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Functions of the Grand Jury

The Grand Jury, as mandated by the California Constitution, is part of the Judicial Branch and is an arm of the Court. The Civil Grand Jury has two responsibilities: to act as a civil watchdog conducting investigations and to answer citizen complaints.

The Grand Jury investigates city and county government, as well as special districts, to ensure the interests of Amador County citizens are being served. County government procedures, methods and systems are reviewed and evaluated to determine if more efficient and economical programs might be employed.

The Grand Jury issues final reports on county government operations. The reports describe problems encountered and make recommendations for solutions. The County board of Supervisors and/or the affected agencies or districts must comment on these recommendations.

The Grand Jury is required to:

- Evaluate conditions of jails and detention centers within the county.

The Grand Jury is also authorized to:

- Inspect and audit county books, ensuring that public funds are properly and legally accounted for.
- Investigate and report on the performances of special districts or commissions.
- Investigate charges of willful misconduct by public officials or employees.
- Investigate and report on “questionable business practices” of such agencies.

As part of the civil function, the Grand Jury receives letters from citizens alleging mistreatment by officials, suspicions of misconduct or government inefficiencies. While the complaints are kept confidential, they are acknowledged and investigated for their validity. If needed, a recommendation for corrective action can be made under the Grand Jury’s jurisdiction.

2004-2005 Amador County Grand Jury

**Stephanie Armstrong
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Joseph Bonini
Ruth Deits
Sheryl Green
Mike Guidera
Walter Hoeser
Bronwyn Hogan
Douglas Levy
Cynthia Masters
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ACKNOWLEDGEMENTS

The 2004/2005 Amador County Grand Jury could not have completed its investigations without the help and support of a number of people. The Grand Jury wishes to thank: Judge Susan Harlan; Mary Kraft and Christine Price; John Hahn, County Counsel; Todd Riebe, District Attorney; Michael Dean, Plymouth City Attorney, Gloria Stoddard, Plymouth City Clerk; and Jacob Rambo, Assistant District Attorney.

We would also like to thank Patrick Blacklock, County Administrative Officer; Mike Prizmich, Sheriff; Karl Knobloch, Undersheriff; Ron Rockett, Captain for their insightful assistance.

ARTWORK AND ARTISTS

The Grand Jury would like to thank the following artists, both amateur and professional, for their contributions of scenes of Amador County which illustrate this report. Although we were not able to use all of the artwork presented to us, we would also like to thank the other young artists from Argonaut and Amador High Schools.

Cortney Palmer and Samantha Moon from Mr. Pretto's Argonaut High School Art Class.

Erica Neville from Mr. Huggett's Amador High School Art Class.

Sarah Armstrong

Sarah is an amateur photographer, attends American River College and resides in Jackson.

Marie Martz-Mort

Marie is an amateur photographer and a professional designer and producer of fine jewelry. Her creations may be seen at Gallery 10, Sutter Creek.

Alice Duke

Alice is a professional artist who specializes in scenes of Amador County. Her images may be seen at Gallery 10, Sutter Creek.

Notice to Respondents

Response Requirements:

Effective January 1, 1997, there was an extensive change in the law affecting respondents and responses to Grand Jury findings and recommendations. The legal requirements are contained in California Penal Code, Section 933.05. Each Respondent should become familiar with these legal requirements and, if in doubt, should consult legal counsel before responding.

How to Respond to Findings:

For the assistance of all Respondents, Penal Code Section 933.05 is summarized as follows:

The responding person or entity must respond in one of two (2) ways:

- That you agree with the finding.
- That you disagree 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 for the disagreement.

How to Report Action in Response to Recommendations:

Recommendations by the Grand Jury require action. The responding person or entity must report action on all recommendations in one of four (4) ways:

- The recommendation has been implemented, with a summary of the implemented action.
- The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- The recommendation requires further analysis. If a person or entity reports in this manner, the law requires a detailed explanation of the analysis or study and timeframe not to exceed six months. In this event, the analysis or study must be submitted to the officer, director or governing body of the agency being investigated.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

AMADOR COUNTY MENTAL HEALTH DEPARTMENT ANONYMOUS COMPLAINT

Introduction

The 2004-2005 Amador County Grand Jury received an anonymous complaint alleging that mismanagement and low morale in this department were negatively affecting mental health services to the county's patients. The complaint also alleged a pervasive fear of retaliation by management against staff members who came forward with their concerns.

The Grand Jury elected to investigate pursuant to California Penal Code section 925.

Background

The Department of Mental Health is located within Amador County's Health and Human Services Agency. Its mission statement notes that "Amador County Mental Health strives to provide high quality, accessible, and appropriate mental health services to the County residents who have serious mental disabilities and/or emotional disturbances."

The current Director of the Mental Health Department has been in his position for nineteen months at the time of the writing of this report. He was interim Director for approximately six months after the former Director's resignation.

Method of Investigation

Members of the Grand Jury conducted interviews and reviewed documents.

Persons Interviewed:

County Administrator

Assistant County Administrator

Director of Amador County Health and Human Services (HHS)

Director of the Amador County Mental Health Department (ACMH)

Current ACMH staff who are in the office regularly

Former ACMH staff (employees, volunteers, and interns)

Employees of agencies who work with or utilize the services of ACMH

Documents Reviewed:

Amador County and Service Employees International Union (SEIU), Local 4988,
October 2002 - September 30, 2005, Memorandum of Understanding
(MOU)

Job Descriptions, ACMH Staff

County of Amador Policies & Procedures Manual 2-900

Dress and Personal Appearance - issue date, June 2, 1998

County of Amador Policies & Procedures Manual 2-100

Sexual Harassment - issue date, January 18, 2000

Personnel documents and employee notes provided by former employees

California Code of Regulations; Title 2, Division 9, Page 438

2003-2004 Grand Jury report

ACMH Department Policies and Procedures

Facts

1. Every employee of the ACMH Department interviewed was asked the same set of questions to focus the interviews and to evaluate consistency of information.
2. After the first round of interviews, additional interviews were conducted, as needed, to follow up on initial information gathered.
3. The majority of current employees interviewed at ACMH (14 out of 16) expressed some degree of dissatisfaction with the current management of the department. Specific areas of dissatisfaction, stated by employees, include the following:
 - a. Poor communication from the ACMH Director regarding issues affecting staff.
 - b. Perception of favoritism by the Director toward certain employees.
 - c. The Director used a demeaning management style and expressed excessive anger when addressing and "correcting" employees.
 - d. The Director, at times, admonishes employees in front of other staff.
 - e. Pervasive fear of retaliation from the Director if a staff member offers suggestions or criticism about how to improve the department.
 - f. The Director has threatened employees' professional licenses or their employment.

- g. The Director fosters dissension between employees by sharing conversations with other staff members.
 - h. The Director provides little or no positive feedback to staff and inadequate feedback regarding issues pending in the department.
 - i. The Director's management style is to react unilaterally to specific situations without regard to the consequences and without seeking input from staff members.
 - j. The system of time-keeping has led to problems within the staff. Various staff members have been charged with keeping track of other staff members' time, outside the supervisory chain of command. There has been an uneven application of rules and abuse of time under the current system of signing in on computers.
4. A majority of former ACMH employees, volunteers or interns (10 of 12) reported that anticipation of the new Director and/or his managerial style was a factor in their decision to leave the department. While some former employees reported that various other considerations also affected their decision to leave, many left primarily due to the actions of the new Director and some left solely for this reason, even though this caused several of them financial hardship and loss of retirement benefits.
5. Most current employees interviewed report problems within the staff, including:
- a. Allegations of cultural, ethnic and religious harassment and/or insensitivity.
 - b. Threat of physical injury by one staff member to another.
 - c. Gossip and accusations regarding sexual conduct and sexual orientation.
 - d. Blurred boundaries regarding authority of staff members over each other (i.e. staff members keeping track of other staff member's time).
 - e. Increased tensions between support and professional staff.
6. More than 50% of current and former staff persons interviewed described the department as a "hostile," "toxic," and "unhealthy" work environment.
7. ACMH management, specifically the Director, is responsible for resolving intra-staff problems that affect morale. Desirable

qualifications listed in the job description of the ACMH Director include the following:

- Knowledge of “principles and techniques of effective employee supervision and training.”
 - Ability to “review the work of Department staff and resolve problems” and “Establish and maintain cooperative working relationships.”
8. ACMH employees lack a clear procedure for dealing with grievances. Some cited “talk to one’s supervisor” or “go up the chain of command” as their understanding of the grievance process. Others mentioned “going to the union” with grievances, though they were unclear about the process and expressed little hope of action. Employees report there was a suggestion/complaint box in the department at one time, but it was removed mid-2004 because it was used as a means of personal attacks.
 9. The Grievance section (19) in the County/SEIU MOU has formal grievance procedures, however it “strongly encourages” employees to try to resolve issues informally before filing a formal grievance.
 10. The ACMH’s solution to problems within the staff was to hold intermittent “team building” workshops at a cost of \$9,000 for three sessions.
 11. These three all-day sessions necessitated closing the clinic and thus caused a loss of departmental income, as well as an interruption of services, on these dates.
 12. After two of the team building workshops, more than 50% of the staff interviewed reported little or no improvement in resolving problems within the department.
 13. Many employees, as well as agencies that interact with the Mental Health Department, complained of a deterioration of the children’s programs offered by ACMH. This meant a longer time span between triage and treatment, an increase in cancelled appointments, frequent change of therapists, and an increase in the time between face-to-face visits with children in residential treatment, which was perceived by some being out of compliance with the California Code of Regulations.

14. Employees, including the Director, interviewed state that about two-thirds of patients leave treatment prematurely if therapists are changed.
15. Between July 2003 and February 2005, ACMH had a turnover of 38.6%. The next highest Amador County Agency experienced a turnover of 23%.
16. In addition to such duties as developing and administering the budget and controlling expenditures, the Health and Human Services Director's job description includes the following desirable qualifications:
 - Ability to "review the work of the agency staff and resolve problems, establish and maintain cooperative working relationships."
 - Ability to "provide direction, supervision and training for the agency staff."
17. At least five employees reported that they went to the Director of the Health and Human Services Agency with some of the problems stated above; they reported no resolution of the problems.

Findings

1. There is low morale among staff at ACMH.
2. Morale problems at ACMH are contributing to a high rate of staff turnover in the department.
3. High turnover is expensive. The loss of a trained employee and the subsequent advertising, recruitment, interviewing and finally hiring and training of a new employee is a significant expense and can result in a significant loss of productivity while the new employee is brought up to speed. The high turnover in the Amador County Mental Health Department results in ongoing expenses and lower productivity.
4. High turnover results in lower quality patient care. It lowers productivity and quality of service to the community.
5. High turnover contributes to a loss of continuity and interagency cooperation in addressing patient problems. In many cases, the needs of county mental health patients are best served by interagency cooperation and communication.

6. Since therapists work on-call hours, flextime schedules, and in off-site settings, time keeping in ACMH can be complicated.
7. Team building cannot be accomplished with three sessions if there is no follow-up on a day-to-day basis. This follow-up should be done by ACMH management and emphasized on a daily basis with a plan to foster this “team building” environment. If taxpayer money is going to be spent on workshops, then the results of those workshops need to be implemented and fostered.
8. An adverse work environment, such as reported by ACMH employees and former employees, exposes the County to potential litigation and the attendant expenses.
9. The problems encountered in ACMH have not been addressed by the Director of Health and Human Services.

Recommendations

1. There should be ongoing training to improve supervisory, managerial and communications skills for the management of ACMH. If performance evaluations warrant it, additional training should be tailored to address specific issues or weaknesses. Examples of additional training might include communications skills and anger management.
2. Require the Director to supply his superior and the County a written plan to improve the working environment and effectiveness of ACMH. The plan should include how to implement the team building recommendations from the workshops into the day-to-day functioning of the Department. It should include a timeline and measurable goals. The plan should also be a part of the performance evaluation of the Director and be reviewed by his supervisor and the County Administration, and be included in the response to the Grand Jury.
3. Such a plan should include, but not be limited to, quarterly meetings of ACMH employees (management and staff) with staff input into a published agenda. These meetings should address current issues and problems, problem solving, suggestions and/or exercises, goal-setting for the next time period, and recognition of good performances and successes from the previous time period.

4. If the goals in the plan are not being met, this should be reflected in the Director's performance evaluation. There should be a specific structure for ongoing evaluation, of the ACMH Director's management of the staff, by the Health and Human Services Agency and the County Administrative Office.
5. Supervisors should be responsible for keeping track of employee time and ensuring that rules regarding timekeeping are applied evenly to all staff. If supervisors cannot manage the appropriate monitoring of employees' work hours, ACMH should install and use a time-recording device to standardize the record keeping of employees' work time arrival and departure. Also this device should be used to record employee breaks, lunchtime, and other office departures.
6. Develop an informal grievance procedure for ACMH. The procedure should include guidelines for how those grievances should be handled by the receiving parties and what sort of response is required when an employee uses the informal process. Orient ACMH staff at all levels to this policy.
7. Identify a management team, to clarify supervisory roles, responsibilities and lines of communication. Publish this information for all staff and schedule management team meetings on a regular basis. Members of the management team should be chosen by position in the department.
8. Where appropriate, staff input should be solicited and considered when developing new policies and procedures.
9. Adhere to the personnel guidelines of the County and to County policy and the expectations (both the letter and the spirit of the law) of the Department regarding sexual harassment, ethnic, racial and religious tolerance, understanding and sensitivity, and workplace dress code and behavior (Review page 7, MOU and County of Amador Policies and Procedures Manual-number 2-100 and 2-900 (see Appendices C & D) Note: these policies are currently being updated by County Administration). All employees must review the policies and expectations on a yearly (or sooner, if needed) basis and sign an agreement stating that they know the policies and will comply with them. This documentation should be placed in all employees' personnel files.

10. Management should foster an atmosphere of cultural sensitivity. Respect for diverse populations and cultures is important in the work place. The environment of the work place must be free of any intimidation, influence or distraction that interrupts the delivery and quality of the services provided to the citizens of Amador County.
11. Remove all posters, flyers, jokes, stories or other items that are inappropriate to be displayed or said in the workplace. Management must enforce this and set an example for employees to follow.
12. The Director of Health and Human Services should become more involved in ACMH, both on a regular basis and especially when there are unresolved personnel issues affecting morale and quality of service to the community.

Response Required

Response to this report is required from the Amador County Board of Supervisors and the Health and Human Services Agency pursuant to California Penal Code sections 933(c) and 933.05.

AMADOR COUNTY MENTAL HEALTH DEPARTMENT GENERAL REVIEW

Introduction

The 2004-2005 Grand Jury elected to do a general review of the Amador County Mental Health Department, pursuant to California Penal Code section 925.

Method of Investigation

Members of the Grand Jury conducted interviews and reviewed documents.

Persons Interviewed:

County Administrator

Assistant County Administrator

Director of Amador County Health and Human Services (HHS)

Director of the Amador County Mental Health Department (ACMH)

Current ACMH Staff

Former ACMH staff (employees, volunteers, and interns)

Employees of other agencies who work with or utilize the services of ACMH

Documents Reviewed:

California Code of Regulations; Title 2, Division 9, Page 438

2003-2004 Grand Jury report

Facts

1. Child clients of ACMH must at times be placed in treatment facilities outside of the county in order to meet their particular needs. There are generally four to five children placed out-of-county at any particular time.
2. The California Code of Regulations specifies face-to-face visits with these children by their case manager every three months, however, the State of California signed off on ACMH's plan to visit such children at least once every six months due to budgetary constraints.
3. Most ACMH children placed out of county are involved with some other local agency or agencies, such as AC Child Protective Services, Valley Mountain Regional Center, AC School District, etc., and may be case-

- managed by one of these agencies. ACMH is still required to manage the mental health aspects of these children's care.
4. Two children placed out-of-county (and in their cases, out of state) were not seen by ACMH for 9 months.
 5. ACMH staff report that in general they have adequate equipment and technical support to perform the requirements of their positions. Employees who regularly work in the field (specifically in various county schools) believe they could perform their job requirements more efficiently if they had laptop computers, saving 30-45 minutes per client visit.
 6. Staff and administration of ACMH report space is a problem in the current setting. Grand Jury members observed this when conducting interviews there. The layout of the current space (two stories, an elevator that cannot be seen from reception area, crowded waiting areas, etc.) leads to problems of accessibility and maintaining privacy and confidentiality.
 7. Over 75% of ACMH employees interviewed report they reach the top of their position's pay scale within five years and then have few options to advance to a higher position. At that point they can only look forward to cost of living adjustments (COLAs) for pay increases. It should be noted that this is the same for most county employees.
 8. Ninety-five per cent of ACMH professional staff who were interviewed report they must maintain their professional licenses by obtaining continuing education credits to retain their positions. They must pay for this continuing education themselves. It should be noted that this is the same for most county employees who are licensed.
 9. Proposition 63, passed by California voters in November 2004, is an opportunity to both enhance mental health services and educate the community about mental health issues and needs. The state mandates community input in the use of Prop 63 monies and ACMH is seeking such input.

Findings

1. When children must be placed out-of-county, it is important that they be seen regularly to ensure their well-being and that they are receiving appropriate care and treatment.

2. Given heavy recording and reporting requirements in mental health services, field computers would increase staff efficiency by allowing those requirements to be met on the spot.
3. Properly planned new facilities for ACMH would enhance mental health services.

Recommendations

1. For each child placed out-of-county, ACMH should designate a particular licensed staff member, the child's therapist or a "placement coordinator" with the clear and specified responsibility of visiting (or ensuring that some other agency is visiting) those clients as mandated and/or as needed.
2. ACMH should coordinate with other agencies involved with children placed out-of-county to ensure that the children are visited at least quarterly by some Amador County responsible agency to provide necessary oversight without expensive duplication of travel. For example, Child Protective Services personnel could verify the mental health treatment being provided to an Amador County child in placement on one visit. On a subsequent visit, ACMH could verify conditions relevant to another agency. This would have the potential of increasing the number of visits these out-of-county clients receive, without increasing the cost to agencies (and in turn the taxpayers).
3. ACMH should purchase laptop computers for the few staff who work in school settings.
4. The County of Amador is encouraged to plan for increased space for mental health services with consideration of the particular needs of this agency. Plans for new facilities should consider increased space, increased accessibility, and a layout to maximize privacy and preserve confidentiality.
5. The Grand Jury, while hearing employee concerns, makes no recommendations regarding salary scales and training costs for licensure for ACMH employees since this is a countywide issue to be addressed in collective bargaining.
6. The Grand Jury encourages the community to participate in discussions and decisions regarding the optimal use of Prop 63 funding for community mental health.

Response Required

Response to this report is required from the Amador County Board of Supervisors and the Health and Human Services Agency pursuant to California Penal Code sections 933(c) and 933.05.

AMADOR COUNTY MENTAL HEALTH DEPARTMENT CRISIS RESPONSE

Introduction

The 2004-2005 Grand Jury wished to follow up on the work and recommendations of the 2003-2004 Grand Jury regarding the relationship between the Mental Health Department and law enforcement agencies in the county.

Background

The 2003-2004 Grand Jury investigated the procedures involved when an impaired individual, who is considered to be a danger to him/herself, a danger to others, or gravely disabled, may be taken into custody, evaluated at Sutter Amador Hospital, and possibly transported to a mental health facility. The hospital requires that a "law enforcement officer or mental health caseworker remain with the patient until s/he is no longer considered a danger to self or others or can be transported to a mental health facility" (2003-2004 Grand Jury report). The Grand Jury wanted to determine whether more equitable and efficient options were available for monitoring impaired persons while they are at Sutter Amador Hospital.

The 2003-2004 Grand Jury recommended that a committee of all law enforcement agencies (including the California Highway Patrol), Amador County Mental Health, and American Legion Ambulance Services meet to address problems in this area and explore options that would keep law enforcement officers from being away from other duties for extended periods, but that would also allow crisis mental health cases to be handled safely and effectively.

Method of Investigation

Members of the 2004-2005 Grand Jury reviewed documents and conducted interviews.

Persons Interviewed:

Administrative personnel from the:
Health and Human Services Agency (HHS)
Amador County Mental Health Department (ACMH)
Amador County Sheriff's Office (ACSO)

American Legion Ambulance Service (ALAS)

Documents Reviewed

2003/2004 Amador County Grand Jury report

Responses by Amador County law enforcement agencies and ACMH to the 2003-2004 Grand Jury Report

Facts

1. When a person in Amador County is suspected of falling under the provisions of Welfare and Institutions (W & I) Code sections 5150 and 5170, they are taken to Sutter Amador Hospital to be evaluated. If it is determined that in-patient treatment is required, they are transported out of Amador County, usually to the psychiatric facility in Placerville, CA, as the County has no in-patient mental health treatment facility.
2. The Director of HHS initiated meetings with her staff and the ALAS Director to address the problem of transportation for the above persons.
3. Agreement was reached with ALAS to transport persons in the above circumstances. The cost to the County will be \$100.00 per transport. However, ALAS will bill patient insurance and if reimbursement of minimum costs is received, there will be no charge to Amador County. Because of this, ALAS anticipates little or no cost to Amador County.
4. ALAS has drafted an internal policy (#309.10) to address mental health transports.
5. The ACSO has convened meetings with the affected agencies to address the issue of law enforcement officers having to remain with impaired persons being evaluated at Sutter Amador Hospital until the person meets the requirements for dismissal, discharge or transport to a mental health facility.
6. ALAS is willing to have an appropriately trained EMT from their staff available to attend the above persons at the hospital.

Findings

None

Recommendations

None

Conclusions

The Grand Jury commends the Amador County Health and Human Services Agency, Mental Health Department, Sheriff's Office and other law enforcement agencies for their on-going efforts to resolve issues related to 5150 and 5170 W & I.

The Grand Jury extends a special commendation to the American Legion Ambulance Service for their flexibility and willingness to assist Amador County in this area.

All parties involved express understanding that dealing with and evaluating impaired persons who may (or who may not) meet the criteria for 5150 or 5170 detainment is difficult. Laws and rules protecting the rights of apparently impaired individuals are at times difficult to reconcile with laws protecting the community from danger or even from public nuisance. The Grand Jury urges law enforcement and Mental Health Department personnel to continue mutual education and understanding of the laws that both groups must deal with and continue to work toward increased cooperation and mutual assistance.

Response Required

No response required.

CITY OF PLYMOUTH

BROWN ACT

Introduction

The Amador County Grand Jury received a complaint from a citizen alleging Brown Act violations by the Plymouth City Council. The citizen alleged that on October 14 and November 29, 2004 the Council met in closed session under the litigation exception and then discussed non-excepted issues.

Background

The Ralph M. Brown Act establishes the right of the public to access meetings of legislative bodies. Generally, the Act requires all meetings of such bodies to be open and public, with the public properly notified of the meeting.

However, the Brown Act recognizes that in certain circumstances there are legitimate reasons for legislative body meetings to be closed to the public. It authorizes closed meetings to deal with issues of personnel, pending litigation, anticipated litigation, labor negotiations and property acquisition.

It also authorizes criminal prosecutions and civil remedies for violations of the act.

Method of Investigation

The Grand Jury conducted interviews and reviewed documents

Persons Interviewed

Plymouth City Attorney

Amador County District Attorney

Amador County Counsel

Documents Reviewed

Plymouth City Council Agendas

Letter communication from Plymouth City Attorney

Ralph M. Brown Act

Facts

1. The City of Plymouth held properly noticed City Council meetings on October 14 and November 29, 2004.

2. Closed sessions were held at both meetings.
3. The agenda for both closed sessions indicated the topic for discussion was "Conference with legal counsel-existing litigation." It also listed the name and case number of the litigation.
4. Amador County Counsel recused himself from providing advice to the Grand Jury, due to the pending litigation between the County of Amador and the City of Plymouth.
5. The Amador County District Attorney, with concurrence of the California State Attorney General's Office, state that they will not pursue a criminal prosecution of a violation of the Brown Act once the litigation exception is claimed by the body.
6. The Plymouth City Attorney, after the City Council waived attorney/client privilege, stated that he advised the Council it was acceptable to go into closed session under the litigation exception of the Brown Act in both meetings.
7. The City Attorney attended both closed sessions.

Findings

1. The Grand Jury cannot establish that a violation of the Brown act occurred.

Recommendations

None

Conclusions

The Brown Act is an important safeguard that allows the public to hear about and offer input to public policy. Although the Grand Jury cannot determine that a Brown Act violation occurred as alleged, Jury members urge continued education and sensitivity to this Act by the newly elected Plymouth City Council.

Response Required

Response to this report is required by the City of Plymouth pursuant to California Penal Code sections 933(c) and 933.05.

CITY OF PLYMOUTH MAINTENANCE SUPERVISOR

Introduction

In response to a citizen's complaint held over from the 2003-2004 Amador County Grand Jury, the 2004-2005 Grand Jury, pursuant to California Penal Code section 925(a), elected to review and evaluate the manner in which the City of Plymouth filled the position of Maintenance Supervisor in April 2004.

The complaint alleged that the open position was not advertised, which violated the City's hiring policies and practices. In addition, the complaint alleged that the person hired for the position did not undergo the City's mandatory drug/alcohol screening.

Method of Investigation

The Grand Jury conducted interviews and reviewed documents.

Persons Interviewed

Complainant

Present and former City of Plymouth employees

Documents Reviewed

Relevant Plymouth City Council minutes

City of Plymouth personnel policies and procedures, specifically "The Selection Process"

City of Plymouth Maintenance Supervisor job description

Facts

1. The Plymouth City Administrator, serving at the time, acted as an unofficial Maintenance Supervisor, but was preparing to retire. He stated "I just never felt that I had the time to make the trips and run around and really do an adequate job of checking up on the public works crew." (Minutes, Plymouth City council, 4/8/04)
2. At the same 4/8/04 Council meeting, the City Administrator recommended hiring a part time Maintenance Supervisor. He stated he

had spoken to a former Plymouth Ditch and Public Works employee (and former Plymouth Mayor) who was available to take the position.

3. During the same council meeting the Plymouth City council voted to hire the identified person for a three hours per day, five days a week, position as Maintenance Supervisor.
4. The position of Maintenance Supervisor was not advertised in-house or publicly in any newspaper or trade journal.
5. The City of Plymouth's hiring policies state "In an effort to discover qualified candidates, the City MAY (emphasis added) place advertisements in newspapers and magazines, as well as list the positions with employment agencies, vocational schools, colleges, universities and the Employment Development Department". (Section 1-The Selection Process, 1.01, Recruitment)
6. Personnel files are sealed to the Grand Jury without subpoena. However, Plymouth City staff report that the City does have, as required, a physical examination and a drug/alcohol screening report for the employee hired, dated 4/14/04.

Findings

1. The City of Plymouth's selection process which was followed in this case fails to mandate that open positions be advertised and therefore did (and does) not ensure the selection of the best candidate. This opens the City to charges of unfair employment practices.
2. Given the above, the letter of the City of Plymouth's hiring practices was not violated in the hiring of the Maintenance Supervisor. However, the Grand Jury believes the spirit of fair employment practices was violated.

Recommendations

1. The City of Plymouth's personnel procedures should be changed to require that open positions, particularly at the supervisory level, be posted and advertised.

Conclusion

The hiring process in this case was described to the Grand Jury as follows: One City Councilmember recommended a former City Councilmember to the City Administrator for the position of Maintenance Supervisor. The City Administrator contacted the former Councilmember to verify that he was interested in the position, and then recommended the City Council hire him. Such ways of conducting the City of Plymouth's business gives the appearance of a "good old boys" network which is insensitive to public perception and has no safeguards to ensure the best person for the position is hired.

Response Required

Response to this report is required from the City of Plymouth pursuant to California Penal Code sections 933(c) and 933.05.

CITY OF PLYMOUTH SPECIAL COUNSEL

Introduction

The City of Plymouth continues to be embroiled in controversy surrounding the possible development of an Indian gaming casino in or around the City. In response to a citizen complaint, and a request by the City Council in October, 2004, the Grand Jury elected to investigate the manner in which a special counsel was hired to negotiate and review the Municipal Services Agreement (MSA) adopted February 20, 2004.

Method of Investigation

The Grand Jury conducted interviews and reviewed documents.

Persons Interviewed

Former Plymouth City Councilmembers
City of Plymouth staff (former City Administrator, Attorney and Clerk)
Amador County Counsel
City of Plymouth Special Counsel

Documents Reviewed

City of Plymouth Hiring Policy
City of Plymouth Purchasing Rules
Draft and final MSAs
Memoranda
Special Counsel invoices
City of Plymouth Council meeting minutes 2003-2004
California State Bar Act, Section 6148

Facts

1. In 2003 the Mayor and at least one other Councilmember negotiated an MSA between the City of Plymouth and the Ikon/Mi-Wok Indian group.
2. The Plymouth City Attorney negotiated a Reimbursement Agreement (RA) with the same group at the end of 2003, after the City Council Subcommittee had begun the MSA negotiations. Under the terms of the RA, the Ikon/Mi-Wok Indian group would pay agreed upon amounts of

- money to the City “up-front” to defray expenses incurred by the City in attempting to develop the casino project.
3. The City Attorney suspected meetings between the City Council and the Ikon/Mi-wok group were occurring, but he was not officially notified or consulted about the negotiation of the MSA.
 4. The Mayor of Plymouth stated that the reason the City didn’t use its attorney was that he was “too expensive.” She pointed to the cost of the RA as evidence.
 5. The City Attorney is a part-time position, paid under contract on an hourly basis.
 6. The bill for the City Attorney’s negotiation of the RA was paid out of funds paid to the City by the Ikon/Mi-wok group, under the terms of that agreement.
 7. In December 2003 or January 2004, the City hired an outside attorney (special counsel) to negotiate and/or review the MSA.
 8. There was no public discussion or vote regarding the hiring of a special counsel during an open, noticed City Council meeting.
 9. The then-City Administrator stated that the reason the City didn’t use its own attorney was that he “lacked experience in Indian affairs”.
 10. The special counsel’s self-stated area of legal expertise is estate planning.
 11. The special counsel stated he prepared a professional services agreement outlining his retainer charge and fees, and the basic work that he understood he was to perform for the City, as required by California State Bar Association rules. He stated it was signed by the City Administrator and himself. However, he is unable to produce it, stating he “probably” destroyed it along with the rest of the file after completion of his work, and the recall election of May, 2004.
 12. The then-City Administrator stated they had an oral agreement only.
 13. City staff is unable to locate a professional services agreement between the parties in city records or files.

14. Under issuance of a subpoena, the special counsel produced a file that included a copy of the draft MSA, and other MSAs from existing and proposed Indian Gaming Casinos, and a copy of the Writ of Mandate served on the Plymouth City Council by the "No Casino in Plymouth" group.
15. The special counsel stated he was interviewed by the City Administrator, the Mayor and at least one Councilmember.
16. The Mayor and Councilmembers in question state they did not interview the special counsel.
17. The special counsel was referred to the City of Plymouth by a consultant representing the Ikon/Mi-wok group.
18. The special counsel had represented the referring consultant on "several" occasions; including a grandparent visitation dispute, several transactional/contractual issues, and a suit for breach of contract against the Shingle Springs Mi-woks.
19. The letter of complaint from the City of Plymouth (dated 10/14/04) requesting that the Grand Jury investigate the special counsel's hiring stated that he concluded his service in February 2004.
20. Records obtained by the Grand Jury indicate the special counsel billed (and was paid) for services performed in January, February, March and April 2004.
21. The special counsel stated the MSA was only about 50% done when he began his service and that it needed "significant attention."
22. The City Administrator, Mayor, Councilmembers and staff interviewed stated that the MSA was "95% done" and "basically done", and that the special counsel was hired to "protect the City".
23. The MSA was given to the Plymouth City Attorney two days before a noticed City Council meeting.
24. A revised MSA was given to the City attorney two days before the Council voted on it in special session.
25. In each case the City Attorney provided initial feedback and input totaling over 10 pages of problems and issues he had with the MSA, protesting the

short time period for evaluation, and reserving the right to make further comment.

26. The City of Plymouth has policies and procedures regarding the hiring of public employees, but none exist for consultants or outside contractors.
27. Surrounding jurisdictions have hiring practices for outside consultants in the form of County or Municipal Code Ordinances.

Findings

1. Since the costs incurred by the City Attorney to negotiate the MSA would be reimbursed under the terms of the RA, and since the Plymouth City Attorney was at least as well versed in Indian affairs as the special counsel, there is no reason the Plymouth City Attorney should not have been used.
2. The City Council attempted to further exclude the City Attorney, as evidenced by their presenting both the initial and the revised versions of the MSA to him only two days before each of the City Council meetings at which the MSA would be taken up. It is unreasonable to expect that he could provide input that was pertinent and legally relevant on such short notice.
3. The City of Plymouth did not violate its purchasing or hiring rules for outside consultants, as none exist. However, since the City Administrator, Mayor and at least one Councilmember wanted to avoid the involvement of its City Attorney, the decision was made to hire a special counsel without public input or discussion. This violates at least the spirit of transparency in government. The public should have been allowed to provide input into the discussion and decision to hire a special counsel.
4. The City's use of a special counsel, recommended by a consultant for the opposing side, is highly irregular.
5. The special counsel had a prior business relationship with the referring consultant, pointing to a potential conflict of interest.
6. The City of Plymouth failed to properly check the special counsel's references, background and expertise, or his relationship to the referring consultant and hired the counselor without consideration of what the public's perception would be.

7. That the special counsel could provide draft and existing MSAs in file form, along with the Writ of Mandate, yet could not produce the professional services agreement he claims he generated, raises questions about the existence of such an agreement.
8. The destruction of a file by an attorney is highly unusual, especially when there is pending litigation.
9. Conducting City business by the use of oral agreements is not considered standard City business practice. This furthers the appearance of a “good old boys” network (see City of Plymouth Public Works Supervisor hiring report).

Recommendations

1. The City of Plymouth should develop and follow procedures for the recruitment and retention of outside consultants. These should include:
 - a) Public forum discussion of the need for an outside consultant’s services.
 - b) Public forum evaluation of the referring entity for the consultant, which should include disclosure by both parties of any conflicts of interest.
 - c) Public forum vote by the City Council on the consultants’ retention.
 - d) The City and the consultant shall draw and sign a professional services agreement, to be kept on file by the City which shall define the services to be performed by the consultant and rate of pay for those services.
 - e) The City Attorney shall review and approve all such agreements.
2. This policy should be in the form of a Municipal Code Ordinance.

Response Required

Response to this report is required from the City of Plymouth pursuant to California Penal Code sections 933(c) and 933.05.

AMADOR COUNTY AIRPORT

Introduction

The 2002/2003 Amador County Grand Jury reviewed the Amador County Airport during their term pursuant to California Penal Code (CPC) section 933.5. The 2004/2005 Grand Jury elected to investigate pursuant to CPC 933.5.

Background

The 2002/2003 Grand Jury made many findings and recommendations about the Airport. The County's responses to them are contained in the follow-up report section of the 2003/2004 Grand Jury report. The 2003/2004 Grand Jury recommended that "subsequent Grand Juries follow up on inconclusive matters until compliance is met concerning all airport facilities violations." The purpose of this year's investigation was to measure if any progress was being made on those findings and recommendations.

Method of Investigation

The Grand Jury conducted interviews, attended meetings, reviewed documents and toured sites.

Persons Interviewed

General Services Administration (GSA) Director
Airport Manager
County Administrator

Meetings Attended

Numerous Airport Committee meetings

Documents Reviewed

Airport Committee Action Plan
Draft "Airport Car" Parking Policy
2002/2003 Amador County Grand Jury report
2003/2004 Amador County Grand Jury report
California Penal Code section 933.05

Sites Toured

Amador County Airport

Facts

1. There is still a large amount of debris and junk located near hangar #6. This includes old aircraft engines, partially dismantled aircraft, semi-trailers, as well as two motorhomes.
2. The fifth-wheel trailer behind hangar #6 is still in violation of the Amador County Building Code by having an illegal electrical connection. In addition, raw sewage and water is dripping onto the ground from a leak in the septic connection.
3. The GSA Director developed a draft "airport car" parking policy in January 2005. "Airport cars" are privately owned automobiles that are parked within security fencing on airport grounds, and used by aircraft owners to come and go.
4. The "airport car" policy draft does not require current registration or proof of insurance.
5. The responses to the 2002/2003 Grand Jury report were received in a timely fashion. However, it took 17 months for the "airport car" policy that consists of ½ page of text to be developed.
6. No regular inspections of the Airport by the GSA Director or Airport Manager are occurring as recommended by the 2002/2003 Grand Jury and agreed to by the Director and the Manager.
7. The responses to the findings and recommendations of the 2002/2003 Grand Jury by the GSA Director and Board of Supervisors do not conform to the requirements of CPC section 933.05(b)(2). It states, in part, that responses shall include "... a time frame for implementation." No time frame was given for implementation in their responses.
8. The Airport Committee has an "Action Plan" which tracks the status of all projects. As of March 2005, the status of all projects are either "in process", "ongoing", or "future". Completion dates of projects are routinely and continuously pushed back.
9. The Building Department has offered no-fee permits to all hangar tenants to sheetrock interior walls which will bring the hangars up to current building codes. The County will provide the building materials.

10. The 2003/2004 Grand Jury toured the airport on December 10, 2003 and the 2004/2005 Grand Jury toured the Airport in September 2004 and April 2005.
11. The 2003/2004 Grand Jury recommended that “subsequent Grand Juries follow up on inconclusive matters until compliance is met concerning all airport facilities violations.”

Findings

1. Progress is extremely slow or non-existent in meeting the agreed-to recommendations of the 2002/2003 Grand Jury.
2. The “airport car” draft policy is severely lacking in several key areas that would protect the County from liability.
3. When follow up questions about a project’s status were pursued (for example the Building Code violations at the trailer behind hangar #6) responses changed. They went from “We forgot about that” to “We’re handling that with the Building Department” to “The trailer is being moved.”

This was a common response pattern about other issues, also. For example, we were told in September 2004 that debris and junk near hangar #6 were the responsibility of the tenant, who was supposedly moving out of state soon.

As of April 2005 the trailer had not been moved, the Building Code violations still existed, and there is still the same amount (if not more) of debris and junk near hangar #6.

Recommendations

1. Provide a specific time frame for implementation of the 2002/2003 Grand Jury recommendations pursuant to California Penal Code section 933.05.
2. Rewrite the draft “airport car” policy to include requirements for current registration and proof of insurance. (Proof of insurance is to be kept on file by the Airport manager.)

Response Required

Response to this report required from the Amador County Board of Supervisors and the Amador County General Services Administration pursuant to California Penal Code sections 933(c) and 933.05.

AMADOR COUNTY ANIMAL CONTROL

Introduction

In response to a citizen complaint, the Amador County Grand Jury elected to review the manner in which Amador County Animal Control (ACAC) receives, records and tracks complaints alleging animal mistreatment.

Background

In November 2004, a member of the Amador County Grand Jury, acting in a civilian capacity and not as a Juror, called ACAC to complain about what was perceived to be mistreatment of animals in an unincorporated area of Amador County.

The ensuing circumstances caused the Juror to be concerned about ACAC's policy regarding the handling of complaints. The Juror requested an investigation, was recused and was not involved in any aspect of the investigation.

Method of Investigation

The Grand Jury conducted interviews and examined documents.

Persons Interviewed

Complainant

General Services Administration Assistant Director

Amador County Sheriff's Captain

Documents Reviewed

Amador County Animal Control (ACAC) Policies and Procedures

Facts

1. ACAC received a complaint alleging mistreatment of animals in an unincorporated area of Amador County.
2. ACAC records do not show the ultimate disposition of the complaint, but indicate ACAC responded to the scene.

3. ACAC records do not indicate whether the complainant requested to be contacted and advised of the disposition of the complaint, nor whether the complainant was apprised of the disposition of the complaint.
4. The animals in question continued to be observed in the same conditions which prompted the complaint.
5. The complainant wrote a letter to the local newspaper about the perceived lack of action by ACAC.
6. The Amador County Sheriff's Office (ACSO) has a policy of monitoring the newspapers for situations that may warrant their involvement.
7. An ACSO Captain read the complaint in the newspaper and, realizing a possible law violation existed, initiated an investigation.
8. No criminal activity was discovered by the investigation.
9. The ACAC and ACSO visits resulted in a visible improvement of the animals' treatment.
10. ACAC has hired a new Director, working under the General Services Administration Assistant Director.
11. ACAC is in the process of reviewing and updating its procedures and policies for responding to complaints and recordkeeping.

Findings

1. ACAC lacks an adequate recordkeeping system in place to document complaints, investigations, or disposition of those complaints.
2. ACAC lacks an adequate method of determining whether complainants want to be contacted again to learn the disposition of their complaint.
3. The ACSO has a proactive policy with regard to investigation of complaints aired in a public forum in which law violations are alleged.

Recommendations

1. ACAC shall develop procedures to document complaints. These shall include a system to:

- a. Record the name, address and telephone number of complainants and whether they wish to be contacted after the disposition of their complaint.
- b. Record the nature of the complaint, when it was received and the location of occurrence.
- c. Record ACAC's response to the complaint, including who responded, when they responded, what was found and what action, if any, was taken.
- d. Record who made the follow-up contact of the complainant (if requested) and include when that contact was made.

Response Required

Response to this report is required from Amador County Animal Control and Sheriff's Office pursuant to California Penal Code sections 933(c) and 933.05.

AMADOR COUNTY DETENTION CENTER

Introduction

Under the provisions of California Penal Code Section 919(b), each year the Grand Jury is required to review all prisons and jails within the County. The 2004-2005 Grand Jury visited the Amador County Detention Center on October 25, 2004.

Background

The Amador County Sheriff is directly responsible for the Amador County Detention Center. The day-to-day responsibility for the Center lies with the Detention Center Commander. The Center serves as the only detention site in the county for both pre-trial and sentenced male and female inmates. Correctional Officers (COs) supervise inmates 24 hours a day, 7 days a week. COs are responsible for the care, custody and control of the inmates. They transport inmates to and from court, other detention centers, medical facilities and supervise work details. COs provide meals and commissary items to the Detention Center population.

Method of Review

The Grand Jury was given a presentation, conducted interviews and toured sites.

Persons Interviewed

Sheriff
Captain
Correctional Officers
Nurse
Inmates

Sites toured

Amador County Detention Facility

Facts

1. As of 10/25/04, the staff consisted of 28 employees; one Captain, six Correctional Sergeants, 19 Correctional Officers and two part-time food courier Officers.

2. Capacity of the Detention Center was 76 inmates as of 10/25/04. On this date, there were 74 male and 12 female inmates.
3. Inmates interviewed stated that the staff and COs treat them with respect.
4. Upon booking into the Center, a CO interviews the detainee to determine any medical problems. The nurse then reviews the medical information and determines if follow-up care is required. A nurse is on duty Monday through Friday each morning and on call at other times.
5. A medical doctor is on duty at the center once a week. However, the doctor is on call at other times if immediate medical attention is required. COs transport acutely injured or ill inmates to Sutter Amador Hospital. If circumstances warrant, inmates are transported by ambulance service.
6. After booking, inmates are given a package containing toiletries, rules, regulations and other information.
7. Inmate meals are provided from the Stanislaus County Detention Facility. Food courier officers pick up the meals and deliver them to the Detention Center every two days. The meals are kept in the freezer until served. Meals are heated in the kitchen and served to inmates in insulated containers. Inmates receive three meals a day.
8. The Detention Center receives an annual Inmate Health and Welfare budget of \$46,000. This money is used for inmate services, such as movies, telephone, commissary, transportation, etc.
9. Extensive remodeling and expansion was nearing completion at the time of the Grand Jury's tour. Improved facilities include an additional sobering cell, a larger kitchen and administrative area, and a larger laundry.

Findings

None

Recommendations

None

Response Required

No response required.

MULE CREEK STATE PRISON

Introduction

California Penal Code Section 919(b) requires the Grand Jury to review all prisons and jails within the County on an annual basis. The 2004-2005 Grand Jury visited Mule Creek State Prison (MCSP) on November 5, 2004.

Background

MCSP opened in June 1987. The facility is primarily a medium to high security custody institution with a minimum security support facility. A five acre minimum security facility is located outside of the double perimeter fences that surround the main facility.

Method of Review

The Grand Jury conducted interviews and toured sites.

Persons Interviewed

Warden
Associate Warden
Three Facility Captains
Administrative Assistants
Chief Deputy Warden
Correctional Captain
School Principal
Chief Physician
Medical Personnel
Health Services Personnel

Sites Toured

Yard B
Living Quarters
Medical Facility
Visiting Center
Dining Facilities

Facts

1. In 2004/2005, MCSP had:
 - an annual budget of \$108,664,036.
 - 1,022 total staff (985 Institution and Health Care, 26 Prison Industry Authority (PIA), 11 seasonal employees).
 - a design capacity of 1,700 inmates.
 - a current population of 3,423 inmates (as of February 8, 2005).
2. The grounds were well kept and clean. Inmates were respectful of Staff and Jury members.
3. Visitors are required to show photo identification cards and go through a metal detector.
4. Background checks are completed on all vendors, contractors and volunteers.
5. MCSP inmate medical programs include:
 - Correctional Treatment Center
 - Emergency Room
 - Pharmaceutical Services
 - Dental, Eye, Podiatry and Orthotic Clinics
 - Physical Medicine
 - Telemedicine
 - Physical Therapy
 - Correctional Clinical Case Management System
 - Enhanced Outpatient Program
 - Mental Health Crisis Bed
6. MCSP inmate programs and work opportunities include:
 - Family visiting
 - Religious services
 - Inmate self-help groups
 - Arts in Corrections
 - Prison Industry Authority Coffee Roasting, Laundry, Meat Processing, Textiles/Silk Screening, and Digital Mapping
 - Engineering prototype for textiles

7. MCSP academic and vocational education programs include:

- Adult Basic Education
- High School
- English as a Second Language
- Pre-release
- Air Conditioning
- Auto Mechanics
- Computer Technology
- Dry Cleaning
- Electronics
- Graphic Arts
- Landscaping
- Welding

8. MCSP had 1,259 inmates serving a life sentence and 148 serving life without the possibility of parole.

9. The total population has been as high as 3,800 inmates.

10. MCSP was converting Facility C from a General Population to a Sensitive Needs yard (protective custody). This effort is scheduled to be completed by March 2005 and requires over 800 inmates to be transferred out of MCSP and the same number requiring protective custody transferred in.

Findings

None

Recommendations

None

Response Required

No response required.

CALIFORNIA YOUTH AUTHORITY

PINE GROVE YOUTH CONSERVATION CAMP

Introduction

California Penal Code Section 919(b) requires the Grand Jury to review all prisons and jails within the County on an annual basis. The 2004-2005 Grand Jury visited Pine Grove Youth Conservation Camp on October 28, 2004.

Background

Pine Grove Youth Conservation Camp (PGYCC), is located two miles east of Pine Grove. It was built as a Civilian Conservation Camp during the 1930's. In 1946, the California Youth Authority assumed stewardship of the Camp in cooperation with the California Department of Forestry. PGYCC was the first of six Youth Conservation Camps dedicated to the rehabilitation of young men and the conservation of California's natural resources.

The California Department of Forestry and the California Department of the Youth Authority operate the Camp jointly. In 2004-2005 it was budgeted for 80 wards between the ages of 18 - 25. The average length of stay per ward is approximately twelve months. The goals of PGYCC are to provide fire protection to the citizens of California, perform public conservation projects and provide wards with the necessary services for their successful return to society.

Method of Review

The Grand Jury viewed a presentation, conducted interviews and toured sites.

Persons Interviewed

Superintendent
Lieutenant
Youth Correctional Officer
CDF Division Chief
Fire Captain

Sites Toured

Grounds
Kitchen
Dining Hall
Recreation Hall

Dormitories
Classrooms
Administrative Offices

Facts

1. There were four crews supervised by the Department of Forestry. They engaged in various types of wildland fire prevention tasks and restoration work.
2. Wards also receive leadership training within their crew structure.
3. The major emphasis of the Camp Program for the wards is on learning employable skills, with a focus on developing good work habits and team building.
4. Wards may be required to participate in the following programs:
 - Substance Abuse Counseling
 - Weekly Small Group Counseling
 - Gang Awareness
 - Victim Awareness
 - Anger Management
 - Parenting
 - Inner Wounded Child
5. Educational classes and opportunities provided for all wards include the following:
 - High School Diploma
 - California High School Proficiency Exam
 - GED
 - Skills Improvement
 - Special Education
 - Community College Courses
 - Employability Skills
 - Community Volunteer and Peer Tutors
 - Journalism and Creative Writing
 - Computer Literacy

6. PGYCC offers the following work programs, for which wards are paid:

Fire Fighting

Training in fire prevention and suppression techniques is provided. Wards travel throughout California. While fighting fires, crews are supervised and sheltered in tents, under direct supervision of the Department of Forestry Captain.

Community Service Crew

Throughout the year, this crew works on timber stand improvement, road maintenance, land clearing, replanting, stream clearance and flood control.

Facility Maintenance

This crew is responsible for all grounds maintenance and other projects.

Food Service

When the PGYCC crews fight fires, a portable kitchen is staffed by wards to feed up to 2,000 people a day. Wards also work in the PGYCC kitchen. They cook, serve and clean.

7. Special programs that the PGYCC wards may participate in:

Posse

A drug awareness presentation to schools and community groups by wards.

Toastmasters Club

Wards learn the art of communication, leadership, and public speaking.

Religious Services

Various outside groups offer religious support.

Leisure Time Activities

Library, games, sports, arts & crafts, softball and basketball.

8. PGYCC provides over 200,000 hours of community and road services per year.
9. There were 51 wards at PGYCC as of October 2004.
10. California counties must pay for wards housed at CYA facilities.

Findings

1. Low population puts PGYCC in serious jeopardy of closing as a CYA facility.
2. PGYCC helps the wards build character and gives them positive direction in life. It also helps them establish a strong work ethic.

Recommendations

1. The California Youth Authority must ensure that all wards eligible for the camp program are sent to the program from other institutions.
2. CYA should work with the State Legislature to lower the cost to the County's juvenile system to send wards to the camps. This would give the counties a beneficial option for their wards and be more cost effective.

Response Required

Response to this report is required from the California Youth Authority pursuant to California Penal Code sections 933(c) and 933.05.

CALIFORNIA YOUTH AUTHORITY PRESTON YOUTH CORRECTIONAL FACILITY

Introduction

California Penal Code Section 919(b) requires the Grand Jury to review all prisons and jails within the County on an annual basis. The 2004-2005 Grand Jury visited Preston Youth Correctional Facility (PYCF) on October 6, 2004 and on January 28, 2005.

Background

The PYCF houses, treats and provides training to juvenile offenders committed to the California Youth Authority (CYA) from Juvenile and Adult Courts within the State.

Method of Review

The Grand Jury was given a presentation, conducted interviews and toured sites.

Persons Interviewed

Superintendent
Program Administrator
Captain
Sergeant
Youth Correctional Officers
Youth Correctional Counselors
Nurse
Food Service Manager
Training Officer
Wards

Sites Toured

PYCF Grounds
Tamarack Lodge
Ironwood Lodge
Dining room facilities

Facts

1. The ward population at PYCF was under capacity on October 6, 2004. This resulted in the closing of some living units.
2. PYCF houses wards between the ages of 14 and 22. With special exceptions, wards up to age 25 are permitted to remain in the facility.
3. The average age of wards on January 28, 2005 was 18.2 years.
4. Tamarack Lodge was used to house and contain wards that represented a significant danger to staff or other wards. This lodge was closed in October 2003.
5. Tamarack Lodge is an old building, in need of renovation.
6. Wards interviewed stated that when Tamarack Lodge was open, they could “program” there (participate in programs provided by the facility) without fear of harm from other wards.
7. Staff interviewed stated that since the closing of Tamarack Lodge, ward-on-ward and ward-on-staff violence has increased.
8. In the first quarter of 2003 (prior to the closing of Tamarack Lodge) there were 94 reports of the Use of Restraint by staff, and 99 incidents of the Use of Force by staff on wards. (For example order control, breaking up fights, etc.)
9. In the first quarter of 2004 (after the closing of Tamarack Lodge) there were 300 reports of the Use of Restraint and 122 incidents of the Use of Force. These were increases of 319% and 123% respectively, when compared to the first quarter of 2003.
10. In the third quarter of 2004 there were 491 reports of the use of restraint and 193 incidents of the use of force. These were increases of 496% and 194% respectively, when compared to the first quarter of 2003.
11. Wards have the opportunity to attend a fully accredited high school which includes obtaining a high school diploma, General Education Development (GED) Certificate, or passing the California High School Proficiency Exam.

12. Vocational training classes are offered in auto shop, masonry, printing skills, janitorial services, culinary arts and fire camp.
13. College correspondence courses are available free of charge to wards. (Book fees are charged.)

Findings

1. The closure of Tamarack Lodge has reduced the number of secure rooms available where staff can place those wards who represent a danger to others.
2. Statistics cited indicate an overall day-to-day increase in the level of violence in the facility.
3. Tamarack Lodge was serving a beneficial purpose for wards and staff safety. However, it was in need of renovation.

Recommendation

1. Tamarack Lodge should be remodeled, modernized and painted.
2. Tamarack Lodge should then be reopened to provide additional options for staff, and secure placement for wards whose behavior is a threat to the staff or general population of wards.

Response Required

Response to this report is required from the California Youth Authority pursuant to California Penal Code sections 933(c) and 933.05.

CITIZEN COMPLAINTS

Introduction

Throughout its term, the Grand Jury receives complaints filed by citizens. Serious consideration is given to each complaint. Responding to a citizen complaint may prompt the Grand Jury to conduct a full investigation of the subject matter of the complaint. A copy of the complaint form is located in the Appendix.

Due to legal or discretionary reasons, the Grand Jury may not necessarily investigate every complaint it receives. The Penal Code prohibits the Grand Jury from investigating a complaint if any of the following conditions apply to the subject of the complaint:

- It is currently under litigation
- It involves agencies not located within the county
- It involves privately-held companies
- It is a dispute between private parties
- It involves fiscal or administrative operation of the Superior Court

The Grand Jury considers several discretionary factors when deciding whether to investigate a complaint:

- Do the facts warrant an investigation?
- Is there sufficient time to conduct a proper investigation?
- Has the matter been investigated by a previous Grand Jury?

Following is a list of the Citizen Complaints received and any actions taken. The first two complaints were received late in the 2003-2004 Grand Jury term, and were forwarded to the 2004-2005 Grand Jury.

Complaints Received by the 2004-2005 Amador County Grand Jury.

Complaint	Date Received	Details
(03/04 -25) 04/05-01	4/9/2004	Complaint against the Amador County Animal control alleging theft of personal property of former employee. (Held over from the 2003-2004 Grand Jury) 2004-2005 Grand Jury declined to investigate.
(03/04-26) 04/05-02	4/21/2004	A citizen filed a complaint against the City of Plymouth regarding the hiring of Maintenance Supervisor. (Held over from the 2003-2004) The Grand Jury investigated. See the City/County Government section of 2004-2005 final report.
04/05-03	5/19/2004	Complaint against the Lake Camanche Village Owners Association, alleging mismanagement. The Grand Jury has no jurisdiction in this matter.
04/05-04	7/15/2005	A citizen filed a complaint against the Amador County Library alleging the Law Library had insufficient storage space for books. Grand Jury subcommittee performed an informal inspection, found there was adequate storage space and declined to investigate further.
04/05-05	7/2005	The Grand Jury received an anonymous complaint against the Amador County Mental Health Department alleging poor management and morale, affecting delivery of services and interagency cooperation. Grand Jury investigated. See the City/County Government section of 2004-2005 final report.
04/05-06	10/14/2005	A citizen filed a complaint against the City of Plymouth regarding the hiring of a special counsel to negotiate a Municipal Service Agreement (MSA). Grand Jury investigated. See City/County Government section of 2004-2005 final report.
04/05-07 & 04/05-08	10/23/2005 & 12/3/2005	Two citizen complaints were received, alleging that the City of Plymouth had violated the Brown Act. Grand Jury investigated. See City/County Government section of 2004-2005 final report.

Complaint	Date Received	Details
04/05-09	2/16/2005	<p>A citizen filed a complaint against the City of Plymouth regarding the mis- or non-use of the Arroyo Ditch. <i>The Grand Jury declined to investigate, as this had been investigated by the 2003-2004 Grand Jury.</i></p>
04/05-10	2/16/2005	<p>An inmate at Mule Creek State Prison alleged, on behalf of another inmate, mistreatment by guards. <i>Referred to Amador County District Attorney, who in turn referred it to Mule Creek State Prison Internal Services Unit.</i></p>
04/05-11	3/17/2005	<p>A complaint was filed against the Registrar of Voters in all counties in the State alleging mishandling of selection of Grand Jurors in criminal cases. <i>Forwarded to the 2005/2006 Grand Jury.</i></p>
04/05-12	3/31/2005	<p>A citizen alleged accounting irregularities and illegal charges at the River Pines Public Utility District. <i>Forwarded to the 2005/2006 Grand Jury.</i></p>
04/05-13	4/28/2005	<p>A citizen filed a complaint against the City of Ione and the management at Howard Park alleging mismanagement of funds, mistreatment of animals and inaction of authorities on the issue of alleged drug use in the park. <i>Forwarded to the 2005/2006 Grand Jury.</i></p>

AMADOR COUNTY LAW ENFORCEMENT FOLLOW UP REPORT

Introduction

The 2003/2004 Grand Jury elected to review and evaluate the various Amador County Law Enforcement departments pursuant to Penal Code 925(a).

Responses were required from the four law enforcement agencies (Jackson, Ione and Sutter Creek Police Departments and the Amador County Sheriff's Department) pursuant to California Penal Code (CPC) sections 933(c) and 933.05, and are divided into the topic areas of last year's Grand Jury report.

It should be noted that the responses of the four agencies are exact quotes (indicated by quotation marks) from their responses provided, with no spelling, punctuation or grammatical corrections. While not required, some agencies elected to respond to or dispute facts. Those responses are also included.

Additionally, there were some responses which did not conform to the requirements of CPC section 933.05. It was impossible to determine from these responses, in the opinion of the Grand Jury, if the respondent agreed, partially agreed or disagreed with a finding; or had implemented, had not yet implemented but would in the future, or would not implement a recommendation. Notations to that effect from the Grand Jury are in the response sections in italic print.

The complete responses by the three police departments were too voluminous to be included in this document. To obtain the complete narrative response, please contact the individual departments.

In the opinion of the 2004/2005 Grand Jury, the three police departments exercised a great deal of editorial license in their responses. The Amador County Sheriff did not, but did include an addendum at the end of his responses. The 2004/2005 Grand Jury feels that, in fairness, his addendum should be publicized. It is located at the end of the report.

Crime Investigation

2003/2004 GRAND JURY REPORT FACTS SECTION

- Police Chiefs of Jackson, Ione, and Sutter Creek report a relatively low crime rate in the County.
- Some city police officers lack experience in crime investigations.

RESPONSES

City of Jackson Police Department

Fact Two: Disagree

“This is not correct, as all members of the Jackson Police Department have various levels of investigative training and experience. Each of our full-time officers have investigated numerous serious crimes from beginning to end, such as homicides, suicides, infant deaths, vehicular manslaughter, narcotics investigations, domestic violence, child abductions, grand theft and everyday types of lower level offences as well. The training level for Jackson Police Officers is above the standard required by the California Peace Officers Standards and Training. Our police detective as well as one of our sergeants has each graduated from the Robert Presley Criminal Investigators Institute. Each of our full-time police officers has been trained in a variety of specific or general investigative techniques.”

City of Sutter Creek Police Department

Fact One: Disagree

“Crime rates are low because the three Cities’ police departments are modern and professional police agencies that subscribe to the best practices in use today. The City of Sutter Creek has an outstanding police department that helps its citizens keep crime rates low through Community Oriented Policing and Problem Oriented Policing techniques and concepts.”

Fact Two: Disagree

“Crime rates are low because the three Cities’ police departments are modern and professional police agencies that subscribe to the best practices in use today. The City of Sutter Creek has an outstanding police department that helps its citizens keep crime rates low through Community Oriented Policing and Problem Oriented Policing techniques and concepts.”

“After graduation from a POST certified police academy, each officer completed a POST certifies Field Training Officer program. It is the policy of this department that during the first two years on the department, each officer attends several courses designed to improve the Officer’s investigative skills. This training is above and beyond that delivered and mastered in the police academy (e.g. interview and interrogation courses; intermediate traffic

investigation courses; advanced DUI course; narcotics abuse and under the influence courses; intermediate investigation courses, etc.).”

“Every year, each officer of this department attends at least one POST reimbursed advanced officer training course and most attend more; Every year at least one officer attends an un-reimbursed course (e.g. armory, range management, use of force, no-lethal forces, etc.); All full-time officers are certified by the California Commission on Peace Officer Standards and Training (POST) with ‘Basic’ Police Officer Certificates; Two Officers have earned ‘Advanced’ Officer Certificates; Two officers have earned ‘Intermediate’ Police Officer Certificates; One Officer has earned an advanced investigator certification in the Robert Presley Institute of Criminal Investigation (ICI), another officer is approaching graduation from the ICI, and two others are currently taking courses towards this certificate. Each officer will be certified in a different area of criminal investigations (e.g. Robbery, Crimes Against Persons, Sex Crimes, Fraud and Computer Crimes, etc.).”

“One Officer has graduated from the Delinquency Control Institute at the University of Southern California; One Officer is currently attending the National Academy program for Police Executives offered by the Federal Bureau of Investigations (commonly referred to in police circles as the ‘FBI Academy’); Two officers of this department have earned advanced college degrees in criminal justice and/or related fields from respected universities; every officer has some college credits in the field of criminal justice.”

“This department will not concede that any agency in the area has more highly trained officers nor will it concede that our officers have any less experience. Though the police department contracts for investigative services with the District Attorney’s office, every major investigation has been conducted jointly so that our officers have gained experience. These major investigations have included Arsons, Rape, Burglary and Attempted Homicide; The Sutter Creek Police Department is highly experienced in major traffic investigations. In the last three years this department has conducted two fatal traffic collision investigations in the city (in addition to many injury collisions).”

“Three of our officers have been on this department for over five years; Two officers have been on the department for four years; Six of the Seven full-time officers came to the department with previous law enforcement experience; Four of our officers have been certified in Superior Court as experts in various sub-fields of criminal justice.”

No responses to the Facts section were required or received from the other law enforcement agencies.

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- Inconsistencies in crime investigations hinder the prosecution process
- It is necessary for the County District Attorney's Office to utilize its own investigators.

RESPONSES

City of Jackson Police Department

Finding One: "Agree"

"The Jackson Police Department, as many law enforcement agency, strives to better itself in this regard."

Finding Two: "Agree"

"Most of the 57 counties in the State of California utilize district attorney investigators and assist local law enforcement agencies with follow-up investigations."

City of Ione Police Department

Finding One: "Disagree partially"

"Certain inconsistencies in crime investigations occur in all jurisdictions from officer to officer as well as from department to department. Creating one large department out of several will not change the individual officer response to different crimes and emergency situations. As each individual case and investigation presents its own issues and characteristics, the district attorney simply tailors his or her prosecutorial response to meet its unique requirements. Furthermore, policing different communities even within the same county frequently require a slightly different approach to be effective. Attempts to eliminate such diversity in investigation practices can only serve to distance law enforcement from the population it serves. Based on the foregoing, the Cities disagree with this finding and/or its application."

Finding Two: "Disagree partially"

"The Amador County District Attorney, as with virtually all other DA offices in the State employs criminal investigators whose primary job is to assist prosecutors in developing criminal cases for prosecution. DA investigators focus most of their activities on follow up investigations after criminal charges have been filed. Relocating or eliminating DA investigators places the DA in the unenviable position of having to compete with ongoing pre-arrest investigations and other time sensitive law enforcement activities. In such a manner, prosecutions would truly be hindered. Thus, while it is necessary for the DA to utilize its own investigators, this necessity is driven by the needs of the DA, not as a result of the Cities investigations."

City of Sutter Creek Police Department

Finding One: "Disagree partially"

"Every agency has occasional occurrences of an individual Officer's failure to perform a complete investigation. The proper response by the field supervisor is training and/or discipline to correct the deficiency. Many times, the failure is a result of a lack of training or experience. As such, this failure usually occurs in an officer's first two years of service and is rarer thereafter."

Finding Two: "Agree"

"The District Attorney has a mission to develop evidence beyond a reasonable doubt for conviction which is different than the probably cause required by police to make an arrest. Officers should strive to anticipate defenses and submit cases that require little follow up but that is not always possible. Because of these divergent levels of proof for investigations, the District Attorney's office has a need for a separate cadre of trained investigators."

Amador County Sheriff's Department

Finding One: "Agree"

Finding Two: "Partially Disagree"

"It may be necessary for the District Attorney to utilize its own investigators for cases within the jurisdiction of the three county police departments. However, the Sheriff can not verify or make informed comment on that, lacking direct information on the subject. It is not necessary for the District Attorney to utilize its own investigators in the areas of the County that are the jurisdiction of the Sheriff. The only time that this would occur is when the Sheriff has a conflict of interest in investigating a crime in the Sheriff's jurisdiction."

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- Coordinate/share investigative personnel to capitalize on the expertise of more experienced staff countywide.
- Staff with more experience in crime investigations should train and mentor the staff with less experience.

RESPONSES

City of Jackson Police Department

Recommendation One: "Implemented, as the Jackson Police Department has consistently called upon the expertise of law enforcement experts, not just from the local level but also from the state and federal level as well."

Recommendation Two: "Implemented, as the Jackson Police Department agrees with this statement and strives for better training in this regard. Our more experienced officers and sergeants assign our less experienced personnel to advanced officer training and conduct in-house training as well."

City of Ione Police Department

Recommendation One: "Implemented"

"The Ione Police department, until the recent budget crisis, contracted with the District Attorney's Office for criminal investigations services. The District Attorney's Office's Bureau of Investigation has the most qualified, experienced, and tenured criminal investigators in the county. The City of Ione will reconsider reestablishing this arrangement when the current state and local budget situations stabilize."

Recommendation Two: "Implemented"

"The Cities' Police Departments currently have both full-time and part-time sworn personnel with vast investigative experience and training. Some of the part-time personnel are currently employed as criminal investigators with state agencies and out-of-county local law enforcement agencies. These experienced investigators mentor and assist less-experienced staff as requested or required. Additionally, in most of the Cities, patrol staffs frequently possess more experience and time in service than many of the sheriff's patrol supervisors, who only have 3-4 years of experience."

City of Sutter Creek Police Department

Recommendation One:

"For the size and number on the department, there are no more experienced Police Officers or Deputies area-wide than the Officers of the Sutter Creek Police Department. However, the City agrees that it would be inefficient to maintain the staff necessary to investigate every major crime that occurs in the City. Because of this, the City contracts with the District Attorney's office for major crime investigations. Even so, the Sutter Creek Police Department Officers participate in every investigation and gain experience and mentoring in the process."

Recommendation Two:

"Training and mentoring is a routine law enforcement function that is practiced in Amador County and particularly with the Sutter Creek Police Department."

Amador County Sheriff's Department

Recommendations One and Two: "Previously implemented"

"The Sheriff has implemented these recommendations before they were made; to the extent the Sheriff has the ability or authority to do so."

"The Sheriff has always coordinated our investigations with other agencies that have some jurisdictional interest in the investigation. The Sheriff shares investigative personnel with the cities in Amador County whenever requested to do so. However, the Sheriff can not force the cities to involve the Sheriff in their investigations."

“The Sheriff has always used experienced Sheriff’s investigators to train and mentor Sheriff’s staff with less experience. The Sheriff has also offered to train and mentor staff from the police departments. However, the Sheriff can not force the police departments to avail themselves of this offer.”

Sheriff’s Dispatch

2003/2004 GRAND JURY REPORT FACTS SECTION

- During normal business hours Monday through Friday, citizens of Jackson, Ione, and Sutter Creek can call their own police departments directly. After hours, all calls to the various police departments are automatically routed to Sheriff Dispatch.
- When Sheriff Dispatch sends a city police officer on a call, they additionally send a Sheriff’s deputy as backup because cities frequently have only one police officer on duty.

RESPONSES

City of Jackson Police Department

Fact One: “Agree”

“The Jackson Police Department not only receives call for service from the public during weekday hours but provides for lobby service as well. The Jackson Police Department also opens its dispatch center and lobby during special event and disasters.”

Fact Two: “Disagree”

“This is not correct, as Sheriff’s deputies through Sheriff’s policy are not allowed to respond to city calls for service unless specifically requested by a Jackson police officer. Because of the proximity between the cities of Jackson and Sutter Creek, backup when needed, is usually from the Sutter Creek Police Department and likewise when they need assistance.”

City of Sutter Creek Police Department

Fact Two: “Disagree”

“The Sheriff’s Department does not send a deputy on every call in the City. Under the terms of mutual aid, Deputies sometimes ‘back up’ City Police Officers, the same can be said for Officers ‘backing up’ Deputies. Factually, it is more common for Officers from Sutter Creek and Jackson to provide mutual aid to each other.”

Amador County Sheriff's Office

Fact Two: "Disagree"

"The second bullet of the Grand Jury's facts is not correct. The Sheriff's dispatch center does not automatically send a Sheriff's Deputy on all calls that the police departments are sent on. The Sheriff's dispatch center only sends a Sheriff's Deputy on a city police department call if the police officer in the city requests a Sheriff's Deputy for assistance or back-up. This only occurs in occasional cases and is not the norm."

No response to the Facts section was required or received from the other law enforcement agency.

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- A duplication of services exists

City of Jackson Police Department

Finding: "Disagree"

"The City of Jackson Police Department offers to its citizens and level of specific city information from trained city clerical and dispatch personnel that is not available through the Sheriff's dispatch center or elsewhere."

City of Ione Police Department

Finding: "Disagree partially"

"While similar services are offered by the different jurisdictions and the Sheriff's Office, a duplication of the same services is not. During normal business hours Monday through Friday, citizens of the Cities can not only call their own police departments directly but can also walk into their police department for service. Local dispatch can then contact the officer(s) on duty or a particular officer via radio or phone. During evenings and weekends when police departments are normally closed, and walk-in traffic is less frequent, service and 911 calls are routed through the Sheriff's dispatch center. Thus, the situation facilitates walk-in request for service when foot traffic is high and centralized dispatch when calls for service are normally over the phone. The Cities view this plan, other than the high cost charged by the Sheriff's Office, as a proper and measured response to normal patterns of requests for service."

City of Sutter Creek Police Department

Finding: "Disagree"

"The facts upon which this finding was based are false. As discussed elsewhere in this response, some redundancies may legitimately exist in good government."

Amador County Sheriff's Office

Finding: "Agree"

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- For all non-emergency requests for law enforcement services call the Amador County Sheriff's Office.
- Utilize 911 for all emergency calls.

City of Jackson Police Department

Recommendation One: "Will not implement"

"The Jackson Police Department has a history of dedicated service that cannot be duplicated by sending its citizens elsewhere. The Jackson Police Department provides local information to the community, which provides for better response to its needs."

Recommendation Two: "Implemented"

"All 911 calls are dispatched through the Amador County Sheriff's Dispatch Center."

City of Ione Police Department

Recommendation One: "Will not be implemented"

"Non-emergency requests for service often fall into law enforcement's role as community problem solvers. To effectively address long-term community issues, civil problems, emerging crime trends, and to simply provide the public with accurate and useful information, it is necessary that the call-taker have intimate knowledge of the community and the current problems and issues facing the community. Having the same call-taker answering calls regularly in a small community ensures that this line of communication and effective exchange of information remains intact. A dispatcher working shifts in a large dispatch center, miles from the city simply cannot provide this level of service to the community. Often, calls that would require the response of an officer can be handled over the telephone, or routed directly to an officer or investigator assigned to a specific case or type of case. This relationship is one of the reasons why small-town rural law enforcement agencies clear and solve more crimes than larger police agencies nation-wide, and continually enjoy higher rates of customer (citizen) satisfaction and support."

Recommendation Two: "Has been implemented"

"This system was authorized by the FCC in 1968 and was implemented nationwide by the early 1980's (most systems were later upgraded to 'enhanced 9-1-1')."

City of Sutter Creek Police Department

Recommendation One: "Partially disagree"

"The City of Sutter Creek contracts with the Sheriff's Department for dispatch services. It also provides a local number for assistance. This number is for normal business (e.g. vehicle releases, questions, non-emergency calls for service, etc.) and may be staffed. If it not staffed, it provides for transfer to Sheriff's Dispatch. This policy is a common and tested method of providing access to police services."

Recommendation Two: "Has been implemented"

"All Cities in the County participate in the 'enhanced 9-1-1' emergency call system."

Amador County Sheriff's Department

Recommendations One and Two:

"To the extent the Sheriff has the ability and authority to do so these recommendations were implemented years before they were made by this Grand Jury. The Sheriff and the police departments have been employing a centralized '9-1-1' system for emergencies."

"The Sheriff lacks the authority to unilaterally implement the first bullet of the recommendations. The police departments would need to implements the change of having their citizens call the Sheriff's Office dispatch center for all non-emergency requests for law enforcement services. Therefore, this recommendation will not be implemented because it is not reasonable to expect the Sheriff to do so. The police departments would have to implement this recommendation."

Narcotics Officers

2003/2004 GRAND JURY REPORT FACTS SECTION

- The Narcotics Task Force consists of two deputies from the Sheriff's Office and one lone police officer.

No responses to the Facts section were required or received from the law enforcement agencies.

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- There is inconsistent city participation in the Narcotics Task Force.

RESPONSES

City of Jackson Police Department

Finding: "Disagree"

"The Jackson Police Department has participated in the program by assigning Jackson police officers to the task force in past years. The Jackson Police Department follows direction and recommendations made by the facilitating agency."

City of Ione Police Department

Finding: "Disagree partially"

"The city participation in the task force has historically been driven by the available funding sources and the individual needs of the cities, based upon population and levels of drug crime. Involvement by police departments has adjusted to meet the needs of the Cities' drug crimes."

City of Sutter Creek Police Department

Finding: "Disagree"

"This finding was arrived at incorrectly. The Narcotics Task Force is a combined program of every department in Amador County. The City of Sutter Creek is a FULL participant, though we have no personnel on the team. State grant funding only provides enough funding for one City Officer, therefore the Task Force Governing Board has elected to have one rotating City position instead of three part-time Officers from each City. The City of Sutter Creek has deferred to Jackson and Ione for the last two rotations due to a higher stated need in those Cities. Even so, the City of Sutter Creek Police Department participates with the Task Force whenever a narcotics problem comes to its attention by notifying the Task Force of narcotics intelligence and drug related activities, especially arrests. On at least two occasions in the last several years, the department assisted in the service of a narcotics search warrant in the City."

Amador County Sheriff's Department

Finding: "Disagree"

"The cities have consistently participated in the narcotics task force since its inception. The cities have taken turns at contributing one officer at a time to the task force. Jackson had an officer assigned to the task force for several years. Then the position rotated to Ione, and Ione has assigned an officer to the task force for the last several years. It is the stated plan that Sutter Creek will contribute an officer when Ione's officer finishes a three-year rotation."

"The police departments regularly provide information to the narcotics task force that the task force then investigates."

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- Increase the number of qualified officers assigned to the Narcotics Task Force.
- Sutter Creek and Jackson should participate equitably in the Narcotics Task Force.
- Train existing officers for additional Narcotics Task Force coverage for the county.

RESPONSES

City of Jackson Police Department

Recommendation One: "Implemented"

"The Jackson Police Department shall follow all recommendations as voted upon by the governing board that oversees the Amador Narcotics Enforcement Unit."

Recommendation Two: "Implemented"

"As earlier stated, the Jackson Police Department follows the recommendations set forth by the governing board and will continue to do so."

Recommendation Three: "Implemented"

"The Jackson Police Department has sent most of its police officer to basic Alcohol/Narcotics Influence Recognition and Investigation courses."

City of Ione Police Department

Recommendation One: "Will not be implemented"

"The Cities firmly believe that the participation levels of city police officers has been generally commensurate with the amount of drug activity in the cities, Mule Creek State Prison, and Preston School, which are both located in the city limits of Ione, as opposed to the unincorporated areas of the county. While increasing the number of police officers could assist the Sheriff in covering the unincorporated areas, it would have little effect on the drug activity in the cities."

Recommendation Two: "Has been implemented"

"The City of Jackson has fully participated in the Narcotics Task Force over the past several years. However, this duty position rotated to the City of Ione during FY 03/04. This coverage by one city officer to assist the 2 sheriff's deputies provides equitable coverage for the population of the cities. The City of Sutter Creek will be asked to participate in 04/05."

Recommendation Three: "Has been implemented"

"The Cities police departments now have numerous narcotics trained officers, many of which have previous experience working on the Narcotics Task Force in Amador County. These officers stand ready to assist the Task Force, upon request, to handle special operations or surge periods. Additional officers will be trained in narcotics investigations as training opportunities arise over the course of officers' careers and balanced with the individual training needs of the

department. The City of Ione has one of the County's premier narcotics officers/K-9 unit. This officer is continuously working/training with the department's patrol staff. This training includes working with the California Department of Corrections and the California Youth Authority in the intervention and apprehension of suspects who traffic narcotics/contraband into Ione's two state prison facilities."

City of Sutter Creek Police Department

Recommendation One:

"The recommendation is based upon inaccurate information. The Sutter Creek Police Department is a FULL participant in the Narcotics Task Force."

Recommendation Two:

"The City welcomes additional assistance in narcotics investigation but there is a fiscal consideration that has not been addressed in this report."

Recommendation Three:

"The report has not shown that the Sutter Creek Police Department does not provide sufficient service in narcotics enforcement. Narcotics investigations are not 'mystical arts' practiced by only a special set of Officers. Each and every officer of the Sutter Creek Police Department is trained in narcotics investigations and has the responsibility to follow up on these crimes when they come to their attention."

Amador County Sheriff's Department

First, second and third recommendations: "Will not implement"

"The recommendations are not warranted and are unreasonable."

"The Sheriff does not believe there is a need to increase the number of officers assigned to the narcotics task force. The Sheriff believes that the number currently assigned is sufficient to the task. When additional officers are needed, officers from other assignments are floated into the unit for a specific mission or investigation and then floated back to their primary assignment."

"The Sheriff stated under 'Response to Finding' that the Sheriff believes that there has been equitable participation by Sutter Creek and Jackson."

"The Sheriff believes there are sufficient officers assigned to the narcotics task force. The training of existing officers to provide additional coverage in the narcotics task force would require that those officers be transferred from their current assignments. The assignments that those officers are currently on are just as important as narcotics investigations. The Sheriff is not inclined to leave some other criminal activity with no one assigned to it just to boost the number of officers assigned to narcotics investigations."

Shared Services

2003/2004 GRAND JURY REPORT FACTS SECTION

- Crime investigations, dispatching services, the Narcotics Task Force, and the School Resource Officer are law enforcement functions that are currently shared and consolidated on a county level.

No responses to the Facts section were required or received from the law enforcement agencies.

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- Shared services are beneficial to all county residents.

RESPONSES

City of Jackson Police Department

Finding: "Implemented"

"Some shared services can be beneficial but not all services, as each city and the county have specific needs and concerns that do not transcend one another."

City of Ione Police Department

Finding: "Disagree in whole"

"No persuasive evidence has been cited or produced to support this sweeping finding by the Grand Jury, which seeks to disassemble the proud tradition of local law enforcement service in Amador County. A significantly larger sheriff's office would undoubtedly benefit the citizens of Amador County, especially in the low-density population areas where coverage could be enhanced. However, the residents of the Cities who now enjoy 24-hour law enforcement services would inevitably experience diminished services, slower response times and relinquish local control of their police departments."

City of Sutter Creek Police Department

The City of Sutter Creek Police Department mistakenly responded to this finding with their response to the "Vehicle Maintenance" section. They made no response to this "Shared Services" finding, and are in violation of California Penal Code section 933(c).

Amador County Sheriff's Department

Finding: "Agrees"

"The Sheriff agreement is specific to the situation of Amador County. The Sheriff believes that through a proper administration of shared services that the concept would be beneficial to all county residents."

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- Combine local police departments with the County Sheriff to utilize shared services efficiently.

RESPONSES

City of Jackson Police Department

Recommendation: **“Will not be implemented,** as the Jackson Police Department does not agree. There would be a real loss of city input with such a broad notion. The citizens even through its own city council would lose control over the coverage, policy, direction, identity and major budgetary concerns of its police services.”

City of Ione Police Department

Recommendation: **“Will not implement”**

“Law enforcement needs differ greatly from community to community, even within the same county. The only way to effectively police is to know the community, the residents, the needs of the community, to be accessible, and above all else, accountable. Quite often, we hear of police brutality, dereliction of duty, or simple lack of responsiveness by law enforcement in other communities. The one common thread among these reports is that they almost always involve a larger law enforcement agency. The larger a law enforcement agency is, the less accountable it tends to become to the community. The contemporary focus of scholars and professional law enforcement agencies today is focused on accountability. Communities increasingly demand accountability, and agencies must strive to deliver it. Furthermore, we believe that smaller agencies are better equipped to deliver accountability. In the section of this report that examines budgets, your report cites the facts that Plymouth is simply too small and lacks the tax base to provide a police department. It is quite likely that Plymouth would still have its own police department if there was any way the city could afford it.”

“Amador City also contracts out for law enforcement services out of necessity. On more than one occasion in the last ten years, the Amador City council has seriously explored the idea of contracting with the Sutter Creek Police Department instead of the Sheriff’s Office because of a perceived lack of accountability, responsiveness, and access.”

“Contrary to the Grand Jury’s finding, shared services will, in fact, cause a decline in the quality of services to residents in the Cities. Moreover, sharing law enforcement services with the county would result in laying off approximately 45 full-time/reserve officers, thus reducing the County’s ability to adequately patrol large functions or respond to disasters or other major emergencies.”

City of Sutter Creek Police Department

The City of Sutter Creek Police Department mistakenly responded to this recommendation with their response to the "Vehicle Maintenance" section. They made no response to this "Shared Services" recommendation, and are in violation of California Penal Code section 933(c).

Amador County Sheriff's Department

Recommendation: "Will not be implemented"

"The reason the recommendation will not be implemented by the Sheriff is that the Sheriff lacks the authority to implement the recommendation. While the Sheriff believes that, properly done, shared and consolidated law enforcement services would be more cost efficient and provide enhanced services to all county residents the Sheriff can not unilaterally implement this recommendation. This recommendation would have to be implemented by the individual cities."

"The Sheriff believes that the nature of law enforcement provided to the cities is strictly within the authority of the individual city residents, through their elected city councils, to determine. Each of the cities of Ione, Jackson, and Sutter Creek have approached the Sheriff in one fashion or another to provide information about consolidating law enforcement services with the Sheriff, during the last ten years. In each case the city ultimately rejected the idea. Cost efficiency and sophistication of the law enforcement agency are not the only traits that cities give consideration to when deciding the nature of law enforcement they wish to implement in their cities. For small communities the matter comes down to local identity and intimacy with their respective small law enforcement agency. In many cases this trait wins out over all other considerations."

"The Sheriff must respect the wishes of the elected officials who are making decisions in the local cities. The Sheriff lacks the authority to take over a city police department without the local city council's approval or specified other extraordinary conditions. Therefore, the decision is not the Sheriff's. The decision and authority to implement a consolidation of law enforcement services rests with the respective city councils."

Vehicle Maintenance

2003/2004 GRAND JURY REPORT FACTS SECTION

- The cities contract with different garages for the maintenance and repair of law enforcement vehicles.
- The County Corporation Yard has the appropriate staff and facilities to repair additional law enforcement vehicles.

No responses to the Facts section were required or received from the law enforcement agencies.

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- Potential cost savings are available by using the County Corporation Yard for the purpose of law enforcement vehicle maintenance and repair.

RESPONSES

City of Jackson Police Department

Finding: "Disagree"

"However the Jackson Police Department did use Amador County Corporation Yard several years ago and found the actual work and staff to be above reproach."

"Moreover, service was discontinued due to lengthy down time and cost factors. The City of Jackson Police Department has received excellent service from local automotive repair and service centers. These local entities are sensitive to public safety needs and budgetary constraints as well and provide the deal possible for the taxpayers."

City of Ione Police Department

Finding: "Disagree in whole"

"Cost cannot ever be the sole determining factor in selecting equipment or equipment repair. This maxim is of even greater significance when officers have to trust their lives to their vehicles on a daily basis. In the experience of the Cities, commercial vehicle services are typically performed in a more timely fashion and completed to dealer specifications by factory trained mechanics."

City of Sutter Creek Police Department

Finding:

"The Cities have investigated the option of using the County Corp Yard as suggested by the Grand Jury (though the Grand Jury did not discuss this topic with representatives of Sutter Creek). The City of Jackson conducted a trial study, but did not find any cost savings. Furthermore, in the trial experiment, the City of Jackson experienced long delays in the servicing of their vehicles."

"Independent shops in the City of Sutter Creek employ members of our communities and it is the City of Sutter Creek's policies to support local businesses whenever possible. This is a legitimate policy and under the purview of the City Council of Sutter Creek. The City Council is the directly elected

representative(s) of the citizens of Sutter Creek and is therefore legitimately empowered to make policy decisions for the City.”

Amador County Sheriff’s Department

Finding: **“The Sheriff agrees with the finding”**

“It is possible that cost savings could be realized by the cities by using the County Corporation Yard for vehicle maintenance and repair. However, the Sheriff neither runs the County Corporation Yard or the cities. It would be up to the cities and the County to determine if this is a cost efficient idea.”

Amador County General Services Administration

Finding: **“Agree”**

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- Standardize the maintenance and repair of law enforcement vehicles by using the County Corporation Yard.

RESPONSES

City of Jackson Police Department

Recommendation: **“Will not be implemented”**

“It is not practical for reasons mentioned in the Finding Section response.”

City of Ione Police Department

Recommendation: **“Will not implement”**

“No evidence has been produced to suggest that the County Corporation Yard could adequately and timely repair a fleet the size required by one large law enforcement agency and also produce a savings. No evidence has been produced to ensure that law enforcement vehicle repair will not languish in priority behind other county vehicles, especially when county maintenance staff may lack the interest or experience to repair a complex or difficult problem. Furthermore, the informed decision of whether to patronize local merchants as opposed to default to county services is one that should be made by the duly elected local city councils, not the Sheriff.”

City of Sutter Creek Police Department

Recommendation:

Please refer to the narrative response under the City of Sutter Creek Police Department Finding section.

Amador County Sheriff's Department

Recommendation: "This recommendation will not be implemented."

"This recommendation will not be implemented by the Sheriff because it is unreasonable, when applied to the Sheriff. The Sheriff lacks the authority to implement this decision for the County or the cities."

Amador County General Services Administration

Recommendation: "The recommendation has not yet been implemented, but will be if the City Police Departments elect to utilize the County's services."

Fuel

2003/2004 GRAND JURY REPORT FACTS SECTION

- Sutter Creek and Jackson purchase fuel from the County.
- Ione purchases fuel from a private source.

No responses to the Facts section were required or received from the law enforcement agencies.

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- The price for fuel varies.

RESPONSES

City of Jackson Police Department

Finding: "Agree"

City of Ione Police Department

Finding: "Agree"

"However, as with equipment repair, cost can't ever be the sole determining factor in selecting fuel. No evidence has been produced to suggest the bulk fuel contract utilized by the City of Ione costs more than the County fuel contract price."

City of Sutter Creek Police Department

Finding:

"The City of Sutter Creek purchases fuel from the County Corp Yard."

Amador County Sheriff's Department

Finding: "The Sheriff agrees with the finding."

"Anyone who has fueled their car in Amador County and purchased fuel at any one of the several wholesale outlets in Sacramento can vouch for this finding."

Amador County General Services Administration

Finding: "Agree"

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- Contracts should be made for fuel purchase through the County Corporation Yard

RESPONSES

City of Jackson Police Department

Recommendation: "Implemented"

"The City of Jackson currently has a contract for fuel purchasing through the County Corporation Yard."

City of Ione Police Department

Recommendation :

"Jackson and Sutter Creek, in close proximity to the County Corporation Yard are purchasing their fuel from the County. The fact that Jackson and Sutter Creek purchase fuel from the County has had more to do with their proximity to the corporation yard as it does about the price. The county gasoline pumps are located at the County Corporation Yard at Sutter Hill. It is approximately a ten mile, twenty minute drive from the City of Ione. This would put an extra twenty miles on each patrol vehicle for each shift of operation. The expense in gasoline usage alone negates any advantage to this system, not to mention wear and tear on the vehicles, negative and unnecessary environmental impacts, the negative impact it would have on police response times, and the resulting reduction in preventative patrol time within the City. The City of Ione has examined at contracting with the state facilities in the City to purchase fuel, but found it to be almost as expensive after adding in administrative costs. The Cities need to retain flexibility to acquire the best fuel contract that suits their individual needs rather than being locked into a one-size-fits-all County fuel contract."

City of Sutter Creek Police Department

Recommendation:

"The City of Sutter Creek purchases fuel from the County Corporation Yard."

Amador County Sheriff's Department

Recommendation: "Will not be implemented by the Sheriff because it is unreasonable, when applied to the Sheriff. The Sheriff lacks the authority to implement this decision for the County or the cities."

Amador County General Services Administration

Recommendation: **“Has been implemented** by the County for the cities of Jackson and Sutter Creek and the County is ready to provide this service to the other cities.”

Equipment/Vehicle Purchase

2003/2004 GRAND JURY REPORT FACTS SECTION

- Equipment such as light bars, computers, push bumpers, cages, plastic back seats, and vehicles are procured individually by each city.
- Researching, locating, and purchasing of equipment and vehicles are done by each city individually.

No responses to the Facts section were required or received from the law enforcement agencies.

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- Purchasing power would be enhanced by buying equipment in bulk and vehicles at fleet prices.
- Equipment and vehicle purchases are duplicated by each city.

RESPONSES

City of Jackson Police Department

Finding One: **“Implemented”**

“The Jackson Police Department purchases new vehicles through the California Highway Patrol (“Piggy-Back”) process. This affords the City of Jackson the best purchase price available. When purchasing used vehicles, local dealerships have provided excellent purchase price discounts for top quality used vehicles.”

Finding two: **“Disagree”**

“Each law enforcement agency, including the Sheriff’s Office has its own specific equipment and vehicle needs and requirements.”

City of Ione Police Department

Finding One: **“Disagree in whole”**

“The Cities are already purchasing new vehicles and associated equipment under the California Highway Patrol vehicle contract, leveraging the buying power of the entire state fleet when purchasing law enforcement vehicles. Switching to a county contract could not possibly result in a savings over the state fleet contract.”

Finding Two: **“Agree”**

“However, the minimal time and effort undertaken to make purchases of vehicles and equipment does not serve as a source of distraction for the Cities and ensures that the equipment obtained meets each departments needs.”

City of Sutter Creek Police Department

Finding One and Two:

“While the City of Sutter Creek makes its evaluations and purchases separately, it is eligible for the same fleet prices as the County. The City has conducted a comparison program with the City’s normal purchasing policy with a truck purchased by the City through its management of the Amador Regional Sanitation Authority. The City found that substantial savings would be realized by retaining purchasing in-house.”

“In addition, the wording in this finding seems to indicate that this recommendation is for the good of the ‘County’. While the City is interested in working together for the good of all, it cannot change its policies just for the good of the County. A change would also need to be in the best interest of the City’s residents. If this theoretical ‘Pareto Optimum’ were possible, the City would be willing to reevaluate its policies.”

“As stated above, the City encourages local purchasing when possible. This is a policy decision and clearly the sole responsibility of the legislature (in this case, the City Council of the City of Sutter Creek).”

“The Sutter Creek Police Department maintains a fleet of six vehicles. Two are dedicated to the Reserve Officer Program (and were purchased from their fund raising activities). Our two newest vehicles are the primary patrol vehicles and are generally the two vehicles covered by a factory warranty. Two additional vehicles are maintained for rotation into the fleet when other vehicles are being serviced and for those times when more vehicles are needed. Officers that live in close proximity to the City take their vehicles home. The City of Sutter Creek keeps abreast of vehicle fleet ‘best practices’ and base its policies on recent and historical studies. (see Policefleet Manager, May-June 2004, Law and Order, 1992, etc).”

Amador County Sheriff’s Department

First and Second Findings: “**The Sheriff agrees with this finding.**”

Amador County General Services Administration

First and Second Findings: “**Agree**”

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- Evaluate equipment and vehicular needs on a county-wide basis.
- Centralize equipment and vehicular purchases to take advantage of bulk and fleet pricing.
- Purchase necessary equipment and vehicles according to the County's needs.

RESPONSES

City of Jackson Police Department

Recommendation One: "Will not implement"

"The City of Jackson should not be burdened with cost concerns for Sheriff vehicles or equipment, just as the County of Amador should not be burdened with costs of the City of Jackson's vehicles or equipment."

Recommendation Two: "Implemented, as stated in Findings Section, above."

Recommendation Three: "Will not implement"

"The Jackson Police Department purchase police vehicles and equipment according to the needs of the City of Jackson, not the County of Amador."

City of Ione Police Department

Recommendation One: "Will not implement"

"Assessing the need for vehicles and large end items of equipment should remain within the venue of the Chiefs' of police subject to the approval of the City Councils that supervise them, not the Sheriff's Office."

Recommendation Two: "Will not implement"

"By conducting a local needs based assessment for all major purchases, each police department has the flexibility to purchase vehicles and equipment that fit the unique needs of that jurisdiction. For example, some of the Cities are purchasing late model, fully equipped used vehicles from larger law enforcement agencies out of state. These vehicles, still under original manufacturers warranty serve the Cities well, require little administrative effort to acquire and fit the department vehicle rotation schedule."

Recommendation Three: "Will not implement"

"Purchasing law enforcement vehicles and large end items of equipment should remain within the venue of the Chief's of police, subject to the approval of the City Councils that supervise them, not the Sheriff's Office."

City of Sutter Creek Police Department

Recommendations One, Two and Three:

Please refer to the narrative response under City of Sutter Creek Police Department Findings One and Two above.

Amador County Sheriff's Department

Recommendations One, Two and Three: **"This recommendation will not be implemented** by the Sheriff because it is unreasonable, when applied to the Sheriff. The Sheriff lacks the authority to implement these recommendations for the County or the cities."

Amador County General Services Administration

Recommendations One, Two and Three: **"The recommendations have been implemented** by the County for the American Legion Ambulance Service and the County is ready to provide the same services to the cities."

Law Enforcement Motor Pool

2003/2004 GRAND JURY FACTS SECTION

- No more than two officers are on duty at any given time in each city.
- Each city has 6-12 law enforcement vehicles available.

RESPONSES

City of Jackson Police Department

Fact: **"This is not correct."**

"During the day shift Monday through Friday, the Jackson Police Department had 5 (five) full-time sworn officers on duty at any given time, which consists of the chief of police, one detective, one sergeant, one patrol officer and one community service officer (w/limited reserve peace officer authority). The coverage for night shift patrols consists of 3 (three) to 6 (six) sworn officers, which includes a compliment of reserve officers who work cover shifts. Night shift coverage goes up later in the week when activity is higher but lower on Monday, Tuesday and Wednesday evenings."

No responses to the Facts section were required or received from the other law enforcement agencies.

2003/2004 GRAND JURY FINDINGS SECTION

- The number of law enforcement vehicles available to each city exceeds its needs.
- Combining law enforcement into one county-wide agency would reduce the number of excess vehicles.
- Eliminating excess law enforcement vehicles would reduce maintenance and fuel costs.

Responses

City of Jackson Police Department

Finding One: "Disagree"

"The Jackson Police Department maintains no more vehicles than needed for safe police response to and for the citizens of Jackson, and will not settle for less."

Finding Two: "Disagree, as there are not excess vehicles. If there were excess vehicles the solution would be to take excess vehicles out of service not combine law enforcement services."

Finding Three: "Disagree, as mentioned above there are no excess vehicles in the Jackson Police vehicle fleet."

"Lowering the level of the Jackson Police Departments fleet would only serve to drive repair and fuel cost up, as any reduction to the fleet would cause the vehicles in service to be driven round the clock. It is a fact that police vehicles, which are placed in service every shift of every day, will need many more repairs and fuel consumption will go up as the vehicle engine parts wear out more quickly and the vehicle performance diminishes."

City of Ione Police Department

Finding One: "Disagree in whole"

"No evidence has been produced to support this finding. The fact that the Cities may have law enforcement rolling stock that is not in use at all times does not equate to an excess of vehicles. Determining the appropriate number of vehicles is a matter of discretion appropriately left to local government to decide."

Finding Two: "Disagree in whole"

"No evidence has been produced to support this finding. Combining all law enforcement vehicles into one motor pool creates a large parking lot of emergency vehicles, presumably near the Sheriff's Office and away from the Cities of Sutter Creek and Ione."

Finding Three: "Disagree in whole"

"No evidence has been produced to support the underlying finding that an excess number of vehicles now exists."

City of Sutter Creek Police Department

Findings One, Two and Three:

*The City of Sutter Creek Police Department did not respond to the **Law Enforcement Motor Pool Findings** section of the report. The City of Sutter Creek Police Department is in violation of California Penal Code section 933.05(c).*

Amador County Sheriff's Department

Findings One, Two and Three: **"The Sheriff agrees partially with the findings, and disagrees partially with the findings".**

"Taken in their strictest statement the Sheriff agrees with the first two bullets in the Grand Jury findings."

"The Sheriff disagrees with the third finding of the Grand Jury. You do not necessarily reduce fuel costs by reducing the size of the vehicle fleet. If all other variables remain the same, number of officers going on the street, the same number of miles driven on patrol, etc., the fuel costs will not go down. You have the same amount of miles being driven by the same number of people. You have just reduced the number of cars that are sitting unused in the parking lot. In this case the fuel costs remain the same. In most cases the maintenance costs actually go up. You have the same number of miles going on to a smaller total number of vehicles. This puts a greater burden on a smaller number of vehicles, which results (in the Sheriff's experience) in higher not lower maintenance costs."

Amador County General Services Administration

Findings One, Two and Three: **"Agree"**

2003/2004 GRAND JURY RECOMMENDATIONS SECTION

- Establish a law enforcement motor pool based on county-wide needs.
- Evaluate law enforcement vehicle needs on a county-wide basis and make appropriate vehicle reductions in each city.

RESPONSES

City of Jackson Police Department

Recommendation One: **"Will not implement"**

"The Jackson Police Department is not concerned with 'County-wide needs.' The Jackson Police Department meets the needs of the citizens of Jackson as required by the City Council of the City of Jackson."

Recommendation Two: **"Will no implement"**

"The Jackson Police Department evaluation of its vehicle needs has been made and is at the appropriate level for services required by the City of Jackson and is not concerned with 'County-wide needs.'"

City of Ione Police Department

Recommendation One: **"Will not implement"**

"The local elected officials in the Cities are in the best position to determine the particular needs of their city, not the Sheriff. Whenever possible, that equipment can and should be shared with other departments on contract or upon request for mutual aid."

Recommendation Two: “Will not implement”

“The local elected officials in the Cities are in the best position to determine the particular needs of their city, not the Sheriff. The needs of the unincorporated areas of the County are secondary and tertiary to the law enforcement needs of the citizens of the cities in which they choose to reside.”

City of Sutter Creek Police Department

Recommendations One and Two:

*The City of Sutter Creek Police Department did not respond to the **Law Enforcement Motor Pool** Recommendations section of the report. The City of Sutter Creek Police Department is in violation of California Penal Code section 933.05(c).*

Amador County Sheriff’s Department

Recommendations One and Two: **“This recommendation will not be implemented by the Sheriff** because it is unreasonable, when applied to the Sheriff. The Sheriff lacks the authority to implement these recommendations for the County or the Cities.”

Amador County General Services Administration

Recommendations One and Two: **“These recommendations have been implemented** by the county through the County Motor Pool established in 1981. The County has provided and offered this service to cities and other agencies throughout the county and is willing to extend this service to the cities law enforcement agencies.”

Grant Application

2003/2004 GRAND JURY FACTS SECTION

- Grants are an integral part of county and city law enforcement funding
- The County and each city apply for grants individually.

RESPONSES

City of Jackson Police Department

Facts One and Two: **“Only partially correct”**

“The Cities and County have been in partnership on several grant projects in recent years. The Amador Narcotics Enforcement Unit has been for the most part possible through joint grant funding. The Cities and County came together for a major High Tech Grant project, which placed computers in each patrol car in the County and Cities. The cities have used joint grant funding for the School Resource Officer. The County and Cities have been involved in an on-going Home Land Security grant project for the past two years, which has served to

purchase communications equipment, haz-mat protection gear and response trailer and so much more public safety equipment.”

No responses to the Facts section were required or received from the other law enforcement agencies.

2003/2004 GRAND JURY FINDINGS SECTION

- Cities and the County are in competition for law enforcement grants.

RESPONSES

City of Jackson Police Department

Finding: “Disagree”

“The City of Jackson Police Department and the Amador County Sheriff’s Office do not compete for grant funding. By virtue of the size differences between both agencies, this eliminates any competition for funding, which has resulted in equitable grant awards to the County and City after applying for grants from the same funding source.”

City of Ione Police Department

Finding: “Disagree in part”

“Clearly, the Cities and the County apply for competitive law enforcement grants offered by state and federal sources. However, rarely if ever would a situation arise where one of the Cities or the County would actually win or lose a grant based on a competing application from an Amador County agency. More often than not, individual grants will specify types of entities that may apply for grant funding, based upon such factors as population, crime rates and innovation in programs.”

City of Sutter Creek Police Department

Finding:

“Cities and the County are not typically in competition for law enforcement grants. Most of the grants for which funding has been received in the City of Sutter Creek have been available to any law enforcement agency that applied or have been statutorily set on a per city/county or per capita level. For example, the Citizens Option for Public Safety, which funds a portion of one Officer’s salary in Sutter Creek, typically has money left over each year. The Office of Criminal Justice Planning (OCJP) ballistic vest-purchasing program also rolls funding over each year. The State of California COPS program is statutorily set at a minimum of \$100,000 for each jurisdiction and per capita above a certain level.”

“Even for competitive funding, it is counter-intuitive to discourage more than one application from the County agencies. This policy would put Amador County governments at a disadvantage when competing against multi-agency counties.”

“Many grants now award extra points for collaboration. The Cities and County have collaborated on several grants and will continue to do so (e.g. OCJP radio grant, RIMS/Mobile Data Computer system installation program, etc.)”

“Thus far, the Sutter Creek Police Department has been successful in its grant writing without the need to hire additional personnel. In addition, Grant writing is a valuable tool for officer development and the Police department would be reluctant to relinquish this tool.”

Amador County Sheriff’s Department

Finding: “**The Sheriff disagrees with the finding.**”

“The Sheriff does not recall a grant or grant application where the cities and the Sheriff were in competition for the same grant. The differences in mission, size of agency, and various grant offerings have not left us in a competitive situation on any grant that the Sheriff can remember.”

2003/2004 GRAND JURY RECOMMENDATIONS SECTION

- Cities and the County need to work cooperatively to apply for law enforcement grants
- Designate one qualified person to apply for law enforcement grants for Amador County
- Share law enforcement grants proceeds equitably.

RESPONSES

City of Jackson Police Department

Recommendation One: “**Implemented**, as this has been the history between the Cities and the County.”

Recommendation two: “**Will not implement**”

“The Cities as well as the County have separate needs in many different categories. It would not be feasible to have one person responsible for three cities and a county as a sole grant writer. The Jackson Police Department shall continue to search for grants that meet the needs of the citizens of Jackson. As in past practice, should any funding become available which could serve all law enforcement agencies in the County, the information would be shared and joint projects formed if needed.”

Recommendation Three: “**Implemented**, as this has been done as mentioned for joint projects.”

City of Ione Police Department

Recommendation One: "Has been implemented"

"The vast majority of law enforcement grants already require Memorandums of Understanding between local law enforcement agencies as a condition precedent to grant funding."

Recommendation Two: "Will not implement"

"Clearly, placing all of one's eggs in one basket is an approach that fell into disfavor during the distant past. The Cities realize that applying for grant funding is an art form that is often learned through trial and error. However, many federal and state grant programs fund only new and innovative programs that a single grant point of contact may not see the value of or even considered. Consolidating all grant funding in the Sheriff's Office ensures only that grants important to the Sheriff will be promoted with no assurance that programs important to the Cities are ever considered or funded."

Recommendation Three: "Has been implemented"

"Under the present system of competitive law enforcement grant funding, the law enforcement entity with the best grant proposal and program will be funded. The attendant funding, in turn, supports that program throughout the life cycle of that particular grant. The best grant proposal should win the grant and the grant writers, whether from a City or the County, should enjoy the benefits of their funded program. This ensures true equality in grant funding, rather than a dilution of funding to cover the County border to border."

City of Sutter Creek Police Department

Please refer to the narrative response under the City of Sutter Creek Police Department Findings section.

Amador County Sheriff's Department

Recommendations One, Two and Three:

"The first bullet in the Grand Jury recommendations has been implemented by the Sheriff and the cities. There are grants that the Sheriff and the cities have worked cooperatively on. The narcotics task force is but one example of the Sheriff and the cities working cooperatively to pursue a grant."

"The second bullet of the Grand Jury recommendations will not be implemented by the Sheriff, because it is not warranted and is not reasonable. The Sheriff currently does not employ a grant specialist. Grants applications are completed by a variety of existing staff, working together. To designate one person to do this would necessitate the creation of a new position to accomplish this. When the Sheriff is losing patrol deputies off the street to budget cuts, it is unreasonable to think that the Sheriff would create a new budget czar. Secondarily, most grants are insufficient in size to make them worth applying

for. Alternatively some grants carry more red tape and accounting with them than the grant is worth. Many other grants are so focused in mission as to be ridiculous to apply for, because their mission is of questionable value to the community."

"It is a fallacy that local government could or should finance itself with grants. There are not really that many grants out there. For the most part grants can be the crack cocaine of local government financing."

Training

2003/2004 GRAND JURY FACTS SECTION

- The State of California mandates recurrent training for police officers and deputies.
- Specialized training is available to police officers and deputies.

RESPONSES

No responses to the Facts section were required or received from the law enforcement agencies.

2003/2004 GRAND JURY FINDING SECTION

- Local police coverage is impacted when officers and deputies attend training.
- Coverage for absences due to training is paid on overtime or other compensatory basis.
- Reserve officers are not readily available to fill absences created by training.

RESPONSES

City of Jackson Police Department

Finding One: "Not correct"

"The Jackson Police Department assigns officers to fill shifts caused by absences due to training concerns."

Finding Two: "Agree"

"However not a frequent concern, as training absences can be and are filled by sergeants, the detective and the police chief, plus certain P.O.S.T. certified courses provide for backfill funding."

Finding Three: "Agree, however reserve officers are not expected to cover regular patrol shifts due to their own employment responsibilities. Reserve

officers typically assist the police department with night shift coverage on the weekends or during special events.”

City of Ione Police Department

Finding One: “Agree”

Finding Two: “Disagree in part”

“In many such instances in the Cities, reserve police officers from the local community are willing and available to cover the shifts of regular officers who are unavailable for a variety of reasons. While some of these officers may be compensated for their services, many do so in an unpaid status to support their community.”

Finding Three: “Disagree in part”

“In the experience of the Cities, who unlike the Sheriff’s Office have robust reserve officer programs, obtaining coverage for regular officer shifts is not a major issue. Many of the Sheriff’s reserves and full-time staff have gone to work for the Cities as reserves.”

City of Sutter Creek Police Department

Findings One, Two and Three: “The City of Sutter Creek disputes the findings above. While, local police coverage is impacted when a Sutter Creek Police Officer is on training, the Chief of Police and Reserve Officers cover those shifts on most occasions.”

“The City of Sutter Creek Police Department has developed and maintains a very successful Reserve Officer program. This program has resulted in several promotions to full-time status over the last five years and currently boasts three officer who have completed full-time academies and are certified as level I Reserves Officers. In addition, the Reserve Program boasts one level II Officer and a Community Service Volunteer. It should be also noted that the Sheriff’s Department has hired two of the personnel developed in our Reserve Program in the past several years.”

Amador County Sheriff’s Department

Finding One: “The Sheriff agrees with the first bullet of the Grand Jury’s findings.”

Finding Two: “The Sheriff partially agrees with the second bullet of the Grand Jury’s findings.” “Some absences due to training are covered with overtime or other compensatory schemes. However, the Sheriff does the best possible to schedule training and cover the resulting staff absences without needing to resort to overtime.”

Finding Three: The Sheriff agrees with the third bullet of the Grand Jury’s findings.

2003/2004 GRAND JURY RECOMMENDATIONS SECTION

- Organize the law enforcement training schedule on a county-wide basis so adequate and cost-effective police coverage always exists.

RESPONSES

City of Jackson Police Department

Recommendation: "Implemented"

"The Jackson Police Department has adequate police coverage at all times and utilizes the best 'cost-effective' measures available. The City of Jackson Police department shall not however, have concerns on a 'County-wide basis.'"

City of Ione Police Department

Recommendation: "Will not implement"

"Unfortunately, most training is held at regional training centers outside of the county. Ione Police Department utilizes the California Department of Forestry's Law Enforcement Training Center in Ione for most required training. By using a local source for training, the Ione Police Department has mitigated much of the impact training has on the department and the community. Moreover, most all training is reimbursed by POST."

City of Sutter Creek Police Department

Recommendation:

"Adequate and cost-effective policing is maintained in the City of Sutter Creek with the existing training program. It would be overly complicated to coordinate training with the six law enforcement agencies in the County. When regional training is offered, the City almost always participates (and will continue to do so)."

Amador County Sheriff's Department

Recommendation: "This finding will not be implemented by the Sheriff, because it is not warranted and not reasonable. Without a consolidation of law enforcement agencies the adequate and cost-effective coverage imagined here can not be achieved."

Promotions

2003/2004 GRAND JURY FACTS SECTION

- Law enforcement promotional opportunities within the cities are limited.

No responses to the Facts section were required or received from the law enforcement agencies.

2003/2004 GRAND JURY FINDINGS SECTION

- The relatively small size of each city's law enforcement department limits promotional opportunities.

RESPONSES

City of Jackson Police Department

Finding: "Agree, however with continued growth in each of the cities, this will change in a relatively short period of time, as more supervision will be needed and a variety of assignments become available."

City of Ione Police Department

Finding: "Disagree in part"

"While it tends to be true smaller departments don't have an many promotional opportunities, the officers that work for the Cities choose to do so knowing this, and do it with a high level of morale. Despite the lack of promotional opportunities and special assignments, the Cities enjoy almost no turnover; Unlike the Sheriff's Department who has become a training ground for deputies. Since the Sheriff's Office employees enjoy higher salaries and a better retirement package, one reason for this high rate of turnover could be low morale. It's understandable that with more openings, more promotional opportunities will exist. The end result is supervisors with minimal 'street' experience.

City of Sutter Creek Police Department

Finding:

"Law Enforcement agencies are changing. The era of large hierarchical organizations is fading and a new paradigm is on the horizon. This paradigm shift is to move towards Problem Solving Policing in which each officer is empowered to solve problems which they encounter during their tour of duty and in their area of responsibility. Because of this, most progressive law enforcement agencies are moving toward a more flat organization wherein rank is less important. While always having a need for individuals to be responsible for the whole, the traditional 1:8 span of control is no longer the rule. Instead, departments are organized with empowered officers who are supported by non-sworn specialists thus freeing officers to concentrate on specific problem solving functions. In practice, those Officers with supervisory rank function more as 'first amongst equals' than as the traditional General vs. Soldier paramilitary model. This enhances policing by developing a sense of ownership in the Police Officers. (It should be noted: City police departments are more closely suited for

this style of policing because their constituents live in more densely populated areas.)”

“The wording above (and repeated throughout the report-see emphasis added notations), as cited from the original Grand Jury report, seems to indicate a bias on the part of the Grand Jury to solve County problems without the same regard for the Cities’ best interests. It is the City of Sutter Creek’s goal to work together with its sister governments whenever possible but not to the detriment of the City’s needs. Given this, it should not be a primary concern of the City of Sutter Creek to provide promotional opportunities to Sheriff’s Deputies.”

“Governments tend to be monopolistic. Given this, it is important to introduce artificial competition to mitigate the negative effects of monopolies (Niskanen, 1971). One way to do this is to encourage the Federalism that the Founders designed into the system (Rossiter, 1961). By pushing decisions to the closest level to the people as possible, decisions are better accepted by those who will have to answer to those decisions (Box, 1998, Moore, 1995). In addition, those same constituents will have increased oversight over the level of government that effects them most (see Rossiter, 1961 for a more complete argument, also see Ostrom, 1998).”

“It should be noted that large bureaucratic organizations tend to be resistant to change, and tend to enlarge and protect their organizational structures. Specifically, bureaucracies have a monopoly on information and tend to guard their information sources. Bureaucracies also tend to maximize their budgets and attempt to increase their span of influence (Niskanen, 1971). Bureaucracies tend to exist in situations where they have a monopoly on the service or market. For this reason, it is important to introduce artificial competition whenever possible to reduce the negative effects cited above (Ostrom, 1998). Given this, having many levels of government and many police departments in a given area is of compelling interest to government and should be encouraged.”

Amador County Sheriff’s Department

Finding: “The Sheriff primarily agrees with this finding.”

“However, one small agency the Sheriff is aware of has solved this problem. They have simply promoted almost everyone in their organization to a higher rank. They have ended up with a supervisor to line level ratio of approximately 5 to 1, rather than the normal 1 to 5.”

2003/2004 GRAND JURY RECOMMENDATIONS SECTION

- Combine law enforcement agencies to provide greater promotional opportunities at the County level.

RESPONSES

City of Jackson Police Department

Recommendation: "Will not implement"

"To 'Combine law enforcement agencies' to satisfy promotional needs serves no feasible purpose to the citizens of Jackson and would only serve to create continually rotating police personnel assigned to the Cities. The Jackson Police Department employs officers who were fully aware of the Jackson Police Department's structure upon being hired. However, as the City of Jackson grows, so shall the police promotional opportunities."

City of Ione Police Department

Recommendation: "Will not implement"

"Bigger is not better, as previously discussed in response to the 'Shared Services' recommendation above. Small police departments are able to attract excellent police officer candidates because many of the applicants have a desire to work in a small community. Both new officer applicants, and lateral police officer applicants from other agencies, enjoy the closeness with the community, small town flavor, and department camaraderie that only a small agency can offer. Small agencies also offer a more varied experience since patrol officers have a vast responsibility, often handling investigative responsibilities, some administrative responsibilities, and other operational responsibilities that are unknown to officers at larger agencies. Especially for the younger officer, this allows them a sizeable range of experience that is looked upon favorably if they wish to eventually lateral to a larger agency, or a specialized law enforcement agency. There is, of course, a tradeoff to this. Smaller departments do offer less frequent opportunities for promotion. But, the tradeoff is clearly fair and equitable, and viewed as positive by many applicants and officers. Additionally, the cities are not in business to help provide promotional opportunities for deputies. It's a fact that the cities don't have as many promotional opportunities or special assignments as the sheriff's department, and they have little to no employee turnover; unlike the sheriff's Department, which has experienced continuous turnover over the past several years, thus causing an unstable, ever-changing workforce. Therefore, if the sheriff cannot adequately staff the county, is it likely that the Cities would have any different experience with a contract for police services with the County Sheriff?"

City of Sutter Creek Police Department

Recommendation:

Please refer to the narrative response under the City of Sutter Creek Police Department Findings section.

Amador County Sheriff's Department

Recommendation: "This recommendation will not be implemented by the Sheriff because it is unreasonable, when applied to the Sheriff. The Sheriff lacks the authority to implement this recommendation for the County or the City."

City Police Office Hours

2003/2004 GRAND JURY FACTS SECTION

- City police stations are closed evenings, weekends and holidays.

RESPONSES

City of Jackson Police Department

Fact: "Correct, however the Jackson Police Station is kept open during special events and during disasters or other major emergencies."

City of Sutter Creek Police Department

Fact:

"With the exception of the Dispatch Department, the Sheriff's Department is closed in the evenings, weekends and on holidays."

No responses to the Facts section were required or received from the other law enforcement agencies.

2003/2004 GRAND JURY FINDINGS SECTION

- Access to city police offices by either walk-in or telephone is not always available.
- Access to the Sheriff's Office during evenings, weekends and holidays is available.

RESPONSES

City of Jackson Police Department

Finding One: "Disagree"

"The Jackson Police station is open for service as mentioned, during normal business hours and weekdays. A telephone is located just outside the police building and signs are posted to direct the public to that phone. When a police officer is summoned, the respective citizen may be invited into the police building respective to his or her needs."

Finding Two:

No response was received from the City of Jackson Police Department to Finding Two. They are in violation of California Penal Code section 933.(c).

City of Ione Police Department

Finding One: "Disagree in part"

This is the complete response by the City of Ione Police Department to Finding One. They are in violation of California Penal Code section 933.05(a)(2) which states, in part "...the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore."

Finding Two: "Disagree"

"A resident so motivated to travel to the Sheriff's Office after hours or on weekends can only pick up a phone connected to a dispatcher, who can. At most, call for a deputy to respond. That same person can dial their local police department and be connected to the same dispatcher who will forward the call to a local police officer on duty 24 hours a day in that same community."

City of Sutter Creek Police department

Findings One and Two:

"By calling the Police Department phone number, the citizen is connected with Dispatch who will call an officer into the station to assist any citizen requiring assistance during the evenings, on weekends, and on holidays."

Amador County Sheriff's Department

Finding One: "The Sheriff agrees with the first bullet of the Grand Jury findings."

Finding Two: "The Sheriff disagrees with the second bullet of the Grand Jury findings."

"The Sheriff's Office is not open around the clock. The Sheriff's business counter is only open Monday through Friday, 8:00 AM to 5:00 PM. The business office is not open on holidays or weekends. It is true that there are generally correctional officers, deputies, or the on duty sergeant who will respond to the business counter and let a citizen into the lobby after hours. However, that is not universally correct. Many times, just as the police departments must do frequently, a deputy must be called in from the field to deal with a citizen who has presented themselves at the Sheriff's Office after hours. Even then the service that a correctional officer or deputy is able to provide is greatly reduced over what the clerical staff handles during normal business hours."

2003/2004 GRAND JURY RECOMMENDATIONS SECTION

- Utilize the Sheriff's Office for police access.

RESPONSES

City of Jackson Police Department

Recommendation: "Will not implement"

"The City of Jackson has its own police building complete with office space, which has appropriate and comfortable accommodations for its citizens."

City of Ione Police Department

Recommendation: "Will not implement"

"Geography makes the Sheriff's Office less accessible to the citizens of Ione. A twenty-minute drive is clearly not a viable option for many of our citizens. It would literally lock a segment of our population out of one of the most important functions of their local government. Additionally, access is not always available at the Sheriff's Office after hours, on weekends, or on holidays. The lobby desk at the Sheriff's Office is not manned during these 'off' hours. Citizens are required to pick up a telephone receiver outside of the lobby that is answered by a dispatcher in a different part of the building. Since the dispatcher is unable to leave his or her post, he or she calls a sergeant or patrol unit, out of his or her beat, to respond to the office and contact the citizen. If the Sheriff's Office became the only point of contact, and a citizen needed assistance from an Ione police officer, the officer would have to drive twenty minutes to the City of Jackson to speak with the citizen or take a report. There currently is a telephone outside of the Ione Police Department that can be used to summon an officer if the office is closed or an officer isn't in the station. It then takes the officer, on average, less than two minutes to respond and make personal contact with the citizen. The current system is clearly superior, more efficient, and more responsive to the citizens of the City of Ione."

City of Sutter Creek Police Department

Recommendation:

"This recommendation was based upon inaccurate information. The City Police Departments have the same level of response after hours, during weekends and holidays as does the Sheriff's Office."

"Local access to a citizen's law enforcement agency is important to the citizens of Sutter Creek. The City chooses not to inconvenience its customers by instituting a policy whereby they will be forced to travel to the Sheriff's Office in order to receive assistance. As noted above, this is a policy matter that is appropriately decided by legislature, the City Council of the City of Sutter Creek."

"In compliance with an earlier Grand Jury report, the City of Sutter Creek examined areas in which it made sense to contract for services. One of these areas was the utilization of the Sheriff's Dispatch. The tradeoff for this contract was fewer staffed office hours with clerical staff. Any reduced service created by

this policy shift has been mitigated by the City Office staff and by the Police Officers.”

Amador County Sheriff’s Department

Recommendation: “**This recommendation will not be implemented by the Sheriff** because it is not reasonable, when applied to the Sheriff.”

“This recommendation would not be implemented by the Sheriff, even if the Sheriff had the authority to implement it for the cities, because it is unwarranted. Even if all law enforcement in the County were to consolidate under the Sheriff this would not be a good recommendation. It would be extremely inconvenient for the citizens to all come to one point in Jackson to conduct all law enforcement business. Currently the Sheriff employs three field offices in the outlying areas of the County to provide points where the citizens can come to meet law enforcement and conduct business.”

City Manager/Police Chief

2003/2004 GRAND JURY FACTS SECTION

- The dual roles of City Manager and Police Chief in Ione and Sutter Creek are filled by one individual in each city.

No responses to the Facts section were required or received from the law enforcement agencies.

2003/2004 GRAND JURY FINDINGS SECTION

- A potential conflict of interest exists when the responsibilities and accountabilities of the Chief of Police and the City Manager are filled by the same individual, for example, police intervention with other local government officials.

RESPONSES

City of Jackson Police Department

Finding:

“This portion of the Grand Jury report does not apply to the City of Jackson Police Department.”

City of Ione Police Department

Finding: “Disagree in whole”

“The Attorney General of California determined that there is no violation of state or federal law, but there is a conflict under common law. The Attorney general

provided a solution, which is to have cities pass a resolution combining both positions into one. The cities of Sutter Creek and Ione have done this. This information was provided to the Grand Jury, yet they fail to mention it.”

City of Sutter Creek Police Department

Finding:

“The City of Sutter Creek asserts that the true issue herein is the search for validating reasons to force the Cities to contract with the Sheriff’s Office. If this were not so, the recommendation would have merely suggested finding a solution to alleged dual role conflict of interest (e.g. have two separate individuals for the respective roles, institute/examine institutional controls, contract with the Sheriff’s Office, etc.). In sharp contrast, the Grand Jury report only recommends the one course of action which supports its central thesis.”

“The City of Sutter Creek City Council and its legal representatives have researched the question of conflict of interest and found that legally there is no conflict. Constitutionally, there is no prohibition against having dual roles and there is no law prohibiting this practice.”

“The Police Chief role is semi-autonomous in any City and carries broad discretionary powers. Because of this, Cities are prudent to set up systems of checks and balances in the form of institutional controls. These institutional controls in the City of Sutter Creek are codified in the City Municipal Ordinances and in the Police Department Policy Manual. For example, in cases of alleged misconduct of the Police Chief, the Mayor is authorized to review the complaint and an outside investigative agency is used for serious alleged offenses if the occasion were to arise.”

“The entire governmental system is fraught with potential for abuse. This potential has been successfully mitigated with checks and balances within the system.”

“The dual role is not without precedence. Many Cities and their executives have reported the practice in their Cities. When the programs have ended, the usual cause is the lack of a person qualified, and with the desire, to fill both roles.”

Amador County Sheriff’s Department

Finding: **“The Sheriff agrees with the finding.”**

“There are at least two published California Attorney General Opinions that refer to the combining of the City Manager and Chief of Police positions into one person/one position as an ‘inherently illegal conflict of interest.’ In the second and most recent opinion a remedy is proposed for an individual holding both positions. The remedy is forfeiture of the individual’s law enforcement authority

and retirement benefits. The City of Sutter Creek asserts that, 'The City of Sutter Creek and its legal representatives have researched the question of conflict of interest and found legally there is no conflict.' Apparently the California Attorney General does not agree."

2003/2004 GRAND JURY RECOMMENDATIONS SECTION

- Retain City Managers and consolidate supervisory law enforcement personnel under the Sheriff's Office.

RESPONSES

City of Ione Police Department

Recommendation: "Will not implement"

"As pointed out by the Grand Jury above, the largest portion of the budgets of the Cities goes to law enforcement activities. Yet, the Grand Jury in this recommendation suggests conceding the largest budget item in the Cities to the Sheriff's Office, and has the City Manager supervise that which is left."

City of Sutter Creek Police Department

Recommendation:

Please refer to the narrative response by the Sutter Creek Police Department under the Finding section above.

Amador County Sheriff's Department

Recommendation: "This recommendation will not be implemented by the Sheriff because it is unreasonable, when applied to the Sheriff. The Sheriff lacks the authority to implement these recommendations for the County or the cities."

Administration

2003/2004 GRAND JURY FACTS SECTION

- Each of the 3 cities employs its own Police Chief.
- Two Lieutenants and 2 Sergeants are staffed within the 3 cities.
- Clerical duties are duplicated.

RESPONSES

City of Jackson Police Department

Fact Two: "Factually incorrect"

"The Jackson Police Department employs two police sergeants. The Sutter Creek Police Department employs one police lieutenant and currently has no sergeants. The Ione Police Department employs one police captain and one police sergeant."

Fact Three: “Correct (For the City of Jackson)”

City of Sutter Creek Police Department

Facts One, Two and Three:

“The City of Sutter Creek shares a Police Chief and City manager position.

The City of Sutter Creek has one Lieutenant and no Sergeants.

The City of Sutter Creek has one part-time parking control officer who also completes clerical duties as assigned.

The City of Sutter Creek has no police clerical staff.”

No responses to the Facts section were required or received from the other law enforcement agencies.

2003/2004 GRAND JURY FINDINGS SECTION

- A duplication of administrative personnel exists.
- Staffing is redundant.
- Clerical duties are duplicated.

RESPONSES

City of Jackson Police Department

Finding One: “Disagree”

“The Cities of Jackson, Sutter Creek and Ione are separate entities with independent administrative needs.”

Finding Two: “Disagree”

“As stated in above Findings Section, the Cities and County are separate entities with independent administrative needs.”

Finding Three: “Disagree”

“The clerical duties at the Jackson Police Department go far beyond the mundane filing that one might expect. The Jackson Police Clerical Staff deal with many specific needs for the citizens of Jackson, allied law enforcement agencies, tourists and many other entities public and private. The Jackson Police Clerical duties are not duplicated, by virtue of being a separate entity serving a specific community. Moreover no other agency serves the City of Jackson in this regard to cause a duplication of services.”

City of Ione Police Department

Finding One: “Disagree in whole”

Finding Two: “Disagree in whole”

These were the entire responses to Findings One and Two by the City of Ione Police Department. The City of Ione Police Department is in violation of California Penal Code section 933.05(a)(2) which states, in part “...the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.”

Finding Three: “Disagree in whole”

“The same number of clerical staff will be needed to process the workload produced from the Cities, regardless of what department they work for. Unless the Sheriff’s Department plans to pay a larger clerical staff significantly less than the Cities do for the same amount of work, it is unclear how any savings could possibly result.”

City of Sutter Creek Police Department

Findings One, Two and Three:

The City of Sutter Creek Police Department made no response to Findings One, Two or Three. The City of Sutter Creek Police Department is in violation of California Penal Code section 933(c).

Amador County Sheriff’s Department

Findings One, Two and Three: “The Sheriff agrees with the findings.”

2003/2004 GRAND JURY RECOMMENDATIONS SECTION

- Shift police supervisory positions (Chiefs, Lieutenants, and Sergeants) to the Sheriff’s Office
- Retain police patrol in the cities.
- Shift the city police clerical duties to the Sheriff’s Office.

RESPONSES

City of Jackson Police Department

Recommendation One: “Will not implement”

“The current administrative staffing levels need not be changed, as the police departments work efficiently as is. Our current administrative and supervisory staff is well known, liked and trusted by our respective community.”

Recommendation Two: “Implemented.”

Recommendation Three: “Will not implement”

“The citizens of Jackson have come to expect, and they deserve the personal service that can only come from a small police department. We can still invite our citizens into our building without having them sign in and wear a visitor’s badge, which is understood with larger agencies but not at Jackson P.D. Our Clerical Staff are known by their first names and continually receive letters of thanks from our citizens, tourists and other governmental agencies as well. It would not be feasible to give up and turnover something that works better than anything else in place.”

City of Ione Police Department

Recommendation One: "Will not implement"

"This would clearly diminish accountability to both the citizens and to the governing bodies of each city. Having administrators making decisions that do not have an intimate knowledge of the community, a close working relationship with the City Council and citizens, or a vested interest in addressing city-specific problems would be counterproductive. As with the cities of Plymouth and Amador City, the Cities of Ione, Jackson, and Sutter Creek would needlessly be bound by rules, regulations, competing interests, and decisions of an administrative staff that would have too broad of a focus to effectively address their concerns, and would leave the Cities powerless to change and adapt police services as they see fit. Bottom line, the City Council would lose control of its police force-the sheriff does not answer to the Councils."

Recommendation Two: "Agree"

"The Cities have an obligation to their citizens to provide the best protection available for their tax dollar. The County simply cannot provide the same quality and quantity of service for what it costs the Cities because their personnel and equipment costs are much higher."

Recommendation Three: "Will not implement"

"Citizens need the ability to conveniently obtain a copy of a police report, obtain a vehicle release, or access public police records. This is a key service provided by law enforcement agencies. Forcing citizens to go to a location miles away to receive these services is counterproductive and would be a disservice to the community. Moreover, by shifting the workload to existing county staff, the County would either have to hire additional staff or over burden existing staff."

City of Sutter Creek Police Department

Recommendation One Two and Three:

"This recommendation is based upon information not supported adequately. In order to correctly arrive at staffing conclusions, the appropriate research method would have been to conduct a queuing study. In a queuing study, service data is analyzed statistically to create a model which would help determine the number of personnel needed in order to meet previously established service level policies (Render & Stair, 1997). The City of Sutter Creek does not support the notion that its clerical services and supervisory services should be separated from the City. However, the City supports the Grand Jury's recommendation to retain the police patrol in the Cities."

"If this recommendation were adopted, it would eliminate the promotional potential of any Police Officer employed by the Cities. This would be simply unfair and would doom the legitimate need of the City to remain competitive in the pursuit and recruitment of well qualified Police Officers."

“In addition, there exists in every law enforcement community the bias by the larger departments that they are somehow ‘better’ than smaller departments. If supervision were shifted to the Sheriff’s Office, this bias could not but be exacerbated. In our attempt to work more closely together, this policy would have a devastating negative effect.”

Amador County Sheriff’s Department

Recommendations One, Two and Three: **“This recommendation will not be implemented by the Sheriff** because it is unreasonable, when applied to the Sheriff. The Sheriff lacks the authority to implement these recommendations for the County or the cities.”

Budgets

2003/2004 GRAND JURY FACTS SECTION

- The combined police department budget of the three cities is \$2.1 million.
- In 1997, the City of Plymouth saved approximately \$75,000 by eliminating its police department and contracting with the Sheriff.

RESPONSES

City of Jackson Police Department

Fact Two: **“Factually incorrect”**

“The City of Plymouth actually disbanded its police department in the 1980’s, not 1997.”

No responses to the Facts section were required or received from the other law enforcement agencies.

2003/2004 GRAND JURY FINDINGS SECTION

- The police budget is the largest item in each of the three cities’ budgets.
- A substantial savings is available by utilizing the Sheriff for all law enforcement duties within the County.

RESPONSES

City of Jackson Police Department

Finding One: **“Agree”**

Finding Two: **“Disagree”**

“Sheriff’s deputies, supervisory personnel and administrative staff make considerably more in wages than do comparative ranks on the city police departments. Police protection could not be provided by the Sheriff’s Office at

the current staffing levels without a significant increase to the cities law enforcement budgets.”

City of Ione Police Department

Finding One: “Agree”

“Protection of its citizenry is the first tenant of a civilized society.”

Finding Two: “Disagree”

“The recurring theme to the Grand Jury’s report is that by eliminating the three city police departments, savings, albeit of a murky nature, will somehow result. In reality, the only manner in which the Sheriff could possibly reduce costs is to significantly reduce services to the residents of the Cities. Simply shuttering local police departments and maneuvering all law enforcement into the hands of the Sheriff’s Department cannot realistically be seen to enhance public safety.”

City of Sutter Creek Police Department

Finding One:

“Historically, the first taxes raised were for public safety. Public safety continues to be the primary duty of Cities.”

Finding Two:

“Contracting with the Sheriff’s Office is only cheaper if service is reduced. While Plymouth may have saved \$75,000, it went from having constant police patrol to having **only five hours of guaranteed patrol each WEEK** and, **Amador City has no guaranteed hours of patrol**. When compared directly per hour of service per citizen, the Sutter Creek Police Department provides its police service at a rate 22% less than does the Sheriff to County residents. If compared with contract Cities, the Sutter Creek Police Department is substantially cheaper (99.7% less than Amador City’s contract; 95.9% less than Plymouth’s contract with the Sheriff’s Department).”

Amador County Sheriff’s Department

Findings One and Two: “The Sheriff agrees with the findings as stated.”

“However, there are a great many variables that can affect whether or not a savings in realized by consolidating law enforcement services.”

2003/2004 GRAND JURY RECOMMENDATIONS SECTION

- Consolidate local police departments into one law enforcement agency administered by the County Sheriff.

RESPONSES

City of Jackson Police Department

Recommendation: **“Will not implement”**

“The Citizens of Jackson spoke firmly and clearly before its City Council the last time this matter was brought before them several years ago. The Citizens of Jackson made it clear they wanted to keep their Police Department intact and as is without outside interference and to date I have heard nothing less from our citizens.”

City of Ione Police Department

Recommendation: **“Will not implement”**

“For the many reasons stated above, the Cities do not believe that merging all local law enforcement into the Sheriff’s Office will enhance law enforcement services, increase public safety or even provide the current level of services now enjoyed by the residents of the Cities.”

City of Sutter Creek Police Department

Recommendation:

Please refer to the narrative response of the City of Sutter Creek Police Department under Findings One and Two above.

Amador County Sheriff’s Department

Recommendation: **“This recommendation will not be implemented by the**

Sheriff because it is unreasonable, when applied to the Sheriff. The Sheriff lacks the authority to implement these recommendations for the County or the cities.”

Special note from the Sheriff to the Grand Jury

“The Sheriff has reviewed the much publicized ‘City of Sutter Creek Grand Jury Response White Paper’, authored apparently by the Chiefs of Police for Ione, Jackson, and Sutter Creek. The Sheriff feels compelled to comment on the white paper.

Most of the white paper is statement of opinion. The Sheriff is respectful of everyone’s right to have an opinion. The Sheriff also supports the idea that occasionally there is a difference of opinion and that is probably a good thing. It leads to new ideas, collaborations, and potential new solutions to problems.

There is a portion of the white paper that steps away from opinion and purports to cite facts and figures. The conclusion the white paper draws from the facts and figures is that the city police departments are conducting business much more cost effectively than the Sheriff’s Office is. If you follow their facts and figures you would come to that conclusion. There is one major problem with the conclusion.

The conclusions drawn on pages 25 and 26 of the Sutter Creek white paper are drawn from inaccurate facts. In fact the figures quoted in the report are wildly false. The conclusion as a result is also false. Whether these false figures represent sloppy and negligent research or a willful attempt to deceive I do not know. The end result is the same. The conclusions drawn on these two pages are not even remotely accurate or correct.

On page 25 the report states, 'While Plymouth may have saved \$75,000, it went from having constant police patrol to having only five hours of guaranteed patrol each **WEEK** and, Amador City has no guaranteed hours of patrol.' (Punctuation and grammar errors quoted from the white paper.) This statement is grossly inaccurate. Plymouth and Amador City both currently receive sixty hours of patrol time a week from a team of three deputies. The report also makes a statement about Plymouth having 'constant police patrol' before contracting with the Sheriff. At the time the Plymouth Police Department disbanded and the city contracted with the Sheriff, there were only two officers on the department. Unless each of these officers was working eighty-four (84) hours every week, this was not possible. I worked in the County at that time. I can assure you from personal observation that the Plymouth Police Department was not providing 'constant police patrol'. Currently Plymouth gets sixty (60) hours a week of guaranteed patrol time and response to all calls for service 24/7/365.

On page 26 of the report there is a chart of costs and population. There are too many gross inaccuracies for me to bore you with citing each one. Instead I have corrected the chart with accurate figures and then recalculated the conclusions. You will find the corrected chart attached to this document. I also took the liberty of correcting the math in two of the other columns.

Please feel free to contact me if you have any questions or wish to discuss this further."

AMADOR COUNTY DETENTION FACILITY FOLLOW UP REPORT

Introduction

The 2003/2004 Amador County Grand Jury reviewed the County Detention Facility pursuant to California Penal Code (CPC) section 919(b). Responses were required from the Amador County Sheriff and the Board of Supervisors. They were received in accordance with CPC section 933.05, and are reported here.

2003/2004 Grand Jury Findings

The jail is over-crowded. Expansion of the jail does not include added bed space. Jail population on December 15, 2003, was 86 inmates which is 10 inmates over capacity. Average daily population for the year was 80.

- Ten-hour shifts for the Officers within a 24-hour period can lead to inefficiencies, especially during shift overlap, sick leave pay and overtime pay. Eight-hour shifts would increase per-shift staffing of Officers without an increase in personnel. This would be a cost benefit through reduced overtime, holiday, and sick leave payment at 8 hours versus 10 hours per day.
- The 10-hour shift is considered a perk by some.
- Salary is an issue in recruitment and retention of Officers.
- The infirmary is small, tidy and stocked to handle non-emergency situations. Controls are in place to insure items stocked in the infirmary are accounted for.
- The kitchen is small. The meals were exposed to the weather during delivery to the cells.
- The Captain's office was too small.
- The construction, presently underway, will alleviate the administrative over-crowding.
- The new construction will not alleviate the inmate over-crowding.

RESPONSES

Amador County Sheriff's Office:

"The Sheriff agrees with the findings except portions of the second bullet.

The staff is not compensated at ten hours for holidays. The staff is only compensated based on an eight hour day."

Amador County Board of Supervisors:

“The Board agrees with the first finding and the board **concurs** with the Amador County Sheriff’s Office response to Findings Two through Nine.”

2003/2004 Grand Jury Recommendations

- In anticipation of Amador County’s expanding inmate population, additional jail cells should be constructed. Converting the recreation yard into bed space and making the roof a recreation yard is worthy of consideration.
- While it is recognized that the 10-hour shift is a perk to recruit and retain personnel, jail Administration should consider the increased productivity that can be gained by developing 8-hour shifts for Officers.

RESPONSES

Amador County Sheriff’s Office:

Recommendation One: **“Will not be implemented by the Sheriff”**

“It is unreasonable to expect the Sheriff to do this, since the Sheriff lacks the budgetary authority to commit County funding to such a capital outlay project. Only the Board of Supervisors has that budgetary authority. The Sheriff agrees that the jail should add bed space for the growing inmate population. The Sheriff regularly makes this point to the Board of Supervisors. However, only the Board of Supervisors can allocate the funding to actually build additional bed space.”

Recommendation Two: **“Will not be implemented by the Sheriff”**

“The recommendation is not reasonable. The Sheriff has considered all of the issues raised by the Grand Jury about ten hour shifts in the jail, and more. However, the Grand Jury underestimates the impact of switching the corrections staff from four ten hour shifts to five eight hour shifts per week. Corrections staff members have a very difficult and thankless job. They do this with very low pay. They also work nights, weekends and holidays. The Sheriff needs every reasonable inducement possible to attract and retain qualified staff members for the jail. This is one of those reasonable inducements, and probably a more cost effective one than raising the salary considerably for corrections staff.”

Amador County Board of Supervisors:

Recommendation One: **“Will not immediately be implemented”**

“It is an interesting concept and staff has been directed to begin planning for a detention facility expansion in the future.”

Recommendation Two: **“Will not be immediately implemented.** The Board defers to the Sheriff in developing appropriate scheduling strategies.”

CITY OF PLYMOUTH

FOLLOW UP REPORT

Introduction

The 2003/2004 Amador County Grand Jury elected to investigate numerous complaints against the City of Plymouth in reference the Indian Casino issue, pursuant to California Penal Code (CPC) section 925(a). Responses were required from the City of Plymouth and the Amador County District Attorney's Office pursuant to CPC 933(c).

The responses from the City of Plymouth were received in accordance with CPC 933(c). The Amador County District Attorney responded that "The respondent is not the governmental body for which the findings were made. Respondent refers the matter to the City of Plymouth."

Actions by the City Council

2003-2004 GRAND JURY REPORT FINDINGS SECTION

- The City acted without a completed California Environmental Quality Act (CEQA) report.

City of Plymouth: Agreed

The city noted that it acted based upon the advice of counsel that CEQA did not apply to the MSA and that the matter is currently the subject of two lawsuits. These two cases have been consolidated for trial and will determine whether or not CEQA applied to the MSA.

- The hasty approval of the Municipal Services Agreement (MSA) precluded an opportunity to complete a CEQA study prior to passing the MSA.

City of Plymouth: Disagree

The city agrees that the MSA was prepared rapidly. However, they believed that CEQA did not apply to the MSA.

- Provisions have not been made to satisfy CEQA requirements.

City of Plymouth: Disagreed

The city again noted the applicability of CEQA to the adoption of the MSA was under litigation. If the city is obligated to undertake projects under an MSA, then CEQA must be complied.

The City Council was aware that CEQA requirements must be satisfied, but acted without regard to this future expense.

City of Plymouth: Disagreed

The city responded that they were unaware of what the Grand Jury was referring to in respect to "future expense." The city again stated that they felt CEQA did not apply to the adoption of the MSA.

- The City's actions have caused undue expense to the citizens of Amador County by forcing legal action by the County to ensure compliance of a CEQA study.

City of Plymouth: Disagreed

The city felt that until there was a ruling from the court, it is not clear whether the city has caused the county undue expenses or vice-versa.

- In spite of numerous attempts by the public to provide pertinent information, the City Council disregarded this information by drafting the MSA.

City of Plymouth: Disagreed

The response stated the City Council did not disregard the information provided, but believed that the MSA was the best way to obtain mitigation measures from the casino project.

- The upcoming recall election of those council members in favor of this agreement is a reason for the hasty passage of the MSA.

City of Plymouth: Agreed

The response stated that it was felt the City's bargaining position for additional mitigation measures would diminish over time.

- The City has not adequately studied the potential impacts on City services such as law enforcement and educational needs.

City of Plymouth: Agreed

2003-2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- Rescind the Municipal Services Agreement (MSA) until the California Environmental Quality Act (CEQA) requirements have been properly studied and a plan to fulfill the environmental requirements has been established.

City of Plymouth: The recommendation required further analysis.

- Reimburse Amador County for its legal expenses regarding the litigations to stop the MSA.

City of Plymouth: The recommendation will not be implemented.
They stated that it was neither warranted nor reasonable, in that it has not been determined if CEQA applies.

- Open a dialog with the Sheriff's Office to assess the needs of law enforcement.

City of Plymouth: The recommendation will be implemented.

- Consult with the Amador County Unified School District to address the educational needs generated by this project.

City of Plymouth: The recommendation will not be implemented.

The city has already reached out to the school district. The school district indicated it would rather have its own separate dialogue with the Indian Tribe.

- Reopen the MSA to include the costs anticipated by the Sheriff's Office, Amador County Unified School District.

City of Plymouth: The recommendation requires further analysis.

Brown Act Violations: Private Meetings

2003-2004 GRAND JURY REPORT FINDINGS SECTION

- No one heard the context of the conversation between the two City Council members.

City of Plymouth: Agreed

- It is speculation to suggest that the two City Council members were discussing voting options.

City of Plymouth: Agreed

- A Brown Act violation accusation can not be substantiated.

City of Plymouth: Agreed

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- All comments and discussions related to matters before the City Council should be made in an open public forum.

City of Plymouth: This recommendation will be implemented in part, but only to the extent required by the Brown Act.

Letter of Support

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- The City acted without authority in writing a letter of support to the Tribal Chair, not to the Governor. The letter of support was intended for the Governor.

City of Plymouth: Partially agreed

Sending the letter to the Tribal Chief as opposed to the governor was an administrative error, but was remedied by October 2003 with a resolution of support for the casino having been adopted.

- The City did not rescind the motion of September 11th, but passed a new motion in support of the casino project.

City of Plymouth: Partially agreed

On October 16, 2003, the motion in support of the casino was rescinded. That same evening a new motion was made and adopted supporting the casino.

- The Grand Jury has not received evidence that a letter has been sent to the Governor in support of the casino project.

City of Plymouth:

The city neither agrees or disagrees with this finding in that the City is unaware of what evidence the Grand Jury may have received.

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- The City Council should establish a tracking system to verify that directives of the City Council are completed.

City of Plymouth: Agreed

This recommendation will be completed in one month.

Serial Meetings

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- A quorum of City Council members rotated its attendance at private MSA draft meetings, which constituted one component of a serial meeting.

City of Plymouth: Disagreed

The City did not believe that substituting one member for another and continuing the series of meetings constituted a serial meeting under the circumstances involved.

- The Mayor and one member who attended the MSA draft meetings voted in favor of the City's support for the Tribe's casino proposal.
City of Plymouth: Agreed
- The other favorable vote came from the Mayor's father.
City of Plymouth: Agreed
- The City Council had previously voted in support of the casino proposal; therefore, the support for the MSA reflected that support.
City of Plymouth: Agreed
- Inconclusive evidence exists to substantiate the concern the serial meeting resulted in the favorable vote on the MSA.
City of Plymouth: Agreed
- The dissenting vote on the MSA came from the Council member that did not attend the MSA draft meetings and previously voted against the casino proposal.
City of Plymouth: Agreed

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- Open negotiating meetings to citizen observers.
City of Plymouth: This recommendation will not be implemented and is neither warranted nor reasonable. It is not feasible to conduct negotiation of an MSA in a public forum.
- Designate a single City Council member to attend negotiation meetings.
City of Plymouth: Agreed.
This recommendation will be implemented.
- Institute workshop style meetings to allow public participation.
City of Plymouth: Unable to respond.
The City felt the Grand Jury had not explained what a workshop style meeting was.

Political Reform Act (PRA) Violation

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- The manner in which the Council member with a conflict of interest disqualified himself from the proceedings was improper.
City of Plymouth: Agreed

- The Council member with a conflict of interest made a speech which was intended to influence the other Council members.
City of Plymouth: Agreed
- The Mayor did not take action after the infraction had been brought to the Council's attention.
City of Plymouth: Agreed

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- Provide training on the Political Reform Act (PRA) to all members of the City Council.
City of Plymouth: Agreed
The City will provide training on the PRA to the City council within the next six months.
- Refer the conflict of interest matter to the Fair Political Practices Commission.
City of Plymouth: Disagreed
The recommendation is unwarranted under the circumstances.

Water Rate Increase

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- The City failed to follow recommendations of its Ad Hoc Committee.
City of Plymouth: Partially disagreed
This group was never an official committee of the city.

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- Place the water rate issue on an up-coming City Council agenda.
City of Plymouth: The City will implement this recommendation *within the time required by law.*
- Allow the Ad Hoc Committee spokesperson to restate the issues regarding the water rate increase.
City of Plymouth: The City will not implement this recommendation *as it is neither warranted nor reasonable.*
- Provide the actual costs for water service in the City and adjust the rate as necessary.

City of Plymouth: The City will implement this recommendation *within the time required by law, at least as to adopting a program.*

Maintenance of Municipal Facilities

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- Leakage from the system constitutes a loss of revenue.
City of Plymouth: Agreed
- The City operates the water and sewage systems but does not anticipate maintenance needs.
City of Plymouth: Agreed
- The City maintenance crew is on a reactive schedule and only fixes broken or malfunctioning facilities.
City of Plymouth: Agreed
- The City does not provide routine maintenance on the water or sewer systems.
City of Plymouth: Agreed
- Some maintenance is beyond the capabilities of the City maintenance crew.
City of Plymouth: Agreed
- The City has not maintained the required maintenance and repair log for the water system.
City of Plymouth: Agreed

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- Prioritize, schedule, and complete identified maintenance and repair work on the water and sewer systems.
City of Plymouth: This recommendation will be implemented *within the time frame established by law.*
- Obtain cost estimates for the requisite work.
City of Plymouth: This recommendation will be implemented immediately.
- Request bids for the work that cannot be performed by the City's crew.

City of Plymouth: This recommendation will be implemented immediately.

- Establish a program to accomplish the necessary maintenance and repair work.

City of Plymouth: This recommendation will be implemented *within the timeframe provided by law.*

- Establish and maintain a tracking system on water and sewer system maintenance and repairs.

City of Plymouth: This recommendation will be implemented *within the next six months.*

**CITY OF JACKSON
KENNEDY MEADOWS AFFORDABLE HOUSING
PROJECT
FOLLOW UP REPORT**

Introduction

In response to several citizens' complaints, the 2003/2004 Amador County Grand Jury elected to review and evaluate the manner in which the City of Jackson addressed the proposed development known as Kennedy Meadows, pursuant to California Penal Code (CPC) section 925(a).

The City of Jackson responded in accordance with CPC sections 933(c) and 933.05.

Brown Act Concern

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- Council members may view the site of a project, together or individually, as long as there is no commitment to a certain vote.
- Council members may discuss and/or view a related videotape as long as there is no commitment to a certain vote.
- A serial meeting violation of the Brown Act did not occur.
City of Jackson: "The respondent agrees with the findings."

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- None
City of Jackson: n/a

Conflict of Interest

2003/2004 GRAND JURY REPORT FINDINGS SECTION

Note included in City of Jackson's response: "Regarding the last fact, the FPPC declined to provide written advice on the basis that they considered the City's letters of inquiry as "hypothetical" and "execution of the resolution in question would be considered past conduct, another exception to regulation 18329 wherein the FPPC declines to render advice."

- Public discussions and responses regarding this project became very personal and heated.
- Although a Council member may not be in a conflict of interest position, the appearance of a conflict may cause added public concern and speculation.

City of Jackson: "The respondent agrees with the finding."

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- Responses to public discussions should be handled with diplomacy and in a professional manner.
- Public officials should conduct themselves in a manner that is above reproach.

City of Jackson: "The recommendation has been implemented."

Resolutions Actions (Applications for HOME Grant Funds)

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- The City Council of Jackson acted within its jurisdiction in applying for the HOME Grant.

City of Jackson: "The respondent agrees with the finding."

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- None

City of Jackson: n/a

1st Referendum Petition: HOME Grant Application, ARTICLE 34 "Public Housing Project Law" (Vote of the People)

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- The City of Jackson chose to place the referendum petition on the ballot rather than repeal the resolution.
- The Article 34 "Public Housing Project Law" applies to the developer of a project.

City of Jackson: "The respondent partially agrees with this finding.

Article 34 only applies if the City or a public Article agency is the developer of the project, not if a non-profit organization such as Cascade Housing Association is the developer of the project, which appears to be the intent of this statement."

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- None
City of Jackson: n/a

Planning/Zoning

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- The HOME Grant and the level of controversy necessitated that the Planning Commission establish a site plan review committee to study the Kennedy Meadows project.
- The Planning Commission acted within its jurisdiction in approving the environmental and zoning issues.
City of Jackson: "The respondent partially agrees with the findings, noting that the level of controversy triggered a CEQA review by the Planning Commission. The site plan review committee reviews all projects of this nature, regardless of the level of controversy."

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- None
City of Jackson: n/a

2nd Referendum Petition: The California Environmental Quality Act (CEQA)/Site Plan

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- SAGA knew in advance that the referendum petition did not meet the legal standards for placement on the ballot.
City of Jackson: "The respondent does not care to speculate about what SAGA knew."
- The actions taken by the City Council met the applicable legal standards.
City of Jackson: "The respondent agrees with the second finding."

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- None
City of Jackson: n/a

Emergency Agenda Concern

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- The emergency agenda item (HOME Grant Fund application) was received with sufficient time to place it on the regular agenda.
City of Jackson: “The respondent partially disagrees with the first finding. Though there was an indication from the HCD officials regarding the HOME Grant application requirements for a new resolution in late December, it was not conclusive prior to the deadline for placement on the regular agenda.”
- The City Council was aware that the HOME Grant fund application was controversial and the public wanted the chance to express their concerns.
City of Jackson: “The respondent agrees with the second finding.”

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- The City Administration should place time sensitive items on the agenda as soon as possible to avoid the use of their emergency agenda authority for controversial issues.
City of Jackson: “The recommendation has been implemented, as no further controversial issues have been placed on the agenda as emergency items since January, 2003. However, emergency agenda items are impossible to predict and it may be necessary to use this provision of the Brown Act in the future, insuring, of course, that the situation meets the requirements of the Brown Act. It should be noted that the Council reviewed this action, determined there was no violation, notice was given to the complainant of the right to file suit, no suit was filed and the Council’s decision was final.”

Open Competitive Bidding - Administrative Subcontractors

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- The City did not verify that the chosen firms were interested in providing a bid for the general administration of the HOME Grant Program.
City of Jackson: “The respondent agrees with this finding. All three firms were listed on the list of eligible Administrative Subcontractors by the HOME Grant Program and thus assumed to be interested in this activity.”

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- The City should verify that identified firms are interested in submitting a bid.
- Mail Requests for Proposals (RFP) only to those firms who wish to participate.

City of Jackson: "These recommendations have been implemented."

ARROYO DITCH FOLLOW UP REPORT

Introduction

The 2003/2004 Amador County Grand Jury received a citizen's complaint regarding the City of Plymouth's alleged disregard for the water rights and mismanagement of the Arroyo Ditch. The Grand Jury elected to review and evaluate the operation of the Arroyo Ditch pursuant to California Penal Code 925(a).

Responses were required from the City of Plymouth and the Amador Water Agency pursuant to California Penal Code (CPC) section 933(c). Responses were received in accordance with that section as well as 933.05.

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- The Middle Fork of the Cosumnes River does not dry up (except in years of extreme drought), so the potential exists for water to "always" be in the Ditch. The South Fork is usually dry by summer.
- Water ran in the Ditch last year (2003), and was treated.
- The City is not currently utilizing Ditch water for domestic use. The water level is too low to activate the pumps to transport the water uphill to the treatment plant.
- Wells are being utilized as the primary source of domestic water; hence, there is no urgency to repair the Ditch.
- Water in the Ditch could be used beneficially for agricultural purposes.
- Maneuvering equipment to areas in need of repair is often complicated by steep terrain, slippery slopes, and prescriptive easements becoming obscured from property development.
- Lack of maintenance on the Ditch resulted in prescriptive easements not being routinely utilized.
- Access to the Ditch is getting increasingly difficult. Some prescriptive easements have become blocked by property owners planting vineyards and building new homes. The prescriptive easements are subject to loss if they are not routinely utilized and defended.
- Once prescriptive easements are lost, they are difficult to re-establish. Legal representation is often necessary; legal fees are expensive and dissuade Plymouth from actively pursuing re-establishment of the prescriptive easements.

- Gopher holes affect the integrity of the Ditch causing chronic leaks, blow-outs and water loss. Constant maintenance is necessary to avoid excessive damage.
- Due to deferred maintenance, current repairs on the Ditch will require a work crew. Once the Ditch is restored, at least 2 full-time maintenance workers, working exclusively on the Ditch, will be required to maintain it.
- Plymouth has tried to upkeep the Ditch. In addition to efforts by City workers through the years, the Conservation Corp and various prison work-crews have been enlisted to assist with Ditch maintenance. The prison work-crews are no longer utilized due to State budget cuts.
- In good faith efforts to maintain Arroyo Ditch, Plymouth, Amador County, and the Amador Water Agency have invested money. Grants monies have also been accrued for the Ditch.
- Language in the Quitclaim Deed is nebulous and makes issues of compliance open to debate and controversy. Phrases such as “best effort”, “it is the objective”, “reasonable time” are difficult to substantiate and quantify.
- Regardless of interpretation, Plymouth’s attempts to fulfill its responsibility in regards to Arroyo Ditch have proven inadequate. The consensus of those interviewed is that the Ditch is in “shoddy” shape. The City lacks the financial resources, manpower, equipment, technical and engineering expertise to properly manage this valuable resource.
- The current City Administration inherited a legacy of complications surrounding the Arroyo Ditch. Ambivalence about the historical importance of the Ditch as an invaluable asset, and the requisite maintenance, may be due more to frustration than neglect.
- The Administration and citizens of Plymouth have become complacent about protecting the valuable pre-1914 water rights of Arroyo Ditch.

RESPONSES

City Of Plymouth

Findings One and Two: Agreed

Finding Three: Disagreed in part

There have been times in the recent past when the water from the ditch has been utilized.

Finding Four: Disagreed in part

Reasons to repair the ditch include inadequacy of water supply and the protection of the ditch water rights.

Findings Five through Ten: Agreed

Finding Eleven: Partially agreed

The City needs to conduct an analysis to determine the appropriate level of staffing to maintain the ditch.

Findings Twelve through Fourteen: Agreed

Finding Fifteen: Partially agreed

The City is unaware of what those interviewed may have stated. The City also felt they may be able to acquire the resources and expertise to do so.

Finding Sixteen: Disagreed with the finding

To the extent it implies there is any doubt on the part of the City that the ditch is valuable. The City agreed with the remainder of the finding.

Finding Seventeen: Disagreed

There have been many actions undertaken to protect the Arroyo Ditch Rights in the last ten years.

Amador County Board of Supervisors

Finding One: Partially agreed

Different rainfall patterns could influence watersheds.

Finding Two: Agreed

Finding Three: Agreed

Finding Four:

The Board was not familiar with the current philosophies governing ditch operation and therefore felt they could not agree or disagree.

Finding Five: Agreed

Finding Six: Partially agreed

Finding Seven:

Felt they could not agree or disagree.

Finding Eight:

The Board was not familiar with the current status of the ditch easements and felt they could not agree or disagree.

Finding Nine:

Finding Ten:

The Board had not studied the legal issues affecting the ditch easement and could not agree or disagree.

Finding Eleven:

The Board had not studied the operational needs of the ditch in years and could not agree or disagree.

Findings Twelve and Thirteen: Agreed

Finding Fourteen: Disagreed

Finding Fifteen: Partially agreed

The Board felt they could not comment on the City's financial or staffing resources.

Finding Sixteen: Agreed

Finding Seventeen:

The Board was not familiar with the philosophies of the ditch operation and could not agree or disagree.

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- The City of Plymouth should contact the Amador Water Agency and the County of Amador, if appropriate, to negotiate and convey all of the rights, title, and interests in the Arroyo Ditch system, including the water rights and the funds designated for maintenance, to the Amador Water Agency.
- The County of Amador should defend and protect all water rights in Amador County.

RESPONSES

City of Plymouth

Recommendation One: **“This recommendation will not be implemented** as it is neither warranted nor reasonable. These rights are valuable and there is no reason for the City to give them away.”

Amador County Board of Supervisors

Recommendation One:

The Board felt they could not unilaterally implement this recommendation but would assist the City in facilitating solution.

Recommendation Two:

The Board has historically closely monitored water rights and taken action to protect them. They have been and will continue to be implemented.

Amador County Water Agency

Recommendation One:

“The Amador Water Agency is willing to meet with the City of Plymouth and Amador County to discuss this recommendation. Since the Arroyo Ditch is owned by the City of Plymouth, the Agency will consider the Grand Jury’s request only if the City of Plymouth requests Agency involvement.”

RIVER PINES PUBLIC UTILITY DISTRICT

FOLLOW UP REPORT

Introduction

In response to several citizen complaints, the 2003/2004 Amador County Grand Jury elected to review the River Pines Public Utility District (RPPUD) pursuant to California Penal Code (CPC) section 925(a). Responses were required from the RPPUD and the Amador County Health Director pursuant to CPC sections 933(c) and 933.05. Responses were received from the RPPUD and the Amador County Environmental Health Department (ACEHD).

The Grand Jury did not receive RPPUD's response to the report until November 2, 2004. In addition the response was incomplete because it did not address all of the findings and recommendations. These are violations of CPC sections 933.05 and 933(c).

ACEHD responded in a timely fashion. However, not all of the findings and recommendations were addressed in their response, which is a violation of CPC 933.05.

Water Sources and Treatment Systems

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- The Cosumnes River water treatment plant and Well No. 2 cannot provide sufficient water to meet the District's needs.
- Well No. 6R is used as the supplementary water source for RPPUD.
- The levels of bacteria in Well No. 6R can raise to unacceptable levels during wet periods, mandating the standing "Boil Water Order".
- Though funds are available, the State Regional Department of Health (SRDH) has not authorized a new filtration system to be installed on Well No. 6R.
- The SRDH mandates that any district receiving Drinking Water State Revolving Fund monies from the State be Technical, Managerial, and Financial (TMF) capable. The TMF mandates that River Pines, as a public utility district, must have a Water Treatment Operator 2.
- RPPUD has a contract with a local Water Treatment Operator 4 with a Distribution 2 and Waste Water 2 license to take care of its needs. This person exceeds the necessary qualifications.

RESPONSES

River Pines Public Utility District

Findings One through Three, Five and Six: *No response*

Finding Four: *Authorization has been given*

Amador County Environmental Health

Findings One through Six: *No response*

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- Fit Well No. 6R with a treatment system that will filter and disinfect the water pumped.
- Locate and drill a new well on a site that will give RPPUD a new continuous source of good water.

RESPONSES

River Pines Public Utility District

Recommendation One:

The Department of Health Services in Stockton gave approval to work on this project. Cost analysis will also be sent when completed. Woolen and Sons will be the contractor and 10/20/04 will be the tentative start date.

Recommendation Two:

They have submitted plans to Health Services to participate in the new grant programs under Proposition 50. They felt in good position to receive funds to carry out recommendation.

Amador County Environmental Health

Recommendation One:

It is not this department's responsibility to operate and maintain River Pines Public Utilities District facilities. They did concur that effective treatment of this source or an alternate source free of contamination is needed.

Recommendation Two:

Not responsible for this recommendation. Not within the departments' scope.

History of Wells Number 6 & 6R

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- Well No. 6R was not drilled where the water experts had suggested.
- Drilling Well No. 6R thirty feet away from contaminated and condemned Well No. 6 did not solve the water problems.

RESPONSES

River Pines Public Utilities District

Finding One: "Not correct"

A well was drilled there but only produced three gallons per minute. Therefore, a new well was drilled.

Finding Two: No response

Amador County Environmental Health

Findings One and Two: No response

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- None

Contamination Possibilities

2003/2004 GRAND JURY REPORT FINDINGS SECTION

- Cosumnes River may be one cause of the contamination of Wells 6 and 6R
- Nearby septic systems (even though they meet county code requirements of being more than 100 feet from the well), horse stables located uphill from the wells, and a local duck pond may contribute to the contamination of Wells No. 6 and 6R.
- Customers of River Pines Public Utility District are applying for permits to dig wells and install septic systems.

RESPONSES

River Pines Public Utility District

Findings One, Two and Three: No response

Amador County Environmental Health

Finding One:

"The Cosumnes River runs 1500 feet to the north of 6R."

Finding Two: Disagreed

It appears that these structures are in excess of 500 feet from well 6R. Potential for impacts to the well from these structures is considered remote by this department.

Finding Three: Disagreed

This office has located no applications for permits to dig wells or on site sewage disposal systems within the River Pines PUD.

2003/2004 GRAND JURY REPORT RECOMMENDATIONS SECTION

- Install an effective water filtration system on Well No. 6R.
- Annex nearby residences to the sewer line, complying with River Pines Public Utility District Ordinance 02-004.
- Seek grants to develop a new well system in a viable location.
- Enforce Amador County and River Pines Public Utility District codes and ordinances.

RESPONSES

River Pines Public Utility District

Recommendations One and Three: Will be implemented

The District has received approval for this project.

Recommendations Two and Four: No response

Amador County Environmental Health

Recommendation One:

It is not the responsibility of this department to operate or maintain this system.

Recommendation Two: Will not implement

Annexation to the district requires public hearings and action by the Local Agency Formation Commission.

Recommendation Three:

Not within scope of responsibility to implement or carry out.

Recommendation Four:

This office enforces applicable county codes as well as delegated state and federal laws and regulations.

State Regional Department of Health

GRAND JURY REPORT FINDINGS SECTION

- The “Boil Water Order” will stand in River Pines Public Utility District until the Regional Department of Health authorizes a filtration system.
- RPPUD has applied for a grant under Proposition 50 for a new well to be drilled across the street and up the hill from Well No. 6R as well as to deepen Well No. 2.

RESPONSES

River Pines Public Utility District

Finding One: *No response*

Finding Two: *Agreed*

Amador County Environmental Health

Finding One: *No response*

Finding Two: *No response*

GRAND JURY REPORT RECOMMENDATIONS SECTION

- Pursue options with the State to get an approved filtration system on Well No. 6.
- Comply with the California Safe Drinking Water Act.

RESPONSES

River Pines Public Utility District

Recommendation One: **Will be implemented**

Recommendation Two: *There was no direct mention of this Act in the RPPUD's responses.*

Amador County Environmental Health

Recommendation One: *No response*

Recommendation Two: *There was no direct mention of this Act in the Agency's responses.*

Grand Jury Citizen Complaint Form

To:
Amador County Grand Jury
P.O. Box 249
Jackson CA 95642

Date: _____

Read other side of page before filling out this form

1. This complaint is against:

Name: _____
Title: _____
Organization: _____
Address: _____

2. My complaint against the above is:

3. Before filling out this form I have contacted:

4. Complainant:

Name: _____
Address: _____
Phone: _____

5. I request the following action:

The information in this form is true, correct, and complete to the best of my knowledge.

(Signature)

All communications to the Grand jury are confidential
Grand Jury Citizen Complaint Form

Citizen Complaints:

The Grand Jury is empowered to investigate complaints from citizens, civic groups, government employees, and others, about the workings of local governments, prisons/jails, some private non-profit organizations, certain schools and school districts, and other organizations, and the conduct of their officers and employees. The Grand Jury is the guardian of public trust in local government and the proper use of public funds.

Confidentiality:

In all its proceedings and investigations the Grand Jury is sworn to maintain complete secrecy. The members of the Grand Jury apply the same objective standard of conduct and responsibility to all persons and entities, and are not influenced by sentiment, conjecture, sympathy, public feelings, passion, or prejudice.

Complaint Process:

The Grand Jury investigates complaints presented to it in any form, but is desirous that this form is used whenever possible. Please identify the specific problem and describe the circumstances. Present your complaint with all available evidence and submit copies of all available documents. The Grand Jury will acknowledge receipt of your complaint. Mail this complaint form to:

Amador County Grand Jury
P.O. Box 249
Jackson CA 95642

Instructions for completing form:

1. **This complaint is against:** Give as much information as possible to locate the person or organization.
2. **My complaint against the above is:** Describe the problem in your own words. Be concise, provide dates, times, and names of individuals involved. Cite specific instances as opposed to broad statements. Attach photographs, correspondence, or documentation that supports the complaint. If a longer explanation is necessary attach extra sheets and show the number on the last line of the first sheet (i.e. 2 additional sheets attached.)
3. **Before filling out this form I have contacted:** Attempt to correct the problem before contacting the Grand Jury and explain what you have done in that regard so that we do not repeat the same steps you have taken.
4. **Complainant:** Please tell us how we may contact you for further information, if necessary. Your confidentiality will be rigorously protected.
5. **I request the following action:** The Grand Jury will acknowledge receipt of your complaint and may advise you whether or not an investigation will be undertaken. If the Grand Jury feels your issue is not within its jurisdiction we will so advise you.

Grand Jury Glossary

To increase the public's awareness of the codes, regulations, and laws that permeate the Grand Jury's functions, the 2004/2005 Grand Jury has assembled the following excerpts from law books and legislation acts.

The Brown Act:

Throughout California's history, local legislative bodies have played a vital role in bringing participatory democracy to the citizens of the state. Local legislative bodies, such as boards, councils and commissions, are created in recognition of the fact that several minds are better than one, and that through debate and discussion, the best ideas will emerge. The law which guarantees the public's right to attend and participate in meetings of local legislative bodies is commonly known as the "Brown Act." The Brown Act is contained in Section 54950 of the Government Code. The Brown Act Preamble states, "Public commissions, boards, councils and other legislative bodies of local government agencies exist to aid in the conduct of the people's business. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created.

Brown Act Violations: Serial Meetings:

The issue of serial meetings stands at the vortex of two significant public policies: first, the constitutional right of citizens to address grievances and communicate with their elected representatives; and second, the Act's policy favoring public deliberation by multi-member boards, commissions and councils. The purpose of the serial meeting prohibition is not to prevent citizens from communicating with their elected representatives, but rather to prevent public bodies from circumventing the requirement for open and public deliberation of issues.

The Act expressly prohibits serial meetings that are conducted through direct communications, personal intermediaries or technological devices for the purpose of developing a concurrence as to action to be taken.

Typically, a serial meeting is a series of communications, each of which involves less than a quorum of the legislative body, but which taken as a whole involves a majority of the body's members. The statutory definition also applies to situations in which technological devices are used to connect people at the same time who are in different locations.

California Code of Regulations:

The California Code of Regulations (CCR) are regulations that have been formally adopted by state agencies, reviewed and approved by the Office of Administrative Law, and filed with the Secretary of State. The CCR consists of

28 titles and contains the regulations of approximately 200 regulatory agencies. A regulation is a rule adopted by a state regulatory agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure. Legally adopted regulations filed with the Secretary of State have the force of law.

California Codes: Welfare and Institutions Code Sections 5150-5151

5150. When any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, designated members of a mobile crisis team provided by Section 5651.7, or other professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

5150.1. No peace officer seeking to transport, or having transported, a person to a designated facility for assessment under Section 5150, shall be instructed by mental health personnel to take the person to, or keep the person at, a jail solely because of the unavailability of an acute bed, nor shall the peace officer be forbidden to transport the person directly to the designated facility. No mental health employee from any county, state, city, or any private agency providing Short-Doyle psychiatric emergency services shall interfere with a peace officer performing duties under Section 5150 by preventing the peace officer from entering a designated facility with the person to be assessed, nor shall any employee of such an agency require the peace officer to remove the person without assessment as a condition of allowing the peace officer to depart.

"Peace officer" for the purposes of this section also means a jailer seeking to transport or transporting a person in custody to a designated facility for assessment consistent with Section 4011.6 or 4011.8 of the Penal Code and Section 5150.

5150.2. In each county whenever a peace officer has transported a person to a designated facility for assessment under Section 5150, that officer shall be detained no longer than the time necessary to complete documentation of the factual basis of the detention under Section 5150 and a safe and orderly transfer of physical custody of the person. The documentation shall include detailed information regarding the factual circumstances and observations constituting probable cause for the peace officer to believe that the individual required psychiatric evaluation under the standards of Section 5105.

Each county shall establish disposition procedures and guidelines with local law enforcement agencies as necessary to relate to persons not admitted for evaluation and treatment and who decline alternative mental health services and to relate to the safe and orderly transfer of physical custody of persons under Section 5150, including those who have a criminal detention pending.

5151. If the facility for 72-hour treatment and evaluation admits the person, it may detain him or her for evaluation and treatment for a period not to exceed 72 hours. Saturdays, Sundays, and holidays may be excluded from the 72-hour period if the Department of Mental Health certifies for each facility that evaluation and treatment services cannot reasonably be made available on those days. The certification by the department is subject to renewal every two years. The department shall adopt regulations defining criteria for determining whether a facility can reasonably be expected to make evaluation and treatment services available on Saturdays, Sundays, and holidays.

Prior to admitting a person to the facility for 72-hour treatment and evaluation pursuant to Section 5150, the professional person in charge of the facility or his or her designee shall assess the individual in person to determine the appropriateness of the involuntary detention.

If in the judgment of the professional person in charge of the facility providing evaluation and treatment, or his or her designee, the person can be properly served without being detained, he or she shall be provided evaluation, crisis intervention, or other inpatient or outpatient services on a voluntary basis.

Nothing in this section shall be interpreted to prevent a peace officer from delivering individuals to a designated facility for assessment under Section 5150. Furthermore, the preadmission assessment requirement of this section shall not be interpreted to require peace officers to perform any additional duties other than those specified in Sections 5150.1 and 5150.2.

California Codes: Welfare and Institutions Code Sections 5170-5170.1

5170. When any person is a danger to others, or to himself, or gravely disabled as a result of inebriation, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, or other person designated by the county may, upon reasonable cause, take, or cause to be taken, the person into civil protective custody and place him in a facility designated by the county and approved by the State Department of Alcohol and Drug Abuse as a facility for 72-hour treatment and evaluation of inebriates.

5170.1. A 72-hour treatment and evaluation facility shall include one or more of the following:

1. A screening, evaluation, and referral facility which may be accomplished by a mobile crisis unit, first aid station or ambulatory detoxification unit;
2. A detoxification facility for alcoholic and acutely intoxicated persons.
3. An alcohol recovery house.

California Penal Code Section 925:

The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts. The investigations may be conducted on some selective basis each year, but the grand jury shall not duplicate any examination of financial statements which has been performed by or for the board of supervisors pursuant to Section 25250 of the Government Code; this provision shall not be construed to limit the power of the grand jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county. The grand jury may enter into a joint contract with the board of supervisors to employ the services of an expert as provided for in Section 926.

California Penal Code Section 925(a):

The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county. In addition to any other investigatory powers granted by this chapter, the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of recommendations as it may deem proper and fit.

The grand jury may investigate and report upon the needs of all joint powers agencies in the county, including the abolition or creation of agencies and the equipment of, or the method or system of performing the duties of, the several agencies. It shall cause a copy of any such report to be transmitted to the governing body of any affected agency.

California Penal Code Section 928:

Every grand jury may investigate and report upon the needs of all county officers in the county, including the abolition or creation of offices and the equipment for, or the method or system of performing the duties of, the several offices. Such investigation and report shall be conducted selectively each year. The grand jury shall cause a copy of such report to be transmitted to each member of the board of supervisors of the county.

California Penal Code Section 933 (b):

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

California Penal Code section 933(c):

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

California Penal Code Section 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 finding, the responding person or entity shall indicate 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 time frame from implementation.
 - (3) The recommendation requires further analysis, with 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 or head 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 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.

California Penal Code Section 933.5:

A grand jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such district or commission.

California Penal Code Section 933.6:

A grand jury may at any time examine the books and records of any nonprofit corporation established by or operated on behalf of a public entity the books and records of which it is authorized by law to examine, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such nonprofit corporation.

COUNTY OF AMADOR POLICIES AND PROCEDURES MANUAL		Number
		2-100
SECTION: HUMAN RESOURCES	SEXUAL HARASSMENT	
ISSUE DATE: September 5, 1995		
PAGE NO: 1 - 8		

PURPOSE

The County is committed to the maintenance and promotion of the policy of nondiscrimination and sound merit principles in all aspects of personnel management affecting its employees and applicants. Personnel management will be implemented free of discrimination, sexual harassment, and any other conduct inconsistent with sound merit principles. In order to provide employees of Amador County a workplace free from sexual harassment, the Board of Supervisors approves the following Policy. The County of Amador, with the adoption of this Policy, conveys to its employees strong disapproval of any type or degree of sexual harassment. All employees, including without limitation supervisors, department heads, and elected officials (“Employees”), should be aware of behavior that constitutes sexual harassment and the consequences of such behavior. They should be aware that sexual harassment of another Employee or members of the public shall be grounds for disciplinary action, including termination.

Courtesy, consideration for others, and acknowledgement that the workplace is for working are the collective basis for avoiding sexual harassment.

APPLICABILITY

This Policy is applicable to all Employees, without exception.

POLICY

1. It is the policy of Amador County that Employees be provided a working environment free of unlawful discrimination. Sexual harassment, as it poses an unequal employment burden, is a form of sexual discrimination under Title VII of the Civil Rights Act of 1964 and California Government Code 12950. The work environment should be business-like and assure fair and courteous treatment for Employees, job applicants, and the public. Inappropriate Employee actions can decrease productivity, undermine the integrity of the employment relationship, decrease morale, and cause emotional and physical stress.

2. This Policy applies to all phases of the employment relationship, including recruitment, testing, hiring, upgrading, promotion/demotion, transfer, layoff, termination, rates of pay, benefits, selection for training and working together.
3. Employees shall be provided with a copy of the Policy upon hiring and be assured of their right to file complaints without fear of reprisal. This does not apply to an Employee who willfully and intentionally makes false charges. Employees should also understand the importance of reporting incidents promptly so that the County can take action to assure that further incidents do not occur.
4. The Board of Supervisors expects County department heads and officials to act promptly and forcefully to prevent sexual harassment. The County and the Union shall cooperate in providing all Employees training in identifying, dealing with, and remedying sexual harassment issues which arise in the workplace. Employees are advised by this Policy that sexual harassment will not be tolerated. Employees are further advised that sexual harassment of another Employee or member of the public may be grounds for disciplinary action, up to and including termination of employment.

DEFINITIONS

1. "Sexual harassment" as used in this Policy, includes any unsolicited and unwanted sexual conduct by any Employee, be it written, verbal, physical, visual, or other conduct whenever:
 - A. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - B. submission to, or rejection of, such conduct by an Employee is used as basis for employment decisions affecting the Employee; or
 - C. such conduct has the potential to affect an Employee's work performance negatively, or create an intimidating, hostile or otherwise offensive work environment.
2. For the purpose of further clarification, sexual harassment includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list:
 - A. Making unsolicited written, verbal, or physical contact with sexual overtones. Some examples are: making or using derogatory comments, epithets, slurs or jokes of a sexual nature; verbal sexual advances or propositions; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexual degrading words used to describe an individual; suggestive or obscene letters,

notes, or invitations; leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters; and/or touching, assaulting, impeding or blocking movements.

- B. Continuing to express sexual interest after being informed that the interest is unwelcome (reciprocal attraction is not considered sexual harassment).
 - C. Within the work environment, engaging in explicit or implicit coercive sexual behavior which controls, influences, or affects the career, salary, and/or work environment or any other term or condition of employment.
 - D. Making reprisals, threats of reprisals, or implied threats of reprisal following a negative response to a sexual advance. For example, within the work environment, either suggesting or actually withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance evaluation will be prepared; or suggesting probation will be failed.
 - E. Offering favors or employments benefits, such as promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassification, etc., in exchange for sexual favors.
3. Specific standards for Sheriff's Department personnel while in uniform and also off duty, established by the Amador County Sheriff's Department, are in addition to this policy.

CONFIDENTIALITY

Management's keeping confidential sexual harassment charges is clearly important to encourage a complainant's communicating facts constituting sexual harassment to County management. On the other hand, County management must effectively discipline and otherwise stop sexual harassment from occurring. To the extent feasible, County management shall harmonize confidentiality with the need for disciplinary action or other enforcement measures, which may not be confidential as a matter of law. County management shall make all reasonable efforts to protect the privacy of the complainant to the extent compatible with stopping sexual harassment. Documents expressing final adverse action against a harasser shall be Maintained in personnel files like other confidential personnel records. Complaints shall not be maintained in the complainant's personnel files unless the complainant requests them to be so maintained.

OBLIGATIONS AND RESPONSIBILITIES

1. Every Employee has an obligation to assure that the work environment is free from all types of discrimination, including sexual harassment. Prevention is the best tool. Prompt, appropriate action may help avoid, or at least minimize, sexual harassment.
2. It is the responsibility of each Employee to remain sensitive to the effects that His/her behavior may have on others in the workplace. Employees should take the time to gauge the appropriateness of their behavior before they act. If any Employee perceives that a statement, action, written word, or visual piece has offended someone, the Employee should immediately, or at some appropriate time, seek to rectify the situation by means of an apology or other appropriate gesture.
3. The County may be responsible for the sexual harassment by an Employee if appropriate action is not taken to stop the sexual harassment. It is a guiding principle of this Policy that the Board of Supervisors and the Union shall, as a cooperative responsibility, communicate to Employees the existence and content of this Policy. The Administrative Coordinator shall be the County's designated representative in sexual harassment matters. This Policy shall be provided to and reviewed with new Employees at their orientation, at which time the Employee shall be required to sign off an acknowledgement that the Employee has received, understands, and will adhere to the Policy.
4. In addition to the obvious morale, employee turnover, and productivity implications of sexual harassment, there can also be costly court proceedings which may result in awards of back pay and damages, withdrawal of federal support funds, and other adverse actions or situations where sexual discrimination is found to have occurred. Employees may be held personally liable for incidents of sexual harassment as defined in this Policy.

EMPLOYEE ACTIONS

1. People may not be aware that their behavior is offensive or constitutes sexual harassment. Often simply advising someone of the offensive nature of his/her behavior will resolve the problem. Whenever possible, Employees should inform the harasser that his or her behavior is unwelcome, offensive, in poor taste, or inappropriate. If this does not resolve the concern, or if the Employee is not comfortable broaching the subject with the other Employee, Employees are encouraged to report harassment as described in this Policy to his/her supervisor, department head, elected official, employee organization, County Counsel, or the Administrative Coordinator.
2. The Board of Supervisors understands and appreciates that an offended Employee may feel uncomfortable or threatened or have difficulties expressing concerns of this nature. Notwithstanding such difficulties, it is the policy of this

County for Employees to resolve incidents of sexual harassment by reporting such incidents to the responsible official for appropriate action.

3. This Policy requires any person who is sexually harassed and believes himself/herself to be likely to be harassed again by the same harasser to report every incident of sexual harassment to his/her department head and/or the Administrative Coordinator. Any department head who has knowledge of any sexual harassment shall report all known incidents to the Administrative Coordinator if the actions taken within the department the first time does not cure the problem.

RESOLUTION OF COMPLAINTS

1. Any complaint regarding sexual harassment shall be attempted to be resolved through direct discussion between the Employees involved if the complainant believes that such discussion is appropriate and warranted.
2. If the discussion between the Employees is deemed by the complainant to be Unwarranted or inappropriate or, after it is undertaken has not led to the resolution of the problem, the complainant shall refer the matter to his/her department head or Administrative Coordinator and, at the Employees discretion, the Union representative for resolution.
3. If the department head is so notified, he/she shall attempt to resolve the matter. And if he/she is not successful in so doing, or another incident arises between the same Employees, the department head shall immediately notify the Administrative Coordinator for further action.
4. The Administrative Coordinator shall conduct an investigation into the complaint and/or require disciplinary action or other action to be implemented by the department head.
5. The complainant shall be informed of the results of the investigation and if any disciplinary action was taken.
6. No Employee shall use influence or attempt to suppress a complaint or any part thereof and no Employee shall be subject to any retaliation or reprisal for filing the complaint and participating in any investigation or disciplinary action caused in whole or in part by sexual harassment.
7. A sexually harassed Employee may file a grievance in accordance with Section 20 of the Agreement. To the extent allowed by law, the filing of such a grievance and the prior communication of the sexual harassment being complained of to the complainant's department head shall constitute administrative/contractual remedies which a sexually harassed Employee shall complete prior to filing a complaint with the State Department of Fair

Employment and Housing, the Federal Equal Employment Opportunity Commission, or a court with jurisdiction. While an Employee is exhausting his/her administrative/contractual remedies as set forth herein, the statute of limitations for filing a state or federal administrative or judicial complaint shall be tolled.

DISTRIBUTION AND TRAINING

1. This Policy, and any revisions thereof, shall be distributed to Employees.
2. The County and the Unions shall cooperate together to provide jointly to department heads, elected officials, supervisors, and Employees specialized training to inform them of and sensitize them to conduct/behavior that constitutes sexual harassment and the consequences of such actions, and to communicate departmental procedures for remedying complaints.
3. Department head and elected official training programs and Employee orientation programs should contain a comprehensive section on sexual harassment, on employee rights and responsibilities when harassment occurs, and on supervisory responsibilities and obligations when harassment is complained of or suspected.

RESPONSIBLE DEPARTMENTS/AGENCIES

ADMINISTRATIVE AGENCY
COUNTY COUNSEL

REFERENCES

BOS POLICY RESOLUTION NO. 95-404
GENERAL UNIT MOU 95-97, Appendix D
SHERIFF'S OFFICE ASSOCIATION MOU 95-97, Appendix C
SHERIFF'S OFFICE MID-MANAGEMENT UNIT MOU 95-97

COUNTY OF AMADOR POLICY AND PROCEDURES MANUAL		Number
		2-900
SECTION: HUMAN RESOURCES	DRESS AND PERSONAL APPEARANCE	
ISSUE DATE: June 2, 1998		
PAGE NO: 1-2		

PURPOSE

To establish guidelines for appropriate dress and appearance during normal business hours.

SCOPE

This policy applies to all employees, with the exception of the Sheriff's Office employees.

POLICY

The County expects employees to maintain an appropriate appearance that is businesslike, neat, and clean, and does not constitute a safety hazard, as determined by the requirements of the area in which the employee works. In determining what employees should wear, the following factors should be considered:

1. The nature of the work.
2. Safety considerations, such as necessary precautions when working near machinery, chemicals or hazardous waste. This may include hard hats, safety shoes, pants instead of dresses, hair nets, eye and ear protection, protective aprons, and special suits when handling chemicals and hazardous materials.
3. The nature of the employee's public contact, if any, and the normal expectations of outside parties with whom the employee will work.

Appropriate appearance includes, but is not limited to, the following:

4. **Apparel.** Generally, employees should wear appropriate attire for the work they do and the environment in which they do it. The following MAY be inappropriate in some work settings:
 - A. Tattered jeans
 - B. Shirts or sweatshirts displaying crass or vulgar advertising or writing.
 - C. Any revealing or provocative clothing.
 - D. Faded or tattered tennis shoes.

- E. Thongs or zoris.
- 5. **Hair.** Hair should be clean, combed and appropriately trimmed or arranged. This pertains to sideburns, moustaches and beards. Unkempt hair is not permissible.
- 6. **PERSONAL HYGIENE.** Good personal hygiene habits must be maintained.

PROCEDURES

The Department Head is responsible to evaluate the dress and appearance of employees under his or her supervision and to apply clear standards fairly and equitably. If any employee is not dressed appropriately, the following steps should be taken by the Department Head:

1. On the first occasion, the Department Head should discuss the matter with the employee, and the County's dress and appearance standards should be reviewed with the employee.
2. On the second occasion, the employee may be sent home to change clothes. The employee may be given a verbal warning. The employee shall be appraised of the right to Union representation regarding any proposed discipline.
3. Further violations may result in progressive discipline up to, and including dismissal.
4. If an employee disagrees with the Department Head's judgement on matters of Dress, the employee should seek a second opinion from the next level of management.

RESPONSIBLE DEPARTMENTS

ADMINISTRATIVE AGENCY-Personnel Division

REFERENCES

BOS Policy Resolution No. 98-181