

Amador County
Civil Grand Jury
Final Report
2021-2022



Mokelumne River – Amador/Calaveras County line * Photo Courtesy of Robert Saracino



AMADOR COUNTY GRAND JURY

MAIL: P.O. Box 249, Jackson, CA 95642 – Phone: (209) 223-2574

Email: grandjury@amadorgov.org

June 15, 2022

The Honorable Judge J.S. Hermanson, Presiding Judge
Amador County Superior Court
500 Argonaut Lane
Jackson, CA 95642

Your Honor,

On behalf of members of the 2021-2022 Amador County Civil Grand Jury, I am pleased to submit to you and the citizens of Amador County our final report. I was honored to have this opportunity to serve as the foreperson for this Grand Jury.

This year's Grand Jury inspected our three correctional facilities and investigated the county's fire protection programs. The jurors spent many hours conducting interviews, obtaining and reviewing documents.

The 2021-2022 Grand Jury would like to thank everyone who was interviewed and provided invaluable background information.

Finally, we would like to thank you for your support and guidance through this process. We also appreciate the support we received from the courts Administrative Legal Secretary, Heather Gardella. In addition, we would like to thank Glenn Spitzer, County Council for his invaluable assistance and always being available when we had questions and needed guidance.

Respectfully submitted,

A handwritten signature in cursive script that reads "Marcy Colby Walters".

Marcy Colby Walters, Foreperson
Amador County Grand Jury, 2021-2022



**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF AMADOR**

500 ARGONAUT LANE • JACKSON, CA 95642
(209) 257-2600

DAWN HARMON, COURT EXECUTIVE OFFICER

May 25, 2022

Marcy Colby Walters, Foreperson
Amador County Grand Jury
PO Box 249
Jackson, CA 95642

Re: Amador Grand Jury 2021-2022

Dear Foreperson Colby Walters, Laura Baldwin, Shelbi Cardinale, Angela Darnell, Matthew Gosovich, Debra Brown, Steven Kluger, Jo Luttrell, Geraldine McCutcheon, John Winter, Haidee Peoples, Carol Brown, Bruce Pruett, Robert Saracino, Maxine Shear, John Sondeno, Tina Hernandez, Renée Mikkelsen, and Amber Wreden:

I wish to thank each of you for the hard work and dedication shown during the past year on the Amador 2021-2022 Grand Jury. You have taken your duties seriously and spent time away from family, friends and other responsibilities in order to produce an insightful, professional report.

Ms. Colby Walters, your excellent leadership as foreperson is well noted, and the other members' efforts in assisting are apparent. On behalf of the residents of Amador County, thank you for the generous donation of your time and commitment to the Grand Jury. Your work will ensure improvement and confidence in our local government.

Wishing each of you a well earned retirement from your yearlong duties.

Sincerely,

A handwritten signature in blue ink, appearing to read "J.S. Hermanson", with a long horizontal flourish extending to the right.

Judge J.S. Hermanson

TABLE OF CONTENTS

FORWARD

2021-2022 Grand Jury Members	i
Functions of the Grand Jury	ii
Notice to Respondents	iii
Final Report Response Format	iv

GRAND JURY REPORTS

Public Safety Committee Report Amador County Fire-Related Resources and Community Communications – Unreliable and Inconsistent	1
Criminal Justice Committee Reports	
California Department of Corrections and Rehabilitation Pine Grove Youth Conservation Camp	23
Amador County Jail	29
California Department of Corrections and Rehabilitation Mule Creek State Prison	37

MEMBERS OF THE 2021-2022 GRAND JURY

Laura Baldwin

Carol Brown

Debra Brown

Shelbi Cardinale

Marcy Colby Walters

Angela Darnell

Matthew Gosovich

Tina Hernandez

Steven Kluger

Jo Luttrell

Geraldine McCutcheon

Renee Mikkelsen

Haidee Peoples

Bruce Pruett

Robert Saracino

Maxine Shear

John Sondeno

John Winter

Amber Wreden

Acknowledgement: The 2021-2022 Grand Jury would like to thank the jurors who served but were unable to complete their term.

FUNCTIONS OF THE GRAND JURY

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

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

The Grand Jury issues final reports that describe problems they may have encountered and make recommendation for solutions. The affected agencies or districts must comment on these recommendations once published in the reports.

AMADOR COUNTY CITIZENS COMPLAINTS

The Grand Jury is empowered to investigate complaints from citizens, civic groups, government employees, and others about the procedures or conduct of its officers or employees. Our primary function is the examination of all aspects of local government, including: cities, special districts, and school districts. This is our primary function and most important reason for our existence. Our goal is to assure honest, efficient government in the best interests of all our citizens in Amador County.

CONFIDENTIALITY

All of our proceedings and investigations are confidential. We are sworn to maintain secrecy. As a Grand Jury we apply the same objective standard of conduct and responsibility to all persons and we are charged to avoid being influenced by sympathy, public feelings, passion or prejudice.

COMPLAINT PROCESS

While the Grand Jury will investigate complaints presented to it in any form, it is preferred this form be used whenever possible. Please identify the specific problem and describe the circumstances. Document your complaint with all available evidence and submit copies of all available documents.

The Complaint Form may be downloaded at:

<http://www.amadorcourt.org/divisions/civil/grandjury/complaint-form.pdf>

Mail your complaint to:

AMADOR COUNTY GRAND JURY

P.O. BOX 249

JACKSON, CA 95642

Response Requirements

NOTICE TO RESPONDENTS

The legal requirements for responses to the Grand Jury findings and recommendations are contained in California Penal Code §933.05. Each respondent should become familiar with these legal requirements and, if in doubt, should consult legal counsel before responding.

For assistance to all respondents, Penal Code §933.05 is summarized as follows:

Responding to Findings

The responding person or entity shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding. The response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

Reporting Action in Response to Recommendations

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

1. The recommendation has been implemented, including a summary of the implemented action.
2. The recommendation has not been implemented, but will be implemented in the future. This response should include a timeframe for implementation.
3. The recommendation required further analysis. The law requires a detailed explanation of the analysis or study and the timeframe not to exceed six months. In this response, the analysis or study must be submitted to the officer, director, or governing body of the agency being investigated.
4. The recommendation will not be implemented because it is not warranted, or is not reasonable, with an explanation.

FINAL REPORT RESPONSE FORMAT

The following standard format is to be used when responding to the Grand Jury Report and is to be used by all agencies when responding:

Title of Report Responding Agency Response by

Finding number one:

_____ (Governing Body, Department Head)

State the findings as written in the Grand Jury Report. Include your detailed response to the finding. Attach any supporting documentation.

Recommendation number one:

State the recommendation as written in the Grand Jury Report. Include your detailed response to the recommendation. Response should include progress on your planned action. Attach any supporting documentation.

Follow the same procedures for each finding and recommendation as written in the Grand Jury Report for this agency.

AMADOR COUNTY FIRE-RELATED RESOURCES AND COMMUNITY COMMUNICATIONS ARE UNRELIABLE AND INCONSISTENT

AUTHORITY

Under California Penal Code section 925, the Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county.

SUMMARY

The Grand Jury conducted an investigation into Amador County's (County) readiness in the face of potential hazardous wildfires. We found a multitude of public and private entities established within the County with the responsibility of fire prevention and readiness oversight. Federal, State, and local entities have resources dedicated to fire prevention. In addition, we found Amador County has private volunteer entities with similar goals of fire prevention and mitigation.

It is imperative that fire safety and communications be effective, but also that the implementation of fire safety plans take place. This cannot happen if communications are hampered. Through our interviews, reviews of documents, and resources available to the public, we found the County is not fully and effectively communicating wildfire mitigation and defense practices to residents. It is the opinion of the Grand Jury that lack of County staff, funding, and leadership has led to inadequate communication. Communication is key to keeping the citizens safe, making resources available for private landowners, and alerting the community to dangers from potential local fires and other hazards.

GLOSSARY

ACT	Amador RCD, Calaveras RCD, Tuolumne RCD
AFSC	Amador Fire Safe Council
AFPD	Amador Fire Protection District
ARCD	Amador Resource Conservation District
BOS	Board of Supervisors
CAL FIRE	California Department Forestry and Fire Protection
CAL OES	California Office of Emergency Services
County	Amador County

CYA	California Youth Authority
GSA	General Services Administration
NRCS	Natural Resources Conservation Services
PG&E	Pacific Gas and Electric
RCD	Resource Conservation District

BACKGROUND

The 2021-2022 Amador County Civil Grand Jury (Grand Jury) began an investigation into the current status of funding and grant programs available for bark beetle mitigation or tree removal available to Amador County residents. Throughout Grand Jury interviews and research, we discovered there is a lack of complete and reliable communications to the public.

Of concern to the Grand Jury is the huge threat of wildfire, especially for “upcountry” residential communities, and outdated fire mitigation plans. Although the County’s Safety Element (part of the County’s General Plan) is mandated to be updated per State Law, there is a lack of procedures and processes for implementing required fire-safe policies.

METHOD OF STUDY

The grand jury reviewed the following websites, and public documents:

- Prior Amador County Civil Grand Jury Reports
- Amador County website (www.amadorgov.org)
- California Department of Forestry and Fire Protection (CAL FIRE) website (www.fire.ca.gov)
- Fire Safe Council (www.calfiresafecouncil.org)
- Amador Fire Protection District (<http://amadorfire.org>)
- Amador Resource Conservation District
- CAL FIRE Local Assistance for Tree Mortality Grant Application Fiscal Year 2020-21 Funding Opportunity
- CAL FIRE, Version 11-26-2019, CFIP Agreement
- CAL FIRE, California Climate Investments, Fire Prevention Program Grant Application, Fiscal Year 2020-21/2021-22 Funding Opportunity
- CAL FIRE, Version 05-15-2019, CFIP Amendment
- CAL FIRE Unit Strategic Fire Plan
- Fire Safe Council Action Plan
- County Fire Department Strategic Fire Plan

- FIREWISE Community Assessment
- Amador County Local Hazard Mitigation Plan, 2014
- Amador County 2005 Community Wildfire Protection Plan
- Applicant: Amador Fire Safe Council, Project: Amador County Fuel Break Development Project, Grant Application
- Applicant: Amador Fire Safe Council, Project: Pine Acres Fuel Break Maintenance, Grant Application
- Applicant: Amador Resource Conservation District, Project: Amador Community Chipping Project, Grant Application
- Applicant: Amador Resource Conservation District, Project: Forest Health Program 2021, Grant Application
- Applicant: Amador County, Project: Local Assistance for Tree Mortality (2020-2021), \$59,830 Grant Application
- California Office of Emergency Services (CAL OES) Project Application
- CAL OES Tree Removal Plan
- Local Assistance for Tree Mortality Grant Program Procedural Guide
- Amador County Fire Hazard Plan (Amador Fire Safe Council)
- Amador Fire Reduction Plan
- High Country Community Wildfire Protection Plan 2016
- Amador County General Plan, Safety Element 2016
- California Government Code
- “Warming climate leads to more bark beetles and dead pine trees than drought alone”, wildfiretoday.com, Author Bill Gabbert, Posted on December 27, 2021
- Grand Jury Report 2016-2017, Planning and Environment Committee Report, Bark Beetle Infestation in Amador County
- Tree Mortality Amador County 2022, County Board of Supervisor’s Meeting Minutes, February 22, 2022

The grand jury conducted various interviews with county officials, independent knowledgeable sources, and agencies including but not limited to:

- CAL FIRE
- Amador Resource Conservation District (ARCD)
- Amador Fire Safe Council (AFSC)

DISCUSSION

Amador County General Plan

Currently, Amador County's General Plan Safety Element lacks focus on mitigating wildfire threat to the general public, particularly in High Severity Fire Danger areas of the County (see APPENDIX A), especially residential areas "upcountry." The last time the County did a comprehensive general plan update was in October 4, 2016, which is the date on the current general plan.

An update to the Amador County Housing Element was due in 2021, and is currently underway. State Law requires the County to review and make certain updates to the Safety Element when updating the Housing Element. For this Housing Element update, Government Code section 65302(g)(5) requires the County to review and update the Safety Element to identify residential developments in hazard areas that do not have at least two emergency evacuation routes. The updated Safety Element (page S-4) proposes a decrease in density for future residential development in three specific residential areas "upcountry," and those decreased densities are reflected in the Land Use Element.

Given the current wildfire threat and residential safety concerns, the Grand Jury has concluded the County should pursue the General Plan Fire Hazards and Protection goals and policies more vigorously to mitigate the threat of wildfire to residential dwellings. Those policies include:

Goal S-2: Reduce fire risks to current and future structures.

Policy S-2.1: Consistent with state regulations and local code requirements, require new buildings to be constructed to provide fire-defensible spaces, separated from property lines and other buildings on the same or adjacent properties by adequate building setbacks clear of brush and fuel. Require new buildings in areas of moderate to high fire risk to be constructed using building materials and designs that increase fire resistance.

Policy S-2.2: Guide new development to areas where adequate fire protection, roads, and water service are available to support fire response.

Policy S-2.3: Incorporate fire safety site planning techniques within new development applications in high- or very-high fire risk areas. Encourage building envelope or cluster development techniques to increase defensible areas.

Policy S-2.4: Work with fire districts or other agencies and property owners to coordinate efforts to prevent wildfires and grassfires including consolidation of fuel buildup abatement efforts, firefighting equipment access, and water service provision.

Policy S-2.5: Work with fire districts and other agencies to educate the public regarding fire risks and periods of elevated or extreme risk due to drought or other factors.

Grant Funding

The Grand Jury learned during our interviews and research of CAL FIRE that its grant spending compliance is fully documented on the CAL FIRE website. CAL FIRE stated that all questions regarding its use of grant funds are clearly available for review. CAL FIRE is available to the public to consult with property owners about fire hazards. CAL FIRE is not involved in the actual removal of trees. A CAL FIRE representative gave an assessment that the local fire departments and emergency services do work well together addressing fire suppression within the County. Sources referred the Grand Jury to the Vegetation Management Project documentation for an explanation of areas where CAL FIRE is concentrating preventative fire measures.

The Grand Jury interviewed staff with Amador Resource Conservation District (ARCD), which was formed in the 1950s with a focus on soil conservation, natural resources, and land stewardship. The ARCD board members are unpaid volunteers. The National Resources Conservation Service (NRCS), a federal program, provides staff and oversees the ARCD program. The ARCD chipping program with Fire Safe Council currently runs to 2024. Information can be found on its website.

ARCD functions as a special district to serve landowners and the community. ARCD is grant-driven, mainly for forest health and fuel break projects. Some of the prior projects it has participated in are the Stone Jug Fuel Break Project (est. 2016), Meadow Restoration Project with the U.S. Forest Service, and the Tree Mortality Project with CAL FIRE. It also does a wide variety of other projects such as bark beetle mitigation and agriculture-related projects countywide.

The Grand Jury learned there are grant resources available for private landowners, but due to staffing shortages at NRCS, the grant application process is slow. The grant funds for hazardous tree removal likely cannot be distributed until NRCS fills its vacancies. Only if NRCS staffing issues are remedied will grant programs resume. Amador RCD, Calaveras RCD, Tuolumne RCD (ACT) is looking for funding programs, but the bottleneck with federal government staffing is a problem. ACT relies on radio and word-of-mouth advertising. CAL FIRE distributes ACT flyers when issuing burn permits to the public.

The Grand Jury was interested to learn about any oversight and/or guidance provided by the State to

the County. We interviewed a State legislator, who informed us that the County contracts with CAL FIRE and helped us understand the coordination process between State and County. Grants from CAL FIRE are usually for capital improvements and not for maintenance or personnel. There are State grants available, but counties often do not factor in personnel costs for grant funding management.

ARCD Website

The Grand Jury found that the information for hazardous tree abatement on the ARCD website was inconsistent, difficult to navigate, and not as helpful as it should or could be for landowners.

The Amador Fire Safe Council

The Grand Jury interviewed staff with the Amador Fire Safe Council (AFSC), established in 2002 as a 501(c)(3) non-profit organization. AFSC's mission is to reduce the risk of catastrophic wildfire, to administer fire prevention programs, and to engage in public outreach. Being 100% grant funded since 2015, AFSC manages the distribution of grant monies to contractors they hire. All board members are unpaid volunteers. Its grant sources are CAL FIRE, Sierra Nevada Conservancy, PG&E, and California Fire Safety Council. Its operating budget is \$1.5 to \$2 million annually. Current grant value is \$5 million. Grants almost always require recipients to pay up front and then seek reimbursement. Its focus is maintaining and extending firebreaks.

Private homeowners can receive services; however, road associations receive priority. The primary focus is on critical ingress/egress points. The Board of Directors makes decisions regarding who receives AFSC funding after screening by the Treasurer. State law requires property owners to maintain 100 feet of defensible space from their home. AFSC will not provide individual homeowners clearing services to meet the 100-foot defensible space requirement.

Currently AFSC has only one part time administrative staff who is shared with ARCD. This limits its ability to respond to grants, write new grant requests, and manage contracts. We were told they were in the process of hiring two additional part-time staff. Absentee owners and new arrivals in the County seem unaware of the State law requiring a 100-foot "fire safe" perimeter, and they do not comply, thereby leaving their properties in a dangerous condition. Other AFSC problems include gaining right of entry and private property liability concerns.

The AFSC website was hacked a few months ago, and it is taking time to get it updated. AFSC's plan is to have the new Outreach and Education staff person maintain the website.

The Defensible Space Ordinance

The Board of Supervisors (BOS) is responsible for adopting County ordinances and also serves as the board for Amador Fire Protection District (AFPD). On May 10, 2022, the BOS passed Ordinance No. 1820 (see APPENDIX B). The ordinance is adding Chapter 7.30 to the Amador County Code regarding defensible space requirements and hazardous vegetation and combustible material abatement. Under section 7.30.130 there is no mandatory duty to enforce. It is stated in the ordinance that “nothing in this part shall be construed as imposing on any enforcement official, the county of Amador, any special district or other public agency any duty to issue a notice of violation or order to abate, nor to abate any violations of this part, and neither the enforcement official, nor the county, nor any special district or other public agency shall be held liable for failure to take such actions.”

The Tree Mortality Program

The Tree Mortality program is still in effect. The County continues to approve new contracts for tree removal on the consent agenda, and status updates are provided on the regular agenda.

The US Forest Service has been tracking the bark beetle since 1823. It is an immense problem and is still on-going. One problem is the reluctance of landowners to sign the Right of Entry form, which is required to participate in the Tree Mortality Program. The County only removes trees that affect County property. The only option right now for private landowners is the Fire Wise program, which is a private non-profit neighborhood program for fire mitigation. Although several grants are available for landowners, administering those grants is problematic for the County. Additionally, many grants have stringent requirements, making it difficult to meet funding requirements and to administer grant funds.

Fire-related Communications

Communication is fundamental. There is insufficient information on fire safety, mitigation, and prevention available on the AFPD website. The Grand Jury learned that AFPD is working on staff changes to balance the budget. There is no public affairs person and no communications director at the County. There is no one person in charge of fire safety and prevention. We learned that the Code Red program was not sufficient during the Caldor Fire in August 2021. Code Red is the alert system implemented by the Sheriff’s department. Code Red is divided into zones and all zones are currently being tested in an effort to ensure all registered users are able to be notified in an emergency.

Communications between County agencies are a problem, likely due to the County's lack of a communications director/departement. The County official also noted that they do not have staff or funds to hire a Communication Director, which was estimated would cost approximately \$90K/year.

County Enforcement Policy and Website Maintenance

The Grand Jury was referred to the General Services Administration (GSA) during our interviews with other County representatives. Several interviewees commented that Amador County has a complaint driven approach to governance. It usually takes several complaints before any acknowledgement of a problem.

Staff shortages are the primary reason noted for the Amador County website being outdated or not maintained on a regular basis by the individual departments. The Grand Jury asked if the County is capable of applying for grants that could benefit the citizens of Amador County. The County responded that there currently is no County department that deals with grants. Many of the grant projects that were approved in the past lack funding to proceed. We found that the bidding process in the County is legal and done in a fair manner. The interviewee recommended that a financial advisor would be helpful to the County.

FINDINGS

F1: The County General Plan Housing and Safety Elements are out of date and need to be updated.

F2: There are insufficient County plans or procedures to mitigate fire dangers for existing residential properties.

F3: We commend the BOS for passing Ordinance No. 1820, which the County recently adopted.

F4: The County has insufficient staffing for grant programs that support fire safety in the County.

F5: The AFSC, a non-profit organization, is focused and active in fire mitigation and protection within the County. Several County officials referred the Grand Jury to AFSC for information, despite AFSC being a non-profit organization unaffiliated with the County. We commend AFSC for its service to the community.

F6: There is insufficient County-level accountability or funding for fire safety enforcement in the County.

F7: There are insufficient funds to enforce County Ordinance No. 1820.

F8: There is insufficient communication within the County fire related agencies, due to the lack of staffing and funding.

F9: There is no County department devoted to finding, applying for, and managing grant funding.

F10: The County provides the public insufficient fire-safety resources that are reliable, current, and educational. As a result, the Grand Jury finds the County is not meeting its General Plan Safety Element Goal S-2 to reduce fire risks to current and future structures.

F11: The Grand Jury finds that information on fire safety and prevention websites are fragmented and not current. Many links for resources are not useful or functioning.

RECOMMENDATIONS

R1: The Grand Jury recommends that the Housing Element along with the Safety Element be brought into compliance with State statute as soon as possible and no later than December 31, 2022. (F1)

R2: The Grand Jury recommends that the County further consider prioritizing, implementing, and enforcing fire safety programs including the new Ordinance No. 1820 for residences and private landowners. (F2)

R3: The Grand Jury recommends that the BOS consider coordinating with State representatives and neighboring county partners to more efficiently utilize grant funding resources and to petition State and Federal government to address staffing shortages at the State and Federal levels. (F4)

R4: The Grand Jury recommends that the County consider taking over more direct responsibility and accountability for fire protection and not rely on less accountable non-profit and non-governmental entities. (F5/6)

R5: The Grand Jury recommends that the County consider hiring or assigning a County employee the responsibility to enforce Ordinance No. 1820 and any other defensible space laws and regulations. (F7).

R6: The Grand Jury recommends that the County consider hiring a financial advisor to prioritize the budget to address staffing needs, and consider hiring a grant writer to pursue grant funding. (F8/9)

R7: The Grand Jury recommends that all County websites be updated quarterly with current information so the public is able to access resources easily and quickly. We recommend that a website be created to provide all fire related issues and resources in one place. (F10/11)

- a. There should be a link on the county website to this website.
- b. The website should assist homeowners in finding specific information pertinent to fire prevention, mitigation, and other fire issues.
- c. The website should have a printable or electronic complaint form that will streamline the enforcement process for Ordinance No. 1820.
- d. The website should contain an organizational chart of all fire-related resources in the County.

REQUESTS FOR RESPONSES

Responses to Findings and Recommendations in this report are required by law in accordance with California Penal Code section 933(c).

From the following governing board:

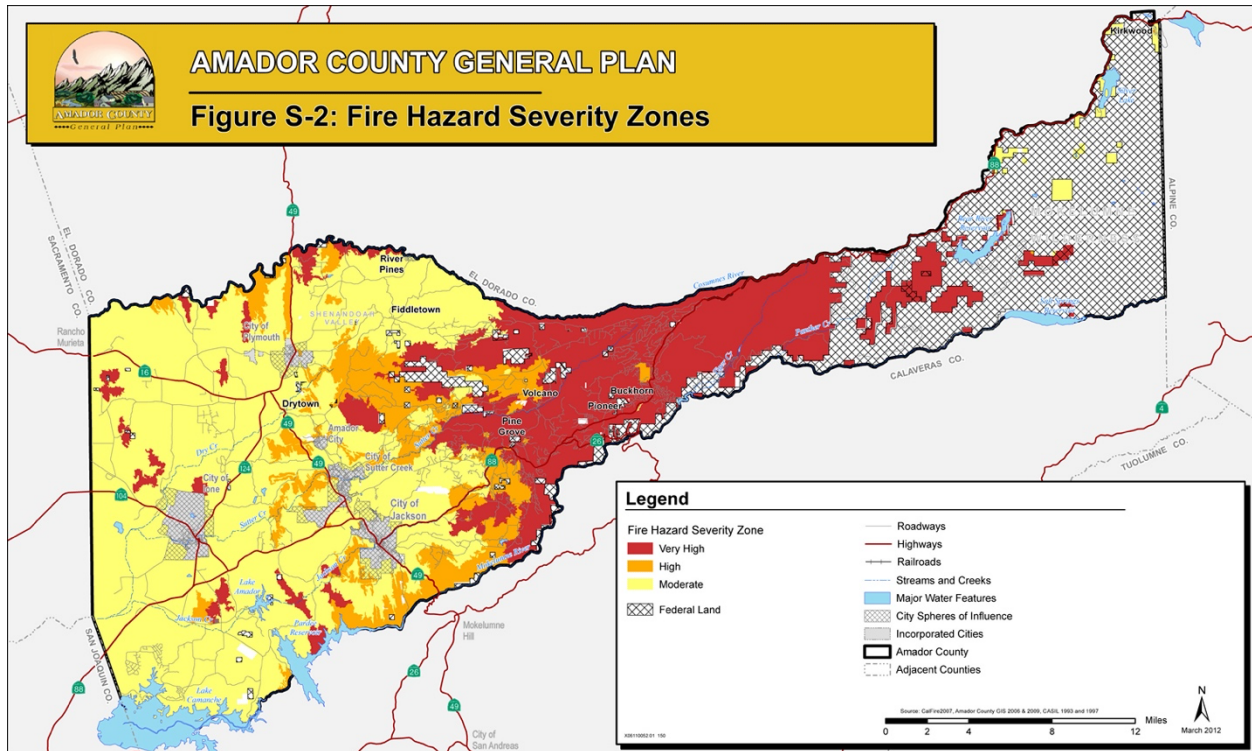
- Amador County Board of Supervisors is required to respond no later than 90 days after the Grand Jury submits a Final Report.

ADDRESS RESPONSES TO:

The Presiding Judge – Amador County Superior Court
500 Argonaut Lane
Jackson, CA 95642
Amador County Civil Grand Jury
PO Box 249
Jackson, CA 95642

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

APPENDIX A



APPENDIX B

ORDINANCE NO. 1820

ORDINANCE ADDING CHAPTER 7.30 TO THE AMADOR COUNTY CODE REGARDING DEFENSIBLE SPACE REQUIREMENTS AND HAZARDOUS VEGETATION AND COMBUSTIBLE MATERIAL ABATEMENT

The Board of Supervisors of the County of Amador ordains as follows:

SECTION I. Chapter 7.30 is hereby added to Title 7 of the Amador County Code as follows:

7.30.010 Purpose.

The purpose of this chapter is to provide for the removal of hazardous vegetation and combustible material from parcels in the unincorporated areas of the county so as to reduce the potential for fire and to promote the public health, safety and welfare of the community.

7.30.020 Findings.

The board of supervisors finds and declares the following:

- A. It is the intent of the board of supervisors that this chapter shall apply to the abatement of hazardous vegetation and combustible material on improved parcels in the unincorporated area;
- B. Amador County generally has a climate conducive to wildfires and is prone to periodic dry summers and wind events. Many of the county's native and non-native plant species can be highly flammable during normal dry periods and have contributed to significant wildfires within the county. Increasingly dry summers and severe wind events further exacerbate the fire danger and have the potential to result in catastrophic fire losses to life, property and the environment;
- C. Amador County has a diverse and complex landscape, including mountainous areas and forest-covered, oak tree-covered, brush-covered, and grass-covered lands;
- D. Of paramount importance to the board of supervisors and the citizens of Amador County is the protection of lives and property from the threat of fire and the safety of fire and law enforcement personnel during wildfires;
- E. It is the purpose of this chapter to establish a hazardous vegetation and combustible material abatement program that protects the lives and property of the citizens of Amador County; and
- F. The board of supervisors finds that hazardous vegetation and combustible material pose a danger to the health, safety and welfare of Amador County residents for the reasons set forth above. Therefore, all hazardous vegetation or combustible material located on real property within the unincorporated area of the county of Amador is deemed a public nuisance and poses a hazard to the safety of residents and the public generally.

(ORDINANCE NO. 1820)

(05/10/22)

7.30.030 Authority.

The board of supervisors enacts this ordinance pursuant to California Health and Safety Code sections 14930 and 14931 concerning the abatement of hazardous vegetation and combustible material, and California Government Code sections 25845 and 25845.5 regarding the abatement of nuisances and establishment of real property liens.

7.30.040 Definitions.

The following definitions apply to this part:

- A. "Abate" and/or "abatement" means an act used to remove, destroy, eliminate, seize, impound, or any action taken to mitigate a public nuisance.
- B. "Abatement costs" means any and all costs incurred by the county of Amador to abate the hazardous vegetation or combustible material on any property pursuant to this part, including physical abatement costs, administrative and staff time costs, contractor costs, and any additional actual costs incurred for the abatement proceeding, including hearing officer costs. Abatement costs shall be deemed incurred by the county even if the county's obligation to pay such costs is contingent upon the county's receipt of funds from the owner of the parcel subject to abatement. Contractor costs shall include the costs of public agencies performing any work, task, or action authorized by this part pursuant to an agreement with the county.
- C. "Building or structure" means anything constructed that is designed or intended for support, enclosure, shelter, or protection of persons, animals, or property, having a permanent roof that is supported by walls or posts that connect to or rest on the ground, excluding outbuildings.
- D. "Combustible material" means rubbish, litter or material of any kind other than hazardous vegetation that is flammable and endangers the public safety by creating a fire hazard.
- E. "Enforcement official" means the fire chief of the Amador Fire Protection District or his or her designee, and any other officers as may be designated by the board of supervisors.
- F. "Hazardous vegetation" means vegetation that is flammable and endangers the public safety by creating a fire hazard, including but not limited to seasonal and recurrent weeds, stubble, brush, dry leaves, etc.
- G. "Improved parcel" means a portion of land identified by an assessor's parcel number upon which a structure is located.
- H. "Inspection official" means the fire chiefs of all state and local fire agencies within unincorporated Amador County where he/she serves and their deputies and designees.
- I. "Outbuilding" means buildings or structures that are less than 120 square feet in size and are not used for human habitation.

(ORDINANCE NO. 1820)

(05/10/22)

J. "Person" means natural person or other legal entity.

7.30.050 Duty to abate hazardous vegetation and combustible material.

A. It shall be the duty of every owner, occupant, and person in control of any improved parcel of land or interest therein, which is located in the unincorporated territory of the county of Amador, to abate therefrom, all combustible material and hazardous vegetation constituting a fire hazard as provided in this chapter.

B. The intensity of fuels management may vary within the 100-foot perimeter of the structure, the most intense management requirements shall be within the first 30 feet around the building or structure. Compliance with the provisions of this Chapter is required throughout the year.

C. The requirements of this section will be satisfied if the following minimum requirements are met:

1. Zone 0 – Within 5 feet around all structures (including attached decks):
 - a. It is recommended to remove all combustible materials, including woody plants, mulch, wood piles, combustible trellises, and any other stored items.
2. Zone 1 – Within 30 feet around all structures or to the property line:
 - a. Remove all dead or dying grass, plants, shrubs, trees, branches, leaves, weeds, and pine needles from the Zone whether such vegetation occurs in yard areas around the "Building or Structure," on the roof or rain gutters of the "Building or Structure," or any other location within the Zone.
 - b. Remove dead tree or shrub branches that overhang roofs, below or adjacent to windows, or which are adjacent to wall surfaces, and keep all branches a minimum of ten feet (10 ft.) away from chimney and stovepipe outlets.
 - c. Relocate exposed firewood piles outside of Zone 1 unless they are completely covered in a fire resistant material.
 - d. Remove flammable vegetation and items that could catch fire that are adjacent to or under combustible decks, balconies and stairs.
3. Zone 2 – Within 30 – 100 feet of all structures or to the property line:
 - a. In this zone create horizontal and vertical spacing among shrubs and trees using the "Fuel Separation" method, the "Continuous Tree Canopy" method or a combination of both to achieve defensible space clearance requirements. Further guidance regarding these methods is contained in the State Board of Forestry and

Fire Protection's, "General Guidelines for Creating Defensible Space, February 8, 2006," incorporated herein by reference.

- b. Dead and dying woody surface fuels and aerial fuels shall be removed. Loose surface litter, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches, shall be permitted to a maximum depth of three inches (3 in.).
- c. Cut annual grasses and forbs down to a maximum height of four inches (4 in.).
- d. All exposed wood piles must have a minimum of ten feet (10 ft.) of clearance, down to bare mineral soil, in all directions.

(3) For both Zones 1 and 2:

- a. "Outbuildings" and Liquid Propane Gas (LPG) storage tanks shall have the following minimum clearance: ten feet (10 ft.) of clearance to bare mineral soil and no flammable vegetation for an additional ten feet (10 ft.) around their exterior.
- b. Protect water quality. Do not clear vegetation to bare mineral soil and avoid the use of heavy equipment in and around streams and seasonal drainages. Vegetation removal can cause soil erosion, especially on steep slopes. Keep soil disturbance to a minimum on steep slopes.

(4) The enforcement official may require more clearance distance than specified herein for the protection of public health, safety or welfare or the environment.

The determination for appropriate clearance distances will be made based upon a visual inspection of the parcel and shall consider all factors that place the property or structure(s) at risk from an approaching fire. These factors shall include local weather conditions, fuel type(s), topography, and the environment where the property or structure(s) is located.

7.30.060 Enforcement, inspection and authority to enter property.

Whenever necessary to make an inspection to enforce any provision of this chapter, or whenever the inspection official has reasonable cause to believe that there exists in any building or upon any premises any condition in violation of this chapter, the enforcement official or his/her designee, may enter such premises at all reasonable times to perform any duty imposed upon such person by this chapter, provided that if the premises are private and occupied, the enforcement official or his/her designee, shall present proper credentials, state the reasons for entry and request entry. If entry is not granted, a court order should be secured.

7.30.070 Summary abatement proceedings.

In addition to the authority granted by law to the enforcement official in exigent situations, and pursuant to California Health and Safety Code Section 14930 and California Government Code (ORDINANCE NO. 1820) (05/10/22)

Section 25845, the enforcement official is authorized to enter real property and summarily abate any public nuisance determined by the enforcement official to constitute an immediate threat to public health or safety without prior notice or hearing.

7.30.080 Abatement proceedings.

A. Notice of Defensible Space Inspection.

1. If the inspection official suspects that any real property may be maintained or permitted to exist in a manner prohibited by this chapter, the inspection official shall conduct a Defensible Space Inspection. The inspection official shall provide the property owner and any known person in possession of the property, with a Notice of Defensible Space Inspection ("inspection notice") describing the results of that inspection. The inspection notice shall specify any corrective actions necessary to bring the property into compliance with this chapter, the time frame(s) within which any corrective measures must be accomplished, and shall state that the failure to bring the property into compliance could subject the owner or persons in possession to enforcement action, including civil, administrative and criminal penalties.

2. Following the expiration of the time allowed for corrective measures in the inspection notice, the inspection official shall conduct a re-inspection of the property for compliance with this chapter.

B. Notice of Violation and Order to Abate.

1. If, following re-inspection, the inspection official determines that the violations were not timely corrected as provided in the inspection notice and that the real property remains in violation of this chapter, the inspection official may recommend abatement and refer the violations to the enforcement official.

2. Upon receipt of any violation referred by an inspection official, the enforcement official may issue a written notice to the property owner and any known person in possession of the property of the violation and order the hazardous vegetation or combustible material to be immediately abated. The Notice of Violation and Order to Abate ("notice/order") shall specify the corrective actions required to be taken and order the property owner and any known person in possession to abate the hazardous vegetation or combustible material within thirty (30) calendar days and state that the failure to bring the real property into compliance with this part could subject the owner or persons in possession to civil, administrative and criminal penalties. Furthermore, the notice/order shall inform the property owner and any known person in possession of the opportunity to appear before and be heard by the Hazardous Vegetation Abatement Hearing Board prior to abatement by the county. The failure of the notice/order to set forth all required contents shall not affect the validity of the abatement proceedings.

(ORDINANCE NO. 1820)

(05/10/22)

3. Manner of Giving Notice. The enforcement official shall cause a copy of any inspection notice or notice/order to be mailed or otherwise delivered to all persons known to be in possession of the property and to the property owner as such person's name and address appear on the last county equalized assessment roll. If the address is unknown, that fact shall be so stated and the notice shall be posted at the property. Service by mail shall be deemed complete at the time of deposit in the U.S. mail. The failure of any person in possession or owner of the property to receive such notice shall not affect the validity of these proceedings.

7.30.090 Appeals Hearing.

A. A Hazardous Vegetation Abatement Hearing Board is hereby established. The hearing board will be convened as necessary by the enforcement official and will consist of the chair of the board of supervisors or his/her designee who shall be a member of the board of supervisors, a county department head, and an individual appointed by the Board of Supervisors with knowledge and/or experience related to compliance with defensible space requirements. The hazardous vegetation abatement hearing body shall determine whether to amend, dismiss, or uphold a notice of violation and order to abate upon a majority vote.

B. Request for hearing. Any person who is adversely affected by the notice/order may appeal the determination as provided below.

1. The request for a hearing must be made in writing and submitted to the enforcement official within fifteen (15) calendar days of the mailing of the notice/order or the date of posting. A timely appeal shall stay any further action for abatement until the date set for hearing. Failure to timely appeal the notice/order shall constitute a failure to exhaust administrative remedies.

2. If no request for a hearing is timely made, the board of supervisors herein declares that abatement of the hazardous vegetation or combustible material shall have been deemed ordered by the board of supervisors as of the date of the postmark of the notice/order or the date of posting.

C. Hearing. Upon timely written request, a hearing shall be scheduled before the hearing board with notice thereof mailed or otherwise delivered to the requesting person at least fifteen (15) calendar days before the scheduled hearing. The failure of any owner or occupant to receive such notice shall not affect the validity of the proceedings.

1. At the time fixed in the notice of hearing, the hearing board shall receive evidence from the enforcement official and the owner or person in possession of the real property in violation, or their representatives and any other concerned persons who may desire to present oral or documentary evidence regarding the conditions of the real property or other relevant matter, if such persons are present at the hearing. The hearing by the hearing board

(ORDINANCE NO. 1820)

(05/10/22)

need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The hearing board may act only on the basis of evidence introduced at the hearing.

2. Failure of the owner or person in possession to appear shall not affect the validity of the proceedings or order issued thereon.

3. Upon conclusion of the hearing, the hearing board shall make its decision and shall forward its written recommendation to the board of supervisors.

4. The board of supervisors may adopt the hearing board's recommendation without further notice or hearing or may set the matter for hearing de novo before the board of supervisors.

a. If the board of supervisors adopts the hearing board's recommendation, the board of supervisors shall give notice thereof to the owner and possessor of its decision and proceed to abate the violation at the owner's expense.

b. If the board of supervisors sets the matter for a hearing de novo it shall provide at least 14 calendar days notice thereof in accordance with the provisions of Section 7.30.080 B.3. of this chapter, and conduct the hearing pursuant to paragraph C.1., above.

5. If the board of supervisors adopts the hearing board's recommendation, or following a hearing de novo finds that the violation exists the board of supervisors shall order the violation to be abated by the owner at the owner's expense. If the owner fails to obey the abatement order, the board of supervisors may abate the violation using county workers or by contract all at the expense of the owner.

6. The owner shall be liable for all costs of abatement incurred by the county including but not limited to administrative and investigative costs and any and all costs incurred in the physical abatement of the violation, and in any action, proceeding, or administrative proceeding to abate a violation the county or the alleged violator, whoever is the prevailing party, shall be entitled to the amount of reasonable attorney's fees actually incurred in the action or proceeding.

7.30.100 Abatement cost recovery.

A. Account of Costs and Receipts. The enforcement official will keep an itemized account of the costs of enforcing the provisions of this chapter.

B. Demand and Notice of Proposed Special Assessment. Upon completion of abatement, the enforcement official shall prepare a notice to be served by first class and certified mail, return

(ORDINANCE NO. 1820)

(05/10/22)

receipt requested to the property owner as such person's name and address appear on the last county equalized assessment roll. If the address is unknown, that fact shall be so stated and the notice shall be posted at the property. Service by mail shall be deemed complete at the time of deposit in the U.S. mail. The failure of any person in possession or owner of the property to receive such notice shall not affect the validity of these proceedings. The notice shall specify the following:

1. The work done;
2. An itemized account of the costs and receipts of performing the work, including both the costs of physically abating the nuisance and the county's administrative costs related to enforcement of this part;
3. A street address, assessor's parcel number, legal description, or other description sufficient to identify the premises;
4. A demand for payment of all abatement costs within thirty (30) days after service of the notice;
5. A statement that failure to pay all abatement costs within said thirty (30) day period may result in the levy of a special assessment in that amount against the subject property;
6. The time and place where the enforcement official will submit the account to the board of supervisors for confirmation. The time and place specified shall be not less than thirty (30) days after service of the notice;
7. A statement that the board of supervisors will hear and consider objections and protests to said account and proposed special assessment.

C. Hearing on Account and Proposed Special Assessment. At the time and place fixed in the notice, the board of supervisors will hear and consider the account and proposed special assessment, together with objections and protests thereto. At the conclusion of the hearing, the board may make such modifications and revisions of the account and proposed special assessment as it deems just, and may order the account and proposed special assessment confirmed or denied, in whole or in part, or as modified and revised. The determination of the board as to all matters contained therein is final and conclusive.

D. Notice of Lien. Upon confirmation of a special assessment by the board, the enforcement official shall notify the property owner by certified mail, return receipt requested, of the amount of the lien confirmed by the board and shall have recorded in the office of the county recorder of Amador County a notice of lien. The notice of lien shall contain the following:

1. A street address, assessor's parcel number, legal description, and/or other description sufficient to identify the premises;

(ORDINANCE NO. 1820)

(05/10/22)

2. A description of the proceeding under which the special assessment was made, including the order or resolution of the board confirming the special assessment;
3. The amount of the special assessment; and
4. A claim of lien upon the described premises.

E. Lien. Upon the recordation of a notice of lien, the amount claimed shall constitute a lien upon the described premises, pursuant to California Government Code Section 25845. Such lien shall be at a parity with the liens of state and county taxes.

F. Collection with Ordinary Taxes. After recordation, the notice of lien shall be delivered to the county auditor, who will enter the amount of the lien on the assessment roll as a special assessment. Thereafter the amount set forth shall be collected at the same time and in the same manner as ordinary county taxes, and shall be subject to the same penalties and the same procedures and sale in case of delinquency as are provided for ordinary county taxes; all laws applicable to the levy, collection and enforcement of county taxes are hereby made applicable to such special assessment.

7.30.110 Other remedies.

The provisions of this chapter are to be construed as an added remedy of abatement and not in derogation of any other administrative, civil or criminal actions or proceedings or remedies otherwise provided by law.

A. Civil Actions.

1. Injunctive Relief and Abatement. Whenever, in the judgment of the enforcement official, any person is engaged in or about to engage in any act or practice which constitutes or will constitute a violation of any provision of this part or notice or order issued pursuant hereto, the enforcement official may request the county counsel or district attorney to commence proceedings for the abatement, removal, correction and injunction thereof, and requiring the violator to pay civil penalties and/or abatement costs or in addition, be subject to criminal prosecution.

2. Civil Remedies and Penalties. Any owner or person in possession of real property who willfully violates the provisions of this part or any notice or order issued pursuant hereto shall be liable for a civil penalty not to exceed one hundred dollars (\$100.00) for each day or portion thereof that the violation continues to exist. In determining the amount of the civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or individual, and any corrective action taken by the violator.

(ORDINANCE NO. 1820)

(05/10/22)

B. Criminal Actions.

1. It shall be unlawful for any person to violate any provision of this part. Any person violating any provision of this part shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this part is committed, continued or permitted.

2. Any person so convicted shall be guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation on the same site and perpetrated by the same person. The third and any additional violations on the same site and perpetrated by the same person shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six months in jail, or both. Payment of any penalty herein shall not relieve a person from the responsibility for correcting the violation. Notwithstanding the above, a first or second offense may be charged as a misdemeanor.

C. Notice of Noncompliance. Whenever a notice/order has been issued, the enforcement official may record a notice of noncompliance with the office of the county recorder of Amador County and shall notify the owner of the property of such action. The notice of noncompliance shall describe the property, shall set forth the noncomplying conditions, and shall state that any abatement costs incurred by the county as a result of the violation of this part may be specially assessed as a lien on the property and that the owner has been so notified.

7.30.120 Authority to promulgate reasonable rules and regulations.

The board of supervisors may adopt, by resolution, reasonable rules and regulations to enforce, interpret, and carry out the provisions of this part. Such rules may vary among different areas within the county. A copy of any such rules and regulations shall be kept on file with the clerk of the board.

7.30.130 No duty to enforce.

Nothing in this part shall be construed as imposing on any enforcement official, the county of Amador, any special district or other public agency any duty to issue a notice of violation or order to abate, nor to abate any violations of this part, and neither the enforcement official, nor the county, nor any special district or other public agency shall be held liable for failure to take such actions.

7.30.140 Severability.

This part and the various sections and clauses thereof are hereby declared to be severable. If any sentence, paragraph, section or clause is adjudged unconstitutional or invalid, the remainder of this
(ORDINANCE NO. 1820) (05/10/22)

part shall not be affected thereby. The board of supervisors hereby declares that it would have passed this part and each section thereof, regardless of the fact that one or more sections thereof be declared unconstitutional or invalid.

SECTION II. The Board of Supervisors finds and declares that this ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment) and 15061(b)(3) ("common sense exemption," whereby there is no possibility the activity in question may have a significant effect on the environment). It is exempt pursuant to CEQA 15308 because it is a regulatory action taken by the County pursuant to its police power.

SECTION III. This ordinance shall be published within fifteen days after the date hereof in a newspaper of general circulation printed and published in the County of Amador, State of California, and shall become effective thirty days after the date hereof.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 10th day of May 2022, by the following vote:

AYES: Richard M. Forster, Jeff Brown, Brian Oneto, Patrick Crew, Frank U. Axe
NOES: None
ABSENT: None


Richard M. Forster, Chairman, Board of Supervisors

ATTEST:
JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County,
California


Deputy

PINE GROVE YOUTH CONSERVATION CAMP

AUTHORITY

Pursuant to California Penal Code (PC) 919, “The grand jury shall inquire into the condition and management of the public prisons within the county.”

SUMMARY

The Pine Grove Youth Conservation Camp (PGYCC) is located in Amador County. The Division of Juvenile Justice (DJJ) maintains the camp. It screens and accepts youths aged 18-25 from other DJJ facilities in the state.

Training is provided by CalFire to youths who are then certified to engage in wildland firefighting operations. The youth fire crews perform approximately 180,000 hours of fire suppression services in a normal year for California. The crews typically work in state and county parks performing clearance of streams, wildland fire prevention tasks, and restoration work. During the fire season the crews are tasked with wildland fire suppression. Other tasks include flood control activities.

The major emphasis of the camp program is to provide youths with employable skills and to develop good, solid work habits, all in an effort to provide a successful, crime free future. The inmates also receive leadership training within their crew structure.

GLOSSARY

CDCR	California Department of Corrections and Rehabilitation
CYA	California Youth Authority
DJJ	Division of Juvenile Justice
PGYCC	Pine Grove Youth Conservation Camp
PC	Penal Code

BACKGROUND

In 1933, the Civilian Conservation Corps was established as part of President Roosevelt's New Deal. The program enrolled young men who had been out of work, were undernourished, and physically weak. One of these camps was established at Pine Grove in Amador County, known as camp P-209. By the mid 1930's, the camp was training young men to fight fires, build roads, and construct watch towers, as well as teaching them job skills. The Civilian Conservation Corps was abolished in 1942 by Congress, making way for a new use for the camps.

The California National Guard, whose soldiers often guarded railroad bridges, power stations, and other key areas in California, took control of the Pine Grove camp. The camp had twenty-six buildings with five of them serving as barracks. The National Guard vacated the camp in late 1945, and the California Youth Authority (CYA) then began its construction of forestry camps for boys.

The CYA camp was located on land that was leased from Lillian Payton. In 1962, a total of 98 acres was purchased, including the originally leased 40 acres. In 1968 new plans were developed. Construction was completed on new buildings in May 1969 and the camp was fully operational.

CYA Camps were first founded in 1945. The original camp was in the Big Trees State Park in Calaveras County, under an agreement with the state Division of Beaches and Parks. A nearby camp in Amador County, of a different nature, had been established a decade earlier during the Great Depression and would become the home of the PGYCC.

METHOD OF STUDY

The Grand Jury reviewed the following documents:

- Pine Grove Youth Conservation Camp, A Special Place, California Department of Corrections and Rehabilitation, Division of Juvenile Justice at website; cdcr.ca.gov
- Previous Grand Jury reports.

Members of the 2021-2022 Grand Jury toured the camp conducted by PGYCC administrators and staff on March 2, 2022.

BUDGET & STAFF

DJJ-PGC Facility budget (General Fund) \$ 7,686,094

- Allocated to Personal Services: \$ 6,553,491
- Allocated for Operating Expense and Equipment: \$ 1,132,603

Reimbursement Authority - State Agency (Cal Fire) \$ (743,083)

- Cal Fire will reimburse DJJ-PGC when assigned to fire incidents in the following categories:
Guarding Pay, Youth Fire Pay, Meals, & Administration

DJJ-PGC Education budget: \$ 399,038

- Allocated to Personal Services: \$ 394,971
- Allocated for Operating Expense and Equipment: \$ 4,067

DJJ-PGC Health Services budget: \$ 210,417

- Allocated to Personal Services: \$ 201,916
- Allocated for Operating Expense and Equipment: \$ 8,501

Total DJJ-PGC Budget: \$ 8,295,549

DJJ - PGC Staff (31)

1 - Superintendent

1 - Lieutenant

2 - Sergeant

4 - Parole Agent

10 - Custody Staff

2 - Support

1 - Maintenance Mechanic

4 - Cooks

2 - Retired Annuitant

3 - Education

1 - Nurse

DISCUSSION

The facility appears to be well-maintained and orderly. All areas visited by the jurors appeared to be clean. Facilities appeared to function as designed. The staff was professional, knowledgeable, and punctual. They seemed to be quite open and non-defensive when answering all our questions.

At this site, CalFire maintains both a small “hotel” (per staff) operation for visiting CalFire employees, as well as a residence for a CalFire Captain. All appeared to be well maintained. While visiting the camp, we observed inmates clearing an overgrown area of debris. All the youth appeared to be wearing appropriate safety equipment including helmets with visors, heavy gauntlets, coveralls, and sturdy boots.

Currently there are 40 inmates with a total capacity of 110. All have been convicted of major California crimes including murder and assault. None of the Pine Grove CYA inmates had been convicted of arson or sex-related crimes.

It was asked if there were any gang related issues. It was stated that there have not been any issues since 2015. That incident reinforced the need for the CYA to quickly root out and remove any potential problem inmates. It was noted that the Superintendent at that time was inexperienced and made counter-productive decisions. Since that incident, camp leadership has been drawn from internal candidates.

The reason for so few inmates at this time is due to the selection process. They can only select candidates from state prisons. Because of recent legislation many offenders who would have been eligible to attend the youth camp are being released back into the general public. It is expected to get better after January 2023, when the PGYCC will be able to select from all county lockups in California, providing a much larger pool for selection. The DJJ is being incorporated into the California Department of Corrections and Rehabilitation (CDCR) at that time. The youth offenders will then be incarcerated in their county of conviction.

In the last 10-12 years there have been only three escapees, and all were caught. There is not much incentive to leave the camp. The inmates are all selected from a pool of those with 24 months or less to serve. The likelihood of escapees being recaptured is very high and their sentence would be extended.

There are advantages for inmates enrolled in this program including sentence reduction, sealed records, and in many cases, a Class 1 Firefighter Certification. They are also taught life skills such as how to work, take care of themselves personally (grooming and cleanliness), interview for jobs,

work with supervisors, and interact with one another.

Inmates are able to seek medical care when needed. A nurse is on duty weekdays from 6:00 a.m. to 2:00 p.m. The Nurse said that all drugs are safely locked away and additional tools required are on order. A doctor also makes regular visits and is available for teleconferencing as needed.

There is on-site accredited high school and fire sciences instruction. Prior to COVID they had an arts and crafts class with instruction from local volunteers. They encourage the public to volunteer to teach a class on something for the inmates.

The impact from COVID was that volunteers were discontinued. Nearly everyone caught COVID over the past two years. Almost all were asymptomatic. Only seven inmates went COVID-free. Vaccines were made available but could not be forced upon the inmates.

There are no inmates over the age of 25 at the PGYCC camp. Inmates do sometimes come in contact with older inmate firefighters while working fire suppression. At such times, they are closely supervised and kept separate.

Visitors are allowed to visit the inmates on Sundays. A picnic area with grills, charcoal, and picnic benches is available.

Recreation includes basketball, baseball, handball, soccer, etc. CalFire recently received funding to update and improve current fields and courts. Hikes take place four times a week both on and off site. Weights and various fitness machines are available, although some are old and need updating. No internet access is allowed for the inmates. There is a canteen service open at various times where inmates can purchase snacks and drinks, hygiene items, etc.

Health and hygiene are important to the camp. Clothing is exchanged every night and laundered by inmate staff. Kitchen facilities are well maintained with the exception of the area where the kitchen transitions to the dining room. Some flooring which had been recently installed didn't perform per specification and had to be removed due to water damage. They plan on re-covering the area again soon. The ventilation unit in the ceiling was rusted and corroded. Kitchen staff stated that all equipment was functioning well. The chairs are extremely old and stained in the day room which is also the media/training room.

Public outreach includes a book fair every year. The inmates also participate in the Sutter Creek 4th of July parade, which they really enjoy. There is a documentary on HBO Max following the inmates of PGYCC called "Fire Boys". It highlights the success of this program.

FINDINGS

- F1 The facility is generally well maintained.
- F2 The kitchen floor needs to be repaired. The new flooring was removed due to water damage.
- F3 The ventilation unit in the ceiling in the dining area is rusty and corroded.
- F4 The chairs in the day room are stained and outdated.
- F5 We observed the new paint and other small repairs that had been done since the 2019-2020 grand jury report.

RECOMMENDATIONS

- R1 The kitchen floor should be repaired as soon as possible due to possible health issues. (F2)
- R2 The ventilation unit in the ceiling in the dining area should be repaired or replaced as soon as possible. (F3)
- R3 Chairs should be repaired or replaced. (F4)

REQUESTS FOR RESPONSES

Pursuant to California Penal Code sections 933 and 933.05, the Grand Jury requests responses from the following individual within 90 days:

- Pine Grove Youth Conservation Camp is required to respond no later than 90 days after the Grand Jury submits a final report, to Findings F2 through F4.

ADDRESS RESPONSES TO:

The Presiding Judge – Amador County Superior Court
500 Argonaut Lane
Jackson, CA 95642
Amador County Civil Grand Jury
PO Box 249
Jackson, CA 95642

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

AMADOR COUNTY JAIL

AUTHORITY

Pursuant to California Penal Code (PC) 919, “The grand jury shall inquire into the condition and management of the public prisons within the county.”

SUMMARY

The Amador County Jail, located in the City of Jackson, is operated by the Amador County Sheriff’s Office (ACSO). The jail was designed in 1980, built in 1984, and exceeded its life expectancy by 2004. In 2005, the County renovated the jail by adding a sobering cell, enlarging the kitchen, adding administrative office space, and enlarging the laundry room. In April 2018, the County upgraded the central control system (inmate intercoms, CCTV system, and control panels). Even with the improvements, the jail is in urgent need of expansion and updating. It is overcrowded, and its use of the “sobering cell” as a conventional cell or as an observation cell for inmates is a non-compliant practice.

On November 2, 2015, the Amador County Board of Supervisors (BOS) approved a proposal to expand the jail. The expansion would add two housing pods consisting of 40 additional beds and an outdoor exercise area. It was scheduled to be occupied in November 2019. Following the approval of the project, neighboring residents in opposition to the jail’s expansion filed a lawsuit against the County. The County prevailed and the residents filed an appeal, which was denied. The County reported that the cost of the project increased by over five million dollars. Previous construction funding remains in place.

GLOSSARY

AB109	The Public Safety Realignment Act of Assembly Bill 109, known as “Realignment”
ACSO	Amador County Sheriff’s Office
BOS	Board of Supervisors
BSCC	Board of State and Community Corrections
CCTV	Closed Circuit Television

CORE	Fundamental set of courses that introduce new county corrections officers to the Knowledge, skills and basic work functions that are at the core of corrections, and is required to be completed within one year.
GED	General Educational Development
PC	Penal Code

BACKGROUND

The Amador County Jail is a Type II Facility, which is a local detention facility for adult inmates who are awaiting arraignment, being held during a trial, or serving a sentence. Prior grand juries have made findings and recommendations regarding the jail being overcrowded and outdated. The jail is designed to house 65 male and 11 female inmates. The average daily population is 77 inmates. The inmate population on the day of the Grand Jury’s visit was 57 males and 12 females.

Realignment in 2011 (State Assembly Bill 109) added additional strain on the jail. Inmates that would have been serving their sentence in state prison are now doing so in the county jail, which is negatively impacting the culture of the jail and exacerbating the overcrowding.

METHOD OF STUDY

The Grand Jury reviewed the following documents:

- Amador County Jail Policy Manual
- State Assembly Bill 109 (The Public Safety Realignment Act) (AB109)
- Amador County Jail Grievance Form and Guidelines
- Review of previous Amador County Grand Jury Reports
- Review of Board of State and Community Corrections (BSCC) online
- Amador County Jail Power Point Presentation

Members of the 2021-2022 Grand Jury attended a three-hour briefing and tour that was conducted by Amador County Jail administrators and staff on November 23, 2021.

BUDGET

COUNTY OF AMADOR
Financing Uses Detail by Budget Unit
Fiscal Year 2021-2022

FINANCING USES CLASSIFICATION	ACTUAL 2019-2020	ACTUAL 2020-2021	RECOMMENDED 2021-2022	ADOPTED 2021-2022
SALARIES AND EMPLOYEE BENEFITS				
50100 SALARIES AND WAGES	1,789,794.98	1,706,539.22	1,883,947.00	1,909,723.00
50102 OVERTIME	159,414.63	158,376.53	160,000.00	160,000.00
50104 SHIFT TIME	7,755.13	11,561.27	7,500.00	7,500.00
50200 DEFERRED COMP COUNTY MATCH	1,200.08	2,169.36	1,200.00	600.00
50300 RETIREMENT - EMPLOYER'S SHARE	286,655.11	289,474.89	315,410.00	311,578.00
50304 RETIREMENT-MISC UNFUNDED LIABILITY	12,267.00	20,690.00	14,893.00	14,914.00
50305 RETIREMENT - PEACE OFFICER'S UNFUNDED	372,399.00	412,528.00	470,556.00	462,990.00
50310 OASDI - EMPLOYER'S SHARE	27,909.37	26,832.65	39,477.00	40,196.00
50400 EMPLOYEE GROUP INSURANCE	413,001.02	427,852.03	547,269.00	517,309.00
50500 WORKER'S COMPENSATION INSURANCE	71,929.29	60,225.82	74,776.00	74,776.00
TOTAL SALARIES/EMPLOYEE BENEFITS	3,142,325.61	3,116,249.77	3,515,028.00	3,499,586.00
SERVICES AND SUPPLIES				
51100 CLOTHING AND PERSONAL SUPPLIES	19,804.40	16,049.49	20,000.00	20,000.00
51200 COMMUNICATIONS	3,600.46	3,900.84	2,986.00	2,986.00
51300 FOOD	259,569.65	212,538.97	320,000.00	320,000.00
51400 HOUSEHOLD EXPENSE	16,175.74	13,130.27	11,000.00	11,000.00
51700 MAINTENANCE - EQUIPMENT	583.32	1,136.33	3,500.00	3,500.00
51760 MAINTENANCE - PROGRAMS	7,114.78	8,695.84	8,508.00	8,508.00
51800 MAINTENANCE - BUILDINGS/IMPROVEMENTS	36,128.30	155.86	0.00	0.00
52200 OFFICE EXPENSES	2,412.17	2,399.72	6,500.00	6,500.00
52211 G.S.A. DEPT. COST ALLOCATION	20,138.00	14,681.00	11,411.00	11,411.00
52300 PROFESSIONAL SERVICES	46,366.27	68,012.92	33,084.00	33,084.00
52329 TRAINING	25,718.34	47,933.80	25,000.00	25,000.00
52700 MINOR EQUIPMENT	2,968.19	7,670.46	6,500.00	6,500.00
52900 G.S.A. AND IN-COUNTY TRAVEL	61,722.17	73,490.82	64,000.00	64,000.00
53000 UTILITIES	217,060.20	220,824.02	251,500.00	251,500.00
TOTAL SERVICES AND SUPPLIES	719,361.99	690,620.34	763,989.00	763,989.00
FIXED ASSETS				
56200 EQUIPMENT	0.00	0.00	0.00	0.00
TOTAL FIXED ASSETS	0.00	0.00	0.00	0.00
TOTAL - JAIL	3,861,687.60	3,806,870.11	4,279,017.00	4,263,575.00
58900 A87 - COUNTYWIDE COST ALLOC PLAN	294,922.00	358,320.00	312,035.00	312,035.00
GRAND TOTAL - JAIL	4,156,609.60	4,165,190.11	4,591,052.00	4,575,610.00

DISCUSSION

The Amador County Jail is 38 years old, overcrowded, and obsolete. Because of the overcrowding, almost none of the persons arrested for new misdemeanor crimes are detained or housed at the jail. The jail lacks adequate space to house, feed, provide time outdoors, and provide exercise. It does not have adequate classrooms to offer educational programs. No mold issues were detected.

Designed to house 76 inmates, the jail's average daily population is 77 inmates. The day before the Grand Jury conducted its inspection of the jail facility, the population was minimized due to COVID restrictions. 51 inmates are not sentenced and 18 were sentenced.

The jail's "sobering cells" (two cells specified for this purpose) are utilized as needed. Sobering cells are intended for the temporary detention of intoxicated arrestees.

Jail overcrowding impacts staffing overtime costs. The additional inmates require additional staff to monitor and supervise them. At the time of the inspection, jail administrators advised that there were current vacancies for seven correctional officers. The overtime budget has not exceeded the budget as it has been offset by savings from staffing vacancies. While the overtime budget is impacted by the vacancies, other factors such as workload, inmate transports to court, and medical appointments contribute to the overtime budget. Compensated Time Off is available to staff but using it is at their discretion.

The Amador County Jail is currently operating within the total annual budget. A female correctional officer is on duty at all times.

Amador County has reciprocity agreements with the jail facilities in El Dorado and Calaveras Counties, which regularly allow Amador County to house overflow inmates at those facilities, the costs of which are subsidized by the State of California. Amador County uses the reciprocity services of El Dorado and Calaveras Counties more than those counties use Amador County's services.

The command personnel expressed concern that the overcrowding does not allow for the proper classification and isolation of "problem" inmates upon arrival at the facility, including inmates with gang affiliations or affiliations with other inmates. No inmates are currently housed at other jails.

In spite of some of the working conditions the Amador County Jail's personnel may face, the Grand Jury found them to be professional and dedicated in their mission, doing their best with available resources.

INMATES

Between 70 to 75% of inmates have mental health issues. Approximately 10% are homeless. A mental health therapist comes to the jail approximately once a week, and crisis intervention services are available at any time. A physician is available one day a week at the jail and is on call at all times. Inmates have access to medical and dental care on an as-needed bases, with dental procedures being performed by a dentist in Calaveras County. Sutter Amador Hospital is the facility used for inmates with immediate medical needs. A nurse is on grounds five days a week. Medications are metered by the pharmacy and delivered in bubble packs. Those medications are then delivered to the inmates by officers, not medical staff.

Inmates cannot be forced to receive treatment for mental health issues nor can they be forced to accept medical treatment. Male and female inmates with addiction issues are encouraged to participate in Alcoholics Anonymous and Narcotics Anonymous programs that are facilitated in the jail. In addition, there are GED/high school curriculum completion programs available through the Amador County Office of Education.

Upon being booked into the jail, inmates are given physical examinations by a nurse. The inmates are also oriented as to rules and procedures while in custody. The jail staff provides this information in the form of videos, documents, and informational monitors located throughout the interior of the jail. They provide inmates with two hot meals a day and a bag lunch. The inmates may eat their meals in their cells or in a dayroom inside the jail. The jail's kitchen is not equipped to prepare meals, so the inmate's meals (referred to as "cook-chill") are prepared by Aramark in Alameda County. Aramark delivers the pre-cooked meals daily to the jail, where they are reheated prior to mealtimes.

There were no in-custody deaths or escapes in 2021. There have been no suicide attempts.

CALIFORNIA ASSEMBLY BILL 109

On May 23, 2011, the United States Supreme Court upheld a court order requiring the State of California to reduce its state prison population within two years to no more than 137.5% of its designed capacity. Prior to the initiative, the State's prison population had risen to roughly 180% of its designed capacity, and many prisoners had become unable to receive routine medical or mental health care. In response, the Governor and the State Legislature passed two bills, Assembly Bill 109 and Assembly Bill 117, which became law and went into effect on October 1, 2011.

Under these laws, new non-violent, non-serious, and non-sexual offenders with sentences of longer than one year would be housed in county jail facilities rather than State prisons. Existing prisoners falling into those categories would not be relocated. Additionally, inmates released from such facilities would be supervised by county probation departments rather than by State parole.

The new laws also provided funding to the counties for the management of this increased population. By 2014, the State had offloaded approximately 25,000 prisoners to county facilities, but was still 9600 prisoners short of the requirements set by the Federal Court. The Court granted the State two additional years to meet its target prison population. However, the overall inmate population in the State had increased approximately 12% since the original court order was upheld. Inmates already serving sentences in California state prisons were not released or transferred to the authority of the various counties. The mandate specified that future persons convicted of approximately 500 non-violent felonies addressed in Assembly Bill 109 would be diverted away from the State prison system and remanded to the custody of the counties. Pursuant to Penal Code 4024, in 2020, 311 inmates were released early.

CUSTODIAL STAFF

The jail's personnel allotment is 28 persons:

- One Deputy Sheriff Captain
- One Lieutenant
- Six Sergeants
- Twenty Correctional Officers

Correctional Officers must complete the following training to be qualified to carry out jail responsibilities:

- CORE course – 200 hours
- PC832 course – 40 hours
- Cultural Diversity – 8 hours
- Cognitive Disorder – 8 hours
- First Aid and CPR – 8 hours
- Standards and Training for Corrections – 24 hours annually

THE FACILITY

As previously mentioned, the Amador County Jail is 38 years old. It has an aging infrastructure and a lack of programming space. The condition of the facility makes it difficult to properly classify, segregate, and house inmates. In November 2015, the County approved an expansion and

renovation of the facility that would add approximately 40 beds. While funding for the expansion project remains in place, basic building maintenance to the existing facility is lacking. As stated in previous grand jury reports, the jail still requires painting, plumbing and ventilation upgrades and maintenance, and the kitchen lacks sufficient storage.

FINDINGS

- F1. The jail is 38 years old and was designed with a 20-year lifespan intended to house 76 inmates.
- F2. Correctional staff positions are unfilled despite recruitment efforts to fill them.
- F3. This Grand Jury notes that prior Grand Juries have made similar findings and recommendations numerous times, and no progress has been made.
- F4. Although overworked the staff remained professional.

RECOMMENDATIONS

- R1. The County and Sheriff's Office should consider filling vacancies and reviewing the compensation and incentives to encourage recruitment. [F2]
- R2. The BOS should consider whether to approve and secure the necessary funding to initiate construction of the jail expansion.

REQUESTS FOR RESPONSES

Pursuant to California Penal Code sections 933 and 933.05, the Grand Jury requests the following responses:

- Amador County Sheriff is required to respond no later than 60 days after the Grand Jury submits a final report, to Findings F1 through F4 and recommendation R1.
- Amador County BOS is required to respond no later than 90 days after the Grand Jury submits a final report, to Findings F1 through F3 and recommendation R1 through R2.

ADDRESS RESPONSES TO:

The Presiding Judge – Amador County Superior Court
500 Argonaut Lane
Jackson, CA 95642
Amador County Civil Grand Jury
PO Box 249
Jackson, CA 95642

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

MULE CREEK STATE PRISON

AUTHORITY

Pursuant to California Penal Code (PC) 919, “The grand jury shall inquire into the condition and management of the public prisons within the county.”

SUMMARY

The 2021-22 Amador County Grand Jury toured the Mule Creek State Prison (MCSP) on December 14, 2021. The prison has a support staff of over 1,600 employees. The inmate population was 3,790 at the time of our visit. The Grand Jury was very impressed with the professionalism of the prison staff, the management and maintenance of the entire facility. There are an impressive number of programs and opportunities for inmates in the prison. The staff was very open and transparent in answering all of our questions.

GLOSSARY

CDCR	California Department of Corrections and Rehabilitation
CVRWQCB	Central Valley Regional Water Quality Control Board
MCP	Mule Creek Proper
MCSP	Mule Creek State Prison
PC	Penal Code
PIA	Prison Industry Authority
PIO	Public Information Officer
POOCH	Prisoners Overcoming Obstacles and Creating Hope

BACKGROUND

MCSP is located in Ione, California and sits on 866 acres. The prison opened in June 1987 and is one of thirty-three state prisons. The capacity of MCSP is 4,100. The prison provides many vocational training opportunities to inmates including classes in air conditioning, auto mechanics,

computers, graphic arts, landscaping, and many more. The prison is Amador County’s largest employer.

The current Warden is Patrick Covello, who began his career with the California Department of Corrections and Rehabilitation (CDCR) in 1987. He has vast experience and knowledge in correctional inmate classification, rules, regulations, and policies. David Smiley has been CEO of Health Care Services at MCSP since July 2021.

The prison’s Mission Statement is: “We are committed to protecting public safety, ensuring the safety of Department personnel, and providing proper care and supervision of all offenders under our jurisdiction while assisting their re-entry into society.” They also state their vision to be, “A safer community through excellence in a prison service built on respect for human dignity.”

The prison has its own recycling and management of wastewater. It also recycles scrap metal and other salvageable materials from the prison and other state agencies.

METHOD OF STUDY

The Grand Jury reviewed the following documents:

- Online research of CDCR and MCSP
- Review of MCSP Information Handbook, December 2021 Revision
- Review of past grand jury reports regarding MCSP
- A briefing with the Warden and staff as well as a tour of the facility

BUDGET (from MCSP Handout Revised 12/2021)

ADMINISTRATION	\$7,534,300
CUSTODY	\$127,955,300
INMATE SUPPORT	\$33,962,300
HEALTH CARE	\$117,334,400
EDUCATION	\$7,391,300
COMMUNITY PARTNERSHIP	\$123,700
REHABILITATIVE PROGRAMS	\$96,200
TOTAL MCSP BUDGET:	\$294,397,500

DISCUSSION

The Grand Jury met with the Executive Staff, consisting of the Warden, Chief Deputy Warden, Health Care CEO, three Associate Wardens, and the Public Information Officer (PIO), in the Warden's Conference Room. After staff provided a detailed overview of the history, workings, and mission of the prison, the PIO Lieutenant provided a tour of the facility. Staff provided us written materials including a comprehensive report on the numbers and staff of the prison, a report on the history of MCSP, as well as a MCSP newsletter. Staff was professional, accommodating, and informative. The facility was extremely clean and well kept.

Staff led us on a comprehensive tour of the education facilities, the prison yard and exercise yard, a recreation room, the music room, and inmate living quarters. We also met with inmate activity groups. We viewed Facility A, its cell design and classrooms, and the Laundry and Meat Processing areas. We also viewed the kitchen facilities (note: food is shipped in by a special service). Staff provided information on the Mental Health facilities and its effectiveness for certain inmates. Staff led us through the medical facility and ambulance bays. From the exterior, we viewed the pharmacy dispensary and witnessed the lockup procedure. It appeared that all areas were fully staffed. We also had the opportunity to have an unprompted and brief interview with a convicted inmate serving life at the prison.

Staff advised us of the fundraising activities in which the inmates are allowed to participate. These activities occur four times a year, and the inmates decide who will benefit from the fundraising they do.

The MCSP houses all levels of inmates from minimum (classified as Level I) to maximum (classified as Level IV). The prison is also designated as a Sensitive Needs Prison, which accommodates inmates who may be at risk of harm from the general population. These inmates may include gang dropouts, sex offenders, former law enforcement officers, and those of high notoriety. The prison was originally designed for 1,700 inmates.

MCSP consists of the Mule Creek Proper (MCP) and the Mule Creek Infill Complex (MCIC). The MCIC is housing for Level II inmates, and MCP houses the Level I, III, and IV inmates. Each facility has a large exercise yard surrounded by several buildings. Each facility includes housing dormitories, and dining, education, and vocation facilities. There are also areas for religious groups to meet. MCP houses Level III and Level IV inmates in Facilities A, B, and C. Each has an exercise yard surrounded by five vocational and education buildings. There is also a gym and dining

hall. The minimum-security yard is located near the Facilities A, B, and C, which houses the Level I inmates.

There are thirty-one activity groups and programs available for inmates. These include Twelve-Step Recovery Groups, Peer Support Groups, Victim Impact Programming, and Collaborative Community-Based Groups to name a few. Educational opportunities are available from the Creekside Adult School and Folsom Lake College. The inmates can earn a GED, an Associate of Arts Degree, or a Technical Education Certificate. These skills allow the inmates to reintegrate into society, get jobs, and even open their own business upon their release.

The Prison Industry Authority (PIA) is a state agency that is self-supporting through the sale of its products and services at each prison. Its mission is to train inmates to have good job skills and work habits. Programs that are available at MCSP include: Meat Cutting, Fabric Products, Laundry, Coffee Roasting, Goods and Beverage Packaging and Facilities Maintenance for both General and Healthcare Facilities. The PIA program supports the participants who receive accredited certifications that some employers require.

MCSP's mission is to improve the health of inmates by providing quality healthcare, including physical, dental, and mental healthcare. Each yard has its own medical clinic. The Central Health Building is available for inmates requiring urgent care. There are also specialty services, a laboratory, a radiology facility, and a pharmacy. Specialty services include podiatry, physical therapy, internal medicine, and audiology. There is a dental lab for each yard where inmates can receive cleanings, fillings, extractions, and other limited dental services. If any other services are required that are not offered at the prison, inmates are taken off-site to appropriate medical facilities.

As in all state prisons, inmates perform most low-level maintenance at the prison. Only level I inmates work outside the secured areas of the prison. The Correctional personnel constantly supervise the Level I inmates working out in the community on public service projects. There is no cost to government agencies, and the inmates perform work that otherwise would not be done.

One of the programs offered at MCSP is called "POOCH", which is a dog training program in which inmates can participate. The inmates in this program are assigned a dog, which they train on a daily basis with a certified dog trainer to get the dog ready for placement. Dogs are placed with disabled Veterans and people with Autism. The dogs sleep in the cells with the inmates. The dog is considered the inmates' cell mate, and these inmates do not have other cell mates.

Additional statistical information regarding MCSP's monthly costs for 2021 is set forth in the attached Appendix A.

In December 2017 the Central Valley Regional Water Quality Control Board (CVRWQCB) received a complaint regarding the water system at MCSP and Mule Creek. In January 2018 the CVRWQCB conducted an inspection and collected samples of the discharge from the stormwater system. The CVRWQCB and CDCR confirmed that non-stormwater was entering the stormwater system. The CVRWQCB issued enforcement letters and met with the CDCR to determine the source of the non-stormwater discharge. In October 2019, the CDCR issued a report to the CVRWQCB in which it stated that a site-wide stormwater investigation had been completed. In its investigation, the CDCR determined there were no direct cross connections between the stormwater and sanitary sewer collecting systems. The results provided no evidence stormwater was commingled with wastewater, sewage, or gray water. This investigation concluded that the non-stormwater sources were irrigation and groundwater within the stormwater system at MCSP. MCSP directs all water in the stormwater system to the on-site wastewater treatment plant except when storms are forecasted to produce specified amounts of rainfall. In certain excessive rain events, the stormwater conveyance system at MCSP allows flow of stormwater into Mule Creek. The CDCR concluded that the volume of water from these rain events would critically impact security infrastructure and/or flooding of MCSP and non-state-owned properties adjacent to the prison.

It has been brought to the attention of the 2021-2022 Grand Jury that there may still be contamination occurring in Mule Creek, though the prior investigations suggest otherwise. Based on information and reporting provided by the local newspaper, the Ledger Dispatch (though not investigated or confirmed by the 2021-2022 Grand Jury), we believe it would be prudent to conduct another investigation to review the status of the stormwater issue at Mule Creek Prison. Since this jury does not have sufficient time remaining in its service, we recommend this be considered by the 2022-2023 Grand Jury for possible investigation.

FINDINGS

- F1 Staff was professional and engaged.
- F2 The prison provides programs that benefit the inmates.
- F3 The facilities were impressively well maintained.

ADDRESS RESPONSES TO:

The Presiding Judge – Amador County Superior Court
500 Argonaut Lane
Jackson, CA 95642
Amador County Civil Grand Jury
PO Box 249
Jackson, CA 95642

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

APPENDIX A

Statistical Report (SB601) for 2021 Mule Creek State Prison

Rule #	Category Title	Metric Title	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21
1	Number and Housing Level of Inmates	Level I	63	56	53	58	56	52	46	56	50	56	71	71
2	Number and Housing Level of Inmates	Level II	1,413	1,510	1,546	1,541	1,563	1,553	1,560	1,548	1,533	1,551	1,528	1,513
3	Number and Housing Level of Inmates	Level III	1,528	1,502	1,494	1,471	1,480	1,479	1,465	1,450	1,399	1,374	1,305	1,407
4	Number and Housing Level of Inmates	Level IV	725	689	679	706	703	710	691	673	659	664	673	724
5	Number and Housing Level of Inmates	Camps - Female	0	0	0	0	0	0	0	0	0	0	0	0
6	Number and Housing Level of Inmates	Camps - Male	0	0	0	0	0	0	0	0	0	0	0	0
7	Number and Housing Level of Inmates	Non Level - Specific Beds	10	11	9	8	9	9	12	12	8	13	14	13
8	Number and Housing Level of Inmates	Female Inmates	1	0	0	0	0	0	0	0	0	0	0	0
9	Number and Housing Level of Inmates	Restricted Housing	110	93	105	112	100	100	104	104	94	99	91	95
10	Number and Housing Level of Inmates	Condemned - Female	0	0	0	0	0	0	0	0	0	0	0	0
11	Number and Housing Level of Inmates	Condemned - Male	0	0	0	0	0	0	0	0	0	0	0	0
12	Number and Housing Level of Inmates	Total Number of Inmates	3,851	3,861	3,866	3,896	3,911	3,903	3,878	3,843	3,743	3,757	3,762	3,823
13	Positions - Authorized and Vacant	Authorized	1,382	1,392	1,382	1,392	1,382	1,392	1,401	1,401	1,401	1,401	1,401	1,401
14	Positions - Authorized and Vacant	Vacant	98	96	103	107	95	94	112	101	105	95	108	98
15	Overtime Hours	Custody	28,309.12	17,887.26	16,992.56	14,694.14	19,075.77	20,236.64	19,410.02	21,780.64	18,551.95	25,078.88	16,063.80	14,161.48
16	Overtime Hours	Non-Custody	904.00	727.75	637.75	704.00	1,743.50	1,100.00	1,043.25	1,627.50	966.25	1,294.50	1,060.25	1,121.25
17	Overtime Hours	Dental + Mental Health	443.25	461.80	420.30	385.86	433.15	454.40	320.84	190.52	97.13	64.29	105.14	125.06
18	Overtime Hours	Total Overtime Hours	30,656.37	19,076.81	18,048.61	15,784.00	21,252.42	21,791.04	20,774.11	23,578.66	19,615.33	26,437.47	17,228.19	15,407.79
19	Sick Leave Hours	Custody	4,604.75	5,124.25	5,339.75	5,998.50	6,547.75	6,546.50	7,134.75	8,054.00	7,479.00	8,299.75	6,470.25	6,499.25
20	Sick Leave Hours	Non-Custody	1,484.00	1,441.50	1,609.00	1,672.75	1,780.50	1,403.50	1,706.75	1,766.25	2,293.50	2,364.00	1,605.50	2,489.25
21	Sick Leave Hours	Dental + Mental Health	934.75	1,097.50	963.00	1,020.50	891.75	951.00	859.25	1,120.75	1,055.50	1,337.00	914.75	967.50
22	Sick Leave Hours	Total Sick Leave Hours	7,023.50	7,663.25	7,911.75	8,691.75	9,020.00	8,901.00	9,700.75	10,943.00	10,828.00	12,000.75	8,990.50	9,956.00
23	Number of Deaths	Homicide	0	1	0	0	0	0	0	0	0	0	0	0
24	Number of Deaths	Suicide	0	0	1	0	0	0	0	0	0	0	1	0
25	Number of Deaths	Unexpected	4	1	0	0	0	0	0	0	0	0	0	0
26	Number of Deaths	Expected	1	1	1	1	0	1	0	0	0	0	0	0
27	Number of Deaths	Other	0	0	0	0	0	0	0	0	0	0	0	2
28	Number of Deaths	Total	5	3	2	1	0	1	0	0	0	0	1	2
29	Use of Force (UOF)	Total UOF Incidents	28	21	24	14	20	21	22	16	15	11	14	23
48	Contraband	Cellular Telephone Seizure Events	0	1	0	0	1	6	1	1	0	3	1	1
49	Contraband	Quantity of Cellular Telephones Seized	0	1	0	0	1	8	1	2	0	15	1	1
50	Contraband	Cocaine Seizure Events	0	0	0	0	0	0	0	0	0	0	0	0
51	Contraband	Quantity of Cocaine Seized (grams)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
52	Contraband	Heroin Seizure Events	0	0	0	1	0	0	0	0	0	1	0	3
53	Contraband	Quantity of Heroin Seized (grams)	0.00	0.00	0.00	5.70	0.00	0.00	0.00	0.00	0.00	1.60	0.00	1.40
54	Contraband	Marijuana Seizure Events	0	0	0	0	0	0	0	0	1	1	1	2

**Statistical Report (SB601) for 2021
Mule Creek State Prison**

Rule #	Category Title	Metric Title	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21
55	Contraband	Quantity of Marijuana Seized (grams)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.00	0.00	0.00	32.00
56	Contraband	Methamphetamine Seizure Events	0	0	0	2	0	1	0	1	6	5	0	1
57	Contraband	Quantity of Methamphetamine Seized (grams)	0.00	0.00	0.00	43.60	0.00	53.00	0.00	23.00	309.40	131.74	0.00	10.60
58	Contraband	Tobacco Seizure Events	0	0	0	0	0	0	0	0	0	0	0	0
59	Contraband	Quantity of Tobacco Seized (grams)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
60	Contraband	Miscellaneous Seizure Events	0	0	0	0	0	0	0	0	0	0	0	0
61	Fiscal	Institution Budget	\$192,690,835	\$194,825,777	\$194,039,029	\$202,625,227	\$201,925,963	\$201,925,963	\$202,905,235	\$202,863,257	\$202,863,257	\$204,592,729	\$222,003,633	\$222,017,164
62	Fiscal	Actual Expenditures	\$118,043,694	\$136,526,651	\$153,713,496	\$169,934,780	\$185,857,689	\$202,751,432	\$19,123,153	\$38,831,618	\$57,157,853	\$75,584,355	\$95,578,145	\$117,385,450
63	Modified Programs	Inmate-Days on Modified Programs	22.5	11.6	3.1	0.0	0.7	3.7	1.2	0.1	0.8	0.2	0.8	4.6
64	Rehabilitative Programs	Academic Education - Operational Capacity	1,917	1,917	1,917	1,917	1,918	1,937	1,919	1,823	1,824	1,872	1,913	1,882
65	Rehabilitative Programs	Academic Education - Actual Enrollment	1,063	1,975	2,014	1,977	1,952	1,913	97	89	87	83	83	86
66	Rehabilitative Programs	Academic Education - Number of High School Diplomas	0	0	1	2	0	1	0	0	0	1	1	0
67	Rehabilitative Programs	Academic Education - Number of GED Certificates	0	0	2	1	4	0	0	0	2	5	0	1
68	Rehabilitative Programs	Academic Education - Number of Associate Degrees	0	0	0	0	3	0	0	3	0	0	0	0
69	Rehabilitative Programs	Academic Education - Number of Bachelors Degrees	0	0	0	0	0	0	0	0	0	0	0	0
70	Rehabilitative Programs	Academic Education - Number of Masters Degrees	0	0	0	0	0	0	0	0	0	0	0	0
71	Rehabilitative Programs	Career Technical Education - Operational Capacity	351	351	351	335	324	324	324	304	297	297	324	308
72	Rehabilitative Programs	Career Technical Education - Actual Enrollment	240	225	231	240	222	236	244	257	258	251	281	258
75	Rehabilitative Programs	Cognitive Behavioral Intervention, Sex Offender - Operational Capacity	0	0	0	0	0	0	0	0	0	0	0	0
76	Rehabilitative Programs	Cognitive Behavioral Intervention, Sex Offender - Actual Enrollment	0	0	0	0	0	0	0	0	0	0	0	0
85	Re-Entry Hub Programs	Transitions - Operational Capacity	63	54	14	0	0	0	0	0	0	54	108	108
86	Re-Entry Hub Programs	Transitions - Actual Enrollment	13	0	0	0	0	0	0	0	0	32	93	89
101	Cognitive Behavioral Intervention	Intensive Outpatient - Operational Capacity	150	99	90	96	77	0	0	0	0	0	0	0
102	Cognitive Behavioral Intervention	Intensive Outpatient - Actual Enrollment	75	75	86	86	67	0	0	0	0	0	0	0

**Statistical Report (SB601) for 2021
Mule Creek State Prison**

Rule #	Category Title	Metric Title	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21
103	Cognitive Behavioral Intervention	Outpatient - Operational Capacity	0	0	0	0	38	114	114	110	108	108	108	119
104	Cognitive Behavioral Intervention	Outpatient - Actual Enrollment	0	0	0	0	32	101	96	89	86	83	83	86
105	Cognitive Behavioral Intervention	Life Skills - Operational Capacity	108	108	108	108	108	108	108	108	103	57	57	24
106	Cognitive Behavioral Intervention	Life Skills - Actual Enrollment	108	108	106	106	101	96	91	84	67	24	24	1
107	Inmate Grievances and Appeals	Grievance Claims Received	763	705	811	607	635	761	666	683	671	746	650	813
108	Inmate Grievances and Appeals	Grievance Claims Pending	1	0	0	0	0	0	0	0	0	0	85	415
110	Inmate Grievances and Appeals	Grievance Claims Upheld	67	63	64	66	63	81	100	79	57	48	43	5
111	Inmate Grievances and Appeals	Grievance Claims Dismissed	695	642	747	631	572	680	566	604	614	698	522	383
112	Inmate Grievances and Appeals	Appeal Claims Received	186	172	178	115	159	182	161	168	202	94	18	0
113	Inmate Grievances and Appeals	Appeal Claims Pending	0	0	1	0	0	0	1	16	36	59	18	0
114	Inmate Grievances and Appeals	Appeal Claims Time Expired	73	71	64	38	45	65	48	37	55	20	0	0
115	Inmate Grievances and Appeals	Appeal Claims Upheld	31	23	21	19	38	27	31	30	23	3	0	0
116	Inmate Grievances and Appeals	Appeal Claims Dismissed	82	78	92	58	76	90	81	85	88	12	0	0