

TUOLUMNE COUNTY CIVIL GRAND JURY REPORT



2009-2010

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Cover Sheet is the official Tuolumne County Flag adopted September 18, 2007.
It shows Mt. Dana, the highest easily accessible peak in Tuolumne County.

Photographs in the Animal Control Report are courtesy of Marsha Jimenez.

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LETTER OF TRANSMITTAL

June 30, 2010

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

Dear Judge Provost,

The 2009-2010 Tuolumne County Civil Grand Jury is pleased to present its Final Report to you, the Tuolumne County Board of Supervisors and the citizens of Tuolumne County.

The nineteen members of the Tuolumne County Civil Grand Jury dedicated many hours of personal time in evening meetings and daytime investigative work to bring you this Final Report. We came from varied walks of life and backgrounds, yet coalesced into a diligent working group that met many times in committees and in plenary sessions to fulfill our obligations as specified in the oath of office. Among the duties we carried out were the following:

- Reviewed all written citizen's complaints
- Reached a super majority decision regarding investigations
- Reviewed documents, contracts, policies, procedures and financial information
- Discussed the progress and issues on each case as needed
- Visited the sites in question
- Wrote a final report on each case investigated, which included our findings and recommendations

On behalf of the entire Civil Grand Jury, I sincerely thank you for your support and guidance throughout the year. I would also like to express thanks and gratitude to the county and Sierra Conservation Center officials who took time to make presentations to the Civil Grand Jury and those that allowed us to visit on-site.

Most importantly, I would like to thank the individual members of the Civil Grand Jury for their hard work, resiliency and dedication to our mission. It is in this spirit that we offer our report and strongly encourage every citizen of Tuolumne County to review the Civil Grand Jury's findings, recommendations and responses from their public officials.

It has been an education, a privilege and an honor for each of our members to serve on the 2009-2010 Tuolumne County Civil Grand Jury. Thank you for the opportunity.

Respectfully submitted,

Michael Woicicki, Foreperson
Tuolumne County Grand Jury 2009-2010

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AN OPEN LETTER TO THE CITIZENS OF TUOLUMNE COUNTY

Since 1991, a civil grand jury has been impaneled in each of California's 58 counties. These grand juries have civil oversight responsibility and serve for one year. The civil grand jury serves as the citizen's independent watchdog on local government. This includes county agencies, school districts, special districts, and what are called joint power districts. The civil grand jury is required by state law to examine all state prisons within the county as well as the county jail.

A report is developed each year and issued to the citizens of Tuolumne County. This is to allow public officials to correct perceived deficiencies and/or inefficiencies within the local government structure. Over the years, civil grand juries have proven their value by making local government more accountable to its citizens. This report is typically published on July 1 of each year.

The Tuolumne County Civil Grand Jury is responsive to the suggestions and complaints from all citizens about issues the jury should investigate. Each suggestion or complaint is reviewed by the full civil grand jury, or assigned to one of the jury's committees for consideration. Though the jury cannot investigate every issue, each suggestion or complaint is duly considered. All complaints received by the civil grand jury are treated confidentially. The civil grand jury's records may neither be inspected nor subpoenaed. All civil grand jury investigations and interviews are kept secret.

How to submit a complaint to the Tuolumne County Civil Grand Jury may be found on the County's web site, www.tuolumnecounty.ca.gov. Select the link to the civil grand jury. Then select the civil grand jury complaints link. You can also contact the civil grand jury via e-mail at tcgjforeman@mlode.com or by telephone at 209-533-5568.

This year's civil grand jury has investigated many entities within the county. We were not looking for problems, but for ways to help make the system work better and for those entities to learn from these investigations. Entities investigated are required by state law to respond to all recommendations in the report. The entities investigated this year were the Senior Center, Veterans Service, the Health Department, the County Airports (Pine Mountain Lake and Columbia), Animal Control, Child Welfare Services, the Farm Advisor, the Public Defender's Office, Community Development Department, the Sonora Union High School, and the Jamestown Landfill closure. The jury also looked at the Tuolumne County Jail and the Sierra Conservation Center, which includes the Baseline Fire Camp.

Given the present economic state, the civil grand jury's duty is to provide the general public an increased awareness of county government and is paramount to insure democracy thrives.

This year's report is being published in black and white for cost savings. Please go to the County's web site and select the civil grand jury link for the color version.

The members of the 2009-2010 Tuolumne County Civil Grand Jury thank you, the citizens of Tuolumne County, for the opportunity to serve you. We hope we have served you well and you will take the time to read this report in its entirety.

The Members,
2009-2010 Tuolumne County Civil Grand Jury

CIVIL GRAND JURY MEMBERS

Victor Afanasiev **	La Grange
Hazel Beller	Jamestown
Ernest O Brown, Jr. **	Cedar Ridge
Anthony (Wayne) Cantu	Tuolumne
Patricia Chaffee	Twain Harte
Rhonda Coville **	Twain Harte
Robert Escobar	Sonora
John Fox *	Sonora
Jason Frye *	Jamestown
Nancy Gray	Twain Harte
Marley Grazioli *	No Address
Tom Griffiths	Sonora
Julie Herrmann *	Sonora
Marsha Jimenez Secretary Pro Tem	Sugar Pine
Anthony Kash III	Groveland
Michael Katsuleres	Twain Harte
Roberta Morse	Sonora
Michael P Noonan ** Foreperson Pro Tem	Cold Springs
Martha Olson	Columbia
Anita Palihnich	Tuolumne
Kelly Anne Phelan	Sonora
Aaron Pingree, Sr. *	Sonora
Joyce Presley Secretary	Soulsbyville
Bryan Rapoza *	Tuolumne
Michael Woicicki Foreperson	Tuolumne
* Resigned Members	
** Committee Chairs	

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MISSION STATEMENT

The Civil Grand Jury is the only method the citizens of Tuolumne County have to look into the operations of county agencies. As such, the Civil Grand Jury becomes the eyes and ears of the people. We serve as an investigative body for these citizens by looking at how the various agencies perform their duties; see if these duties are performed in accordance with the law and written directives; and make recommendations as to how these duties might be better performed.

We will diligently perform our duties to the best of our abilities, striving to do so in an impartial manner. Our findings will be based on fact, not fancy. They will be clearly presented and within the scope of our mandated charter. Our recommendations will, hopefully, be taken at face value and not be dismissed out of hand as frivolous.

DISCLAIMER

This Civil Grand Jury sought to preclude any conflict of interest in which a grand juror may have a personal involvement, a material, economic or financial interest, or could not be an impartial third party. Each juror brought to the attention of the full Civil Grand Jury any relationship that could be, or even give the appearance of, a conflict of interest and agreed not to participate in any investigation involving that relationship including interviews or acceptance of any report involving any such relationship. The Civil Grand Jury is composed of 19 jurors and at least 12 jurors must approve each individual report. The printed Final Report is composed of the approved individual reports, which are based on information obtained from outside sources with none of the information being obtained from any excluded Grand Juror.

CONFIDENTIALITY

All reports, working papers and notes of the Civil Grand Jury are considered CONFIDENTIAL, and as such are protected by law. As required by Penal Code Section 929, no names or facts that might lead to the identity of persons providing information to the Civil Grand Jury may be included in any report. The intent of this section is to encourage all persons contacted to give the jury a full and honest assessment of their agency without fear of recrimination.

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PRESENTATIONS

The members of the 2009-2010 Tuolumne Civil Grand Jury wish to thank all of the people we contacted for giving unstintingly of their time to speak with us. Without this, we could not have accomplished our tasks. We wish to express our particular thanks and appreciation to the following for taking the time after their normal working days to attend our meetings and give panel members an overview of the functions these offices/agencies perform.

Mr. Donald Segerstrom and Staff	County District Attorney
Mr. Robert Price	Public Defender
Mr. Eric Larson	Veterans Affairs
Mr. Gregory Oliver and Staff	County Counsel
Sheriff Jim Mele and Staff	County Sheriff
Mr. Peter Rei	Public Works Department
Dr. Todd Stolp	County Health Department
Ms. Linda Downey	Child Welfare Service
Dr. Michael McCoy	Superintendent, Sonora High School District
Ms. Bev Shane	Community Development Department
Mr. Craig Pedro	County Chief Administrative Officer

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ANIMAL CONTROL

REASON FOR INVESTIGATION

Animal Control is one of the departments subject to review by the Tuolumne County Civil Grand Jury. This report was also complaint driven.

METHODOLOGY

Members of the jury were given a tour by the Department Manager on September 2, 2009. The tour was very interesting and informative to all Grand Jury members who attended. Additional visits/interviews were done to see if certain concerns raised by complaints were valid.

NARRATIVE/FACTS

1. There are ten (10) employees and two (2) relief officers.
 - a. The full time employees consist of a Department Head, a Department Manager, a Supervisor, three (3) Shelter Attendants, a Senior Office Assistant and three (3) Full Time Officers.



2. There are five (5) vehicles to service all of Tuolumne County. These are a Sports Utility Vehicle (SUV), two (2) standard animal control trucks with cages and two (2) open bed trucks. The larger of the open bed trucks is used to pick up larger animals. At the time of the first visit just two (2) vehicles were in working order.
3. Animal Control is located at 1000 Victoria Way in Jamestown. Animal Control has been at this location for 12 years. The building is owned by the Humane Society. Animal Control rents half of the building.



4. There are 24 dog runs; the runs usually have a minimum of 12 dogs at any given time. Animal Control has a very good ventilation system for this area.



- a. A rough estimate of how the dogs are disposed of is: 15% - Humane Society, 30% - Adopted, 30% - Reclaimed, 10% - Animal Control Adoption Program and 15% - Euthanized.
 - b. All the employees appear to be caring and enjoy working with the animals. All cages are cleaned twice daily.
5. Cats have two areas. One is for mature cats and the other for kittens. Puppies are also kept in the kitten area. Both areas are well maintained. Before entering the area visitors must wipe their shoes on bleached towels for the purpose of disease control.
 - a. Because of the large volume of cats, 70% of them are euthanized.



6. When a feral cat is taken in there is a four (4) day waiting period before the feral cat is euthanized. No feral cat is ever put up for adoption.
7. There is an area for after hours drop off.
 - a. Any and all animals received are checked for health problems, a radio frequency chip (for possible owner's information), and a determination is made if the animal will be available for adoption or be euthanized.



8. Animal Control does not accept any pets that cannot be cared for by the owner. The owners are referred to the Humane Society for help.
9. Animal Control also works with the District Attorney's office when any citations warrant a criminal charge.
10. Funding for Animal Control is provided through the County General Fund based on a fiscal year that spans from July through June.
 - a. Additional funds are presently provided via Proposition 172
 - b. The major portion of the budget goes to personnel cost.
11. Local radio stations and the Union Democrat help to inform the public on the needs of Animal Control.
12. Animal Control employees made special mention of the Tuolumne County Chief Administrative Officer, Mr. Craig Pedro, for the constant and effective support his office has provided.
13. Animal Control also helps farm animals utilizing an existing support program in case of neglect or natural disasters.
14. Monetary donations are accepted at Animal Control. Supplies such as food or other items may be procured directly by the contributor then delivered to Animal Control.
 - a. Hurst Ranch, in Jamestown, has an open account for people to make monetary donations. Animal Control can then pick up supplies as needed.

RECOMMENDATIONS

1. Check with the city of Palo Alto or other cities/counties that may have surplus Animal Control vehicles. Network with other areas with much larger Animal Control budgets.
2. Expand their visibility to the community about the need for donations. For example, the county's citizens may not know of the arrangement between Hurst Ranch and Animal Control for monetary donations.
3. The Grand Jury recommends the hiring of additional Animal Control Officers and Shelter Attendants to better serve the citizens of Tuolumne County when budget constraints permit.

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JAMESTOWN LAND FILL

REASON FOR INVESTIGATION

Current members of the 2009-2010 Civil Grand Jury, who served on a previous year's jury, suggested this year's jury investigate the process of closure and sealing, as well as the current state of the site and project.

The Jamestown land fill was an active, ongoing activity for 21 years, spanning from 1974 to 1995 when it was closed. It was later sealed to prevent ground water contamination.

METHODOLOGY

Members of the jury held meetings with individuals who were directly or indirectly involved with the closure and sealing project plans, the execution, and subsequent activity which has been underway since 2006. These meetings included the Public Works Department staff and County Counsel.

FACTS

The Jamestown land fill, located on 54 acres off Campo Seco Road, was in operation for 21 years, from 1974 until 1995. The facility processed approximately 1700 tons a month of garbage for commercial and private interests.

In May, 2005, the site was closed permanently.

A request for bid for site sealing was initiated by the Public Works Department. The agencies involved were the California Regional Water Quality Control Board (RWQCB), the Public Works Department, County Engineering, Board of Supervisors and the contractor.

The initial sealing project started on August 14, 2004, and ended in May, 2005. The end date was five (5) months late versus what was originally expected and communicated.

The initial approved project cost of \$4.47M (4.47 Million Dollars) was exceeded, resulting in a cost overrun of \$1.3M (1.3 Million Dollars).

Following project completion, the quality monitors of the RWQCB and county staff reflected land fill seal failures along with significant soil erosion resulting from the clay cap failing due to slippage. This initial report was made in 2004. The "failure" was RWQCB Assessment.

A new activity consisting of problem assessment and recommended corrective action, rework and sealing was placed for bid and subsequently approved by the Public Works Department and the Board of Supervisors.

The extensive redesign, repair, and reseal activity was carried out by Geomatrix, the contract winner, over an extended period of time owing to dealing with multiple forms of seal failure causes and timelines.

The project was completed in late 2008 at an additional cost of \$8.8M (8.8 Million Dollars). The recommendations were derived from a joint effort of the RWQCB, Condor Earth Technologies, the contracted consultant firm, and Geomatrix.

To date, periodic checks of the land fill seal by Condor Earth Technologies and the RWQCB confirm the rework project has been successful. Appropriate reports and test results continue to confirm the integrity of the land fill seal and the surrounding water.

The initial fill sealing failure has resulted in penalties being assessed by the RWQCB against Tuolumne County. These penalties are expected to be forgiven once the RWQCB has read and approved the successful seal activity report. The following reports were submitted to the RWQCB; Closure Construction Certification Report in June, 2009, and Revised Final Post-Closure Maintenance Plan in August, 2009. To date, no assessed penalties have been paid by the county. The RWQCB approved the rescission of the penalties associated with the violations at the Jamestown Land Fill during their board meeting, March 18, 2010.

Given the initial project failure and subsequent costs to rectify the problems, a series of formal actions were undertaken by various county agencies, including County Counsel. These actions include litigation and claims to the insurance company to recover losses due to the failed project and rework. These are ongoing activities as of the date of this report.

FINDINGS

1. The initial bid and project for land fill sealing was adopted in spite of objections by personnel with the county who felt the end result of the project would not be successful.
2. Acceptance of the initial sealing plan could have been supported by more aggressive consultation of the RWQCB members and other knowledgeable contractors.
3. Other land fill and sealing activity in other counties where aggressive terrain was involved was not researched aggressively. This could have been used to confirm or refute the feasibility of the initial plan adopted and funded by the County.

RECOMMENDATIONS

1. For Finding 1, additional effort should be made to resolve conflicts and lack of project confidence expressed by engineering staff members.
2. For Findings 2 and 3, the experiences of both the RWQCB and other counties should be researched (known as best practice) as a due diligence action prior to releasing very costly projects, should they be necessary in the future.

COMMENDATIONS

The Civil Grand Jury would like to express their appreciation to the numerous individuals and agencies we met with. This includes Craig Pedro, Peter Rei and Gretchen Olsen. All staff contacted was very open, cooperative and helpful with verbal responses and back-up documentation concerning the activities covered in this report.

TUOLUMNE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

REASON FOR INVESTIGATION

This investigation was both complaint driven and as a follow up on recommendations from previous Civil Grand Juries.

METHODOLOGY

The jury heard a presentation from the Tuolumne County Community Development Department (CDD) on October 14, 2009. A meeting was scheduled, and held, with various staff members of the department January 11, 2010. A second meeting was scheduled, and held, on January 25, 2010. All personnel contacted at CDD were helpful, knowledgeable and forthcoming with the panel members.

NARRATIVE/FACTS

Panel members asked numerous questions during the January 11 meeting. These questions covered such subjects as how permits are numbered, what work requires permits and how permits are issued. Staffing levels were also discussed.

One item of interest that came to light was the fact that some work may be performed on an emergency basis, such as replacing a water heater. The work permit can be requested after the fact in such cases, but must be requested and issued prior to the final inspection.

Homeowners can perform many jobs around their homes themselves, even though such work does require a permit. Such work as installing electrical outlets or replacing plumbing fixtures and lines may be done by the home owner. Certain work in these areas must be performed by contractors licensed to perform this type of work. Examples of this are making a new connection in the circuit breaker panel or connecting to the water main or sewer lines.

Permits are issued and numbered sequentially by date and time of receipt. Before October 1, 2009, each application received a number with the prefix “E” denoting if it was electrical, “M” if it was mechanical, etc., regardless of the job size. After October 1, all applications receive a “B” prefix for building. It should be noted not all permits that have been approved and issued are picked up.

One other interesting fact is that “Mother-In-Law” dwellings are allowed in the county. These are small (850 square feet or less) buildings with heat, lighting and plumbing permitting year round use. This limitation may be increased to 1,250 square feet by the county at a later date.

Based on data presented to panel members, compliance with published department guidelines runs approximately 97% as of March 31, 2009. Later data was not available as of January 25, 2010.

Building codes are on a three (3) year update cycle. The State meets/votes on code changes on July 1. Counties have six (6) months to either accept the changes or ask for additional changes

based on regional requirements. If counties do not accept or request changes within this time period, the new code becomes mandatory. Counties may operate outside the official code without Board of Supervisor consent if the department issues an informal notice to the public and to contractors. More significant changes may be adopted with Board of Supervisor approval. Local codes may be more restrictive than State and Federal codes, but can not be less restrictive. Other restrictions apply to construction on Indian land or historical land parcels.

The computer program used to track permits is used by multiple agencies within the county. This allows other agencies to access CDD permits and enter data. Only certain data may be entered or changed by personnel using this system. Just a limited number of people are allowed to make program changes and only in certain areas. Major changes/upgrades must be done by the program vendor and only under contract. (The program underwent a major upgrade in October/November, 2009.)

This program also flags builders with expired licenses at time of application. It does not check if the license will expire during the work period, which is one drawback.

FINDINGS

1. A previous Grand Jury finding was that building inspectors seemed to be interpreting building codes, not just enforcing them. This still seems to be a problem area. All inspectors, not just Tuolumne County inspectors, have areas they look at harder than others. This, in and of itself, is not the problem. The problem is when the inspector asks for things not required by code. If the inspector is questioned on this, it appears future inspections become harder to pass.
2. Computer security is not stressed as strongly as it should be. This is not a major problem at this time as the computer system is an “intranet” system, not an “internet” system. An intranet system is one not connected to the outside world. An internet system is one such as is used by most people to look up movies, check e-mail, and do other on-line transactions.
3. The internal CDD Quarterly Performance Report is based only on the first review of a permit application, not subsequent reviews. For example, a permit application is made on January 1. Depending on the type of work, the first review must be completed not later than January 15. Any recommended changes, additions, etc., must go back to the applicant. The next review must be done within a different time period. This delay does not go into the Quarterly Report.

RECOMMENDATIONS

1. For Finding 1, inspectors must be trained in, and familiar with, all aspects of the building codes. They may have particular areas they look at harder than others. This is to be expected. They may not, and must not, require anything additional to code requirements. With this in mind, inspectors must not hold builders or home owners to a higher standard just because they, the inspector, have been questioned.
2. If, and when, CDD allows remote access to the data base, computer security must be enhanced. These enhancements must include the following:
 - a. Strong passwords.

- i. Utilize a combination of capital letters, small letters, numbers and special characters.
 - ii. Require passwords of a minimum of nine (9) characters and a maximum of 17 to 20 (or more) characters.
 - iii. Maximum time between mandatory password changes of not less than 30 days and not more than 180 days.
 - iv. Do not allow multiple password changes within a 24 hour period.
 - v. Give new employees a strong password and require this to be changed at first logon.
 - b. Mandatory password expiration.
 - c. Use password token rings for all personnel authorized remote access privileges when remote access is instituted.
 - d. Remote access would allow field personnel to record information while on site, thus increasing productivity. It would also allow personnel from other departments to access CDD files to see any recorded data on any property in the county.
3. There is no recommendation for Finding 3.

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TUOLUMNE COUNTY CHILD WELFARE SERVICES

REASON FOR INVESTIGATION

The Civil Grand Jury was asked to investigate Child Welfare Services (CWS). CWS was last investigated in 2005. It was apparent there was a need to investigate what progress had been made regarding the recommendations from previous Grand Juries.

A presentation to the entire Grand Jury by the CWS Program Manager, although well received, raised further questions about adequate funding and staffing, staff training and level of education, the methods used to determine the response to a call, the need for an ombudsperson, and the relationship between CWS and the Native American Tribal Council.

METHODOLOGY

The Grand Jury Human Services committee met twice with the Program Manager and supervisory staff on site to obtain further information regarding the operation of CWS. The first meeting was held with the Program Manager and other supervisors in the visitation room at CWS, located at 20111 Cedar Road North. The core areas covered by each supervisor included Fiscal Information, Emergency Response Procedures, Family Reunification, Permanent Placement, and the Independent Living Program. A complete tour of the facility followed the meeting. Questions that arose from the meeting prompted a follow-up interview with the Supervisors. The second meeting was held in the Program Manager's office. Afterwards, the committee followed a demonstration of the Structured Decision Making Software.

NARRATIVE/FACTS

There are currently 12 social workers with one on leave. There is one vacancy and one part-time position. There are three (3) supervisors, two (2) of whom supervise core programs. The Program Manager is an MPA (Master of Public Administration) candidate, one (1) supervisor has a MSW (Master of Social Work) and one (1) supervisor is a candidate for an MSW. Three (3) social workers have the following: a MA (Master of Arts) in Criminal justice, a MA in Education/ Personnel, and a MA in Composition and Rhetoric. In the Fall of 2009 Tuolumne, Calaveras, Amador, El Dorado and Nevada counties formed a partnership with Cal State-Sacramento to offer a Master of Social Work program, funded by the Mental Health Services Act (Proposition 63), to address the shortage of clinicians with a Masters Degree and a lack of qualified applicants in small counties who have a rural, cultural or language proficiency. Students attend class one (1) weekend a month, 10 weekends a year, for three (3) years. One (1) supervisor is currently enrolled in the program.

There are approximately thirty (30) cases per social worker per year.

The Social Services Aide, under the direction of the Emergency Response Manager, takes calls from the community and generates a report. Some calls demand an immediate response (within three (3) hours) while non-life threatening calls are responded to within 10 days. The at-risk child may be placed into protective custody for up to 72 hours. The Hotline Tools from the Structured Decision Making software, which is very detailed and has been used in Tuolumne County since 2007, provides standardized evaluation to all situations and assists the social worker in making decisions toward possible removal of the child from the home. Everyone

using the software receives four (4) days training. The software is used by almost all California counties and is continually evaluated and upgraded based on input from all CWS users. A copy of the manual may be obtained at the CWS office.

After the judge determines the validity of the allegations, a dispositional hearing is held to determine what needs to be rectified in order for the child to be returned to the parent/guardian, (e.g., enrollment in a drug treatment program). Approximately 70% to 80% of the cases involve drug use or alcohol abuse. The parents/guardians are tested for substance abuse 2 or 3 times a week on site at CWS. The parents/guardians are referred to AA (Alcoholics Anonymous) meetings, group counseling, parenting classes at Infant Child Enrichment Services (I.C.E.S.), and counseling at the Center for a Non-Violent Community, formerly the Mountain Women's Resource Center. Dependency Drug Court has proven to be helpful with most users attending the program. Treatment teams assess how the families are responding to treatment and determine whether or not they need to look at possible mental health issues.

The Notice of Rights and Responsibilities pamphlet given to parents/guardians is required by law. Any complaints made by a parent to the State are directed to the Staff Service Analyst who serves as the Civil Rights Coordinator. Complaints made to CWS are referred to that office, also. The office is located in the Department of Social Services building at 20075 Cedar Rd N. and answers directly to the Assistant Director of the Human Services Agency. If needed, the parents are immediately assigned a public defender. The social worker also acts as an advocate for the family unit. A legal self-help center is available, as well.

As of May, 2008 a new grievance hearing process regarding the Child Abuse Central Index has been put in place. Whether a finding is inconclusive or substantiated when an allegation of abuse occurs, a third party, or outside agency, can hold a hearing to see whether or not a name can be placed on the index. The parent/guardian has the right to request a grievance hearing within 30 days.

CWS contracts with Infant Child Enrichment Services (I.C.E.S.), a non-profit organization, which does home visits and operates the Raising Healthy Families program.

There is an emergency home in the county that has 6 to 8 beds (depending on siblings) where a child can stay for up to 30 days while CWS assesses the needs of the child. Currently, 40 homes are licensed for foster care.

Low risk referrals are filtered out to the Jamestown County Resource Center. While attempting to keep children with their families, the counselors work with the family, referring them to various agencies in the county. While children remain in the home the social worker works with the family to prevent relapse. The goal of the social worker is to be part of a support system. There are classes and assistance for youth ages 15 to 21. Currently, 6 youths are in the program. Hope House, which opened in April 2009, has 5 beds that will accommodate youths ages 18 to 24 that must be either working or attending school. The Emergency Housing Assistance Program (EHAP) funded the construction of the building. The program runs on a grant from McKinney-Vento Homeless Assistance and from Transitional Housing Placement (THP-Plus) State dollars.

CWS is legally obligated to investigate any complaint involving a child on tribal land. The tribal social services worker operates as a third party. Removing a Native American child from tribal land is, absolutely, a last resort. For the last 5 years CWS has maintained a very positive relationship with the tribal social services worker and his supervisor.

FINDINGS

1. The CWS staff believes that funding, which is targeted for specific activities, is used wisely. Preventative measures, such as working with the extended family, have been found to save money while providing the best outcome for the child.
2. The Administrative Office of the Courts, an arm of the Judicial Council of California, based in Sacramento, conducts an audit of CWS every two (2) years. Although the audit has been completed, the final report has not yet been issued. However, CWS has been assured by the State that the final report will reflect very favorably on CWS.
3. The Masters of Social Work Program is a positive step toward assisting rural counties in addressing the need for more social workers with a Masters degree.
4. The Structured Decision Making software, as demonstrated, appears to be an objective, thoughtful tool for determining the correct response to charges of child endangerment.
5. Although the Civil Rights Coordinator acts on complaints received by the State and/or CWS, the position does not serve as an ombudsperson.
6. The relationship between CWS and the Tribal Social Services has seen a distinct improvement over the past five (5) years.

RECOMMENDATIONS

1. There are no specific recommendations for Findings 1 through 4 and Finding 6.
2. This recommendation does not relate to any specific finding. While there has been a visible marketing campaign to recruit foster parents, the need for more available local foster homes continues to be an issue. We encourage CWS to intensify its campaign to recruit more foster parents.
3. For Finding 5, although there are many resources available to the parent, this Civil Grand Jury agrees with past reports recommending that CWS create the position of ombudsperson.

COMMENDATIONS

We commend the staff for creating a culture of teamwork which has been a vital force in the development of a strong support system for Tuolumne County parents/guardians and CWS staff.

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SENIOR CENTER

REASON FOR INVESTIGATION

The Grand Jury was requested to investigate the Sierra Foothill Senior Center. The last time it had been investigated was 1994/1995.

BACKGROUND

In 1996, Tuolumne County contracted with Sierra Senior Providers, Inc. to manage the Senior Center at 540 Greenley Road, Sonora. Sierra Senior Providers, Inc. is a non-profit organization, and is solely responsible for obtaining the necessary funding, managing and conducting all senior programs within the facility. Tuolumne County owns the building and is responsible for the heating, ventilation and air conditioning (HVAC) system, the plumbing of the building and the exterior landscaping. Sierra Senior Providers, Inc. leases the building rent-free as part of their contract with the county.

METHODOLOGY

The Chief Executive Officer (CEO) of Sierra Senior Providers Inc. gave a presentation for the Grand Jury. Later, members of the Grand Jury had a tour of the facility, interviewed the CEO, and met many of the staff. A follow up visit was then conducted in the computer room at the Center to complete the Jury's investigation. Afterwards a few members enjoyed lunch served at the Senior Center.

FINDINGS

Sierra Senior Providers, Inc.:

1. Provides an important service to the county by offering free and low cost meals for seniors at the Senior Center and through the Meals on Wheels program.
2. Is responsible for cleaning the inside of the building which they contract out to the Work Activities for Tuolumne/Calaveras Handicapped (WATCH) program.
3. Rents out rooms and facilities to other organizations and events, both private and public.
4. Offers a computer room at the facility with several computers, a printer and internet access. This is available to seniors free of charge, and to the public for a small donation. Computer classes are offered weekly.
5. Maintains a large selection of senior-oriented pamphlets and printed materials. These are available to seniors, their families and the public.
6. Provides transportation for seniors to doctor's appointments or other medical needs.
7. Has a vast selection of activities available to seniors, from exercise classes to pinochle.
8. Is funded in part by Area 12 Agency on Aging as well as private donations. They are a tax-exempt organization.
9. Maintains an excellent working relationship with the county and many volunteer organizations.

RECOMMENDATIONS

The Grand Jury has no recommendations for the county, as it is the Jury's opinion that the facility at 540 Greenley Road is being put to very good use by Sierra Senior Providers, Inc. It is not within the Grand Jury's purview to make recommendations as to Sierra Senior Providers, Inc.'s conducting of their programs, as they are not a county entity.

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PUBLIC HEALTH DEPARTMENT

REASON FOR INVESTIGATION

The Civil Grand Jury reviewed the Health Department as part of the routine review of county departments. The last time the Health Department was looked at was 2004/2005. This review was not complaint driven.

METHODOLOGY

The County Health Officer gave a presentation to the Civil Grand Jury on September 15, 2009. February 17, 2010, members of the Civil Grand Jury went on a tour of the facility at 20111 Cedar Road North in Sonora. The County Health Officer was very open to questions and gave all information panel members requested.

NARRATIVE/FACTS

The Department has 40 staff members working in various service areas. One of the sections visited was the Women, Infants, and Children (WIC) area where women who are pregnant, breastfeeding, or have young children are instructed, guided, and given assistance toward healthy lifestyle choices such as breastfeeding and appropriate food selection.

Panel members viewed the room where vaccines are stored under locked refrigeration. Members also learned about the mobile health van, popularly known as BOB (Be on Board), which delivered flu immunizations to 3,300 individuals during the current flu season. The vaccines were provided, as well, to 7,600 other individuals through local providers and other agencies. The BOB van, which serves patients with or without insurance at local schools, is funded by the Sonora Area Foundation, The Irving J. Symons Foundation for Tuolumne County and the Tuolumne County Schools HELP Fund to have the van available at the schools. The BOB Van also provides Sports physicals for students.

Members met with the Public Health Nurse who, based on referrals, makes home visits and works with other community agencies to assist families in need of health and life skills education and access to services.

Panel members learned about the Emergency Preparedness Program which has storage units throughout the county stocked with emergency equipment. Staff members are continually involved in planning and training for any emergency that might occur. The Health Department provides oversight of the county's Emergency Medical Services.

FINDINGS

1. An impressive amount of effort is made in retaining clients' confidentiality.
2. Rent for Department of Social Services is \$16,834 per month, Division of Public Health and Child Welfare Services building is \$13,376 a month, and Environmental Health building is \$3,998 per month.
3. There are 1175 women and children in the WIC Program; an increase of 200 over the last year.
4. The BOB van is an important and visible component of the Health Department. It serves a very necessary function.

RECOMMENDATIONS

1. There are no recommendations for Findings 1 and 3.
2. For Finding 2, it is the Jury's understanding that a large sum of money is spent for rent on the building which houses the various clinics and programs. It would be more cost effective if all Health Department services were to locate to the currently nearly empty old Tuolumne General Hospital Campus. The money saved by the relocation could then be applied to other programs and services such as the BOB van and to other community health needs.
3. For Finding 4, keep the BOB van funded by continuing fundraisers and by applying for grants.

COMMENDATIONS

Jury members were favorably impressed with the knowledge, demeanor, and openness of the County Health Officer and look forward to hearing about the Health Department's continuing high quality service to the community.

SONORA UNION HIGH SCHOOL

REASON FOR INVESTIGATION

The reason for this investigation was two-fold. It was partially complaint driven and also noted by the Grand Jury that Sonora Union High School (SUHS) had not been looked at since 1996/97.

METHODOLOGY

The Grand Jury heard a presentation from the District Superintendent. Members of the jury held two (2) meetings with Certificated Staff members of SUHS and toured the facilities. The second meeting also included two representative students.

NARRATIVE/COMMENTS

The first meeting was scheduled for, and held on November 18, 2009. Jury members went to the meeting hoping to learn as much as they could about SUHS in order to produce an accurate report on the school as per their charge. They came expecting the school employees to be cooperative and helpful. Instead, the meeting began on a negative note when an administrator asked pointedly, “why are you here and what do you want”? This made the jury members feel uncomfortable and the meeting continued with negative undertones.

At this meeting, jury members asked for several documents. These were a Student Handbook, a Faculty Handbook, and a copy of the Western Association of Schools and Colleges (WASC) report for SUHS. All of these should be available to the public upon request, but none of these documents were given to the members at this time.

A visit to the District Office in December, 2009 did produce one (1) document. This was not one of the original three (3) requested.

A second meeting was scheduled for and occurred on January 28, 2010. This meeting had a more positive tone as two SUHS students were present. But some members felt constrained by the presence of the two students; so much so that they felt pertinent questions could and should not be asked with students present. The documents mentioned above were again requested and the members went on a tour of the campus. Once again the documents were not given to the members.

The requested documents were finally delivered to the Grand Jury in late March, over four (4) months after the initial request. But, they did not come directly from the school. A juror contacted the County Superintendent of Schools and asked for his help. Subsequently, he obtained the documents and had them delivered to the jury. This late delivery, however, precluded using the documents in the final report as there was insufficient time for all panel members to peruse each document in the detail necessary.

Included with the requested documents were copies of the California Public Records Act Request along with instructions on how to fill out the request. Only one mention was made of the possibility of needing a formal written request for these documents. The person questioning the request just said they were not certain a verbal request was sufficient. No mention was made of

the best method to obtain the requested documents. This is, apparently, to make the request through the District Office.

FINDINGS

1. SUHS representatives did not respond to jury member's requests for documents even though these documents should be readily available to the public.
2. The SUHS cafeteria has no unprocessed or whole grain food products available. It serves no whole wheat breads, pastas or brown rice. The food available has only highly processed starches. While the cafeteria meets minimum state nutritional requirements, the food being served does not enhance overall student health.
3. The SUHS campus was unkempt and messy. Paper and other trash were along the fence lines, by the outdoor tables, and in what plantings were present. Weeds were growing through cracks in the paved areas and in the plantings.
4. The SUHS security staff looked unprofessional and showed little apparent concern for student safety. Panel members were not required to sign in or out at the office for the meetings. No juror was asked for identification. At no time did security approach and ask why the members were on site, even after the meetings when some panel members had to leave the group and walked across campus on their own. Other panel members went to different points on the campus and were not challenged. (After asking about this, panel members were informed the security personnel had been told the Grand Jury would be on site.)
5. Jurors requested, but did not receive, a copy of the security protocols.
6. Certificated Staff members were quick to blame parents and students for any academic shortcomings. Blame was also placed on lack of money and the 'limitations of rural students'.
7. Proposals to cut the present 240 credits required for graduation to 220 credits due to no summer school program have been made
8. There is a dress code for students, but little enforcement was apparent.
9. Just over two percent (2%) of the SUHS students are enrolled in Advanced Placement (AP) courses.

RECOMMENDATIONS

1. For Findings 1 and 5, staff members at all levels need to recognize the mandated requirements to respond to Grand Jury requests for documents in an expeditious manner. Grand Juries normally do not make written requests for documents.
2. For Finding 2, more unprocessed food products need to be made available to students. This can be done within the mandated state guidelines.
3. For Finding 3, if grounds keepers have been cut due to budget constraints, students can be encouraged to help clean the grounds following the examples of the staff members. If a student sees a staff member pick up a piece of trash, most likely the student will follow suit.
4. For Finding 4, security staff members need to present a more professional appearance. Button down shirts and neat slacks should be worn. Identifying badges or jackets should be worn to make identification easier for both visitors and new students.
5. There is no recommendation for Finding 6.

6. For Finding 7, in this age of technology, students need to learn more not less. No cuts in requirements should be made.
7. For Finding 8, consideration should be made to require student uniforms. Uniforms are considerably cheaper to the parents and students. This would also eliminate the “mine is better than yours” climate so prevalent in today’s society. If parents reject the uniform idea, the present dress code needs to be strongly and strictly enforced for all students.
8. For Finding 9, emphasis must be placed on getting more students into AP courses and a greater number of courses need to be offered as soon as possible.
9. This recommendation does not relate to any specific finding. More agriculture/vocational classes are needed, especially in a “rural community” such as Tuolumne County. The present staffing needs to be maintained in order to keep the program as strong as possible. Most other “rural” counties have three (3) to five (5) teachers in this field. It is doubtful there are other staff members at SUHS with the proper credential that can teach all of the present vocational classes and continue to build the program. SUHS needs to maintain and increase these classes because Tuolumne County is a “rural community” based on many facets of agriculture.
10. This recommendation does not relate to any specific finding. Future Grand Juries need to look long and hard at the Sonora Union High School over the next several years. This level of oversight is needed to insure compliance with the school’s own written policies and guidelines as well as complying with the responses to the Grand Jury’s recommendations.

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TUOLUMNE COUNTY AIRPORTS

REASON FOR INVESTIGATION

Members of the Grand Jury reviewed past Grand Jury Findings and Recommendations concerning the County's airports. During this review, it was determined the responses to some of the recommendations did not fully meet the requirements as established by law. Additional documentation was requested from the Airport Manager and was provided.

Due to the widely separated geographic locations, it was decided to limit the physical investigation to Columbia Airport. Pine Mountain Lake (PML) Airport was discussed during the meeting.

METHODOLOGY

Members met at Columbia Airport. With one exception, all of the Jury's questions were answered satisfactorily.

FINDINGS

1. All previous Grand Jury Findings and Recommendations have been met.
2. Work and time management is very important for all county airport staff. Work must be, and appears to be, scheduled in such a way that priority work is accomplished first and as soon as possible.
3. Noise complaints continue to be a problem at both airports. Without being able to identify the aircraft responsible, there is nothing that can be done about this. Unfortunately, when the person complaining is asked such simple questions such as color, number of engines, or high wing/low wing, the answer is generally "I don't know". Airport staff has taken steps to mitigate noise complaints with articles in the airport newsletter, The Manager's Approach. These articles emphasize noise mitigation techniques and the noise sensitive areas around both airports. (See Additional Explanations for amplification.)
4. State aid for this year has been suspended. This aid accounts for approximately two percent (2%) of Columbia Airport's annual budget, but approximately twenty percent (20%) of the PML budget. This loss will impact planned improvements at PML for this year and possibly next year as well.
5. The grass runway at Columbia is a unique feature of public airports. It serves as a tourist draw bringing in flyers from around the world. It also serves to introduce fledgling pilots to probably the most challenging aspect of flying, landing. During certain wind conditions, it is the only safe runway for arrivals and departures.
6. The deer fence at PML, recommended by Wildlife Services, has made PML much safer. Before the fence was installed, there were one or two deer/aircraft collisions each year. Since installation, there have been no reported collisions.
7. While there are no scheduled inspections of the hangers at either airport, there are random inspections. Also, safety equipment such as heat detectors, smoke detectors, etc. is inspected on an annual basis. During this safety inspection, other housekeeping aspects are reviewed.
8. While there is no precision approach (one that provides both course and glide slope information) at either airport, there are non-precision GPS (Global Positioning System)

approaches. These provide only course information. There is a request for the Federal Aviation Agency (FAA) to survey both airports for more precise GPS approaches than are presently available. As commercial and general aviation airports with a higher volume of traffic receive priority for these surveys, it will be some time in the future before this action will be completed. (See Additional Explanations for amplification.)

RECOMMENDATIONS

1. For Finding 1, no recommendation is needed.
2. For Finding 2, consideration should be given to hiring additional staff, either part time or full time for maintenance of facilities. Volunteers may and should also be considered for some of the maintenance work, if appropriate.
3. For Finding 3, continue to emphasize noise mitigation techniques and noise sensitive areas. See Additional Explanations/Observations below.
4. For Finding 4, continue to pursue State and Federal funding for physical improvements at both airports.
5. There are no specific recommendations for Findings 5 through 8.

ADDITIONAL EXPLANATIONS/OBSERVATIONS

GENERAL

The difference between what the FAA considers an airport and an airpark was explained. An airport is one where the flying community pays fees for operating. An airpark is primarily one designed for use by the home owners who are assessed an annual fee. Pine Mountain Lake is considered to be an airpark and as such is not eligible for most funds from the FAA.

AIRCRAFT NOISE

Aircraft noise is primarily from two sources; engine noise and propeller tip speed. Aircraft engines do not normally have mufflers like motor vehicles. High power settings are a fact of life during takeoff, thus producing greater engine noise. The larger the diameter and higher the speed of the propeller, the closer propeller tip speed comes to the speed of sound. This is generally the greater noise contributor. High power settings at takeoff mean higher propeller speeds which equate to higher propeller tip speeds. The only methods to reduce these factors are dangerous. The aircraft either needs to climb at low speed with a high rate of climb, or the pilot has to reduce power. Low speed and high climb rate can lead to a stall. This is where the aircraft literally falls out of the sky. General aviation pilots are taught stall recovery, but stalls near the ground don't provide enough altitude for normal recovery. Reducing power is not as dangerous, but does introduce the problem of obstacle clearance, i.e. hitting an object or the ground due to reduced aircraft performance. Neither of these outcomes is conducive to happy people in the aircraft and sometimes on the ground.

MORE ACCURATE GPS APPROACHES

To have the additional GPS accuracy needed for newer instrument approaches to both Columbia and Pine Mountain Lake Airports, it is necessary to install what is essentially

a ground based GPS correction signal transmitter. It is no great problem to establish the location of this transmitter in three dimensions; Latitude, Longitude and Altitude.

The difficult and time consuming part is to survey each and every possible obstacle on the airport and in the landing and departure zones in these three dimensions. This is needed to insure there is adequate obstacle clearance for landing and departing aircraft using GPS equipment during instrument flying conditions. The correction signal is determined by knowing exactly where the ground based transmitter/receiver is located and then electronically correcting the signals received from the GPS satellites. This improves GPS accuracy to plus/minus one meter (3.3 feet), if not better.

COMMENDATIONS

The Airport Manager and his staff were found to be very knowledgeable as to their duties. All seemed willing to do what ever needed to be done, whether it was normally a part of their duties or not. Everyone seemed to enjoy what they were doing. All in all, it was a pleasure to talk to happy, knowledgeable people that enjoy coming to work each day.

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UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION TUOLUMNE COUNTY (FARM ADVISOR)

REASON FOR INVESTIGATION

The Cooperative Extension Office, better known as the Farm Advisor, has not been looked at since 2003-2004. This investigation was not complaint driven.

METHODOLOGY

Grand Jury members met with Staff of the University of California Cooperative Extension on April 8, 2010 in the Extension offices, 52 N. Washington Street, Sonora. Staff included the Farm Advisor/County Director, the Director of the Nutrition, Family, and Consumer Sciences Program; the Director of the Food Stamp Nutrition Education Program; the Master Gardener Program Coordinator; the 4-H Program Supervisor; and the Office Manager. Each staff member, with the exception of the Office Manager, presented a summary of their activities via a slideshow and handouts.

FINDINGS

1. The function of the Cooperative Extension Office is to transfer information from the University of California to the citizens of Tuolumne County to meet problems in agriculture, natural resources, food and nutrition, food safety, and community development.
2. The Cooperative Extension Office is funded by a mix of federal, state, and county resources as well as grants and fund-raising. The fiscal year 2009-2010 budget was \$716,465, of which Tuolumne County contributed \$184,865.
3. The Farm Advisor/County Director is responsible for initiating research programs that meet the needs of Tuolumne County residents. Projects have included a trail Safflower planting which is good for poor soils; techniques for controlling Medusahead, a weed grass; as well as workshops for dealing with Yellow Star Thistle.
4. The Director of the Nutrition, Family and Consumer Services program stated the program aims at earlier intervention in the lives of school children and their parents to encourage better food choices.
5. The Food Stamp Nutrition Education Program is actively reaching children whose families receive food stamps by promoting nutritional food choice. The program served three (3) schools in 2009-2010. They expect to serve as many as six (6) schools within the next two (2) years, (2010-2012).
6. The Program Coordinator of the Master Gardener Program reported the Gardeners are working specifically on water reduction this year.
7. The Tuolumne County 4-H Program Manager stated the 4-H activities focus on Youth Development. There are youth-adult partnerships, opportunities to build life skills, and year-round participation.
8. Financial support from the county is the Cooperative Extension Office's biggest problem as this is not a state-mandated program.

RECOMMENDATIONS

1. The Grand Jury has no specific recommendations for Findings 1 through 7.

2. For Finding 8, the Grand Jury has no specific recommendation. It should be noted and acknowledged that the amount of funding contributed by the County is minimal, but well-spent.
3. This recommendation does not relate to any specific finding. The Grand Jury recommends more publicizing of the material and services available to the County's citizens at little or no cost to the citizen via the Cooperative Extension Office.

COMMENDATIONS

The members of the 2009-2010 Tuolumne County Grand Jury wish to commend all of the staff of the UC Cooperative Extension Office on their job performance. It was a pleasure to meet workers, who enjoyed what they were doing and doing it well, especially in today's business climate of "do more with less and in less time".



VETERAN SERVICES

REASON FOR INVESTIGATION

This investigation was not complaint driven. It was noted the Veteran Services office had not been looked at since 2002.

METHODOLOGY

The Grand Jury heard a presentation by the present head of the office, Mr. Eric Larson. This presentation was most informative and at the same time alarming. This was particularly true for those members of the jury who are veterans.

FINDINGS

1. The office is staffed by two (2) full time people with one (1) part time fill in. At the time of preparation of this report, one full time employee was out on disability. This creates a heavy case load as the office does accept walk in clients. Hiring of additional personnel is difficult at this time due to both budget constraints and the complexities of the data base systems coupled with the security requirements to safeguard personal data. Additionally, training and certification to access these systems is a long, time consuming period taking approximately nine months from start to finish.
2. As with every service organization, there are customers who are dissatisfied with the service. However, the vast majority of customers seem to be very pleased with the services received. The services provided include, but are not limited to, determining possible eligibility for benefits, helping fill out forms for claims, and helping fill out forms for appeals if claims are denied.
3. There appears to be a general lack of public awareness of not just the services Veteran Services Office offers, but even the existence of such an office.

RECOMMENDATIONS

1. For Finding 1, it is recommended at least one (1), if not two (2), additional people be hired as soon as budget constraints allow. This will serve multiple purposes. First, it will lower the case load for the fully qualified personnel as the new people will be able to handle the simpler day to day office work. Second, there will be time to get the new personnel fully trained and certified to cover all aspects of the operation during vacations or other absences.
2. As no one can mandate satisfaction, there is no formal recommendation for Finding 2.
3. As stated in Finding 3, every effort should be made to make for the use of Public Service announcements in the local media including the internet to make the general public, as well as veterans, more aware of the services provided by the Veteran Services office. With increased awareness, more veterans and their families can and will be helped. This

help will, in some small way, thank the veterans and their families for the sacrifices made during their service.

NOTE: Seals of the Armed Services taken from Public Domain Sources

PUBLIC DEFENDER'S OFFICE

REASON FOR INVESTIGATION

This report was not complaint driven, but rather it has been several years since the Tuolumne County Civil Grand Jury reviewed the office. A new Public Defender has been appointed since the last Grand Jury's review in 2002.

METHODOLOGY

The Tuolumne County Civil Grand Jury had three (3) separate contacts with the Public Defender's Office for a total of approximately six (6) hours. The first meeting was held before all 19 members of the Grand Jury. The second meeting consisted of several jurors who toured the Public Defender's Office where each Deputy Public Defender and support staff was interviewed. The final meeting was with the Public Defender for an extensive question and answer period.

COMMENDATIONS & REMARKS

Under the Sixth Amendment to the United States Constitution all individuals charged with a Federal crime shall "have the assistance of counsel for his defense." "The Supreme court has applied the protection of this amendment to the States through the Due Process Clause of the Fourteenth Amendment." As a result of these two (2) amendments, Federal, State, and local prosecutions must provide legal assistance to all individuals who can not afford legal representation.

There are two (2) systems widely used throughout the United States to represent those defendants who qualify for public assistance. The first system is for Federal, State, or local jurisdictions to hire private attorneys to represent defendants. The attorneys are paid for by that jurisdiction on an hourly basis.

The second system is a Public Defender's Office which is paid for by the jurisdiction in which the criminal prosecution is held. Tuolumne County uses this system and financially maintains the Public Defender's Office for legal assistance for those individuals who qualify. Occasionally both systems are used when there is more than one defendant involved with a single crime. The court will assign one defendant a public defender and then assign a private attorney to represent the other defendant. Under these circumstances the two systems avoids any conflict of interest with legal representation for the two defendants.

The Public Defender's Office is an integral part of the criminal justice system. The Public Defender's Office oversees court proceedings and attempts to assure impartial treatment of a defendant without regard for payment or fee. Attorneys in the Public Defender's Office do not get the opportunity to choose the clients they represent but rather the court appoints the Public Defender to represent the client. According to the Public Defender's Office the vast majority of their cases are adjudicated without trial. Attorneys in the Public Defender's Office are more interested in the fairness of the criminal process than the guilt of the defendant. They often work closely with, and represent individuals the average citizen might avoid in public. On more than one occasion these attorneys have thwarted violent assaults from their clients.

Collectively, the Civil Grand Jury appreciates and commends the Public Defender, Deputy Public Defenders, and support staff for their unwavering ideology that supports and advances the judicial system in Tuolumne County.

FINDINGS

1. During the tour of the Public Defender's Office jurors found the office to be very organized. Each Deputy Public Defender had their own office with many case files either ready for court or in preparation for future court appearances. High morale and enthusiasm in the office was apparent. Each deputy was eager to discuss the particular type of cases they handled while maintaining a high degree of confidentiality for their clients. Several of the grand jurors noted the deputies made persuasive arguments relative to the particular cases the deputies handled. In the relatively short time with the Public Defender and deputies, several jurors either changed their views or accepted that legal arguments were not as black or white as they originally thought. All jurors felt the visits and interviews were highly informative and educational.
2. One member of the support staff spoke fluent Spanish which the Deputy Public Defenders found to be helpful with some of their clients. This member aspires to become court approved and recognized to legally interpret Spanish in a court of law.

RECOMMENDATIONS

1. For Finding 1, the Civil Grand Jury recommends Tuolumne County establish a competitive salary so the County can retain the high level of competence the Public Defender's Office currently maintains.
2. There is no recommendation for Finding 2.

SIERRA CONSERVATION CENTER AND BASELINE FIRE CAMP

According to Section 919(b) of the California Penal Code, “The Grand Jury shall inquire into the condition and management of the public prisons within the county.” Sierra Conservation Center and Baseline Fire Camp fall within this statute for Tuolumne County.

METHODOLOGY

Prior to a tour of the facilities, the Civil Grand Jury members met with the Acting Warden and the Chief Deputy Warden for a two (2) hour question and answer session in the administrative office area. Both officials were generous with their time and answered all questions from the panel members. The interviews, tours and cooperation from the staff established a sense of transparency, a high level of security, and openness in assisting the Civil Grand Jury.

The Tuolumne County Civil Grand Jury visited Sierra Conservation Center (SCC) on three (3) separate occasions and Base Line Fire Camp once. The tours of SCC included the Administration Offices, the three (3) levels of security yards, dining hall, medical and dental facilities, pharmacy, and the vocational training center. The tour of Baseline Fire Camp consisted of the dining hall, sleeping and living dorms, administrative facilities, vehicle maintenance, fabrication shop and the staging areas for fire vehicles and inmate fire fighters.

FINDINGS

1. The current inmate population at SCC is 3,550. SCC consists of three (3) separate facilities designed to incarcerate three (3) levels of inmates with different levels of security requirements. Panel members started the tour in the Level 1 facility which houses minimum security inmates. This area was a very relaxed atmosphere akin to a high school or junior college. Inmates live in a dorm setting consisting of 25 to 30 inmates. This area is also a staging area for Base Line Fire Camp where inmates train and progressively increase physical conditioning for fire fighting. Additionally, this area contains the various vocational training areas.
2. The vocational training area consists of inmate training for welding, masonry, carpentry, auto body repair, and computer training/repair. The computer training classes have “no internet access.” These facilities are designed to give inmates hardware repair and programming experience. Due to State budget restraints, the vocational programs for Graphic Arts and Printing, as well as the Mill and Cabinet shop have been shutdown.
3. When entering the Level 2 medium/minimum security area, panel members commented on the change in atmosphere. This area definitely had the feeling of a prison. Hundreds of inmates were milling around a track, or isolated into small groups. Handball and basketball seemed to be the two (2) main sports being played. The housing consists of a dayroom area with two (2) occupant cells, each approximately eight (8) feet by twelve (12) feet, located along the perimeter of the dayroom. The inmates are secured and locked down at night or when circumstances dictate. This area has a large indoor gym that formally housed inmates sleeping on three (3) tiered cots. Last year’s jury commented on the over crowding of this area. During the tenure of the 2009-2010 Civil Grand Jury, this area of housing was eliminated. All inmates housed in this gym were absorbed into other parts of the prison population.

4. Panel members found the Level 3 medium security facility to be very similar to the Level 2 facility, just with more correctional officers present. Inmates have the option of staying locked down, thus limiting their exposure to inmate politics. Members spoke with two (2) of these inmates who indicated they only leave their cells twice a day. Once is for one (1) hour for exercise and to shower, and once to attend religious classes. These particular inmates had been incarcerated for five (5) years with eight (8) years remaining and fifteen (15) years with fourteen (14) years left. Neither chose to disclose why they were in prison. The indoor gym in this area is still being used to house inmates. The gym is grossly overcrowded with inmates sleeping on three (3) tier cots.
5. Civil Grand Jury members found the dining hall to be very clean and well organized. Inmates cook and distribute the food. SCC is able to feed 1,250 inmates every hour and thirty minutes. There are special security measures in place for the dining hall. A correctional officer is stationed on an overhead gallery with a variety of weapons to stop an outbreak of violence, should it occur. The correctional officer can use gas pellets or a weapon shooting hard, wooden dowels. These weapons are considered enough to stop any outbreak.
6. Members toured the prison hospital and medical facilities. In 2009, with an inmate population of approximately 5,500, there were 1,700 inmate requests for medical assistance. With current budget constraints and Federal Court mandates, employee furloughs have created the need for an extreme increase in overtime to staff the medical facilities. This will be an ongoing problem with no resolution anytime soon.
7. The general hospital area includes a mental health department, dentist offices, a pharmacy, and an eye care office. All of the facilities were very clean and well maintained. Last year's jury noted the hospital's mattresses were substandard. This problem area has been corrected.
8. A current major problem area for SCC is contraband cell phones in the lockup areas. Currently, there is no law preventing or deterring the possession or smuggling of cell phones into lockup facilities. The California Legislature is negotiating a law, but has not agreed on a punishment for the violation of the new law. Correctional officers make numerous unannounced searches of inmates for these phones. The SCC administration has established "Operation Disconnect" to make surprise searches of both correctional officers and support staff to halt smuggling of phones. Employees are set aside at the start of their shift and searched before going on duty.
9. Base Line Fire Camp currently houses between 128 and 134 inmate fire fighters. 17 inmates make up a "strike team" and are trained and ready to respond to wild land fires in Tuolumne County or any place in the state and even outside California through mutual aid pacts. Approximately 80 % of the wild land fire fighting within the county is performed by these teams. SCC is responsible for all of the prisoner fire camps in California. One of the teams demonstrated their readiness by exiting the transport vehicle, being issued the tools and power equipment, and establishing a camp beside their truck. Within minutes, the team was ready to join paid fire fighters on the fire line.
10. Base Line is self sustaining as far as maintenance of vehicles, power tools, hand tools, clothing, packs, and protective gear is concerned. All of this maintenance is performed by inmates under correctional officer supervision. The protective clothing is made using fire resistant material. The shop areas were well maintained, clean, and well organized.

11. When not maintaining a high level of physical conditioning or fighting fires, the inmates assist communities by cutting defensible fire breaks along highways, clearing and cleaning school grounds when students are not present, and cutting fire breaks around public utility equipment. During the off season, the teams clean and clear campgrounds and, if necessary, fill and stack sandbags for flood relief.
12. The facilities and grounds at Base Line do not resemble a prison. Inmates are housed in barracks where they have individual cots and foot lockers. Inmates' families can come to the camp on weekends to enjoy picnics or cookouts. The dining hall is small, but can feed the inmates in less than one (1) hour. The kitchen area was clean and adequate for food preparation. Base Line inmates are fed higher caloric meals to compensate for the greater physical activity level. Cost of food for each inmate is approximately \$2.57 per day. Medical care for an inmate is provided at SCC.

RECOMMENDATIONS

1. There are no recommendations for Findings 1, 3, 5, and 7 through 11.
2. For Finding 2, the jury recommends the State continue funding the Graphic Arts and Printing class, as well as the Mill and Cabinet Shop. Each of these programs creates inmate skills that may keep an inmate from returning to prison.
3. For Finding 4, the over crowded gym in the Level 3 facility should be closed for inmate housing just as was done with the Level 2 facility gym.
4. For Finding 6, staffing for the hospital and medical facilities should be reviewed for cost effectiveness. Paying overtime to staff these facilities does not appear to be the best use of limited funds.

REMARKS

The Tuolumne County Civil Grand Jury would like to point out that SCC is one of the largest employers in the county and is a very important economical asset.

SCC is also a good neighbor. Many employees, in their off duty time, participate in charitable fund raising within the county. Last year, 2009, SCC employees donated approximately \$11,000 to various causes in Tuolumne County. Inmates contributed nearly \$3,000 during the same period.

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TUOLUMNE COUNTY JAIL

REASON FOR INVESTIGATION

The Tuolumne County Jail is an entity the Tuolumne County Civil Grand Jury is required to investigate each year according to California Penal Code Section 919(A). This investigation was not complaint driven.

The Tuolumne County Jail is responsible for detaining persons accused of crimes, transporting such persons to and from court appearances, and housing convicted criminals with sentences of less than one (1) year. The Tuolumne County Jail is located in a three (3) story cement structure best described as a building in arrested decay.

METHODOLOGY

The Tuolumne County Civil Grand Jury toured the Tuolumne County Jail on five (5) separate occasions, both by appointment and unannounced visits. During the tours, panel members observed how an inmate would proceed from delivery to the county jail, to booking, classification, and then to a cell.

FINDINGS

1. The jail is seriously understaffed due to lack of funding.
 - a. Current staff assigned to maintain safety of jail personnel and maximum 149 inmates:
 - i. One (1) Administrative Sergeant
 - ii. Four (4) Deputies
 - iii. Two (2) Transport Deputies
 1. Note: The two (2) transport deputies leave the jail when an inmate(s) has a court appearance. This leaves just five (5) jail staff members for 149 inmates.
 - b. The second floor/west side holds the majority of inmates and is overcrowded and understaffed. Two (2) deputies maintain the security for the second floor and the majority of the 149 inmates.
 - c. If a violent event were to occur on the third floor where the exercise area is located, the coverage and response time for the lone deputy on the third floor is too long.
2. The jail is grossly outdated, unsafe and has many hazards.
 - a. Visiting/Interview area is too small with just five (5) intercom phones. One (1) of these is in a sound proof area for attorney/client conversations.
 - b. Control room is cluttered due to lack of storage space, but has improved security and safety levels.
 - c. There is a significant amount of mold on the walls migrating from the ceiling to the stairs in the stairwell between the first and second floors. This mold is professionally removed periodically. With the poor ventilation system, health hazards to staff and inmates are a possibility.
 - d. The ceilings of the jail show signs of leakage, rust, and peeling paint. The roof to the jail has been replaced since the 2008-2009 Grand Jury report. The damage to the interior ceilings will not improve, but is not expected to get worse.

- e. The Sally Port is a secure gated vehicle bay designed for the safe transfer of arrested individuals and inmates between law enforcement vehicles and the jail itself. One third of the Sally Port is currently being utilized for storage and unavailable for use by law enforcement vehicles.
- 3. The living, sleeping, and eating conditions for inmates are adequate. The majority of these necessities is regulated by state and federal law and are vigorously observed and implemented by the Sheriff. The jail contracts with an outside private company for meal preparation. This has proven to be cost effective.
- 4. Medical treatment of inmates is adequate.
 - a. There is a nurse on duty at all times with a physician in attendance one day a week.
 - b. Inmate medications, diabetic blood sugar issues, and communicable diseases are monitored daily.
 - c. An inmate with an emergency will be transported to the hospital by two deputies.
 - d. Dental needs for inmates are provided by transporting the inmate to a local dentist.
- 5. Several areas of concern were noted and two (2) correction notices were issued during a recent fire inspection.
 - a. The areas of concern were:
 - i. All fire extinguishers need to be inspected monthly.
 - ii. Improve general housekeeping to maintain area in a neat and orderly manner to minimize fire loading to prevent spread and maintain fire safety.
 - iii. Penetrations in fire rated walls and ceilings must be maintained in accordance with applicable fire codes.
 - b. The corrections notices were for:
 - i. The fire extinguisher in the elevator service room needs to be serviced.
 - ii. Fire caulking in the ceiling and wall joints of the library, the female dorm area, and the “J” tank area needs to be brought up to code standards.

RECOMMENDATIONS

- 1. For Finding 1, increase staffing at the jail to:
 - a. One (1) Administrative Sergeant
 - b. Six (6) Deputies
 - c. Four (4) Transportation Deputies
 - d.
- 2. For Finding 2 (a), a deputy should be present to observe inmate interactions with visitors.
- 3. For Finding 2 (e), the Sally Port should not be used for storage.
- 4. There are no recommendations for the remainder of Finding 2.
- 5. There are no recommendations for Findings 3 and 4.
- 6. For Finding 5, all areas mentioned in the annual fire inspection need to be corrected as soon as possible.
- 7. This recommendation does not relate to any specific finding. The problems noted can be fixed, but in the longer term, only a larger, more secure and modern jail can actually remedy the problems with the present jail.

COMMENDATIONS

The Sheriff's Administration, supervisors, deputies and support staff have done a remarkable job under extremely difficult circumstances. The Sheriff has continually been asked to do more with less. Although the Civil Grand Jury stands with the past 18 Grand Juries in condemning the Tuolumne County Jail facilities, this report has nothing but praise for the Sheriff and staff.

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TUOLUMNE COUNTY SUPERIOR COURT TRANSPORTATION AND DETENTION

REASON FOR INVESTIGATION

The Tuolumne County Civil Grand Jury reviewed and toured the transportation and holding facilities for inmates at the five (5) different Tuolumne County Superior Courts and security for each courtroom as part of our investigation into inmate detention in general. Inmates spend a considerable amount of time in court for hearings and trials. Of concern was the safety of judges, bailiffs, attorneys and citizens present in court. This investigation was not complaint driven.

METHODOLOGY

The Civil Grand Jury (CGJ) observed the transportation of inmates from County Jail to the Superior Courts. Members toured and inspected the holding facilities in each of the five (5) Superior Courts and reviewed the security measures in place for each court room.

The CGJ witnessed video arraignments (first court appearance) from both the jail and the courtroom. While inside the jail the inmates were arraigned utilizing a closed circuit video by a Superior Court Judge.

FINDINGS

1. Each day at 4:00 PM jail staff members setup a video link with the Superior Court, Department 4. All individuals arrested within the previous 24 hours (weekends/holidays excluded) have their first court appearance (arraignment) from the jail via the closed circuit video link. This process can take as little as fifteen minutes or up to one (1) hour depending on the number of defendants. The process occupies the time of three (3) deputies leaving one (1) sergeant, one (1) deputy and two (2) transportation deputies to maintain the jail.
2. There are no lockup holding facilities in any of the five courtrooms. Defendants must be transported to the courtroom for his/her hearing and then be transported back to the jail for holding. If a defendant has a morning and afternoon hearing, then he/she will be transported a total of four (4) times during the day. The two (2) transportation deputies must stay with the defendant at all times. If more than one defendant has a court appearance, additional deputies, being paid overtime, are used.
3. During transportation and most court appearances, inmates wear ankle and wrist restraints. With few exceptions, during trials and when a defendant is in front of a jury, no restraints are allowed.
4. Vehicles used for transportation are well maintained and very secure. Some of the vehicles are approaching the need to be replaced due to high mileage.

RECOMMENDATIONS

1. For Finding 1, the use of closed circuit video arraignment is efficient and profoundly increases safety for the judge and court staff as well as defendants, inmates and jail staff. This video arraignment procedure mitigates the danger created by not having holding facilities in the courts and should be continued and encouraged.

2. For Finding 2, the lack of physical security leaves the courtrooms highly susceptible to escape during a trial. As the physical aspects of the courtrooms will not be changed anytime soon, the number of transport deputies and bailiffs should be increased when deemed necessary. This would be temporary and be assessed and determined by the Sheriff utilizing criteria such as the defendant's history, current charges, and potential length of sentence.
3. There is no recommendation for Finding 3.
4. For Finding 4, replace vehicles as they age out.

COMMENDATIONS

The Tuolumne County Civil Grand Jury commends the Superior Court Judges, bailiffs and staff for being vigilant in their pursuit of safety in the courtroom especially in light of the functional obsolescence of the court house buildings.

TUOLUMNE COUNTY PROBATION DEPARTMENT

REASON FOR INVESTIGATION

The motivation for the Civil Grand Jury's visit to the Tuolumne County Probation Department was an interest in the procedures in place for the detention and transportation of juveniles at the Probation Department in the absence of a juvenile hall. This investigation was not complaint driven.

METHODOLOGY

Members of the Grand Jury met at the Probation Department office for an informational meeting with the Chief Probation Officer followed by a tour of the facilities and caged transportation cars. Questions were asked about the major functions of the Probation Office, the impacts on the department of the state's early prisoner release program and the procedures currently in place for processing, detention and transportation of juveniles. The members were provided with written demographic information and detailed answers for all their questions.

FACTS

The Probation Department is charged with a wide range of responsibilities that assist the court in the reduction of caseload as well as the monitoring and limited rehabilitation of convicted offenders, both adult and juvenile. These functions include preparing pre-sentencing investigation reports and recommendations for the sentencing, intervention and/or sanctioning of juveniles and adults as well as the supervision of felons and wards. The Probation Department provides for alternative sentencing programs including providing officers for the Drug Court, Sheriff's Parole, Work Release, Work Furlough and Community Service. The Probation Department provides for the detention of minors who pose a risk to the community by maintaining five contract beds in Yolo County with more beds available in the alternate jurisdictions of Glenn County, Trinity County and occasionally Nevada County. The Probation Department provides rehabilitative programs for youth on probation including the Youth Guidance Program, Peer Court, School Probation Officers, Juvenile Family Service Specialist Counselor, Drug & Alcohol Awareness & Education Groups and Anger Management Classes. There is also a program in place for the Crisis Housing of youths with emergency needs.

FINDINGS

1. The Probation Department is being negatively impacted by the state's early release program. The new policy of "non-revocable parole" requires parolees to be subject to search but not instant re-incarceration upon committing a crime. Now, if a parolee commits a crime, he is processed through the judicial system from scratch, the same as a person who is being prosecuted for the first time. This situation is increasing the work load on the Probation Department. To make matters worse, the Probation Department currently has vacancies in the following four positions; Relief Work Release Counselor, Probation Tech, Legal Clerk and Transportation Driver.
2. The construction of the new Juvenile Hall currently being undertaken is necessary. The construction of the facility is being funded by Public Works bonds at a cost of 16 to 22 million dollars. The anticipated construction completion date for the hall will be in June, 2013. It is currently anticipated that the actual completion date will be sometime later. A designated, secure and supervised juvenile detention room is lacking in the existing

Probation Department building creating an unsafe situation for juvenile detainees and probation staff alike. Juveniles are currently kept in the lunch room while accommodations are being made for them in other jurisdictions. The housing of juveniles out of county is energy intensive, expensive and emotionally difficult on the juvenile detainees. The cost per juvenile is \$95.00 to \$110.00 per day plus the cost of multiple transports required for court appearances. There are currently five (5) juveniles being housed at \$110.00 per day and three (3) being housed at \$95.00 per day. Last year the total cost to Tuolumne County for detention facilities and transportation was \$491,730.00. In accordance with Welfare and Institutions Section 903, parents/guardians can be asked to repay the county for juvenile hall detention costs on a sliding scale based on income. The maximum charge to parents/guardians is \$30.00 per day. If a juvenile is remanded by the court into a residential treatment program or group home then the back charge to parents/guardians could be higher.

3. About fifty percent of crimes committed in our county involve drugs or alcohol while approximately thirty five percent involve some form of domestic violence. The Probation Department is utilizing programs emphasizing rehabilitation, restitution and a cognitive based approach to address and correct the root causes of dysfunction and criminal behavior thereby reducing recidivism.
4. Probation officers are unarmed and often in close proximity to distraught and dangerous people, both adults and juveniles.
5. The caged transport cars, though in good shape, are used a lot and have high mileages on them.

RECOMMENDATIONS

1. For Finding 1, it is important to maintain the current employees of the Probation Department and fill the aforementioned four vacant positions as soon as possible.
2. For Finding 2, the new Juvenile Hall must be built as soon as possible. Until the new Juvenile Hall is ready for use a secure, designated and supervised juvenile detention/interview room must be created in the current Probation Department building. The committee members support the use for juvenile detention of the current room with restroom facilities in it. This should be augmented with a large safety glass window so a probation officer can sit in the adjoining room and monitor the juvenile while making arrangements for the juvenile in privacy.
3. For Finding 3, the Civil Grand Jury supports the continuation of outreach programs, work furlough and work release programs, restitution programs and the continued funding for these programs.
4. For Finding 4, consideration should be given to allowing the probation officers the use of pepper spray. In light of the possibility of costly liability to Tuolumne County resulting from the use of tazers, the Civil Grand Jury does not support the use of tazers by Probation Officers.
5. For Finding 5, the caged transportation cars need to be replaced over the next several years as they age out. Driving detainees in a car prone to breakdown because of age is not safe for anyone involved.

COMMENDATIONS

The Chief Probation Officer and her staff were found to be knowledgeable and efficient. They displayed a genuine interest in their felons and wards as well as in the safety of Tuolumne County citizens in general. Special care is being evidenced to guide juveniles out of the criminal lifestyle and back into productive society. The officers carefully weighed the impact of detention on a juvenile against the damage done by incarceration and subsequent association with more sophisticated criminals. Juveniles are purposely housed in small rural counties like our own.

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TUOLUMNE COUNTY DRUG AND ALCOHOL COURT

REASON FOR INVESTIGATION

The Civil Grand Jury decided to attend, observe, and report on the program to the citizens of Tuolumne County.

BACKGROUND

Every Friday at 3:00 P.M. individuals with drug and/or alcohol problems meet in Department 2 in the Old Court House. They meet as a condition of their sentence for a one year drug and alcohol program established in 1998. The following Tuolumne County Departments were involved with organizing the program; Behavioral Health, the Courts, District Attorney, Probation, Public Defender, Sheriff, and the Sonora Police Department.

METHODOLOGY

Members of the Grand Jury attended several sessions of the Tuolumne County Drug and Alcohol Program. The presiding judge gave members of the Grand Jury a background of the program and answered numerous questions about the program for jurors. In addition to the presiding judge, Grand Jury members spoke with the Drug Court Manager and two individuals ordered into the program after their court appearance.

REMARKS

As previously stated the drug and alcohol program is a one (1) year program that starts shortly after an individual is released from their court ordered county jail sentence. The one (1) year program is broken down into three (3) phases. The first phase is to assist the individual in getting off of drugs and alcohol. During the first phase the individual is required to attend each Friday court session where he or she explains to the presiding judge what steps they have taken during the past week to promote a sober lifestyle. Questions asked by the judge of the participants generally are directed to the individual's efforts in looking for employment, continuing education (acquiring a GED), and their ability to stay away from drugs and alcohol. The individual is encouraged to begin a search for a sponsor to assist him or her through an Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) program. Members of the Grand Jury agreed this phase of the program would best be described as heavy supervision by the presiding judge. Some leniency was noted by members of the Grand Jury from the judge for individuals in the first few weeks of the program. The tone of the judge changed as the weeks passed for members who appeared to be malingering. On one occasion, an inmate missed one of his meetings and the judge remanded the individual into custody for the weekend.

During the second phase of the program, individuals are given more latitude by the court and the rules are relaxed when the individuals are progressing with the program. Individuals are required to attend the court hearings every other week, if they had secured a sponsor and are regularly attending Narcotics Anonymous or Alcoholics Anonymous, and keeping their regular counseling appointments with the Behavioral Health Department. During this phase, the individuals are required to attend "30 meetings in 30 days", either in Narcotics Anonymous or Alcoholics Anonymous.

When a particular individual is succeeding beyond the court's expectations, the presiding judge may give the individual concerned court acknowledged praise and the individual maybe rewarded with tickets to the movies or a meal at a local restaurant. Of the 18 individuals in the program, two (2) were praised for their progression and extra work in the program. The extra work by an individual is generally for assisting other members meeting their obligations and finding sponsors or for accelerating their own progress in the program.

The third phase would be considered an "exit strategy" from the program for an individual. The judge evaluates the successful completion of phase one and two of the program for the individual and gives supervision as he or she works towards "graduation." Graduation generally takes place in court, two (2) or three (3) times each year. The ideal graduation from the program for an individual would be completion or continued participation of either Narcotics Anonymous or Alcoholics Anonymous, full or part time employment, continued education, and the ability of the individual to stay "clean and sober."

During the one (1) year program all participants are randomly tested for drugs and alcohol through the Probation Department. Depending on the random selection, individuals are tested as often as every day. They do not know they will be tested until the night before the test. This random testing gives the court an accurate picture of the individual's sobriety during the program.

The Grand Jury observed at one particular drug and alcohol hearing the following: 18 individuals were present, three (3) were "no shows," and an arrest warrant was issued for one (1) individual. Once the hearing began, it lasted for approximately 55 minutes and all of the individuals were expected to be present for the entire hearing. The Public Defender represents an individual at his or her first Drug Court appearance. At that particular court appearance the Public Defender represented four (4) new individuals. Members of the Grand Jury commented on how young the participants were, but noted there was a wide range in age involved with the program.

The two (2) individuals that jurors spoke with after the court hearings were at different levels of the program. One had been released from the county jail two (2) days prior to the court hearing, while the other was in phase two of the program. Although talked to separately, both had similar experiences after their arrest. Both found that individuals they thought were friends failed to contact them after their arrest. Both had past acquaintances that came forward to help them when they were in jail. Both of their acquaintances had previously been arrested for drugs and wanted to help them. The individual that had just been released from jail indicated that he felt that he was going to have to be more selective with whom he associated. He knew that he had to stay away from friends that continued to abuse drugs or alcohol.

One of the key positions for the program is the Drug Court Manager. The Drug Court Manager coordinates the court scheduling for three programs, Dependency Drug Court, Proposition 36 (State's diversion program), and the Tuolumne County Drug and Alcohol Court Program. The Tuolumne County Grand Jury chose not to review the Dependency Drug Court or the Proposition 36 program, but those programs fall under the supervision of the Drug Court Manager. In addition to coordinating the three programs, the Drug Court Manager also acts as a liaison for all of the Departments involved with the three programs.

According to the Drug Court Manager counseling for the Drug and Alcohol Court is provided by the Behavior Health Department. If a participant of the program needs additional supervision it is the Drug Court Manager's duty to arrange "intensive treatment" for the participant. Intensive treatment or "in house" treatment is provided by the Salvation Army or Nirvana. Nirvana is a setting where participants receive ongoing residential treatment during their stay. Tuolumne County contracts for the service with Nirvana in Modesto. The Salvation Army has a similar residential treatment program but is independent of the County.

FINDINGS

1. According to the current White House Drug Czar, Gil Kerlikowske, "research shows that it doesn't matter if an individual goes into a drug program by choice or in handcuffs! Drug treatment costs much less than incarceration."
2. Even though the numbers of individuals who fail to graduate from the program or the individuals who relapse after graduating from the program are significant, the Grand Jury believes the drug and alcohol program is well worth the time, effort, and cost. The Grand Jury believes that the drug and alcohol problem in Tuolumne County is both a public health problem and a public safety problem and should be addressed by the Behavioral Health Department, the Probation Department, the Sheriff's Department, and the courts.

RECOMMENDATIONS

1. The Grand Jury has no recommendations for the Drug Court in Department 2.

The Grand Jury would recommend that citizens attend one of the Drug and Alcohol hearings. The hearings are open to the public.

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TUOLUMNE COUNTY EARLY RELEASE PROGRAM

The Tuolumne County Grand Jury would like to explain for the citizens the process the Tuolumne County Sheriff uses for an early release program designed to control the population of the county jail. It should be noted that this report was not complaint generated.

METHODOLOGY

Members of the Grand Jury made an unannounced visit to the County Jail. During that visit the Grand Jury requested a supervisor perform "a simulated early release evaluation" using actual data from jail records.

REMARKS

The jail maintains a State regulated inmate capacity of 149 beds. When current arrests are made, the jail staff frequently needs to release inmates serving time to make room for those new arrests that cannot be released to citation and or bail. Examples of those individuals that cannot be automatically released are those with outstanding warrants from other jurisdictions.

The evaluation process is as follows: Supervising jail staff first reviews those inmates that have the least amount of time remaining on their sentence. The second criterion reviewed is whether the individual was sentenced for a misdemeanor or felony conviction. The third item reviewed is whether the individual has any violence on their record. The ideal early release candidate would be an inmate sentenced for a misdemeanor with just a relatively short time remaining on their sentence. Examples of those felon early releases would be an inmate convicted of multiple petty thefts, an inmate that was convicted of forgery, or an inmate that had been convicted of grand theft.

FINDINGS

After reviewing a "simulated early release evaluation" the Grand Jury found the Sheriff's policy to be subjective but sound. Supervising jail staff assured the Grand Jury no inmates with violence on their record would be released without completing their entire court ordered sentence.

A SPECIAL NOTE REGARDING EARLY RELEASE

The Grand Jury would like to emphasize the difference between the Sheriff's early release program and the early release program currently in process for the State of California Correctional Facilities.

The State of California Correctional Facilities will be releasing as many as 40,000 inmates over the next few years. The State of California is releasing inmates early due to budget constraints and Federal Court Orders regarding health care issues in the State's correctional facilities.

The State early release program continues to change on a weekly basis depending on State and Federal Court decisions. There is a public concern this state program will have a major effect on public safety no matter what actions the State eventually takes. On the other hand, the Tuolumne County Sheriff's Department's early release should have a minimal effect on the citizens of the county.

RECOMMENDATIONS

There are no recommendations for the Sheriff's early release program.

ADDITIONAL REMARKS

It is the opinion of the Grand Jury this system is not ideal, but it is necessary for the Sheriff to maintain a legal and manageable jail population. Although not measurable, the early release program practiced by the Sheriff may have a minor yet undetermined effect on the crime rate in Tuolumne County, but the early release program is necessary.

The Grand Jury commends the Sheriff and the staff at the jail for balancing the safety of the citizen's of Tuolumne County with the need for additional space in the jail.

APPENDIX 1

CALIFORNIA PENAL CODE SECTION 919

- (a) The Civil Grand Jury may inquire into the case of every person imprisoned in the jail of the county on a criminal charge and not indicted.
- (b) The Civil Grand Jury shall inquire into the condition and management of the public prisons within the county.
- (c) The Civil Grand Jury shall inquire into the willful or corrupt misconduct in office of public officers of every description within the county.

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APPENDIX 2

CALIFORNIA PENAL CODE SECTION 924

924. Every grand juror who willfully discloses the fact of an information or indictment having been made for a felony, until the defendant has been arrested, is guilty of a misdemeanor.

924.1. (a) Every grand juror who, except when required by a court, willfully discloses any evidence adduced before the Civil Grand Jury, or anything which he himself or any other member of the Civil Grand Jury has said, or in what manner he or she or any other grand juror has voted on a matter before them, is guilty of a misdemeanor.

(b) Every interpreter for the disabled appointed to assist a member of the Civil Grand Jury pursuant to Section 939.11 who, except when required by a court, willfully discloses any evidence adduced before the Civil Grand Jury, or anything which he or she or any member of the Civil Grand Jury has said, or in what manner any grand juror has voted on a matter before them, is guilty of a misdemeanor.

924.2. Each grand juror shall keep secret whatever he himself or any other grand juror has said, or in what manner he or any other grand juror has voted on a matter before them. Any court may require a grand juror to disclose the testimony of a witness examined before the Civil Grand Jury, for the purpose of ascertaining whether it is consistent with that given by the witness before the court, or to disclose the testimony given before the Civil Grand Jury by any person, upon a charge against such person for perjury in giving his testimony or upon trial there for.

924.3. A grand juror cannot be questioned for anything he may say or any vote he may give in the Civil Grand Jury relative to a matter legally pending before the jury, except for a perjury of which he may have been guilty in making an accusation or giving testimony to his fellow jurors.

924.4. Notwithstanding the provisions of Sections 924.1 and 924.2, any Civil Grand Jury or, if the Civil Grand Jury is no longer impaneled, the presiding judge of the superior court, may pass on and provide the succeeding Civil Grand Jury with any records, information, or evidence acquired by the Civil Grand Jury during the course of any investigation conducted by it during its term of service, except any information or evidence that relates to a criminal investigation or that could form part or all of the basis for issuance of an indictment. Transcripts of testimony reported during any session of the Civil Grand Jury shall be made available to the succeeding Civil Grand Jury upon its request.

924.6. If no indictment is returned, the court that impaneled the Civil Grand Jury shall, upon application of either party, order disclosure of all or part of the testimony of a witness before the Civil Grand Jury to a defendant and the prosecutor in connection with any pending or subsequent criminal proceeding before any court if the court finds following an in camera hearing, which shall include the court's review of the Civil Grand Jury's testimony, that the testimony is relevant, and appears to be admissible.

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APPENDIX 3

CALIFORNIA PENAL CODE SECTION 933

933. (a) Each Civil Grand Jury shall 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. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a Civil Grand Jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the Civil Grand Jury submits a final report on the operations 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 Civil Grand Jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the Civil Grand Jury. A copy of all responses to Civil Grand Jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable Civil Grand Jury final report by, and in the control of the currently impaneled Civil Grand Jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

933.05. (a) For purposes of subdivision (b) of Section 933, as to each Civil 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 response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons there for.

(b) For purposes of subdivision (b) of Section 933, as to each Civil 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 matter 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 publication of the Civil Grand Jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation there for.

(c) However, if a finding or recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the Civil Grand Jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A Civil Grand Jury may request a subject person or entity to come before the Civil Grand Jury for the purpose of reading and discussing the findings of the Civil Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the Civil Grand Jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the Civil Grand Jury, determines that such a meeting would be detrimental.

(f) A Civil Grand Jury shall provide to the affected agency a copy of the portion of the Civil Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final reports.

APPENDIX 4

GRAND JURY INVESTIGATIONS MATRIX

Department	93*	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
BOARD OF SUPERVISORS																	
Board of Supervisors														X			
County Travel			C														
COUNTY ADMINISTRATOR'S OFFICE																	
County Administrative Office		X				X											
Salary Increases - County Administrator									X								
Ethics																C	
Claims & Settlements															X		
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-ofWay										C							

(X) INVESTIGATIONS, (C) COMPLAINTS, (F) FOLLOW-UPS TO PREV REPORTS

* Denotes Start Calendar Year

Department	93*	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
County Schools Office/Office of Education							X		F	X							
Special Education										X							
Schools Consolidation					X	F										X	
Sonora Union High School				X													X
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					
Animal Control				X	X	X	X		F			X					X
City of Sonora-Development Project Bungalows@ Woods Creek												C					
Community Development Department								X									X

(X) INVESTIGATIONS, (C) COMPLAINTS, (F) FOLLOW-UPS TO PREV REPORTS

* Denotes Start Calendar Year

Department	93*	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
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														
CountyTraffic Study			X														
Educational Reimbursement (DPW)												X					
Fire Prevention													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														
Ambulance- Fire														X			
Economic Development Company			X														
Jamestown Landfill			C														X
Jamestown Mine Property						X			X								
Solid Waste Management															C		
Tuolumne Utilities District					C				X		X						

(X) INVESTIGATIONS, (C) COMPLAINTS, (F) FOLLOW-UPS TO PREV REPORTS

* Denotes Start Calendar Year

Department	93*	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
Twain Hart Community Services District					X										X		
FINANCE																	
Assessor- Recorder												X					
Archives												X					
Financial Services				X													
Mgt./Over-sight of Fiscal Affairs									X								
Clerk/Auditor-Controller		X	F		X	X			X			X	X	X			
Clerk/Elections Division/Registrar of Voters							X						X			X	
Public Audit										F				X			
Tax Collector-Treasurer		X	F		X												
Revenue & Recovery					X							X					
Visitors Bureau/Film Commission						C											
GRAND JURY AUDITS																	
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
Website													X				
HUMAN SERVICES																	
Amador/ Tuolumne Community Action Agency													C				

(X) INVESTIGATIONS, (C) COMPLAINTS, (F) FOLLOW-UPS TO PREV REPORTS

* Denotes Start Calendar Year

Department	93*	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
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									
Adult Welfare				X													
Groveland Community Services District (Environmental Health)					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	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					
Early Release Program			X														X
Juvenile		X	F														X

(X) INVESTIGATIONS, (C) COMPLAINTS, (F) FOLLOW-UPS TO PREV REPORTS

* Denotes Start Calendar Year

Department	93*	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09
Drug and Alcohol Court																	X
Public Defender				X						X							X
Sheriffs Department				X	X	C	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
Superior Court - Transportation & Detention																	X
Jim Mele														X			
Law and Justice Center		X															X
Morale												X					
Narcotic Task Force/Tuolumne Narcotics Team										X					X		
Sierra Conservation Center	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X
Tuolumne County Transit										X							

(X) INVESTIGATIONS, (C) COMPLAINTS, (F) FOLLOW-UPS TO PREV
REPORTS

* Denotes Start Calendar
Year