

June 25, 2020

The Honorable Dana Walton,
Presiding Judge,
Superior Court of California, Mariposa County

On behalf of the 2019 – 2020 Mariposa County Grand Jury, we have been honored to have been of service to the people of Mariposa County, and to the Superior Court for the 2019/2020 term. Our service has brought us close to the myriad aspects of County Government, and we have had the pleasure of meeting many of the dedicated professionals responsible for huge job of doing the people's business. In addition, we have had the pleasure of meeting several of our fellow citizens, and of coming to understand the perspective of those people on the workings of County Government.

It has been an interesting and educational year, and we each are grateful to the Court for allowing us this honor. We act, now, in accordance with California Law wherein California Penal Code §933(a) states:

"Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year..."

In conformance with the aforementioned Penal Code requirement, on June 25, 2020 the 2019 – 2020 Mariposa County Grand Jury approves by unanimous vote and respectfully submits this electronic copy (hard copy follows) of our annual report to the Honorable Dana Walton, Presiding Judge, Superior Court of California, County of Mariposa.

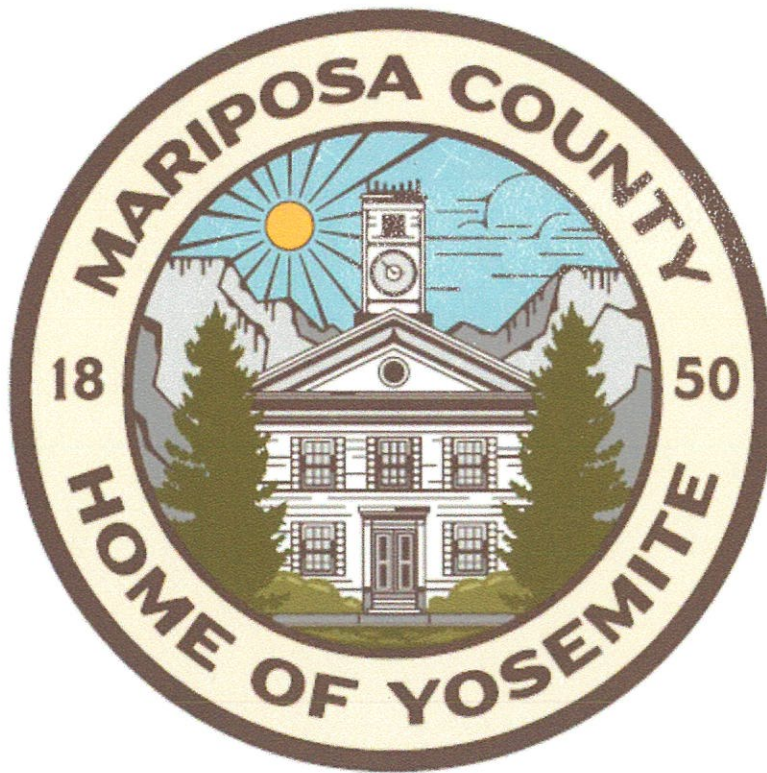
Sincerely,

Codie Hart
Secretary
2019 – 2020 Mariposa County Grand Jury



**MARIPOSA
COUNTY**

2019-2020
Mariposa County
Civil Grand Jury



FINAL REPORT

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Superior Court of California County of Mariposa

F. Dana Walton
Presiding Judge

Michael A. Fagalde
Assistant Presiding Judge

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August 12, 2020

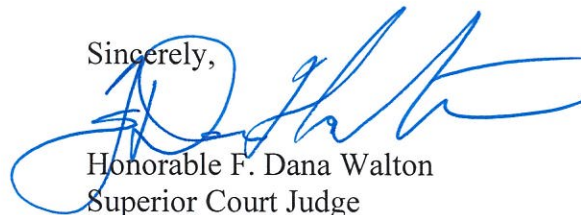
Donald Smith
Grand Jury Foreperson

Mr. Smith:

I have read and reviewed the 2019-2020 Mariposa County Grand Jury Final Report.

At this time, I wish to personally thank you and the other grand jurors for your work on behalf of the citizens of Mariposa County. Without the dedication of those like you this vital part of our system would certainly fail.

Sincerely,



Honorable F. Dana Walton
Superior Court Judge

June 17, 2020

Honorable Dana Walton,
Presiding Judge
Mariposa County Superior Court
P.O. Box 28
Mariposa, CA. 95338

Dear Judge Walton:

On behalf of the 2019-2020 Mariposa County Grand Jury, we would like to thank you for the opportunity to serve our community. We believe that it is a duty and privilege to be the voice of the citizens and taxpayers and we are all honored to have been selected to be a part of this important effort. The interviews, oversight, inspections, and reviews that we were able to conduct were not only an education for each of us, but a reiteration of the necessary part the Grand Jury process plays in our governing process.

We were informed very early into our tenure that County Counsel would not be available for any legal advice or guidance to the Grand Jury, citing a potential conflict of interest. Although this put us at a disadvantage in fully performing our duties, we appreciate and thank District Attorney Walter Wall for his assistance. His knowledge and advice was truly appreciated.

During the course of the year, two members resigned including one alternate. Fortunately, you were able to recruit able and responsible replacements.

As required by law, the Grand Jury inspected the correctional facilities in the County, which included the Adult Detention Facility, as well as the Mount Bullion Conservation Camp and Juvenile Detention Center. We also updated an oversight matrix spreadsheet of various County entities and identified several to investigate. The Grand Jury conducted seven county agency investigations, examined nine complaints, and addressed one advisory from the San Mateo County Civil Grand Jury (SMCCGJ) regarding the possibility of an electronic hijack of election communications.

Committee members also held site visits and conducted interviews with Animal Control, John C. Fremont Healthcare District, and the Roads Department.

The Grand Jury held meetings with multiple county department heads, all five County Supervisors, Mariposa County Sheriff, County Auditor, County Code Compliance Technician, and Mariposa County District Attorney.

The Grand Jury submitted several interim reports ahead of this consolidated report, and would like to thank the Board of Supervisors, Sheriff's Office, and John C. Fremont Healthcare District for their responses to those interim reports.

In conclusion, the Grand Jury would like to thank you Judge Walton, and your entire staff for your helpfulness and support throughout the 2019-2020 Grand Jury session. In addition we would like to express our sincere gratitude to Mariposa County Superior Court Administrative Assistant, Dina Garrett, for her regular and consistent support.

Respectfully submitted,

Donald G. Smith, Foreperson

2019-2020 Mariposa County Civil Grand Jury

2019-2020 Mariposa County Civil Grand Jury Members

Don Smith, Foreperson

Codie Hart, Recording and Corresponding Secretary

Dave Angelini

Eileen Collins

Barbara Hauri

Arthur Lehr

Pamela Short

Aubrey Simpson

Deborah Sutherland

Zulema Valdez

Amber Wanner

HISTORY AND FUNCTION OF THE GRAND JURY

BEGINNING OF THE GRAND JURY SYSTEM

The present grand jury system evolved from the earlier ecclesiastical courts beginning in 1164 when King Henry II of England impaneled the first 16-man Grand Jury to remove criminal indictments from the hands of the church. In 1635, the first American Grand Jury was impaneled in the Massachusetts Bay Colony. By 1638, grand juries were present in all the colonies. These early Grand Juries began the practice of returning presentments which were primarily against public officials and different from criminal indictments.

42 states use some form of the Grand Jury system. California is a state that allows prosecution to be initiated either by a Criminal Grand Jury indictment or by judicial preliminary hearing. California impanels County Civil Grand Juries every year to conduct civil investigations of county and city government and to hear evidence to make recommendations or to decide to return indictments.

FUNCTION OF THE MARIPOSA GRAND JURY

The Mariposa Grand Jury is a judicial body consisting of 11 citizens. It is impaneled to act as an "arm of the court," as authorized by the Fifth Amendment of the United States Constitution and the Constitution of the State of California, to be a voice of the people and conscience of the community. A Civil Grand Jury is impaneled in Mariposa County each year in July. A Criminal Grand Jury may be impaneled in the County if deemed necessary by the Superior Court Judge.

The Grand Jury is charged with a grave responsibility. It serves as an ombudsperson for the citizens of Mariposa County. The entire population of the County is affected by an active Civil Grand Jury. Malevolent and unfaithful public servants feel uneasy because unlawful acts may be uncovered, while honest citizens and conscientious public servants are reassured that there is a watchdog over inappropriate and illegal activity. Therefore, Civil Grand Jury Service calls for diligence, impartiality, courage, and responsibility.

The Grand Jury submits meaningful solutions to a wide range of problems. It is a volunteer, fact-finding body with the potential to create positive and constructive changes. The Grand Jury is an investigative body created for the protection of society and the enforcement of the law. Although the responsibilities of the Grand Jury are many and diverse, the three prominent functions include: citizen complaints, civil government oversight, and criminal investigations.

JURISDICTION

The jurisdiction of the Mariposa County Grand Jury is limited by statute and has no jurisdiction or authority to investigate any Federal or State agencies. Grand Jury jurisdiction extends to the workings of Mariposa County Government, Special Districts or Joint Powers Agencies within the County, and County Public Officials.

SPEAKERS TO THE GRAND JURY

- Board of Supervisors
 - Mariposa County Supervisor, District 1: Rosemarie Smallcombe
 - Mariposa County Supervisor, District 2: Merlin Jones
 - Mariposa County Supervisor, District 3: Marshall Long
 - Mariposa County Supervisor, District 4: Kevin Cann
 - Mariposa County Supervisor, District 5: Miles Menetrey

- Mariposa County Sheriff and Interim Fire Chief, Doug Binnewies
- Chief Executive Officer of John C. Fremont HealthCare District, Matthew Matthiessen
- Health and Human Services Director, Chevon Kothari
- Registrar of Voters, Keith M. Williams
- Mariposa County Director of Public Works and Transportation, Mike Healy
- Mariposa County Administrative Officer, Dallin Kimble
- Building Department Director, Mike Kinslow
- Planning Department Director, Sarah Williams
- Code Compliance Technician, Corrina Miranda
- Child Welfare Services Division Deputy Director, Baljit Hundal
- Mariposa County Auditor, Luis Mercado

REPORTS AND INVESTIGATIONS

1. Investigative Report on Deferred Complaint regarding a Mariposa Supervisor – report generated ✓
2. Oversight Report on Law Enforcement – report generated ✓
3. Investigative Report on Cyber-security Advisory from San Mateo County Civil Grand Jury – report ✓ generated
4. Investigative Report on John C. Fremont Healthcare District – report generated ✓
5. Oversight Report on Animal Control Facility – report submitted
6. Oversight Report on Mariposa County Fire Department – report submitted
7. Oversight Report on Health and Human Services: Child Welfare – report submitted
8. Oversight Report on Public Works: Roads Division – report submitted

Investigative Report on Deferred Complaint regarding a Mariposa County Supervisor

SUMMARY

The 2018/2019 Mariposa County Civil Grand Jury (MCCGJ) requested that the 2019/2020 MCCGJ consider investigating a citizen complaint that the 2018/2019 MCCGJ received but did not have enough time to investigate.

The 2019/2020 Mariposa County Civil Grand Jury elected to investigate this complaint (#2019-01(a)).

The complaint alleged six improper conduct concerns by a Mariposa County Supervisor.

The Mariposa County Civil Grand Jury did not find evidence of improper conduct for any of the six improper conduct allegations. The investigation; however, revealed room for improvement in educating the public on Board of Supervisor policy and procedure.

The Grand Jury recommends that the County Administrative Department provide additional and easily accessible information and resources regarding rules and procedures of the Board of Supervisors for greater transparency.

The Grand Jury further recommends ethics training for Supervisors beyond that which is required to ensure that clear lines are drawn between public duties and personal behavior, to enhance public trust.

GLOSSARY

BOS – Board of Supervisors

MCCGJ – Mariposa County Civil Grand Jury

BACKGROUND

In the May/June timeframe of 2018 the 2018/2019 Mariposa County Grand Jury received a complaint from a Mariposa County citizen alleging six distinct and specific concerns regarding improper conduct by a Mariposa County Supervisor. The complaint alleged six distinct and specific concerns:

1. Improper use of power by the Supervisor through self-representation as a legal authority
2. Inappropriate manipulation by the Supervisor of the Board of Supervisor's Consent Agenda
3. Improper use of power by the Supervisor through appointments to advisory boards

4. Improper use of insider information by the Supervisor for personal gain
5. Use of intimidation by the Supervisor
6. The complaint also asked the Grand Jury to investigate specific details regarding private citizens other than the Supervisor

The 2018/2019 Mariposa County Grand Jury concluded they did not have the time to sufficiently investigate the issues and asked that the 2019/2020 Mariposa County Grand Jury consent to take on the necessary investigation.

As the Mariposa County Counsel has recused their office from advising the Grand Jury based upon potential conflicts of interest, the 2019/2020 Mariposa County Grand Jury consulted with the Mariposa County District Attorney as a legal advisor. After that consultation, the 2019/2020 Mariposa County Grand Jury elected to take on this complaint (#2019-01(a)) investigation.

METHODOLOGY

The 2019/2020 Mariposa County Grand Jury investigated the matter, calling associated witnesses and researching County policy and procedure. The Grand Jury talked with a number of involved persons, and spent considerable time in research.

DISCUSSION

The facts in this report are the result of multiple interviews conducted by the 2019/2020 Mariposa County Grand Jury during the investigation process or in documentation footnoted separately.

Allegation 1: Improper use of power by the Supervisor through self-representation as a legal authority

There is no evidence to show that the Supervisor in question ever improperly represented themselves as an attorney or legal authority. While the Grand Jury did find that the Supervisor may have rendered advice to acquaintances concerning contract clauses and language, this was done in the manner of personal advice, and not under color of authority as an attorney or as a County Supervisor.

Allegation 2: Inappropriate manipulation by the Supervisor of the Board of Supervisor's Consent Agenda

Agendas for Board meetings are prepared by the Clerk of the Board, and items submitted to the Consent Agenda are "scheduled as such at the discretion of the County Administrative Officer."¹ Research has shown that as a result of the County Administrative Department's MinuteTraQ software, which is used to build Board of Supervisor agendas and a three tier approval system

¹ Rules of Procedures for Meetings of the Board of Supervisors of Mariposa County, accessed 11/3/2019, <https://www.mariposacounty.org/DocumentCenter/View/79666/Board-Meeting-Procedures>

unconnected to the Board of Supervisors, a single Supervisor cannot improperly manipulate the Board's Consent agenda, and in fact has no authority or control over where a given item ultimately appears on the agenda.

Allegation 3: Improper use of power by the Supervisor through appointments to advisory boards

Research has shown that Board of Supervisor members properly have a great deal of latitude in naming advisory board and commission members from a Supervisor's own District. The process is largely subjective, and Supervisors choose their own advisory members.

Allegation 4: Improper use of insider information by the Supervisor for personal gain

There is no evidence that the Supervisor in question used the position of Supervisor for personal gain. None of the individuals spoken to by the 2019/2020 Grand Jury were able to show, even anecdotally, that there was any evidence at all of this having occurred.

Allegation 5: Use of intimidation by the Supervisor

While the 2019/2020 Mariposa County Grand Jury acknowledges that "intimidation" can be a subjective concept, it does not appear to this Grand Jury, after talks with those concerned, that this Supervisor's demeanor ever rose to the level of intimidation.

Allegation 6: The complaint also asked the Grand Jury to investigate specific details regarding private citizens other than the Supervisor.

It is not within the purview of the Grand Jury to investigate any aspect of a private citizen's life unless it is part and parcel of a complaint, or other legitimate Grand Jury investigation. The request that accompanied this complaint would have taken the Grand Jury outside of our jurisdiction. For that reason, the 2019/2020 Grand Jury did not peruse this element of the complaint.

Mariposa County's Expense and Ethics Policy for Elected Officials

In Mariposa County, each elected county official and each member of the Board of Supervisors receives "at least two hours of training in general ethics principles and ethic laws relevant to his or her public service every two (2) years."

"Ethics laws" include, but are not limited to, the following:²

- 1) Laws relating to personal financial gain by public servants, including but not limited to, laws prohibiting bribery and conflict-of-interest laws.

² Mariposa County Board of Supervisors Agenda Action Form (Agenda item no. 13, 2005), Adopt "Board of Supervisors and County Elected Officials Expense and Ethics Policy," accessed 11/3/2019, <http://www.mariposacounty.org/DocumentCenter/View/51779/Policy-143>

2) laws relating to claiming prerequisites of office including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.

3) Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws.

4) Laws relating to fair processes, including but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members.

FINDINGS

After investigation, the 2019/2020 Mariposa County Grand Jury arrived at the following findings;

1. To prevent allegations of supervisor misconduct by citizens of Mariposa County, it is essential that Supervisors clearly delineate the line between acting and carrying out duties as a County Supervisor and their everyday lives, including personal communications and activity with respect to their constituency.
2. There is a lack of accessible information and resources for citizens to understand the process by which agenda items are placed on the BOS agenda.
3. There is a lack of accessible information and resources for citizens to understand the BOS process by which advisory board members and commission members are selected and appointed to serve by Supervisors.
4. The required two hours of training every two years in Expense and Ethics Policy by elected officials of Mariposa County is insufficient to ensure the public trust.

RECOMMENDATIONS

The 2019/2020 Mariposa County Grand Jury closes this complaint investigation with the following recommendations:

1. The Grand Jury recommends Mariposa County Board of Supervisors and all persons in County elected positions receive additional ethics training beyond that which is required to ensure greater self-awareness of public perception of elected officials' communication style and behavior.
2. The Grand Jury recommends that the County Administrative Officer or relevant party provide additional information or education, perhaps in the style of a pamphlet or poster in the Board Room, that details how the Board agenda is created and works for greater transparency.
3. The Grand Jury recommends that the County Administrative Officer or relevant party provide additional information or education, perhaps in the style of a pamphlet or

poster in the Board Room, which details how Advisory Board and Commission Members are appointed for greater transparency.

4. This Grand Jury has no further comment on this element.

REQUESTED RESPONSE

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests a response from the following governing body within 90 days:

Mariposa County Board of Supervisors;

Findings 1, 2, 3, 4, and Recommendations 1

INVITED RESPONSE

From the following within 90 days:

Mariposa County Administration/Mariposa County Administrative Officer;

Findings 2, 3, and Recommendations 2, 3

OVERSIGHT REPORT ON LAW ENFORCEMENT

SUMMARY

The 2019/2020 Mariposa County Civil Grand Jury Law Enforcement Committee was charged with the oversight, investigation and review of law enforcement in Mariposa County.

To this end, elements of the committee in conjunction with other Grand Jurors spoke with the County Sheriff, other members of the Sheriff's Office, members of the Probation Department, and State Corrections officials in Mariposa County. In addition, the Committee and other Grand Jurors toured the Mariposa County Adult Detention Facility, the Mt. Bullion Conservation Camp and the Mariposa County Juvenile Holding Facility. Table 1 shows the dates of the Grand Jury's tours.

Table 1: Grand Jury Facility Tours

Facility	Tour Date
Mariposa County Adult Detention Facility	10/8/2019
California State Department of Corrections and Rehabilitation Mt. Bullion Fire Camp	11/5/2019
Mariposa County Juvenile Holding Facility	11/12/2019

In general, the Committee's efforts showed the law enforcement community in Mariposa County to be in very good shape, the Committee's efforts, however, revealed room for improvement with respect to some of the facilities in use by law enforcement, and some issues regarding personnel staffing.

In addition to oversight and investigation of the Mariposa County law enforcement community, and at the time of this report, the 2019/2020 Mariposa County Civil Grand Jury received one complaint from a Mariposa County citizen regarding the Sheriff's Office (2019-C02). Members of the Law Enforcement Committee and other Grand Jurors made preliminary inquiries into the circumstances relating to the complaint and concluded that the matter was being handled appropriately by relevant agencies; thus, the Grand Jury took no further action on the matter.

GLOSSARY

MCCGJ – Mariposa County Civil Grand Jury

CAL FIRE – California Department of Forestry and Fire Protection

CDCR – California Department of Corrections and Rehabilitation

CBSCC – California Board of State and Community Corrections

Mariposa Adult Detention Facility – Is a Type II Facility operated in accordance with applicable federal and state law. A Type II Facility means a local detention facility used for the detention of persons pending arraignment, during trial and upon a sentence of commitment.³ The jail is a division of the Mariposa County Sheriff's office. The complex houses male and female adult detainees as well as inmates who have been sentenced for California misdemeanor and felony crimes and has a capacity of about 60 inmates.⁴

Mariposa County Juvenile Holding Facility (Juvenile Hall) – A special purpose 96-hour detention facility for youth who have committed offenses prior to their eighteenth birthday. The facility is part of the probation department and operates under the authority and regulations of the Welfare and Institutions Code, Penal Code and the California Code of Regulations. The Chief Probation Officer is the local authority of the special purpose Juvenile Hall. The Superintendent, or designee, is responsible for the day-to-day operation of the facility and its employees.⁵

Mount Bullion Conservation Camp #39 – A minimum-security facility staffed with correctional staff. The primary mission of the Conservation (Fire) Camp Program is to support state, local and federal government agencies as they respond to emergencies such as fires, floods, and other natural or manmade disasters. California Department of Corrections and Rehabilitation (CDCR), in cooperation with the California Department of Forestry and Fire Protection (CAL FIRE) and the Los Angeles County Fire Department (LAC FIRE), jointly operate 43 “fire camps”, located in 27 California counties.⁶

BACKGROUND

The MCCGJ is authorized to inquire into and inspect the condition of jails and detention centers in Mariposa County. The authority for inquiring into the operations is contained in Penal Code Section 921, “The grand jury is entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the county.”

PROCESS

³ [Bsc.ca.gov/wp-content/uploads/Adult-Title-24-Min-Standards-for-Local-Detention-Facilities-2013.pdf](https://www.bsc.ca.gov/wp-content/uploads/Adult-Title-24-Min-Standards-for-Local-Detention-Facilities-2013.pdf), accessed 11/24/2019.

⁴ See [shouselaw.com/mariposa-county-jail/](https://www.shouselaw.com/mariposa-county-jail/), accessed 11/24/2019.

⁵ See [mariposacounty.org/2265/Juvenile-Hall/](https://www.mariposacounty.org/2265/Juvenile-Hall/), accessed 11/24/2019.

⁶ See [cdcr.ca.gov/facility-locator/conservation-camps/](https://www.cdcr.ca.gov/facility-locator/conservation-camps/), accessed 11/24/2019.

The 2019/2020 MCCGJ investigated the law enforcement community, calling associated witnesses, spoke to officials and reviewed associated documents, including published budget materials. The Grand Jury talked with a number of involved persons, and spent considerable time in research and investigation oversight.

Mariposa County Sheriff's Office

The 2019/2020 MCCGJ Law Enforcement Committee and other Grand Jurors met with Mariposa County Sheriff Doug Binnewies on October 17, 2019. The Sheriff shared that the current Sheriff's Office philosophy is one of "total service" including "community health and safety" (Fire, EMS, Law Enforcement, as well as healthy families and mentoring). He said that the Office has 50 sworn Patrol Deputies and 21 Correctional Deputies (both of these programs cover the entire county and operate seven days a week, twenty-four hours a day), three Animal Control Officers, and 4 non-sworn Security Officers at the court. In addition, he said that the Office has 5 full time professional administrative support people. He said that the patrol deputies respond to about 200,000 calls a year, and animal control responds to another 3,000 calls each year. The Sheriff also mentioned that one of his deputies is assigned to Mariposa County High School full time to teach the Grizzly Law Enforcement program.

The Sheriff's Office budget covers the high cost business of keeping professional, high quality deputies equipped, trained and on the street and in the jail, as well as jail maintenance and upkeep, the administrative office and dispatch equipment and maintenance, security for the courthouse, the cost of equipping and training professional dispatch personnel, and the dispatch center and 911 depository (a twenty-four/seven operation), which handles the almost quarter million calls for service each year. Additionally, the Sheriff's Office budget is used for the upkeep and maintenance of the Animal Control Facility, including the training and equipping of high caliber Animal Control Officers. Moreover, the Office maintains the Coroner's Office, fiscal division, and sexual offender compliance program, among other state and county mandated programs.

The Sheriff said our jail is rated for 58 beds, and that professionally run county jails are not profit centers. He said that recent and ongoing legislation continues to make custody a challenge to manage.

NOTE: Please see *Oversight: Mariposa County Detention Facilities* section in this report.

The Sheriff took the opportunity to discuss with the MCCGJ the role of the Sheriff's Office in fire emergency response. He said that Mariposa County is in charge of its Fire Department, but Cal Fire has hands on management that has produced good results. The Sheriff stated that, in addition to the fast response of his Office to fire emergencies, volunteers are also responding more quickly, and numbers of volunteers are increasing. The partnership between Mariposa County and Cal Fire has brought professionalism and stability and horse power from the state. As a consequence, emergency response is quicker, and more robust.

The Sheriff commented on the recent power outage related to PG&E's Public Safety Power Shutoff (PSPS). He told the MCCGJ that during power outages, the Sheriff's Office has access to additional deputies available to provide support to the affected areas 24/7. In the case of extreme events (e.g., Ferguson, Detwiler) the Sheriff's Office has mutual aid agreements and must respond to such events with additional resources. The Sheriff stressed that it is important for County residents to sign up for the free alert system from Nixle.

When asked about challenges faced by the Sheriff's Office, the Sheriff noted that the costs associated with additional staff and salaries continues to be a challenge, notwithstanding Measure M, which provided substantial resources to the Office. In particular, he suggested that salary increases are necessary to keep law enforcement professionals from moving to nearby counties for employment. He also indicated that his Office has long been in dialog with the County for Law Enforcement salary structure. The Sheriff also mentioned a need for more deputies, to allow for proactive patrols and saturation to help stop street crime. Finally, the Sheriff told the Grand Jury that his Office is in the design phase for a new Sheriff's Office facility.

Findings:

1. The size and scope of the Sheriffs' Office mission is daunting. The Office is required to patrol and secure an area of almost 1,450 square miles seven days a week and twenty four hours a day. With distance of 30 to 40 miles between communities, and only 50 patrol deputies, safe coverage of the County can be difficult to maintain.
2. Providing competitive salary and compensation packages is of paramount importance in order to prevent Mariposa County Law Enforcement Professionals from seeking employment in nearby counties which are able to offer better packages.

Recommendations:

1. This Grand Jury recommends that the Sheriff's Office be given additional budget to accommodate the hiring of two more full time patrol deputies, in order to provide for the safety and security of Mariposa County.
2. This Grand Jury recommends that the County adhere strictly to any commitments already made to the Sheriff's Office regarding salary, while entertaining a moderate increase to the Sheriff's payroll budget lines in order to keep salaries, at a minimum, in the median range for law enforcement in California.

REQUESTED RESPONSE

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests a response from the following governing body within 90 days:

Mariposa County Board of Supervisors;

Findings 1 and 2, and Recommendations 1 and 2

INVITED RESPONSE

From the following within 90 days:

Sheriff's Office;

Findings 1 and 2, and Recommendations 1 and 2

Oversight: Mariposa County Adult Detention Facility:

The Grand Jury is required by law to “inquire into the condition and management of the public jail, prison and detention facilities in the county”, and is allowed access to do so by Section 921 of the California Penal Code. Public Jail, Detention and Prison Facilities in Mariposa County include the Mariposa County Adult Detention Facility, the Mariposa County Juvenile Detention Facility, and the California State Department of Corrections and Rehabilitation Mt. Bullion Fire Camp #39.

On October 8, 2019 at 4:00 PM the Mariposa County Grand Jury 2019/20 Law Enforcement Committee⁷ and other Grand Jurors met at the Adult Detention Facility for an inspection tour.

Lieutenant Sean Land gave the Grand Jury a tour through the Facility which started at 4:00pm and ended at approximately 6:25 pm. The current Adult Detention Facility was completed and populated in 1995. Although the Facility is aging, given the current available resources the Sheriff's Office appears to be doing a very good job in maintaining and operating the Facility.

A “Smart Deposit” kiosk is located in the Facility lobby where visitors can add funds to an inmate's account. This process, instituted in 2011, has prevented the need for deputies to actually handle money intended for this purpose. Prior to this process, it was necessary for deputies to take the cash, provide a receipt and place the funds on deposit. The Facility has a capacity for 58 inmates as rated by the California Board of State and Community Corrections (CBSCC). There are 58 beds, and sufficient toilets, showers and eating facilities for that number. The Facility does have portable beds for overflow – and has in the past housed more than 60 inmates, but is not currently rated for more than 58. Rarely does the Facility go over the capacity rating. Mariposa County has an MOU with Merced County whereby the two counties can trade inmates, which does happen for any number of reasons including overflow.

⁷ Committee Chair recused because of recent employment at the jail.

On October 8, 2019 there were 42 inmates in custody. There is approximately a 2.7 to 1 ratio of total deputies to (potential) inmates. Between four and five deputies are scheduled in the Facility and to be on duty at any one time, as was evident when we toured the Facility.

There are 6 cell blocks. Inmates are grouped and housed by gender, based upon level of offense, aggressiveness and incarceration status. Care is taken to insure that inmates are getting along within their group setting. When problems arise deputies are quick to resolve the issue in a number of ways, including by relocating offending individuals to a more conducive environment within the jail.

There are a total of 21 deputies assigned to the Facility. This number includes one Lieutenant, three Sergeants, and 16 floor deputies. Twelve deputies are male and nine are female. All cell blocks have one-way glass so that an unobstructed view of inmates can be easily monitored by deputies who are either on the floor or within the raised control room where one can see visually into the cell blocks as well as view the monitors for the various mounted cameras located throughout the Facility.

While being booked into the Facility inmates are placed in one of five specialized detention cells. The Facility is equipped with two holding cells, two sobering cells (which have padded floors) and a Safety Cell, which is completely padded, and devoid of obvious fixtures. The holding and sobering cells are equipped with a place to sit and a toilet behind a short wall which provides a bit of privacy. A floor drain provides the ability to hose off each of these cells. An odor of bleach could be detected. All rooms were clean and odor free except for the bleach. A window in the door of each room gives a direct view to a monitor in the common area that provides orientation to rules and procedures.

A visiting nurse made a recommendation regarding the storage of inmate's street clothes. They were being stored in plastic bags. She was concerned about lice being transferred from one bag to the next. The storage of inmate's clothes has been changed to plastic bins with locking lids. Those bins will be relocated to a room closer to the booking area in the near future eliminating the need to walk the inmate to the back of the Facility to get dressed or undressed.

The last Grand Jury made a recommendation on how the deputies were storing their street clothes and fire arms. The lockers are small so clothes are hung up separately with shoes below. There is a plan to expand the area to provide large lockers that will provide the necessary area to store all clothes, shoes and fire arms within the same locker space. Male and female deputies do have separate changing areas and lockers.

At present there is both analog and digital camera equipment in use at the Facility. There is a fairly new equipment room. An upgrade to the camera system is in progress, and when completed the entire Facility will be digitally monitored with the ability to store one year of combined recordings from all cameras. This is important in that it could be months before

an inmate's court appearance happens. Recordings of the inmate's conversations can be relevant to the case. It was noted that custodial deputies, unlike street deputies, are not equipped with body cameras. For the time being, body cameras are deemed by the Sheriff's Office as unnecessary given the very extensive coverage of mounted cameras throughout the facility.

There are telephones located in each of the cell blocks, and an outside vendor provides calling services for the inmates. Inmates may not receive incoming calls, but are allowed to call out. All telephone conversations by inmates in the Facility are recorded. Inmates may also receive voice mail messages, and each cell block is equipped with video calling capability. These sessions are also recorded.

One of the main problems that deputies deal with is the level of competency of inmates. It is estimated that 40% are fully mentally competent and 60% are on some type of psychotic or psychotropic medication. Many inmates are addicted to drugs and/or alcohol. There have been many suicide attempts. One was successful in 2015 and there is presently a wrongful death suit being brought by the family of the deceased. The two inch space between the side of the bed and the wall gave the inmate a place to tie a sheet in which to hang himself. Immediately after that instance, metal plates were installed within the 2" space to mitigate that issue. Other attempts have not been successful. There have been no deaths other than the one suicide and no escapes from the jail.

Medical coverage 24/7 is an issue. The medical budget appears to make medical staffing difficult. Over time, various solutions have been attempted to rectify the problem. The jail has had a part time RN assigned to it, and later an RN plus an LVN. Both Physician Assistants and Medical Doctors have been to the jail in order to carry on on-site sick call functions. Recently, the issue has been addressed somewhat with an agreement with John C. Fremont to have a Charge Nurse assigned to the Facility, in addition to a tele-medicine program. In the event of the need the Charge Nurse will drive over to the Facility, which is a short distance away to evaluate an inmate and determine if medical intervention is necessary. This solution has taken the burden off the deputies especially during late hours when normal medical assistance is not available. Mental health issues remain a major problem.

Three fire inspections have been made this past year. Each aspect of the fire inspection was successfully performed except for the actual evacuation of the inmates. There is a fire door located inside some cell blocks, and at the back end of the exercise areas that leads into a secure area where inmates can be loaded into waiting vehicles safely. In the event of an emergency evacuation the Facility has several transport vehicles for transport, and an agreement with Merced County for the loan of an inmate bus. They have an MOU with Cal Fire, located across the road and they too have a bus that can be used to transport inmates.

In the case of recent past fires, sheltering in place was the chosen option. The building is concrete block construction with the roof being the only portion that may burn, though the

foam product used on the roof is fire resistant. In past fires, an issue was that the cooling is provided by swamp coolers, which suck in smoke, causing the filters to clog and reducing the efficacy of the cooling system. A solution would be to install air conditioning instead of utilizing the swamp coolers, though this would be a very expensive undertaking.

The Facility just received a new device that scans up to three pieces of paper at a time for traces of drugs. It has been successful in finding drug contraband. Contraband is a continual problem.

Inmates have one hour per week visiting privileges. The visitor enters a small room equipped with three seated stations equipped with windows and phones for speaking with the inmate. The jail records all of these visit conversations. There is a fourth seated station for digitally recorded visits to be used by visitors that are unable to visit at the appointed time. Opposite this room is the area where the inmate enters and sits on their side of the window.

A multi-purpose room is available for inmates. There are several shelves of books to be checked out as well as a large screen TV mounted on the wall and three boxed in monitors that are virtually unbreakable. Inmates can access a law library. The Facility is working on replacing an antiquated method for a GED program for the inmates.

Inmates in Cell Blocks A and B (minimum to medium security) have access to an exercise area half a day every day with rotations between morning and afternoon times for each cell block. The remaining four blocks (C, D, E and F) have access to one hour each of the seven days of the week. State law requires a minimum of three hours per week.

The appearance of the interior of the Facility is amazingly clean including walls, floors and ceilings. There are no unpleasant odors. The exterior of the Facility appears neat, clean and very secure. The entire Facility appears to be well run. The Grand Jury was told that inmates having served time in other facilities have stated how much better it is overall in this Facility, including the food. Their biggest complaint is that they're always being watched.

Meals for inmates are prepared at the jail site by an outside contractor, and are planned by dietitians and nutritionists on the contractor's staff. Meals are certified to meet or exceed the minimum requirements under state law. This vendor also has an emergency plan for preparing and distributing meals and potable water in the case of natural disasters. This plan has proven effective in past fire events.

The small size of the Facility has been an obstacle to providing additional services for the inmates. A program manager would be helpful; however, it is difficult to build effective inmate programs when there may only be one or two inmates that would be taking advantage of the program at a time.

When receiving a transgender inmate deputies must accommodate that person's identification. An issue arose whereby there was an individual who identified as a female

but was still retained male genitalia. Female deputies are unable by law to search such an individual, however a solution was found. When this situation arose a female officer searched the top half of the individual identifying as a female and a male officer searched the bottom half. This solution seemed to be acceptable to all involved.

A question arose within the inspection team about the mental well-being of deputies assigned to such a facility. Research showed that a professional Employee Assistance Plan is available to these deputies (and indeed, to all County employees), which allows these deputies an outlet for non-judgmental counseling at all levels.

The Adult Detention Facility appears to be well maintained in general and well run and very secure. The deputies encountered by the inspection team were extremely professional, and appeared to be well trained and well turned out.

The MCCGJ would like to extend our thanks to Lieutenant Land for his kind consideration, and for a very detailed and informative tour.

Findings:

Four areas of potential concern were noted by the 2019/20 Grand Jury Law Enforcement Committee inspection team:

1. After reviewing the medical offerings and medical oversight at the jail, and after reviewing the Jail budget for this service, it is noted that the current system, while nominally adequate and within the current budget, leaves much to be desired with respect to medical service at the jail, and leaves a potential liability gap for the County.
2. While current staffing at the jail is adequate, it appears to be just adequate. As the jail is a seven day a week, twenty four hour a day Facility, which has real requirements in the way of minimum staffing, an effective staff of 20 deputies (the Lieutenant cannot be counted, as the duties of that office frequently require that person to be physically absent from the Facility) is the absolute minimum possible. It appears that the ongoing training (sometimes off-site) of the staff, coupled with allowances for deputies who may be on vacation or out ill may leave the jail critically short of staffing.
3. The current jail HVAC system is problematic and does not appear to serve its function well.
4. The Adult Detention Facility is almost twenty five years old. As near as the Grand Jury can tell, research shows that there has never been a physical systems (plumbing, electrical and HVAC venting) audit or inspection done at the Facility. Given the high mineral content of Mariposa County water, and the age of the systems involved, it is past time for such a comprehensive inspection. However, that said, the inspection and repairs or retrofits likely to occur are well outside the jail's (and even the Sheriff's Office's) currently budgeted dollars. An audit (and the associated repairs) of a set of

systems a quarter of a century old that have been the entire time in CONTINUOUS USE will require the County's help in order to mitigate what is a (we think) legitimate concern of a catastrophic infrastructure system failure at the jail – a Facility that, again, is in operation seven days a week, twenty four hours a day.

Recommendations:

1. The Grand Jury has made a cursory study of the medical/health care situation, and has determined that by increasing the jail's medical budget by a relatively small amount, medical programs are available which would materially help the Sheriff's Office in providing comprehensive medical services, and narrow or close the potential liability gap. We recommend that appropriate staff do the required research in this regard, and that the County consider devoting the necessary funds to avoid potential future litigation.
2. It is our recommendation that the County consider allowing the Sheriff, at his discretion, to add an additional deputy assigned to the Facility.
3. Although expensive, it appears to this Grand Jury that the County may need to allow the Sheriff long term budgeting latitude to address the swamp coolers currently in use at the jail. While these units appear adequate for now, it should be noted that any major fire event in the vicinity may compromise these units, and may leave them completely non-functional. In addition, the nature of swamp coolers may make it difficult to satisfactorily regulate temperature in the cell blocks in the warm months, creating some potential liability for the county with regard to living conditions in the jail. Although expensive, air conditioning units at the jail would mitigate all of these issues.
4. This Grand Jury recommends that funds be found from outside the Sheriff's budget, perhaps from a contingency fund, to conduct an inspection of the physical systems (plumbing, electrical and HVAC venting) and the associated repairs and/or retrofits.

REQUESTED RESPONSE

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests a response from the following governing body within 90 days:

Mariposa County Board of Supervisors;

Findings 1, 2, 3 and 4, and Recommendations 1, 2, 3 and 4

INVITED RESPONSE

From the following within 90 days:

Sheriff's Office;

Findings 1, 2, 3 and 4, and Recommendations 1, 2, 3 and 4

Oversight: Mt. Bullion Conservation Camp #39 (State Facility):

The Grand Jury is required by law to “inquire into the condition and management of the public jail, prison and detention facilities in the county”, and is allowed access to do so by Section 921 of the California Penal Code. Public Jail, Detention and Prison Facilities in Mariposa County include the Mariposa County Adult Detention Facility, the county Juvenile Detention Facility, and the California State Department of Corrections and Rehabilitation Mt. Bullion Fire Camp.

On November 5, 2019 at 9:45 am the Mariposa County Grand Jury 2019/20 Law Enforcement Committee and other Grand Jurors met at the Mt. Bullion Conservation Camp #39, located at 5730 Mount Bullion Access Road, Mariposa, CA for an inspection tour.

California Department of Corrections and Rehabilitation (CDCR) Lieutenant C. Aaron Dean and Cal Fire Captain David Irion gave the Grand Jury a tour through the Facility which started at 9:45 am and ended at approximately 12:38 pm.

The Fire Camp was completed 1957, and was originally a California Youth Authority Facility. The Camp became an Adult Conservation Camp in about 2002/2003. Although the Facility is certainly not new, it appears to be in very good condition and well maintained, given its age. The Camp covers 18 to 20 acres, and is maintained by Cal Fire, though inmate services (i.e. food, medical, clothing, etc.) are provided by CDCR. Serious medical issues are dealt with at Sierra Conservation Center State Prison at Jamestown.

The Facility has a capacity of just over 100 inmates as rated by the California Board of State and Community Corrections (CBSCC). There are sufficient beds, toilets, showers and eating facilities for that number. The Facility does have facilities to accommodate overflow and has done so in times of fire emergencies in the County. On November 5, 2019 there were about 75 inmates in custody. The facility requires some 25 inmates to operate the Camp (clerical, mechanical, cooking and other administrative staff). This left, on the date of our visit, 50 or so assigned to four separate firefighting crews. When at capacity, the Camp can field five crews, although recently the Camp has fielded only four crews. Dean and Irion explained that recent State legislation like Proposition 57 and Assembly Bill 109 have reduced the number of inmates that qualify for Camp service due to early inmate releases. Dean explained that when inmates enter the prison system at intake prisons like Deuel Vocational Institution or Wasco State Prison, inmates are screened for suitability for the Fire Camp Program. If they are suitable for the Program, then they are sent to prison training facilities like Sierra Conservation Center at Jamestown. Assuming the inmate succeeds in the rigorous training program and maintains a non-violent status, they are then sent to a Camp like Mt. Bullion.

Irion explained that, while Cal Fire maintains the Mt. Bullion Camp, some Camps in the state are maintained by CDCR as well.

There are two dormitory blocks for the inmates, one to accommodate inmate administrative staff, and one to accommodate the inmate fire crews. Care is taken to insure that inmates are getting along within their group setting. When problems arise officers are quick to resolve the issue in a number of ways, including, sometimes, by relocating offending individuals back to a state prison.

There are a total of 9 CDCR Officers assigned to the Camp. This number includes one Lieutenant, one Sergeant, and 7 officers. The Camp also has Cal Fire personnel.

Dean and Irion said that at one time, there were many trade savvy inmates rotating through the Camp, though they said that seems less often now. They said that the Fire Camp Program can and has produced fully trained firefighters who leave their incarceration and are hired by Cal Fire and other agencies.

Dean said that inmates are happy to come to the Camp Program because they no longer have to deal with inmate politics, they receive payment for their work, and they eat better, have more freedom of movement and activity, and can learn marketable skills.

Irion said that there are many Fire Camp Facilities in California, including two female camps and two youth (CYA) camps. He said that all of the Camps work all over the state as needed, and even some very limited service in Nevada.

Dean and Irion said that a Strike Team travels in a two transport vehicles and is comprised of two crews, each of 10 to 15 inmates.

Dean says though there have been a few escapes, or "walkaways" over the years (only two since 2011), most escapees are recaptured quickly. An attempted escape results in the involved inmate(s) being immediately returned to prison without possibility of returning to a Camp.

Dean said that although most shifts only have two officers on duty, and some only one, there is very little inmate on inmate violence, and what there is, is generally minor. He said the average length of stay is a little over a year. Dean mentioned that there is a hierarchy of sorts on the inmate fire crews; the most trusted inmate occupying a position called "Swamper", which serves as an aide to the crew's Cal Fire Captain, the "Drag" is the senior inmate in the transport portion of the truck, and has overall responsibility there. There are also specialty tasks, such as those that work on the saws or other equipment. When the crews are on a fire, they work 24 hours on, and 24 hours off.

Irion said that when there are no fires to fight, the crews work on projects provided by the state (usually timber breaks) or on projects for the County or some non-profits such as churches.

During the tour of the Camp, the Grand Jury saw the administrative area, the hobby shop, the three television rooms, a recreation room, both dormitories, and the dining facility, as well as much of the Camp grounds. The Grand Jury also learned of an additional educational program that can provide an inmate with a Drinking Water Operator Certificate.

The inmates the Grand Jury encountered were polite and respectful, and appeared to be fully occupied.

The Mt. Bullion Conservation Camp #39 appears to be well maintained in general, and well run and relatively secure. The officers encountered by the inspection team were extremely professional, and appeared to be well trained and well turned out.

The MCCGJ would like to offer our thanks to Lieutenant Dean and Captain Irion for their kind consideration, and for a very detailed and informative tour.

Findings:

1. For its age, the Fire Camp looks well maintained, clean and in good working order. It is likely that the Camp could benefit by a mechanical audit of the mechanical systems (power, plumbing and HVAC).
2. While it seems that custodial staffing is very light with only nine total custodial officers assigned to the Camp, it appears to be working.

Recommendations:

While the inspection of this state facility by the Grand Jury is required by statute, the facility is a state, not a county, facility, and the operation of the facility is given over to two state agencies: California Department of Corrections and Rehabilitation, and Cal Fire, neither of which takes any money from Mariposa County for their operations. This takes the Facility itself outside of the jurisdiction of the Mariposa Grand Jury. For this reason, the 2019/2020 Mariposa County Grand Jury makes no recommendations in this case.

Oversight: Mariposa County Juvenile Holding Facility:

The Grand Jury is required by law to “inquire into the condition and management of the public jail, prison and detention facilities in the county”, and is allowed access to do so by Section 921 of the California Penal Code. Public Jail, Detention and Prison Facilities in Mariposa County include the Mariposa County Adult Detention Facility, the county Juvenile Detention Facility, and the California State Department of Corrections and Rehabilitation Mt. Bullion Fire Camp.

The Mariposa County Juvenile Hall is a special purpose short term detention facility for youth who have committed criminal or status offenses. The detention facility is part of the

Probation Department and operates under the authority and regulations of the Welfare and Institutions Code, Penal Code and the California Code of Regulations. The Chief Probation Officer is the local authority of the Special Purpose Juvenile Hall. The Superintendent is responsible for the day-to-day operation of the facility and its employees.

On November 12, 2019 at 4:00pm the Law Enforcement Committee and other members of the 2019/2020 Mariposa County Grand Jury met Probation Officer Connie Pearce at the Juvenile Hall for an inspection tour.

The facility is, as might be expected, quite small consisting of a secure area in the Probation Department building. This secure space has a small day room of sorts equipped with a small table and a television set. Off of the day room are two two-person holding cells equipped for sleeping and with sink and toilet facilities. There is also a small kitchen area with a refrigerator and a microwave oven, and a shower room. The area is quite clean, but is showing age in the paint and flooring. The Juvenile holding area was created within the building sometime in the early part of the 1990s.

Pearce said that the facility had no full time custodial officers, though there are three extra help, on call officers. Pearce said that in the case of a juvenile arrest, the offender is usually brought to the facility by the Sheriff's Office. The offender then is evaluated with the use of a risk assessment tool, and the score of this assessment is usually used to determine the disposition of the offender. Pearce said that in most cases, the offender is released and turned over to a responsible family member, sometimes pending adjudication of the arrest offense. She said that fairly often, the matters are mild enough that no report is forwarded to the District Attorney's Office, and so is resolved by the Probation Department. She said that it is rare to book an individual into the facility, and in fact there were only eleven bookings in 2018, and only twenty this year to date.

Pearce said that the assessment tool uses a variety of factors to determine disposition, including the offense itself, and mitigation or aggravation factors, and, importantly, the youth's law enforcement contact history.

Pearce said that offenses commonly occur at school, on campus, and that the Mariposa County Unified School District and the Sheriff's Office are providing professionals to help to prevent those occurrences. She also said that mental health issues, childhood trauma, and unfavorable living conditions or home life play key roles in youth offenses. Pearce told the Grand Jury that there is no bail system for youth offenders involved in Juvenile Hall, and that Probation is empowered to either detain or release offenders. Even in the case of felony crimes, although the case must be submitted to the District Attorney, Probation can still have an impact on whether or not the case is criminally adjudicated.

She told the Grand Jury that it is rare to remand a youth to custody, but that if it must be done, the offender is only held a short time at the Mariposa County Facility, and that if a booking occurs, the extra help staff generally transports the youth to either Madera County

or Tuolumne County Juvenile Hall. Pearce said that if a longer term detention is necessary, the offender is usually sent to Tuolumne County, as the make-up of that community is more like Mariposa County, which is to say more rural.

Pearce said that juvenile crime rates have declined in Mariposa County over the last decade or so. She said that in the past, Probation would have been involved in sixty or so cases, and that now they are providing case support for just five or six group homes in Mariposa County

Pearce said that many of the cases they get are from the schools or the two youth group homes in the county. She said that often mental health, drugs or both play a part in the offender's arrest. She said that the drugs most commonly seen are marijuana and abuse of prescription medication, although she mentioned that she is seeing more methamphetamine now.

Pearce also said that the Juvenile Hall is responsible for administrating Welfare and Institutions Code Section 601 issues, commonly called status offenses which consist of willful youth disobedience, run-aways, and other issues that would not be law enforcement issues in adults. Though youth cannot typically be detained for status offenses, they are still part of the caseload.

She said that she is the only full time youth Probation Officer in Mariposa County, and that she helped to institute the County Truancy Intervention Program in 2001. She is also the Juvenile Hall Superintendent, and she manages the three extra help detention officers.

Pearce told the Grand Jury that the facility is inspected every two years by the California Board of State and Community Corrections, and annually by the Mariposa County Health Department. She mentioned that she has come to an agreement with the Adult Detention Facility whereby some services are provided such as meals and laundry, since the Juvenile Facility seldom uses these services. Pearce said Probation also has a contract with John C. Fremont Hospital to provide for youth medical needs.

The facility is equipped with video cameras, but Pearce said that the cameras are not live monitored, but rather all images are retained on storage media in case of need.

Findings:

1. Although the facility is clean and neat, it is showing its age with cracked flooring and faded wall paint.
2. Although the Juvenile Facility fits the definition of "detention facility within the County", it is noted that past Grand Juries have often not provided oversight inspections, probably because this facility is not called out by name on the resources available to the Grand Jury.

3. While three extra help detention officers may be adequate for the actual need of the facility staffing, the infrequency and often late night timing of need for these individuals can make staffing difficult at times.

Recommendations:

1. It is the Grand Jury recommendation that the Juvenile Facility interior be repainted, and new flooring be acquired and installed. These relatively low cost improvements would make a big difference in the facility.
2. It is recommended that the Grand Jury add the Juvenile Facility by name to the list of institutions to be inspected.
3. It is difficult to know how to address the staffing at the Juvenile Facility. While the number of, and compensation for these positions are adequate for the facility, and in view of the fact that the required training for these individuals is not insubstantial in cost, it is difficult to recommend more personnel, though the infrequency of operations and the often inconvenient timing of the need can make available staff for operations difficult to maintain. It is here noted that while the Probation Department is making best possible use of available resources, the staffing situation is not ideal.

REQUESTED RESPONSE

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests a response from the following governing body within 90 days:

Mariposa County Board of Supervisors;

Findings 1, 2 and 3, and Recommendations 1, 2 and 3

INVITED RESPONSE

From the following within 90 days:

Probation Office;

Findings 1, 2 and 3, and Recommendations 1, 2 and 3

Complaints/Investigations

Members of the Law Enforcement Committee and other Grand Jurors were involved in one complaint (#2019-C02, 8/20/2019) and subsequent investigation directly impacting law enforcement in Mariposa County. This investigation is confidential in nature, and research showed that the complaint was being more properly handled by appropriate agencies within the county, and that the investigations were ongoing. No further Grand Jury action was taken (see complaint log, page 50).

Investigative Report on Cyber-security Advisory from San Mateo County Civil Grand Jury

SUMMARY

On August 9, 2019, the Mariposa County Grand Jury received an advisory from the San Mateo County Civil Grand Jury (SMCCGJ) regarding the possibility of an electronic hijack of election communications with respect to the propagation of false election results or the dissemination of false voting instructions when counties use social media or other “push” type electronic communications as an outlet for such information.

The advisory recommended that the Mariposa County Civil Grand Jury (MCCGJ) speak with elections officials to understand if this was a potential issue for Mariposa County. To this end, the 2019/2020 MCCGJ asked the Mariposa County Registrar of Voters, Keith Williams, to testify before the Grand Jury. The MCCGJ took the opportunity to also learn about the 2016 California Voter’s Choice Act, scheduled for implementation in Mariposa County beginning in 2020.

GLOSSARY

MCCGJ – Mariposa County Civil Grand Jury

SMCCGJ – San Mateo County Civil Grand Jury

California Voter’s Choice Act – The California Voter’s Choice Act is a new law passed in 2016 that seeks to modernize elections

BACKGROUND

The SMCCGJ sent an advisory to the MCCGJ regarding potential cybersecurity and social media misinformation risks associated with Mariposa County elections. The advisory is consistent with concerns at the state level. The California Legislature has appropriated \$3 million to combat misinformation and strengthen cybersecurity. The Communications Department in the Office of Elections Cybersecurity and Enterprise Risk Management has launched a first-ever public education campaign urging voters to be vigilant about misinformation on social media.⁸

⁸ Information provided by California Secretary of State Website, <https://www.sos.ca.gov/elections/election-cybersecurity/>, accessed 1/6/2020.

Relatedly, the California Voter’s Choice Act is a new law passed in 2016 that seeks to modernize elections in California by allowing counties to conduct elections under a new model which provides greater flexibility and convenience for voters. According to the California Secretary of State Website,⁹ this new election model allows voters to choose how, when, and where to cast their ballot by:

- Mailing every voter a ballot
- Expanding in-person early voting
- Allowing voters to cast a ballot at any vote center within their county

Fourteen counties are allowed to conduct elections under the Voter’s Choice Act as of 2018. Ten more counties will do so for the 2020 Elections: Amador, Butte, Calaveras, El Dorado, Fresno, Los Angeles, **Mariposa**, Orange, Santa Clara and Tuolumne.

Descriptive Statistics of Mariposa County Voters

Total Registered Voters (as of 2/19)	10,886
No. of Precincts in Nov 2018 Election	25
Turnout for November 2018 Election	
Total Voters	10,853
Vote by Mail Votes (%)	74%
Turnout (%)	77%
Estimated Pop in County (as of 1/18)	18,129

Source: California Secretary of State

PROCESS

On November 20, 2019 at 5:15pm the Grand Jury County Administration Committee and other Grand Jurors met with Williams at the Grand Jury Room.

DISCUSSION

⁹<https://www.sos.ca.gov/elections/voters-choice-act/>, accessed 1/6/20.

Williams discussed the Voter's Choice Act and the concern raised by the SMCCGJ regarding electronic communications related to elections. Williams said that, in accordance with the Voter's Choice Act of this year, all 10,886 registered voters in Mariposa County will be receiving a mail in ballot via the U.S. Mail for the March 2020 Presidential Primary Election (March 3, 2020). Williams said that historically a higher percentage of voters who chose to vote by mail return their ballots than those who are registered and choose to go to a polling place. All ballots mailed out will have postage paid return envelopes.

Williams said that the new law required that the County also operate walk-in polling places for those who wish to use them. The County will accept walk-in voters at both the elections office and at the Bootjack Fire Department for ten days prior to and including Election Day. In addition, there will be walk in voting available at the El Portal Library and the Greeley Hill library for two days; March 2nd and March 3rd.

Williams said that all Mariposa County ballots are paper ballots which are either mailed in or collected in a ballot box at a polling place. Mariposa County does not use electronic voting.¹⁰ In addition, Williams said that neither the elections office nor Mariposa County use any social media or any other "push" type electronic communication for either polling results or voting instructions. This effectively negates any potential concerns regarding the advisory from San Mateo County relating to the potential for misinformation being sent out of the Mariposa County Clerk's Office.

Although election results are posted to the County website, that does not take place until after the polls close on Election Day. Moreover, the state always receives the voting results prior to the dissemination of that information by the County.

Finally, the vote counting system is a standalone system, isolated from the internet. The configuration of that system is a "trusted build" received directly from the state. Once this standalone system tabulates the results, they are manually transferred to a secure state connected server system. These protocols help maintain the integrity of County elections.

Williams also mentioned that his office has received Cyber-security training from both a company called Cyber Infrastructure Security and from the Department of Homeland Security.

In speaking with Williams, the committee noted that there is not adequate clean, safe and secure storage available for equipment dedicated to county elections.

FINDINGS:

¹⁰ Pursuant to Elections Code section 19205, no part of a voting system shall be connected to the internet at any time. Nor shall any part of a voting system electronically receive or transmit election data through an exterior communication network of any type. For more information, visit the California Secretary of State VoteSure website at <https://www.sos.ca.gov/elections/vote-sure/>, information provided by California Secretary of State website, <https://www.sos.ca.gov/elections/ovsta/security/>, accessed 1/6/2020.

1. The Mariposa County elections system does not utilize electronic systems or communications that may lead to security issues as related in the advisory from SMCCGJ.
2. The election system as presented by the Registrar of Voters appears to be secure.
3. It is necessary to ensure that the expensive equipment used in this vital county function is properly stored between election usages.

RECOMMENDATIONS:

1. Keith Williams and his Elections Division are to be congratulated on their foresight and dedication to providing Mariposa County with a safe and secure elections process.
2. As it does not appear that Mariposa County is exposed to fraudulent electronic activity as related in the subject advisory, no recommendations for this advisory are given to Mariposa County Elections Officials at this time.
3. That said, it may be prudent for Mariposa County Elections Department to link to the California Secretary of the State VoteSure website, <https://www.sos.ca.gov/elections/vote-sure/>, which includes voting resources and information to report misinformation disseminated via social media by non-election officials.
4. It is recommended that the County allocate appropriate funds and work with the Elections Division to find and procure clean, safe, temperature-controlled, and secure storage for the elections equipment.

REQUESTED RESPONSE

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests a response from the following governing body within 90 days:

Mariposa County Board of Supervisors

INVITED RESPONSE

From the following within 90 days:

Keith M. Williams, Registrar of Voters

Elections Department, Division of the County Clerk's Office

Investigative Report on John C. Fremont Healthcare District

SUMMARY

The 2019/2020 Mariposa County Civil Grand Jury (MCCGJ) identified the John C. Fremont Healthcare District as an entity for investigation for its empaneled term. It was selected without malice or receipt of any complaint. It was selected due to several important and relevant issues for Mariposa County, including:

- The general health and welfare of the residents of Mariposa County.
- Providing emergency care to those in Mariposa County and Yosemite National Park.
- Contributing to the local economy as the second largest employer in Mariposa County.
- Mandated compliance with California State law AB1953 requiring John C. Fremont Healthcare District to meet minimum seismic code requirements by year 2030.

GLOSSARY

MCCGJ – Mariposa County Civil Grand Jury

JCF – John C. Fremont Healthcare District, a general medical and surgical facility

BACKGROUND

The John C. Fremont Healthcare District (JCF) is a political subdivision of the State of California under the Local Healthcare District law. The Hospital District was founded and formed in 1947 by the voters of Mariposa County. It was dedicated and commissioned in 1951 as a general acute healthcare facility.

Today, the facility is a 34 bed District hospital providing services including medical clinics, inpatient care, outpatient care services, skilled nursing, home health, hospice, laboratory, imaging and mammography radiology and cardiopulmonary services along with JCF helicopter airlift services. In addition, the hospital provides emergency medical services (ER) along with education and wellness programs. The mission of the John C. Fremont Healthcare District is: “To excel in the provision of quality health care services” and the vision is: To be the organization of choice for community health care.

SUMMARY:

The 2019/2020 Mariposa County Civil Grand Jury charged the Audit & Finance Committee with the oversight, investigation, and review of the John C. Fremont Healthcare District. The MCCGJ focused its review on three central issues:

1. The current operational matrix of the functions of the hospital.
2. The current financial condition of the hospital and its trending.
3. The proposed remodeling options needed to obtain compliance with State bill AB1953 seismic regulations by year 2030.

To this end, elements of the committee in conjunction with other Grand Jurors interviewed senior management relative to the scope of the investigation. This interview was preceded by an onsite visit of the hospital by members of the Grand Jury on November 7, 2019. During the interview, the committee requested various financial documents that are routinely supplied to the Board of Directors along with copies of the agendas and minutes of the previous 4 meetings. These documents and financial statements are relative to understanding the current financial condition of the hospital. Those documents include:

- Balance sheets
- Income Statements
- Cash Flow Statements
- Capital Budgets
- 2019/2020 Budget

Upon analysis, the MCCGJ Audit & Finance Committee ascertained that the Hospital District maintains its financial records in conformity with guidelines set forth by the Local Healthcare District Law and the Office of Statewide Health Planning and Development. In addition, the financial statements were prepared in accordance with accounting principles generally accepted in the United States (GAAP) as prescribed by the Government Accounting Standards Board.¹¹

It is the summary opinion of the Grand Jury that the referenced financial statements are presented fairly, in all material respects, and accurately reflect the financial position of the Hospital District as of October 31, 2019. Future budget estimates were determined to be realistic, attainable, and reasonable.

¹¹ See Financial Accounting Foundation Generally Accepted Accounting Principles (GAAP) and State and Local Governments Overview, <https://www.accountingfoundation.org/jsp/Foundation/Page/FAFBridgePage&cid=1176164539408>, accessed 1/22/2020.

PROCESS

As earlier stated, the 2019/2020 MCCGJ Audit & Finance Committee and other Grand Jurors interviewed senior management of the hospital on December 5, 2019.

DISCUSSION

JCF senior management identified and outlined various components of hospital functions and services to MCCGJ which included:

- Statistics relative to various hospital functions
- Emergency Lifesaving Care (ER)
- Other geographical hospital alternatives relative to John C. Fremont
- Emergency JCF-based helicopter transport service
- 3D Mammography imaging
- Inpatient and long term medical care
- Hiring of a Chief Medical Officer to assist administration team
- Community Impact analysis should the hospital become non-compliant
- AB1953 seismic regulation requirements

Several components related to hospital operations were identified. Among those were noted a 103% increase in ER services over the previous 4 years. JCF helicopter (co-op services with Riggs) logged 350 total flights over a two year period. JFC maintains new 3D mammography equipment, new MRI CT scanner equipment, and employs a radiologist to provide services and procedures using this equipment.

The MCCGJ reviewed the financial impact the hospital has upon the Mariposa County community. It was noted that the hospital supplied nearly 1 million dollars per month to hospital employees in the form of wages and benefits, which in large part is redistributed into the county. It was also noted that the county jail medical services provided by the hospital amounted to annual savings to the county of over \$200,000.00. Without this service, law enforcement personnel would have to transport prisoners to other health care facilities at greater costs.

In respect to AB1953, the Grand Jury identified and reviewed three general proposals to be put forth for obtaining compliance by January 1, 2030.

- OPTION 1 Retro fit the existing hospital at an estimated cost of 35-40 million dollars.
- OPTION 2 Build a new hospital at an estimated cost of 75-80 million.
This option would continue to utilize various non-patient out buildings which are not subject to AB1953.
- OPTION 3 Build an “Everything Brand New” hospital from the ground up.

At this time, the JCF Board of Directors is proposing option 2 to the public as the option of choice and is seeking voter approval in the November election. The financial proposal for voter ballot approval would consist of:

1. An increase in county property taxes.
2. A 1.0% increase in county sales tax rate (this would cover approximately 1/3 of the total cost of the project).
3. Use of grants and possible large donations through various foundations.

The MCCGJ performed an in-depth analysis of the financial condition of the hospital in order to ascertain its continued ability to deliver quality healthcare services in addition to the ability to upgrade aging equipment. This review revealed several items of note:

- As of October 2019, financial statements reflect current cash on hand representing 145 days operating cash. This is a slight decrease from September 2019 (146 days COH). It is relevant to note that year to date (YTD) COH has improved by 40 days.
- Current YTD operating expenses are under budget. This is mainly due to lower than budgeted salary, wages, and benefits for year 2019.
- YTD net income shows a positive gain as compared to a budget projection of a loss. This variance to budget is due to a higher than expected net revenue and a lower than expected net expenses.
- An analysis of the 2020 budget projections reveals a reduction of net income as compared to budget year 2019. This variance is due to an expected increase in salary, wages, and benefits due to hiring additional medical staff.
- An analysis of the 2020 capital budget shows a substantial increase from 2019. This is illustrated in the purchase of new MRI equipment as well as upgrades to existing

equipment. The cost of new MRI equipment is off-set by a projected 32% increase in revenue for MRI imaging.

FINDINGS

1. Overall, JCF appeared to be clean, well kept, and suited to administer its mission. The employees we encountered appeared to be professional, knowledgeable, and forthcoming with answers to questions from Grand Jurors. Senior management has done an outstanding job in bringing the hospital to a stable financial position.
2. JCF is 68 years old and will be required to undergo construction and retrofit in order to meet minimum standards set down by The State of California. Senior management will be required to plan, execute, and complete the project by 1/1/2030 in order to be deemed compliant.
3. There were currently no identified or verified sources for the necessary funding to complete the required work on the hospital to achieve compliance. Although JCF's senior management has done a very good job in improving its profitability, it is unlikely that the hospital will be able to fund this construction project unilaterally. It is noteworthy to state that JCF senior management has consulted with an architectural company, an experienced hospital construction company, a political strategist, and an experienced bond consultant.
4. In addition to the required seismic upgrade work there are construction and other necessities the hospital must undertake in order to keep pace with needed services to the public, including parking lots and administrative support.
5. If the hospital is unable to secure the necessary funding, the state will not allow the hospital to continue operations in its present form. Therefore, it is feasible that the Mariposa County community, and its aging populations, may find itself without a medical hospital facility, including emergency facilities. The John C. Fremont Healthcare District is a vital asset for Mariposa County and it is imperative that the District remain a viable operation in the community.
6. There appears to be no comprehensive process for creating a strategic plan. As of this review, construction of one does not appear to be a priority.
7. Management appears to be totally committed to educating the general county population of the dilemma the hospital faces in making the hospital compliant with state bill AB1953.
8. Management has done a good job of improving the image and reputation of the hospital within the general public.
9. There were no complaints received from the public.

RECOMMENDATIONS

1. The John C. Fremont Healthcare District should immediately and aggressively pursue planning for the necessary and required construction, retrofit, and repairs to the hospital in order to obtain compliance with AB1953 by year 2030.
2. JCF must aggressively pursue all avenues of funding, including grants, large donor contributions and other financial forms of finance.
3. JCF must construct a detailed written multi-faceted strategic plan identifying goals, objectives, and realistic strategies designed to obtain the facilities, equipment, and personnel needed to maintain its mission and vision.
4. Senior management and members of the Board of Directors must continue to promote the hospital as a quality healthcare center which utilizes state of the art equipment, a highly trained professional medical staff, a quality customer service philosophy.

REQUEST FOR RESPONSE

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests a response from the following governing body within 90 days:

Mariposa County Board of Supervisors

INVITED RESPONSE

From the following within 90 days:

John C. Fremont District Board of Directors, as to the estimated financial requirements needed for the three proposals to obtain compliance with AB1953. The response should include accurate estimates along with supporting documents of the actual costs of the projects that would be submitted to the taxpayers and/or general public for approval in November 2020. These disclosures will be necessary in order to obtain transparency with the public.

Oversight Report on Animal Control Facility

SUMMARY

On February 4, 2020 at 10:00 AM the 2019/2020 Mariposa County Civil Grand Jury (MCCGJ) met at the Mariposa County Animal Control Facility for an inspection tour.

Sheriff's Office Captain Sterling Cramer and Animal Control Officer Eric Vogel gave the Grand Jury a tour through the Facility which started at 10:00 AM and ended at approximately 10:50 AM. The current Facility is a leased building located at 5012 Fairgrounds Road

Mariposa, CA 95338. Although the Facility is aging, given the current available resources the Sheriff's Office appears to be doing a very good job in maintaining and operating the Facility.

As noted, the Facility is housed in a building leased for the purpose. Monthly rent on the Facility this year is \$2,542.57, for a total of \$30,510.84 for the 2020-2021 fiscal year. Rent increases by 3% annually. Given this consideration, the Facility will have cost the County approximately \$91,500 over a three-year period (from 2019 to 2021).

The lobby area was clean and neat, providing a welcoming area for the public to come to speak with Animal Control staff. At the time of our visit, there were two Animal Control Officers in the Facility, though the Grand Jury was told that there are times – during field responsibilities -- when there are no officers in the Facility. During these times, Sheriff's Office Dispatch is able to contact officers if their presence is required at the Facility.

At the time of the Grand Jury visit, there were four occupied dog kennels, two of which were occupied by dogs that had exhibited dangerous behaviors, and as such had been deemed unadoptable. Animal Control Officer Vogel told the Grand Jury that the vast majority of dogs that are taken to or brought to the shelter are either re-united with owners or successfully adopted, and that only about 3% of dogs that are otherwise adoptable are not ultimately adopted. That number is even lower with cats (at around 1%). Vogel said that found or impounded animals are checked for a chip implant in order to re-unite the animal with the owner if possible.

On the day of the Grand Jury visit, there were no cats housed in the Facility, though Vogel said that the cat population is cyclical, and that he expected to have cats in the near future. Vogel said that the Facility has a good relationship with the Catnip Society. Animal Control recommends the Catnip Society to those who want to spay or neuter cats, as the prices for these services are relatively low there.

Vogel said that the close proximity of the fairgrounds is helpful to the Facility (Figure 1).

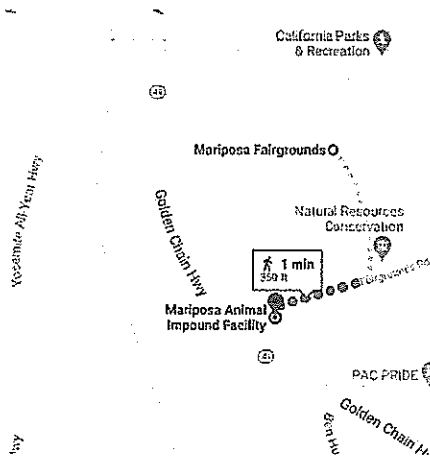


Figure 1: Proximity of Animal Control to Fairgrounds

Animal Control often utilizes fairground sites to provide housing for larger animals; it also plays a critical role in Animal Control Facility operations during countywide emergency situations. Other organizations offer services or support that is helpful to Animal Control as well, including the Central California Animal Shelter and the Fish and Game Department, the latter of which was instrumental when Animal Control encountered a wolf-hybrid here in Mariposa County.

Cramer and Vogel said that typically an animal impounded in the County stays at the Facility for five days, and then, if the animal is adoptable, it is generally turned over to the local SPCA which facilitates the adoption process. They also said that an animal which bites is generally quarantined at the Facility for 10 days.

Cramer and Vogel talked about the critical services provided by the Facility during disaster situations such as fire and flood, including temporary housing, evacuation help for animal owners, and feeding and watering animals that are forced for whatever reason to shelter in place during such an emergency.

The Animal Control Officers that the Grand Jury met during the visit were very professional and well turned out. It was apparent that these men and women take pride in their profession and in the Facility itself. Although the Facility is only available to the public during normal business hours, the operation itself, and the assigned officers, are a round the clock operation. The Facility appeared to be well equipped.

FINDINGS

The Animal Control Facility appears to be in good shape, though there was one area of concern to the inspection team:

1. Although the current building is well situated and well suited to its purpose, the expense of continuing to lease this Facility is of concern. The facility has, over the course of the lease, already cost more than the expenditure of building a custom built Facility entirely owned by the County, and will in the next three years cost nearly \$100,000 more.

RECOMMENDATIONS

1. It may be in the County's best interest to commission a cost analysis study to determine if the continued lease payment is a good and efficient use of resources, or if it may be more cost effective to begin the process of either moving the Facility to a currently owned county location, or to purchase or build such a facility.

REQUESTED RESPONSE

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests a response from the following governing body within 90 days:

Mariposa County Board of Supervisors;

Findings 1 and Recommendations 1

INVITED RESPONSE

From the following within 90 days:

Sheriff's Office;

Findings 1 and Recommendations 1

Oversight Report on Mariposa County Fire Department

SUMMARY

On December 3, 2019, the Mariposa County Grand Jury Commissions and Districts Committee and other Grand Jurors met with County Fire Chief (CalFire Deputy Chief) Mike van Loben Sels and Mariposa County Fire Operations Chief (CalFire Division Chief) Bernie Quinn. The purpose of the meeting was to understand the Mariposa County Fire Department organization, and the role CalFire plays in that Department.

Chief van Loben Sels explained that Mariposa County had entered into an agreement with Mariposa County in January of 2019 in which CalFire assumed command and control of the Mariposa County Fire Department. The Chief went on to explain that while the Department was his over-all responsibility, Chief Bernie Quinn was the Operations (Battalion) Chief for the Department. In addition, the contract with the County called for a Training Captain.

As an addition to that contract, Mariposa County also contracted for a total of three "Amador Agreement" fire stations; Usona, Mariposa, and Coulterville. The Chief explained that "Amador Agreement" (so called, because this type of agreement had its inception in Amador County) stations are CalFire stations that continue to be manned with one engine and two firefighters after the close of fire season in Mariposa County, thus providing CalFire response in addition to County Fire response for all twelve months of the year. He said that this type of station could roll response within a couple of minutes of alarm. The Chief also said that CalFire had made an independent decision to staff the Cathey's Valley station all year this year at no cost to Mariposa County. The Chief said that fire season in Mariposa County would conclude on December 9th this year.

Chief Quinn said that the relationship between CalFire and the County's volunteer firefighters had improved a great deal since the inception of the contract, and credited that phenomena to increased mingled training opportunities and a closer working relationship. Quinn said that there were twelve County fire stations, and that some are staffed with more volunteers than others. He noted that currently, the Hunter's Valley station had no volunteers, and that Greeley Hill and Bridgeport had only about three each. He contrasted that with the Fish Camp station, which has eight volunteers, and is able to provide call response seven days a week, twenty-four hours a day.

Quinn said that nationally there is a decline in volunteer fire fighters, as the training and response schedule make it difficult for volunteers to work full time, and still provide response and attend training. He said that there are currently about 86 volunteers, and that each of them is, or is becoming, well trained in fire and medical response. Quinn pointed out that, since the County helped CalFire to establish a headquarters for County Fire at the old Springhill School,

CalFire has been successful in establishing a fully equipped training center there. He said that each volunteer has forty hours of “basic training”, and then is allowed to respond to calls with a qualified supervisor while their training to full certification continues. Quinn said that the volunteers are being trained to state and national standards for firefighters. Quinn said that he is satisfied that all County Fire personnel are well equipped for first response duties.

Chief van Loben Sels said that CalFire and the County are exploring a program that may, in the future, allow for the Fire Department to conduct controlled burns on private property, and that this program, once established, may make it easier to respond to fire emergencies in all areas of the County.

He said that the County Chief Administrative Officer and the Board of Supervisors has been very responsive and accommodating to the reorganization and modernization of the Fire Department. The Chief touched briefly on the PG&E Public Safety Power Shutoff program, and said that generally the program was positive, and that he had personally seen it effective in preventing fire. He said that he believed that PG&E would “hone” their skills with this program over a year or two, and that eventually it would be more specifically targeted to problem areas. He also said that the program had taught CalFire valuable lessons in how to prepare fire stations to operate in no power conditions.

Chief van Loben Sels and Chief Quinn also discussed recruiting volunteers, outlining qualifications for being accepted as a volunteer fire fighter as follows:

- A volunteer had to be at least 18 years old
- Pass a criminal background check
- Pass physical exam
- Had to be deemed physically able to pass strength requirements
- There are no maximum age limitations

In response to a question from the Grand Jury, Chief Quinn confirmed that volunteer firefighters do get a stipend of \$10 when attending training or responding to a call.

Both Quinn and van Loben Sels invited the Grand Jury to come on site for a visit at their dispatch center, a station or the new headquarters at Springhill school any time they wished.

FINDINGS

1. The Mariposa County Fire Department appears to be in very good order under CalFire Command and Control.
2. Training appears to be a key focus for the Department.

3. The use of "Amador Agreement" fire stations is a very good decision, providing guaranteed response to Mariposa County emergency and fire calls year round.

RECOMMENDATIONS

1. The County is to be commended in their skillful handling of this Fire Department reorganization. It is the recommendation of the Grand Jury that the County continue to devote the time and resources required by CalFire in this agreement.
2. While Chiefs van Loben Sels and Quinn are happy with the fire training center at Springhill, it is essential that the County devote whatever funds are necessary to maintain this facility.
3. As it is financially feasible, it is recommended that the County continue to strategically add "Amador Agreement" stations to ensure coverage across the sometimes sparsely populated, diverse landscape and challenging terrain in Mariposa County.

REQUESTED RESPONSE

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests a response from the following governing body within 90 days:

Mariposa County Board of Supervisors;

Recommendations 2, 3

INVITED RESPONSE

From the following within 90 days:

Mariposa County Fire Department

Oversight Report on Health and Human Services: Child Welfare

SUMMARY

2019/2020 Mariposa County Civil Grand Jury (MCCGJ) identified Mariposa County Child Welfare for investigation for the empanelled term. It was selected without malice or receipt of any complaint. It was selected due to the importance and relevant issue of child wellbeing in Mariposa County. Child Welfare Services Responsibilities include:¹²

- Emergency Response (ER)
- Family Maintenance
- Family Reunification
- Permanency Planning
- Independent Living Program (ILP)
- THP-Plus (Transitional Housing Program-Plus)
- Extended Foster Care (EFC)

The Mariposa County Child Welfare Services (CWS) is a political subdivision of the State of California of the Behavioral Health and Recovery Services under the umbrella of Health and Human Services.

GLOSSARY

CWS – Child Welfare Services

Mandated Reporter - A person who is bound by law to report any signs or concerns of abuse. According to the California Child Abuse Mandated Reporter Training website, mandated reports are: “primarily people who have contact with children through their employment.”

MCCGJ – Mariposa County Civil Grand Jury

¹² See Mariposa County Child Welfare Services webpage for more information, mariposacounty.org/275/Child-Welfare-Services-CWSCPS, accessed 4/1/2020.

BACKGROUND

On February 11, 2020 at 5:00 PM the Mariposa County Grand Jury visited Child Welfare Services at 5362 Lemee Lane, Mariposa, CA 95338. The MCCGJ interviewed Baljit Hundal, the Deputy Director of Human Services.

The Deputy Director oversees three divisions under Human Services: 1. Public Assistance (Welfare), 2. Adult Aging, and 3. Child Welfare Services (CWS). Deputy Director Hundal reports directly to Chevon Kothari, Director of the Health and Human Services Agency. She also participates in meetings focused on issues of concern for the three divisions at the local and state level and oversees a staff of 70 employees in the department.

Regarding Child Welfare Services, the focus of this report, Deputy Director Hundal explained that the Child Welfare Program “is meeting the needs of our most vulnerable populations in the county – our children and youth.” She stated that Child Welfare Services has adequate staffing and necessary resources to meet the demand of the work. Seven (7) staff members respond to both Adult and Child Welfare Services calls. There is one (1) dedicated staff person who receives all incoming calls on the hot line regarding either Adult or Child abuse or neglect complaints. Complaints regarding children may include physical, emotional, sexual abuse or pertain to drug abuse or neglect. Child safety is the top concern for Child Welfare Services and, if needed, the Director can override a lower level decision to ensure child safety.

Most child abuse or neglect calls to CWS are made by a “Mandated Reporter,” although some calls are made by citizens residing in the local community, who may choose to remain anonymous. A Mandated Reporter is a person who is bound by law to report any signs or concerns of abuse. According to the California Child Abuse Mandated Reporter Training website, mandated reports are: “primarily people who have contact with children through their employment. Mandated reporters are required by the state of California to report any known or suspected instances of child abuse or neglect to the county child welfare department or to a local law enforcement agency.”¹³ Every call that comes into CWS is taken seriously, regardless of who reports the complaint of abuse or the relationship of the caller to the child in question.

A Statewide computerized screening tool is used to determine the seriousness of each call. Calls are either classified as “immediate attention needed” or “10 day response” based upon the answers inputted into the screening tool. The 10 day response provides the time necessary to research the complaint and determine the proper disposition of the complaint.

¹³ Source: California Child Abuse Mandated Reporter Training website, accessed from Mariposa County Child Welfare Services webpage, 4/6/2020. For a list of professionals who are mandated reporters, please see mandatedreportca.com/about/faq.

It is not always necessary for the entire 10 days to elapse prior to the disposition being made.

If a referral is opened the case is forwarded to a case manager. Case managers may process between 10 to 15 cases at a time. Once a case manager has reached their capacity to process cases, or to take on additional cases would overload their capacity, new referral cases that require attention are forwarded to the next case manager in line. Should all the case managers be at maximum capacity, the case would then be referred to Director Hundal. Case managers will follow up with Mandated Reporters as to the disposition of the complaint. For calls received from citizens (not Mandated Reporters) a follow up response is not provided to maintain confidentiality (and as noted above, citizens can call in complaints and remain anonymous). Citizens are free to provide additional information to a case previously reported, however, no information relating to the case is provided to citizen callers. Limiting access to information regarding a given case to only those directly involved and to the Director ensures that confidentiality is maintained. Additionally, the Director has mandated that cases are not to be discussed on the floor. Confidentiality has been and will continue to be a top priority for CWS.

There are four (4) levels of case managers:

- Level 4 Case Manager requires a Master's Degree in the specific or related field.
- Level 3 Case Manager requires a Bachelor's Degree or equivalent experience in the specific or related field.
- Level 1 and 2 Case Manager requires related experience as determined by the Director.

There was a significant increase in cases between October and December of 2019. Director Hundal reiterated that Child Welfare Services has been able to quickly assess and adjust accordingly, to meet additional staffing and resource needs. CWS received approximately 30-35 cases during this three-month period. Twenty-four children associated with these cases were removed from their home; generally due to drugs or violence. If it is necessary for a case manager to remove a child from their home, the case worker is always accompanied by a Law Enforcement Officer. Only Law Enforcement Officers or the court system can remove a child from their home. CWS will first attempt to place the child with a family member, such as a grandparent or an aunt/uncle, or a close family friend. If placement with a family member or close friend is unsuccessful, Mariposa County maintains a residential treatment center where the child can be placed for short term residence. Additional services are available through a tri-county agreement.

CWS provides a number of resources and services to facilitate reunification of the child with the family. Towards this end, the case manager in charge of the case -- or a second case manager who was not involved with the removal of the child from the home -- meets with the family to determine what services are needed prior to reunification.

When asked what could be provided to assist the good work that's presently being done, Division Director Hundal explained that more community involvement would be helpful. Director Hundal expressed an appreciation for great community partners in the area who "help us meet the needs of children and families." For example, they work closely with CASA and Safe Families, and these organizations can help with a community development plan, which might include bringing organizations such as "All Dad's Matter" and Big Brothers and Big Sisters to the county. Likewise, faith-based organizations could offer a helping hand to children in need of additional adult supervision, especially those that live in a home with a single, working mom, or families located on the North side of the county. Safe Families might be a good "umbrella agency" to organize and facilitate these additional services. That said, she indicated that CWS continues to explore how to help non-profits and faith-based organizations in the area meet the needs of children and families. Ultimately, Hundal acknowledged that the services provided by the Division (CWS) should be thought of as a last resort.

During the writing of this report, the COVID-19 crisis unfolded in the State of California and Mariposa County. In a follow up email, Director Hundal referenced the challenges and opportunities that have resulted from this crisis:

Due to COVID-19, [CWS has] been forced to move the majority of our child welfare staff into teleworking schedules and we have found that this has allowed for *more* contact with our children, youth and families. From this experience, [CWS] will look at how to continue this practice with technology capabilities of laptops and tablets.

FINDINGS

1. The director and staff of CWS are professional, courteous, and committed to serving the children and families of the county.
2. CWS has the resources and staffing needed to effectively meet the needs of Mariposa County; however, some types of family structures or County areas require additional support, such as single-parent families or households located in the North side of the County.
3. One area that needs attention is greater community engagement. The services provided by CWS would be strengthened and made more robust if additional partnerships and connections with community organizations, including non-profit and faith-based organizations, were developed.
4. In the context of COVID-19, potential opportunities have been identified that may increase contact with children/families with the use of remote/virtual communication and technology.

RECOMMENDATIONS

1. CWS is working closely with some non-profit organizations, such as CASA and Safe Families, to partner with and build capacity to help children, youth, and families in Mariposa County. Though they are making strides, the Grand Jury recommends that the County consider offering support or opportunities for CWS staff to engage in discussions with relevant organizations that might help lay the foundation for the development of an integrated county-community response and partnership that can address the needs of all families and all areas of the County.
2. The Grand Jury recommends that the County encourage CWS to explore or investigate further the potential benefits of remote/virtual communication and technology for greater contact with children/families at CWS.

REQUESTED RESPONSE

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests a response from the following governing body within 90 days:

Mariposa County Board of Supervisors;

Findings 3, 4 and Recommendations 1, 2

INVITED RESPONSE

From the following within 90 days:

Child Welfare Services;

Findings 3, 4 and Recommendations 1, 2

Oversight Report on Public Works: Roads Division

SUMMARY

On February 20, 2020 at 10:00 AM the 2019/2020 Mariposa County Civil Grand Jury (MCCGJ) met at the Mariposa County Roads Department Facility for a presentation and a drive to view road work being done by the Roads Department.

Mike Healy, Director Public Works and Transportation, and Cheryl Jay, Roads and Bridges Manager, gave the Grand Jury a tour through the Facility which started at 10:00 AM and ended at approximately 10:55 AM. The current Facility is a building located at 4639 Ben Hur Road. The Facility looks good outside and given the current available resources, the Roads Department appears to be doing a very good job in maintaining and operating the Facility.

The lobby area was clean and neat, providing a welcoming area for the public to come to speak with Roads Department staff. At the time of our visit, there were three staff members in the Facility. The Grand Jury was invited into a good size meeting room and joined by Director Healy and Roads and Bridges Manager Jay. Director Healy said that his Roads Division is responsible for 564 miles of road, that about two hundred of that distance is gravel or dirt road and shared that new road construction generally costs about \$1M per mile. He also said that natural disasters in the last three years have caused approximately \$19M in damage to roads infrastructure. Director Healy then began a power point presentation that was also to be presented to the Board of Supervisors in March. It will also be on the county website. There were 50 before and after pictures of mostly storm damage that have been completed.

Roads Division

At A Glance

- The Division Consists of :
 - 3 Road Crews working from 3 Yard Locations
 - An IMSA Certified Signs and Markings Crew
 - A Brushing Crew which is augmented by CDF Crews and Area Road Crews
 - Temporary Staff in the construction Season Months
 - Total FY 19/20 Budget \$5,409,334.00
- Staffing Levels :
 - 1 Roads and Bridges Manager
 - 1 Roads Superintendent
 - 3 Working Foreman one dedicated to each crew and / or work location
 - 4 Maintenance Worker I/II/III assigned to each Yard (total 12)
 - 1 Maintenance Foreman and one M/W I/II assigned to Signs and Brushing Crews (total 4)
 - Supported by Engineering Staff

In House Road Staff Project Activity by FY

- The following is a snapshot of Roads Division Activity over the past three Fiscal Years.

FY 17/18 FY 18/19 FY 19/20 (7 MOS DATA)

Site

Visits*	5,622	5,584	3,390
Hours	28,374	29,701	20,210
Cost	\$1,834,838	\$2,231,834	\$1,443,841

* Site visit equals a task completion of ½ hour or more.

Total Division annual hours equal 32,640 est.

Director Healy also discussed the funding for major road and bridge projects on the horizon. All of the changes due to the Pandemic will make this funding crucial and a new challenge that this report can't begin to address. The Caltrans project through Mariposa will have a major impact on the public. The committee saw nothing on this visit to indicate that Director Healy and Manager Jay were not up to the task.

Bridge Project

After the office presentation Manager Jay drove us in a county SUV out to a bridge project on Darrah road. The road crew was able to communicate well with Jay as we drove thru the work area. The traffic was controlled in a safe manner throughout the work area. Public safety was first priority.

The various invasive plants (wild peach and feather weed) on the county roads and their control as well as the normal weeds were discussed. Most of the invasive weeds are coming in on hay trucks from the valley. The County is spraying them with the herbicides made by Garlan. The sprays are Garlan 3a and 4. Both are Triclopyr based.

We again discussed Caltrans' commitment to upgrade and improve State Route 140 through town by adding much needed drainage, improved crosswalks and, possibly, "roundabouts" to control traffic.

The Grand Jury had questions regarding traffic flow and access to merchants along 140 during the construction phase. It will be critical for many businesses that have been devastated by the Pandemic to minimize disruptions for public access for shopping.

1 4 2

FINDINGS

1. The Roads and Bridges Facility appears to be in great shape. There was not an area of concern to the inspection team.
2. The Roads Department is well run; the current building is well situated and well suited to its purpose. The Department and Public Works have daily interaction on social media and well publicized, active daily phone interaction with their customers. The Director and Staff attend many public meetings in the neighborhoods with the Board of Supervisors.

RECOMMENDATIONS

1. It is recommended that the County make an effort to educate the public, actively push communication out via direct mail, advertisement and other means to welcome input, in addition to instructing the public on how to use existing systems to communicate road information and other information useful to Public Works Roads Division.
2. It is recommended that the Mariposa County Technical Services (IT) Division do an audit on the systems currently in use for work orders, work order records and data handling for the Roads Division. The County IT should take steps to work with Roads to modernize this function. It was noted that the Mariposa Transportation Plan link does not work on the Public Works Admin page at the time of this report.

REQUESTED RESPONSE

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests a response from the following governing body within 90 days:

Mariposa County Board of Supervisors;

Recommendations 1, 2

INVITED RESPONSE

From the following within 90 days:

Mariposa County Technical Services Information Technology

Recommendations 2

SOLICITED RESPONSES

Entity	Issue Summary	Reference Page	Respondent(s)	Required/Invited	Response Received
Board of Supervisors	BOS policy and procedures	10	Board of Supervisors Administrative Officer	Required Invited	Received
Sheriff's Office	Benefits and Compensation	15-16	Board of Supervisors Sheriff's Office	Required Invited	Received Received
Adult Detention Facility	Medical Services Maintenance	20-21	Board of Supervisors Sheriff's Office	Required Invited	Received Received
Juvenile Holding Facility	Maintenance	26-27	Board of Supervisors Probation Office	Required Invited	Received
Elections Department	Voter Information Equipment	31	Board of Supervisors Registrar of Voters County Clerk's Office	Required Invited Invited	Received
John C. Fremont Healthcare District	State of California Compliance Financial/Budget Concerns	36-37	Board of Supervisors JCF Board of Directors	Required Invited	Received Received
Animal Control	Community Awareness Facility's Lease	40	Board of Supervisors Sheriff's Office	Required Invited	✓ Done 8/18
Fire Department	Training Support	43	Board of Supervisors Fire Department	Required Invited	✓ Mine 8/18
Child Welfare	Community Needs Community Engagement and Outreach Remote/Virtual Technology	44-45	Board of Supervisors Child Welfare Services	Required Invited	✓ B. Hummel 8/18
Roads Division	Community Outreach Audit of Systems and Technology	48	Board of Supervisors Mariposa County Technical Services	Required Invited	✓ A. M. 8/18

CITIZEN COMPLAINT LOG

Complaint No.	Date	Complainant	Subject	Action Taken	Correspondence	Disposition
1 (a)	Referred	Individual	Abuse of Power/Authority by a Supervisor	Investigation	Acknowledgement	No abuse of power/authority found
1	8/1/2019	Individual	Alleged stalking by a MCSO Deputy	Investigation	Acknowledgement	County investigation (by HR) already in progress
2	8/5/2019	Individual	A Supervisor getting surplus vegetables from Pioneer market	None	Acknowledgement/No action	Lack of jurisdiction
3	8/27/2019	Individual	Unprofessionalism by Bldg Dept.	Investigation	Acknowledgement, RFD	Complainant stopped responding
4	9/4/2019	Individual	Unqualified teachers	Investigation	Acknowledgement	Unjustified
5	10/30/2019	Individual	Unhappy over civil judgement in Contra Costa County	None	No Jurisdiction	No Jurisdiction
6	12/22/2019	Individual	Wrongful incarceration(s)	Referred to DA	Unwarranted concern	Unwarranted
7	4/7/2020	Individual	Wrongful incarceration	None	No Jurisdiction	Lack of jurisdiction
8	6/14/2020	Individual	Code Compliance	Referred	Referred to Code Compliance	Referred

