



Modoc County Grand Jury Report



FY 2012 - 2013

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MODOC COUNTY GRAND JURY ROSTER 2012 - 2013

- Tom Ambrosius, Alturas
- Joan Carter (Pro Tem), New Pine Creek
- Tami Ertle, Alturas
- Charles Frey, Alturas
- Marlene Holland, Alturas
- Ruby Jacob (Sergeant at Arms), Alturas
- Sharron Molder (Secretary), Tulelake
- Bruce Sallee, Alturas
- Cordelia Saltzman, Adin
- Pauline Westman (Librarian), Alturas
- Patricia A. Wood (Foreperson), Alturas

LETTER FROM FOREPERSON

It has been my pleasure to serve on this year’s Grand Jury panel.

I would like to extend my most heartfelt appreciate and thank you to my fellow Grand Jury members for the extensive and dedicated work that they did to accomplish this year’s objectives.

The investigations that they did were very thorough and complete. They made appropriate findings and recommendations. We have found (as most Grand Jury panels do) there are some issues that will have to be referred to the incoming Grand Jury panel for follow up, if possible, due to the time constraints that usually occur.

Sincerely,

Patricia A. (Pat) Wood

ACKNOWLEDGEMENTS

The 2012-2013 Grand Jury would like to thank the following:

Honorable Judge David Mason and his Superior Court staff (Ronda Gysin and Linda Ostoja) for their help and guidance

Sheriff Mike Poindexter and his staff for the use of the conference room

The cooperation of the various departments and districts during our investigations

The California Grand Jury Association for the outstanding training sessions.

FRANCIS W. BARCLAY
Superior Court Judge

DAVID A. MASON
Superior Court Judge

LINDA L. OSTOJA
Court Executive Officer



MODOC COUNTY SUPERIOR COURT
Robert A. Barclay Justice Center

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Alturas, CA 96101
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June 27, 2013

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 2012-2013 Modoc County Grand Jury for a job well done. Your diligence, dedication and hard work are clearly reflected in this year's report.

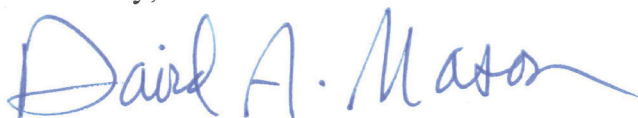
I want to specifically recognize and extend an individual thank you to Pat Wood for her outstanding leadership as this year's Foreperson. In particular, I would like to commend Ms. Wood and the remaining members who went above and beyond the call of duty by serving an additional term. You provided valuable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

Finally, I want to recognize and thank the Modoc Sheriff's Department for once again providing our Grand Jury with excellent meeting room facilities that greatly assist the jurors in performing their duties.

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 Superior Court 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: June 27, 2013



REVIEW OF THE DEPARTMENT OF SOCIAL SERVICES

SUMMARY

The 2012-2013 Modoc Grand Jury received several unsigned complaint forms. The Government Committee investigated two audits conducted by the California Department of Social Services and learned that the findings and recommendations were not being implemented.

BACKGROUND

The 2012-2013 Modoc Grand Jury received several unsigned complaint forms. Since it is beyond the scope of the civil grand jury to deal with personnel matters, the Government Committee planned to investigate to ensure there were no procedural or policy issues related to the complaints. What was initially perceived as not complicated became very complex as facts became known during the course of the investigation.

The Social Services Department handles:

- Food Stamp Program
- Medical/Medicaid Program
- General Assistance Program
- Child Protective Services/Adult Protective Services/Foster Care
- Public Guardian Program
- County Medical Program
- The Modoc County Department of Social Services
- The California Department of Social Services

APPROACH

The Committee examined the following documents:

- Grievance Procedures for the County of Modoc
- Social Service Employee Grievances
- California Code of Regulations-Local Area Personnel Standards
- Attachment C- Disciplinary Procedures: Authority and Cause for Discipline
- Merit System Services-Job Descriptions/Requirements
- Notice of Termination of Employee dated August 10, 2012
- Notice of Intent for Proposed Disciplinary Action dated October 26, 2012
- Investigations Report dated December 3, 2012
- State of California-Health and Human Services Agency, Department of Social Services –Report of the Income and Eligibility Verification System , August 30, 2011
- Modoc County Corrective Action Plan for Report of the Income and Eligibility Verification System Review 2011
- February 1, 2013 correspondence from State of California-

Health and Human Services Agency, Department of Social Services regarding Modoc County Report of the Income and Eligibility Verification System Review, September 2012

Referenced Report of Findings and Recommendations, Modoc County, January 2013

The Committee conducted many interviews of individuals associated with or employed by the Department of Social Services.

The committee spent three days in the Administrative Office at the courthouse reviewing confidential documents.

DISCUSSION

After an extensive review, careful consideration and thoughtful evaluation, the Committee can only conclude that the issues currently being faced in the Department of Social Services were caused over time by inconsistent leadership, a lack of training and follow up on new technology, and employees placed in supervisory positions for which they lacked qualifications and/or training.

The position of Director, Social Services has been plagued by inconsistent leadership for over ten years. In 2009, California changed computer systems to manage data more efficiently in order to prevent fraud. In June 2010 Modoc County converted to the Consortium IV (C-IV) system. A state review was conducted in December 2010 listing findings and recommendations. A corrective plan was due in 60 days but due to the sudden departure of the Director at the time, this did not happen.

On August 30, 2011, a more comprehensive state review, consisting of case file reviews, observations, interviews with staff, data analysis, and review of county processes, policy and procedures was implemented. The Interim Director submitted a corrective action plan that addressed the nine findings and recommendations. The interim Director was in place from November 2011 through March 2012, while the search for a permanent director was ongoing.

The position of Director at the Social Services Department was filled by the Modoc County Board of Supervisors and the new Director began employment on April 26, 2012.

Within one month the anonymous letters, complaints and grievances were received by the Board of Supervisors and Administration.

In September 2012, the State of California conducted the Modoc County Income and Eligibility Verification System Review.

The follow-up review by the California Department of Social Services in September 2012 was necessary because the Corrective Action Plan had been submitted almost a year late. Additionally, the Modoc Department of Social Services failed to comply with the quarterly updates on progress to resolve the December 2010 findings.

The Interim Director submitted the Corrective Action Plan on February 15, 2012, indicating that the findings had been resolved. However the report from the California Department of Social Services states, “that despite Modoc DSS’ assertions, many of those earlier findings had not been resolved.”

There are now 15 findings and recommendations. Six are “critical due to repeat findings.”

The report following the review by the California Department

Social Services in September 2012 also indicated that, “In addition, despite your (the Director’s) personal cooperation and willingness to work on this review, CDSS review staff indicated that some Modoc DSS’ staff were evasive and uncooperative. Specifically, an unusual number of staff called in sick during the time that CDSS staff was on-site, and some available Modoc staff at times delayed or refused to provide requested materials.”

FINDINGS

The Modoc County Department of Social Services has been on notice of non-compliance since before 2010. Recommendations and deadlines required by the State California were ignored.

Though adequate training was provided, there was little or no in-house follow up to ensure proper compliance

There are no training guides in place for a new employee.

Employees in Social Services rely on the grievance process to assert their complaints.

RECOMMENDATIONS

The new Corrective Action Plan (CAP) which addresses all findings identified in the January 31, 2013 report was completed by March 29, 2013; however, it is still being modified. All quarterly written updates to the report must also be completed in a timely and thorough manner. This plan must be carefully supervised and adhered to by the Program Director, the County Administrative Officer, and the Board of Supervisors in order to insure that all issues have finally been resolved.

R2. Time and money should be budgeted to provide staff training and support. There needs to be supervision and accountability at all levels to ensure this is being done. As Modoc County Department of Social Services begins the restructuring process, it is essential to take advantage of all agencies that provide technical assistance and support, including, but not limited to, the California Department of Social Services, the University of California, Davis, associations and groups that offer networking opportunities for Eligibility Workers and Social Workers. Supervisors and Directors must also develop strategies and techniques that are non-confrontational but direct employees to follow department policy.

R3. Guidelines for positions should be developed that are clear, and concise. New hires should become versed in these guidelines prior to working on their own. A mentor system should be in place.

R4. A committee consisting of all stakeholders could be formed to assess issues prior to the grievance process taking place.

R5. Due to the ongoing state investigation, we suggest that the 2013-14 Grand Jury continue to investigate the Department of Social Services.

REQUEST FOR RESPONSES

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

From the following **individuals**:

Modoc County Administrator (R1, R2, R3)

Director, Modoc Department of Social Services (R1, R2, R3, R4)

From the following governing bodies:

Modoc County Board of Supervisors (R1, R2, R3, R4)

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Reports issued by the Civil 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 Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

REVIEW OF THE LAW ENFORCEMENT COMMITTEE

SUMMARY

Three main concerns were reviewed and investigated by the Law Enforcement Committee. First, the physical condition of the Modoc County Jail. Second, the required documentation requested by the Corrections Standards Authority following their inspection and review. Third, the Corrections Standards Authority non-compliance issues.

BACKGROUND

The Modoc County Civil Grand Jury is mandated by the State of California to conduct an annual review and inspection of the county jail. The Modoc County Jail is a Type II facility as it holds inmates pending arraignment, during trial, and upon sentencing.

APPROACH

The Law Enforcement Committee began its review and inspection by requesting documents. Some pertained to the county jail and they included:

- Organizational chart
- Staff positions and salaries
- Latest Correctional Standards Authority report (CSA)
- Latest local inspection reports
- Policy concerning non-compliance issues

One complaint was received in August 2012 concerning the physical conditions of the jail.

An interview with Modoc County Sheriff and a tour of the County Jail followed. This took place in November 2012.

Local agencies were contacted by mail requesting the latest inspection reports.

Individual interviews were conducted with the outgoing Board of Supervisors and the incoming Board of Supervisors.

A correctional officer and an extra help deputy sheriff were also interviewed. A second tour of the County Jail took place March 2013.

DISCUSSION

The documents received from the County Sheriff were:

- Organizational chart
- Staff positions and salaries
- Latest California Standards Authority Inspection Report

Missing from the requested documented reports was:

- Latest local inspection reports
- Policy concerning non-compliance issues

The written explanation of the documents from the Sheriff's Department pointed us to the Biennial Inspection 2010-2012 Corrections Standards Authority Report which became the Committee's main focus.

The California Standards Authority Inspection Report began with a commendation to the jail sergeant for his professionalism and cooperation. The staff was also commended for being knowledgeable. The purpose of the inspection is to "review written policies and procedures, facility logs, sobering/safety cell logs, classification records, disciplinary files, and grievances." The inspectors completed their investigation by interviewing key officials and inmates, followed by a walk-through of the facility.

Written reports not available to the California Standards Authority at the time of their inspection were:

- Local Health Officer Inspections Report
- State Fire Marshall's Inspection Report

The Law Enforcement Committee sent letters to local agencies requesting the latest inspection reports. The result was an immediate response by the Public Health Department. An inspection took place in December 2012. The Local Fire Marshall directed us to the State Fire Marshall who is responsible for this inspection. With difficulty, we were able to contact a representative and an inspection is to take place this spring.

One of the non-compliant issues listed by the California Standards Authority Report was:

California Code of Regulations Title 15 requires "that whenever one (or more) female inmate is in custody, at least one female employee be immediately available and accessible."

At the time of the report it was stated that the jail operated with one male correctional officer 24/7. The one required female correctional officer was not mentioned.

The Modoc County Sheriff was interviewed in November 2012. His main concern was the lack of funding to operate within the state regulations for adequate correctional officer staffing. Funding for an aging jail facility remains a continual problem. The Board of Supervisors budget cuts affect jail staffing.

In December 2012, the Grand Jury interviewed the Board of Supervisors. In January 2013, the Grand Jury interviewed the Board of Supervisors again due to the addition of newly elected members. The Modoc County Board of Supervisors had no knowledge of the available California Standards Authority Report.

MODOC COUNTY JAIL INSPECTION

The first inspection occurred in November 2012. Some of the issues were as follows:

- Sally port entrance and sidewalks in disrepair
- Storage and kitchen areas needed cleaning
- Food handling concerns
- Lights out in different areas
- Fire extinguishers with outdated certifications
- One of the dormitories in disrepair
- Sprung cell door – damaged holding cell door

The second tour took place in March 2013. Improvements noted included:

- Storage and kitchen somewhat cleaner
- Lights working
- Dormitory completely rejuvenated

The cleaning, maintenance, and food preparation is done by jail inmates. A staff member must be present at all times. This is accomplished with the limited staff available. One added concern was noted, the Material Safety Data Sheets were missing from the chemical containment room.

The Sheriff's Department stated that many of the repairs are funded and maintained according to priority.

FINDINGS

F1. The Health and Safety Report and Fire Inspection Report were not available upon request.

F2. The hiring of female correctional officers is hindered by hiring guidelines. The interviews determined that one female correctional officer has been with the Modoc County Jail for 12 years. Female extra-help and matrons are available.

F3. The Sheriff's Department uses volunteers and an extra-help program and also actively seeks additional funding in order to meet state requirements.

F4. Some of the Supervisors had toured the jail but not on a consistent basis.

The outside condition of the sally port and sidewalks remain a low priority considering the limited funds available.

Fire extinguisher recertification has not been done since 2011.

The jail sergeant was unaware of the missing Material Safety Data Sheets.

The Public Health Department is to perform an annual inspection.(California Health & Safety Code Section 101045).

The State Fire Marshall is to perform a biennial inspection. (California Health and Safety Code Section 13146.1).

RECOMMENDATIONS

R1. Develop a policy requiring written documentation of all state and local required reports.

R2. California Health Department and the State Fire Marshall Reports should be sent to the Chairman of the Board of Supervisors, the Modoc County Administrator, and the Grand Jury foreperson.

R3. The Board of Supervisors may consider an annual tour and inspection of the County Jail. Request for reports should precede these inspections.

R4. Contact Devil’s Garden Conservation Camp as a resource for repairing the sally port and sidewalks.

R5. Re-certify all fire extinguishers. According to Health and Safety Code Section 13179, an annual inspection and certification is required. Follow-up by the 2013-2014 Grand Jury is suggested.

R6. Material Safety Data Sheets should have a binder where the toxic materials and cleaners are stored. Suggest follow-up by the 2013-2014 Grand Jury.

R7. Written reports by the Public Health Department should be sent to the Modoc County Sheriff’s Department, the Modoc County Administrator, and the Grand Jury foreperson. Follow-up by the 2013-2014 Grand Jury is suggested.

REQUEST FOR RESPONSES

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

From the following **individuals**:

Modoc County Sheriff (R1, R2, R3, R4, R5, R6, R7)

Public Health Department Administrator (R2, R7)

State Fire Marshall (R2, R7)

From the following **governing bodies**:

Modoc County Board of Supervisors (R2, R3, R7)

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HISTORY OF THE MODOC COUNTY JAIL

In 1914, the Modoc County Jail was originally located in the basement of the Modoc County Courthouse. Sixty years later, “several agencies of the state government labeled the outdated hostelry with such adjectives as ‘inadequate, obsolete and downright disgraceful.’”

In 1974, the county sought available grants for construction of a new jail and administrative offices. Construction began in 1977 and was completed in the spring of 1979.

In August 1991, a large addition was made to the Modoc County Jail. Three large dormitories, a jail programs room and a laundry were constructed and funded through grant monies.

The above information was supplied by a staff member of the Modoc County Museum and Historical Society

REVIEW OF THE FINANCE COMMITTEE

SUMMARY

The Finance Committee reviewed the following:

- Budget and Budget Process
- County Salary Equity Review
- County Owned Vehicles
- Fixed Assets Inventory & Control
- County Issued American Express Travel Card

The committee found that the budget process was not followed according to the published timeline. There has been no Salary Equity Review since 1996. There is not a complete and accurate listing of county-owned vehicles. A complete and accurate listing of county-owned fixed assets does not exist. The county-issued American Express Travel card was misused.

BACKGROUND

The Grand Jury is mandated to examine the accounts and records of the County on an annual basis. (California Penal Code 925)

After reviewing the 2012/2013 budget the Finance Committee had concerns and further reviewed the following:

- Budget/Budget Process
- County Salary Equity Review
- County Owned Vehicles
- Fixed Assets Inventory & Control
- County Issued American Express Travel Card

APPROACH

The Grand Jury interviewed the Board of Supervisors (outgoing and incoming), County Administrative Officer, Auditor, Treasurer, most Department Heads and some staff.

The Finance Committee also reviewed documents:

- 1996 County ordered Equity Salary Review
- 2012-2013 Budget
- Listing of County-owned vehicles from Administration
- Bills and receipts using county-issued American Express Travel card
- California Government Code Sections 29080-29093, 29060-29076, 29040-29045

- Modoc County Code Travel Card policy 6.0
- California Penal Code 925, 926, 927

DISCUSSION

After interviewing most department heads and reviewing budget process policies, the Committee discovered that the policies were not followed in certain areas. After departments submitted their budgets as requested, some did not receive any feedback or communication until the Administrator/Board of Supervisors released the budget detail in September 2012.

The County of Modoc Budget Process Timeline indicates department head meetings should take place in April, May, and June with the public meeting in September. All departments were to have electronic access, which failed.

There was a lack of communication between some department heads and Administration; some only had two meetings in the last year. The budget was announced on September 17th and prior to this date some departments had no input into the process, including the Auditor who is responsible for financial matters in the county.

The Auditor supplied the Finance Committee with a 1996 salary equity review. During our department head interviews, many complained about salary equity for position responsibilities.

During the investigation of county-owned vehicles the Finance Committee found that the vehicle information received from Administration was incomplete and inaccurate.

The Finance Committee found that some departments such as Social Services and the Water Master had very complete vehicle records which were maintained by one person. Some other departments had incomplete records. Some departments had adequate key security and some keys are kept in a basket on the counter.

The Committee discovered that fixed assets under \$500 in value (including computers and furniture) were not inventoried or controlled. Policy states that anything over \$500 in value will be inventoried.

There is no policy to identify county-owned fixed assets of any value.

Modoc County Code 6.0 restricts the American Express Travel card usage for any of the following:

- Valet parking
- Meals
- Petty cash purchases
- Office supplies
- Internet purchases
- Room service, movies, etc.
- Cash advances
- Purchase of firearms, liquor or tobacco
- Lease of equipment
- Personal services
- Fixed assets

After reviewing the bills and receipts the committee found:

- The American Express Travel Card was used for ordering office supplies/furniture off the internet with permission.
- Traveling employees are using the maximum meal allotments with no receipts required.

FINDINGS

- F1. The Finance Committee found that the budget process was not transparent and the policies were not followed per California government code and the published timeline.
- F2. The Auditor was not always included in budget meetings.
- F3. No salary equity review has been completed since 1996.
- F4. A review of county offices finds some with inadequate county-owned vehicle information.
- F5. The Administration does not have a correct nor complete listing of all county-owned vehicles.
- F6. There is no central control of county-owned vehicles.
- F7. There is no inter-office transfer policy regarding vehicles moving from department to department.
- F8. Fixed Assets under \$500 were not inventoried or controlled.
- F9. There is no accurate listing of fixed assets over \$500.
- F10. The committee found the standard meal allowances were strictly followed (\$20 for dinner, \$10 for lunch, \$6 for breakfast) with no receipts required.
- F11. The American Express Travel Card was used for office supplies, furniture, and services, against policy.

RECOMMENDATIONS

- R1. The Auditor should be an integral part of the budget process and attend all meetings as recommended in California Government Code.
- R2. The Administrator, Auditor, and Board of Supervisors should follow policy regarding budget process as recommended in California Government Code.
- R3. The Board of Supervisors should order a salary equity review from an independent entity for the entire county personnel roster.
- R4. The Administrator/Auditor should have a complete and accurate listing of county owned vehicles by make, model, mileage, vin/license number for insurance and asset accounting purposes.
- R5. Each department should have a separate binder/folder for each county owned vehicle and one person should be designated to schedule maintenance and record information.
- R6. Transfer policies regarding vehicles transferred between departments needs to be developed.
- R7. A central inventory of all furniture and computers (fixed assets) should be maintained.
- R8. All county-owned assets need to be inventoried, marked, and controlled.

R9. Fixed asset transfer policies should be established for each department.

R10. The county-issued American Express Travel card should be used for travel expenses only, no exceptions.

R11. Travelers on county business should be required to produce receipts for meals and be paid accordingly with maximum limits enforced.

REQUEST FOR RESPONSES

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

From the following **individuals**:

Modoc County Administrative Officer (R1, R2, R4, R5, R6, R7, R8, R9)

Modoc County Auditor (R1, R2, R4, R7, R8, R9, R10, R11)

From the following **governing bodies**:

Modoc County Board of Supervisors (R1, R2, R3, R6, R7, R8, R9, R10)

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

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REVIEW OF EDUCATION COMMITTEE

SUMMARY

Due to the many school shootings in the nation, the Modoc County Grand Jury wanted to investigate emergency procedures in our schools to make sure the children of Modoc County are protected.

The committee found that the Parent Information Package and the District Safety Plan was very complete in listing all emergency procedures. We did find, however, that not all emergency procedures had drills, and that emergency supplies were not in a central location or complete.

GLOSSARY

ADA (Average Daily Attendance)

MSDS (Material Safety Data Sheet)

BACKGROUND

The Modoc County Grand Jury wanted to see what steps our county schools are taking concerning many different emergency situations, and if supplies as noted in the District Safety Policy are available.

APPROACH

The committee interviewed the Modoc County Office of Education Superintendent and the Modoc Joint Unified School District Superintendent. We obtained from them the Parent Information

Package and the District Safety Policy for the current year. We also obtained information as to the organization of the different schools and programs in Modoc County.

The District Safety Plan is very complete concerning all emergency procedures. Our concern was the implementation of these emergency procedures and emergency supplies listed in the package.

A visit was made to Modoc High School, Modoc Middle School, Alturas Elementary, and Stronghold Juvenile Court School which confirmed that emergency supplies were not in a central location and very incomplete as to the items listed in the District Safety Policy.

DISCUSSION

There are three school districts within Modoc County. Modoc Joint Unified School District, Surprise Valley Joint Unified School District, and Tulelake Basin Joint Unified School District. Total enrollment is:

- Special Education: 26
- Stronghold Juvenile Court School: 17
- Modoc Joint Unified School District: 849
- Surprise Valley Joint Unified School District: 142
- Tulelake Basin Joint Unified School District: 520

Enrollment for all schools is basically on the decrease due to economic factors in Modoc County. The schools are now paid on different levels according to ADA (Average Daily Attendance) totals. Each school is judged separately and most of Modoc County schools are in the less than 250 ADA level. The only schools in Modoc County considered for the greater than 250 ADA are Alturas Elementary and Modoc High School. The monies are considered on ADA which is different from enrollment.

The Modoc County Superintendent's responsibilities are mainly budget overview for all school districts, business/management practices for all school districts, special education, and the Stronghold Juvenile Court School. The Modoc County Joint Unified School District Superintendent's responsibilities include Modoc High School, Modoc Middle School and Alturas Elementary.

During the Committee visits to the Modoc High School, Modoc Middle School, Alturas Elementary, and Stronghold Juvenile Court School the Committee did learn that the district has implemented a safety committee which is exploring the different emergency procedures and supplies. This is a good first step in making sure our children are protected during school hours.

Fire and bomb threat drills are done on a quarterly basis. One school had drilled on lockdown procedures. There was no evidence of any drills being done in schools for incidents of crisis intervention, hazardous materials, active shooter, civil disturbance, earthquake, pandemic, terrorism, or animal attack or threat.

FINDINGS

F1. Although the Parent Information Package and the District Safety Policy were thorough on emergency procedures, when asked about emergency supplies there were few or none in a central location at any of the four schools visited.

F2. Outdoor access doors can be locked from inside but interior doors cannot.

F3. There was no evidence that emergency drills on all topics were conducted annually.

F4. There was no central Material Safety Data Sheets (MSDS) in emergency supplies.

RECOMMENDATIONS

R1. Emergency supplies should be in a central location and be complete as to what the District Safety Plan and California Department of Education requires.

R2. Interior doors should also be capable of locking from inside.

R3. Emergency drills on all topics should be completed at least once annually.

R4. MSDS sheets should be located where chemicals are used but a complete MSDS binder for the entire school should be located with emergency supplies.

REQUEST FOR RESPONSES

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

From the following **individuals**:

Modoc County Office of Education Superintendent (R1, R2, R3, R4)

Modoc Unified School District Superintendent (R1, R2, R3, R4)

Reports issued by the Civil 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 Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

**MODOC COUNTY GRAND JURY
2012 - 2013 ACTIVITIES REPORT**

DEVIL’S GARDEN CONSERVATION CAMP

The Devil’s Garden Conservation Camp is jointly operated by Cal Fire and the California Department of Corrections and Rehabilitation. The facility is located 7 miles west of Alturas, California, and was built in 1988 with the objective of housing up to 120 level one inmates. Most of the inmates are assigned to five 17 men fire crews supervised by one Cal Fire Captain. The camp work projects include:

- Emergency response
- Conservation projects
- Mobile food distribution
- Maintenance of state vehicles
- Redwood and plastic sign products

The remaining inmates serve as support teams and work on in-house projects.

The Grand Jury highly commends every aspect of the Devil’s Garden Conservation Camp. The Grand Jury is authorized to tour and inspect this facility annually according to 919 (a) (b) of the California Penal

Code. Our main objective was to observe the safety and security of the physical buildings and grounds and to make the effort to assure that the inmates are treated in a safe and humane manner which is mandated by state policies and procedures.

The supervisors of this camp are excellent examples of efficiency and exhibit those qualities of fairness, maturity, firmness, and impartiality dealing with the inmates. The physical facility is exceptionally clean and well maintained. The kitchen area meets all the state requirements and meals are of high quality. The mobile food unit is able to serve 350 meals and is used to support feeding operations at emergency incidents.

On the day of the committee inspection, the committee observed the five 17 men crews return from their work project which may include one of the following:

- Fire fighting
- Fire hazard abatement
- Forest, range and watershed enhancement
- Campground maintenance
- Assist local school districts, fire districts, and cemetery districts

It was a unique experience observing the intricate details of checking each inmate back into the facility. All is done methodically and according to state mandated codes.

The next time a red truck with the Devil’s Garden Conservation Camp insignia is seen, may it be a reminder that these crews are not only risking their lives fighting wildfires, but are serving Modoc County in many worthwhile ways.

CORONER COMPLAINT

A complaint was received regarding Coroner procedures. The family had made no arrangement with the Coroner regarding the death of the family member. This family member was in hospice out of Klamath Falls, Oregon. They were disputing the cost and inconvenience of transporting the deceased to Alturas as they had made arrangements in Klamath Falls.

The public needs to know that when a death occurs in Modoc County it is the Coroner’s responsibility to certify that death. An exception can be made if the Coroner receives information from a doctor regarding the arrangements to another state. That still does not preclude the above procedure unless a doctor, licensed in California, can certify the death.

The Deputy Coroner acted according to procedures. A letter was sent to the complainant explaining that no policy was violated and the grand jury could not proceed further.

FIRE MARSHAL COMPLAINT

A complaint was received from a citizen objecting to the fire chief in Alturas acting also as a city councilman.

It was found that the court of appeals ruling and a ruling from the Attorney General advised that this was acceptable.

A letter was sent to the complainant explaining the grand jury decision that since policy was not being violated the grand jury could not proceed further.

ANIMAL WELFARE COMPLAINT

A complaint was received from the Animal Welfare Institute in Washington, D.C. regarding the coyote hunt in Adin. Since the hunt had already taken place when we received the complaint, no action was taken.

MODOC COUNTY GRAND JURY
 205 S. East Street • Alturas, CA 96101
CITIZEN COMPLAINT FORM

Your Name: _____ Date: _____
Print or type

Mailing Address: _____
Street or PO Box City State Zip Code

Telephone: _____
Home Work

1. Entity and Individuals- *Identify entity (agency, organization or department) and individuals about whom or which you are making this complaint.*

Agency, organization or department: _____ Telephone # _____

Business Address: _____

Agency Director, Manager or Department Head: _____

Staff Persons Involved: _____

2. Summary of Issues- Briefly state each separate issue for investigation, including specific dates, events, individuals involved (staff persons, officials, etc.) Attach additional sheets, if necessary.

3. Your Contacts to Date- *List the agencies and individuals contacted, showing related entity and date of conflict. Also address and telephone number for each if possible.*

4. Potential Grand Jury Contacts – *Who do you think the Grand Jury should contact or interview about this complaint and Why?* _____

5. Your Expectations – *What result(s) do you want from the Grand Jury investigation?*

6. Attachments- *List and attach any correspondence and supporting documentation that you believe are pertinent to this complaint.*

Among the many responsibilities and authorities of the Grand Jury is the investigation of Citizens Complaints. The Grand Jury serves as a “watchdog of citizens” to ensure that all branches of local government (i.e. County of Modoc, City of Alturas, their departments, officials, staff, as well as agencies or organizations with jurisdiction within Modoc County) are being administered efficiently, honestly, and in the best interest of the public. **All complaints submitted to the Grand Jury are handled in strictest of confidence as protected by State Law.**

Signature and Date – Please sign and date your complaint below.

Signature

Print Name

Date