



GRAND JURY REPORT

2007–2008



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On the Cover: Yosemite Valley with a view of Half Dome. Although the valley floor is not in Tuolumne County, the vast majority of Yosemite National Park is within the county limits. Almost 95% of the park is designated wilderness. *Photo Courtesy: Randy Selander Copyright © 2004 Pacific Paradigm Appraisals*

Contents Page: Tuolumne County Courthouse was completed in 1899. Sonora legend has it that the perspective of this elegant building was changed to accommodate the wishes of a prominent citizen who lived across the street and wanted his home to face the front and not the side of the new courthouse. The Romanesque building featured several modern conveniences of the turn of the century; one local newspaper reported citizens touring the building "ablaze with electric lights." The courthouse remains in use and is listed on the National Register of Historic Places. The historic Courthouse is located in Downtown Sonora behind Courthouse Park at the corner of West Yaney Avenue and Green Street. **Left:** *Image California State Library* <http://www.courtinfo.ca.gov/index.htm> **Right:** *Photo Courtesy: WesternMiningHistory.com Copyright ©2005*





Grand Jury – County of Tuolumne

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

June 30, 2008

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

Dear Judge Provost,

The Tuolumne County Grand Jury 2007-2008 is pleased to submit its final report to you, the Tuolumne County Board of Supervisors, and the citizens of Tuolumne County. This report is the result of many hours of meetings, tours, inspections, and interviews culminating in several comprehensive investigations. The jury's selfless dedication to its charge is clearly reflected in the quality of this final report.

This has been a year of many challenges and changes for the Grand Jury. During its term, the jury reviewed 17 citizen complaints and conducted 8 investigations of governmental agencies. Additionally, an investigations matrix was updated to accurately reflect all investigations completed by past Tuolumne County Grand Juries during the last 15 years. Lastly, the jury created the "Tuolumne County Grand Jury Guide" – a document designed to assist newly empanelled juries navigate their way through the Grand Jury process throughout the year.

On behalf of the entire Grand Jury, I wish to acknowledge the support and guidance you have given the jury throughout the year. I also want to pay special thanks to our legal advisors, District Attorney Donald Segerstrom and County Counsel Gregory Oliver, for their invaluable advice and assistance. Lastly, I wish to commend your two jury coordinators, Laurie Wyman and Lynn Honesto, for their tireless and conscientious work in supporting the jury's efforts.

Finally, I would like to take the opportunity to thank the individual members of the Grand Jury for their hard work, diligence, and dedication to this report. Without their ongoing commitment, the Grand Jury would not be an effective body in our community.

Thank you for the opportunity to serve.

Respectfully submitted,

Larry J. Bertuccelli

Larry J. Bertuccelli, Foreman
Tuolumne County Grand Jury 2007-2008

THE 2007–2008 TUOLUMNE COUNTY GRAND JURY PANEL WAS COMPOSED OF THE FOLLOWING CITIZENS:

Steven C. Aldridge – Cedar Ridge
Gene Balzer – Twain Harte
Sylvia Bergquist – Curtis Creek Ranch
Larry Bertuccelli – East Sonora
Justin Coyle – Downtown Sonora
David W. Griffin – La Grange
Danny Hillier – Tuolumne
Dennis Land – Sonora
Bill McEntire – Sonora

Donna J. Mitty – East Sonora
Elaine E. Muller – Cold Springs
Jenny L. Orr – Tuolumne
Alice Paxton – Sonora
Jack Routt – Sonora
Dianna Santos – Sonora
Diane Serrano – Soulsbyville
Terrie Summers – Twain Harte
Trace Wedel – Sonora

TUOLUMNE COUNTY GRAND JURY MISSION STATEMENT

The Tuolumne County Grand Jury will diligently and impartially perform their duties to the best of their individual and collective abilities. The Grand Jury's function is to make independent investigations on behalf of the people of the County of Tuolumne and make recommendations for improvement. Grand Jury findings will be based on facts, not emotions or perceptions, be clearly presented, and within the course and scope of their charge.

DISCLAIMER

This 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 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 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.

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PUBLIC WORKS DEPARTMENT
SOLID WASTE DIVISION

SUMMARY

The Grand Jury investigated the Solid Waste Division of the Tuolumne County Public Works Department because of a citizen's complaint. As a result of the investigation, the jury concluded that Tuolumne County is in compliance with state regulations and contract obligations for recycling. Tuolumne County does not have an efficient or effective household waste-recycling program.

INTRODUCTION / BACKGROUND

The jury received a citizen's complaint dated October 30, 2007. This complaint questioned Tuolumne County's compliance with California Integrated Waste Management Act (AB 939), and current laws, orders, contracts, and regulations pertaining to recycling.

METHODOLOGY

Interviews and research were conducted to learn more about state regulations and recycling methods. The jury wanted to determine if the county complies with AB 939. Copies of contracts between the county and Cal-Sierra/Waste Management, Burns Refuse Service and Moore Bros. Scavenger, Inc. were obtained from the Office of the County Counsel and reviewed. Several site visits were made to the Materials Recovery Facility (MRF) on Industrial Way and to the Cal-Sierra/Waste Management Recycling Center at 14959 Camage Avenue in East Sonora to observe recycling operations.



Blue bags containing recyclable waste mixed in with non-recyclable waste at a collection site.

2007/2008 Tuolumne County Grand Jury Report

SOLID WASTE DIVISION

NARRATIVE / FACTS

The California Integrated Waste Management Act mandates all California cities, counties, and California Integrated Waste Management Board-approved regional solid waste management responsible agencies to divert 25% of their solid waste by 1995 and 50% by the year 2000. Later legislation mandates that the 50% diversion requirement is achieved every year.¹

The MRF is operated by Cal Sierra/Waste Management and is part of the franchise agreement between Tuolumne County and Cal Sierra/Waste Management. The twenty-year franchise agreement to operate the MRF ends October 24, 2014. There is a potential for a five-year renewal.

The franchise agreements for Cal Sierra/Waste Management, Burns Refuse Service, and Moore Bros. Scavenger, Inc. are twenty-year agreements ending September 14, 2014. These agreements automatically renew for ten years without a 2-year notice.

The Solid Waste Program Manager reported that Tuolumne County annually recycles over 50 % of solid wastes. Most of this is agricultural and industrial recyclables. This meets the requirements of AB 939. The Tuolumne County household-recycling program, including the blue-bag program, provides only 1% to 2% of the total annual recycled materials and is currently being reviewed.



The majority of recyclable waste in Tuolumne County comes from forestry industries, retail trade, accommodation and food services, health care, construction, manufacturing, and agriculture.² Photo Courtesy: Trace Wedel Copyright ©2008

FINDINGS

Tuolumne County is currently in compliance with AB 939 and Cal-Sierra/Waste Management meets its contractual obligations. Due to many factors, there is no way to predict the amount of agricultural/industrial recyclables.

There is a general public misconception that household waste recyclables comprise the bulk of our county's recyclable materials. In fact, household recyclable wastes make up a very small percentage of the total, but this is the one in which most citizens can actively participate. There are limited household recycle collection centers for all county residents.

2007/2008 Tuolumne County Grand Jury Report
SOLID WASTE DIVISION

The blue-bag program is inefficient for these reasons:

- Blue bags are difficult to obtain
- Not all items placed in blue bags are recyclable
- Not all blue bags are picked up or recycled
- Blue bags that are collected are mixed with non-recyclable garbage and contaminated in collection trucks or at the MRF
- Depending on operations at the MRF, blue bags are often not sorted or recycled

RECOMMENDATIONS

1. Increase the recycling of household waste. This would help to offset any reduction in the recycling of agricultural/industrial waste.
2. Research and implement a proven effective household waste-recycling program to replace the current ineffective blue-bag program. There are many varied successful household waste recycling programs in use in other counties.

BIBLIOGRAPHY

- 1 California Government web site AB 939: <http://www.ciwmb.ca.gov/LGCentral/Enforcement/>
- 2 <http://www.labor.ca.gov/cedp/pdf/Tuolumne.pdf>

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TUOLUMNE COUNTY CLAIMS AND SETTLEMENTS

SUMMARY

The Grand Jury investigated claims and settlements against Tuolumne County departments, with particular emphasis on Development and Regulatory departments. The jury concluded that Tuolumne County's leadership is aware of the need for improvements in customer service and has made changes to address those concerns. Additionally, the county has adopted strategic and tactical goals to improve government operations.

INTRODUCTION / BACKGROUND

This investigation was a result of a complaint filed with the Grand Jury. The jury decided



to investigate the scope and impact of claims filed and settlements made against the Development and Regulatory departments during the past two years. These numbers were then compared to all claims filed and settlements made against other entities within Tuolumne County. This investigation did not focus on individual complaints or the county's complaint process.

The Albert N. Francisco building at 48 W. Yaney in downtown Sonora. Tuolumne County Department of Public Works and the Community Development Department offices are located here. *Photo Courtesy: Trace Wedel Copyright ©2008.*

METHODOLOGY

The jury conducted an interview on April 7, 2008 with the County Administrator, County Auditor, and County Counsel. Detailed information was provided to the jury during the interview pertaining to claims received and settlements made in 2006 and 2007. The jury reviewed the Tuolumne County Organization Chart (see Attachment A), the 2008 Tuolumne County Board Goals (see Attachment B), and the County Administrator's efforts in working with the building industry.

2007/2008 Tuolumne County Grand Jury Report **CLAIMS AND SETTLEMENTS**

NARRATIVE / FACTS

In the calendar year 2006, Tuolumne County received a total of forty-nine claims. However, only two of those claims pertained to Development and Regulatory departments. In the calendar year 2007, Tuolumne County received a total of thirty-eight claims, with only three of those claims pertaining to Development and Regulatory departments. This amounts to eighty-seven claims filed with only one claim settled against Development and Regulatory departments.

Tuolumne County's leadership is aware of the need for improvements in customer service. On February 12, 2008 the Tuolumne County Board of Supervisors unanimously adopted their 2008 Strategic and Tactical Goals.

According to the County Administrator, the county and the current County Building Industry Association President are addressing the need for improved communications and implementing new processes when working with the Development and Regulatory departments.

FINDINGS

The jury compiled detailed information from county records pertaining to all claims and settlements (see Attachment C) against the county. The jury found that there were only five claims filed against Development and Regulatory departments during the years 2006 and 2007. Only one claim was resolved with monetary compensation paid to the claimant in the amount of \$100,000.00 ¹. The remaining four claims were resolved without monetary compensation paid to the claimant. The jury concluded that claims and settlements relative to Development and Regulatory departments were not excessive.

The jury found that the leadership of Tuolumne County recognizes the need for improving service to the community within the Development and Regulatory departments. These include Community Development, Public Works, Environmental Health, Agricultural Commissioner, Fire Department, and Animal Control. On February 12, 2008, the Board of Supervisors adopted strategic and tactical goals to provide implementation of improvements in Tuolumne County government operations. Specifically, the Board has adopted the following tactical goal...

“Begin systematic use of management audits or systematic evaluation of department operations using comparisons with peer agencies, best practices and use of performance measures.”

The jury was impressed with the County leadership's recognition that some departments are not providing acceptable customer service. While the county is taking

¹ See Attachment C under Development and Regulatory, 2007 Claims Paid

2007/2008 Tuolumne County Grand Jury Report
CLAIMS AND SETTLEMENTS

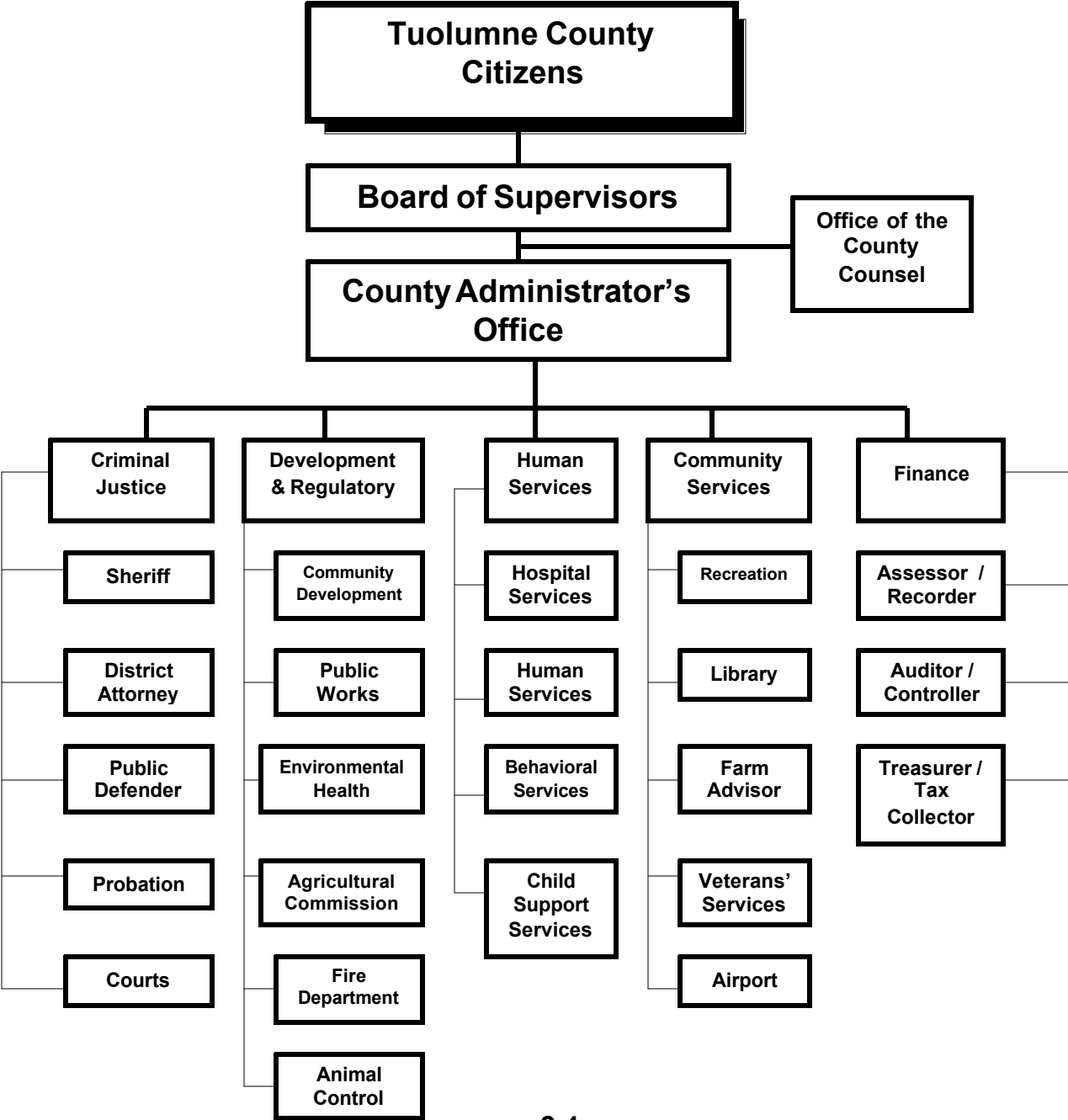
positive steps to correct deficiencies, there has not been sufficient time for the jury to assess the effectiveness of these changes.

RECOMMENDATION

Conduct and publish annually, an independent audit of complaints, claims, and settlements to determine the County's effectiveness relative to customer service.



Governmental Organizational Structure
April, 2008



BOARD OF SUPERVISORS

COUNTY OF TUOLUMNE

EXCERPT FROM THE OFFICIAL MINUTES OF February 12, 2008

2008 Board Goals

Strategic Goals

- Develop a strategic five (5) year plan for implementation of improvements in Tuolumne County government operations
- Develop a regional blueprint for preferred locations for growth
- Adopt a 20 year Capital Improvement Plan (CIP)
- Complete EIR for Law & Justice Center and if certified, close escrow on property
- Develop plan for transitioning TGMF's Skilled Nursing and Acute Psychiatric services to private and/or other governmental models
- Develop plans to strengthen the County's law enforcement, fire and first responder systems
- Develop county-wide staff recruitment, development and succession plan
- Build public confidence in the leadership of the Tuolumne County Board of Supervisors
- Increase citizen access to information and outreach

Tactical Goals

- Adopt a Code of Ethics for the Tuolumne County Board of Supervisors
- Minimize impacts of the weakened economy and State and Federal budget cuts on the County budget and programs
- Establish Grants Coordination Program to help obtain funding for the Board's highest priority programs and projects
- Finalize plan and provide funding necessary to complete closure of the Jamestown Landfill
- Complete a review and implement improvements in development processes
- Begin systematic use of management audits or systematic evaluation of department operations using comparisons with peer agencies, best practices and use of performance measures
- Complete an update and expansion of the County's Wildlife Handbook and call it the Biological Resources Conservation Handbook
- Adopt an ordinance aimed at preventing the premature removal of oak trees
- Complete Board consideration of an inclusionary ordinance
- Establish a Housing Coordinator position within CDD to maximize efforts to expand affordable housing within Tuolumne County
- Sponsor CALED Economic Development Visioning Forum and incorporate findings into a proposal to establish a new economic development organization
- Support ATCAA sponsored regional effort to plan expansion of broadband services
- Complete actions allowing for the sale of rock from the Jamestown Mine
- Establish a two-cart (garbage and recyclables) subscription service
- Adopt new illegal disposal ordinance modeled after Butte County's

CLAIMS FILED AGAINST TUOLUMNE COUNTY

	2006			2007		
	Claims			Claims		
Matter Type:	Filed	Paid	Amount	Filed	Paid	Amount
Ambulance	0	0	-	1	1	1,000
	1	1	1,000,000	0	0	-
Breach of Contract	1	0	-	1	0	-
Civil Rights/ADA Compliance	0	0	-	1	0	-
<i>Development and Regulatory</i> ¹	2	0	-	3	1	100,000
Jamestown Mine Settlement	1	1	6,055,000	1	1	100,000
Labor/Employment	3	3	217,375	0	0	-
Medical Malpractice	1	1	217,500	2	1	32,500
Personal Injury	12	0	-	8	0	-
Property/Personal Damage	25	16	19,338	19	11	24,198
Public Works/Road Case	3	3	279,050	1	1	7,250
Solid Waste Fund	0	0	-	1	1	1,266,606
Totals	49	25	7,788,263	38	17	1,531,554

¹ See Attachment C under Development and Regulatory, 2007 Claims Paid

HUMAN RESOURCES DEPARTMENT
RISK MANAGEMENT DIVISION

SUMMARY

The 2007-2008 Grand Jury investigated Risk Management within the Tuolumne County Human Resources Department. The jury observed the operations in person, conducted interviews, and gathered documents pertaining to the Safety Program and injury/illness incidence rates. The jury concluded that the incidence rates for Tuolumne County employees are much higher than the State Local Government average. Implementation of the jury's recommendations may help improve the County's safety record. Overall, the jury was impressed with the high degree of professionalism and dedication the Human Resources employees demonstrated in the way they perform their day-to-day tasks to manage risks and reduce the county's liability.



The Tuolumne County Administration Center and Board of Supervisors Chambers are located at 2 South Green Street, Sonora. *Photo Courtesy: Trace Wedel Copyright ©2008.*

INTRODUCTION / BACKGROUND

The jury expressed an interest in visiting Human Resources and arranged for a tour. During the initial visit, the jury requested and was provided with documentation showing a high rate of injuries, illnesses, and the fiscal impact. This led to an investigation into the county's safety program, which focused on Risk Management.

METHODOLOGY

An initial tour of the County Administration Office took place on September 25, 2007. Three subsequent meetings took place with other staff members and employees of

2007/2008 Tuolumne County Grand Jury Report
RISK MANAGEMENT DIVISION

Human Resources and Risk Management on October 30, November 30, and December 18, 2007. The jury gathered and reviewed documentation pertaining to Risk Management and Human Resources.

NARRATIVE / FACTS

The Tuolumne County Human Resources Department is located in the County Administrative Office building and falls under the oversight of the County Administrator. The Risk Management Analyst II is one of seven employees in the department. There are approximately 751 permanent and 292 part-time personnel employed by the county.

Risk Management includes Safety, Workers' Compensation, Liability, Property, and Medical Malpractice programs. All county departments have a responsibility to manage risks in their areas. Risk Management is charged with identifying and controlling business related financial risks from accidents, injuries, property damage and liability. Insurance programs in place assist injured employees and help reduce county liability.

Risk Management provides safety oversight, policy development, and support services. Support services include consultation, as well as training materials and educational videos, which are provided to County departments for internal training.

In 1979, 29 California counties formed a Joint Powers Authority (JPA), called the California State Association of Counties-Excess Insurance Authority (CSAC-EIA), to pool risks and provide a cost effective solution for insurance and risk management needs. The vast majority of California counties are members of CSAC-EIA. CSAC-EIA is ranked as the second largest public entity risk pool and largest property and casualty pool in the nation. Loss control and self-insurance pooling are the primary measures used to control costs. Tuolumne County is a member of CSAC-EIA.

Tuolumne County's Safety Program focuses on planning and prevention through:

- A Safety Committee, which is comprised of the Senior Administrative Analyst, the Risk Management Analyst II, the Office of Emergency Services Coordinator, and safety officers from the largest county departments. The committee evaluates accidents to develop strategies to prevent recurrences.
- Safety training for all employees via meetings, a computer-based training program, outside agencies, and from the county's insurance carrier.
- An Injury and Illness Prevention Program (IIPP).
- Compliance with Occupational Safety and Health Administration (OSHA) regulations.
- Compliance with the Health Insurance Portability and Accountability Act (HIPAA).

2007/2008 Tuolumne County Grand Jury Report
RISK MANAGEMENT DIVISION

- Incident response and accident investigation.
- Individual accountability by all county employees in their work environment.

The Safety Program, individual responsibility, and overall administration through Risk Management are important elements designed to provide a safe working environment and reduce the county's liability. More detailed information about this can be found by accessing the County's web site.¹

An injury or illness is work-related if an event or exposure in the work environment causes or contributes to the condition, or if it significantly aggravates a pre-existing condition. Injuries and illnesses are presumed work-related when they result from events or exposures in the workplace.

Previous to 2006, yearly injury totals did not always include the documentation of injury claims unless the injury required medical attention. Since the new Risk Management Analyst II was hired, all injuries and illnesses have been documented, regardless of the need for medical attention. Accurate comparison with yearly injury rates prior to fiscal year 2005-2006 cannot be determined.

- For fiscal year 2005-2006, there were a total of 175 injury claims, 137 that were reportable per OSHA regulations, resulting in 805 lost workdays and a total claims cost of \$330,638.
- For fiscal year 2006-2007, there were 206 injury claims, with 104 reportable to OSHA, resulting in 372 lost workdays with a total claims cost of \$246,155. The increase in claims over 2005-2006 were attributed to the closure of Tuolumne General Hospital.
- During the first two quarters of fiscal 2007-2008, there were a total of 68 injuries, with 45 reportable to OSHA, resulting in 119 lost workdays and a total claims cost of \$164,374.

FINDINGS

Human Resources staff were friendly, helpful and professional. Employees are passionate and morale seemed high. The offices appeared to be neat and organized with no clutter. This was surprising due to the lack of space and cramped working environment. Confidentiality and privacy are limited when employees are discussing benefits, personnel issues, filing complaints or grievances. A planned option is to expand into the adjacent reception area allowing for more private cubicles. Although the issue of employee morale is not a component of Risk Management, it does fall under the Human Resources department and is a concern in managing risks. There is documented evidence correlating low employee morale, sick leave usage or abuse, and stress-related injury and illness claims. The jury was interested in the processes Tuolumne County uses to resolve employee problems which have a bearing on morale.

2007/2008 Tuolumne County Grand Jury Report
RISK MANAGEMENT DIVISION

The jury discovered that employees have several options available to them for problem resolution. Problems are encouraged to be handled at the lowest level. If an employee cannot resolve a problem in their department, they can file a grievance with their union or bargaining unit, with Human Resources, or other outside agencies. Employees may contact Human Resources and talk with them in person, on the telephone, via email, or through a voicemail message.

Human Resources publishes a monthly newsletter to inform employees of policies, procedures, and changes. In addition, quarterly accident reports generated by Risk Management are presented to the Board of Supervisors and reviewed with safety coordinators and department heads.

According to the Risk Management Analyst II, there had been no standardized, regularly scheduled safety training prior to 2006. Safety training is now provided to all employees via staff meetings, safety meetings, outside agencies, and computer-based training available through the county's insurance carrier. This computer training is provided at a bargain to the county. The cost is \$1,000 per year and covers all county employees. In the first year, 50% of county employees participated in the training. According to Risk Management, 100% of county employees are currently participating in the training. The jury observed a demonstration of this training and found it to be comprehensive and tailored to individual employee's needs.

Safety coordinators for each department meet with Risk Management bi-monthly. Certification for safety coordinators is done through Risk Management. Safety inspections are currently performed once per year by Risk Management, per OSHA regulations. These inspections are pre-scheduled and each area has thirty days to correct any deficiencies. Risk Management relies on written verification from department managers and does not reinspect for compliance. Risk Management plans to conduct inspections twice per year beginning in 2008, with each area's safety coordinators conducting the second inspection.

The County has individual written safety incentive programs for only three departments. Employees receive retraining in areas of safety as needed.

Risk Management, and other agencies if warranted, investigate employee accidents. Injured employees are referred to Prompt Care or Sonora Regional Medical Center.

An incidence rate is the number of recordable injuries and illnesses occurring among a given number of workers over a given period of time, usually a year. Based on the information from documents pertaining to the Safety Program and injury and illness incidence rates, the jury concluded that the incidence rates for Tuolumne County employees are much higher than the State Local Government average. In order to determine the incidence rate of injuries/accidents for Tuolumne County, as compared to State of California Local Government statistics, the jury utilized the U.S. Department of Labor (DOL) Calculator.²

2007/2008 Tuolumne County Grand Jury Report

RISK MANAGEMENT DIVISION

According to the DOL OSHA workbook for calculating injury and illness rates, the incidence rate in the 2006-2007 fiscal year for Tuolumne County employees was high. Utilizing the DOL Calculator, and based on the 751 full-time and 292 part-time employees, the incidence rate is 11.15 compared to the California State Local Government incidence rate calculation of 6.04. Tuolumne County's rate is nearly double the state rate.

The proactive implementation of an effective Return-to-Work policy by Risk Management has reduced lost workdays by 54%, from 805 in fiscal year 2005-2006, to 372 in fiscal year 2006-2007.

RECOMMENDATIONS

1. Proceed with plans for more workspace in Human Resources offices to allow for confidentiality when meeting with employees.
2. As appropriate, assign responsibility for department specific training to department safety managers. Employees involved in a work-related incident or injury should be scheduled for additional safety training, if necessary with the safety coordinator or management.
3. Emphasis should be placed on having an accident free workplace by involving employees in the process. When accidents occur, safety procedures should be reviewed with department employees by the department's safety coordinator/manager to raise safety awareness.
4. Implement a countywide safety incentive program that rewards reductions in injury and illness incidence rates.
5. Implement monthly safety inspections by department. This would help reduce potential safety hazards and increase safety awareness.

COMMENDATION

The jury concluded that the Return-to-Work Program has proven to be highly effective in minimizing lost workdays by county employees.

BIBLIOGRAPHY

- 1 Tuolumne County Government web site: www.tuolumnecounty.ca.gov
- 2 U.S. Department of Labor web site: <http://data.bls.gov/IIRC/>

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GRAND JURY REPORT 2007-2008

TUOLUMNE COUNTY SHERIFF'S OFFICE EMERGENCY DISPATCH CENTER (911)



The Tuolumne County Ambulance Headquarters located on Striker Court off of Tuolumne Road is to be the future home of the Sheriff's Office 911 Emergency Dispatch Center. *Photo Courtesy: Trace Wedel Copyright ©2008*

SUMMARY

The Tuolumne County Grand Jury investigated the Emergency Dispatch Center (911). Several inspections of the current facility located at the Sheriff's Office found the 911 Center overburdened and understaffed. The dispatchers work in limited space. There should be a high priority to finalize the plans for the new Striker Court dispatch center. The dispatchers are dedicated, hardworking county employees making the best of difficult working conditions.

INTRODUCTION / BACKGROUND

The jury chose to examine the Tuolumne County Emergency Dispatch Center because it had not been investigated since 1996. The jury was interested in the operational activities and efficiency of the center. This investigation was not complaint driven.

METHODOLOGY

The jury toured the Emergency Dispatch Center, then conducted an interview with the Sheriff. One additional visit to the Dispatch Center was made. The jury met with the project manager of the planned Striker Court Dispatch Center. In addition, documents including budgets were reviewed.

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EMERGENCY DISPATCH CENTER 911

NARRATIVES / FACTS

The Emergency Dispatch Center located in Sonora at the Sheriff's Office was established in 1984. It was last upgraded in the mid 1990's. The Emergency Dispatch Center handles 911 emergency service calls for the Sheriff's Office and ambulance services. The dispatchers also handle all medical calls for the county and route fire calls to the CAL FIRE dispatch center in San Andreas.

At least two dispatchers and one supervisor are on duty most of the time. A third dispatcher works on Friday and Saturday nights and during the spring and summer months when call volumes are much higher due to tourism. Employees work three 12-hour shifts one week, with one additional 8-hour shift every other week. The additional 8-hour shift frequently extends into a 12-hour shift. Overtime is a major budgetary problem. The dispatch center is overcrowded. The center is currently fully staffed with eleven dispatchers to cover the shifts the best they can. Three of the eleven dispatchers were newly hired. There is a mandatory six-month in-house training period and three additional weeks of training, certified through Peace Officers Standards and Training (POST). During training, an extra dispatcher must be on duty.

The dispatchers are required to take routine Sheriff's Office calls and dispatch at the same time. There are 22 phone lines, five of which are non-emergency lines, elevator emergency lines, a satellite phone line, and a toll free 800 line in the dispatch center.

The current low band radio system used by the Sheriff's office is outdated and in poor condition making it difficult for deputies to communicate with the dispatch center. A deputy must make contact with the dispatch center every 15 minutes. If a deputy has not reported in, the dispatcher must contact the deputy in question and have them update their status. The dispatch center has new computer systems and emergency dispatch software, while other equipment in the center is outdated and in poor condition.

It has been 20 years since staffing levels have changed at the 911 center, while the emergency calls in Tuolumne County have more than doubled. Call volume has risen with the general population increase and calls for medical assistance coincide with the increase in population of citizens over the age of 50.^{1, 2}

Additionally, the tourist population in the warmer spring and summer months results in a corresponding rise in call volume. Presently there is only adequate space for three dispatchers. The Department of Justice recommends four full-time dispatchers at all times, and the state has allocated funds for the equipment needed for the dispatch center.

FINDINGS

Dispatchers spend the majority of their time at their workstations. Breaks away from this area are not possible due to inadequate space and staffing in the current location. Work

2007/2008 Tuolumne County Grand Jury Report
EMERGENCY DISPATCH CENTER 911

conditions are more difficult during rainy days. The rain comes in through the roof and drips on equipment requiring tarps to be placed above the equipment and personnel.

Tuolumne County is in the process of planning a new Emergency Dispatch Center in the Fire Department administrative center on Striker Court. The planning and construction of the new dispatch center may take up to a year or longer. The increased space at the new location will allow for full staffing, consisting of a supervisor, two sheriff's dispatchers, two medical dispatchers and an operator for non-emergency calls. The center will be more efficient with upgraded equipment and phone lines. Plans are to use the Striker Court facility for 10-15 years.

The Sheriff's Office low band radios are outdated and parts are no longer available. They are scheduled to receive a new high band system later this year.

The 911 center is changing over to a digital sound file system for storing 911 emergency calls. The District Attorney and Defense Attorneys frequently request copies of calls. Calls can be recorded onto a disc or emailed to the requesting party. This change will save time for the dispatch center.

The Sonora Police Department has their own dispatch center staffed 24-hours a day with one dispatcher per shift. The Sonora Police Department can assist the Sheriff's dispatch center when needed, but Sonora Police Department's system cannot handle the call volume of the county for more than a few hours.

RECOMMENDATIONS

1. Expedite plans for the new Striker Court Emergency Dispatch Center.
2. Increase the number of dispatchers from two to three per shift in the present location. Comply with Department of Justice recommendations by increasing the number of dispatchers from three to four at the Striker Court facility.
3. Purchase new high band radios as soon as possible to increase officer safety and provide improved communication capability.
4. Include plans for a break room in the design of the new Dispatch Center on Striker Court.
5. Repair the leaking roof at the current facility.

2007/2008 Tuolumne County Grand Jury Report
EMERGENCY DISPATCH CENTER 911

BIBLIOGRAPHY

- 1 <http://www.aoa.gov/prof/Statistics/statistics.asp>

Statistics on the Aging Population

The older population in the U.S.--persons 65 years or older--numbered 37.3 million in 2006 (the latest year for which data is available). They represented 12.4% of the U.S. population, about one in every eight Americans. By 2030, there will be about 71.5 million older persons, more than twice their number in 2000. People 65+ represented 12.4% of the population in the year 2000 but are expected to grow to be 20% of the population by 2030. The information in this section of the AoA web site brings together a wide variety of statistical information about this growing population.

- 2 http://www.aarp.org/research/press-center/presscurrentnews/beyond50_05.html

America's cities, towns and neighborhoods are not ready to serve the needs of the nation's surging older population, warns an AARP report. Beyond 50.05—Livable Communities: Creating Environments for Successful Aging takes a fresh look at the adequacy of communities to serve the needs of persons of all ages, especially those 50 and older, and provides AARP's prescription for improving them.

**CALIFORNIA DEPARTMENT of
CORRECTIONS and REHABILITATION
SIERRA CONSERVATION CENTER**



Aerial view of Sierra Conservation Center - State Prison. Photo used by permission of SCC.

SUMMARY

The Grand Jury investigated the Sierra Conservation Center (SCC), a facility operated by the California Department of Corrections and Rehabilitation (CDCR). This investigation focused on the educational, vocational and substance abuse treatment programs offered at SCC. The educational, vocational and substance abuse treatment programs are effective and need to be expanded. The level of professionalism and dedication exhibited by the administration, custody staff, teachers, and counselors at SCC was excellent.

INTRODUCTION / BACKGROUND

The jury is required by California State Penal Code §919(a) and §919(b) to annually inspect any jail or prison facility located within the county limits. SCC is a state prison facility located in Tuolumne County. The investigation primarily focused on inmate vocational and educational programs and the Substance Abuse Program (SAP).

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METHODOLOGY

The jury reviewed previous Grand Jury reports. The jury visited SCC on October 24, 2007 and was given an overview of the facility by senior members of the administration. The jury members toured the entire prison. A second visit occurred on November 27, 2007, for tours of the education department and Baseline Conservation Camp. Baseline is located five miles from the prison's main facility and is a joint CAL FIRE – CDCR operation. Finally, on December 7, 2007, an interview took place with the Education Department Principal and the SAP Director. Overall, the jury was given an in-depth look into these programs and facilities.

NARRATIVE / FACTS

SCC opened in 1965 on 420 acres. It was originally designed to house 1240 inmates between two yards: minimum and low-medium security Levels I and II. In 1987 SCC expanded to include a 1000 bed, high-medium security Level III. Today, the prison houses approximately 4200 inmates with 2400 additional inmates housed at 19 conservation camps located throughout the state. SCC employs approximately 1400 staff members and has an annual budget of 145 million dollars.



A view of Sierra Conservation Center's Level II Prison Yard houses over 1,000 inmates in dormitories and the overflow gymnasium. *Photo used by permission of SCC Copyright ©2008*

Inmate housing consists of three separate yards, or levels. Levels I and II are for general population inmates. The Level III yard had been a "general population" yard prior to 2007, but it has since been converted to a Sensitive Needs Yard (SNY)¹ and is where the SAP operates.

Due to prison overcrowding, a gymnasium (G-Dorm) between the Level I and II yards has been converted to house inmates with either physical and/or mental disabilities.

The Main Medical facility is responsible for overall inmate medical treatment at SCC. This facility also houses the pharmacy and dental clinics. The Level III yard is equipped with its own medical, dental and pharmacy facilities because of the security level of the inmates housed there.

¹ Sensitive Needs Yard: A protective custody unit/yard for inmates unable to house with general population inmates due various factors, i.e., their commitment offense (crime), gang affiliation, history while incarcerated.

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Inmate education consists of three programs: academic instruction, vocational training, and the SAP. Currently there are between 800-900 students enrolled in various educational and vocational programs, with more than 900 on the waiting list. An inmate is first tested to determine their level of aptitude. Inmates are then assigned to start at the appropriate level of instruction. Two separate libraries are accessible to the inmates.

Inmates enrolled in the education programs are allowed to progress as high as they want to go. Schooling begins with Adult Basic Education (ABE). After completing ABE inmates can advance into a General Education Degree (GED) program. Inmates who have a high school diploma or a GED can enroll in college level courses to obtain an AA or AS degree via televised courses offered through Coastline Community College. The inmates enrolled in these courses must pay for their own books as well as any school fees. Indigent inmates can qualify for state assistance to help pay these fees.

Inmate class size varies from 20-27 students. All classes are mandated by the state to be ethnically balanced. Classes are offered in morning and afternoon sessions, doubling the amount of students enrolled at one time. Instructors have access to computers and educational software. Students have access to computers without the Internet. SCC offers English as a Second Language (ESL) even though,

according to the principal, some inmates are reluctant to learn English. All teaching positions at SCC are currently filled with fully accredited teachers. Volunteers complement the full-time academic teaching staff.



Inmates at Sierra Conservation Center attend Pre-Release instruction. Classes are taught by credentialed teachers. *Photo used by permission of SCC. Copyright ©2008*

The CDCR is adopting the use of standardized courses throughout the entire prison system. A standardized system allows transferred inmates to continue their studies without being reevaluated.

Inmates may enroll in seven vocational programs, providing they have a minimum of a 9th grade equivalency on the Test of Adult Basic Education (TABE). All vocational classes are filled with 27 inmates per class, each with a long waiting list. The vocational programs held in well-equipped shops include auto mechanics, auto body, carpentry, landscaping, masonry, cabinet making and welding. The instructors are certified in their respective fields and, by the state, as instructors. Inmates in the vocational training program do many repairs and maintenance of prison facilities.

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The SAP is an important part of the educational programs at SCC. This program is used to educate and reform inmates who have histories of drug, alcohol, and/or anger management issues. Inmates with six months remaining on their sentence are eligible to participate in the SAP. The SAP is based on a therapeutic-community model where the abuser himself affects changes. Participants in this program are required to attend daily peer meetings with a counselor. The program uses positive reinforcement for good behavior by giving inmates extra phone time or "first-in-line privileges" at meals. A holistic approach focuses on positive behavior, thinking and values, stressing that it is the inmate who has the problem and must be the one who changes. SCC utilizes Centerpoint, Inc., an independent contractor, to administer the SAP program.

Participation in the SAP is strictly voluntary. Inmates in the SAP must remain drug free, maintain high standards of civility, and have no disciplinary offenses. Upon release from prison, SAP participants must spend six months living in a halfway house to assist them in assimilating back into society.

The Level I yard has a "Freedom and Choice" program, which is primarily run by inmate participants with oversight by prison staff. This voluntary program allows inmates to live in dorms with other participants relatively free from the peer pressure of gangs and disruptive groups. Freedom and Choice was conceived and developed by one of SCC's Correctional Sergeants. The program has expanded and there are pilot programs at other institutions with more to be implemented.



Inmates who participate in "Freedom & Choice" live in separate dorms from other inmates. *Photo used by permission of SCC. Copyright ©2008*

The Conservation Camps also offer educational and vocational opportunities. Commonly known as fire camps, the main goal is to train inmates to perform a wide



Inmates on the Level I and II prison yards conduct physical fitness training (PFT) as part of the joint CDCR – CAL FIRE Firefighter Training program. More than half of California's 3800 full-time wildland firefighters are prison inmates.² *Photos used by permission of SCC. Copyright ©2008*

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range of emergency services and respond to natural disasters. During fire season, they help CAL FIRE control and extinguish vegetation fires. During the non-fire season, inmate crews abate poison oak, clear fire lines, cut trails and brush, and perform other community services. This provides substantial savings to local communities. The camps provide savings, as it is approximately 50% less costly to house inmates in a camp versus a prison.

The Baseline camp houses 134 inmates. Criteria for any camp placement include no violent offenses, minimum custody status, and less than three years left to serve. All Baseline eligible inmates attend SAP meetings. All camp inmates are required to act with dignity and respect both in camp and in the community.

The Food Service Department is responsible for the nutritional needs of the inmates. There are two dining halls located on each of the three yards. Inmates are given a bag lunch and two hot meals a day in the cafeterias. The total cost of feeding each inmate is approximately \$2.60 per day.



Inside the dayroom of a Level III housing unit. There are over 1000 inmates on SCC's Level III yard. *Photo used by permission of SCC. Copyright ©2008*



A typical two-man cell. *Photo used by permission of SCC Copyright ©2008*

FINDINGS

After touring SCC, the jury found it to be a generally well run facility. The Level I and II dorms originally designed to house 12, now house up to 36 inmates. There are two toilets, two sinks and one shower per dorm. All dorms have a dayroom with a television. The jury noted that there were leaky showers in the G-Dorm. The administration is aware of these leaks and plans to repair them. Level III inmates are housed two per cell,

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with additional bunk beds placed throughout the day room areas. Despite overcrowding, all of the employees the jury encountered were professional.

The Chief Medical Officer (CMO) gave an overview of the medical facilities and informed the jury that all inmates have a constitutional right to medical care. The CMO stated that SCC was the only prison in California 100% in compliance with court requirements under the Plata decision ³. The prison healthcare system is dealing with the medical demands of an older inmate population, 33% of whom are 50 years of age or older. Many of these inmates came into the system with poor health. Other problems include communicable diseases, such as HIV/AIDS and Hepatitis C. An estimated 70% of inmates have Hepatitis C.

The pharmacy that provides all medications for inmates is secure. Inmates line up outside a receiving window and get their medications under the observation of officers. Diabetic prisoners are monitored regularly and given insulin as needed. After receiving medication, inmate's mouths are inspected to prevent them from selling it or saving it for later use.

SCC offers a wide variety of educational and vocational opportunities to its inmates. The jury found this to be a busy, active area of the prison. Most of the classrooms were filled with inmates taking part in some form of schooling. Despite the cost of higher education programs to the inmates, there is widespread interest due to the prestige inmates receive for accomplishing this level of education.

The teachers that the jury interviewed had no misgivings about teaching inmates and preferred this setting to that of a regular school based on the inmates' desire to learn. Although volunteers supplement the SCC teaching staff, more volunteers are needed.

Upon completing the vocational programs, and being released from prison, many inmates with a letter of recommendation from their instructors can enroll in union apprenticeship programs.

Although the SAP building was overcrowded, Centerpoint and SAP directors firmly believe that their work makes a difference by providing inmates an opportunity to change their lives. The jury interviewed a 26-year-old inmate incarcerated since he was 18. Since participating in the SAP, his life has taken a new direction. He now looks forward to achieving a GED and more advanced degrees. Ultimately this inmate would like to become a SAP counselor working with the SAP program.

All educational, vocational and substance abuse programs are designed to give inmates a chance to better themselves while incarcerated. Statewide, as many as 70% of general population inmates return to prison. This is compared to 60% of academically educated inmates and 58% of vocationally trained inmates. The return rate for inmates in the Conservation Camp program and the SAP is only 30%. This supports the administration's belief that in order to rehabilitate an inmate you must give him a sense of purpose and a feeling of self worth.

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Inspection of the Level III kitchen area revealed the following health and safety issues:

- Broken faucet in a three-compartment sink in the pan washing area
- Rust on the underside of a three-compartment sink
- Running water from a broken faucet in the inmate bathroom in the kitchen area
- An unpleasant odor coming from a clogged drain in front of a refrigerator unit

These issues were brought to the attention of the administration.

RECOMMENDATIONS

1. Adding evening and weekend class times to allow more inmates to participate in the educational programs.
2. Recruit additional volunteers to tutor and mentor inmates in education, vocation and substance abuse programs.
3. Expand the SAP and Freedom and Choice to include inmates on all three Levels at SCC. Some inmates may not be aware of these programs.
4. Ensure health and safety issues observed in food service areas have been resolved.

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- 1 http://www.cdcr.ca.gov/News/2007_Press_Releases/October_22.html
- 2 Plata v. Schwarzenegger: Allegations that California Department of Corrections officials provided inadequate medical services, including: sick call, triage, emergency care, nurses, urgent care, chronic care, specialty referrals, medical screenings, follow-up care, examinations, medications, diets, terminal care, health education, and dental care. Under this court decision, the CDCR was ordered to provide equal access to care for inmates.

For more information, go to: <http://clearinghouse.wustl.edu/detail.php?id=589>

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TUOLUMNE NARCOTICS TEAM (TNT)

SUMMARY

The Grand Jury investigated the Tuolumne County Narcotics Team (TNT), a component of the Sheriff's Office. The TNT was found to be a highly effective, pro-active, drug enforcement unit combating illegal drug manufacture, possession, and use within the county. The TNT is funded largely from state and federal grants, and in part from the Sheriff's Office budget. Oversight of the team is conducted through a Steering Committee comprised of law enforcement and community members. Despite the reduction of assigned staff in recent years, the unit remains very active and productive.

The jury was concerned with some aspects of records keeping and the overall management of the TNT's activities and operations. Specifically, the lack of adequate management reporting and the lack of current policy and procedures governing the TNT were found to be disturbing.



Cooperative investigations by area law enforcement agencies help to locate active clandestine methamphetamine labs, like this one found in a rural county. ^{1,2}

INTRODUCTION / BACKGROUND

The Tuolumne County Narcotics Team (TNT), formed in the mid 90's, is the drug investigations unit of the Tuolumne County Sheriff's Office. This investigation was neither mandatory nor complaint driven. The jury determined that the TNT was an appropriate unit to investigate considering the impact that illegal drug use, possession, and manufacturing has on public safety and the criminal justice system.

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METHODOLOGY

The jury conducted a tour of the TNT's satellite facility and conducted several interviews with the TNT staff and other Sheriff's Office employees. Additionally, the jury examined numerous documents relating to the TNT's operations, funding sources, and budget.

NARRATIVE / FACTS

The stated mission of the Tuolumne County Narcotics Team (TNT) is to significantly diminish the availability and use of illegal drugs within the boundaries of Tuolumne County and apprehend the responsible offenders, thereby increasing public safety.

Oversight of the TNT is done through the TNT Steering Committee, which meets quarterly. Steering Committee members include the Sheriff, District Attorney, Chief Probation Officer, and Sonora Police Chief. The Steering Committee also includes representatives from the Board of Supervisors, Tuolumne County schools, local service agencies, environmental health, the local hospital, and county rehabilitation agencies.

Currently, the TNT is staffed by a unit commander (Sheriff's Office sergeant), three deputy sheriff detectives, one detective from the Sonora Police Department, and a civilian office manager. In previous years, the TNT had been staffed with up to six detectives, however department budget cuts and manpower shortages required the reduction in staffing to its present levels. The TNT is a 3-year assignment for all detectives. At the conclusion of that assignment, each detective rotates back into the Sheriff's Office Investigations Unit.

The TNT works closely with federal, state, and other county agencies to augment manpower and equipment as needed. The county has entered into several joint powers agreements (JPA) or operational agreements between the Sheriff's Office and the allied law enforcement agencies that work in concert with the TNT. These agreements establish terms of operations between the various agencies and also serve to satisfy conditions mandated by state and/or federal grants received by the Sheriff's Office.

The TNT's adopted operating budget for fiscal year 2007-08 is \$1,264,366. This budget is funded largely by a combination of state and federal grants which total over \$700,000. The balance (approximately 45%) is funded directly by the county.

The net cost to the county during FY 2005-06 was \$363,075. During FY 2006-07 the cost was \$516,000. Sheriff's Office staff suggested that the rising cost of operating the TNT each year is due to less grant money available and an increase in salaries and benefits paid to the TNT personnel.

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For FY 2007-08, the TNT received the following grants:

- Anti Drug Abuse (ADA)
- Marijuana Suppression Program (MSP)
- Multi-Jurisdictional Methamphetamine Enforcement Team (Cal-MMET)
- U.S. DOJ Drug Enforcement Administration (DEA)
- U.S. Forest Service (USFS)
- U.S. DOJ Jag (4-year grant ending in 2009)

Most of the above listed grant monies are received by the county in arrears for the previous quarter. If the grant funds are not received within the allocated period, they are carried over to the next budget period as receivables.

The Sheriff's Office Accountant completes Grant writing and applications for the TNT. The TNT office manager, however, conducts daily management and mandated reporting of all the TNT grants.

During the 2007 calendar year, the TNT handled 321 criminal investigations; 296 of those cases were closed. During this same period, the TNT made 108 arrests, served 5 search warrants, seized 44 weapons, and \$3,970 in cash. The TNT also conducted 62 probation and 46 parole searches. In addition to their law enforcement duties, members of the TNT conduct public presentations informing community groups of the drug problem in the county and provide overviews of the team and its activities.

Marijuana cultivation is the largest illegal drug enterprise in the county. The TNT is a member of the Campaign Against Marijuana Planting (CAMP). This multi-agency effort uses helicopter flyovers to locate 99% of the marijuana gardens discovered. In FY 2006-2007, the total number of illegal plants seized was 84,095. In FY 2007-2008 up to January 16, 2008, a total of 109,759 illegal marijuana plants were discovered and destroyed. The TNT staff believes that despite these large and growing numbers, law enforcement is only discovering 40-50% of the total amount of marijuana grown in the county. Investigators state that conducting these operational raids, the subsequent seizure of plants, and cleanup of the gardens is dangerous, costly, and time-consuming. Growers are often armed; there is a real danger to hikers, hunters and forest rangers stumbling across a crop. Additionally, chemicals used by growers in illegal gardens often leach into the county's watershed causing significant damage to the environment.

Methamphetamine possession and use continues to be a problem for county law enforcement. Although the county once had a large number of methamphetamine labs operating within its boundaries, very few have been found in recent years. Laws limiting

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the availability to obtain pseudoephedrine and other precursor chemicals and related equipment have made it more difficult to manufacture methamphetamine. In 2006, the TNT participated in a multi-agency effort named "Operation Jackpot" involving several drug raids throughout the county leading to several arrests. Investigators believed that this operation drove many of the drug manufacturers and dealers from the county.

The TNT is a member of the High Intensity Drug Trafficking Agency (HIDTA); a multi-jurisdiction task force comprised of several law enforcement agencies that pool their resources and efforts. Although the TNT is a member, they currently do not have any staff assigned to HIDTA or actively participate in operations. In prior years, the TNT had a detective assigned to the HIDTA task force, however due to Sheriff's Office manpower shortages that position has been reassigned elsewhere.

FINDINGS

The jury recognizes that the TNT is a highly effective, pro-active, drug enforcement unit combating illegal drug manufacture, possession, and use within the county. It is reasonable to conclude that more manpower allocated to this effort would result in more drug-related seizures, arrests, and prosecutions.

The county appears to take full advantage of many available state and federal grants subsidizing local law enforcement agencies' drug enforcement efforts. The net cost to the county is well worth the money budgeted and expended. Records indicate that grant monies and county funds supporting the TNT are well documented and monitored regularly at different levels within the Sheriff's Office.

The tracking and reporting of statistical information from the TNT's activities are relayed orally to the Sheriff during weekly staff meetings and to the Steering Committee on a quarterly basis. The jury discovered that, other than mandatory reporting to grant administrators, no written monthly, quarterly, or annual reports are generated by staff to quantify and account for the team's efforts. It is difficult for the jury to understand how the Sheriff's Office can effectively evaluate and manage the TNT operations without the benefit of reviewing continuing, comprehensive reports of the team's activities.

During this investigation, the jury was surprised to learn that the TNT was operating without a current policies or procedures manual. The TNT deals with drugs, weapons, and money, all of which are high-risk entities and can be problematic if not closely monitored and handled according to adopted policy and procedures. It is critical to have standing, written protocol in place for the use and management of confidential informants. While it is comforting to know that the entire Sheriff's Office is in the process of updating all of its policy and procedures manuals, the jury was disturbed to find that the TNT has been operating without these directives for over 2 years.

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RECOMMENDATIONS

1. Institute and distribute an updated and comprehensive policy and procedures manual governing the TNT's operations.
2. Generate and present to management, in a written document, comprehensive reports outlining the TNT's activity levels and accomplishments on a quarterly and annual basis.
3. Increase staffing to the TNT and, in particular, the HIDTA team.

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TUOLUMNE COUNTY JAIL



Tuolumne County Sheriff's Office Jail facility is nearly fifty years old *Photo Courtesy:*
Trace Wedel Copyright ©2008

SUMMARY

Pursuant to mandate, the Grand Jury investigated the Tuolumne County Jail. The jury conducted a scheduled tour in October 2007. The jury also visited the jail to observe the booking process and other operations. The jury discussed safety issues with jail employees.

The jury was impressed with the resourcefulness of the deputies and other staff. Understaffing has often resulted in overtime for all of the jail staff. Despite the unwanted overtime jail employees were still enthusiastic and professional in performing their duties under difficult situations.

The jury strongly recommends construction of a new Criminal Justice Center. Overcrowding is dangerous to both prisoners and jail staff. Safety and security can be enhanced throughout the jail. Improvements can be made in medical record keeping and in the training of prisoners and staff on serious health issues. Improvements to the hiring process need to be implemented.

INTRODUCTION / BACKGROUND

California Penal Code §919 mandates the annual inspection by the Grand Jury of all jail facilities within the county.

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METHODOLOGY

The jury visited the Tuolumne County Jail on several occasions, reviewed documents and conducted interviews with the Jail Commander, other jail personnel, the District Attorney, and with prisoners. The jury visited the jail for a scheduled tour and on two unscheduled Saturday nights to observe the booking process during a busy period. The jury observed multiple suspects being booked. During the booking process prisoners were detained in holding cells until their turn. The jury was provided the following documents:

- Tuolumne County Jail Policies and Procedures
- The California Department of Corrections and Rehabilitation, Corrections Standards Authority biennial inspections for 2004-2006 and 2007-2008.
- Statistical information on the jail compiled by the Jail Commander.
- California Penal Code §6031 as it applies to Standards of Training of Local Corrections.
- Applicable sections of Title 15 of the California Administrative Code to ascertain laws for the proper care, safety and security of prisoners.
- Three prior Grand Jury reports and responses regarding the Tuolumne County Jail.

NARRATIVE / FACTS

The primary purpose of a county jail is to detain defendants, as ordered by the court, pending disposition of their criminal cases as well as to house prisoners during service of their court ordered sentence. Criminal offenders may be ordered to serve up to one year in a county jail. Offenders sentenced to more than one-year of confinement are housed in state prisons. Proposed legislation suggests increasing the one-year time limit for county jail incarceration to three years to lighten overcrowding in state prisons. Such a change would increase the already crowded conditions in county jails. The opinion of the District Attorney concerning this proposed legislation was that passage is unlikely at this time due to the issues it would create in the county jails.

The Tuolumne County Jail is an old building that has been expanded twice since it was first built in 1959. Jail capacity is currently stretched to its limits. While rated for a maximum capacity of 152 prisoners by size and bed space, it is currently operating at a limit of 140 prisoners by order of the Sheriff to allow for the safe segregation of prisoners within the limited jail space.

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The Jail Commander disclosed that 5,234 prisoners were booked into the county jail in the twelve-month period ending November 30, 2006. During this time period, felons served an average of 68.5% of their sentences. Misdemeanants served only 31.3% of their sentences. These statistics are the result of early release of prisoners due to overcrowded conditions at the jail. Prisoners are considered for early release based on scheduled release dates, violent versus nonviolent crime for which the prisoner is incarcerated, and prisoner behavior during incarceration.

The booking area in the jail is a narrow hallway adjacent to holding cells and day prisoner cells. The booking equipment located in this hallway includes a finger printing machine, computers, supply cabinets, and chairs.

The jail control room is located behind the prisoner booking area. It is windowed on all sides and allows a view into the prisoner visiting area as well as the booking area. A duty sergeant and a civilian booking clerk staff the control room.

Firearms are not allowed inside the facility. Sergeants and corporals now carry the TASER ®¹ inside the jail compound.

A minimum security dormitory houses male prisoners who are involved in the work furlough program. The medium security section has eight cells housing up to four male prisoners per cell. There are tables, showers and a place to exercise in the center common area. There is a shared sink and toilet in each cell. Female prisoners are housed in two dormitories unless overcrowding or unruly behavior mandates that they be locked in individual cells. Maximum security prisoners are locked in individual cells. Twice weekly, maximum security prisoners are allowed outside of their cells for 1½ hours of exercise on the secured roof area.

There is an onsite medical clinic staffed by registered nurses and licensed vocational nurses twenty hours per day. There is a jail library, but no law library. Prisoners' legal questions are outsourced to a contract legal research firm upon submission of a written question by a prisoner. The jail operates its own laundry with prisoner staff. Prisoners have access to a commissary service. Commissary orders are delivered to the jail weekly, individually bagged. Telephone service using pay telephones is readily available to prisoners in common areas and the exercise yards. Prisoners take outdoor exercise on the jail roof in a fenced exercise yard.

The jail is inspected by the Tuolumne County Fire Department annually. Jail staff conduct weekly searches of dormitories and cells for contraband.

Jail deputies receive three months of in-house training upon hire. After successful completion of this training, deputies are sent to the Adult Corrections Officers Core Training course given by the State of California, Board of Corrections.

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In addition to this initial training, all deputies receive a minimum of twenty-four hours annual training. Inspection of the training sergeant's records disclosed all jail deputies were current on their training schedule with the exception of deputies absent from work because of disability, injury or illness.

Prisoners in all sections of the jail were provided an opportunity to complain, comment, or discuss issues with jury members during the tour. Prisoners' complaints were minimal.

FINDINGS

It has been documented repeatedly that the jail is operating at its maximum capacity to safely and humanely house prisoners. Prisoners must be segregated by gender, crime (low, medium and high security), mental capacity or impairment, violent behavior individuals, and special needs prisoners (prisoners needing protection from other prisoners).

The 2004-2006 biennial inspection of the Tuolumne County Detention Facility under Penal Code §6031 by the Corrections Standards Authority in June 2006 noted the use of excessive overtime hours and mandatory overtime shifts. This results in a higher dollar cost and in hidden costs in the form of lowered employee morale, higher sick leave, and on-the-job injuries. The jail commander's stated goal was to minimize future costs in this area by hiring additional deputies. However, the hiring process which includes review of the applications, background checks, and pre-hire training coupled with non-competitive wages for the industry being offered to new applicants make the hiring of additional deputies a difficult task. It is difficult to retain qualified personnel due to ongoing non-competitive wages and benefits.

Prisoners being booked are frequently intoxicated, angry, and/or under the influence of drugs. This can result in fights or disorderly conduct creating safety concerns. The booking area lacked secure anchor restraints to which prisoners could be handcuffed if a booking cell was unavailable. The area lacked a panic button to summon immediate help if required.

The availability of Tasers in the hands of sergeants and corporals has been a new and highly effective weapon in controlling prisoners in all areas of the jail. The jury had concerns of prisoners taking possession of Tasers and turning them on deputies. The jury was informed that this situation has never been an issue in the jail. Deputies armed with Tasers are trained in their use and in securing their weapon. Firearms are not allowed within the jail area at any time. Prisoners have demonstrated a high respect for the Tasers. In the event of threatening behavior, the red Taser light being aimed at a prisoner usually results in compliance without the need to discharge the Taser. In the event a Taser is discharged, the deputy involved must document the circumstances surrounding the discharge of the weapon. A computer record of each discharge is also

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downloaded directly from the weapon into the jail central computer system.

The computer software system was purchased in 2005. Sixteen new computers were purchased in 2006. The duty sergeant monitors the entire jail at thirty-two separate locations via security cameras mounted inside and outside of the jail and projected into the control room on two monitors split into sixteen views per monitor. The sergeant can instantly zoom into any specific view to examine a situation. Although resolution on the monitors was judged excellent, the jury noted dusty security camera lenses causing possible distortion.

Minimum security prisoners on the work furlough program are released in the morning to report to their job and are expected to return to the jail at the end of their workday. Prisoners in this program are rewarded by being able to keep their job while being housed in one of the better housing sections of the jail. The minimum security dormitory provides individual bunks, individual storage lockers, access to a washer and dryer, with soap provided by the jail, and tables for dining, reading, writing, or card playing. Prisoners have exercise stations and their own shower and toilet area. Prisoners clean the minimum security dormitory. The entire area was judged clean and well maintained.

Medium security prisoners are released from their cells into the central common area on an alternating left and right side cells basis for dining, exercise, and use of the shower area. Prisoners clean this area. The jury noted paper airplanes and toilet paper wads sticking in or on the overhead wire caging. The deputy explained that prisoners were not allowed access to ladders to clean the area beyond their reach. The shower and table areas were clean. Maximum security cells were furnished with a cot, small television, and toilet as well as an emergency response button.

Deputies conduct a weekly contraband search of all jail areas. Senior staff members conduct a monthly inspection of the entire jail looking for signs of mold, non-working plumbing, burned out light bulbs or other maintenance problems which had escaped repair or remedy in routine jail operations. Search results are logged. Prisoners may report maintenance problems to deputies at any time.

Male and female prisoners are each provided an order menu from which they may make weekly purchases from the contract jail commissary service. Available items include hygiene products, stationery, mail and writing supplies, beverages, cookies, crackers, candy, playing cards, and other sundry items. The cost of the purchase is debited to the prisoner's jail bank account. The contractor delivers the orders individually bagged for inspection and delivery to the prisoner.

Indigent prisoners are provided soap, deodorant, combs, toothpaste, and toothbrushes free of charge. Prices appeared reasonable with candy bars and Irish Spring soap costing less than a dollar. One prisoner complained to the jury that playing cards had been removed from the order form. A review of the sample blank order forms, showed playing cards as an option at a cost of \$1.85 per deck of cards.

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TUOLUMNE COUNTY JAIL

The jail telephone service available to prisoners requires payment of a \$2.65 access fee plus \$1.00 per minute for local calls resulting in a \$17.65 cost for any fifteen-minute local telephone call. The jury believes this to be excessive. Charges must be reversed to the party receiving the telephone call. Call costs may result in a financial hardship to the family of prisoners wishing to stay in close contact.

The small jail medical clinic allows only six months medical records to be stored onsite. The jury interviewed the registered nurse on duty and found her to be highly conscientious about prisoner health. She wants prisoners provided with additional education concerning hepatitis prevention and self-administered breast exams for female prisoners. She stated that each prisoner receives a thirty-minute health assessment every six months. The duty nurse had once volunteered to be Tasered so that she would understand what a prisoner had experienced. She stated that she considered herself incapacitated for five to ten seconds and that it took an additional ten to twenty seconds to return to normal. She did not wish to experience the Taser again and considered it an effective weapon, but far less injurious to prisoners than a gunshot wound or injuries from a baton. The jury found the nurse's interest in her job and prisoners' health to be highly commendable.

Prisoners are allowed to check out books from the jail library or order books from known bookstores, which mail the books in bookstore packaging. Prisoners cannot accept books from family members or friends due to incidents of contraband being secreted in books. USA Today newspapers are distributed daily to prisoners free of charge. Additional books for the library are accepted as donations to the jail and added to the library cart after thorough examination for contraband.

As part of an ongoing safety plan, the Tuolumne County Jail conducted a full prisoner release fire drill approximately two years ago. The fire department brought in smoke-generating machines to create a realistic atmosphere. The drill was completed in a timely manner without incidents of either escape attempts or fights.

The jail kitchen was clean when inspected by the jury. The walk-in cooler and deep freeze were examined and found to be clean and in good order. One paper-bagged piece of meat was on the freezer floor without a pallet or tray. This is a violation of safe food handling practices. Kitchen prisoner crews work two shifts. The morning crew prepares breakfasts and bag lunches for distribution. The morning crew starts dinner preparation. The evening crew completes dinner preparation and cleans up. The jury was provided a hot lunch of leftover chicken fried steak from the prior evening meal with salad, mashed potatoes and vegetables. The meal was well prepared and tasty. Prisoners stated that the food was good and praised the quality of jail meals in Tuolumne County.

Prisoners' laundry is washed in the central laundry. Uniforms and bedding are washed weekly, while underwear is laundered twice per week.

2007/2008 Tuolumne County Grand Jury Report
TUOLUMNE COUNTY JAIL

One deputy supervises up to ten prisoners on the roof exercise area. Exercise is limited to walking and jogging. A basketball hoop that had previously hung in the yard has been removed due to injuries from fights and aggressive play by prisoners. Prisoners earn two days off their sentence for each six days “good time” they serve. Simply stated, “good time” is doing what you are supposed to do when you are supposed to do it. Misbehavior results in a write-up. The prisoner is provided a copy and offered a chance to appeal before a corporal or sergeant. If the prisoner does not appeal or loses the appeal, the write-up goes to a disciplinary sergeant who decides all punishments. The most common punishment is losing some or all of the “good time” off their sentence.

Jail prisoners commented that Tuolumne County Jail is better than other jails in which they had been incarcerated. Some reported they felt safe and well fed. The jail, however, is old and crowded and has been utilized beyond its capacity.

The jury was impressed with the jail staff professionalism and acceptance of mandatory overtime while working in crowded and stressful conditions. They have created additional workspace, storage space, and exercise areas for prisoners within the crowded building. The staff hopes that the new Criminal Justice Center becomes a reality in the near future.

RECOMMENDATIONS

1. Construct the new Criminal Justice Center as soon as possible. The jail should be part of the initial phase of construction.
2. Continue reasonable and necessary maintenance on the existing facility.
3. Clean the debris and trash stuck in the overhead caging in the medium security area. Dust security camera lenses in all sections of the jail.
4. Purchase paperless medical record-keeping software to replace the current paper file system.
5. Provide hepatitis prevention and treatment training to staff and prisoners. Train female prisoners to self-administer breast exams.
6. Add secure anchor restraints in the booking area to which prisoners could be handcuffed if holding cells are not available.
7. Install a panic button type alarm system in the booking area, the exercise area, and in other areas of the jail to summon help in the event of a fight or other disorderly conduct.

2007/2008 Tuolumne County Grand Jury Report
TUOLUMNE COUNTY JAIL

8. Develop plans to improve the hiring process. Expedite background checks.
9. Provide telephone service at a lower cost to prisoners and their families.



GRAND JURY REPORT 2007-2008

TUOLUMNE COUNTY FIRE DEPARTMENT



The Tuolumne County Fire Department's Mono Village Fire Station # 51. *Photo Courtesy: Trace Wedel Copyright ©2008*

SUMMARY

The Tuolumne County Fire Department (TCFD) was last investigated by the Grand Jury in 2001. The jury was interested in understanding the working relationship between TCFD and California Department of Forestry and Fire Protection (CAL FIRE).

The jury visited TCFD facilities, interviewed personnel, obtained documentation, and researched county and fire department statistics.

TCFD is a combination paid and volunteer fire protection agency. TCFD contracts with CAL FIRE to administer the county's life and property fire protection program.¹

TCFD has always been dependent on volunteer firefighters. While county population has grown, volunteerism has sharply declined and paid personnel levels have remained unchanged since 1982.

INTRODUCTION / BACKGROUND

The Tuolumne County Fire Department (TCFD) had not been investigated since 2001. In 1974, Tuolumne County entered into a cooperative agreement with the California Department of Forestry and Fire Protection (CAL FIRE) to provide fire protection and emergency medical response.² The jury was interested in the cooperative efforts of CAL FIRE and TCFD.

2007/2008 Tuolumne County Grand Jury Report
TUOLUMNE COUNTY FIRE DEPARTMENT

METHODOLOGY

The jury contacted CAL FIRE / TCFD to gather general information. An interview was held with the Assistant County Fire Warden, visitations were made to the Striker Court administrative facility, and coincidentally, to an ongoing fire investigation site at a propane business that occurred the night before. In addition, volunteer firefighters were interviewed to get their viewpoint on the daily running of the fire department. An unscheduled visit was made to Mono Village Station 51 to get an overview of how an actual station is run. During that visit the jury witnessed responses to several calls for assistance.

NARRATIVE / FACTS

Tuolumne County has a contract with CAL FIRE to administer the county's life and property fire protection program. TCFD consists of paid and volunteer fire protection personnel.

CAL FIRE has the primary responsibility for vegetation fire protection. Tuolumne County contracts with CAL FIRE to provide structure, property fire protection and emergency medical responses.

TCFD provides life and property fire protection for 2,200 square miles or 72% of the county. The remainder of the county falls within fire districts, which provide their own coverage, but participate in mutual aid assistance if resources are available. The special districts are not part of this investigation.

TCFD participates in two programs offered by the State of California to maximize fire protection.

Schedule A³ is an agreement that allows a local jurisdiction to contract with CAL FIRE to provide all fire protection services. Tuolumne County uses the Schedule A program to staff the Mono Village Fire Station as well as pay for the Assistant County Fire Warden, a Fire Captain/Training Officer and an Emergency Command Center Operator in CAL FIRE's San Andreas Emergency Command Center (dispatch). The total cost to the county for this contract is \$953,047.

The Amador Plan⁴ is a program that the State of California offers to rural counties that allows CAL FIRE resources to be used by local fire protection agencies. This program allows four CAL FIRE stations in Tuolumne County to remain open during the non-fire season. The remaining CAL FIRE stations in the county close during the non-fire season but facilities and equipment are available to TCFD. The total cost to the county for this contract is \$551,638.

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TUOLUMNE COUNTY FIRE DEPARTMENT

The total budget for the TCFD is \$4,633,905. In FY 2007-2008, TCFD received the Volunteer Fire Assistant Grant and the Homeland Security Grant for a total of \$81,800. Mono Village station is open year-round and staffed 24/7. There are 10 year-round paid firefighter positions. TCFD funds 8.5 positions, an additional .5 position is funded by Jamestown Fire District, and 1.0 position is paid for by Columbia College. Support personnel and mechanics are Tuolumne County staff. (See Attachment A for the TCFD Organizational Chart).

During the non-fire season there are four other stations that are operated 24/7 and paid for by Tuolumne County. They are Columbia, Don Pedro (Blanchard), Twain Harte and Sonora. During the fire season, these stations are operated and staffed by CAL FIRE.⁵ (See Attachment B for a map of Tuolumne County Fire Department locations).

TCFD stations are under the immediate supervision of CAL FIRE Battalion Chiefs. They in turn report to the Division Chief/Assistant County Fire Warden. All Tuolumne County fire departments and fire districts are dispatched from the San Andreas Emergency Command Center.

To offset costs to the county, TCFD has entered into a partnership with Columbia College in which all students taking fire training classes offered receive college credits. A Battalion Chief supervises student firefighters, who staff Columbia College Fire Station year-round. Student firefighters are classified as “volunteers”, but may not always be available due to class schedules, school breaks or job commitments.

TCFD relies heavily on volunteer firefighters. There has been a decrease in volunteers over the years. In the early 1990s, volunteers numbered 143; that number declined to 77 in 2004. At the time of this report, there were only 34 active volunteers, a decline of 76% since 1990. (See Attachment C for a chart of volunteer numbers).

Initial and ongoing training requirements for a volunteer have increased in recent years. Currently the requirements are 272 hours of initial training, plus up to 20 hours a month to qualify as a volunteer firefighter. After training, volunteers must respond to a minimum of 20% of the calls for their home station, or 75 calls in a six-month pay period. Volunteers get paid a minimum stipend of \$500 twice a year if they meet training, firefighting and fitness requirements. Some counties utilize a pay-per-call system to compensate volunteers. CAL FIRE does the training for all the county firefighters.

The county has not added any paid TCFD positions since 1982. However, the county population has increased from 36,259 in 1982⁶ to 56,855 in 2006⁷, an increase of 63%. In 1990 there were 2,500 calls, in 2006 there were 5,800 calls, and in the 2007 there were 6,007 calls. Medical responses always have first priority and account for 85% of the calls. (See Attachment C for a chart of documented calls).

The recent purchase of narrow band radios has improved the departments' communication capabilities.

2007/2008 Tuolumne County Grand Jury Report
TUOLUMNE COUNTY FIRE DEPARTMENT

FINDINGS

Twenty-five years of status quo has stretched the department to its limits. The number of staff has remained unchanged, but the number of volunteers has decreased. It is difficult recruiting volunteers. One major factor for the decline in volunteers is the increased training requirements. The increased number of overall calls has put a strain on already limited resources. (See Attachment D for a news article on the decline in volunteers).

Although there has been an increase in population, there has not been an increase in the number of paid firefighters or the number of manned stations. The increased population may lead to concurrent emergencies that have overburdened the county's available resources. (See Attachment E for a news article that details the events of an actual concurrent emergency).

It is difficult to have effective short-wave communication due to this county's topography. The recent purchase of narrow band radios has greatly improved the department's ability to stay in contact with fire commanders.

RECOMMENDATIONS

- 1 Fund the establishment of additional around-the-clock manned fire stations.
- 2 Increase the number of paid TCFD personnel.
- 3 Find ways to increase the number of volunteer firefighters.
- 4 Initiate a pay-per-call compensation system for volunteer firefighters to encourage participation.
- 5 Utilize the county grant writer to work with the Assistant County Fire Warden to find new ways to supplement the TCFD budget.

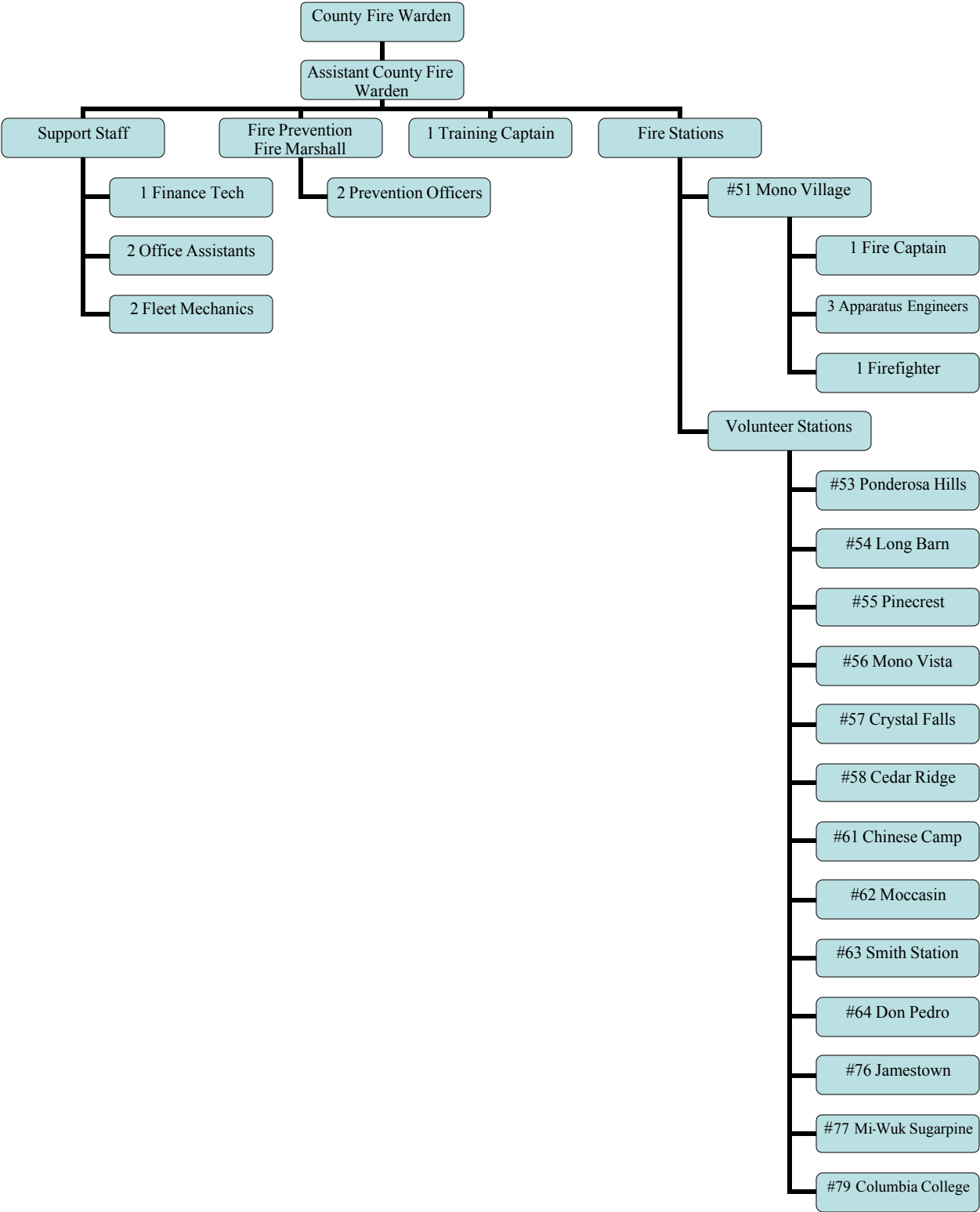
2007/2008 Tuolumne County Grand Jury Report

TUOLUMNE COUNTY FIRE DEPARTMENT

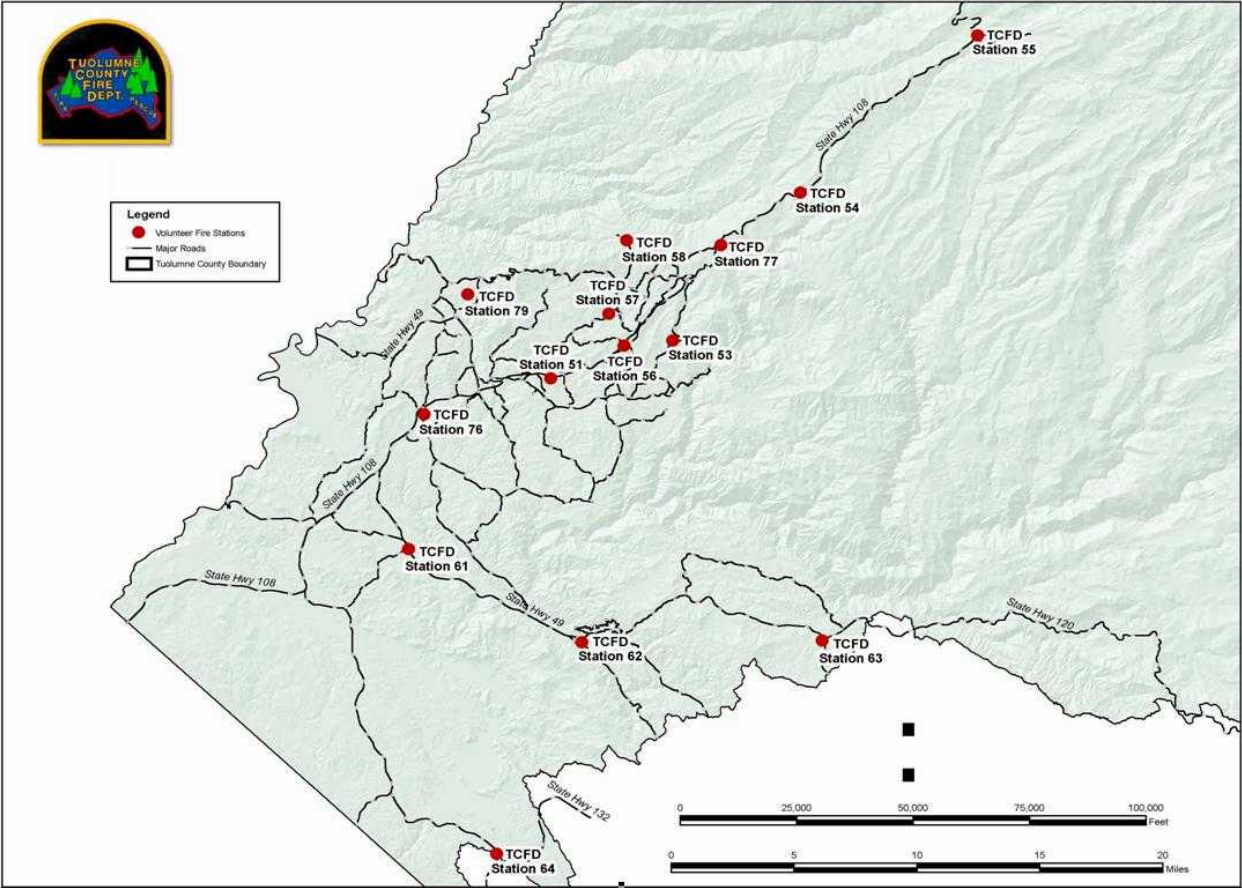
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- 1 Since the 1940s, local government entities such as cities, counties and districts have contracted with CAL FIRE to provide many forms of emergency services for their communities. CAL FIRE provides full-service fire protection to many of the citizens of California through the administration of 145 cooperative fire protection agreements in 35 of the State's 58 counties, 28 cities, 30 fire districts and 23 other special districts and service areas. As a full-service fire department CAL FIRE responds to wildland fires, structure fires, floods, hazardous material spills, swift water rescues, civil disturbances, earthquakes, and medical emergencies of all kinds. Local governments utilize this diversity and experience through their contracts and agreements with the Department.
http://www.fire.ca.gov/fire_protection/fire_protection_coop_efforts_localgov_counties.php
- 2 In a State as large and populated as California, no one emergency response agency can do it all. That is why cooperative efforts via contracts and agreements between state, federal and local agencies are essential in response to emergencies like wildland and structure fires, floods, earthquakes, hazardous material spills, and medical aids. The CAL FIRE Cooperative Fire Protection Program staff are responsible for coordinating those agreements and contracts for the Department. It is because of these cooperative efforts that you may see fire engines and firefighters from different agencies at the scene of an emergency, working under a unified command relationship. It is also because of these agreements that CAL FIRE may be the department responsible for providing dispatch, paramedic, fire, and rescue services in numerous cities and towns that are not designated as state responsibility throughout California.
http://www.fire.ca.gov/fire_protection/fire_protection_coop_efforts.php
- 3 Schedule A: PRC 4142 Public Resources Code Section 4142 Adopted in 1945 is authorization for local government fire protection.
<http://caselaw.lp.findlaw.com/cacodes/prc/4141-4145.html>
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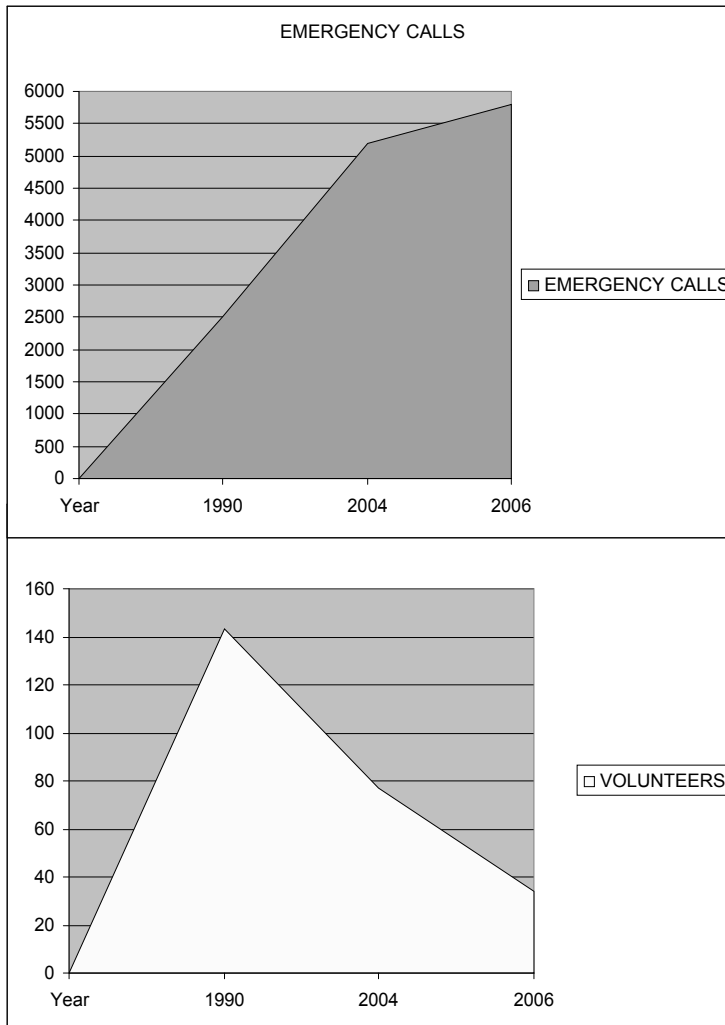
TUOLUMNE COUNTY FIRE DEPARTMENT
ORGANIZATIONAL CHART



TUOLUMNE COUNTY FIRE DEPARTMENT LOCATIONS



DOCUMENTED CALLS PER YEAR AND VOLUNTEER NUMBERS



COUNTY TOTALS:

Year	Calls	Volunteers
1990	2500	143
2004	5200	77
2006	5800	34

Source: Tuolumne County Fire Department Profile 2007

Fire volunteer numbers declining

Published: November 23, 2007

By ALISHA WYMAN

The Union Democrat

Murphys Fire Protection District volunteer Teresa Henderson has been both a cosmetologist and a firefighter for the past 23 years.

Her clients have been understanding when she has to duck out to help a child with shortness of breath or respond to a flue fire.

"It's been a great adventure, and I do my best to carry my end of the canoe," she said.

But the number of volunteers like Henderson are diminishing.

Tighter requirements, longer training hours, ever diversifying responsibilities of firefighting and the demands of a "real" job have chipped away at volunteer firefighter numbers locally and nationwide.

"Many communities are finding it harder and harder to keep a good core group of volunteers, and they are replacing them with full-time, paid staffing," Murphys Fire Protection District Chief Steve Kovacs said. "But the full-time paid staffing can only happen with money, and the money's got to come from somewhere."

Tuolumne County Fire Department faces similar challenges recruiting volunteers.

It now has a roster of 55 volunteers, of which about 34 are active. This is down from about 200 in the early 1980s, senior department volunteers said.

The department is looking for new recruits and ways to change the tide, said Lt. Robert Anzar, who has volunteered at the Jamestown Fire Station for 10 years and is one of 10 water-tender operators countywide.

Changing the system to a pay-per-call instead of a semiannual stipend may encourage more volunteers to sign on and stay active, he said. But county officials haven't been eager to adopt that system, he said.

The volunteer firefighter holds a pivotal place among Calaveras and Tuolumne counties' firefighting forces.

"Most people come to Tuolumne County and don't have a clue that their half a million dollar investment is on shaky ground," said Tuolumne County Fire Capt. Ron Fink, who has been a volunteer at Station 55 in Pinecrest for the past 27 years.

Stations like Chinese Camp have the equipment, but sit empty because there are no volunteers to staff the firehouse. Other stations in Tuolumne County have only two or three volunteers available.

Fire volunteer numbers declining (continued)

Page 2

Meanwhile, the number of calls the Fire Department responds to has increased 580 percent from 1980 to 2004.

But the department hasn't added new paid fire positions since 1982.

That leaves the decreasing number of volunteers to pull the extra load.

Volunteer firefighters make up 72 percent of firefighters nationwide, but their numbers have decreased 8 percent since 1984, according to the National Volunteer Fire Council.

The training required to be a volunteer is one of the major deterrents for people to sign on, area fire officials said.

"Twenty years ago, you grabbed an able-bodied man and said, 'Great, welcome aboard,'" said Brian Dickson, Ebbetts Pass Fire Protection District assistant fire chief.

But firefighter injuries and deaths prompted officials to add regulations over the years to better prepare them for their jobs.

At the same time, the mission of firefighters has changed from strictly fire to handling a variety of emergency calls such as those for medical aid and car accidents.

The Fire Department also has teams that specialize in rope and snowmobile rescue.

The result is that firefighters are now trained in a variety of areas to the level of professional paid firefighters.

"The quality of your volunteer has increased quite a bit," Anzar said.

But the process is daunting for someone who wants to sign up.

All prospective volunteers undergo background checks, oral interviews and physicals.

Then volunteers do hundreds of hours of training, including structure and wildfire training, first aid and a myriad of other classes in areas such as hazardous materials, communicable disease and child abuse.

In total, the state requires a volunteer to spend 272 hours in class. There could be additional hours at individual districts or departments.

Those who desire to operate equipment or hold a supervisor position must undergo further training.

Every one to two years, they have various requirements to keep training up to date.

"It takes a lot of time and a lot of dedication," Kovacs said.

Fire volunteer numbers declining (continued)

Page 3

There are also other factors in volunteers' lives competing for their time.

Volunteers often hold separate full-time jobs. Some out of county or some employers don't want workers who must leave occasionally throughout the day.

That means daytime hours are the hardest time to find responders, said Kovacs, whose department has 22 volunteers.

Many have families and obligations to attend their children's soccer games, take them to Girl Scouts or shuttle them to music lessons, he said.

Anzar faces the challenge of trying to juggle a job as a railroad engineer while still being a volunteer water tender operator.

"There are calls that do go unanswered because I have to work, too," he said.

Rural areas face an added challenge, with a smaller pool to draw from.

Arnold is a retirement community, which doesn't have a large population of younger people.

"You have the older population that needs the services, but not that many people in the population can provide those services" Dickson said.

Of the 30 volunteers on the Ebbetts Pass roster, six are serving under agreement the district has with Columbia College.

They go through training, stay with the district for a year or two, but often move on, Dickson said.

Those who do manage to make it through the training and balance work and family, receive little compensation for their time.

In Tuolumne County, volunteer are paid \$500 every six months if they stay current on their training and respond to a certain number of calls.

Ebbetts Pass Fire Protection District pays \$10 a drill and \$10 a call.

Though the pay is low, the education and experience firefighters receive as volunteers can be valuable in pursuing firefighting as a career, Anzar said.

"We understand this is a stepping stone for people," he said.

There are others, like Anzar, who started as volunteers and never left.

"My heart's into this department, and I don't think I would enjoy it as much if I was fully paid to do this," he said.

Contact Alisha Wyman at awyman@uniondemocrat.com or 588-4527.

Mobile home fire response delayed by competing call

Published: March 7, 2008

By ALISHA WYMAN

The Union Democrat

The first responding engine to a fire that claimed two lives Feb. 26 was diverted to a medical aid, delaying firefighters' arrival to the fire — a decision officials say was in keeping with policy based on information firefighters had at the time.

At 6:27 a.m., the sheriff's office received word of the fire, with information that there were possibly two people still in the mobile home on Chicken Ranch Road.

The call was transferred to fire dispatch centers a minute later, and fire stations were alerted by 6:30 a.m.

Cal Fire Engine 593 from Station 59 on Forest Road in Sonora was at Highway 108 and Main Street in Jamestown when a second call for a medical aid was dispatched at 6:38 a.m., said Mike Olivarria, Cal Fire's Emergency Command Center battalion chief.

Cal Fire Capt. Jim Scales, who was on the engine at the time, said he was not aware there may have been people in the burning home.

"I would have headed into the structure fire had I known that," he said.

The medical aid, a report of a person who was vomiting and had difficulty breathing, was also in Jamestown, Olivarria said.

Keeping with policy that life takes priority over property, Engine 593 changed course to assist the ill person, Olivarria said.

Even if they had rushed to the fire instead, Scales doesn't believe they could have been there in time to save the two women, Scales said.

"Based on smoke I saw when we were coming down from Jamestown, I really don't think so," he said.

Tuolumne County Sheriff's Office has since identified the fire's fatalities as Goldie Kerr, 57, and Nobie Partain, 83.

Autopsies showed soot in their noses, throats and lungs, which points to them dying from inhaling toxins and smoke from the fire, said Sgt. Jim Oliver, with the Sheriff's Office.

It wouldn't have taken long for them to die, depending on the toxicity in the air, the heat and the physical condition of each victim, he said.

Mobile homes also tend to burn quickly, Olivarria said.

Mobile home fire response delayed (continued)

Page 2

Olivarria is in the process of reviewing the department's response to the fire, and said he will reiterate in training that dispatchers should provide engines with any information a reporting party gives.

Lt. Robert Anzar, a volunteer with the Tuolumne County Fire Department's Jamestown Station, was paged at his home at about 6:30 a.m.

He responded to the station, then drove Water Tender 786 to the fire, where he was the first firefighter on scene at 6:46 a.m. Tuolumne County Ambulance spokesman Kenny Hockett said the ambulance's arrival time was 6:44 a.m.

The doublewide mobile home was fully ablaze, and the roof in the middle of the structure was just collapsing, Anzar said. It wasn't until then he heard there were people inside.

Firefighters are trained to go into "rescue mode" when life is in danger, but it was too late at the Chicken Ranch Road fire, he said.

"We do whatever we can to try to get them out, but being that the building was so fully involved at the time, there was no way anyone could be possibly alive inside of that," he said.

The heat was so intense, it melted plastic on a truck parked about 30 feet away, blew out its front tire and blistered the paint, he said.

Still, neighbor Dena Shelton couldn't help but wonder if the two inside could have been saved had help arrived sooner. She estimated that it took firefighters 25 minutes to respond — longer than the time the department has recorded.

"There was life in there," she said. "It seems like it should have been fast."

She heard teen Cody Wright, a resident of the home, yelling for help at about 6:27 a.m. and called 911. Then her husband began trying to help him break through the wall of the room, where Wright believed his grandmother and great-grandmother were trapped.

"A firefighter could have been in that window a lot better than us panicking Okies out there," she said.

There was black smoke that poured out the window when Wright did break through, and she doubts anyone could have survived it by that time.

"Maybe someone in there would have been able to be saved," she said. "I don't know, because when it took off, it was a blazing inferno."

Neighbor Jo Barberini remembers hearing Wright's screams as early as 6:11 a.m. She said she called right away, and estimated it took 30 minutes for firefighters to arrive.

An ambulance and Sheriff's Office patrol car arrived first, she said.

Mobile home fire response delayed (continued)**Page 3**

She called 911 five times starting about the time she heard Wright, she said.

"I said there was a fire," she said. "I said, 'There's two women in there, and they're burning. You got to get here.' "

Barberini isn't sure that firefighters could have saved them, even if they had left immediately from Jamestown. Within minutes, fire was shooting out of the windows, she said.

"It was blazing," she said. "It went really fast."

Olivarria said it is common for people to feel like 10 minutes have gone by in an emergency when, in reality, it has only been a couple minutes.

"In that high-stress, high-anxiety state that they get in, they feel like time is moving faster than what it is," he said.

It is tough for firefighters to know where to respond first when they receive two calls, particularly when equipment is limited, Olivarria said. The decision often depends on the firefighter and the information available.

"When you have two calls in the same location and they're both potentially life threatening, it could go both ways," he said.

HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES



Tuolumne County Human Services Agency, Department of Social Services, at 20075 Cedar Rd North, Sonora. *Photo Courtesy: Trace Wedel Copyright ©2008*

SUMMARY

The Grand Jury investigated the Tuolumne County Human Services Agency, Department of Social Services¹ utilizing interviews, site visits, document reviews, and online resources. The Department of Social Services (DSS) includes the California Work Opportunity and Responsibility to Kids (CalWORKS), Welfare to Work, Food Stamps, and Medi-Cal programs. Approximately 12% of our county's population participate in one or more of these programs.

DSS manages these programs efficiently within the allowed state budget. Administrative errors, applicant errors, and fraud have contributed to overpayments to participants. Many of these are not collected and are eventually discharged.

The jury commends the Social Services staff for their dedication in helping people receive benefits.

2007/2008 Tuolumne County Grand Jury Report
DEPARTMENT OF SOCIAL SERVICES

INTRODUCTION / BACKGROUND

The Grand Jury is charged with periodically investigating Tuolumne County Departments. Particular areas of the DSS investigation were Medi-Cal, CalWORKS, Welfare to Work, Food Stamps, and Welfare Fraud. The jury was determined to discover if DSS adheres to policies and procedures, provides timely, efficient services, and if fraud or abuse exists within the system.

METHODOLOGY

The jury toured the Department of Social Services and interviewed the Director, program managers for CalWORKS, Medi-Cal, Welfare to Work, and the fraud investigator. In addition, the jury interviewed eligibility workers and case managers. Documentation that covered program policy, program development, applications for services, fraud investigations, and personnel files were reviewed. Online resources were used to procure other pertinent information.

NARRATIVE / FACTS

Aid to families is provided through the Medi-Cal, Food Stamp, and CalWORKS programs, which includes the Welfare to Work program. CalWORKS is a cash-aid program to families with minor children who have low/no income due to a deceased, disabled, or out of the home parent, or limited work hours. Medi-Cal is a medical assistance program for recipients who qualify based on limited income or disability. Participants in the CalWORKS program qualify for Medi-Cal. Those who qualify for Medi-Cal do not necessarily qualify for the CalWORKS program.

Over recent years, CalWORKS caseloads have declined while the number of Food Stamp recipients have increased. The Food Stamp program may stand-alone or be in conjunction with CalWORKS, Medi-Cal or the County Medical Services Program. Although the program is still referred to as Food Stamps, the recipients actually receive a card similar to a prepaid credit card that they may use in stores. Food stamp error rates are tracked and sanctions by the federal government can be imposed if too high. The sanctions are based on state averages and California is currently in compliance.

There are other cash assistance programs within the DSS, such as the General Assistance loan program, totally county funded, and the County Medical Services Program, which is partially county funded.

Eligibility Workers (EWs) I, II, III, and supervisors staff the Medi-Cal, CalWORKS, and Food Stamp programs. EWs are hired through the State's Merit System and receive annual performance evaluations by their supervisors. There is a continuing need to fill Eligibility Worker I positions. EWs screen applicants and determine which services are

2007/2008 Tuolumne County Grand Jury Report
DEPARTMENT OF SOCIAL SERVICES

needed. The state establishes timeframes during which EWs must complete the application and determine eligibility. The state imposes a penalty for failure to meet timeframes. The timeframe creates stress for workers who often have difficulty completing case eligibility due to an inability to locate applicants or having applicants return to the office in a timely manner. Based on their experience and training, EWs have a sliding number of cases. Those with less experience have fewer cases while those with the most experience must handle more cases and oversee the cases of those EWs still in training.

The Medi-Cal staff are responsible for the continuing maintenance of the following programs: Medi-Cal and Medi-Cal/Non-assistance Food Stamps. Their average continuing caseloads are:

- Eligibility Worker III - 188
- Eligibility Worker II - 155
- Eligibility Worker I - 81

The CalWORKS staff are responsible for the continuing maintenance of the CalWORKS, CalWORKS/Public Assistance Food Stamps, County Medical Services Program, and General Assistance. Their average continuing caseloads are:

- Eligibility Worker III - 137
- Eligibility Worker II - 131
- Eligibility Worker I - 75

Recent changes in training procedures have been put in place to equalize the workload. CalWORKS EWs who interview clients, and in certain cases, make home visits, have higher workloads than Medi-Cal EWs.

Welfare to Work is an employment service program that complements the cash assistance program. CalWORKS recipients already working, the disabled, and/or those under 18 are not required to participate. Currently participants have 60 months to become self-sufficient.

There are five Case Managers who handle caseloads of 55 to 70 each. They are required to make a minimum of seven home visits per month. The County is considering replacing Case Managers with Social Workers due to the complexity of cases in the program; workers need to be able to assess, analyze, and formulate plans to deal with substance abuse and mental health issues.

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A one-parent family with dependent children must work 32 hours per week to participate in the Welfare to Work/CalWORKS program. The program allows unpaid work experience to be counted as part of the 32 hours. A two-parent family must participate 35 hours per week. There are limited educational and vocational opportunities in the county. Welfare to Work supports those who are pursuing education as well as those who need help with necessary job skills. Additional support in the form of clothing, educational supplies, childcare, and allowances for job tools are provided. The state requires a Work Participation Rate of 50% of CalWORKS recipients. In Tuolumne County, as in other counties, the participation rate is closer to 26%. The low participation rate is often a result of missed appointments and transportation issues. Although enforcement is possible, the state is not currently imposing fiscal sanctions.

Benefit overpayments for public assistance programs including CalWORKS, Food Stamps, and General Assistance occur due to administrative errors, recipient errors, or fraud. DSS attempts to recoup these overpayments. Some overpayments cannot be collected because of the recipient's death, expiration of the statute of limitations, or whereabouts of recipients becoming unknown.

In December of 2007, at the request of DSS, the Board of Supervisors discharged 1,154 accounts, totaling \$649,689, in accordance with Government Code §25259, which allows for the discharge of uncollected state and federal funds. Similar action was taken in 2002. The current proposal is for the county to review overpayments annually and discharge those that are not collectible. The current statute of limitations for collecting overpayments is 4 years. As of December 2007, the County had 1,558 accounts with a total of \$635,396 outstanding in overpayments. Of that amount, only \$28,422 was collected from 397 accounts. This is less than 5% of the outstanding overpayment total.

The fraud investigation staff was recently reduced. Currently there is only one fraud investigator. The state currently recommends one investigator per 1,000 CalWORKS cases. Last fiscal year the County had an average of 522 CalWORKS cases and 959 stand alone Food Stamp cases. There has been a decrease in the CalWORKS cases and an increase in the Non-Assistance Food Stamp (NAFS) cases during the first six months of the current fiscal year. NAFS recipients are currently not counted in calculating the number of fraud investigators needed. Typical types of fraud are children claimed who are not in the home and unreported income. Of these cases, 20 to 30 fraud cases a year are referred to the District Attorney. EWs pointed out that fraud is more likely in the Food Stamps and CalWORKS programs than in the Medi-Cal programs.

The Fraud Investigator is a Peace Officer Standards and Training (POST) certified law enforcement position. The investigator works closely with local law enforcement agencies, the County Counsel, and the District Attorney's office. The investigator averages 50 to 75 fraud cases per month, follows up on arrest warrants and court cases, and works on an early detection fraud program.

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A total of 31 fraud convictions completed by the District Attorney's office in the last six months resulted in 9 felony convictions, 20 felonies reduced to misdemeanors, and 2 felonies dismissed by plea bargain. The total dollar amount of fraud was identified as \$39,279. As of February 11, 2008, \$20,933 of that amount had been collected. In the last six months a total of \$118,407 in fraudulent overpayments has been identified in the CalWORKS and Food Stamps Programs. The County collected \$55,187 of those overpayments.

FINDINGS

The Medi-Cal program is efficient. The EWs manage their caseloads successfully, with little stress. Most CalWORKS EWs interviewed found their workloads were high but manageable. A frustrating and stressful environment within the CalWORKS department exists because those who complete their workloads are then assigned to help those who haven't completed their assignments on time.

The large turnover of EW positions can be attributed to the high workload and stressful job. The department has recently restructured their training and has found the new approaches to be more successful. Previously, EWs were often given an extended time to develop their skills (as long as six months). Under current policy, supervisors can determine within three months if a worker is appropriate for a particular position.

Most jobs available to Welfare to Work participants are in the service and retail industry. A reduction in state funds makes it difficult to create innovative programs. State regulations do not recognize the unique needs of our rural area. Welfare to Work supports available educational and vocational programs and connects people with resources to get off and stay off cash-aid programs.

Home visits to participants in Welfare to Work are required but not always made. Reasons cited were safety concerns, time constraints and workload. Although time consuming, these visits can determine barriers that prevent participation in the program.

California State regulations require counties to establish Special Investigative Units to investigate prospective welfare fraud. Tuolumne County does not have sufficient staff to do a thorough job of early detection. This allows for fraudulent overpayments to be made which are difficult to collect. The County's success rate for collections of fraudulent overpayments is less than 50% and many overpayments are discharged.

Any allocation of state and federal funds to ineligible applicants is a waste of taxpayer money. There appears to be little, if any incentive, for the county to collect these overpayments because these funds are not from county revenues.

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RECOMMENDATIONS

1. Include the Non-Assistance Food Stamp cases in the count with CalWORKS cases in considering the need for fraud investigators.
2. Hire additional fraud investigators to assist EWs to verify eligibility claims and investigate fraud.
3. Diligently collect overpayments before they are discharged.
4. Establish clear workload standards and expectations for all employees according to classification. Management must monitor caseloads for compliance and provide guidance.
5. Provide Internet classes at local libraries to improve Welfare to Work program participation.
6. Expand educational and vocational training to include fields other than the service and retail fields. The Welfare to Work program should cooperate with the new joint City and County economic development program and plan vocational opportunities to coincide with that vision.

COMMENDATION

The jury commends the Human Services staff for their professionalism, dedication and resourcefulness in helping people receive benefits.

BIBLIOGRAPHY

- 1 Tuolumne County Government web site:

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

(Note: Look for the DSS link)

Appendix 1

Authority for Agency Responses

The following section of the California Penal Code is cited as the authority under which each agency must respond to the Superior Court: ¹

§933.05 (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

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

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the 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 grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.
- (c) However, if a finding or recommendation of the 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 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 grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the 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 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 grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the 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 report.

¹ <http://63.202.159.175/grandjury/reports/individual-reports-2006/authority-agency-resp.pdf>