

families when they are in other counties.

- Treatment programs involving County agencies cannot be initiated while the juvenile is out-of-county.
- Little control over programs our youth participate in or cost of beds.
- Exposure to juveniles who display more sophisticated delinquent behavior.

The Probation Department has secured a 16 million dollar grant from the California Department of Corrections and Rehabilitations (CDCR) for the construction of the new Juvenile Facility. This new facility will provide 30 beds, with memorandums of understanding with Amador and Calaveras Counties for use of 3 and 8 beds respectively. The County Office of Education will provide education services and the Jail will provide food and laundry. The total cost of the facility is estimated to be 22 million and is expected to be completed by 2014.

In 2009, the Department reported 273 law enforcement referral/reports. Juvenile cases are initiated by an arrest or citation and can be closed by counseling and release, informally with six month supervision, or referred to the District Attorney for a petition to be filed and court order issued. Of the 273 cases, 175 were referred to the District Attorney for consideration of filing a petition for juvenile court and 98 were handled informally, counseled and released or closed during the intake process. At the time of this investigation, the Department was supervising 100-150 juveniles throughout the county. Each offender is assessed for risk as standard procedure throughout California probation departments.

In California, juvenile arrests and incarcerations have fallen over the past ten years.⁷ This could be attributed to county probation departments implementing major initiatives aimed at juvenile offenders.⁸ These initiatives have translated into providing more juvenile programs and services. These programs receive funding largely from grants exclusively earmarked for juvenile services. Tuolumne County offers the following juvenile programs:

- Teen Drug and Alcohol: Introductory, educational, substance abuse group.
- Intensive Substance Abuse: For youths who have completed the teen Drug and Alcohol group and continue to use or are older and not appropriate for the Teen group.
- Teen NA/AA: Narcotics and Alcoholics Anonymous group facilitated by NA and AA members who share their stories and how they recovered and continue to maintain sobriety.
- Girls Circle: A skills-building support circle. Examines thoughts, beliefs and actions about friendships, trust, authority figures, mother/daughter relationships, sexuality, dating violence, HIV, drug abuse, stress and goal-setting.

7 http://www.rand.org/pubs/research_briefs/RB9130/index1.html

8 http://www.rand.org/pubs/research_briefs/RB9130/index1.html

- Youth Guidance Program: Information from community resources for the youths and parents.
- Victim Impact Program: Designed to help juvenile offenders understand how crime affects victims, families, communities and offenders.
- New Horizons: Exposes youth to a variety of activities that they may not otherwise have had the opportunity to experience.
- Aggression Replacement Training: Three components: Anger Control, Skills Streaming and Moral Reasoning.
- Thinking for Change- Cognitive Behavioral intervention which focuses on social skills and problem solving.

These programs are being used based on studies of success. However, the Department does not utilize a tracking system for program participants and their re-offense or recidivism rate. Nor do they monitor program effectiveness in any way.

One of the biggest challenges for the Juvenile Department is the lack of appropriate homes (group and foster) for youth. Placement is a major part of a juvenile's rehabilitation and although the ultimate goal is to place the child back with their families, temporary placement is needed. This problem of placement becomes increasingly more difficult as the child gets older. This is attributed to both child behavioral issues and foster homes preference of younger children.

The Department also specified difficulties for mental health services and limited resources/options in substance abuse services for youth. They recognize their need for formalized Family Finding.



Picture used with permission of the Tuolumne County Probation Dept.

The 1995-96 and 2009-10 Grand Juries recommended that until the new Juvenile Hall Center is built, the Probation Department should construct a holding/interview cell at their current location. This new holding cell was completed in 2010 and provides the juvenile and officer a safe location to which monitoring and interviewing can take place. (See Picture)

Adult Department

Between 2000 and 2009, the number of adult cases assigned to the Tuolumne County Probation Department increased by approximately 50%.⁹ Adult felony offenses increased while adult misdemeanor offenses decreased during that same time period. (Table 2) According to the RAND Corporation study, "Prison vs. Probation in California, "the increasing use of probation as a sentence for felons is a high-risk gamble. However, the study reported prisoners, once released, had higher recidivism rates than probationers at a significantly higher cost to the criminal justice system much more."¹⁰

TABLE 2-Adult Probation Caseloads in Tuolumne County

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total Probation Cases	1473	1460	1658	1170	2138	2348	2056	2249	2254	2223
Felony Offense	34.00%	35.00%	34.00%	25.00%	33.00%	33.00%	42.00%	41.00%	45.00%	45.00%
Misdemeanor Offense	66.00%	65.00%	66.00%	75.00%	67.00%	67.00%	58.00%	59.00%	55.00%	55.00%

At the time of the Jury's investigation, there were approximately 320 adults on probation. Due to staff shortages, only about half are under supervision. The Department focuses on supervising high risk re-offenders and all sex offenders on parole. There are 126-128 registered sex offenders in Tuolumne County. In addition, there are eleven sex offenders on parole and eleven on probation being actively monitored.

After an offender completes their probation/parole requirements they must continue to register with the Sheriff's Department once a year. This annual registration is the offender's only requirement and once they are no longer on probation, they are not susceptible to ongoing monitoring by the Department. It then becomes the responsibility of the Sheriff's Department to ensure their registration is up to date. Once an offender registers with the authorities, their information can be found online at 'www.meganslaw.ca.gov.' Megan's Law was enacted under Assembly Bill 488 in September of 2004 with the intention of granting the public access to information on sexual predators in and around their areas. This information can also be available through the Sheriff's Department as well as many other online sources.

⁹ http://stats.doj.ca.gov/cjsc_stats/prof09/55/7.htm

¹⁰ <http://www.rand.org/pubs/reports/2007/R3323.pdf>

A new law coming into effect will greatly aid in the monitoring of sexual offenders. This new law is AB 1844, also known as the Chelsea King Child Predator Prevention Act 2010. It will require longer sentences for sexual offenders as well as requiring law enforcement agencies to fill out what is known as a State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO). Current law provides that the SARATSO for adult males be the Static-99 risk assessment scale. This risk assessment form provides law enforcement with a measuring system in which they determine how dangerous an offender is to the public and his/her risk of repeating the offense, also known as recidivism.

Findings

- F1.** The County's probation population has shown to be consistently increasing over time. This increase can only be expected to continue with the proposal of repositioning criminals from the state to the local criminal justice system. Additionally, workload or cost-drivers in the probation system, such as legislative mandates, court orders, state budget decisions and administrative directives, are generally not within the control of the County, even though the County bears the budget responsibility. This bi-governance structure presents the conflict of owing to two "bosses". As a result, the Department's workload exceeds their capabilities without proper and sufficient funding. Often this can lead to "banking" a portion of an officer's caseload. "This is when the probationer is only rarely or intermittently monitored for compliance with court orders due to insufficient resources to provide appropriate levels of supervision."¹¹
- F2.** The County incurs tremendous costs to outsource juvenile hall services. The grant received from the California Department of Corrections and Rehabilitations is expected to cover approximately 72% of the estimated building costs. The new Juvenile Hall will help reduce juvenile probation costs, but more so, it will create an environment that promotes rehabilitation locally with family and program support.
- F3.** The Probation Department currently offers a variety of programs and services. However, at the current time there is not a system in place to track either juvenile or adult program effectiveness.
- F4.** As recommended by the 1995-96 and 2009-10 Grand Juries, the creation of a Juvenile holding cell was completed in 2010. The holding cell will provide a safe environment for both the juvenile and officer.
- F5.** Only the sex offenders that are on parole or probation are subject to monitoring. This leaves a large number of offenders in the County unmonitored. Although high risk offenders are more closely monitored, not all offenders have been assessed for risk. The new Chelsea's Law requires a risk assessment test (Static 99) be conducted on all new offenders. However, this risk assessment test is not being conducted on existing sex offenders

throughout the County.

Recommendations

- R1.** The Department, County and Courts should work collectively to ensure adequate levels of services, support, funding and oversight of probation services. Workloads should match funding so that probationers are provided with the proper amount of supervision, thus potentially increasing effectiveness of the Department as a whole.
- R2.** No Recommendation.
- R3.** Develop and implement a program tracking system to determine whether or not programs should be improved, increased or eliminated. Efforts and resources should be focused on programs which are proven to be effective. Standards with measurable outcomes are vitally necessary when operating with limited budgets.
- R4.** No recommendation.
- R5.** Develop a method for administering the risk assessment test on all registered sex offenders throughout the County by 2012. This could be done during an offender's annual registration with some additional training of the Sheriff's Department staff.

Remarks

The Jury would like to recognize Adele Arnold for making progressive changes to the Department as whole. She has demonstrated strong leadership and has been a critical part of the new Juvenile Hall development. Furthermore, her quick response to last year's Grand Jury recommendation is appreciated.

Request for Response

According to California penal code 933(c), no later than 90 days after the grand jury submits a final report on the operation of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has jurisdiction pursuant to section 914.1 shall comment within 60 days to the presiding judge of the superior court.

Tuolumne County Probation Department



Sierra Conservation Center

Reason For Investigation

The Civil Grand Jury conducted inspections of the Sierra Conservation Center (SCC) detention facility pursuant to the *California State Penal Code Section §919(b)*, which requires the Jury to annually inspect the condition of any “public prisons” located within the county limits. The intent of the mandatory inspection is to evaluate the management and condition of the prison on an annual basis.

The Grand Jury chose to focus the investigation on the following areas of interest: nutrition, health, education and base-camp.

Methodology

The Jury began its investigation with an overall tour of the facility. On four different occasions, jury members visited the facility and inspected the general housing area, base-camp, vocational programs and health & nutrition services. These visits were followed by e-mail and telephone correspondence.

Background

Sierra Conservation Center is a correctional facility for minimum and medium custody male inmates. It opened in 1965 and is located near Jamestown, California on 420 acres. The main prison is separated into two dormitory-type facilities for minimum and low-medium custody inmates and one high-medium custody facility

with cells. The general population of the prison is approximately 3600 (numbers change daily). Up to ninety percent of prisoners at SCC are incarcerated for crimes dealing with drugs or alcohol. The cost to house a prisoner is \$49,000 per year.¹

The prison is staffed by 1250 personnel and is the largest employer in Tuolumne County. SCC has a working annual budget of \$103,436,612 for their main facility and the fire camps SCC oversees. This budget figure is down from the 2009 budget of \$151 million, resulting in the loss of some programs.

The SCC administers 19 male fire camps located from Central California to the Mexican border. It is the center for training staff and inmates in firefighting techniques. The camps are situated in rural or wilderness areas for fire suppression. The inmates assigned to camps are dispatched to fight wild fires and other emergencies as well as a variety of community work projects. The SCC Fire Base Camp in Jamestown has a capacity for 134 inmates.

CDCR (California Department of Corrections and Rehabilitation) fire crews respond to hundreds of incidents statewide. In 2009 nearly 6.8 million work hours were completed on wildfires, saving taxpayers millions of dollars. The primary goal of the CDCR Conservation Camp is to provide the cooperative agencies with an able-bodied, trained work force for fire suppression and other emergencies such as floods and earthquakes. In addition, fire crews work on conservation projects on public lands and provide labor on local community service projects. Community service agencies contracting for Base Camp workers pay \$200 a day which is used to pay custody staff coverage. Training prepares inmates for their eventual reintegration into society. There are approximately 4,400 inmate firefighters throughout California.²

Facts

Nutrition

Hot meals are prepared on-site for breakfast and dinner and served in the 'chow' hall. At the morning meal, inmates receive a bag lunch to take back to their dormitory. The food manager sets up a weekly menu based on a heart-healthy guideline. Several diets for religious preferences (example Halal) are available if approved. Meals are budgeted for \$2.50 a day by the State; the actual cost is \$2.57. The men's diet is based on 2769 calories and 30.6% fat with a sodium level of 977 mg. Fresh fruit is given in the 'chow' hall but not allowed in the dorms. Diabetics are given food to carry with them in the event they experience symptoms. Special meals include Christmas, New Years, Thanksgiving and Fourth of July. Each mealtime is fifteen to twenty minutes long. If there is a lockdown, mealtime is reduced to 10 minutes. Grand Jury members involved in the SCC investigation of the food facility received a bag lunch which included four slices of wheat bread, one packet of peanut butter, two packets of grape jelly, one packet of pretzels and two packets of graham crackers.

1 CDCR Annual Report *California Department of Corrections and Rehabilitation – Moving Forward 2010*

2 CDCR Annual Report *California Department of Corrections and Rehabilitation – Moving Forward 2010*

Findings

- F1.** In regards to nutrition, the diet, while adequate in calories and meeting heart-healthy guidelines, is limited due to budget. The lunch provided to Grand Jury members was high in carbohydrates and low in fiber content. However, a review of the monthly menu indicates that, over the course of the day, the inmates do receive the minimum required amount of fiber and fruit.

Recommendations

- R1.** In an effort to be more heart-healthy, the Jury recommends canned foods be replaced with frozen foods whenever possible. This would reduce sodium content and add nutritional value. A vitamin supplement should be discussed with medical staff. More fiber and fresh fruit would be healthier.

Facts

Health

The SCC medical unit is operating with a 6.8 million dollar deficit, some of which is due to overtime salaries. The 2009 medical costs are as follows: dental - 5 million, mental illness/issue – 3.3 million, medical -17 million, prescription - 2.7 million and custody transport overtime - \$250,000. The medical facility maintains 13 beds for out-patient services (inmates returning from hospital, suicide watch or custodial reasons) but is not correction-treatment-center-certified for acute level care. There is one emergency triage bed that is used for the care of an inmate awaiting transport. An officer and RN are assigned to the outpatient unit at night.

The number of scheduled or emergency visits in the latter three months of 2010 averaged 10,654 per month.³ In those three months, a total of 542 were treated off-site for an average of six per day. These numbers do not reflect intake screenings.

Intake screenings include TB (mandatory), shingles and hepatitis B. TB skin tests are administered as the inmate comes off the bus at intake and anytime he returns to the facility after a court appearance. Incoming inmates receive a General Population Center Screening before moving into the general population. The facility offers voluntary flu inoculation. Inmates are given a Health Care brochure upon entry to the facility. If the inmate is unable to read the information, he is given help to understand his rights and obligations regarding his health.

The medical staff at SCC includes mental health professionals (at the time the investigating Grand Jury members met with staff of the medical unit, there were 600 inmates under mental health care), dental professionals, medical professionals and thirty-six Custody Officers for a total of 176 employees. Medical staff and Custody Officers are on-site 24/7. When an inmate is being examined by a doctor or nurse, a Custody Officer is in the area (HIPPA laws still apply). A guard will only be in the room if an inmate is violent or considered high risk. In the event of an emergency, the

3 Information obtained from Lt. Fish.

doctor can signal the guard by taking the phone off the hook. Severely injured or acutely ill patients are transported to Sonora Regional Hospital by Custody Officers.

The facility hires Certified Nursing Assistants for suicide watch. Inmates are isolated for 24 hours of direct observation which is face-to-face through glass, and activity is documented every 15 minutes. Since the State does not recognize nursing assistants, they are hired through contract registries.

Findings

- F2.** Lack of sufficient personnel results in overtime for existing personnel: i.e.: RNs and transport.
- F3.** Members of the jury panel questioned the number of inmates (an average of six per day) treated off-site due to the fact that SCC is not certified for acute care Correctional Treatment Center. In response to that concern, SCC provided the following information:

The current Medical Outpatient Housing Unit (MOHU) at SCC would not be able to meet the physical standards for conversion to a Correction Treatment Center (CTC).⁴

Recommendations

- R2.** Hire additional RNs to reduce overtime costs. Work at State level to get legislation passed to recognize Certified Nurse Assistants, thereby reducing the cost of contracted registries. Seek a better rotation system for transportation of inmates to avoid overtime costs.
- R3.** No Recommendation

Request for Response

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Sierra Conservation Center

4 Correctional Health Services Administration II, Sierra Conservation Center

Facts

Education & Vocational

The cost to house a prisoner for one year is \$49,000. Due to budget problems, the State of California could release up to 40 thousand prisoners over the next two years. Current trends indicate that 60-80% of those released will be unemployed one year after release and 66% will return to prison within three years of release, a figure more than 20% higher than the national recidivism average. Most prisoners are less educated than the general public and have fewer marketable skills. Adult basic education, secondary education and vocational training programs have proven effective if well-designed and led by properly trained staff.⁵

*“Rehabilitation prepares offenders to lead a crime-free life.”*⁶ This study cites a substantial reduction in recidivism for offenders completing in-prison substance-abuse programs followed by community-based substance-abuse treatment. The return-to-custody rate after two years for offenders completing both in-prison and community-based treatment in FY 05-06 was 35.3% compared to 54.2% for all offenders.

In November, 2010, 115 SCC students earned a GED and 58 earned vocational certificates. Budget cuts have cost SCC about 26 percent of its teachers, resulting in the loss of 7 of 24 programs. With all of these figures in mind, the 2010-11 Tuolumne County Grand Jury looked at the educational (vocational, academic and social) opportunities for the inmates at Sierra Conservation Center.

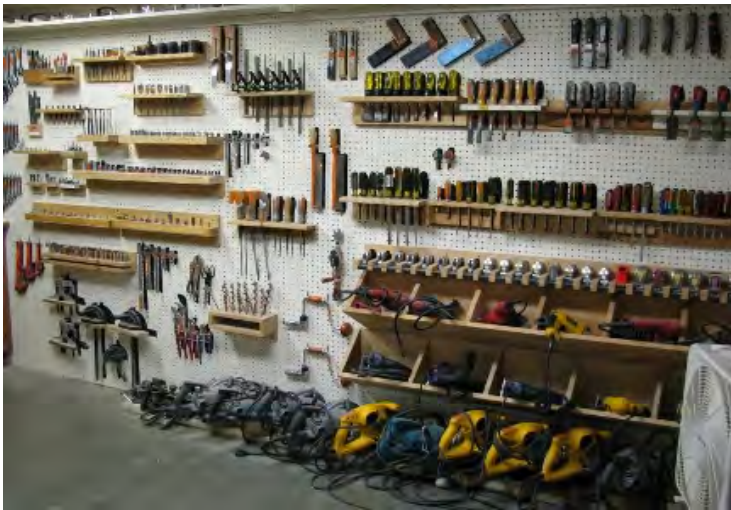


Photo courtesy of Sierra Conservation Center

Several members of the Grand Jury toured the Vocational schools: Carpentry, Welding, Auto Body and Paint, Masonry, and Auto Mechanics at Sierra Conservation Center in February, 2011. There are 27 students per class for a total of 135 students in the vocational programs. The programs serve a constantly rotating population, and beginning and advanced instruction is given at the same time in each classroom. Because of the academic requirements for study and testing, students must have either a high reading level or a GED. Students

with a GED go to the head of the waiting list for their chosen discipline. Vocational instructors are credentialed and work in their fields of expertise in the community to keep abreast of current trends and changes in these areas. Trade Advisory

5 Berkeley Law, University of California (Berkeley Center for Criminal Justice. *Reaching a Higher Ground: Increasing Employment Opportunities for People with Prior Convictions*, November, 2010)

6 California Department of Corrections and Rehabilitation, *Moving Forward 2010*

Committee members volunteer when available. The programs take a year to complete, at which time the student receives an Automotive Service Excellence Certificate, an Industry Certification in his field or a National Center for Construction Education and Research Certification.

The Jury members had the opportunity to see the USS SHREVEPORT replica and a dinosaur, both constructed of scrap metal at the Welding shop, the dog houses and framing projects in Carpentry, a mock patio in Masonry and the paint jobs on the cars in Auto Body and Paint. Members of the staff at SCC had their cars in for repair in Auto Mechanics.

Classroom supervisors wear a Personal Alarm Device and can push the button if a problem occurs. One Correctional Officer is on patrol inside the Vocational area during classes. Other response staff members are close by.



Photo courtesy of Sierra Conservation Center

While the inmate students may have relationship issues among themselves in their quarters and on the yard, the classroom/workshops are respected as neutral territory.

Sierra Conservation Center Adult School (SCCAS) provides the following academic programs: ABE (Adult Basic Education) 1 (non-readers to 4th grade level), ABE 11 (4th to 7th grade levels), ABE 111 (7th to 9th grade levels) and GED Prep for the highest scoring students. The Voluntary Literary Program (VLP), a division of SCCAS, is run by the VLP Coordinator, a credentialed teacher on the paid staff of SCC. There are currently 114 inmates in the program which is taught by community volunteers and inmate volunteers with a GED or high school degree. As of this writing (March, 2011), there were four community volunteers with three more taking the training program.

The prison library, which is staffed by four librarians and 15 inmates, was open 278 hours and served 6,000 users during the last quarter of 2010. The library contains 18,000 volumes for recreational reading covering all interests: fiction, biography, science, history, etc. The library has an interlibrary loan system in place with the other prison libraries in California and is given general funds generated from Sacramento to buy recreational materials and to cover other materials. In 2010 the library received donations of 600 books and 300 magazines from the community.



Photo courtesy of Sierra Conservation Center

The Law Library contains 9,000 volumes, as well as 12 computers on campus which support a weekly download of Law Library Electronic Data Systems, a data collection pool from Sacramento distributed by the Office of Correctional Education. These computers do not have internet access. Library staff is paid out of general funds.

Social programs at SCC include Responsible Fatherhood, AA, NA, Freedom and Choice (Men's Responsibility Group) and Victim Impact. These self-help programs are run by volunteers. Enrollment in these programs varies from 25

inmates to as many as 350, depending on the program and the number of classes offered. There are Bible study programs as well as worship and teaching services for the various religious practices of the prison population.

Findings

- F4.** The quality of work viewed in the vocational shops was high, the staff and administration found to be dedicated and rightly proud of the students' work. Work areas were clean and neat, and safety issues regarding tool accountability strictly monitored. Because instruction is being given to incoming students as well as advanced students at the same time, the flexibility of the instructor is essential. The staff of the Vocational Center welcomes the Trade Advisory Committee members who volunteer to assist in the various disciplines.
- F5.** Members of the Grand Jury investigating the educational and social programs at SCC were impressed with the dedication of the staff involved in providing educational opportunities for the inmates. Because the programs depend on volunteers, there is always a turnover and an ongoing need for more volunteers.

Recommendations

- R4.** Members of the community who are either members of the Trade Advisory Committee or someone within the industry who is familiar with current techniques are encouraged to volunteer their time and expertise for the vocational programs.
- R5.** While it might be appropriate to recommend more credentialed teachers be hired and the suspended classes be reinstated, the reality of budget cuts

renders such a recommendation impractical. Members of the community are encouraged to consider volunteering for assistance in the academic and social programs. This is an opportunity to share skills and knowledge and make a difference in the lives of others.

There are not necessarily education/experience requirements to become a volunteer. It is mainly the desire of the individual to be a positive influence, share experiences and be a positive role model for the inmates.”(Staff member referring to the volunteer programs at SCC.)

“If not for the volunteers, they (the prisoners) wouldn’t be in a program at this time.” (Staff member referring to the VLP.)

“We need volunteers of all types - Literacy, Anger Management, Yoga, Parenting, Family Relationships, those that are willing to assist with paperwork functions, or have other specialty skills that they can teach inmates and that are consistent with our mission and the goals of the department.” (Community Resources Manager.)

Persons interested in volunteering for work at the prison should contact margo.wilkerson@cdcr.ca.gov or via telephone at (209)-984-5291 ext. 5557 (Name used with permission.)

Request for Response

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Sierra Conservation Center

Facts

Sierra Conservation Center, Base Camp

Located a short distance from the main SCC facility, SCC Base Camp is a 50 acre 'Prison Without Walls.' Staffed by one sergeant and eight deputies, it is one of 19 male camps located from Central California to the Mexican border. Here, five fire crews, as well as crews for sew-shop and food service, live and work until their sentences are completed. Base Camp is a pleasant setting maintained by the inmates. The crews are housed in small dormitory units, 17 men to a unit, with six cubic feet of personal area for each inmate. At the time of the Grand Jury visit, the population at Base Camp was 115 with a maximum capacity for 134. The cost of camp is \$15,000 per inmate per year as compared to \$49,000 per inmate per year in the main population.



Photo courtesy of Sierra Conservation Center

To qualify for the Base Camp, an inmate must have five years or less on his sentence. Inmates incarcerated for sex, violent or arson crimes are not eligible. To be considered for camp, the inmates must meet health/fitness requirements prior to forestry training. The training session is two weeks.

Sew Shop makes supplies for the fire crews and sells some of their products to fire departments at a savings of 50-60% over retail cost. Food services provide meals for the workers. The meals at Base Camp are higher in calories and protein than the meals at the main facility. The Grand Jury was served a typical fire camp meal with tri-tip, rolls, potatoes, salad bar, cake and diet drink. The kitchen was clean and the servers wore gloves and hairnets.

For each work day, inmates receive two days off their sentences. If working on a fire, inmates make \$1.00/hr. or \$24.00 per day. For work days at schools and parks, they make \$1.45/day. A percentage of inmate earnings is allocated to victim restitution.

Recreational opportunities at Base Camp include basketball, weight lifting, handball, volleyball and hiking trails (must be supervised). Saturdays and Sundays are visitation days.

While site searches for drugs, weapons and cell phones are done each day, there are no fences or guns at Base Camp and the camp is neutral territory and has no gang

affiliations. It is considered a privilege to be at camp and inmates risk being sent back to SCC if violations occur.



Photo courtesy of Sierra Conservation Center

The Citizens' Advisory Committee provides oversight for Sierra Conservation Camp. This body meets bi-monthly on the second Wednesday of the month at 8:00 a.m. at Council Quarters at City Hall. The agenda includes reports by staff from the prison, advising on the progress of various programs at the facility. The public is welcome at these meetings. The press, once present at every meeting, has not been a regular attendee of late.

Findings

- F6.** The Base Camp was found to be a well-run facility.
- F7.** The Citizens' Advisory Committee oversees the County's largest employer and conducts bi-monthly meetings which serve as a vehicle of disseminating information to the public of the work at the prison.

Recommendations

- R6.** No Recommendation
- R7.** The Union Democrat should make sure these meetings are covered on a regular basis.

Remarks

Grand Jury members investigating Sierra Conservation Camp and Base Camp would like to thank Lt. David Fish, Sgt. Steve Olivera, Hillary Iserman, Margo Wilkerson, Keith Kerns, Cal Conley, Deborah Dietz, Shawna Stewart and Meghan Elliott for their help in responding to requests for visits and for responses to e-mail and telephone correspondence.

Request for Response

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Sierra Conservation Center



Tuolumne County Sheriff Department

Reason For Investigation

The 2010-11 Grand Jury investigation into the Tuolumne County Sheriff's Department was initiated by a complaint regarding the department's vehicle towing policy. The Jury decided to look into the vehicle towing policy & procedures, as well as the overall vehicle usage program. Additionally, the Jury reviewed past Grand Jury Reports and found several areas of interest: Employee Morale and the Tuolumne Narcotics Team (TNT). Department morale has not been investigated since 2004 and the TNT was chosen as a follow up on the recommendations made by the 2008-09 Grand Jury. Also, due to the significant increase in production and eradication of marijuana plants in the County, the Jury felt it would be appropriate to study the reasons for this increase and the corrections currently in place.

Methodology

The Jury initiated the investigation by interviewing Sheriff James Mele. Prior to the first interview meeting, the Jury gathered interview questions that pertained to the reasons for investigation. Subsequent interviews with various Sergeants and employees were conducted. An employee survey was constructed and administered. In addition, the Jury requested and reviewed various policies and procedures, budget sheets and inventory lists.

Background

The Tuolumne County Sheriff's Office is located at 28 North Lower Sunset Drive in downtown Sonora. The Sheriff's Office oversees the Tuolumne County Jail and shares the same outdated building. The Sheriff's mission statement is as follows:

"We are committed to keeping peace and order while protecting lives and property. We promote positive partnerships with the public we serve, our employees, and other agencies. We demonstrate professionalism and leadership through our actions. We remain courageous in the face of danger or adversity. We are supportive and loyal to our shared community and to each other. We are proud of our Office."

The Department holds the values below as its "highest priorities" and is "committed to hiring, promoting, and recognizing those individuals whose outlook and actions encompass these values."

- Leadership that inspires trust, confidence, and teamwork
- Willingness to accept and adapt to change
- Honor, integrity and accountability
- Open Communication
- Spirit of professionalism and cooperation
- Continuous personal self evaluation, development and improvement.¹

Facts and Narrative

Vehicle Towing

The Sheriff's Office enforces tow regulations per their policy and procedure document, Interim Directive 10-6 Vehicle Storage and Release. The Sheriff's towing policy and procedure is a concise document that outlines rules and procedures for the towing, storage and release of vehicles. The Jury reviewed the Sheriff's 2009 tow log and found that the log indicated an even distribution between the local tow companies: Aherns, Vics and HWY 120 Tow Company. During one of the Jury's interviews with the Sheriff, he stated that a computer handles all tow request calls and the system is set on an automatic rotation. It is the responsibility of the Highway Patrol to ensure proper pick up of the vehicle. The Sheriff's Department handles the transport of the suspect to the jail.

Findings

- F1.** Vehicle Towing policy and procedure is within operating guidelines. Calls to local tow companies are conducted by computer and are on an automatic rotation.

¹ http://portal.co.tuolumne.ca.us/psp/ps/TUP_SHERIFF/ENTP/h/?tab=DEFAULT

Recommendations

R1. No Recommendation

Request for Response

None

Facts and Narrative

Vehicle Usage Program

The Sheriff's Department employs a vehicle take-home policy per written permission by the County Chief Administrative Officer (CAO). The policy allows certain officers to take department vehicles home so they could be called to duty and respond immediately if needed. Many other rural counties follow a similar practice (e.g. Calaveras, Mariposa and Trinity). It is the department's goal to strategically place vehicles around the County so they can adequately respond to emergencies. Vehicles are generally assigned to an employee. There are four extra marked cars, not assigned for everyday use. One of the reasons behind personal vehicle assignment is the employee is more likely to maintain and take proper care of the vehicle if it is considered their own.

As of February 2011, the department had a fleet of 92 vehicles. The Jury noted this number changed several times as vehicles are continuously being decommissioned and/or replaced. The fleet is comprised of 95 % large vehicles, averaging less than 20 combined miles per gallon. The remaining 5% earn an average of 20 mpg-23mpg.² The department had an electric car at one time for administrative purposes, but cost and repairs were found to be an issue. It was stated by the Sheriff that the department requires vehicles that have more storage space and off road capabilities to meet the needs of the County's terrain. It was reported to the Jury, by the Sheriff's Department Accountant, that vehicle fleet fuel costs for FY 2009-10 were \$182,936.82.

The Congestion Mitigation and Air Quality (CMAQ) Improvement Program, which is a component of the federal transportation bill, created federal funds for vehicle replacement. Since 2009, California communities have been eligible to compete for funds from the \$120 million, available annually, under AB 118 (Chapter 750, Statutes of 2007). The funds are disbursed by California Energy Commission (CEC), intended to help reduce petroleum dependency and encourage alternative-fuel vehicles. The CEC envisions helping cities and counties write down the cost of vehicles that run on various alternative fuels, including CNG, biodiesel, propane, electric and hybrid vehicles.³ Contra Costa County reported "Public safety "pursuit" vehicles that run on either ethanol or gasoline (known as "flex-fuel" vehicles) meet the same performance

² <http://www.fueleconomy.gov/>

³ <http://www.ca-ilg.org/fuelefficientfleets>

standards as pursuit vehicles that use only gasoline. Furthermore, flex-fuel vehicles operated on ethanol generally are 20-25 percent less fuel-efficient.”⁴

The department’s goal is to dispose of marked cars after they reach 100,000 miles. In actual practice, marked cars reach 115,000 miles and unmarked cars are often kept longer. The CHP considers cars unsafe at 100,000 miles and SUV’s at 120,000 miles. On average, each deputy puts 15,000 miles on a vehicle per year. Vehicle cost is approximately \$25,000 with additional required equipment of \$8,000. Currently, marked cars that are being disposed of are being replaced, unmarked cars are not.

The Patrol unit currently has 35 vehicles. However, it was reported the Patrol unit would like to operate optimally with approximately 50 vehicles. This level is not currently obtainable due to budgetary restraints. The Patrol shift employs four officers per shift (one Sergeant, one corporal and two deputies). There are three shifts per 24 hours amounting to 12 vehicles required per 24 hours.

In the event of transporting abandoned vehicles, the department can choose to outsource to one of the local towing companies or use their own vehicle transporter. Occasionally, the department uses their own transporter, but often times this is outsourced.

Findings

- F2.** Vehicle take-home policy is standard procedure and authorized by the CAO. However, the Jury found that certain personnel are assigned take-home vehicles unnecessarily. Furthermore, the take-home policy, while considered essential for personnel who need to respond to emergencies, appears to be a perk for non-emergency personnel.
- F3.** The Sheriff’s department vehicle fleet is comprised of mostly large, inefficient vehicles. A tight budget combined with rising fuel prices, amounts to higher vehicle costs each year. The department claims fuel-efficient vehicles are currently not a real consideration and that they are somewhat limited in their vehicles selection. However, manufacturers are trending toward mid-sized vehicles for replacement, and many law enforcement agencies throughout California are already realizing the benefits of utilizing (where appropriate) fuel efficient and mid-sized vehicles.^{5 6}

Recommendations

- R2.** Evaluate the vehicles being taken home. Conduct a cost-needs analysis to determine whether vehicle costs could be reduced overall by reducing take-home vehicles and/or implementing a mileage reimbursement program.
- R3.** In an effort to reduce vehicle costs and convert a portion of the fleet to more fuel-efficient vehicles, the Jury recommends conducting a life-cycle cost

4 <http://www.ca-ilg.org/node/2795>

5 <http://www.ca-ilg.org/node/2795>

6 http://www.the100bestfleets.com/gf_winners_2010.htm

analysis of new fuel-efficient vehicles, evaluate the availability of fueling and maintenance infrastructure and develop a strategy and goal for fuel-efficient vehicle replacement over a five year time period. The Sheriff's Department should look to cutting vehicle costs by ways of:

- Fleet reduction and vehicle sharing
- Monitoring fuel usage
- Either assign high mileage vehicles or eliminate personal vehicles for all non-emergency personnel
- Eliminate vehicle transporter and outsource to local towing companies

The Jury understands budgetary restraints may prevent such progress and further recommends investigating whether vehicle fleet replacement monies are still available under the Congestion Mitigation and Air Quality (CMAQ) Improvement Program. Additionally, the Alternative and Renewable Fuel and Vehicle Technology Program (AB118) administered by the California Energy Commission has allocated funding in the draft Investment Plan for propane and Natural Gas vehicles.⁷

Request for Response

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The Jury suggests the following respond to the recommendations:

Tuolumne County Sheriff's Department

Facts and Narrative

Morale

The Jury conducted an anonymous online survey in an attempt to gather information and opinions from employees regarding job satisfaction, training, communication and morale. The Jury randomly selected approximately 40% of the department's employees to survey, and received a 32% response rate. The full survey can be found in Appendix 1. The survey was a sample test to see whether or not this type of study could be used in the future as a constructive tool in enhancing the department as a whole. Many organizations use employee surveys "to confirm that their 'top down' view of the organization matches the reality and 'bottom up' perspective."⁸ According

⁷ <http://www.energy.ca.gov/2011publicationsCEC-600-2011-006CEC-600-2011-006-SD.PDF>

⁸ http://www.surveylgalaxy.com/articles/article_0026.htm

to author, John Kador and Katherine J. Armstrong, five good reasons to conduct an employee survey are:⁹

1. **To discover what employees are thinking and doing** – in a nonthreatening survey environment. You will learn what motivates employees and what is important to them.
2. **To prioritize the organization's actions based on objective results** – rather than relying on subjective information or your best guesses.
3. **To provide a benchmark** – or a snapshot of your employees and their attitudes at a certain point of time that you can then compare to future surveys to spot trends.
4. **To communicate the importance of key topics to employees** – by communicating with employees the survey results that shows your organization is listening to employees.
5. **To collect the combined brainpower and ideas of the workforce** – that sometimes cannot be accessed without a survey. The knowledge you learn will likely improve your decision making and allow you to seize opportunities.

The Jury learned that the majority of employees surveyed are very satisfied or somewhat satisfied working for the Sheriff's Department (Chart 1). There was also a strong positive response that the department has a good understanding of the community safety needs and directs their resources appropriately, resulting in a positive reputation within the community (Chart 2).

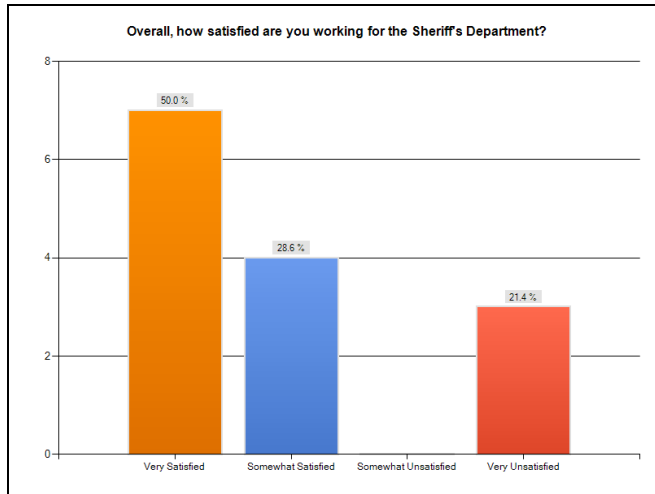


Chart 1

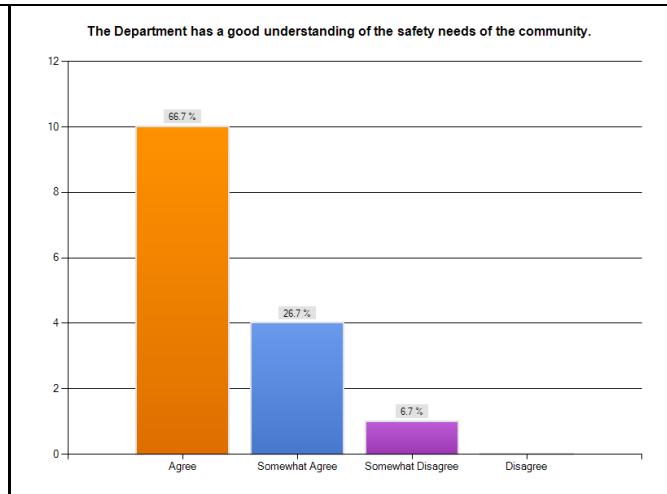


Chart 2

The areas that saw mixed responses were: ethics, education, department leadership and the procurement of equipment/supplies.

9 Kador, John and Armstrong, Katherine J. Perfect Phrases for Writing Employee Surveys. Europe: McGraw-Hill, 2010.

The survey also received numerous responses to question 20:

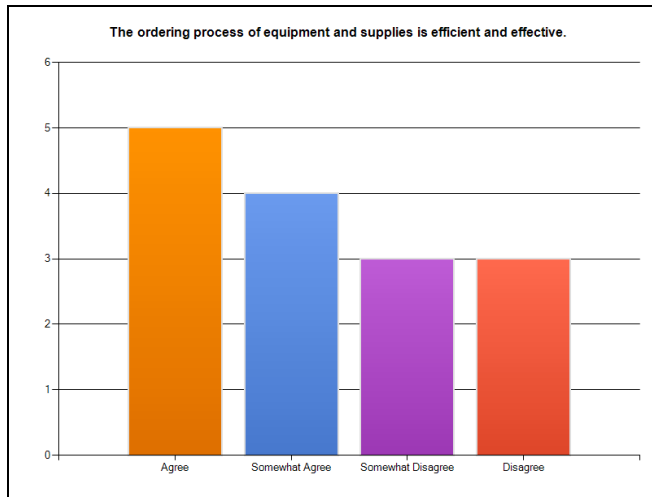


Chart 3

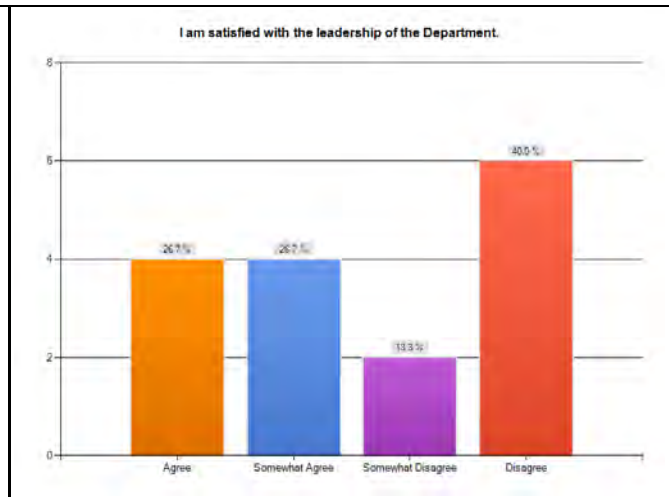


Chart 4

“If anything, what should the Sheriff’s Department improve on?”

Comments received included:

- Increase staffing levels
- Provide more training and support for advancement
- Update pay scale (noting that they were the second lowest paid county employees in the state)
- Improve safety and morale
- Improve facilities, vehicles and communication equipment
- Less micro-managing and respect employees
- Budgeting problems not matching equipment needs
- Communication within the department (from top down)
- Positive team encouragement and interaction between departments
- Administration accountability

It is important to note that the Jury did find a strong correlation between an employee’s tenure and job satisfaction as well as communication with department leaders. This could be attributed to the department’s ability to address employee’s concerns over time.

As stated in the Interim Directive 10-04 Purchasing Procedures, the following approvals are required before requests for purchases will be processed by the Fiscal Technician: Immediate Supervisor, Accountant, Lieutenant and Undersheriff. This process was reported to take anywhere from 1-20 weeks, and often times, the item(s) to be purchased are different in price or are no longer available.

Findings

- F4.** The Jury recognizes that every organization is going to have positive and negative reviews. Furthermore, in times of extreme budget restraints and job uncertainty, employee morale tends to run low. However, through the survey, the Jury found intra-department communication and overall morale could be improved.
- F5.** The survey reported that 100% of people surveyed agree high ethical standards and conduct are important in the job they perform. However, 40% of them somewhat disagree or disagree that they receive continuing education on ethics as it pertains to their job.
- F6.** The Jury was unable to obtain congruent information pertaining to the ordering and purchasing of supplies. Opinions ranged from expedient to prolonged and inaccurate. However, through multiple interviews, the Jury learned the ordering process can be inefficient at times.

Recommendations

- R4.** Job satisfaction can be directly correlated to communication issues throughout the workplace. The department should make efforts to improve intra-department communication by ways of:
 - Hold quarterly employee meetings to improve intra-department communication
 - Create methods such as annual surveys and questionnaires to monitor employee morale
 - The suggestion box could be better utilized in a non-video surveillance area
- R5.** Conduct mandatory ethics education on an annual basis. Refer to the “Police Chief Magazine” March 2011 for a four part article on ethics training for law enforcement personnel.¹⁰
- R6.** Re-evaluate and streamline the purchasing procedures

Request for Response

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¹⁰ <http://www.policiechiefmagazine.org/magazine/index.cfm>

The Jury suggests the following respond to the recommendations:

Tuolumne County Sheriff's Department

Facts and Narrative 4

Tuolumne Narcotics Team



Photo courtesy of Tuolumne Narcotics Team

The Tuolumne Narcotics Team (TNT) is a team of five officers (one Sergeant and four deputies) responsible with locating and eradicating illegal substances throughout the County as well as bringing to justice those involved in the production and distribution of those substances. The team is partially funded by grants: ADA (Anti-Drug Abuse) Grant, MSP Grant and Cal MMET (California Multi-jurisdictional Methamphetamine Enforcement Team).

Because of the often physically challenging issues involved in location and eradication of marijuana, the

members of the Team are held to a high standard of physical excellence. In addition to law enforcement training, they attend a two-week Basic Narcotics Training School (Department of Justice), training for presumptive identity of drugs and special training for helicopter drops.

The personnel assigned to TNT are at high risk when dropping into marijuana fields for purposes of eradication. Some of the risks include snakes, rodents, poison oak and very high temperatures which can lead to heat exhaustion. Many times there is no safe landing area, so they must clear the area with weed eaters. At the sight of a helicopter, the field workers run, scattering in many directions. Since they know the back trails, there is not enough man-power to chase them. The front men threaten the families of the workers but are not on site for apprehension. Field workers are paid \$10,000 if the crops are successfully delivered.

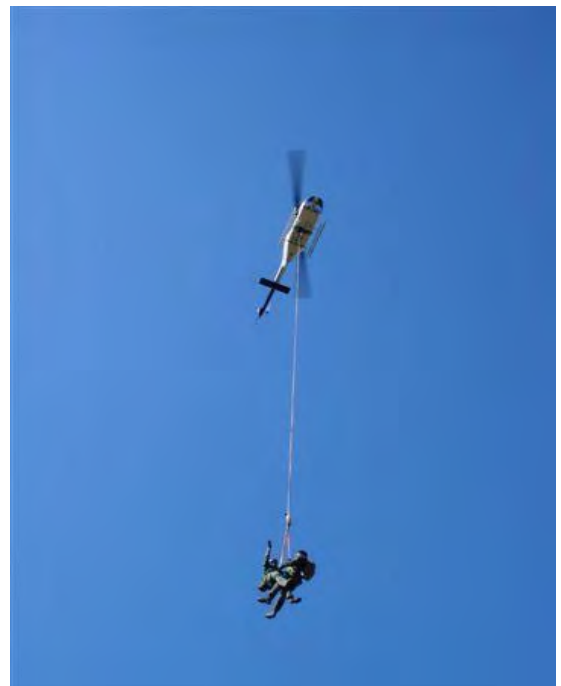


Photo courtesy of Tuolumne Narcotics Team

This unit works with neighboring counties to coordinate use of CAMP (Campaign Against Marijuana Planting) personnel and helicopters. The unit also works with Fish and Game, U.S. Forest Service, Bureau of Land management, National Park Service, National Guard, State Parole and Department of Justice.

Tuolumne County's climate, which is favorable to the propagation of marijuana (reconnaissance season from July 1 to October 31 in any calendar year), and large areas of remote terrain, place Tuolumne County second in production/eradication of marijuana plants in California. Due to increased reconnaissance, plant seizures have more than doubled over the past three years, from 150,000 plants eradicated in 2007 to 434,726 plants eradicated in 2010. One of the goals of this unit is to make Tuolumne County an undesirable location for marijuana farms.

Between January 1st, 2010- October 31st, 2010 the TNT seized the following:

- Asset forfeiture - \$18,811
- Weapons - 17 firearms, 2 knives/swords, 4 other
- Arrested - 53 suspects
- Search warrants - 18
- Meth - 99.17 grams
- Cocaine - 63.1 grams
- Pills - 1,033.5 (no weight given)
- Processed Marijuana - 44.4pms
- Unprocessed Marijuana plants - 434,726

When processing a search warrant, TNT requires one deputy for each of the following: entry, perimeter, case agent, transport, supervision of resident.

K-9 Units are an effective tool that can save time and increase success. Tuolumne Narcotics Team does not have a K9 Unit specifically trained in drug detection and currently contracts out and must schedule in advance for the temporary use of a drug sniffing dog. Two incidents occurring ten years ago with the use of a K9 Unit have made the Sheriff's Department wary of reinstating those services. Grant monies are available for the procurement of a K9 Unit.

Members of TNT are reassigned out of the unit and into other areas of the Sheriff's Department every three years.

Findings

- F7.** There is an ever-increasing need for marijuana reconnaissance/eradication in the remote areas of Tuolumne County.
- F8.** To process a search warrant requires the entire existing Team to be on-site in order to meet the required surveillance demands. With only five members of the Team, illness, vacation, disability and court time can seriously limit the required number of deputies available.

- F9.** A K9 Unit as an integral part of the Team would expedite the locating of suspected drugs, saving significant deputy time. Contracting out and scheduling in advance eliminates the opportunity to act quickly on a suspected location or target. While three of the local high schools (Summerville, Sonora and Cassina) have contracted out in the past for the use of a K9 Unit for the detection of drugs, alcohol and gun powder, this has been suspended due to high costs. Tioga currently contracts out for the use of a K9 Unit. In speaking with the administrators of Summerville, Cassina, Sonora and Tioga, the Grand Jury learned the administrators would welcome a County K9 Unit and would be willing to pay a reasonable fee for that service. Such payment would offset some of the expense of procuring and maintaining a K9 Unit.
- F10.** Members of the previous TNT are not held over to serve as member(s) of the incoming team.
- F11.** The 2007-2008 Grand Jury recommended the establishment of a policies and procedure manual governing TNT operations. This has been done.

Recommendations

- R7.** The Grand Jury recommends the assignment of additional personnel to TNT for marijuana reconnaissance and eradication.
- R8.** The Grand Jury recommends the assignment of additional personnel to TNT for the processing of search warrants.
- R9.** The Tuolumne County Sheriff's Department should utilize the grant programs available to obtain a K9 Unit to be on-site and available at all times to the narcotics team for targeted/suspected locations and for random visits to school sites.
- R10.** The Grand Jury recommends some overlap of personnel from one three-year term to the next. The Jury was unable to derive any substantive reasoning behind this practice which fails to take advantage of cross-training and the retention of the 'corporate memory.'
- R11.** No recommendation

Request for Response

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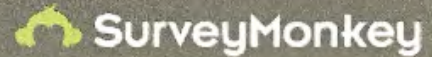
Tuolumne County Sheriff's Department

Remarks

The members of the Grand Jury participating in the investigation of this department were impressed with the professionalism exhibited and the willingness to cooperate with their inquiries. They felt their questions were answered with honesty and a readiness to respond to any further questions, should that be necessary. Tuolumne County, because of its climate and remote areas, is a favorite location for propagation of marijuana plants, and the ability shown by TNT to be second in eradication in California says much about the competency of this department.

Appendix 1

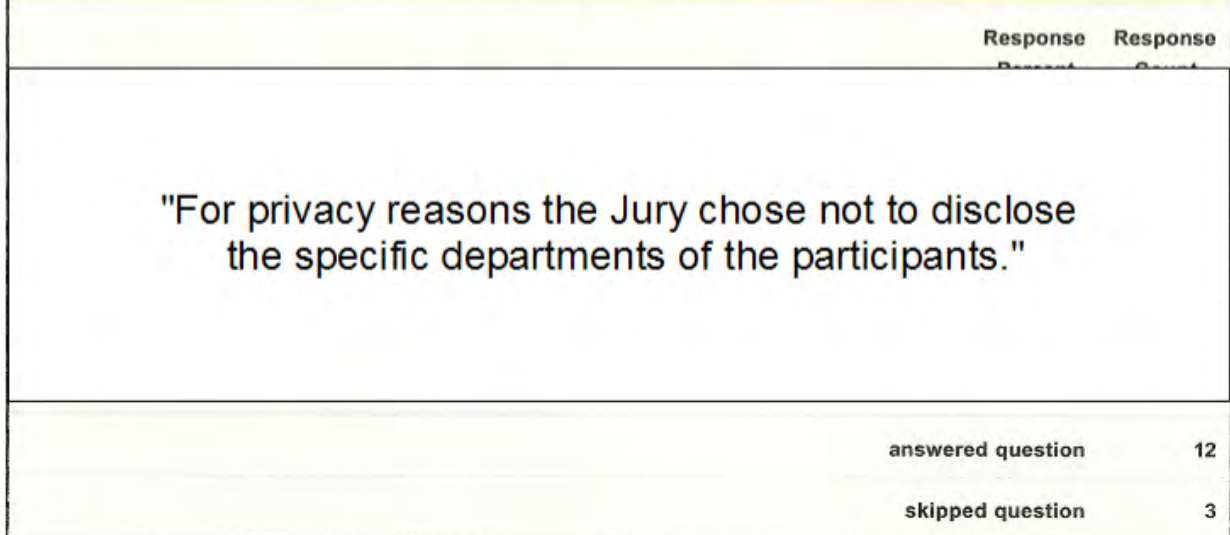
Tuolumne County Sheriff's Department Survey



1. How long have you been with the department?



2. Please select the category that best describes your job? (optional)



Appendix 1.2

3. I have the necessary supplies and equipment to do my job safely and effectively.			
		Response Percent	Response Count
Agree		40.0%	6
Somewhat Agree		40.0%	6
Somewhat Disagree		13.3%	2
Disagree		13.3%	2
answered question			15
skipped question			0

4. The ordering process of equipment and supplies is efficient and effective.			
		Response Percent	Response Count
Agree		33.3%	5
Somewhat Agree		26.7%	4
Somewhat Disagree		20.0%	3
Disagree		20.0%	3
Comments			7
answered question			15
skipped question			0

Appendix 1.3

5. In regards to training, I have received adequate training and support to:							
	Agree	Somewhat Agree	Somewhat Disagree	Disagree	N/A	Rating Average	Response Count
Effectively do my job	46.7% (7)	20.0% (3)	20.0% (3)	13.3% (2)	0.0% (0)	2.00	15
Achieve my career goals	40.0% (6)	13.3% (2)	26.7% (4)	20.0% (3)	0.0% (0)	2.27	15
Cross train in other departments	40.0% (6)	6.7% (1)	6.7% (1)	40.0% (6)	6.7% (1)	2.50	15
Comments							5
answered question							15
skipped question							0

6. A K9 program would benefit:							
	Agree	Somewhat Agree	Somewhat Disagree	Disagree	N/A	Rating Average	Response Count
The Patrol Dept.	92.3% (12)	7.7% (1)	0.0% (0)	0.0% (0)	0.0% (0)	1.08	13
The TNT Dept	61.5% (8)	30.8% (4)	0.0% (0)	7.7% (1)	0.0% (0)	1.54	13
Comments							5
answered question							15
skipped question							0

Appendix 1.4

18. The Department directs its resources appropriately to meet the needs of the community.			
		Response Percent	Response Count
Agree		40.0%	6
Somewhat Agree		40.0%	6
Somewhat Disagree		26.7%	4
Disagree		0.0%	0
answered question			15
skipped question			0

19. Overall, how satisfied are you working for the Sheriff's Department?			
		Response Percent	Response Count
Very Satisfied		50.0%	7
Somewhat Satisfied		28.6%	4
Somewhat Unsatisfied		0.0%	0
Very Unsatisfied		21.4%	3
answered question			14
skipped question			1

20. If anything, what should the Department work to improve on?			Response Count
			11
answered question			11
skipped question			4