

Madera County Grand Jury



Madera County Justice Center: District Attorney's Office Probation Department
Photograph by Nina Zarucchi-Mize

MADERA COUNTY GRAND JURY

2022 - 2023

FINAL REPORT

2022 -2023 FINAL REPORT
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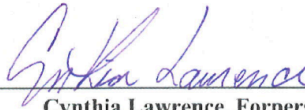
Madera County Grand Jury

2022-2023 Madera County Grand Jury Final Report

With signature below this document becomes

The Final Report of the
2022-2023 Madera County Grand Jury
July 1, 2022 - June 30, 2023

Approved by the Grand Jury:



Cynthia Lawrence, Forperson

2022-2023 Madera County Grand Jury

Accepted for Filing:



Honorable Michael Jurkovich

Supervising Judge of the Grand Jury, Madera Superior Court



SUPERIOR COURT

COUNTY OF MADERA

STATE OF CALIFORNIA

ERNEST J. LICALSI 200 SOUTH "G" STREET PRESIDING JUDGE
MADERA, CA 93637 (559) 416-5599 DALE J. BLEA FAX (559) 675-6565

ASSISTANT PRESIDING JUDGE

ADRIENNE CALIP
COURT EXECUTIVE OFFICER

June 20, 2023

Re: 2022-2023 Grand Jury

To the Citizens of Madera County:

As the supervising judge of your Madera County Civil Grand Jury, it is my privilege to report to you at the conclusion of the 2022-2023 grand jury term. Your grand jury is a part of the judicial branch of government. However, neither I nor the court provide direction to the grand jury on what matters or agencies should be investigated. As such, your grand jury is truly independent.

The grand jury is comprised of citizens of Madera County. Each grand jury term is for one year (the beginning of July to the end of June, each year).

The grand jury exists to serve as an independent examining and investigative body charged with monitoring the operation of state and local government. These investigations assist your government in operating more effectively and efficiently. We all benefit from their work. Grand jurors do not perform this service for public acclaim. Quite to the contrary, their work often places them at odds with elected officials, public employees, as well as other members of the community.

Prior to their selection, all prospective grand jury members are interviewed. I can assure you each is motivated by one reason - community service. The grand jury members are a diverse group, with diverse backgrounds. It is this diversity which makes for such an effective body. This diversity is also why no grand jury is quite the same. This is also a benefit to the citizens of Madera County.

Each juror who served on the grand jury during the 2022-2023 term did so without complaint and with the diligence required to perform their job as representatives of the residents of Madera County. The grand jury has produced detailed reports. These reports also contain recommendations. We all benefit from the work of the grand jury.

In conclusion, I wanted to personally thank each member of the 2022-2023 grand jury for selflessly devoting to your community so much of your personal time during this grand jury term.

wanted to specifically thank this year's foreperson, Ms. Cynthia Lawrence, for her guidance to the grand jury this term.

Respectfully yours,



Michael J. Jurkovich
Supervising Judge
2022-2023 Madera County Civil Grand Jury



Madera County Grand Jury

Madera County Grand Jury
PO Box 534
Madera, CA 93639

June 25, 2023
Honorable Michael Jurkovich
Supervising Judge of the Grand Jury
Madera Superior Court

Dear Judge Jurkovich

The 2022-2023 Madera County Grand Jury hereby respectfully submits its Final Report. This report is a collection of all reports completed during the 2022-2023 term, and includes responses from reports filed during the 2021-2022 term.

The Grand Jury members have worked earnestly to produce a report that proves beneficial to the citizens of Madera County. We believe we have accomplished the task we were charged with and have reported on serious issues affecting the citizens of Madera County. We strongly encourage every citizen in the County to read the report, *review the findings, and recommendations as the investigations provide insight into the functions of their local government.*

The Grand Jury would like to extend their heartfelt thanks to Jury Division Supervisor, Erin Kinney and her staff, for all of their efforts in recruitment and maintaining a viable Grand Jury Panel. The Grand Jury would also like to thank the County Grand Jury Administration for their services throughout the year. We are most appreciative of your Honor for your guidance, support, and patience throughout the year.

Personally, I extend my gratitude to my fellow "Watchdogs" for your commitment to hard work, cooperation in overcoming obstacles, and collegial work ethic. We came together from a variety of life experiences, education, and strengths. This diversity contributed to the successful completion of the Final Report.

Finally, this Grand Jury has come to appreciate the charge of oversight given to a civil grand jury. We encourage our fellow citizens to volunteer for the Madera County Grand Jury. The grand jury is an independent voice of the checks and balances of our local government, which helps to assure effective and efficient service to its citizens.

Respectfully submitted,

Cynthia Lawrence, Foreperson
2022-2023 Madera County Grand Jury

The 2022-2023 Madera County Grand Jury wished to acknowledge and thank

the following:

The Honorable Michael Jurkovich
Supervising Judge of the Grand Jury

Ms. Erin Kinney

Superior Court Jury Division Supervisor

Ms. Regina Garza
Madera County Counsel

Mr. Wiley Driskill

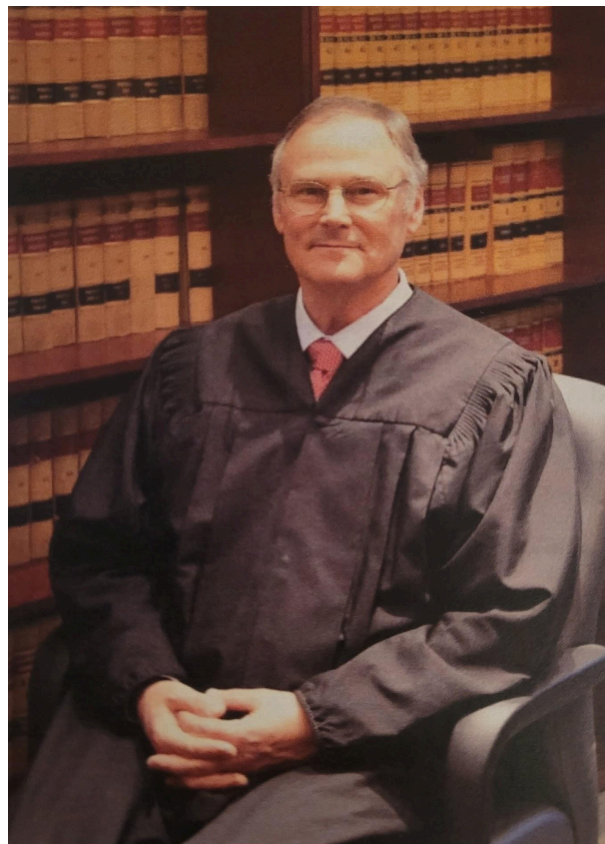
Madera County Deputy County Counsel

Madera County Administration Staff

Madera County IT Staff



**The Honorable
Michael Jurkovich**
Supervising Judge of the Madera
County Grand Jury.
Judge of the Madera County
Superior Court.



2022-2023 Madera County Grand Jury



From Left to Right:

Rod Hatzman, Louis Martinez, Dorene Delt, Zygmund Zee, William McPike, Diane Hatch,
Foreperson Cynthia Lawrence, Naomi Wyatt, Nina Zarucchi-Mize, Deborah Jackson,
Steven Rice, Deborah Sutherland, Allen St. Lucia, Mary Norris, and Mark Swan.

Duties, Purpose, and Powers of the Grand Jury

In California today, the grand jury is required by provisions of the Penal Code to

(1) Make an annual examination of the operations, accounts, and records of the officers, departments, or functions of the county including any special district for which officers of the county are serving as ex-officio officers of the district; and

(2) Inquire into the condition and management of prisons within the county.

The grand jury may investigate or inquire into county matters of civil concern, such as the needs of county officers, including the abolition or creation of offices and the equipment for , or the method or system of performing the duties of the several offices.

Other powers permitted to the grand jury include

(1) Free access, at reasonable times, to public prisons;

(2) The right to examine all public records within the county;

(3) The right to examine books and records of

(a) Any incorporated city or joint powers agency located in the county;

(b) Certain redevelopment agencies and housing authorities;

(c) Special purpose assessing or taxing districts wholly or partly within the county; and

(d) Nonprofit corporations established by or operated on behalf of a public entity;

(4) The authority to investigate and report on operations and methods of performing duties of any such city or joint powers agency and to make recommendations as deemed proper;

(5) The ability, with permission to the Superior Court, to hire such experts as auditors and accountants; and

(6) The right to inquire into the sale, transfer, and ownership of lands, which might or should escheat to the state.

(7) The grand jury is also likely to receive a number of citizen complaints, many of which involve operations of county, city, or special districts. Whether the complaint is civil or criminal, rules of secrecy apply, and the grand jury may not divulge the subject of methods of inquiry.

Marianne Jameson. Ph.D.

Grand Jury Contact Information

Madera County Grand Jury

PO Box 534

Madera, California 93639

Telephone:

(559) 662 0946

Fax:

(559) 662 0848

Website:

<https://www.maderacounty.com/grand-jury/grand-jury>

Email:

info@maderagrandjury.org

complaints@maderagrandjury.org

Penal Institutions in Madera County

Summary: Mandated by California Penal Code 919(b), the Madera County Grand Jury (MCGJ) conducts an inquiry into the conditions and management of the detention facilities within the county. Sections 919(a), 925, and 925(a) authorize the MCGJ to investigate county and city jails and other detention facilities within the county. Inspections are intended to highlight efficiencies, note any deficiencies, and ensure that the incarcerated are treated in an appropriate manner. The MCGJ inspected facilities, observed the programs in action, and spoke with several of those in custody and institutional staff.

Background: As required by the California State Penal Codes 919(a), 919(b), 925(a), and 925(b) the Grand Jury in each county in California must conduct a Detention Facility Inspection. The inspections in Madera County were conducted at the Madera County Juvenile Detention Facility, the Madera County Department of Corrections (Jail), Valley State Prison (VSP), and the Central California Women's Facility (CCWF).

Under Proposition 57, the California Department of Corrections and Rehabilitation (CDCR) motivates inmates to take responsibility for their own rehabilitation with credit-earning opportunities for sustained good behavior as well as prison programs and activity participation. An early release is considered for nonviolent offenders who have served the full-term sentence for their primary offense and have demonstrated their release to the community would not pose an unreasonable risk.

Methodology: Referenced the following documentation:

- Reviewed the Jail Inspection Handbook for Grand Jurors provided by the California Board of Community and State Corrections (BCSC).
- Reviewed Detention Facility Inspection forms provided by the respective institutions.
- Reviewed Previous Grand Jury Detention Inspection reports.
- Prepared questions that were relevant to each facility.
- Online resources
- Press releases

Madera County Juvenile Detention Facility

General Information: The Madera County Grand Jury (MCGJ) conducted the mandated detention facility inspection of the Madera County Juvenile Detention Facility (MCJDF), located at 28219 Avenue 14 in Madera, CA on October 21, 2022. The staff of the MCJDF, who facilitated the inspection of the facility, were accommodating to the MCGJ's request for information and access to the facility.

Summary: "Changing Lives" is the motto of the Administration, teaching staff, and Detention Officers at the MCJDF. The staff focuses on changing the lives of the youth through the implementation of routines, established and enforced requirements, and recognition of the achievements of the youth. As a result, there has been a reduction in recidivism.

The facility has a capacity of 70 juveniles. At the time of the inspection, there were a total of 24 individuals. This total includes 19 juveniles in the facility (17 males and two females) and five individuals returning due to the statewide closure of the California Youth Authority Facilities. Incarcerated youth up to the age of 18 are known as "detainees." Some of those under the age of 18 are also enrolled in the "Cadet Program" and are referred to as "Cadets."

The most common reasons for detainment are fighting, gangs, and drug-related activities. Direct supervision of the youth is required at all times which extends staff in the facility. At the time of the inspection, there were two staffing vacancies. California State Title 15 requires one staff member per ten individuals.

Exterior and Interior of the Facility: Local fire, health, and safety inspections have been conducted at the facility. No deficiencies were noted. Chemicals and cleaning supplies are kept in a locked area. The overall condition and maintenance of the facility both inside and outside appeared well-maintained. The detainees are responsible for cleaning floors, making beds, and maintaining dorm rooms.

Daily Routine: The daily routine begins with breakfast at 7:45 AM. Lunch is at 11:30 AM, and classes resume at 1:00 PM. Afternoon classes end at 2:30 PM. After-school programs include workforce, Youth for Christ, drug awareness, art classes, guitar classes, and Wednesday dog walking. Dinner is at 5:00 PM. Evening activities include access to Endovo/computer tablets, journal writing, table games, reading, and TV. The facility benefits from a Two-year Jump Start Art Grant provided by the Madera Arts Council. This grant provides art supplies and guest artists instruction and demonstrating art techniques. Shower time is at 7:15 PM, followed by phone calls, and lights out at 9:00 PM. Family visits are held on the weekends.

Educational / Vocational Programs: All in-custody youth, Cadets, and detainees, have a regular daily schedule that includes education, work detail, physical activity, bay clean-up, sports competitions, religious services, and monthly haircuts. Educational programs have three full-time teachers, a special education teacher, and a teacher's aide. Regular courses are offered for those who need to earn high school credits for graduation. Education extends to counseling for alcohol and drugs, library access, and cooperative games to enhance the learning experience.

Health Care: Madera County contracts with Well Path for medical services. Services are available twelve hours per day, seven days a week for all detainees. Depending on the need, a licensed physician is on-site one to two days a week and is on call when not on site. A registered nurse is on duty eight hours a day, and a licensed vocational nurse covers the remaining shifts. A full-time mental health clinician is available on-site five days a week.

Kitchen: Meals provided by Aramark are prepared and meet the nutritional requirement for California schools. All food is prepared at the Madera County Department of Corrections kitchen, which is located next door, and food is delivered to the Juvenile Detention Facility.

Leaving the Cadet Academy: A graduation ceremony is held for those youth completing the Cadet Academy Program. During the ceremony, the colors are presented, and a video is shown chronicling the Cadet Academy activities. Staff, teachers, family, and community members recognize graduates. A youth slated for release from the facility has a case plan developed to

help the youth transition from custodial care with a smooth transition into the community. The case plan includes the involvement of the parents, academy staff, and other community agencies.

The Challenge of Senate Bill 823: With the passage of SB823, taking full effect in June of 2023, the closure of the California Youth Authority facilities, a realignment target population (up to age 25) will be returning to home county juvenile facilities. These youth will become part of a realignment population who will require additional security. The requirements of SB823 will bring new staffing challenges to the Madera facility. According to the Madera County SB823 Justice Realignment Plan and Fiscal Summary, a portion of the current facility will be designated as the secure Tract Treatment for the realignment population.

Findings:

- F1. The MCGJ finds that the Madera County Detention Facility provides structure and support to reduce the recidivism of youth at the facility.
- F2. The MCGJ finds that the staff throughout the facility demonstrate concern for the youth and take the success of the youth seriously.
- F3. The MCGJ finds that with the passage of SB823, Madera County will face unique challenges with the realignment population.

Recommendations:

- R1. The MCGJ recommends that the administration, teachers, and staff continue to provide a nurturing environment.
- R2. The MCGJ recommends that the administration, teachers, and staff continue to build social and emotional support to further the success of the youth.
- R3. The MCGJ recommends that administration and staff work with all relevant stakeholders to meet the needs and success of the SB823 realignment population.

Required Respondent: Pursuant to Penal Code Sections 933 and 933.05, the Madera County Grand Jury requests responses as follows:

From the following elected officials within 60 days:

Board of Supervisors
200 West Fourth Street
Madera, CA 93637

Invited Respondents: Pursuant to Penal Code Sections 933 and 933.05, the Madera County Grand Jury requests responses as follows:

From the following governing body within 90 days;

Mr. Chris Childers,
Madera County Chief Probation Officer
209 West Yosemite Ave.
Madera, CA 93637

Mr. Jose Pantoja
Madera County Deputy Chief Probation Officer
28219 Avenue 14
Madera, CA. 93638

Central California Women's Facility

Madera County Grand Jury (MCGJ) conducted the mandated Detention Facility Inspection at the Central California Women's Facility (CCWF) located at 23370 Road 22 in Chowchilla, California on several occasions, including November 3, 2022, December 5, 2022, and January 17, 2023. The Madera County Grand Jury met with the Public Information Officer (PIO) and was presented with a PowerPoint presentation of the prison grounds, buildings, programs, and amenities for the inmates. After the presentation, the MCGJ met with the Warden who answered questions.

General Information: The Central California Women's Facility is a level one through four, which is a minimum to maximum security women's facility. The facility does have inmates who are on death row. The capacity of the facility is 2,756 inmates, and the population on November 4, 2022, was 2,284 which is within California Department of Corrections and Rehabilitation (CDCR) capacity guidelines. Over the course of the last two years, 878 inmates were placed in a "One-on-One watch" observation status. "One-on-One watch" means twenty-four-hour observation for the safety of the inmates and staff. There are currently 11 inmates on death row; although the death penalty has been suspended in California. During this time, 1,870 inmates were released back to the county of conviction.

Staffing: The California Department of Corrections and Rehabilitation Division of Adult Institutions mandates staffing standards designed to provide a "base" staffing level, which is the minimum staffing necessary for institutions to operate. This allows for different levels of staffing to be provided as augmentations for design, special programs, and custody levels. Additional augmentations are given for various levels of healthcare needs of the inmate populations.

Local and State Inspections: Fire inspections of the institution take place every quarter. At the time of the MCGJ inspection, they were current. The state conducted Medical/Mental Health inspections, which took place over several days beginning May 11, 2022. The Environmental Health inspection was conducted from August 29, 2022, through September 2, 2022. No violations or concerns were documented or observed.

Health Care: The healthcare needs of the inmate population are addressed within seven days of arrival and a follow-up is within 14 to 30 days if needed. There are two mental health programs provided at CCWF. Enhanced Outpatient Program (EOP) provides weekly individual therapy and a minimum of 10 hours of group treatment. Correctional Clinical Case Management Services (CCCMS) provides individual therapy for 30 to 90 days. Services are provided by a team of Physicians, Registered Nurses, Physicians Assistants, OB/GYNs, Licensed Psychiatrists, and Nurses Aids. Those requiring trauma services are routed to an acute care hospital. Inmates also have access to Behavioral Health Services provided by psychologists, social workers, psychiatrists, recreational therapists, and predoctoral interns.

Conditions of Grounds: Landscaping around the housing units are well-maintained at CCWF. Due to the California governor's drought mandate, the Administration building grounds, yards A, B, C, and D, as well as the main yard are brown. The exterior of all the buildings toured were well maintained with no signs of damage. The interior of the buildings toured was clean. While touring the Education Facility, the MCGJ observed a classroom with missing and water-stained, suspended ceiling tiles. The classroom computers not being used were covered with plastic. Recent rains caused the damage, and Plant Operations was in the process of fixing the leaking roof.

Housing: Inmates are housed at a maximum of eight persons per cell. The cells viewed were clean and organized. Each cell has four bunk beds, eight lockers, two sinks with mirrors, one toilet, and one shower. Linens on the bunks and towels hanging on lockers appeared to be clean and tidy. Correctional Officers conduct daily random searches of inmate rooms for contraband.

Orientation of Inmates: All inmates arriving at Receiving and Release (R&R) are given a briefing and orientation packet, which includes a Prison Rape/Elimination Act (PREA) brochure, and a self-assessment guide which helps to gauge their level of education, language skills, and maturity. The inmates are shown a video and given an explanation concerning PREA. Inmates are also given instructions on how to report witnessing or being a victim of sexual violence. A signature is required by inmates after the training. Safety issues are also addressed with the

inmates. A Disability Placement Program (DPP), a 602 grievance, and an 1824 Reasonable Accommodation Request are explained.

Discipline of Inmates: A progressive discipline process for conduct violations is handled in accordance with the California Code of Regulations Title 15. There are three progressive steps of discipline: verbal, counseling, and rules violation reports.

Kitchen: The MCGJ toured one of the satellite kitchens as well as the main kitchen at CCWF. Both kitchens appeared to be sanitary and operating efficiently. Inmates working in either kitchen are required to be cleared by Medical Services and able to complete a 52-week food service training program, which qualifies them in food preparation and food handling.

Personal Appearance and Attitude Of Inmates: Throughout the institution, inmates were properly dressed, well groomed, and appeared to be using proper hygiene. The MCGJ interviewed several inmates throughout the institution who spoke highly of the institution and its various programs for their rehabilitation with an upbeat and positive attitude.

Vocational Programs: Vocational programs offered to inmates at CCWF are autobody and fender repair, building maintenance, building construction, cosmetology, computer-related technology, dental manufacturing, and electronics. Each of these vocational programs offers certification following course completion which can help inmates acquire employment once released from prison.

Educational Programs: Central California Women's Facility has 23 credentialed teachers in the educational department. Classes offered are Adult Basic Education 1 (1st-3rd grades), 2 (4th-6th grades), 3 (7th- 9th grades), and high school GED, which are earned through Sierra Adult Education. The AA degrees are earned through Merced City College. The BA degrees are earned through Fresno State University.

Mail: Mail arriving from the Chowchilla Post Office to the CCWF mailroom is processed and delivered to the inmates within seven days. All mail is scanned, screened, opened, and read. Any mail found to contain suspicious messages or contraband is immediately delivered to a custody officer within the mailroom.

Family Visiting: Weekly visits for inmates are held in one of two visiting rooms in the institution. Visiting days are Friday, Saturday, and Sunday. Visits with family are up to six hours in length. All visitors must be pre-approved and screened before entering the institution. Family conjugal visits are determined by the inmate's counselor based on their behavior. The inmate must apply for the conjugal visit. These visits are only granted every 90 days.

Firehouse 5: The CCWF is the only full-time, fully functioning firehouse in the County of Madera with eight to ten firefighter-trained inmates. The firehouse inmates are supervised by a Chief and two Captains. Inmates in this program are screened and interviewed during the selection process prior to joining the firehouse crew. Physical conditioning is part of the daily routine. A mutual aid agreement with Madera County is in place. These firefighters respond to calls ranging from wildland fires, structure fires, auto accidents, and basic medical emergencies. These firefighters are on-call 24 hours a day, seven days a week. The firefighters train with CalFire, are CPR certified, and meet all physical requirements. The firefighters' records are expunged according to legislation passed by the State of California. The firefighter's maximum term of stay in the program is five years.

Puppies Uplifting Inmate's Spirits (PUPS): Inmates that participate in the PUPS program become full-time trainers/handlers. Inmates with no record of harm to animals or others and without any discipline issues can apply to the PUPS program. The assigned dogs live in the cell with the trainer/handler. In each eight-person cell, up to three dogs and three trainers/handlers share the space. The dogs sleep in crates. The dogs are trained to respond to commands and changes in the trainer/handler's emotions. The dogs leave the facility after 18 months for further training at the San Diego Little Angels training facility. When fully trained, the dogs will provide mobility and stabilizing assistance, and serve as diabetic alerts, and seizure-alert dogs. The

Warden highlighted the positive impact the PUPS program has had on the inmate trainer/handlers, the staff, and the administration.

CDCR Press Release of December 28, 2022: Since MCGJ visited CCWF there has been a correctional officer charged with sexual misconduct against incarcerated women. The case has been forwarded to the Madera County District Attorney's office.

Findings:

- F1. The MCGJ finds that a classroom in the Education Department has a roof leak.
- F2. The MCGJ finds that the vocational programs and educational programs offered at CCWF assist inmates with employment opportunities upon release.
- F3. The MCGJ finds that the PUPS program has a positive effect on inmates/trainers, staff, and the administration.

Recommendations:

- R1. The MCGJ recommends that, even though the roof leak in the Education Classroom has been fixed on MCGJ's return visit on January 17, 2023, CCWF needs a replacement plan for the roofs.
- R2. The MCGJ recommends that the Warden of CCWF needs to continue to research and implement innovative programs.
- R3. The MCGJ recommends that CCWF continue to offer the PUPS program for the benefit of the trainer/handlers, staff, and administration.

Required Respondents: Pursuant to penal code sections 933 and 933.5, the MCGJ requests responses as follows:

From the following governing bodies within 60 days:

Governor Gavin Newsom
1021 O Street, suite 9000
Sacramento, CA 95841

Invited Respondents: Pursuant to Penal Code Sections 933 and 933.05, the Grand Jury requests responses as follows:

From the following governing bodies within 90 days:

Anissa De La Cruz,
Warden (A)
Central California Women's Facility
23370 Road 22
Chowchilla, CA 93610

Valley State Prison

The Madera County Grand Jury (MCGJ) conducted the mandated detentions facility inspection at the Valley State Prison, located at 21633 Avenue 24 in Chowchilla, CA on November 4, 2022, and December 15, 2022. The MCGJ met with the Public Information Officer (PIO) and was provided an overview and written response to questions about the institution. In addition, the Warden at Valley State Prison (VSP) toured the institution with the MCGJ and answered questions.

General Information: Valley State Prison is primarily a Level 1/ Level 2 men’s facility which includes inmates who are ex-gang members, under protective custody, and sentenced to life. The capacity of the facility is 3,034 inmates, and the population on November 4, 2022, was 3,023, which is within the California Department of Corrections and Rehabilitation capacity guidelines. Over the last two years, inmates were placed on a “One-on-One watch”. “One-on-One watch” means twenty-four-hour observation for the safety of the inmates and staff.

Staffing: California Department of Corrections and Rehabilitation (CDCR) is a division of California State Adult Institutions. This prison is a Level One and Two minimum security institution. Staffing standards are designed to provide a “base” staffing level, which is the minimum staffing necessary for institutions to operate. This allows for different levels of staffing to be provided as augmentations for design, special programs, and custody levels one and two. For example, VSP prison is a level one and two men's facility, meaning more staff is required depending on the number of inmates in custody. Additional augmentations-number of staff required per inmate are given for various levels of healthcare needs of the inmate populations.

Local and State Inspections: Fire inspections of the facility take place every quarter and are current with the last inspection in September of 2022. The state conducted a medical inspection that took place over a three-day period in March 2022.

In January 2022, the State Corrections Standards Authority inspection took place in conjunction with a Security Audit. The State Corrections Standards Authority examines safety and security issues concerning buildings, housing units, kitchen/food service safety, medical/dental facilities, and the like. The Security Audit investigates safety concerns including automatic doors, fencing/razor wire, lighting, and staff/visitor processing. No violations or concerns were documented or observed.

Conditions of the grounds: Evidence of a well-groomed landscape was observed in part at VSP. The entrance to the facility, surrounding areas of the administration building, and parking lot were observed to be well taken care of. The landscaping around all inmate housing units consists of well-maintained bushes and flowers. The landscaping around the housing is maintained by the inmates. In the main yard, the tranquil and picturesque Prayer Garden and the dog park are also well-maintained by the inmates. However, the “green turf” areas within the institution yards (A, B, C, and D yards), and the main yard have suffered damage due to the California drought restrictions on watering green turf.

Housing: Inmates are housed at a maximum capacity of eight inmates per cell at VSP. Each cell that MCGJ observed had beds made with clean linens, and lockers containing personal items were secured. Each cell had four bunks beds, two sinks with mirrors, a toilet, and a shower. Correctional Officers conduct daily random searches of various rooms in the housing unit.

Orientation of inmates at intake: All inmates arriving at Receiving and Release (R&R) are given an orientation packet and briefing which includes a Prison Rape/Elimination Act (PREA) brochure and a self-assessment guide, which helps to gauge their level of education, language skills, and maturity. The Inmates are given an explanation concerning PREA and instructions on how to report, witnessing, or being a victim of sexual violence. A signature is required by inmates after the training. Safety issues are also addressed with inmates. A Disability Placement Program (DPP), a 602 grievance, and an 1824 Reasonable

Accommodation Request are explained. During a typical inmate interview, the individual file is reviewed, and the inmate is informed that VSP is a Non-Designated Institution, and they will be housed with other races. Safety concerns are addressed, and housing restrictions are reviewed for proper placement.

Healthcare: There are two mental health programs provided at VSP. Enhanced Outpatient Program (EOP), which provides weekly individual therapy, and a minimum of 10 hours of group treatment. Correctional Clinical Case Management Services (CCCMS) provide individual therapy from 30-90 minutes. These services are provided by a team of Physicians, mid-level providers, Registered Nurses, Licensed Vocational Nurses, Licensed Psychiatric Technicians, Medical Assistants, and Certified Nurses Aides. Inmates also have access to behavioral health services provided by Psychologists, Social Workers, Psychiatrists, Recreational Therapists, predoctoral Interns, and practicum students.

Discipline of inmates: A progressive discipline process for conduct violations are handled in accordance with the California Code of Regulations Title 15. There are three steps of discipline: verbal, counseling, and violation reports.

Kitchens: The MCGJ toured one of the satellite kitchens as well as the main kitchen at VSP, which included a kosher kitchen. Both kitchens were observed to be sanitary and well-organized. Inmates working in the kitchens are required to be cleared by medical services and complete a 52-week food service training program, which qualifies them in food preparation and food handling.

Personal appearance and Attitudes of inmates: Throughout the institution, inmates were properly dressed, well groomed, and appeared to be using proper hygiene. The MCGJ spoke with and interviewed several inmates throughout the institution who were receptive to talking with the MCGJ and spoke highly of the institution and its various programs for their rehabilitation with an upbeat and positive attitude.

Programs/Vocational: Vocational programs offered to inmates at VSP include masonry, cosmetology, small engines, welding, electrical, computer technologies, and an optical program.

Optical Program: An optical production facility is located at VSP. This operation makes lenses for Medi-cal patients in Northern California. At the time of the MCGJ inspection, approximately 70 inmates were working in the optical center. Upon completing the program, the inmates will receive certification that can help them gain employment when released.

Programs/Educational: The VSP employs 40 credentialed teachers. The classes offered are Adult Basic Education 1(1st - 3rd grades), 2(4th - 6th grades), and 3(7th - 9th grades), high school GED, which is earned through Valley State Adult School. The AA degrees are earned through Merced City College. The BA degrees are earned through Fresno State University.

Family Visiting Areas: Weekly visits are held in one of two visiting rooms in the institution. The visits with family are up to six hours. All visitors must be pre-approved and screened before entering the institution. Family conjugal visits are determined by the inmate's counselor and behavior. Inmates must apply for the visit and they can be granted every 90 days.

Dog Training Program: The VSP has a dog training program. Inmates work, live with, and train previously abandoned and neglected dogs in basic commands for one year. After the dogs learn basic commands, the inmates train the dogs to assist in a home setting. The dogs are then able to retrieve specific personal items, open and close doors, and how operate and access emergency assistance buttons. Through this program, inmates take on the responsibility of caring for a dog who had been neglected or abandoned. During the process of taking care of the dogs, the inmates claim to learn compassion, confidence, and responsibility. As a result, both inmates and dogs have an opportunity for an improved life.

Findings:

F1. The MCGJ finds that the Prayer Garden and the Dog Park grounds are well maintained by the inmates.

F2. The MCGJ finds that the optical program provides training and job opportunities for inmates upon release.

F3. The MCGJ finds that the dog training program provides inmates with the opportunity to develop compassion, confidence, and responsibility.

Recommendations:

R1. The MCGJ recommends that inmates continue to maintain the Prayer Garden and the Dog Park.

R2. The MCGJ recommends that the optical facility program continue to provide training and job opportunities for inmates.

R3. The MCGJ recommends that the dog training program continue.

Required Respondents: Pursuant to Penal Code Section 933 and 933.05, the Grand Jury requests responses as follows:

From the following elected official within 60 days:

Governor Gavin Newsom
1021 O Street 9000
Sacramento, CA 95841

Invited Respondents: Pursuant to Penal Code Section 933 and 933.05, the Grand Jury requests responses as follows:

From the following governing bodies within 90 days:

M. MCVAY
Warden (A)
Valley State Prison
21633 Avenue 24
Chowchilla, CA 93610



**City of Madera
Fails to Enforce the Golf Course
Contract Requirements
2022-2023
Madera County Grand Jury
Final Report 2223-02
Published on June 16, 2023**

Summary: The City of Madera (City) owns the Madera Municipal Golf Course located at 23200 Avenue 17, Madera, CA. It is adjacent to the west side of Madera Airport. The City does not operate this business. The Golf Course includes the building which houses a pro shop for golfing attire and accessories, a banquet room, kitchen, and bar, including onsite food and beverage concessions, and a patio area. In 2009 the golf course management and operation were turned over to Sierra Golf Management, Inc. (Sierra) under a Lease Agreement (Lease) with the City. Recently, Sierra made an agreement with Sugar Pine Smokehouse, LLC (Sugar Pine) to operate the golf course food and beverage concessions. Sugar Pine presently operates food and bar services. The City does not have a copy of the Sierra – Sugar Pine agreement, although the Alcohol Beverage Control (ABC) requires the City to approve the agreement before it can issue a Liquor License. As of March 2023, the City is aware that Sugar Pine has a temporary ABC permit to serve liquor and Sugar Pine is operating the kitchen and bar concessions. The City has not produced any documentation on the Sierra – Sugar Pine agreement after the Madera County Grand Jury (MCGJ) request.

This report explores the City golf course, budgeting, revenue, and its operation by Sierra. The City has not enforced the Lease requirements for Sierra’s signage and catering violations. The City budget and financial reports are misleading and failed to include the \$64,000 rent City pays to the Airport. The City Budget shows a Net Surplus for the golf course which is actually only 10 percent of the amount shown. The City has often deviated from Sierra’s contractual payment requirements, by making revenue concessions to Sierra. The City has been timid in negotiations, lax in oversight, and has not enforced the Lease terms.

The City’s 14-year history of golf course agreements with Sierra, unless renewed by the City terminates on June 30, 2023.

Abbreviations:

- ABC - California Alcohol Beverage Control
- City – The City of Madera
- Lease - All references to the 2009 Madera Municipal Golf Course Agreement and amendments.
- MCGJ - Madera County Grand Jury
- Sierra – Sierra Golf Management, doing business as Sierra Golf Management, Inc.

- Sugar Pine – Sugar Pine Smokehouse, LLC
- USGA - United States Golf Association

Background: In 1991 the City of Madera established the Madera Municipal Golf Course in an Open Space Zone located at 23200 Avenue 17. In 2009, the City executed the original Lease with Sierra. The Lease includes the use, management, and operation of the 18-hole golf course, pro golf shop, driving range, putting green, golf carts, banquet room, parking lot, kitchen and beverage concessions, and events. The Lease period ended April 30, 2023, however, it provided for two 30-day extensions. The City Manager signed the two 30-day extensions with Sierra, which are in effect until June 30, 2023.

Sierra is required to pay for annual Capital Improvements to the golf course. Sierra combined the 2021-22 Capital Improvement payments into the first extension year. Sierra spent \$40,000 total to replace drains and sand in 11 bunkers for Capital Improvements. Sierra was to invest \$15,000 to hook up a pipeline to the Madera Irrigation District, which as of March, the City states had not been done.

The Lease requires Sierra to pay the United States Golf Association (USGA), a golf course advisory service, to provide reports annually on golf course Americans with Disabilities Act (ADA) compliance and guidance on golf course improvements. After a request to the City no USGA reports were provided to the MCGJ by the City. Sierra is required to keep records and reports for five years (see Lease Section 36). If these reports do not exist, and/or Sierra failed to pay the USGA for annual reviews, then Sierra has materially breached the Lease contract.

Lease Section 7.13 states, “Sierra shall be authorized to sell food and beverages . . . , or to subcontract for such services . . .” Section 23 allows Sierra to sublet the food and beverage concessions. Sugar Pine claims to have a ten-year lease with the City for the kitchen and bar concessions. The City denied the existence of any additional golf course agreements except the one with Sierra. The City as a prudent landlord should demand a copy of the Sierra – Sugar Pine agreement to evaluate insurance coverage, credit, and the City’s liability exposure.

The ABC Fresno Office has a file open to the public on Sugar Pine’s application for a temporary Permit allowing Sugar Pine to serve liquor at the golf course. The ABC cannot issue Sugar Pine a liquor License because no agreement between Sierra and Sugar Pine, and signed by the City, has been submitted to the ABC. The City as the property owner is required to approve

the Sierra – Sugar Pine agreement before the ABC can grant Sugar Pine a liquor license. Thus, the Sierra-Sugar Pine agreement, if and when it is produced for the ABC, will be available to the City and the public. The Sierra - Sugar Pine agreement may be void unless Sierra is able to keep and extend some agreement with the City.

The City did not provide an answer to the MCGJ about whether or not a Public Notice of the expiring golf course contract with Sierra must be put out for public bids.

Methodology:

- Interviewed key City personnel.
- Examined City Lease with Sierra and six amendments.
- Studied City budget noting identified loans, debt service, omitted Airport Lease payments, and revenue.
- Inspected three years of monthly reports that Sierra filed with the City.
- Reviewed equipment list (Exhibit B from the original contract).
- Followed payment record of Sierra.
- Reviewed capital improvement costs for 2021.
- Reviewed the City, Sierra, Sugar Pine, North Fork Indian Casino, ABC, and other websites. Checked the Secretary of State’s Business records on Sierra (none exist) and Sugar Pine Smokehouse, LLC.
- Reviewed the North Fork Rancheria’s Environmental Impact Review (EIR) for planned casino construction off CA-99.
- Contacted and reviewed the ABC history of the liquor license ownership and present incomplete ABC file on Sierra’s license transfer to Sugar Pine.
- Reviewed Sierra ownership and golf courses managed by Sierra.
- Visited the premises and observed signage, ABC posting the change of liquor license to Sugar Pine, offsite catering information, menus and pricing, signage, banquet room, dining room, and bar areas.
- Reviewed the City water and sewer infrastructure system.
- Reviewed the City zoning maps to note designation requirements and property development plans.
- Reviewed the USGA website and the services it offers to golfers and golf courses.

Discussion

The MCGJ discovered that many Lease Sections, some of which are presented below are without clear definitions, are inconsistent, lack required updates, and carry forward irrelevant matters over the years. There has been a lack of City oversight and enforcement of Sierra's contractual requirements. A major portion of the golf course revenue is excluded from the City's participation. The City's Budget financial information is misleading. The Net Surplus shown in the Budget is \$361,236 when it is only \$32,392. The inflated City Budget Report is misleading because it failed to subtract the debt service from the Net Surplus.

On March 17, 2021, the City and Sierra signed the sixth contract amendment to the 2009 Lease Agreement. This contract included all of the prior amendments, Exhibits; and carried with it many irrelevant, contradictory, confusing, and outdated terms. This creates problems for the City decision-makers on what the golf course requires for upgrades, and its true financial picture.

During the pandemic, the City made generous financial concessions to Sierra by lowering Sierra's annual Capital Improvement payments from \$50,000 to \$20,000 per year. The City reduced Sierra's annual rent payments from \$40,000 to \$19,992 per year. These concessions add up to \$100,000. However, Sierra's monthly income reports to the City during that time showed no significant reductions in its income.

Sierra pays City \$1.75 for each person playing a round of golf. Sierra's monthly reports to the City exclude hundreds of rounds of golf in the sales column with \$0.00. It is not clear from the monthly reports if all rounds of golf played are paid to the City. The contract definitions are not clear about this.

The City should negotiate for a percentage of excluded income defined in Lease section 4.4 to receive a more equitable share of the revenue from Sierra. Reporting the rounds of golf played should not exclude any round or revenue from the City. The City has neglected to exercise reasonable oversight over this valuable public asset.

I . Grossly Misleading City Budget Reports. According to the 2022-2023 Madera Municipal Golf Course Fiscal Budget, there is a \$361,236 Golf Operations Net Surplus. This surplus does not include and subtract the golf course annual Debt Service of \$328,844. The debt service is paid from the City's Special Payments account. Line Item 8000 lists \$12,744 for Interest Payments, and Line Item 8001 lists \$316,100 for Principal Payments. These line-item expenses were not included in the golf course Operations Expense Budget. Deducting this \$328,844 debt service from the stated \$361,236 Net Surplus total there is only an actual \$32,392 Net Surplus. The City admitted that because the Net Surplus is only 10 percent of the Net Surplus stated in the Budget, this could be misleading. Since the figure is misleading, the City Council, Mayor, City Manager, and the public cannot have an accurate financial picture of the golf course operation.

The City golf course makes an annual lease payment to the City Airport. This rent payment is approximately \$64,000. This payment was omitted from the City Budget. It is not clear why the golf course charges \$40,000 in rent and pays the City Airport about \$64,000 rent for a 15-acre water storage area. The City explained that the rent differential is an accounting practice adjusting payments between different City projects.

The monthly revenue generated by the golf course is stated in monthly reports that Sierra generates and provides to the City. The Lease requires Sierra to provide the City with monthly reports totaling the income Sierra received that month and the number of golfers using the course. The practice of totaling the revenue and rounds of golf played stopped in March of 2020. Sierra's reporting change made it difficult for City to see how much money was owed by Sierra, because the City would have to add up all the figures in each column. The MCGJ totaled Sierra's monthly reports in 2020 – 2022 which showed that during the Covid-19 pandemic, the golf course showed no slowdown in golf course income.

II. The 2009 Lease incorporated Exhibits A and B which are Obsolete. The Lease, due to years of amendments and extensions without creating a new contract, includes many outdated inconsistent items. For example, Exhibit A has a revenue chart showing a 10-year revenue projection ending in the year 2019. That became obsolete in 2019. Exhibit B

Is the inventory of equipment owned by the City in 2009. The City sold all of this equipment and the pro-shop inventory to Sierra on November 18, 2009, making Exhibit B obsolete.

III. Record Keeping for Capital Improvements. The Lease requires Sierra to keep records for five years of its costs for annual Capital Improvements and Maintenance. Specifically, this requires keeping Capital Improvement and Maintenance plans, design plans, diagrams, work orders, materials, receipts, and proof of Sierra's payments.

The City produced only one Capital Improvement record for the year 2021. The list shows the purchase of sand for about \$7,000, and other items, however, there were no plans, details, or evidence of City oversight. That record was a list of materials with corresponding costs. Lease Section 16.4 states that sand is a maintenance expense for Sierra, not a Capital Improvement expense. However, in 2021, sand was paid as a Capital Improvement instead of a Maintenance expense. Maintenance items should not be credited for Sierra's annual Capital Improvement costs.

The ultimate guidance for golf course annual planning is the *U.S. Golf Association's Annual Turf Advisory Service* (USGA). Lease Section 7.2 states: "Sierra at its sole expense shall coordinate the annual USGA turf service. The annual turf advisory service *shall serve as a baseline for course conditions* and will provide Sierra and the City another tool for determining and prioritizing capital improvements and maintenance delivery plans." This service offers the City and Sierra, the USGA's independent golf course review and advice for improvements. This advice covers grading the slopes for handicapped persons' access. The USGA offers many other detailed suggestions for capital improvement and maintenance goals to upgrade the golf course each year. Sierra has a mandatory duty to pay for these reports as part of planning. City was not able to provide any of these mandatory annual USGA reports.

IV. The City Oversight Director for the Golf Course. The City Parks and Community Services Director is assigned to coordinate with Sierra to oversee the golf course, its events, condition, and upkeep. This oversight involves reviewing plans, approving designs, overseeing projects, construction, purchase orders, reports, implementing the USGA baseline improvement goals, and other "details" which are spelled out under annual Capital Improvements and other sections of the Lease. This oversight involves construction. As of December 2022, there had been no

communication between Sierra and the Parks and Community Services Director who was appointed during the summer of 2022.

Lease Section 8.3 states, “The Director of Administrative Services shall act as City representative with respect to the work to be performed under this Lease Agreement. Such person shall have the complete authority to transmit instructions, receive information, interpret, and define City’s policies and decisions with respect to materials, equipment elements, and systems pertinent to Sierra’s services.” This Director does not exist in City job descriptions.

V. The City Has Failed to Enforce the Contract - Use of Name Violation by Sierra. Both the Sierra and Sugar Pine websites omit the required City logos and the word “Municipal” from the name. The Lease states, “Sierra shall ensure that all brochures, scorecards, and other printed advertising and marketing materials always bear and maintain the City’s identity with the mandatory use by Sierra of the name ‘*Madera Municipal Golf Course*’ with the accompanying logos of the City and the City Parks and Community Services department as provided by the City.” The City has not enforced this requirement.

VI. The City Failed to Enforce the Catering Violation – Sierra and Sugar Pine offer Catering. Sugar Pine has assumed the golf course liquor and food operations from Sierra. Sierra and Sugar Pine websites offer offsite catering services under the heading of FOOD. Sugar Pine offers offsite catering with menus for parties of 10, and individual meals paid for separately. This is in direct conflict with the catering prohibitions in Lease Section 7.13. This section continues, “Sierra agrees to limit its services under this agreement to the facilities at the golf course and will not under the auspices of this agreement provide catering services off of the golf course facility.” Use of the golf course kitchen for offsite food sales violates the catering prohibitions of the Lease. The last paragraph in Section 7.3 states: “Sierra shall have the exclusive rights, license, duty, and privilege to utilize the food and beverage concessions facilities within the restaurant and banquet building and patio at the Golf Course.” Kitchen use for offsite food and beverage delivery and sales is expressly prohibited. The City has not enforced this prohibition.

The ABC issued Sugar Pine a temporary permit to serve liquor from the bar. The ABC cannot issue a liquor license until the City signs off on the Sierra-Sugar Pine agreement. In March 2023, the City confirmed Sugar Pine has a temporary permit to serve liquor, and that there is no

agreement between the City and Sugar Pine. The City states the only golf course agreement it has is the one with Sierra. Sugar Pine only has a “temporary permit” to serve alcohol because it has failed to submit its agreement with Sierra to the ABC. According to the ABC, the City as the property owner would have to approve any Sierra - Sugar Pine agreement making Sugar Pine the liquor operator before the ABC can change the temporary permit into a license. The City has never requested the Sierra – Sugar Pine agreement.

VII. Reporting Revenue Generated by the Golf Course – The City is Omitted from Most Revenue. Lease Section 4.4 Permitted Uses - The “permitted uses” is a list of services and activities Sierra offers at the facility. “All revenue generated by Sierra shall be the property of Sierra including one hundred percent of all gross receipts from the sale of green fees, green fees packages, golf equipment, soft goods, supplies, lessons, driving range, cart fees, and food, beverage and banquet operations.”

Sierra advertises various golf–green fee packages ranging from weekly to annually. These require payment to Sierra of upfront fees, and other monthly/annual fees. These programs require annual payments which range from \$1,919 to \$4800. Golfing activities and accessories such as golf carts, training, lessons, booking for tournaments, etc., are available. None of the income from any of these specific activities is shared with the City.

VIII. Confusing Lease Definitions for Sierra Income and Rounds of Golf Played. Lease Section 5.3. Per Round Rate. States, “per round rate shall be applied to all golf course rounds played in which Sierra received revenue or compensation from golfers.” Reviewing Lease Section 4.4 herein above, green fee packages are 100 percent Sierra income and are not shared with the City. Revenue from membership, green fee packages, or member players are not identified in Sierra’s monthly reports as the revenue it received in that month. (See Lease Section 5.4.)

It is unclear if the City has or has not received revenue for each round of golf played where a “green fee package” or membership was sold instead of a day-player, day-payer. This is because the Sierra monthly reports show -0- under “sales” for member rounds of golf. The “sale of green fees, green fee packages” are 100 percent excluded from City payments. Each monthly report

provided by Sierra to City shows -0- sales in the member column for rounds of golf played by members in that month.

Reporting by Sierra is an honor system based on mutual trust. The City has never done an audit of the Golf Course financial reports. According to City personnel, if an audit was ever conducted, it was an analytical audit. An analytical audit is the historical comparison of the monthly reports for different years. These audits do not verify the facts and figures listed in prior or current monthly/yearly reports, only the historical trends compared.

Findings:

F1 The MCGJ finds that the City’s golf course Budget reports are misleading. This gives the City Council and the public a false understanding of the actual Net Surplus in the City Budget.

F2 The MCGJ finds that Lease Exhibit A and Exhibit B are obsolete.

F3 The MCGJ finds that the record-keeping requirements of the Lease are not being met.

F4 The MCGJ finds that the City appointed the Parks Director to coordinate with Sierra for this golf course planning and oversight role.

F5 The MCGJ finds that the City has failed to exercise reasonable oversight and enforcement over the golf course maintenance and capital improvements.

F6 The MCGJ finds that the Lease requires that logos and name “Madera Municipal Golf Course” must always be used for all signage, announcements, menus, events, websites, etc. The MCGJ finds that the logos and word “Municipal” have been often omitted from required usage.

F7 The MCGJ finds that use of the golf course kitchen for catering from the golf course, is offered on both Sierra and Sugar Pine websites. Catering from the golf course is prohibited and is a breach of the Lease.

F8 The MCGJ finds that in 2021-23 the City gave Sierra unnecessary financial concessions due to the Covid-19 pandemic.

F9 The MCGJ finds that Lease section 4.4 unnecessarily excludes the City from receiving any revenue from the described activities.

F10 The MCGJ finds that there are no United States Golf Association reports as required by the Lease.

Recommendations

R1 The MCGJ recommends that the City Finance Director correct and clarify all budget entries by December 31, 2023.

R2 The MCGJ recommends that the City of Madera immediately rewrite a new contract for the lease, management, and operation of the Madera Municipal Golf Course.

R3 The MCGJ recommends “Detailed” records of Capital Improvements and Maintenance expenditures and the USGA advice reports, be kept by the City for public viewing and for at least five years or as required by law.

R4 The MCGJ recommends that Parks Director or other City Representative immediately begin to monitor and exercise oversight over the golf course Capital Improvement and Maintenance expenditures.

R5 The MCGJ recommends that the City immediately specify the Maintenance and Capital Improvement categories as defined by USGA to eliminate confusion as to what Sierra is paying and/or has paid for golf course Capital Improvements and Maintenance.

R6 The MCGJ recommends that the City immediately enforce the Lease provisions requiring the word ‘Municipal’ and all other name and logo requirements.

R7 The MCGJ recommends that the City immediately review its position on catering. When making any decision, the City should determine its original purpose for prohibiting offsite food service and catering. City should enforce the agreement or allow the use.

R8 The MCGJ recommends that the City immediately negotiate for concessions it made during Covid-19. The City should consider increasing its share of revenue by participating in all of Sierra’s income excluded from the City in Lease Section 4.4.

R9 The MCGJ recommends that a new Lease be drafted immediately deleting all obsolete terms which unnecessarily exclude the City from City revenue.

R10 The MCGJ recommends that the City should immediately make the USGA mandatory annual reports readily available for public review.

Required Responses

Pursuant to Penal Code sections 933 and 933.05, the Madera County Grand Jury requests responses as follows:

From the following elected county officials within 60 days:

Mayor of Madera
Madera City Hall
205 West 4th Street
Madera, CA 93637

Madera City Council
Madera City Hall
205 West 4th Street
Madera, CA 93637

Invited Responses

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

From the following governing bodies within 90 days:

City Manager
Madera City Hall
205 West 4th Street
Madera, CA 93637

Director of Parks and Community Services
John W. Wells Youth Center
701 East 5th Street
Madera, CA 93638

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury



**Madera County Public Safety
Incident Command System
Madera County Grand Jury
Final Report 2223-03
June 19, 2023**

Summary: The Incident Command System (ICS) is a standardized management program with procedures for managing temporary incidents. This nationwide program is designed to ensure effective and efficient management of incidents, regardless of their size, complexity, or location. The ICS system employs common terminology and standardized procedures to ensure that everyone involved in the response works together in a cohesive manner. The ICS is not unique to Madera County as the ICS uses common terminology and standardized procedures throughout the United States. Major event planning, community gatherings, and incidents requiring a multi-agency response, including man-made or natural disasters, can require ICS activation. This system permits a clear point of control and can be expanded and contracted as needed.

The Madera County Grand Jury (MCGJ) investigated the capabilities of the ICS in Madera County. The MCGJ found the Madera County ICS to possess the ability and resources to effectively deal with unusual occurrences or high-risk incidents in accordance with established policies and procedures of the Nationwide Incident Management System (NIMS).

Methodology:

- Reviewed Cal Fire Incident Command System’s Policy and Procedure Manual.
- Reviewed Madera County Sheriff Department Incident Command System’s Policy and Procedure Manual.
- Reviewed Madera Police Department Incident Command System’s Policy and Procedure Manual.
- Toured the Incident Command Center in Mariposa.
- Interviewed senior staff at Cal Fire, Madera County Sheriff’s Department, and Madera Police Department.
- Attended the Incident Command System daily briefing at the Madera County Sheriff’s Department Command Center along with all partnering agencies.
- Participated in a roundtable discussion with Cal Fire at the Tri-County Mariposa Incident Command System Center
- Participated in a roundtable discussion with the Madera County Sheriff’s Department.
- Participated in a roundtable discussion with the Madera City Police Department.

Background: The ICS is a standardized system used Nationwide. The ICS concept was formed in 1968 at a meeting of Fire Chiefs in Southern California and is a component of the National Incident Management System (NIMS). In the United States, ICS has been tested for over 50 years in emergency and non-emergency situations. The ICS was fully developed during a series of catastrophic wildfires, starting with the massive Laguna Fire in 1970. Studies from past fire critiques determined that response problems were related to inter-agency jurisdictional management conflicts and communication problems rather than a lack of resources or failure of tactics. According to Cal Fire, the ICS was first used in the fight against California wildfires during the 1970s. Locally, ICS was used to access resources and personnel to combat the California Creek Fire, the Madera Community Hospital closure, and the Winter Storm of 2023.

Discussion: The Madera County ICS has effective plans to enlist the many departments and resources required to carry out its mission in a cohesive manner minimizing the loss of life or damage to property or natural resources. The ICS can take whatever actions are deemed necessary to defuse an emergency. The ICS is widespread in its use from law enforcement to everyday business, as the basic goal of clear communication, as well as daily operations. The ICS is a standardized management program with procedures for managing unusual or high-risk incidents. Events are defined within ICS as planned situations such as fairs, concerts, parades, and community events. The ICS is increasingly applied to events both in emergency management and non-emergency management settings. Incidents are defined within ICS as unplanned situations necessitating a response.

The ICS program is designed to ensure effective and efficient management of incidents regardless of their size, complexity, or location, and uses common terminology and standardized procedures to ensure that everyone involved in the response can work together in a cohesive manner. This ICS program permits a clear point of control and can be expanded or contracted as needed. The ICS emergency operation center is activated whenever an incident causes a significant impact on residents or businesses. Law enforcement is required to place a higher priority on public safety over damage or destruction to public or private property.

The ICS has access to personnel and resources to combat:

- Train derailments
- Fire (both structural and wildfire)
- Landslides
- Search and rescue
- Earthquakes
- Explosions
- Hazardous material incidents
- Oil spills

The first individual to arrive at the scene of the emergency assumes the role of Incident Commander until relieved by a higher-ranking officer or the appropriate agency. The first individual will be expected to respond to the directions of the 9-1-1 dispatcher:

- Take whatever actions are deemed necessary to prevent loss of life and property.
- Immediately notify 9-1-1 of the type or nature of the emergency.
- Assess and report casualty estimates.
- Communicate as specifically as possible about emergency medical needs.
- Direct all responding units to the scene, advising them of hazards.

A large incident will have multiple teams to address the immediate emergency needs. The Incident Commander has the responsibility to allocate critical resources based on priorities to ensure incidents are properly managed and ensure objectives are met. If an evacuation order is necessary, the location determines from whom an evacuation order may come. In the city, it is the police chief; in the county, it is the sheriff and in the forest, it is the fire department. The ICS program is the process of building both the personnel and organizational structure to meet the needs of the specific event or emergency.

The command is established in a top-down fashion. Each individual participating in the operation reports to only one superior thus eliminating the potential for individuals receiving conflicting orders from numerous supervisors. This organizational structure increases accountability, improves the flow of information, assists in coordinating operational efforts, and

enhances operational safety for all involved in the incident. This organizational concept is fundamental to the ICS chain of command. Critical roles are handled by supervising officers who communicate directly with the Incident Commander and their teams. The Incident Commander manages all requests and resources available to bring the event or emergency to a successful conclusion.

Each team has a specific responsibility:

- Incident Commander: The Commander defines the incident's goals and operational objective within any given incident.
- Operations Team: Responsible for managing operations.
- Logistics Team: Responsible for providing resources and support to incident operations.
- Planning Team: Responsible for collections and analyzing information and developing action plans.
- Finance Team: Responsible for managing the financial aspects of the incident response.
- Safety Team: Responsible for monitoring and assessing safety and environmental hazards and developing measures to ensure personnel and public safety.
- Information Team: Responsible for providing information to the public and media.
- Liaison Team: Responsible for coordinating with representatives from cooperating agencies.

Using common terminology and standardized procedures enables the teams to work in a cohesive and cooperative manner to combat emergencies and unplanned situations necessitating a response. Maintaining constant precision and readiness at all times is achieved through continual training across all agencies.

In recent history, Madera County has experienced several incidents where the ICS has been activated. For example, the Creek Fire was a large wildfire that started on September 4, 2020, near Big Creek, California. The fire burned approximately 400,000 acres and was the fourth-largest wildfire in modern California history. Evacuations were issued for North Fork Bass Lake, Big Creek, Shaver Lake, Huntington Lake, Tollhouse, and Auberry, California. The Creek Fire destroyed at least 856 structures, with over \$193 million in fire suppression costs, while total property damage is currently unknown.

Another example of ICS activation occurred with the closure of the Madera Community Hospital on December 30, 2022. Madera Community Hospital had been available to service nearly 160,000 Madera County residents. The financial burden of Covid-19 and the lack of government reimbursement payments from Medi-Cal was not sustainable for the Madera Community Hospital which closed and filed for bankruptcy. Madera County residents now must travel to either Merced or Fresno which is 30 to 40 miles away. In an emergency, the needed 30 to 45 minutes of drive-time can create a life-or-death situation. The added patient load for the Merced and Fresno hospitals had a significant impact resulting in both Fresno and Merced Counties declaring a State of Emergency.

The closure of the Madera Community Hospital has also affected City and County law enforcement departments in Madera County. State prisoners and residents, some of whom may suffer from mental disorders, must now be transported to either Merced or Fresno hospitals. Drive-time coupled with understaffed law enforcement units to transfer patients puts additional strain on city and county resources. The closure caused the Madera County Sheriff to declare a State of Emergency on January 9, 2023.

A third example are the winter storms of 2023 which brought massive amounts of snow leaving many homes uninhabitable. Some residents had to relocate to shelters, motels, and schools. The impact of the Winter Storms triggered an ICS activation.

On March 8, 2023, the MCGJ observed the daily ICS briefing at the Madera County Sheriff's Department headquarters of the ICS. The storms of February and March prompted the visit by the MCGJ. Specific areas of concern were highlighted at the daily briefing. Partner agencies representatives from PG&E, the Red Cross, the California Office of Emergency Services, the California Highway Patrol, the Community Action Partnership of Madera County, Madera County Public Works, the Flood Control District, the North Fork Rancheria, Sierra Ambulance, police, sheriff, and Cal Fire all provided up-to-date information. The National Weather Service provided a weather risk outlook. Updates were provided to address the changing conditions of the roads and priority access routes to ICS and resident locations.

The MCGJ also learned that all departments worked around the clock. Assistance was also available for residents from other community volunteers, who cleared roofs, and driveways checked for medical needs, food needs, needs of pets, and pulled stuck vehicles out of the snow-covered ditches and driveways.

The MCGJ found that when the ICS was triggered, the calls were received at the Sheriff's 9-1-1 Call Center. To secure government funds, on March 8, 2023, the governor of California declared a State of Emergency. The Sheriff's Office became the hub for disseminating and coordinating information for the County. The ICS assessed the needs and gathered and deployed personnel to address the incident. Public information was provided by television, radio, and social media. Using various disaster areas as a backdrop, the sheriff presented video updates surrounding the storms and advised residents to heed the message of road closures and barriers, to avoid flooded areas including water over the roads or overflowing streams, and to avoid any unnecessary travel.

Findings:

- F1. The MCGJ finds that Madera City Police, Cal Fire, and the Madera County Sheriff's Department are well-prepared to work in cooperation with outside agencies to address incidents.
- F2. The MCGJ finds that Madera City Police, Cal Fire, and the Madera County Sheriff's Department follow the National Incident Management System (NIMS) guidelines.
- F3. The MCGJ finds that Madera City Police, Cal Fire, and the Madera County Sheriff's Department use common terminology and standardized procedures.
- F4. The MCGJ finds that Madera City Police, Cal Fire, and the Madera County Sheriff's Department train on ICS procedures on a regular basis across all agencies.

Recommendations:

- R1. The MCGJ recommends that the Madera City Police, Cal Fire, and the Madera County Sheriff's Department continue to engage outside agencies while addressing incidents.
- R2. The MCGJ recommends that the Madera City Police, Cal Fire, and the Madera County Sheriff's Department continue to follow the NIMS guidelines.
- R3. The MCGJ recommends that the Madera City Police, Cal Fire, and the Madera County Sheriff's Department continue to work in a cooperative and collaborative manner using common terminology and standardized procedures.

R4. The MCGJ recommends that the Madera City Police, Cal Fire, and the Madera County Sheriff's Department continue to train on a regular basis across all agencies.

Required Respondents:

Pursuant to Penal Code sections 933 and 933.05, the Madera County Grand Jury requests responses as follows:

From the following elected county officials within 60 days:

Madera County Sheriff

2725 Falcon Drive

Madera CA. 93637

Madera County Board of Supervisors

200 W. 4th Street Fourth Floor

Madera, CA 93638

Invited Respondents:

Pursuant to Penal Code sections 933 and 933.05, the Madera County Grand Jury requests responses as follows:

From the following elected county officials within 90 days:

Cal Fire Battalion Chief

200 W. 4th Street Fourth Floor

Madera, CA 93638

Madera Police Chief

300 S. C Street

Madera, CA 93638

Reports issued by the Grand Jury do not identify the individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.



**Auditor-Controller Department
Key To Achieving Excellence
In County Government**

**Madera County Grand Jury
Final Report 2022-2023-04
June 19, 2023**

Summary: Efficient and effective government operations in Madera County rely heavily on the Auditor/Controller (A/C) Department, which is involved in many of the County's financial activities. In summation, the activities of the A/C Department combine to promote and support accountability across County entities. Internal auditing is one of the many functions of the A/C Department. When performed consistently this activity can play a critical role in achieving efficient County processes by identifying risks and operational deficiencies. The failure to perform in-depth internal audits results in increased exposure to the County of operational and financial risk. Delivery of payroll to the employees of the County is one of the most critical and sensitive functions of the A/C Department. Computer software plays a key role in this process, and its reliability and ease of use are critical in delivering timely and accurate payroll services to approximately 1700 County employees. Failure to fully understand the capability of a software program and/or its supplier before purchase and implementation can have a substantial negative impact on both individual employees and County operations.

Background The A/C is the chief accounting and disbursing officer of the County and performs a wide variety of finance-related activities impacting all departments in the County government. These activities include maintaining the accounts of County government, School Districts, and most Special Districts, as well as compiling County and Special District budgets. Taxation-related functions of this department include tabulating the assessed valuation of property, compiling tax rates, preparing the tax roll, controlling accounts for current and delinquent taxes, and maintaining property inventory records. The A/C issues checks on behalf of the County including disbursement of County payroll to the employees of Madera County. The A/C is also involved in ensuring that relevant state-mandated audits and reports are performed and filed in a timely manner. These include reports such as the Comprehensive Annual Financial Report.

Internal Auditing Function The A/C Department is additionally responsible for performing internal audits of County departments and activities in order to provide assurance that internal

controls are being followed and County assets are being effectively managed. These audits range in scope from minor cash audits up to and including in-depth audits wherein findings are identified, and recommendations proposed to improve operations.

In consideration of the wide range of responsibilities above, the efficient functioning of the A/C Department is vital to the County government in order that it may fulfill its mission to provide the highest quality of government services and exemplify the core values stated in the 2023 Madera County Strategic Plan: *Professionalism, Loyalty, Accountability, Compassion, and Excellence*.

In recognition of the value of internal auditing to efficient government, the Board of Supervisors (BOS) on December 20, 2016, passed **Resolution 2016-315** establishing an Internal Audit Committee. Through its creation by the BOS, the committee and its activities were subject to the Brown Act requiring public notice and meetings. The adopted resolution further defined both the purpose and membership of each committee. The Internal Audit Committee thus formed would be responsible for several aspects of internal auditing, including reviewing audit reports, review of the Annual Audit Schedule prior to its submission to the BOS, audit follow-ups, and corrective action implementation, and reporting to the BOS on issues as necessary. Membership of this committee was composed of the Chair and Chair Pro-Tem of the BOS, the County Administrative Officer, the Assistant County Administrator, the Auditor/Controller, the Assistant Auditor/Controller, and the Chief Internal Auditor.

Barely two years after its formation, the Internal Audit Committee was dissolved on October 23, 2018, when the BOS passed **Resolution 2018-139** contained within the consent agenda. This resolution also authorized the A/C to create a new internal audit committee through policies and procedures internal to the A/C Department. Ultimately the A/C did create a new internal audit committee - its membership consisting of the same county officials as the Internal Audit Committee just dissolved by the BOS. The resolution further affirmed the BOS support for the value of the internal audit function. However, the resolution also clearly specified that a new internal audit committee, if formed by the A/C, "*would not be subject to the Ralph M. Brown Act.*" This would exempt the new internal audit committee from the Brown Act requirements of public, meetings, agenda/minutes postings, and public discussions. Following the December 18, 2018, BOS meeting discussing the highly critical findings of the Waste

Disposal Services Audit, the Madera County Grand Jury (MCGJ) found no further mention of internal audit plans or results during any subsequent public BOS meetings, agenda postings, or consent calendars.

Payroll Function The A/C Department is responsible for paying the County payroll to the employees in a timely, accurate, and efficient manner. Closely related activities include the preparation and submission of monthly, quarterly, and annual reports for the Public Employees Retirement System, as well as State and Federal agencies. In 2020, management-level personnel from both the A/C Department and the Human Resources Department collaborated and brought to the County a new payroll system to replace an older system. This new payroll system was offered by NEOGOV in the form of an additional service subscription to add functionality to a NEOGOV system already in use by the HR Department for employee recruiting and onboarding. The old payroll system was believed to be inadequate and unable to support the needs of Madera County going forward.

Methodology

- Inspected previous Grand Jury Reports focused on the A/C Department
- Interviewed A/C Department and HR Department personnel.
- Reviewed Madera County Strategic 2023 Plan
- Attended Board of Supervisors meetings
- Viewed archived decision-making BOS meeting recordings.
- Reviewed supporting documentation and staff reports related to BOS resolutions impacting the department.
- Studied Department's organizational chart changes.
- Surveyed Department's website presence
- Located and reviewed numerous best practices for Enterprise Resource Program conversions.
- Reviewed State of California Accounting Standards and Procedures for Counties, 2022 Edition

Discussion

Internal Auditing Performance: As clearly stated in Board of Supervisors **Resolution 2016-315** of December 2016, the value of internal auditing lies in its independence and objectivity, *“designed to add value and improve an organization’s operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance process.”* The resolution further states *“...public officials, government managers, and private citizens want and need to know not only whether government funds are handled properly and in compliance with laws and regulations, but also whether public programs are achieving the purposes for which they are authorized and funded, and, whether they are doing so efficiently, effectively, and equitably...”* This language clearly underscores the importance of overall risk management in pursuit of efficient and transparent government operations.

Risk assessment and management is an important process for any government activity. With proper implementation and consistent use, it provides a systematic approach to identifying risks across County departments and functional activities. This can result in greater awareness of operational risks throughout an entity’s operations. It can improve the ability of management to prioritize these risks and subsequently direct resources as necessary to reduce risk and address operational deficiencies. It can also improve transparency.

The MCGJ reviewed the internal audit activities of the A/C Department for the years 2016 through the 3rd quarter of 2022 and found the implementation and use of a Risk Assessment worksheet beginning in 2016 and continuing up to 2021. Each Risk Assessment worksheet listed and scored the County activities subject to potential internal audit. The purpose of the Risk Assessment worksheet is to aid management in viewing and judging these activities in consideration of eight separate and weighted categories, then assign a risk rating of “High,” “Mid, or “Low,” across the categories. As presented in each of the Annual Audit Schedules, the categories with their respective weightings include:

Risk Factors	Weight
1. Complexity of Operations	10%
2. Regulatory Compliance	10%
3. Turnover of Key Personnel	15%
4. Time Expired Since Last Audit	10%
5. Board of Supervisors / Management Concern	20%
6. Public Image	10%
7. Rapid Growth	10%
8. Financial Exposure	15%

Taken together with the assigned High/Mid/Low rating, an “Inherent Risk Score” for each County entity is generated ranging from 0 to 30 on a 30-point scale, with 30 representing the highest possible risk. County entities receiving an Inherent Risk Score of 24 or higher were designated as being “Selected for Audit.”

The MCGJ’s review of Risk Assessment worksheets encompassing the years 2016 through 2021, revealed that of the 32 County entities selected for audit, only three were audited by the A/C Department during that period. This represents less than 10 percent of those entities designated as “Selected for Audit” actually audited. Many of the entities selected for audit were repeatedly carried forward to subsequent years without ever being audited. In some years selected activities were, with management justification noted in the worksheets, intentionally delayed, or not audited due to other priorities. However, in most cases, no audits were ever subsequently produced during the period examined by the MCGJ. Below are examples of County activities repeatedly identified in the Risk Assessment worksheets as “selected for audit,” with accompanying explanations, but never having received an in-depth audit by the A/C Department:

- **Payroll** - *“High-risk ranking, known issues among departments, high exposure for risk through overtime, estimated 15K per month overpayment due to departments not submitting changes on time. HR delays as well.”*
- **Behavioral Health Services Administration** - *Budgeting significantly in “excess of actual costs. Budget controls no longer in place. This matter will be discussed with the Audit Committee to establish its importance.”*

- **Code Enforcement Division** - *“Department received a higher risk ranking due to unwillingness to provide details on code enforcement issues. Vehicle Abatement Code Enforcement actions may be poorly documented. As well as contracting outside services for inspections \$435K.”*

- **Purchasing** - *“Procurement (Bid Process), Purchase Agreements, and Contracts are at risk for management override of controls. However, more urgent risk areas are present.”*

The examples above are provided to illustrate the value of the Risk Assessment worksheets and their use in identifying and prioritizing internal audit activities. Management has the discretion necessary to determine which activities should ultimately be audited - taking into consideration the resources available to perform value-added in-depth internal audits. In each of the years surveyed by MCGJ, a formal Audit Schedule was published by the A/C Department, with the stated mission:

“Promoting transparency, efficiency, and effective internal controls across county operations.”

Each published audit schedule included a list of planned audits, derived with inputs from management and the Risk Analysis worksheet for each year. The MCGJ reviewed the Annual Audit Schedule for each of the years 2016 through 2022 and found only 12 instances where the planned in-depth audits identified in the Audit Schedule aligned with the 32 items selected for audit in the Risk Assessment worksheets. A further review of the annual audit schedules revealed that of the 29 in-depth audits planned only eight in-depth audits were produced.

In those instances where in-depth audits were performed, the MCGJ found the audits to be professional, and to contain specific and impactful recommendations to management and County leadership. Below are several examples of high-quality, in-depth internal audits performed by the A/C Department, wherein the County activity was examined relative to multiple aspects such as those related to the reliability and integrity of financial and operational information, and compliance with relevant laws and regulations. Depending on the activity, additional aspects were also examined. These internal audits include:

- **Public Works Department (Report 17-001, February 2017)** - An audit of accounting, record-keeping, and control processes due to, “deteriorating financial conditions of Special Districts and of the Road Fund.” The internal audit resulted in 19 Findings and accompanying Recommendations.

- **Purchase Card Program (Report 17-004, May 2017)** - An audit to assess the compliance of the card program with County purchasing policy, and the effectiveness and efficiency of the program overall. The internal audit resulted in 11 Findings and accompanying Recommendations.
- **Animal Services (Report 20-001, June 2020)** - An audit to evaluate finance, operations, performance, and compliance with safety requirements, and procedures. The internal audit resulted in five Findings and accompanying Recommendations.
- **Waste Disposal Services (Reports 18-002a, March 2018)** - Internal Audit conducted in order to assess the integrity of the financial information provided to the County by the waste management contractor Redrock Environmental, Redrock Environmental compliance with the provisions of the original waste management contracts, and the costs associated with contract amendments made in 2015. This internal audit resulted in five significant Findings and accompanying Recommendations, ultimately leading to public hearings and substantial revisions of the County's Solid Waste Management Contracts with the waste management contractor.

The examples above and their accompanying improvement recommendations to departmental and County leadership are exemplary of the highest levels of internal auditing and contributions to effective government. In each of these examples, significant findings were identified and recommendations for improvement were made. In turn, departmental management was given the opportunity to respond to the audit findings and implement those recommendations believed to be actionable - thus completing the value-added contribution of the internal audit process.

The examples noted above stand in stark contrast to those minor, less impactful internal audits performed by the A/C Department. The minor audits reviewed by the MCGJ during its investigation consisted largely of departmental petty cash audits and asset listings. Though important and necessary, these audits are minor and narrow in scope and therefore lack the transformational recommendations often associated with more in-depth internal auditing.

Payroll Services Impacted At the time of the NEOGOV payroll subscription and subsequent implementation in June 2022, the NEOGOV payroll program was substantially lacking in full payroll functionality necessary to deliver reliable payroll services to the County and County employees. The County was not fully aware of the shortcomings of NEOGOV’s payroll system at the time of its adoption. In addition, NEOGOV personnel did not fully understand the complexities of the payroll needs of the County. The difficulties involved in the conversion to the NEOGOV program were compounded by an insufficient level of parallel testing necessary prior to the conversion, as well as insufficient user training prior to and after the conversion. This resulted in circumstances resembling a *build-as-you-go* approach to the payroll system conversion, leading to payroll inaccuracies and inconveniences impacting many County employees. These issues were particularly evident with the Madera County Sheriff’s Department. Payroll amounts were not deducted accordingly, which led to employees receiving inaccurate payroll amounts to some receiving no payments at all.

While many of the payroll system shortcomings have been and continue to be addressed through the efforts of the dedicated personnel of both the A/C Department and the Human Resources Department, the undue burden of the NEOGOV payroll conversion has adversely impacted the reputation of the A/C Department as well as its ability to fully carry out the wide range of its responsibilities.

Findings

F1 The MCGJ finds that County departments and activities designated as selected for audit by utilization of the Risk Assessment worksheets are in most cases left unaudited, potentially resulting in continued risk to County operations.

F2 The MCGJ finds that County departments and activities planned to receive an audit in the Annual Audit Schedule in many cases do not align with County activities previously designated in the Risk Assessment worksheets, resulting in many high-risk designated activities remaining unaudited.

F3 The MCGJ finds that when in-depth internal audits are performed by the A/C Department, value-added Findings and Recommendations are made to management affording opportunities to improve the effectiveness and efficiency of government operations.

F4 The MCGJ finds that since the dissolution of the Internal Audit Committee as originally created by the BOS Resolution 2016-315, public visibility, and awareness of internal audit publications are minimized, thereby resulting in a clouded transparency of government operations.

F5 The MCGJ finds the County did not sufficiently understand and test the capability of NEOGOV's payroll program to deliver reliable and accurate payroll services to the employees of Madera County, resulting in payroll errors for many County employees.

F6 The MCGJ finds that the County and NEOGOV did not provide sufficient training necessary to implement the new payroll system effectively and efficiently, thereby compounding payroll and reporting errors.

F7 The MCGJ finds that the reputation of the Audit Controllers department was compromised resulting from the undue burden of the payroll conversion to NEOGOV, thereby adversely impacting the A/C Department's ability to fully execute the wide range of its responsibilities.

Recommendations

R1 The MCGJ recommends that the A/C Department return to a robust utilization and application of the Risk Assessment worksheet to all County entities, with implementation by November 1, 2023.

R2 The MCGJ recommends that in preparing the Annual Audit Schedule, the A/C, with input from the Audit Committee, should demonstrate a more rigorous adherence to those County activities previously identified in the Risk Assessment worksheet by December 31, 2023.

R3 The MCGJ recommends that the A/C, with input from the Audit Committee, should establish and execute a minimum number of in-depth audits to be performed annually by December 31, 2023.

R4 The MCGJ recommends the A/C should publish on its webpage the results of all internal audits performed on County activities by December 31, 2023.

R5 The MCGJ recommends that prior to purchasing or subscribing to new computer software programs, the County adheres to the guidance provided by the 2015 Internal Control Guidelines of California stating: "Changes in software should be subject to extensive evaluation and testing in order to identify and manage risks associated with use."

R6 The MCGJ recommends that prior to initiating a computer software conversion plan, a training plan should be fully developed and fully implemented with all personnel expected to use the new software program. Both on and off-site training should be a mandatory component of the training plan.

R7 The MCGJ recommends that the A/C Department personnel should continue to work with HR and other departments to close the remaining gaps associated with the NEOGOV payroll conversion in order to exemplify the core values stated in the 2023 Madera County Strategic Plan: Professionalism, Loyalty, Accountability, Compassion, and Excellence.

Required Responses

Pursuant to Penal Code Sections 933 and 933.05, the Madera County Grand Jury requests responses as follows from the elected County officials within 60 days:

Madera County of Board of Supervisors
200 W 4th Street, 4th Floor
Madera, CA 93637

Madera County Auditor/Controller
200 W. 4th Street, 2nd Floor
Madera, CA 93637.

Reports issued by the Grand Jury do not identify the individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury do not include the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

FINAL REPORT RESPONSES 2021 - 2022
Madera County Juvenile Detention Facility
Final Report 2122-01

Summary: “Changing Lives” is the operational motto for the members of the administration, teachers, and staff at the Madera County Juvenile Detention Facility. The lives of the youth are changed with the implementation of routines, establishing requirements, and recognizing achievements. Without the addition of what the Grand Jury has deemed the three R’s of Routines, Requirements, and Recognition, youth often find themselves merely floating through life without recognizing the goals that can be achieved. A combination of routine, requirements, and recognition has resulted in a reduced recidivism rate of only 25 percent. Routines of academic study, physical activity, and personal care are combined with the requirements of maintenance and expectations for personal and community space resulting in completion of the Cadet Academy Program. The facility houses both the Juvenile Detention Facility and a Correctional Academy. The facility contains five separate units of approximately 15 rooms per unit. The facility has a capacity of 70 youth. At the time of the inspection, there were 20 juveniles, 18 males and 2 females. The facility holds youth awaiting punishment for crimes of which they are accused. The most frequent reasons for detainment are fighting, gangs, and drugs. Most youth are detained for less than two years with an average stay of 30 days. Youth are detained for their own protection or the protection of the community. The youth participating in the Correctional Academy and earning a designation as a cadet, spend a minimum of six months in the program, are graduated from the program, and are then monitored for six months following release from the facility. Staffing is often stretched as several activities are occurring at the same time. Direct supervision of youth always requires staff to be present. The recommended staff ratio is 1 to 10 youth by Title 15. The staffing is currently down seven staff members and five extra help positions.

Findings:

1. MCGJ finds that the Madera County Juvenile Detention Facility provides structure to reduce the recidivism rate of youth participating in the Cadet Academy Program.
2. MCGJ finds that the faculty and staff provide a supportive and encouraging environment for youth.
3. MCGJ finds that with the passage of SB 823, Madera County faces new challenges with the realignment population.

Recommendations:

1. MCGJ recommends that the administration, teachers, and staff continue to provide a rigorous and nurturing structure of academics and activities.
2. MCGJ recommends that administration, teachers, and staff continue to provide social and emotional support.
3. MCGJ recommends that the administration continue to work with community stakeholders to meet the needs of the realignment population.



MEMBERS OF THE BOARD

BRETT FRAZIER, District No. 1
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KAREN SCRIVNER, Chief Clerk of the Board

September 13, 2022

The Honorable Michael Jurkovich
Supervising Judge of the Grand Jury
Madera County Superior Court
200 S. G Street
Madera, CA 93637

Subject: Response to the 2021-22 Grand Jury Report entitled "Penal Institutions in Madera County"

Honorable Judge Jurkovich:

Pursuant to the California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2021-22 Madera County Grand Jury report entitled "**Penal Institutions in Madera County**" See Attachment #1.

The following are the Grand Jury's findings and recommendations and the Board of Supervisors' responses to Part I of the report, "Madera County Juvenile Detention Facility":

Finding 1:

The MCGJ finds that the Madera County Juvenile Detention Facility provides structure to reduce the recidivism rate of youth participating in the Cadet Academy Program.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 2:

The MCGJ finds that the faculty and staff provide a supportive encouraging environment for youth.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).

Finding 3:

The MCGJ finds that with the passage of SB 823, Madera County faces new challenges with the realignment population.

Response

Respondent agrees with the finding per California Penal Code 933.05 (a) (1).



BOARD OF SUPERVISORS / CLERK OF THE BOARD
200 West 4th Street • Madera, CA 93637 • 559.675.7700 • madco311.com • maderacounty.com

Recommendation 1:

The MCGJ recommends that the administration, teachers, and staff continue to provide a rigorous and nurturing structure of academics and activities.

Response

Respondent agrees with the recommendation per California Penal Code 933.05.

Recommendation 2:

The MCGJ recommends that the administration, teachers, and staff continue to provide social and emotional support.

Response

Respondent agrees with the recommendation per California Penal Code 933.05.

Recommendation 3:

The MCGJ recommends that administration continue to work with community stakeholders to meet the needs of the realignment population.

Response

Respondent agrees with the recommendation per California Penal Code 933.05.

The following are the Grand Jury's findings and recommendations and the Board of Supervisors' responses to Part II of the report, "Madera County Department of Corrections (Jail)":

Finding 1:

The MCGJ finds that in housing areas of the jail, staffing levels are not adequate to ensure the safety of the staff and inmates.

Response

Respondent partially disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, Madera County Sheriff, Tyson Pogue, has responded to this finding and stated:

"Staffing shortages are an issue for nearly every county correctional facility state-wide. Though public safety has inherent associated risks, and staffing shortages will increase those risks, we do utilize overtime and contracted security to supplement the deficit to ensure the safety of our staff and inmates.

I agree that additional staffing is necessary based on a number of factors. With realignment, we are housing increasingly sophisticated inmates as well as inmates that have been convicted and sentenced that would have previously served their sentences in state prison. We continue to have more requirements and regulations added to our workload each year. Our facility has grown over the years, but we struggle with recruitment and retention. We are seeing several correctional officers taking positions with the California Department of Corrections. Others take positions in the private sector unrelated to public safety and corrections for a higher paying career and/or better schedules. Though we can bridge the gap with overtime temporarily, this is a short-term mitigation and will ultimately result in burn-out compounding the problem."

Sheriff Pogue further states:

"I disagree with what may likely be an unintentional inference that we are not currently able to safely manage our facility or ensure the safety of staff and inmates. I believe a more correct findings statement would be that we will have long term negative impacts to the facility and programs should the staffing levels remain at their current level for an extended period of time."

The response of the Sheriff to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 2:

The MCGJ finds that the custody areas lack routine maintenance.

Response

Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, Madera County Sheriff, Tyson Pogue, has responded to this finding and stated:

"I would encourage the MCGJ to tour other county facilities state-wide. Our facility is clean and well maintained in comparison. We have three maintenance personnel who work around the clock ensuring the facility remains in good working order. They access routine maintenance requests daily. Per staff, they handle around 10 routine maintenance requests daily and consistently keep up with demands. There are always opportunities for improvement, but I am unable to agree to a blanket statement that the entire facility lacks routine maintenance."

The response of the Sheriff to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Finding 3:

The MCGJ finds that a lack of a daily structured regimentation contributes to a lack of self-pride by inmates.

Response

Respondent disagrees with the finding per California Penal Code 933.05 (a) (2). Under separate cover, Madera County Sheriff, Tyson Pogue, has responded to this finding and stated:

"Inmate schedules are very consistent and must meet state mandates. Each inmate is afforded the opportunity to shower, recreate, socialize, and take care of basic needs. Not all inmates take advantage of these opportunities. Under normal circumstances, we are unable to force an inmate to come out of their cell, nor force them to shower. We are not able to force them to socialize, shave, brush their teeth nor take care of basic hygienic needs. The inmates own mental wellness and personal decisions, or preferences primarily contribute to their hygiene and appearance within the facility.

Several of our inmates are suffering from substance abuse and mental health disorders. It has been a challenge to get these inmates to shower properly. We provide free hygiene supplies and schedule regular shower days. We recently purchased 250 new mattresses as well as replaced the clothing for inmates in the entire facility.

I believe the modules visited in the limited time available to the MCGJ were not an accurate representation of all inmates."

The response of the Sheriff to the above Finding is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 1:

MCGJ recommends that staffing levels in housing areas be increased to ensure the safety of both the staff and inmates.

Response

The recommendation has not yet been implemented but will be implemented in the future. Under separate cover, Madera County Sheriff, Tyson Pogue, has responded to this recommendation and stated:

"I agree with this recommendation. Over the past year, at one point, we filled nearly every vacant funded position. However, due to challenges in Human Resources, as well as many departures, we have lost as many as we gained. County correctional officer recruitment and retention is a state-

wide challenge. I have had discussions about our challenges with Human Resources, our team, and Madera County Administration, strategizing ways to improve the situation. We will aggressively attempt to implement this recommendation."

The response of the Sheriff to the above Recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 2:

MCGJ recommends that long-deferred maintenance issues be immediately addressed.

Response

The recommendation has been implemented. Under separate cover, Madera County Sheriff, Tyson Pogue, has responded to this recommendation and stated:

"I agree, and this recommendation is already implemented. Maintenance issues should be prioritized and addressed as soon as practicable. Like any facility, some projects are a massive undertaking. The MCGJ specifically mentioned the rubber shower flooring. We agree this is a project that needs to be completed. Replacement of this rubber matting will cost around \$78,600 and will be a major project within the facility. This is not a simple project that can be handled by County maintenance staff and must be contracted out. This is one of our major projects currently pending. Around the first of the year, we will begin a 24-million-dollar expansion and renovation project which will provide needed facility expansions. Most importantly this expansion will add a mental health module, expand the intake area, and retrofit an older area of the jail turning the space into classrooms."

The response of the Sheriff to the above Recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

Recommendation 3:

MCGJ recommends that immediately a daily regulated schedule be implemented for inmates.

Response

The recommendation has been implemented. Under separate cover, Madera County Sheriff, Tyson Pogue, has responded to this recommendation and stated:

"I agree, and this recommendation is already implemented. We offer daily programming on a consistent basis to inmates. Though sometimes emergencies and uncontrollable circumstances interrupt that schedule, we strive to keep their environment consistent, and predictable."

The response of the Sheriff to the above Recommendation is considered appropriate and is submitted as the Board of Supervisors' response.

The Board acknowledges the Grand Jury's review and time involved in this matter and appreciates the opportunity to respond to the findings and recommendations.

Sincerely,



Tom Wheeler
Chairman of the Board of Supervisors

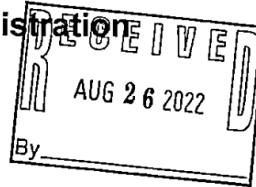


**MADERA COUNTY
PROBATION DEPARTMENT**
Administration



STEPHANIE STOECKEL
Deputy Chief Probation Officer

CHRIS CHILDERS, Chief Probation Officer



209 W. Yosemite Ave
Madera, CA 93637
Phone (559) 675-7739
Fax (559) 673-0521

August 8, 2022

Honorable Judge Michael Jurkovich
Madera County Supervising Judge of the Grand Jury
300 So. G Street
Madera CA 93637

Attention: Honorable Judge Michael Jurkovich

This letter is to serve as a response to the (MCGJ) Madera County Grand Jury findings and recommendations released on June 22, 2022, regarding Madera County Juvenile Detention Facility.

Madera County Probation Department would like to thank the Madera County Grand Jury for their recommendations and positive comments. The group that toured our facility showed great interest in the education, rehabilitation, and medical efforts that were on display when visiting with the teachers, wards, facility staff and medical staff.

The Probation Department acknowledges the Grand Jury's findings and recommendations. We will continue operating the facility at a high level of safety and the rehabilitation of justice involved youth under our care.

The Grand Jury's report noted three (3) findings for Madera County Juvenile Detention Facility and provided three (3) recommendations. Below you will find the department's response pursuant to Penal Code Section 933.

Madera County Probation Department Response:

The Madera County Probation Department agrees with the three findings and recommendations. We will continue to support Staff development, stakeholder engagement and implementation of pro-social programs, education, and training to meet the needs of both staff and youth.

Please note that the Madera County Juvenile Detention is inspected annually by the Madera County Public Health Officer, Buildings, Environmental Health, Superintendent of Schools, State Fire Marshal, Juvenile Justice Commission, and the (BSCC) Board of State Community Corrections to ensure the facility meets Local and State standards set for the in California Title 15 Standards for Juvenile Facilities. The Juvenile Facility meets or exceeds those standards with the last inspection occurring in May 2022. A report of that inspection is public and accessible on Board of State Community Correction's website.

"The mission of the Madera County Probation Department is to encourage positive change in the lives of offenders through collaborative partnerships, evidence-based practices, and corrective services."

In Closing, Madera County Probation appreciates the effort and time of the Grand Jury to provide the recommendations to the operation of the Madera County Juvenile Detention Facility. Madera County Probation Department Management and Staff take pride in our work and will continue to follow all State and County guidelines and procedures in the daily operation of the Juvenile Detention Facility. Should you have any questions please do not hesitate to contact me.

Cordially,



Chris Childers, Chief Probation Officer

cc: Madera County Grand Jury

Central California Women's Facility

Overview: Central California Women's Facility is a Level 1-4 institution. The original facility was designated for 2004 inmates. However, the State of California will allow 137.5 percent of capacity or 2755 inmates. At the time of the inspection on April 18, 2022, the inmate population was 2213, which is within the State mandates. This is a significant improvement over the MCJG's last visit on January 9, 2020. At that inspection, the inmate population was 2778, which was not in compliance. There are currently 22 inmates on death row, although the death penalty has been suspended in California. Typically, five to six inmates are released on a weekly basis. Over the course of the last two years, 2,113 inmates were released with only 19 returning to Madera County.

Findings:

1. MCGJ finds that the landscaping was neglected.
2. MCGJ finds that those participating in the Auto Body and Paint program received valuable employable skills.
3. MCGJ finds that the Warden was willing to speak with members of the Grand Jury about the rehabilitative programs at CCWF.
4. MCGJ finds that the Warden initiated communication and rehabilitative programs geared to minimize institutional disruptions and was willing and scheduled regular meetings with the IAC representatives.
5. MCGJ finds that the Puppies Uplifting Inmate's Spirits Program (P.U.P.S.) enables inmates to become more responsive to the needs of the dog and the changes associated with surrounding stimuli.

Recommendations:

1. MCGJ recommends that CCWF develop a landscaping program practice for inmates to train for after-institution life.
2. MCGJ recommends that the institution continue to train and make ASE and I-CAR certification available at CCWF.

3. MCGJ recommends that the Warden continue to research and implement innovative programs at CCWF.
4. MCGJ recommends that the Warden expand the IAC program to involve more inmates in the decision-making process.
5. MCGJ recommends that CCWF continue to offer the P.U.P.S. program to benefit the inmate/trainer, the staff, and the administration. Required Respondents: Pursuant to Penal Code sections 933 and 933.05, the Grand Jury request

DIVISION OF ADULT INSTITUTIONS
Central California Women's Facility
P.O. Box 1501
23370 Road 22
Chowchilla, CA 93610-1501
(559) 665-5531



June 27, 2022

Presiding Judge Michael Jurkovich
Madera County Superior Court
300 S. G. Street
Madera, CA 93637

Madera County Grand Jury
P.O. Box 534
Madera, CA 93639

This is in response to your Findings and Recommendations contained in the 2022 Madera County Grand Jury report, dated June 22, 2022, regarding Central California Women's Facility (CCWF).

Findings:

1. The MCGJ finds that the landscaping was neglected.

In 2014 the California Department of Corrections and Rehabilitation (CDCR) implemented a Statewide Water Conservation Plan directing State agencies to reduce overall water use at their facilities. Due to this direction, CCWF maintains efficient water use practices throughout the institution. Ongoing efforts are made to keep the landscaping at CCWF looking presentable. Warden Pallares understands the beautification efforts at the institution assists with inmates' rehabilitative process.

2. The MCGJ finds those participating in the Auto Body and Paint program received valuable employable skills.

CCWF Warden, M. Pallares welcomes and encourages inmates to participate in vocational programs such as Auto Body. The Auto Body program supports inmates in learning a valuable trade that will assist them in attaining employment once they are released from custody.

3. The MCGJ finds that the Warden was willing to speak with members of the Grand Jury about the rehabilitative programs at CCWF.

Warden Pallares appreciates questions from the public and looks forward to meeting with guests as they tour the institution. Warden Pallares is a strong believer in the rehabilitative process and believes the programs offered at CCWF will assist inmates become successful once they are released from custody.

4. The MCGJ finds the Warden initiated communication and rehabilitative programs geared to minimize institutional disruptions and was willing and scheduled regular meeting with IAC representatives.

Warden Pallares is a strong believer in communicating with the inmate population. He has weekly interviews with inmates who request to speak with him. Warden Pallares has regular meetings with the IAC to discuss issues throughout the institution. Working with his management team, they are able to resolve many issues at the lowest level.

5. The MCGJ finds the Puppies Uplifting Inmate's Spirits Program (P.U.P.S) enables inmates to become more responsive to the needs of the dog and the changes associated with surrounding stimuli.

The P.U.P.S program at CCWF is a valuable program that has not only helped inmates begin to heal from trauma, the program has also helped members of the community with their physical and emotional needs as well.

Recommendations:

1. The MCGJ recommends that CCWF develop a landscaping program practice for inmates to train after-institution life.

CCWF agrees with this recommendation and will continue to find ways to keep beautifying the landscape of the institution and remain compliant with direction given to them from headquarters.

2. The MCGJ recommends that the institution continue to train and make ASE and I-CAR certification available at CCWF.

CCWF agrees with this recommendation as ASE and I-CAR are just two of the successful programs offered to offenders at CCWF.

3. The MCGJ recommends that the Warden continue to research and implement innovative programs at CCWF.

Warden Pallares consistently seeks new ways to bring rehabilitative programs to CCWF and encourages suggestions that will help inmates in their rehabilitative process.

4. The MCGJ recommends that the Warden expand the IAC program to involve more inmates in the decision-making process.

The Inmate Advisory Council (IAC) operate under a set of By-Laws which indicate when elections will be held and the duration of each term. Each housing unit at CCWF has IAC representatives living in them. These representatives work with the housing staff to diffuse any issues that may arise within the unit. Every ethnic group is represented and has the ability to be a part of the decision-making process at CCWF.

5. MCGJ recommends that CCWF continue to offer the P.U.P.S program to benefit the inmate/trainer, the staff, and the administration.

CCWF agrees with this recommendation and hopes to expand the program.

Should you have any questions or concerns regarding this matter, please contact Gene Norman, Administrative Assistant/Public Information Officer, at (559) 665-5531, extension 5012.



M. PALLARES
Warden (A)
Central California Women's Facility

Madera County Department of Corrections (Jail)

Overview: The oversight and management of the county jail was transferred to the Madera Sheriff's Office as a result of action by the Board of Supervisors in April of 2021. On April 14, 2022, when the MCGJ's inspection was conducted, the population was 430 which did not exceed the design capacity of 564. Over the course of two years, 510 inmates were placed in safety cells, 464 were placed in sobering cells, and six deaths occurred. Two suicides were reported and one is awaiting the coroner's final report.

Findings:

1. MCGJ finds that in housing areas of the jail, staffing levels are not adequate to ensure the safety of the staff and inmates.
2. MCGJ finds that the custody areas lack routine maintenance.
3. MCGJ finds that a lack of a daily structured regimentation contributes to a lack of self-pride by inmates.

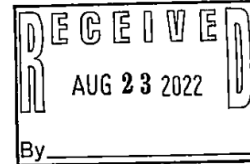
Recommendations:

1. MCGJ recommends that staffing levels in housing areas be increased immediately to ensure the safety of both the staff and inmates.
2. MCGJ recommends that long-deferred maintenance issues be immediately addressed.
3. MCGJ recommends that immediately a daily regulated schedule be implemented for inmates.



OFFICE OF THE SHERIFF

Tyson J. Pogue, Sheriff-Coroner



To: Erin Kenny, Jury Division, First Floor
From: Sheriff Tyson Pogue
Date: August 22, 2022
Re: Response to Grand Jury Report 2122-01

Ms. Kenny,

Please find the enclosed response from the Madera County Sheriff regarding Grand Jury Report 2122-01. The report was finalized, signed and attempted to be delivered August 22, 2022, however we discovered your office closed at 3pm.

I have included two identical copies to facilitate a stamped copy for our records.

Sincerely,

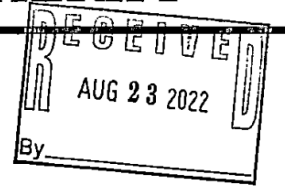
A handwritten signature in black ink, appearing to read "Tyson J. Pogue".

Tyson J. Pogue, Sheriff-Coroner



OFFICE OF THE SHERIFF

Tyson J. Pogue, Sheriff-Coroner



August 22, 2022

The Honorable Michael Jurkovich
Supervising Judge of the Grand Jury
Madera County Superior Court
200 S. G Street
Madera, CA 93637

Subject: Response to the 2122-01 Grand Jury Report titled, "Penal Institutions in Madera County."

Honorable Judge Jurkovich:

In accordance with California Penal Code sections 933 and 933.05, this correspondence serves as the response of the Madera County Sheriff to the Madera County Grand Jury (MCGJ) report titled "Penal Institutions in Madera County."

I have reviewed the resulting report as well as the findings and recommendations. The report contained three (3) findings and three (3) recommendations pertaining to the Madera County Jail. The following are those findings, recommendations, and my responses as requested:

Finding 1:

MCGJ finds that in housing areas of the jail, staffing levels are not adequate to ensure the safety of the staff and inmates.

Response: I partially agree/disagree with this finding pursuant to California Penal Code 933.05(a)(2).

Staffing shortages are an issue for nearly every county correctional facility state-wide. Though public safety has inherent associated risks, and staffing shortages will increase those risks, we do utilize overtime and contracted security to supplement the deficit to ensure the safety of our staff and inmates.

I agree that additional staffing is necessary based on a number of factors. With realignment, we are housing increasingly sophisticated inmates as well as inmates that have been convicted and sentenced that would have previously served their sentences in state prison. We continue to have more requirements and regulations added to our workload each year. Our facility has grown over the years, but we struggle with recruitment and retention. We are seeing several correctional officers taking positions with the California Department of Corrections. Others take positions in the private sector unrelated to public safety and corrections for a higher paying career

☎ (559) 675-7770

📍 2725 Falcon Drive, Madera, CA 93687

✉ Sheriff@MaderaCounty.com

and/or better schedules. Though we can bridge the gap with overtime temporarily, this is a short-term mitigation and will ultimately result in burn-out compounding the problem.

I disagree with what may likely be an unintentional inference that we are not currently able to safely manage our facility or ensure the safety of staff and inmates. I believe a more correct findings statement would be that we will have long term negative impacts to the facility and programs should the staffing levels remain at their current level for an extended period of time.

I agree that staffing is a major issue that needs to be addressed as soon as possible.

Finding 2:

MCGJ finds that the custody areas lack routine maintenance.

Response: I disagree with this finding pursuant to California Penal Code 933.05(a)(2).

I would encourage the MCGJ to tour other county facilities state-wide. Our facility is clean and well maintained in comparison. We have three maintenance personnel who work around the clock ensuring the facility remains in good working order. They access routine maintenance requests daily. Per staff, they handle around 10 routine maintenance requests daily and consistently keep up with demands. There are always opportunities for improvement, but I am unable to agree to a blanket statement that the entire facility lacks routine maintenance.

Finding 3:

MCGJ finds that a lack of a daily structured regimentation contributes to a lack of self-pride by inmates.

Response: I disagree with this finding pursuant to California Penal Code 933.05(a)(2).

Inmate schedules are very consistent and must meet state mandates. Each inmate is afforded the opportunity to shower, recreate, socialize and take care of basic needs. Not all inmates take advantage of these opportunities. Under normal circumstances, we are unable to force an inmate to come out of their cell, nor force them to shower. We are not able to force them to socialize, shave, brush their teeth nor take care of basic hygienic needs. The inmates own mental wellness and personal decisions or preferences primarily contribute to their hygiene and appearance within the facility.

Several of our inmates are suffering from substance abuse and mental health disorders. It has been a challenge to get these inmates to shower properly. We provide free hygiene supplies and schedule regular shower days. We recently purchased 250 new mattresses as well as replaced the clothing for inmates in the entire facility.

I believe the modules visited in the limited time available to the MCGJ were not an accurate representation of all inmates.

Recommendation 1:

MCGJ recommends that staffing levels in housing areas be increased immediately to ensure the safety of both the staff and inmates.

Response: I agree with this recommendation. Over the past year, at one point, we filled nearly every vacant funded position. However, due to challenges in Human Resources, as well as many departures, we have lost as many as we gained. County correctional officer recruitment and retention is a state-wide challenge. I have had discussions about our challenges with Human Resources, our team, and Madera County Administration, strategizing ways to improve the situation. We will aggressively attempt to implement this recommendation.

Recommendation 2:

MCGJ recommends that long-deferred maintenance issues be immediately addressed.

Response: I agree, and this recommendation is already implemented.

Maintenance issues should be prioritized and addressed as soon as practicable. Like any facility, some projects are a massive undertaking. The MCGJ specifically mentioned the rubber shower flooring. We agree this is a project that needs to be completed. Replacement of this rubber matting will cost around \$78,600 and will be a major project within the facility. This is not a simple project that can be handled by County maintenance staff and must be contracted out. This is one of our major projects currently pending. Around the first of the year, we will begin a 24-million-dollar expansion and renovation project which will provide needed facility expansions. Most importantly this expansion will add a mental health module, expand the intake area, and retrofit an older area of the jail turning the space into classrooms.

We will keep a close eye on maintenance projects and ensure they are addressed as needed.

Recommendation 3:

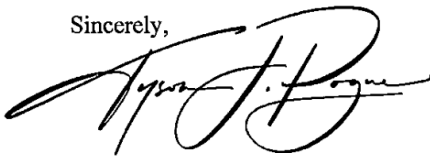
MCGJ recommends that immediately a daily regulated schedule be implemented for inmates.

Response: I agree, and this recommendation is already implemented.

We offer daily programming on a consistent basis to inmates. Though sometimes emergencies and uncontrollable circumstances interrupt that schedule, we strive to keep their environment consistent, and predictable.

I want to take this opportunity to thank the grand jury for their time and attention in this important matter. I appreciate your valued service to the community and for providing an opportunity to respond to the findings and recommendations of the Grand Jury's report.

Sincerely,



Tyson J. Pogue, Sheriff-Coroner