

**Lassen County**  
**Grand Jury**



**Final Report**  
**2010-2011**

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**Superior Court of California  
In and For the County of Lassen**

220 SOUTH LASSEN STREET, SUITE 2  
SUSANVILLE, CA 96130

(530) 251-8124  
FAX (530) 257-9061

HONORABLE  
F. DONALD SOKOL  
PRESIDING JUDGE

**June 10, 2011**

**Clerk of the Court  
Lassen Superior Court  
220 South Lassen Street, Suite 2  
Susanville, CA 96130**

**To the Clerk of the Court:**

**As Presiding Judge of the Lassen County Superior Court I hereby  
instruct the Clerk to accept for filing the Lassen County Grand Jury Final  
Report for 2010-2011 as presented to me this 10<sup>th</sup> day of June, 2011.**

**Sincerely,**

A handwritten signature in cursive script that reads "F. Donald Sokol".

**F. Donald Sokol  
Presiding Judge**

**FDS:nh**

June 6<sup>th</sup>, 2011

Honorable F. Donald Sokol  
Presiding Judge  
Lassen County Superior Court  
220 S. Lassen St.  
Susanville, CA 96130

Dear Judge Sokol,

Please find enclosed the final report of the 2010-2011 Lassen County Grand Jury. It represents a thoughtful analysis of the information collected during the course of our examination of government systems in Lassen County and Susanville. The recommendations associated with our findings are our best effort at offering steps that can be taken to improve our government agencies.

We would like to individually commend the Lassen County Jury Commissioner, Ms. Suzie Faulkner who provided valuable assistance during our tenure, and the Lassen County District Attorney, Mr. Bob Burns, who provided invaluable legal guidance and assistance as we attempted to examine our government without violating the rights of our citizens.

Finally, I want to personally thank you for selecting the people who served on this Grand Jury. They are a great group who worked diligently to honestly examine the things a grand jury is charged with looking into, arrive at equitable findings, and provide thoughtful recommendations. I consider it a privilege to have served with them.

Respectfully,

A handwritten signature in black ink, appearing to read "Dave Reger", with a long horizontal flourish extending to the right.

Dave Reger, Foreman

2010-2011 Lassen County Grand Jury

## **Members of the 2010-2011 Lassen County Grand Jury**

Dave Reger, Foreman

Deborah Pernot, Secretary\*

Don Anderson, Foreman Pro-Tem

Fred Autenrieb

Irene Doyle

Fredric L. Evans

Byron Frazier

Shirley Gifford\*

Darcy Hanson

Gail Harwood

Carol Keefer

Gary Lowry

Maria Nye

Phillip Parry

Dan Tanton

Robert Zamora

\*Returning Members from 2009-2010

## Grand Jury Member's Disclaimer and Signatures

The Grand Jury recognizes that a conflict of interest may arise in the course of its investigation. In such instances, the juror may ask to be removed from all aspects of an investigation. Those members may choose not to investigate, attend interviews and deliberations, or assist in the making and acceptance of a final report that may result from an investigation.

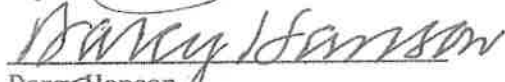
Therefore, whenever the perception of a conflict of interest exists on the part of a member of the 2010-2011 Lassen County Grand Jury, that member abstains from any investigation involving such a conflict and from voting on the acceptance or rejection of any related subject. By signing this final report, I approve it even though I may have recused myself from, or voted against, certain individual reports which the majority approved.

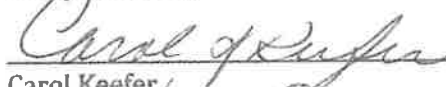
  
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Dave Reger Foreman

  
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Don Anderson Foreman Pro-Tem

  
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Irene Doyle


  
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Bryon Frazier


  
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Darcy Hanson

  
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Carol Keefer

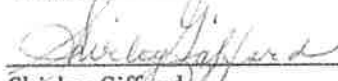
  
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Maria Nye

  
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Dan Tanton

  
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Deborah Pernot Secretary

  
\_\_\_\_\_  
Fred Autenrieb

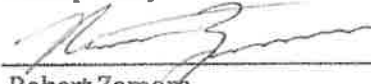
  
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Frederic Evans

  
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Robert Zamora

## Lassen County Grand Jury 2010-2011



### Grand Jury History and Function

The first formal Grand Jury was established in Massachusetts in 1635. By 1683, Grand Juries in some form were established in all of the colonies. The first cases considered by the Grand jury were murder, robbery and wife beating. Cases in Pennsylvania included Grand Jury indictments for: holding a disorderly meeting in 1651, witchcraft in 1683 and for other crimes in 1685. Various public evils were added to the range of investigations by the Grand Jury in 1685, and began to set a precedent for future Grand Jury interests.

The original United States Constitution which was written in 1787 did not contain a reference to the Grand Jury, but the Fifth Amendment provided the remedy for the omission. It states: "No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger..."

The fourteenth amendment in 1868 made most of the provisions of the Bill of Rights applicable to the States. Some of the states have interpreted this amendment to mean that prosecution of crimes no longer mandated a Grand Jury indictment. A study done by Deborah Day Emerson in the year 1984, shows that four states require a Grand Jury indictment for all crimes, 14 states and the District of Columbia require indictments for all felonies, six states mandate Grand Jury indictments for capital crimes only, 25 states (including California) make indictments optional. In a single state, Pennsylvania, the Grand Jury lacks the power to indict.

## California Grand Juries

The California Penal Code describes the organization, powers and the duties, and general structure of the Grand Jury. All of California's 58 counties are required to have Grand Juries. There have been recent changes in Section 904.6 of the Penal Code (1991) which permits any county to have an additional Grand Jury at the discretion of the Presiding Judge of the Superior Court. The Penal Code also allows county district attorney's the option of utilizing special Grand Juries in the handling of criminal cases. Although this alternative is offered in Penal Code §904.6, some counties choose to maintain their regular use of Grand Jury for criminal and civil duties.

The major function of a Civil Grand Jury is to oversee all aspects of the legislative and administrative departments that make up county, city and special district governments. It has the power to examine and guarantee that those who are given the responsibility of managing these offices are: truthful, dedicated, and sincere in their efforts to serve the public. There are forty-two states that have some form of Grand Jury, but California and Nevada mandate the impaneling of a Grand Jury each year. The Lassen County Grand Jury is a judicial body of nineteen (19) citizens impaneled to watch over the citizens of Lassen County.

Grand jurors are forbidden by law, to disclose any evidence acquired during investigations, or disclose the names of complainants or witnesses.

After investigations are completed, it is the responsibility of the Grand Jury to recommend changes that should be made in order to increase efficiency, and improve services to the general public. Some of the recommendations made by the Grand Jury are to save the taxpayer money.

Special commendations may be made to departments or agencies for excellence in management. The reports that are released to the public, have been collected, voted on by the 12 members, and the results carefully edited by the editing committee for a Final Report at the end of the 2010-2011 Grand Jury's term of office.

The Final Lassen County Grand Jury Report is distributed to the public and to public officials. Its distribution also includes: Lassen County Times newspaper, KSUE/KJDX radio station, the Susanville Library and is available in the Jury Commissioner's office at 220 S. Lassen Street, Susanville, California 96130. The telephone number is (530)251-8109.



## **Distribution List**

### **Lassen County:Education:**

Superior Court Judge F. Donald Sokol	Lassen County Office of Education
Board of Supervisors (5)	Lassen Community College Board of Trustees (7)
District Attorney	President of Lassen Community College
Sheriff	Long Valley Elementary School District
County Counsel	Big Valley High School District
Treasurer/Tax Collector	Shaffer Elementary School District
Chief Administrative Officer	Johnstonville Elementary School District
Probation Department	Susanville Elementary School District
County Clerk	Lassen Union High School District
Public Defenders Office	Westwood Unified School District
Lassen High School Board of Trustees(5)	Janesville Elementary School District
West Patton Village	Richmond Elementary School District

### **City of Susanville:Others:**

City Council (5)	State of California Attorney General's Office
City Administrative Officer	Lassen County Times Newspaper
Susanville Police Department	KSUE/KJDX Radio Station
Susanville Fire Department	Susanville District Library

### **Correctional Facilities:**XX Country Radio Station

High Desert State Prison  
California Grand Jurors Association  
California Correctional Center  
2010-2011 Grand Jurors

## Responses to Grand Jury Reports Summary of PC 933.05

A compendium of all codes pertaining to Grand Jury was produced by the Governor's Office of Planning and Research. This document is available to Grand Juries through the Superior Court in respective counties. Since the compendium was assembled the following has become law:

Penal Code §933.05 provides for only two (2) acceptable responses with which agencies and/or departments (respondents) may respond with respect to the findings of a Grand Jury report:

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

Penal Code §933.05 provides for only four (4) acceptable responses with which agencies and/or departments (respondents) may respond with respect to the recommendations of the Grand Jury:

- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not yet been implemented, but will be in the future, with a time frame for implementation.
- The recommendation requires future analysis, with an explanation and the scope and parameters of an analysis, with a timeframe for the matter to be prepared for discussion by the officer or head of the agency/department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with a detailed explanation therefore.

However, if a finding and/or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency/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/department.

**RESPONSE PROCEDURE TO GRAND JURY REPORTS**  
**SUMMARY OF PC §933.05**

The governance of responses to Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 to 90 days. Elected officials must respond within 60 days. Governing bodies (for example: the Board of Supervisors) must respond within 90 days. Please submit all responses in writing and digital format to the Presiding Judge, the Grand Jury Foreperson and the CEO's office.

Report Title: \_\_\_\_\_ Report Date: \_\_\_\_\_

Response By: \_\_\_\_\_ Title: \_\_\_\_\_

Findings:

I (we) agree with the findings numbered:

\_\_\_\_\_

I (we) disagree wholly or partially with the findings numbered:

\_\_\_\_\_

Recommendations:

Recommendations numbered: \_\_\_\_\_ have been implemented. (Attach a summary describing the implemented actions)

Recommendations numbered: \_\_\_\_\_ require further analysis. (Attach an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer and/or director of the agency or department being investigated or reviewed; including the governing body of the public agency when applicable. This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report).

Recommendations numbered: \_\_\_\_\_ will not be implemented because they are not warranted and/or are not reasonable. (Attach an explanation)

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Total number of pages attached: \_\_\_\_\_

## **Introduction**

The Grand Jury is a constitutionally mandated judicial body charged to investigate civil matters but not criminal matters. The Grand Jury's responsibilities include investigating issues regarding city and county government as well as public agencies funded by the government, and issuing reports and recommendations when appropriate.

The Grand Jury is mandated by law to respond to citizen's complaint letters and to inquire into the condition and management of public detention facilities within the county. The Lassen County Grand Jury received (16) written complaints during the fiscal year of 2010-2011.

As the letters and formal complaints were received and presented to the Grand Jury, there was careful consideration of each complaint as to the validity and content. Each grievance was inspected and acted upon in a professional and conscientious manner by the Grand Jury. Confidentiality has been strictly maintained as Grand Jury members were cautioned throughout the 2010-2011 term by the Jury Forman, Dave Reger.

The following Grand Jury report is based on interviews and information brought to the attention of and investigated by the Grand Jury.

## High Desert State Prison

**Reason for Inquiry:** California Penal Code 919(b) mandates that the Grand Jury “inquire into the conditions and management of all detention facilities within their county.”

The 2010-2011 Lassen County Grand Jury received six (6) complaints from inmates incarcerated at High Desert State Prison (HDSP).

**Background:** HDSP opened in 1995 and is located on 325 acres, adjacent to the California Correctional Center (CCC), seven miles northeast of Susanville. The primary mission of HDSP is to provide a secure environment for high security risk (Level IV) and high-medium security risk (Level III) inmates. The minimum support facility (MSF) and the reception center (RC) were originally designed to house 200 inmates. Additionally, the HDSP housed 1120 sensitive needs yard inmates. The HDSP is designed to house inmates with disabilities who require specialized placement to accommodate accessibility issues.

HDSP provides educational programs and work assignments for inmates.

There is a Correctional Treatment Center (CTC) to provide for Health Care.

The 2010-2010 Lassen County Grand Jury toured HDSP on October 19, 2010.

**Findings:** Overall Assessment for High Desert State Prison as of fiscal year 2010-2011, the following statistics apply:

Number of Custody Staff:	967
Number of Supportive Staff:	377
Number of Medical Staff:	167
Total number of Staff:	1511

**Designated Bed Space and Count:**

Facility Level	Design Capacity	Count
I	200	236
II /III	400	494
IV	1396	2806
Reception Center	100	589
AD-SEG	343	392
Total	2,452	4,517

The above figures can change on a daily basis.

**Staffing:** The staffing of Correctional Officers at HDSP has continued to improve over the past fiscal year. HDSP has continued to struggle with cuts from the State cutting 15% of Correctional Officers' pay. The education program is also seeing cuts this year with cuts in staff. The prison offers academic education for the inmate population. Academic classes provide instruction to upgrade math and reading skills, with an ultimate goal of achieving a GED. In December 2004, HDSP implemented a High School Diploma Program assisting inmates in obtaining a high school diploma.

**Facilities:** During our tour of HDSP, the Lassen County Grand Jury visited AG-SEG (ASU) and the Institutional Gang Investigation Unit. The members of the Grand Jury discussed the process used to validate gang member affiliation in the institution as well as the system of checks and balances that are in place when validation is necessary. A second tour was conducted for members that were unable to attend previously. During the second tour the visiting Grand Jury members spoke with Warden M.D. McDonald and his team. A very thorough discussion of the checks and balances that are in place followed. These are strategically in place to ensure fair and equitable treatment of inmate complaints and proper validation of gang members. The validation process of inmates which determines gang affiliation was further defined and demonstrated. During this session the Grand Jury members were encouraged to ask questions. It was apparent during this session that there are very specific procedures that must be followed. Additionally the process has safeguards built in to it that utilize more than one department to validate findings thereby reducing the opportunity for errors to occur when validating a gang member or when addressing inmate complaints. The team toured the offices of the Gang Investigation Unit. Grand Jury members were shown a variety of weapons confiscated from inmates as well as "kites" which are internal paper communications between prisoners that have been intercepted. During the discussion held with the supervisors in this department the Grand Jury members discovered that there were many methods used by the team to validate gang affiliation. The team must also remain alert and ready to intercept a variety of illegal activities that surfaces among the prison population. Among their many duties the team remains ready to respond as a Crime Scene Investigation team when necessary. The Grand Jury members were able to see the equipment that is kept ready and available to respond to this type of emergency at a moment's notice. The members of the Grand Jury were impressed by the reduced staff that manned this office. The team was professional, efficient, prepared and organized. The Grand Jury members were also impressed by the transparency the Warden and his team displayed with the Grand Jury members and by the strong teamwork that is evident among the members of HDSP and especially the team members of the Institutional Gang Investigation Unit.

**Medical Services:** The Correctional Treatment Center (CTC). HDSP operates a 32 bed licensed, Correctional Treatment Center (CTC) which provides emergency medical services, emergency dental care, and mental health crisis care.

Currently under the Federal Receivership, the CDCR, health Care Services Division has been mandated to expand to current HDSP medical services buildings. Each Facility A, B, C, D, and E all currently have a clinic on the yard.

**Community Activities:** It is important to note the efforts made by HDSP employees that contribute to the needs of our local community. The Warden promotes fundraisers to benefit the community, such as the Susanville Salvation Army and the Toys for Tots program.

HDSP supports Daffodil Days, an American Cancer Society program that sells bouquets of daffodils to employees to raise money for cancer treatment and research, as well as for promoting education and awareness. HDSP staff supports the Susanville Relay for Life program, which is also a huge fundraiser for the American Cancer Society.

HDSP also conducts a chili cook off to benefit the victims of crime in conjunction with the National Crime Victim's Rights Week (April 18-24). Employees cook their own chili, bring it into the institution and compete for the title of best chili. The cost for the employees to sample all of the chili is a nominal fee per person. The Warden and Chief Deputy Warden judge the competitors and award a grand prizewinner. A people's choice winner is also selected from ballots filled out by staff. The event is done in coordination with the inmate food sales that also benefit crime victims. This event allows staff to support the National Crime Victim's Rights Week and also raises awareness of the purpose behind the inmate food sales, which takes place at the same time.

**Recommendations:** During the tour of the Gang Investigation Unit it was evident that the unit would benefit from some additional personnel to assist with the numerous investigations and duties assigned to this unit. While budget constraints may delay much needed in-person training for personnel, the Grand Jury members suggest the department consider computer-based training as an additional method to supplement training.

**Response Required:**No

**California Correctional Center**

**Reason for Inquiry:** California Penal Code 919(b) mandates that the Grand Jury “inquire into the conditions and management of all detention facilities within their county.

**Inquiry Procedures:** The 2010-2011 Lassen County Grand Jury (LCGJ) toured the California Correctional Center (CCC) on November 8, 2010.

**Background:** Opened in 1963, the California Correctional Center’s primary mission is to receive, house and train minimum custody inmates for placement into one of the institution’s 18 Northern California conservation camps. Working collaboratively with the California Department of Forestry and Fire Protection (CAL FIRE), these camps are strategically located throughout the north state to provide fire suppression hand crews, as well as an organized labor force for public conservation projects and other emergency response needs of the state. Services provided through the conservation camp program historically amount to many millions of dollars in value to the public (approximately 80 million per year). Work projects associated with conservation camps support municipal, county, state and federal government agencies, including schools, parks, cemeteries and public recreation areas.

The secondary mission of CCC is to provide meaningful work, training and education programs for inmates who do not meet the criteria for assignment to a conservation camp. These alternative assignments include academic and vocational trade programs, facility maintenance jobs, food service positions as well as other facility and faculty support assignments.

CCC expanded in 1987 with the addition of the Lassen Unit, specifically built to house the growing Level III (medium custody) inmate population within the State of California. This construction included an electric fence as mandated by state regulations as a safeguard for public safety.

Overall Assessment for California Correctional Center:

The following statistics are variable to time of year and normal fluctuation:

Custody Staff	698
Non-Custody Staff	276
Medical Staff	143
Total Staff	1117

As of fiscal year 2010-2011, the following statistics apply:



Facility Level Capacity Actual  
 I (Cascade/Arnold Unit) 1557 1569  
 II (Sierra/Main Gym) 12031044  
 III (Lassen Unit) 950 923  
 Camps 2029 1943  
 Total Inmate population 5739 5479  
 Pups on Parole: 7  
 Education Accomplishments for 2010:  
 General education development/High School equivalent: 189  
 College Students: 449  
 Physical fitness training: 1588  
 Academic students currently enrolled: 442  
 Vocational students: 171  
 CCC hosts self-help groups for inmates. In 2010 the attendance for these groups was as follows:  
 Alcoholics Anonymous Meetings: 4032  
 Narcotics Anonymous Meetings: 2232  
 All other self-help: 5398  
 Religious services: 1799  
 Youth Diversion: 15

**Findings:** At the beginning of the inquiry LCGJ was allowed an audience with several administrative members, rank and file members, as well as civilian staff members of the CCC work force to allow for questions and answers (QA). During this QA session, the LCGJ inquired regarding the recommendations made by the previous 2009-2010 LCGJ. The tour was coordinated by the CCC Warden Richard Barnes whose rigorous schedule was opened specifically to this year's LCGJ tour. During the QA session, the LCGJ was informed that CCC Warden R. Barnes was absent from the previous year's tour due to his temporary appointment as Associate Director of the California Department of Corrections and Rehabilitation in Sacramento.

During this tour the LCGJ visited the Sierra yard and several of its particular components consisting of the dorms, kitchen/food preparation area, dining areas, and religious services building. Following the inter-facility tour, the LCGJ was then provided transportation around the outside of the facility to the onsite CCC fire department and home to the Pups on Parole program where we were provided an opportunity to speak with inmate firefighters and interact with the Pups on Parole participants. Pups on Parole is a partnership between CCC and the Lassen County Humane Society. The program which saves dogs' lives is also intended to help with the rehabilitation of inmates. Currently, they have seven pups getting individualized obedience training; readying them for adoption. This has been a very successful program. There have been 200 pups adopted since June 21, 2007.

The Youth Diversion Program began in 2008. Youths must be 18 years of age or older to participate. The inmates volunteer to share their story with the youths on probation.

There were 15 participants in this program in 2010. Each month a seven to eight hour session is conducted. Inmates also participate in the "Every 15 Minutes" program at local high schools.

**Commendations:** Officials of CDCR recently recognized the efforts of inmate crews and correctional staff who responded to flooding in San Bernardino and Riverside counties, thereby saving homes and property.

On Dec. 21, a state of emergency was issued in Kern, Orange, Riverside, San Bernardino, San Luis Obispo and Tulare counties due to heavy rainfall and flooding. In response, 500 inmates, supervised by 47 correctional staff, were deployed to the Highland and Green Spot, Wrightwood and Colton flood-related incidents from 13 conservation camps.

The staff members at CCC are dedicated individuals who commit their own personal time to community services, youth activities and charitable activities. Without these valued members of this community stepping forward and participating, Lassen County would certainly have fewer programs and services available to our children, elderly, homeless and all others who benefit from these commendable efforts.

**Recommendations:** None.

**Response Required:** No

## **Adult Detention Facility**

**Reason for Inquiry:** The California Penal Code 919(b) mandates that the Grand Jury “inquire into the condition and management of all detention facilities within their county”.

**Inquiry Procedures:** The Grand Jury toured the Lassen County Adult Detention Facility (LCADF), with Undersheriff John Mineau and Sheriff-Elect Dean Growdon on Thursday October 28<sup>th</sup>, 2010.

**Background:** The LCADF is located on Sheriff Cady Lane in Susanville, California and is next door to the Lassen County Sheriff's Office.

**Findings:** The tour completed by the Lassen County Grand Jury (LCGJ) was led by Undersheriff John Mineau and Deputy Sheriff Dean Growdon (now Sheriff Growdon). During this tour, the recommendations from the previous year's LCGJ were discussed in detail. The Grand Jury learned that Sheriff Growdon spent a considerable amount of his personal time writing various grants in an effort to acquire funding to meet the needs of the LCADF. The majority of these grants sought are used to make up for short comings not being met by Lassen County's budgeted funding. As a result of Sheriff Growdon's efforts and those of the Undersheriff John Mineau, they have been able to continue to meet the needs of Lassen County.

Regular maintenance continues to be a difficult task for the LCADF as funding allocations are often diverted into more pressing matters such as other maintenance issues that pose a significant risk to safety or security.

In these tough economic times it is understandable that funding is becoming more and more difficult to acquire and that all parties who receive funding through the state and local authorities are feeling the constraints placed upon them. The LCGJ does feel that the minimum needs for operations of our public safety personnel should to be met by the primary funding source rather than through grants that may become unavailable or fail to be awarded to our community as needed.

**Commendations:** Undersheriff John Mineau and Sheriff Growdon have done an exemplary job of maintaining and adapting to the ever changing pressures and regulations thrown upon the department.

**Recommendations:** The LCGJ suggests that The Lassen County Board of Supervisors seriously explores avenues to assist the LCADF as well as other county agencies in acquisition of alternative sources of funding rather than forcing these public safety agencies to seek funding on their own to meet basic operational needs. One possible manner with which this may be accomplished would be the contracting of professional grant writers who specialize in this field of expertise. The grant writers may also be used to benefit other departments of Lassen County as well.

**Response Required:** No

## **LASSEN COUNTY JUVENILE DETENTION FACILITY**

**Reason for Inquiry:** California Penal Code § 919(b) mandates that the Grand Jury “Inquire into the condition and management of all detention facilities within their county.”

**Inquiry Procedures:** The Grand Jury met with Letha Martin, Lassen County Chief Probation Officer on Friday January 14<sup>th</sup> 2011.

**Background:** In June 2000, the original facility was upgraded to accommodate 50 juveniles, but due to budgetary restraints, the facility currently houses only 20 juveniles with no plans of increasing that number. A group home has been opened on the other side of the Juvenile Detention Facility renting the space from Lassen County.

**Findings:** At the time of the Grand Jury’s visit, the facility appeared clean and very well organized. The staff was cooperative and responded to all questions asked by jury members.

**Staffing:** The Grand Jury inquired about the current staffing levels at Lassen County Juvenile Detention Facility (LCJDF). They were in compliance with California Code of Regulation, Title 15, Section 1320 and 1321 in regard to appointment and staffing. Although the facility is being staffed at the required levels, the turnover rate appears to impact their ability to retain experienced Detention Officers. Lower wages and benefits in Lassen County compared to other counties seem to be a direct result of staff turnover.

**Training:** All LCJDF staff members receive 20 hours of initial training on site and 170 hours of Core Training at an academy. Additionally, all employees receive a minimum of 40 hours of PC 832.5 of P.O.S.T. training per year. With staffing turnover rates, it is a challenge to keep up with required training.

**Commendations:** The Grand Jury commends the Lassen County Juvenile Detention Facility for efficiently functioning with limited resources.

**Recommendations:** None

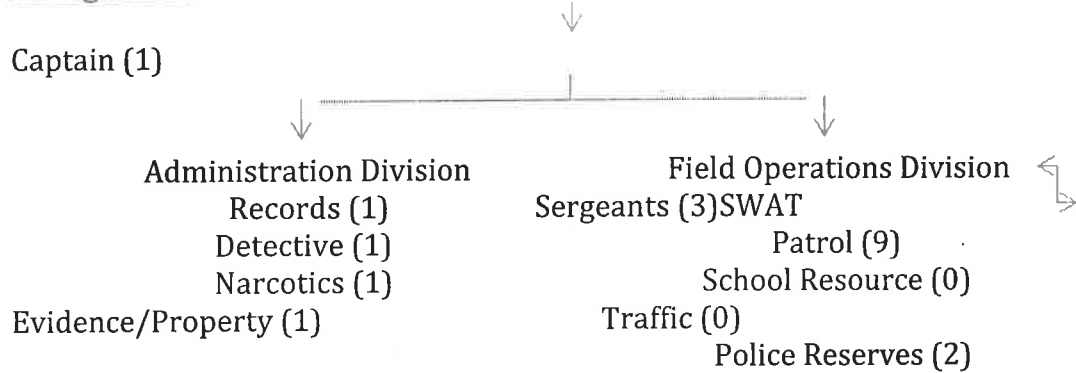
**Response Required:** No

**Susanville Police Department**

**Reason for Inquiry:** Public Interest

**Inquiry Procedures:** The Grand Jury toured the Susanville Police Department and interviewed Police Chief Jeff Atkinson and Captain Tom Downing on November 16<sup>th</sup>, 2010.

**Background:** Chief of Police



Officer Experience level with Susanville Police Department: 3.6 Years

**2010 Officer Activity: 2010 Reports Written:**

7415 Dispatch Initiated	2442 Case Numbers
2510 Officer Initiated	+ 796 Supplementals
50,812 Unit Log Entries	3238 Total
382 Subpoenas Served	

**2010 Arrests: 2010 Juvenile Arrests:**

448 Misdemeanors	98 Misdemeanors
+209 Felonies	+15 Felonies
657 Total	113 Total

- 9 Marked Patrol Units
- 3 Unmarked Administration Vehicles
- 1 Utility Truck
- 1 Narcotics Task Force Vehicle

**Findings:** The tour completed by the Lassen County Grand Jury (LCGJ) was led by Police Chief Jeff Atkinson and Captain Tom Downing. The LCGJ found during the tour that the facilities with which the Police Department are currently utilizing are dated and in need of repair/expansion. The dedicated personnel of this well organized department have made fantastic adaptations to the space that is available in an effort to conserve the monetary shortfalls that have plagued the entire city in these tough economic times. The need for more personnel is, as has always been, a need within our law enforcement community as is the need for personnel that are a fit within our community. Staff retention is an ongoing issue within the department as competitive pay and benefits seem to be the cause this dilemma. Chief Atkinson and Captain Downing have addressed

these issues repetitively and have been working diligently within the hiring processes for new officers that enjoy the many opportunities that this city and county have to offer. During this tour the Department was in the process of reorganizing the evidence locker in an effort to stream line and help maintain accountability of evidence as required by law. This is a difficult task, given the limited space available and costs associated with such tasks.

As with other departments that the Grand jury has toured, the Police Chief and Captain are continuously and spending countless hours seeking and often receiving grants to fund the operations of the Police Department.

**Commendations:**The Susanville Police Department is commended for services provided with limited resources.

**Recommendations:** The LCGJ suggests that the Susanville City Council explore avenues to assist the Susanville Police Department in the acquisition of alternative sources of funding for basic operations. This might be accomplished by a collaborative effort with the Lassen County Board of Supervisors in the contracting of professional grant writers who specialize in this field of expertise.

**Response Required:** No

## **Susanville Fire Department**

**Reason for Inquiry:** Public Interest

**Inquiry Procedure:** The Lassen County Grand Jury toured the Susanville Fire Department on November 9<sup>th</sup>, 2010 and met with Fire Chief Theodore “Ted” Friedline. Chief Friedline provided the Grand Jury with a personal tour of the facility along with its fleet and firefighting equipment.

**Background:** The Susanville Fire Department was founded in 1922. The first Fire Chief was W. O. Long. The current building located at 1505 Main Street was constructed in 1968.

The buildings, grounds, fleet and equipment are maintained by the staff and volunteers who also provide the labor for facility projects such as the recent replacement of the front apron and rear parking lot of the station. This renovation is currently in progress and due to be completed by June 30<sup>th</sup>, 2011.

Susanville Fire Department currently has:

- 1 Fire Chief
- 1 Battalion Chief
- 7 Shift Personnel
- 1 Administration Assistant
- 30 Volunteers
- 5 Explorer Scouts

SFD responds to an average of 1,500 incident calls a year. Besides responding to incident calls they also perform fire prevention inspections, code enforcement, public education, conduct plan reviews and provide training for SFD firefighters and assist with the training of other local fire agencies.

**Findings:** The department appears to be well organized and managed. The facility, fleet and equipment were found to be clean and well maintained. The staff is professional and very knowledgeable of their operation. In this difficult economy resulting in severe budget constraints, Chief Friedline maintains a positive attitude and strives to find economical ways to ensure the department is able to meet its service duties to the City of Susanville. He has coordinated the purchase of quality well maintained used equipment, such as the recently acquired ladder truck, at a fraction of the cost of new.

**Commendation:** The staff and dedicated volunteers are vital in providing a quality fire protection service to the city and the surrounding communities they serve. They are dedicated professionals and represent their department with efficiency and integrity.

**Recommendations:** None

**Response Required:** No

## **Lassen County Public Defender’s Office**

**Reason for Inquiry:** Public Interest

**Inquiry Procedures:** The Grand Jury interviewed the Public Defender, members of his staff, other entities who interface with the Public Defender on a professional or supervisory basis, as well as multiple unannounced visits to the Public Defender's Office.

**Background:** The Lassen County Public Defender's Office is charged by the State of California with providing legal defense free of charge to individuals residing in Lassen County who are charged with criminal offenses and who are not capable of paying for their own defense.

The Lassen County Public Defender's Office is staffed by the Public Defender, two staff lawyers, an administrative assistant, and support staff. All are full time employees of Lassen County.

The Public Defender is a County department head who reports directly to the Lassen County Board of Supervisors.

The Lassen County Public Defender's Office handles an average of about 1,100 cases per year, 40% felony and 60% misdemeanor. This represents a significant caseload, given the meager staff at the Public Defender's Office.

**Findings:** The Public Defender's Office essentially has three lawyers authorized to appear in court in defense of individuals that have no other means of obtaining legal representation. Through observation, unannounced visits and interviews, the two staff lawyers appear to be decisively engaged while the Public Defender himself appears to only spend an estimated 30-40 percent of the day at work. It appears that the Public Defender is not actively engaged in the caseload other than for felony preliminary hearings.

Continuing Education (CE) is essential for the lawyers of the Public Defender's Office. In fact, effective representation of their clients is not possible when the legal team is not current with changing laws. Through this inquiry it was determined that the funds allocated for these mandated requirements are not equally allocated. The Public Defender avails himself of the necessary funding for CE but his staff is required to pay out of their pocket or not attend. The heavy workload of the staff lawyers also creates scheduling conflicts between caseloads and continuing education. It appears that because of the unequal distribution of the workload and the incomplete continuing education of staff lawyers, the people of Lassen County are not adequately served. During difficult economic times, funds allocated to this department for leadership and supervision should be spent wisely to best serve the people and to ensure maximum effectiveness.

The Public Defender reports directly to and is overseen by the Lassen County Board of Supervisors. Given the professional nature of the Public Defender's Office, it is imperative that the Board of Supervisors hire an individual who understands the professional requirements and is self-motivated to meet the requirements of the office.

**Recommendations:** The Lassen County Board of Supervisors revise the Public Defender's job description to include the requirement of active participation in caseloads assigned to the office. The Lassen County Board of Supervisors consider alternative methods to oversee and evaluate the Public Defender's contribution to the



effectiveness of his department. The Lassen County Board of Supervisors review the effective use of continuing education funds in the Public Defender's Office, and ensure minimum continuing education requirements are met for all employees. The Public Defender reevaluates the office caseload to ensure that all lawyers assigned to the office, carry an equitable portion of the workload.

**Response Required:** Yes

## **Lassen County Sheriff's Department**

**Reason for Inquiry:** Public Interest

**Inquiry Proceedings:** The Grand Jury toured the Sheriff's Department with Sheriff Dean Growdon on Thursday, October 28<sup>th</sup>, 2010.

**Background:** The Sheriff-Coroner is responsible for prevention, detection and investigation of crimes in the unincorporated areas of the county. Required to serve all state mandated writs, warrants, and other notices issued by the court which include court fee waivers.

The Sheriff must attend all Superior and Municipal Courts in the county and obey the lawful orders and direction of all the Courts in the county and be responsible for the transportation and attendance of arrested persons in Court for judicial process.

The Coroner investigates and determines the circumstances, manner, and cause of death of any person within certain legally described situations.

**Findings:** The Lassen County Grand Jury learned that Sheriff Growdon spent a considerable amount of his personal time writing grants in an effort to acquire funding to meet the needs of the Lassen County Sheriff's Office. The majority of these grants sought are used to make up for shortcomings not being met by Lassen County's budgeted funding. As a result of Sheriff Growdon's diligent efforts and the department's dedicated Correctional Peace Officers, Deputy Sheriffs, and those of the non-sworn employees, the LCSD has been able to continue to meet the needs of this county's citizens.

In these tough economic times it is understandable that funding is becoming more and more difficult to acquire and that all parties who receive funding through the state and local authorities are feeling the constraints placed upon them. The LCGJ does feel that the minimum needs for operations of our public safety personnel should to be met by the primary funding source rather than through grants that may become unavailable or fail to be awarded to our community as needed.

**Recommendations:** The Grand Jury would like to see a professional grant writer hired for the county. All departments throughout the county would be able to benefit from someone who specializes in this field of expertise, and leaving county official's time to be exclusively available for the needs of our community.

**Response Required:** No

**Lassen County Clerk**

**Reason for Inquiry:** Public Interest in Absentee Ballot and Vote by Mail Procedures.

**Inquiry Procedures:** The Grand Jury interviewed the Lassen County Clerk, Julie Bustamante, and then performed an inspection of the County Clerk's office during ballot counting.

**Background:** The County Clerk's Department is responsible for a large array of public services. The County Clerk's office is the place to obtain a marriage license, as well as file Fictitious Business Name Statements. In addition, Notary Public Filings, Register Process Servers, Professional Photocopiers, Legal Documents Assistance, Unlawful Detainer Assistance and Statements of Economic Interests are all processed and maintained at the County Clerk's office. The Clerk is also the ex-officio Commissioner of Marriages and performs wedding ceremonies.

A division under the guidance of the County Clerk's office is the Lassen County Recorder. This division performs the mandated duties of recording, indexing and maintaining for public access, all documents authorized by law to be recorded. Records in this office date back to the beginning of the county. It is imperative that records be well-preserved and easily accessible as current property transactions depend on the accuracy and availability of previously recorded documents. This division also records marriage certificates, files birth and death certificates, indexes these records, and maintains these records for public access. For a fee, this division provides a copy of any record maintained for public access.

The County Clerk is also ex-officio Clerk of the Board of Supervisors responsible for preparing and posting the agenda for the Board of Supervisors' public meetings; administering Lassen County Board of Equalization (assessment appeals) hearings; tracking and maintaining a list of Committees and Commissions, and Special Districts; posting vacancies and accepting applications for annual appointments and unexpected vacancies; and is the custodian of the public records for the Board of Supervisors.

**Findings:** During the Lassen County Grand Jury's (LCGJ) interview and the inspection of the County Clerk's office, Mrs. Bustamante was insightful and extremely well-versed in the laws and procedures involved with election processes. Furthermore, the staff working in the relatively cramped office space of the County Clerk's office was well trained in the policies dealing with the ballot counting process.

The LCGJ found that the County Clerk's procedure for the counting of ballots cast, to be without reproach. During the LCGJ's inspection, we observed several problems associated with ballots. The staff, working under Mrs. Bustamante, was able to identify and resolve each situation without needing to refer to operational procedure manuals. The LCGJ observed well-trained staff working in the County Clerk's office.

Under the professional guidance of Mrs. Bustamante, the overall operation of the County Clerk's office appears to be running smoothly. It has been brought to the attention of the LCGJ that there are problems with backup generator power within the building. Due to the age of the building there are also issues with water during heavy rain storms entering the office space.

**Recommendations:** With the construction of a new courthouse now underway, the LCGJ recommends that the Lassen County Board of Supervisors make accommodations for expansion and modernization of equipment and facilities utilized by the County Clerk.

**Response Required:** No

**Teach for Success Program**

**Reason for Inquiry:** The Grand Jury received multiple complaints concerning individual contracts between Dr. Todd Cutler, Lassen High School Superintendent, and the Susanville School District, Fort Sage School District, and the Lassen County Office of Education for the implementation of the Teach for Success program.

**Background:** The complaints allege that Dr. Cutler received compensation from the above named entities in excess of \$20,000 and then used Lassen High School resources, namely funds, to pay for substitute teachers for which the school was not reimbursed. The Grand Jury interviewed Dr. Todd Cutler, Lassen High School Superintendent, and Mr. Charles Spence, President of the Lassen High School Board.

**Findings:** The Grand Jury initially interviewed Mr. Charles Spence. Mr. Spence essentially refused to answer questions from the Grand Jury. Mr. Spence commented to the newspaper that he was not sworn in. (As a side note, it is not the normal practice to swear in an individual appearing before the Grand Jury unless it appears there is potential for further legal action.) Dr. Cutler was the next individual scheduled to appear before the Grand Jury, but after Mr. Spence complained to the newspaper that he had not been sworn in prior to his testimony, the Grand Jury voted to move from the usual informal interview method to a more formal questioning process involving the Lassen County District Attorney Bob Burns, the swearing-in of witnesses, and the use of a court reporter. Mr. Spence was then formally questioned by the Lassen County District Attorney at the behest of the Grand Jury, as was his apparent desire. Mr. Spence was much more helpful in the new setting and freely answered questions. In his testimony he stated that the reason he had not answered questions previously, was because he “was not really interested in the subject and had not really been listening” when the Lassen High School Board and Dr. Cutler discussed the Teach for Success program. During his testimony he did state that the Lassen High School Board had voted in November 2010 to support the Teach for Success program.

Next, the Grand Jury asked the Lassen County District Attorney to question Dr. Todd Cutler. Dr. Cutler was very cooperative, straight forward, and helpful. He described the Teach for Success program as a vehicle to teach teachers to evaluate each other’s “science of teaching” techniques as a constructive method to improve and refine skills. He also described how he was asked to integrate the Teach for Success program in the Fort Sage School District, Susanville School District, and the Lassen County Office of Education. Dr. Cutler freely explained how he had used Lassen High School teachers that were already part of the program that he implemented at the high school as mentors when he introduced the program to the Susanville School District. Believing that this could be used as a joint training venture, Dr. Cutler had not considered that his approach could be construed to be a potential misuse of school district resources or funds. Dr. Cutler appears to have legitimately concluded that he had Lassen High School Board approval to execute the Teach for Success program with the resources he used. Neither the Lassen High School Board nor the High School Superintendent recognized the potential for a perception of misuse of Lassen High School resources in the implementation of the Teach for Success program. The Lassen County Grand Jury has determined that no further legal inquiry is required.

**Commendations:** The Teach for Success program has value as a method for improving teacher skills, and by extension, student learning. Dr. Cutler is to be commended for his efforts to improve teacher skills and student learning at Lassen High School and some of the schools in the county whose students matriculate to the High School.

**Recommendations:** Current and future contracts between Dr. Cutler and any education system in or outside Lassen County which potentially involve Lassen High School District resources be specifically indicated and ratified by the Lassen High School Board. The Lassen High School Board must be an active participant in any programs that are introduced. Given current economic times, it is an expectation that the Board not only be engaged in all programs and changes that improve the quality of education but also be vigilant about budget constraints. Care and active participation by the Board can prevent future “distractions” to the important mission of educating our children.

## **Education Report**

**Reason for Inquiry:** Public Interest

**Inquiry Procedure:** Contact Lassen County Superintendent of Schools, Richard DuVarney

**Background:** The Superintendent of Schools is a countywide elected position within Lassen County and is governed by a seven member board elected from the five districts in Lassen County. The current Superintendent of Schools Richard DuVarney was elected in June 2010 and assumed office in January 2011.

The Lassen County Office of Education is primarily a service agency and provides oversight and legal service to the 10 public schools as well as seven charter schools in Lassen County. Fiscal oversight of the districts is a primary function of the Lassen County Office of Education.

The Lassen County Office of Education is primarily funded through 1.) ADA (Average Daily Attendance) for Alternative Education Programs, 2.) Administrative Oversight and 3.) Categorical Funding.

**Findings:** The Lassen County Office of Education provides business and administrative services to the public school districts as well as the charter schools, including payroll and check writing. Each school district has a business manager who coordinates the fiscal needs of the individual districts and provides reports to the County Office of Education.

Based on the current economic status within the state and the current budget shortfalls for schools in Lassen County, the Lassen County Office of Education has commissioned California School Services to conduct a "consolidation study" for the school system in Lassen County. Results of this study are expected in June of 2011.

All school districts operate similarly, and have some of the same business, administration and reporting requirements. A significant overlap of services occurs between the districts and the Lassen County Office of Education in these areas.

**Recommendations:** Local school district boards should pursue consolidation of both business and administrative services with other schools or with the Lassen County Office of Education, in an effort to minimize and reduce the economic impact on the public.

**Response Required:** No

## **West Patton Village Community Services**

**Reason for Inquiry:** The Grand Jury received information concerning what appeared to be excess funds in the district treasury. The concern was that service rates were not adjusted with such a big reserve in the cash balance.

**Inquiry Procedure:** Interview with Eula Johnson, President and Vivian Peterson, Secretary for West Patton Village Community Services Districts.

**Background:** The district is located in an unincorporated area in southern Lassen County in the Honey Lake Valley adjacent to the Sierra Army Depot in Herlong.

The Community Services District provides the following services:

- water service
- wastewater collection and disposal
- garbage collection
- street lighting
- parks
- playgrounds
- fire protection

WPV CSD is governed by a five-member board elected by district voters. The 2010-2011 budget submitted by the WPV board to the Lassen County Auditor shows estimated revenue of \$83,700 in water rates and \$52,200 in sewer rates. With additional estimated revenues the total income for 2010-2011 was \$337,728. With beginning balance of \$416,909, this made available funding in the amount of \$754,637. The budget submitted was \$329,900. The available funding well exceeded the budget requirements for the fiscal year.

**Findings:** After discussions with board member Eula Johnson and district secretary Vivian Petersen, it was determined that what appeared to be excess funds, are for planned future upgrades of the water and sewer system which was not in the 2010-2011 budget.

**Recommendations:** The district should publicly identify the anticipated use of all of its funds. During the required public hearing for the budget, information is made readily available with details as to the budget requirements for the fiscal year. This should include anticipated use of funds for future infrastructure projects. Update or complete policy and procedure manuals to reflect detailed accounting of all funds.

**Response Required:** Yes

## **Special District Petty Cash Funds**



**Reason for Inquiry:** Public Interest

**Background:** Many special districts have separate petty cash and checking accounts such as volunteer accounts and fund raising accounts which are paid directly by a bank rather than through the Lassen County Auditor.

**Findings:** Special Districts as a rule do not have a formal method for monitoring the status of these accounts.

**Recommendation:** As a check and balance, special districts should have a formal policy requiring that at least two board members approve each expenditure paid from any account not controlled by the Lassen County Auditor. This protects the district from any unauthorized use of funds. Accounting of expenditures and revenue of these accounts with a current bank statement attached for balance confirmation should be presented to the district board as part of the meeting reports at least quarterly. This reduces the opportunity for misuse of funds and protects the district and personnel involved.

**Response Required:** No

**Lassen County Public Official Compensation**

**Reason for Inquiry:** Public Interest

**Inquiry Procedure:** Examination of Lassen County Auditor reports addressing public official pay and benefits.

**Background:** News accounts of pay and benefit irregularities in the city of Bell California prompted the Lassen County Grand Jury to examine the pay and benefits paid to the ten highest paid individuals employed by Lassen County.

**Finding:** The compensation earned by employees of Lassen County is appropriate for a county with a population the size of Lassen County.

**Recommendations:** None

**Response Required:** No