

Modoc County Grand Jury Report



2017-2018

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BOARD OF SUPERVISORS

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Modoc County Grand Jury Roster 2017 – 2018

Faith Wyatt (Foreperson)

Patricia Avers

Carolyn Carey

Michael Duncan

Ava Edgar

Joseph Harris

Ronald Hassler

Karen Robison

Russell Winje

Letter from the Foreperson

June 22, 2018

I thank the Honorable David A. Mason and the Superior Court of California, County of Modoc for the honor and privilege of being selected and serving as a Grand Juror.

I applaud all my fellow jurors for their thoughtful consideration, dedication, and integrity in accomplishing complex investigations into the operations of local government. I commend you for the wherewithal in completing your tasks with patience and professionalism. These reports are a result of those efforts.

To the citizens of Modoc County, we trust that you will find this jury has served you well. As an advocate I encourage you to serve as a Grand Juror when given the opportunity. Transparency is needed for our local government and special districts. It is up to us to ensure that transparency.

Sincerely,

Faith Wyatt, foreperson

2017-2018 Modoc County Grand Jury

Acknowledgements

The 2017-2018 Grand Jury would like to thank the following:

Honorable Judge David Mason and Deputy Clerk Bekki Ingraham for their help and guidance.

The California Grand Jury Association for the outstanding training sessions.

All those who provided testimony during the Grand Jury's investigations.

Superior Court of California

County of Modoc

ROBERT A. BARCLAY JUSTICE CENTER

205 South East Street, Alturas, CA 96101

www.modocsuperiorcourt.ca.gov

(530) 233-6516 ext. 1207

FRANCIS W. BARCLAY
PRESIDING JUDGE

RONDA GYSIN
EXECUTIVE OFFICER

DAVID A. MASON
SUPERIOR COURT JUDGE

July 10, 2018

To: Grand Jury Members

Dear Ladies and Gentlemen:

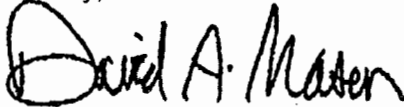
I want to take this opportunity to express my appreciation and the appreciation of the Superior Court to all of the members of the 2017-2018 Modoc County Grand Jury for a job well done. Your diligence, dedication and hard work are clearly reflected in this year's report.

I want to specifically recognize and extend an individual thank you to Faith Wyatt for her outstanding leadership as this year's Foreperson. In particular, I would like to commend those members who went above and beyond the call of duty by serving an additional term. You provided valuable guidance and continuity to the process.

Serving as a Grand Juror is not an easy task and I commend each and every one of you for your sincere effort and commitment to addressing the complex, varied and sensitive issues presented to you.

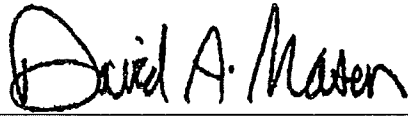
Thanks once again for a job well done.

Sincerely,



David A. Mason
Assistant Presiding Judge

I certify that the Modoc County Grand Jury Final Report complies with Title Four of the California Penal Code and direct the Court Executive Officer to accept and file the final report as a public document.



David A. Mason, Assistant Presiding Judge

Date: July 5, 2018



Modoc County Jail

May 2018

SUMMARY

The Modoc County Jail (MCJ) facility is in need of basic maintenance and funds to hold to safety and health standards. The Facility is overall well-kept in view of its age. There are issues that need to be addressed to assure clean, safe living and working conditions.

GLOSSARY

Recidivism: The tendency of a convicted criminal to reoffend.

Recuse: Challenge (a judge, prosecutor, or juror) as unqualified to perform legal duties because of a possible conflict of interest or lack of impartiality.

BACKGROUND

The State of California mandates that the Modoc County Civil Grand Jury conduct an annual inspection and review of the Modoc County jail. The Modoc County jail is a Type II facility and responsible for inmates pending arraignment, during their trial and sentencing. Additionally, with the realignment of inmates from the State Prison System (AB 109) to the County jail, the Sheriff's Office and the jail facility are expected to house inmates for extended periods of time and provide services to reduce recidivism (SB 678).

AB 109: Realignment of State Prison Inmates to County Facilities (adopted 2011); in order to reduce the number of State prison inmates, newly convicted low level offenders without current or previous serious or violent offenses stay in county jail to serve their sentences. AB 109 provides dedicated and permanent revenue through Vehicle License Fees and a portion of the State tax (as outlined in AB 118 and SB 89). These funds provide counties the resources to house inmates and provide local public safety programs.

SB 678: Formation of Community Correction Partnerships (adopted 2011); authorizes the formation of a multidisciplinary team of agencies and private providers to engage in providing rehabilitation programs to persons convicted of a felony offense under probation supervision with conditions imposed by a court for a specific period.

METHODOLOGY

Initial contact for inspection of the MCJ was made November 9, 2017 with the date to be December 15, 2017. On that day the Grand Jury met with members of the facility's command staff who answered general questions and gave a summary of the facility's operations followed by a guided tour. The Grand Jury conducted a follow-up interview on February 2, 2018.

DISCUSSION

Jail Tour

Access to the MCJ facility is monitored through surveillance cameras with all doors locked 24/7. Key cards are required to gain entry and the exterior emergency call button is functional. All staff wear body cameras at all times in the facility.

All areas inspected by the Grand Jury, taking in consideration the age and decline of the building, were found to be neat.

The facility has a maximum capacity of 43 inmates. An early release was conducted recently to drop population to below maximum. The approved building extension will increase the maximum to 63.

The MCJ inspection tour comprised the entire facility. Closely inspected were the Food Storage area, Visiting Rooms, Kitchen, Exercise Yard, Janitorial Room, Life Scan Room, Education Room and all connecting hallways.

Sections of Interest to the Grand Jury

The Food Storage area was found to be clean, secure and spacious enough to adequately service the facility.

The Grand Jury found the Visiting Rooms were, of necessity, sparse in appearance but it was noted that only 8 cubical-to-cubical phones were in working order – 2 on one side and 6 on the other – and no phones remain in the Married Visiting cubical.

The kitchen was compact and tidy. Selected inmates cook meals, soups and make sandwiches. Health standards for food handling and left-over management are observed. The Modoc County Health Department checks the facility yearly.

The exhaust flue is professionally cleaned yearly (November 2017 most recent) as this is a safety and health concern.

Inmates enter the exterior Exercise Yard as scheduled times, pod by pod. The area was sunlit and airy but there was some graffiti visible.

The Janitorial Room combines a janitorial supply closet, plumbing access and boiler (water heater) area showing need of some repair. The facility staff searches it often for contraband, etc.

All new, up-to-date equipment fills the Life Scan Room for recording photos, DNA, fingerprints and to maintain file security on all the inmates. Only files back to 2011 are kept, earlier files are archived off-site.

The Education Room is used by approximately 75% of the population. Programs are offered by TEACH such as Basic Life Skills and Parenting.

Mental health type classes include Self-help, meditation, and yoga. One-on-one counseling is also available. MCJ utilizes Tele-meds for the inmates and psychologist and drug abuse counseling.

The spiritual and religious welfare of the inmates is provided by clergy from different denominations who are invited each Sunday for services and guidance.

Grand Jury members noticed the air intake vent in the hallway outside the Booking Room was visibly coated with grime and dirt. Jury members were informed the ventilation system is cleaned by inmates every 6 months, but they can only get in partway.

Budget

Food: The food budget has been dropped from \$2,000/month in 2017 to \$350-\$400/week currently. There were 30 inmates in December 2017 being fed on an 18-20 inmate budget. Some food is supplied by TEACH, but most supplies are purchased locally. A state mandated dietician reviews the menu and more meats have been added to the menu, increasing spending.

Building Maintenance: \$25,000/year. Modoc County Maintenance crew does most work on the MCJ, but Sheriff Department members do what they can as issues arise.

Electrical and plumbing maintenance is contracted out.

FINDINGS

- F1. Partial cleaning of the ventilation system every 6 months is inadequate to assure healthy air in the facility.
- F2. The Janitorial Room area is in need of some repair and is too open to secure well, making security checks of the Janitorial Room inadequate to prevent contraband or misuse of the area.
- F3. Increased funding is needed for general jail repairs and upgrades.

RECOMMENDATIONS

- R1. Total ventilation system cleaning should be professionally done yearly.
- R2. The County Administrative Office and Board of Supervisors should work with the Jail Administration on increased funding to meet basic needs of the jail, including nutrition, health and safety for all.
- R3. Continue to pursue plans to install chain link fencing or like material to block off the corner and little used areas in the Janitorial Room to prevent inmates from hiding items or misusing the area.

R4. The County Administrative Officer and Board of Supervisors should look into working with Modoc County Maintenance to permanently schedule days dedicated to MCJ maintenance.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following individuals:

- Modoc County Sheriff: Respond in writing to F1 and R1, F2 and R3 within 90 days or receipt.

From the following governing bodies:

- County Board of Supervisors: Respond in writing to F2, F3, and R2 and R4 within 90 days of receipt.
- County Chief Administrative Officer in writing to F2, F3, and R2 and R4 within 90 days of receipt.

This report was issued by the Grand Jury with the exception of a juror who was recused. The grand juror was excluded from all parts of the investigation including interviews, deliberations, and the writing and approval of this report.

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.

Modoc County Juvenile Facility

May 2018

SUMMARY

Modoc County Civil Grand Jury members requested a general overview of the Modoc County Juvenile Facility. It should be noted there were no complaints being investigated. The facility was clean, the holding rooms adequately furnished, and decorated to create a calming atmosphere. The staff was knowledgeable, pleasant, and helpful. The facility fills a need in the community.

BACKGROUND

California Penal Code Section 919(b) mandates that "The Grand Jury shall inquire into the conditions and management of the public prisons within the county." This directive includes the facilities used to house, hold or prepare for transport juveniles in County care. The Juvenile Facility is a completely separate entity from Modoc County Adult Probation.

METHODOLOGY

The Grand Jury toured the Modoc County Juvenile Facility on December 15, 2017. The Facility's staff conducted the tour, discussed the facility and answered questions.

DISCUSSION

The Grand Jury was met by a staff officer at the facility, located as 326 South Main Street in Alturas, who lead the tour. The Grand Jury met other staff members, obtained background information and asked questions while touring the facility.

Grand Jury members were informed that the facility receives Federal funding allocated through the State. California's "Sanctuary State" designation will affect how money is distributed to counties; reduced funding being a concern to the facility administrators.

The Juvenile Facility is not a "detention" center, but rather holding and juvenile probation services are its main purpose. Every case, misdemeanor or other, comes to the office through the Probation Department. The department's typical case load is fairly low, averaging 25-30 per year. The holding rooms usually hold juveniles for up to an hour between court appearances or while waiting for transportation. Sheriff Deputies transport juveniles between this facility and court by vehicle. If needed, private contracted trained individuals, usually retired officers, transport juveniles to the Lassen Juvenile Facility. Contracts also exist with juvenile facilities in Humboldt

County, Shasta County and El Dorado County to house juveniles. During transport, for fit and comfort, belly chains are used instead of handcuffs.

The department goes through police reports and makes decisions as to formal or informal probation for an offender. Parents also bring children in to this office for intervention ahead of charges being filed. A determination can be offered as to which type of intervention will benefit the juvenile. As part of the intervention or probation, juveniles may be placed in professional group homes after evaluation. The evaluation takes into consideration school attendance and review board information while making decisions. The Juvenile Facility can deal with any person up to 18 years of age. Individuals are mostly kept in the community, in a safe place, instead of a lock-up. If an individual "ages out" at 18 years old, they may be transitioned to a temporary home, or other program, where they may stay until age 21.

Juveniles in the department programs work or attend school and are required to report in to the facility. The report-in times are flexible to meet the individual needs of the juvenile.

One room of the Facility is used for Battered Intervention educations with sessions every Tuesday evening.

FINDINGS

- F1. The average caseload is lower than in the past because the department can adjust how it deals with each individual.

RECOMMENDATIONS

No recommendations.

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.
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Modoc County Behavioral Health Department

May 2018

SUMMARY

Administration was very informative and helpful in explaining the Behavioral Health mission and had a very positive view of staff members and the work they do. Modoc County Behavioral Health works in partnership with the community to safeguard and promote health and welfare of the people of Modoc County.

Modoc County Civil Grand Jury acknowledges their good work.

GLOSSARY

5150: An involuntary 72-hour hold in a psychiatric facility, for evaluation. A peace officer, registered nurse, medical doctor, or certain other categories of people may place the hold. Three criteria apply to this section: a danger to themselves, a danger to others, or gravely disabled.

BACKGROUND

The Modoc County Civil Grand Jury initiated this report of its own volition and not from a complaint. The purpose of the interview was to gain basic information to share with the community.

METHODOLOGY

The Committee met with Administrative Staff of Modoc County Behavioral Health (MCBH) at 441 N. Main Street Alturas California on March 8, 2018 to discuss policy and procedures of the department. A follow-up interview was conducted on May 31, 2018.

DISCUSSION

The Grand Jury investigation focused on six general areas of the department.

Policy

Administration responsibilities are to work for the best client treatment, balance the rights of the client and the community, while encouraging the client's autonomy. The facility provides assessment, diagnosis, and treatment to individuals requiring mental health and substance use disorder treatment.

Procedures

The MCBH currently provides in-house services for 375 patients through individual, group and family therapy. Patients are 90% walk-ins seeking help; others are referred by doctors or family members. Law Enforcement takes crisis cases to the Hospital and MCBH is notified as soon as possible.

Outreach programs collaborate with Modoc County Jail, Modoc County Sheriff, Alturas City Police, and local hospitals, Probation, Courts and Schools to improve MCBH service and educate the community.

Personnel, Qualifications

The Behavioral Health team consists of trained professionals including administrators, licensed therapists, Registered Nurses, Licensed Vocational Nurses, case managers, counsellors, and support staff. Using an intern program, graduate counsellors work toward licensing while supervised by licensed staff. Qualifications for all professional staff positions are set by the state of California.

An on-call physician provides examination, prescribes medication and helps facilitate health issues. The facility uses Tele-Med/Tele-psychiatry for treatment plans and prescription writing; nurses manage the medications. No drug testing is done in the facility; the Probation Officer does testing for patients involved in the legal system.

Transportation, Crisis Patients, Driver Qualifications, Procedure

Crisis patients are transported only after the patient (children included) is certified 5150. The transporting is done as soon as possible to the appropriate facility. MCBH contracts with 20 facilities in Redding, Red Bluff, Sacramento, Woodland and Vallejo California for patient care. There are no holding facilities available in-house if transport is delayed, but the Department works with the Modoc Medical Center, Surprise Valley Hospital and Modoc County Jail in that instance. MCBH immediately provides a trained attendant "sitter" to be with the client while plans are implemented for transport. A client is never left alone; there are 20 sitters trained in crisis and trauma response and management, ethical conduct, privacy and confidentiality and documentation standards. If the client is in the Sheriff's system, they are placed in that facility's holding cell, an assessment is made to determine if the patient is in need of medication or if segregation is required. In these cases, the Sheriff's Office will transport the patient.

There are always 2 drivers for each transport trip, as it requires one driver to the appropriate facility and one back. There is a roster of 18 drivers for this job. The drivers are held to strict standards and are checked annually. Upon hire the drivers are screened by the DMV for offenses and are trained in basic procedures such as getting patients safely in and out of cars, what problem indicators to look for while transporting, crisis response and management, ethical conduct, privacy and confidentiality and documentation. The drivers then shadow existing staff to gain experience in the field. Patients are transported with no restraints in caged vehicles. Restraints are used only in clear cases of necessity after proper staff and law enforcement determination; strict

guidelines are followed. Generally stopping in route is discouraged, depending on the length of the trip, but provisions are made for personal needs of the patient and in case of an "emergency" there will be a stop after communicating the MCBH staff. One driver stays with the patient at all times during any stop.

In addition, transportation is provided for clients of MCBH through the Full Service Partnership (FSP). This transport can pick up and return patients for doctor or therapy appointments, medical tests locally or at other facilities, and at times shopping for groceries or other necessities.

Recent Change, Improvements

More personnel has allowed MCBH to work with more local agencies such as the schools. The Positive Behavior Intervention Support (PBIS) program is being implemented over 5 years as a 3-tier guideline for kids and teachers to identify behavioral issues in school and to determine when intervention is required.

Previous confidentiality issues were discussed.

Budget

MCBH receives 53% of its yearly budget funding from the state of California through the Mental Health Services Act. Part of these funds have been set aside by the state for program innovations. MCBH has explored 2 proposals and has been approved for funding that will bring better service to the Modoc community with satellite facilities and technological advancement.

Additional funds come from Medi-Cal claims. The facility has exponentially increased these funds over the past 5 years by improving case diagnosis and documentation and adhering to proper billing procedures.

FINDINGS

F1. Staffing changes have improved the MCBH services by building the number of more professionally qualified personnel.

F2. Better staff training and schooling has improved the privacy and confidentiality issues for patients.

F3. Comprehensive training and guidelines insure safety for both patients and drivers during transport.

F4. MCBH provides necessary services for the community.

RECOMMENDATIONS

None.

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.

Alturas Police Department

March 2018

SUMMARY

Members of the Grand Jury met with an administrator for the City of Alturas. It should be noted there were no current citizen complaints regarding the Alturas Police Department. The purpose of this interview was to provide the public with a transparent report regarding the Department. The Police Department is striving to increase their budget to address the rising crime rate within the city of Alturas.

BACKGROUND

The Alturas Police Department is responsible for patrolling and investigating all crime within the city of Alturas. The head of the Alturas Police Department is the Chief of Police. This position is appointed by the City Council. On a daily basis the Department works with the Sheriff's Office, Probation Department, District Attorney, the California Highway Patrol, Adult/Child Protective Services and Behavioral Health. Also under their scope falls the responsibility of animal control within the city limits. The Alturas Police Department is currently budgeted for seven full time positions; the Chief, two Patrol Sergeants, three Patrolman, and one Dispatcher/Secretary. Also employed are two Reserve Patrolmen and a part-time Animal Control Officer.

METHODOLOGY

Members of the Grand Jury toured the Alturas Police Department March 13, 2018. A staff member conducted the tour, discussed department policies and procedures and answered questions. Jury members subsequently reviewed the past three years' crime statistics for the city of Alturas.

DISCUSSION

Budget/Staffing

In the past the police department has provided a School Resource Officer through grant funding. There currently is not a School Resource Officer as the grant expired in 2017. For the City of Alturas, the November 2018 ballot will contain a Public Safety Sales Tax measure. If it passes, the police department is planning to use the funds to hire a full-time School Resource Officer and a full-time investigator. Overall, the Department would like to have ten employees. Recently two new patrol vehicles were purchased through a USDA grant.

Crime Statistics

"Offenses Reported" to the Department have increased from 145 in 2015 to 257 in 2017. Each of the seven categories of crime reported, except "Rapes," has increased. Of six kinds of crime, most have doubled; with some having tripled since 2015.

FINDINGS

F1. The Alturas Police Department greatly relies on grant funding to meet its needs.

F2. Crime in the city of Alturas has steadily increased since 2015.

F3. The Department is understaffed to handle the increased crime rate.

RECOMMENDATIONS

R1. Continue to aggressively pursue additional funding through grants and other means to meet the growing needs of the Department.

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.
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Devil's Garden Conservation Camp

May 2018

SUMMARY

According to the California Penal Code 919(a)(b), the Grand Jury is mandated to annually tour and inspect this State operated correctional facility located in Modoc County. The buildings, grounds, projects and programs reviewed comply with the State-mandated policies and procedures. The Grand Jury highly commends the Camp for its outstanding programs and services that benefit both the inmates and Modoc County.

BACKGROUND AND DISCUSSION

The California Department of Corrections and Rehabilitation (CDCR) and the California Department of Forestry and Fire Protection (CAL FIRE) jointly operate the Devil's Garden Conservation Camp; one of 39 in the state. Opened in 1989, the facility is located 7 miles west of Alturas, California and can house 120 inmates, with a capacity for five 17-man work crews. Currently there are four crews that carry out work projects. The projects include emergency response to wildfire, conservation projects such as fire hazard abatement and watershed enhancement, maintenance of state vehicles, construction of signage, and assistance with community projects such as cemetery, school and fire district grounds maintenance. One crew of inmates is responsible for the in-house projects such as cooking, facility and vehicle maintenance. The Camp also operates the Mobile Food Unit (MFU) which is used to support feeding operations at emergency incidents. The Camp was used as an incident base for the 2017 fires in the area; preparing up to 1,000 meals per day. With the implementation of AB 109, fewer inmates choose to participate in the Conservation Camp programs. Those who do undergo a rigorous and extensive process to be selected for placement in one of the state's camps. Proposition 57 allows inmates to receive credit for the Camp work experience.

METHODOLOGY

The Grand Jury toured the Devil's Garden Conservation Camp on April 24, 2018. Grand Jury members were introduced to the Camp's staff and others from the Department of Corrections and Rehabilitation who led a detailed discussion of the Camp's current issues and programs. The staff assembled to assist with the Grand Jury visit was very informative and cooperated with the Grand Jury inquiries regarding the Camp's policies and procedures. The Camp maintains a 6-man Camp Fire Crew trained for a potential fire at the Camp. Grand Jury members observed a fire drill with crew and engine.

Become a Grand Juror

The law states Grand Jury applicants must have the following qualifications:

- Citizen of the United States
- 18 years of age or older
- Resident of state and county or city and county for one year prior to being selected.
- In possession of natural faculties, ordinary intelligence, sound judgment, fair character.
- Possess sufficient knowledge of the English language.

Beyond the legal requirements, there are more specific qualifications which are desirable for a grand juror:

- A general knowledge of the functions, authorities and responsibilities of the county and city governments and other civil entities.
- Research abilities, including complex reading capabilities, background in accessing/analyzing facts and report writing.
- Substantial background in group/committee work.
- Respect and objectivity concerning the positions and views of others.

Contact the Modoc County Superior Court at 205 S. East Street, Alturas, CA 96101 or call 530-233-6516 ext. 1207 to learn more.

MODOC COUNTY GRAND JURY
205 S. East Street, Alturas, CA 96101 Phone: 233-6516 x 1207
CITIZENS COMPLAINT FORM

Your name: _____ Date: _____

Home Address: _____ Zip: _____

Work Address: _____ Zip: _____

Telephone #:(Home) _____ (Work) _____

1. PERSON(S), OFFICIAL, DEPARTMENT, OR AGENCY ABOUT WHOM (WHICH) YOU ARE MAKING THE COMPLAINT:

Name: _____

Address: _____ Zip: _____

Telephone #: _____

Director of Agency, if applicable: _____

2. BRIEF SUMMARY OF PROBLEM (including dates of events and names of persons, officials, department, and agencies involved. Attach additional sheets, if necessary.)

3. PLEASE LIST THE PERSONS, OFFICIALS, DEPARTMENTS, AGENCIES, OTHER GRAND JURIES OR MEDIA WHOM YOU HAVE CONTACTED ABOUT THIS PROBLEM:

ENTITY	ADDRESS	APPROXIMATE DATE OF CONTACT
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. WHO DO YOU THINK THE GRAND JURY SHOULD CONTACT ABOUT THIS PROBLEM?

NAME	ADDRESS	TELEPHONE #:
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. REASON TO CONTACT THE ABOVE:

6. WHAT RESULT DO YOU WANT FROM THE GRAND JURY INVESTIGATION?

PLEASE ATTACH ANY CORRESPONDENCE OR SUPPORTING DOCUMENTATION THAT WOULD BE PERTINENT TO THIS COMPLAINT.

Among the many powers and responsibilities of the Grand Jury is the investigation of citizen complaints to assure that all branches of County government are being administered efficiently, honestly and in the best interests of its citizens.

All Complaints submitted to the Grand Jury will be treated in the strictest of confidence.

The undersigned hereby authorizes the Modoc County Grand Jury to disclose my identity to the person or office against whom or which I have made a complaint

Signature of Complainant

Date