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2019-2020 Shasta County Grand Jury - Final Report



Shasta County Grand Jury

2019-2020

2019-2020 Shasta County Grand Jury

July 1, 2020

Honorable Daniel E. Flynn
 Presiding Judge of the Superior Court
 1500 Court Street
 Redding CA. 96001

Dear Judge Flynn,

The 2019-2020 Shasta County Grand Jury respectfully submits its final report.

Grand Jury operation and success is a remarkable team effort with everyone “stepping up to the plate” to help. Our jury thanks you and your staff for your direction, guidance and reviews. Through challenging times, Senior County Counsel Mathew McOmber gets a huge thank you for his legal counsel and thorough review of our reports. Thank you to Chief Deputy District Attorney Benjamin Hanna for his legal counsel when needed. Jenn Duval and her staff at County Administration were always there to help and guide us through the operational side of the Grand Jury function. Computer support is critical for Grand Jury success. Michael Stock and his staff worked with our information technology officer to provide very good computer support for which we are thankful.

Grand Jurors accomplished a remarkable amount of work in a very short amount of time. This would not have been possible without the training, help and support of the California Grand Jury Association and their dedicated professionals. A special thank you goes to Marsha Caranci and Karen Jahr for their tireless support and fantastic ability to answer questions and provide guidance. Finally, everyone we worked with for training or interviews was professional, gracious and supportive of our task. Their commitment to the Grand Jury is most appreciated.

We began the year with 19 jurors and 4 alternates. All of our alternates were empaneled and we completed the year with a full grand jury. A large portion of this success is due to the outstanding work of Foreperson Pro Tem Will Arthur. Will did an outstanding job of organizing jury training, site visits, computer support and stepping in as the foreperson when needed. Hal Paquin, Holly Ware and Randy Trotter rounded out our management team and their tireless work is most appreciated. Thanks to the entire grand jury for their efforts and dedication to our accomplishments.

The primary function of the grand jury is the examination of county government, city government, special districts, school districts and other local entities within Shasta County. To comply with that charge, the 2019-2020 Shasta County Grand Jury conducted seven investigations and published six reports. In addition, the jury inquired into the condition and management of the Sugar Pine Conservation Camp #9, The Juvenile Rehabilitation Facility and the Shasta County Jail. Also, the Grand Jury reviewed nearly 40 complaints and participated in five autopsies.

The Covid-19 pandemic suspended 2019-2020 grand jury activities about mid-March. Fortunately, this Grand Jury had its investigations and reports pretty well complete by then and we were able to finish the individual and final reports using confidential electronic technology. Although challenging, the pandemic did not compromise report accuracy or quality.

Respectfully submitted,

Richard P. Buchner

Richard P. Buchner, Foreperson
 2019-2020 Shasta County Grand Jury



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2019-2020 Summary of Full Grand Jury Activities

ACTIVITY	TOTAL
Agencies, Departments, and Facilities Visited	11
Autopsies Attended	5
Complaints Received	*34
Government Board Meetings Attended	5
Meetings of the Full Grand Jury (Plenary)	15
Criminal Indictments	0

*Not all complaints received fell within the purview of the Grand Jury.

2019-2020 Guest Speakers, Briefings, and Presentations to the Grand Jury

DATE	GUEST SPEAKER / DEPARTMENT	TOPIC
2019-10-02	CITY MANAGER OF REDDING, BARRY TIPPEN	OVERVIEW OF THE CITY OF REDDING'S WEBSITE.
2019-10-16	MAYOR OF SHASTA LAKE, GREG WATKINS	BRIEFING ON THE CITY OF SHASTA LAKE.

2019-10-23	SHASTA COUNTY CHIEF PROBATION OFFICER, TRACIE NEAL	BRIEFING ON THE PROBATION DEPARTMENT.
2019-10-30	SHASTA COUNTY BOARD OF SUPERVISORS (BOS), LEONARD MOTY	BRIEFING ON SHASTA COUNTY BOS
2019-11-06	SHASTA COUNTY OFFICE OF EMERGENCY SERVICES (OES), SHERIFF'S DEPARTMENT	SHERIFF BOSENKO, CAPT. BARNHART, AND LT. BERTAIN GAVE A BRIEFING ON THE OES.
2019-11-08	SHASTA COUNTY HEALTH AND HUMAN SERVICES AGENCY (HHS)	2-HOUR PRESENTATION FROM FOUR DIVISIONS WITHIN HHS.
2019-11-20	MAYOR OF ANDERSON, STAN NEUTZE	BRIEFING ON THE CITY OF ANDERSON.
2019-11-25	SHASTA COUNTY VETERANS SERVICE OFFICER (VSO), CELESTINA TRAVERS	BRIEFING ON VETERANS SERVICE OFFICE.
2019-12-04	MAYOR OF REDDING, JULIE WINTER	BRIEFING ON THE CITY OF REDDING.
2019-12-11	POLICE CHIEF OF ANDERSON, MIKE JOHNSON	BRIEFING ON ANDERSON POLICE DEPARTMENT.
2019-12-17	CAL FIRE CAPTAIN, NICK WALLINGFORD	PRESENTATION ON DEFENSIBLE SPACE.
2019-12-18	POLICE CHIEF OF REDDING, BILL SCHUELLER	MEET AND GREET NEW CHIEF, BRIEFING ON FUTURE OF REDDING POLICE DEPARTMENT.

2019-2020 Shasta County Grand Jury Committees

COMMITTEES	
STANDING	AD HOC
CITY / COUNTY GOVERNMENT *	JAIL ISSUES
CONTINUITY	
CRIMINAL JUSTICE AND PUBLIC SAFETY	
EDITORIAL	
LOCAL AGENCIES AND DISTRICTS	

* City Government and County Government Committees were combined into one committee.

SUMMARY OF COMMITTEE ACTIVITIES

COMMITTEE NAME	NUMBER OF			
	MEETINGS*	INVESTIGATIONS*	INTERVIEWS	REPORTS
CITY / COUNTY GOVERNMENT	37	2	17	2
COMPLAINT	17	0	0	0
CONTINUITY	4	0	0	1
CRIMINAL JUSTICE AND PUBLIC SAFETY	27	1	11	1
EDITORIAL	17	0	0	0
EXECUTIVE COMMITTEE	17	0	0	0
LOCAL AGENCIES AND DISTRICTS	23	1	5	1
JAIL ISSUES (AD HOC)	23	1	12	1
TOTAL	165	5	45	6

*Due to COVID-19, some business was conducted by secure e-mail

* Not all investigations resulted in a report

Focusing on the Shasta County Grand Jury

What is the Grand Jury?

Historically, the roots of the Grand Jury can be traced back to the Assize [court session or assembly] of Clarendon in 1166 which provided the groundwork for our present Grand Jury system. During the reign of Henry II (1154-1189), in order to regain the powers for the crown, which were usurped by Thomas Becket, Chancellor of England, twelve “good and lawful men” in each village were assembled to reveal the names of those suspected of crimes. It was during this same period that juries were divided into two types, civil and criminal, with the development of each influencing the other.

In the early decades of the United States, grand juries played a major role in public matters. During that period counties followed the traditional practice of requiring all decisions be made by at least 12 of the grand jurors, (e.g., for a 23-person grand jury, 12 people would constitute a bare majority). Any citizen could bring a matter before a grand jury directly, from a public work that needed repair, to the delinquent conduct of a public official, to a complaint of a crime, and grand juries could conduct their own investigations. The grand jury served to screen out incompetent or malicious prosecutions. The advent of official public prosecutors in the later decades of the 19th century largely displaced private prosecutions.

While all states currently have provisions for grand juries, today approximately half of the states employ them and 22 require their use, to varying extents. California and Nevada are the only remaining states which mandate conducting civil investigations and audits of local governments to insure efficient and proper operation of all local government, and to detect and expose fraud/malfeasance.

The California constitution always requires all 58 counties to have at least one grand jury impaneled. Grand juries are governed by Title 4 and Title 5 of the California Penal Code and are not subject to the Brown Act. These county-level grand juries primarily focus on oversight of government institutions at the county level or lower. Therefore, California’s grand juries are often called civil grand juries. Almost any entity that receives public money can be examined by the grand jury, including county governments, cities, and special districts. Each county has a grand jury that is convened on an annual basis by the Superior Court to carry out three functions:

- Investigating and reporting on the operations of local government (“watchdog” function)
- Issuing criminal indictments to require defendants to go to trial on felony charges, and
- Investigating allegations of a public official’s corrupt or willful misconduct in office, and when warranted, filing an “accusation” against that official to remove him or her from office.

Regarding its watchdog authority, the grand jury is well suited to the effective investigation of local governments because it is an independent body, operationally separate from the entities and officials it investigates. It conducts its investigations under the auspices of the Superior Court and has broad access to public officials, employees, records and information.

The grand jury’s fact-finding efforts result in written reports which contain specific recommendations aimed at identifying problems and offering recommendations for improving government operations and enhancing responsiveness. In this way, the grand jury acts as a representative of county residents in promoting government accountability.

In some counties, the regular grand jury issues indictments. In others, the Superior

Court, at the request of the District Attorney, impanels a separate “criminal grand jury” to hear evidence in support of an indictment. Overall, grand juries throughout the state spend considerably more time on investigating and reporting on local government operations than they do on criminal matters.

The Shasta County Grand Jury is an independent body comprised of 19 Shasta County citizens that functions as an arm of the judicial branch of government operating under the guidance of the Presiding Judge of the Shasta County Superior Court. In this capacity, the Grand Jury inquires into and investigates the operations of local government agencies and officials, ensuring that their activities are authorized by law and services are efficiently provided. Members of the Grand Jury are selected through an application and interview process by the Superior Court.

Why does the Grand Jury matter?

The Grand Jury acts as a watchdog for the county. It helps local government to be more accountable and efficient. Empowered by the judicial system, it is a fact-finding body that develops meaningful solutions to a wide range of government problems which, in turn, facilitates positive change in the county. The Grand Jury examines statutory aspects of the city governments, county government, special districts, the local agency formation commission, school districts, housing authorities, joint powers agencies, and non-profit agencies established by or operated on behalf of a public agency. The Grand Jury determines whether monies of local government agencies are handled properly and that all accounts are properly audited – in general, assuring honest, efficient government in the best interest of the county residents.

By what authority does the Grand Jury act?

The California State Constitution requires the Superior Court in each county to impanel at least one Grand Jury each year. Grand juries are governed and guided by California Penal Code Section 925, et seq. The code authorizes the Grand Jury to investigate and report on the operations of any local governmental agency within the county. On rare occasions, the Grand Jury may even review criminal cases.

All communications with the Grand Jury are confidential. Because the Grand Jury is exempt from the state’s open meeting law (the Brown Act), actions are taken by a vote of the Grand Jury in accordance with their own rules and procedures. The ability to internally police itself allows the Grand Jury to operate completely independent of external pressures.

When there is a perception of a conflict of interest involving a member of the Grand Jury, that member has been required to recuse from any aspect of the investigation involving such a conflict and from voting on the acceptance or rejection of that report. None of the 2019-2020 Grand Jurors were recused from any investigations. Had any jurors found it necessary to recuse themselves, they would have been excluded from all parts of the specific investigations requiring recusal, including interviews, deliberations, and the making and acceptance of the report.

Would you like to serve on the Grand Jury?

Citizens over the age of 18 in Shasta County are given an opportunity to serve on the Grand Jury. For specific information regarding juror qualifications and applications to serve on the Grand Jury, either contact or visit the following address:

Shasta County Superior Court 1500 Court Street, Room 205

How do you file a Citizen Complaint with the Grand Jury?

The grand jury reviews all complaints and investigates when appropriate. All complaints are treated confidentially. The complainant may be asked to appear as a witness. A citizen complaint form may be obtained online at www.shastacountygrandjury.org or by contacting:

Shasta County Grand Jury
P.O. Box 992086 Redding, Ca. 96099-2086 (530) 225-5098
www.shastacountygrandjury.org

How are Grand Jury reports written and published?

The content and subject matter of the Grand Jury reports are the result of a diligent effort by the members of the Grand Jury. The reports are prepared by members of the Grand Jury and reviewed by County Counsel, or the District Attorney, and the Presiding Judge of the Superior Court. The reports are then made available online at www.shastacountygrandjury.org and at the Shasta County Clerk's Office. A Consolidated Final Report is printed by the Record Searchlight at the end of each term.

Throughout the course of the 2019-2020 term, the Grand Jury met, discussed policies and procedures, and reviewed possible subjects for inquiry and/or in-

vestigation. Committees were formed to perform specific investigations. Subjects for investigation were initiated by citizen complaints or by members of the Grand Jury. Upon completion of the individual investigations, reports were prepared and edited by the Grand Jury and then forwarded on to County Counsel or the District Attorney for legal review. After legal review, the reports were forwarded to the Presiding Judge for final review and approval to release to the public.

The 2019-2020 Grand Jury released individual reports prior to the end of its one-year term. At the end of its term, all investigative reports, including those previously released, are compiled into one report referred to as the Consolidated Final Report of the Grand Jury, and released to the public.

Who responds to the Findings and Recommendations of the Grand Jury report?

Typically, each report includes both Findings and Recommendations. The Findings consist of conclusions, relevant to the specific entity investigated, which are of concern to the Grand Jury. The Recommendations are proposals by the Grand Jury which will help to remedy problems or inefficiencies within the agency or organization. California Penal Code Section 933 requires responses to the final report be submitted to the Superior Court in a timely manner. Required responses are to be submitted within 60 days for elected officials and 90 days for elected governing bodies, and within 60 days for non-elected officials. It is anticipated that the various agencies and governments will respond in a manner that is in the best interest of the residents of the county.

2019-2020 Summary Reports

Detention Facilities

- **Shasta County Jail**
- **Juvenile Rehabilitation Facility (JRF)**
- **Sugar Pine Conservation Camp #9**
- **Community Corrections Center (CCC)**
- **Day Reporting Center (DRC)**

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.

DETENTION FACILITIES

SHASTA COUNTY JAIL



The Shasta County Jail located at 1655 West Street in Redding is a medium to high-security detention center that is operated by the Shasta County Sheriff's Office. The Shasta County Jail's mission to "provide a safe and secure institution that conforms to California Revised Statutes for the incarceration of the pre-adjudicated and sentenced offenders as mandated by the courts.

The facility was initially designed and built to hold inmates who are awaiting trial or sentencing or who have been sentenced to one year or less. At maximum capacity, the jail can hold up to 484 prisoners: 404 males and 80 females. Inmates range from low level misdemeanor offenders to those being held and awaiting trial for violent crimes like robbery, rape, and murder. In addition, the Shasta County Jail also houses inmates arrested by this county's municipal

police departments in Redding and Anderson.

Built in 1984, the facility has held up well for over three decades in its present configuration. But in the last few years, due in part to policy changes in probation and detention, the jail has struggled to maintain its mission. Several agencies and the media have reported the Shasta County Jail has been dealing with chronic overcrowding condition, a situation that has been described as "critical." An expansion project adding over 100 beds to the facility was completed in January 2019, but the beds were quickly filled up within a few weeks.

Grand Jury Facility Visit

On the ninth of October in 2019, members of this Grand jury visited the Shasta County Jail where we were given a briefing by the Sheriff and his staff before being escorted to the detention complex. Most of the Jurors had never been inside a detention facility and learned quite a bit about how the facility is maintained and operated as well as the process of managing intake and release of inmates due to the overcrowding.

The objectives of this visit were to get a briefing about the jail, a tour of the facility, and educate the Grand Jurors on the functionality and process of the facility to keep our community safe. After the tour of the Jail, several incidents and reports surfaced, which indicated a more detailed inspection of the jail and its personnel may be warranted. It was decided by Grand Jury Plenary to form an ad hoc committee on Jail Issues and to direct that committee to initiate an investigation of the jail facility, jail personnel, and inmates.

JUVENILE REHABILITATION FACILITY (JRF)

The Shasta County Juvenile Rehabilitation Facility (JRF) is an ultra-modern detention center located at 2684 Radio Lane in Redding. It is staffed and operated by the Shasta County Probation Department and is a temporary holding facility for minors awaiting court and is operated in accordance with the regulations set forth in the California Minimum Standards for Juvenile Facilities, Title 15. Most of the detainees stay for less than two years. The facility also has youths from

other counties, who no longer operate a juvenile detention facility and have an agreement with Shasta County to house these youths.

The JRF consists of a 47,000 square foot building with three 30 bed housing units, a medical clinic, a multi-purpose room, a commercial kitchen, classrooms, administrative space, a central control office, secure intake areas, an outdoor recreation yard and new parking lots covering approximately 4.7 acres. The facility was built in 2013 and provides 24-hour medium to low level security capable of housing up to 90 residents.



The facility is staffed by Juvenile Detention Officers (JDO) who supervise the residents and are responsible for their care, custody, and control.

While the detainees are housed in the facility, the following services are provided or offered:

- Mental health services are provided by California Forensic Medical Group, Shasta County Mental Health, and other community-based organization clinicians. This care includes crisis intervention, individual therapy, psychotropic medication, and monitoring of youth on psychotropic medications.
- Education is administered by the Shasta County Office of Education and is located inside the JRF. The classrooms are staffed with two full-time teachers, a resource teacher, and two full time Instructional Assistants. Each student is given individualized assignments according to their grade level, academic ability and requirements towards successfully completing a high school education.
- Alternatives to detention: In response to evidence-based practices and the growing numbers of bookings into the JRF, the Probation Department instituted strategies to address the specific needs of the individual and of the community.

Other programs offered to youth in custody: Boys Council, Girls Circle, Moral Recantation Therapy (MRT), individual counseling, Alcoholic Anonymous (AA) /Narcotics Anonymous (NA) 12- step programs, Planned Parenthood, life skills, aggression replacement training, the Gardening, Responsibility, and Ownership of Self, and Community Well-Being (GROW) Program, cross fit, cardio dance, yoga, as well as arts and crafts. (Moral Reonation Therapy (MRT) is a systematic treatment strategy that seeks to decrease recidivism among juvenile and adult criminal offenders by increasing moral reasoning).

Grand Jury Facility Visit

Members of the 2019-2020 Shasta County Grand Jury (SCGJ) visited the facility and were given a tour by the JRF staff on the 3rd of December 2019. The building and grounds were exception- ally clean and well maintained. Of particular interest were the education program and the GROW program, which to our surprise included caring for and raising of goats and chickens as well as growing fruits and vegetables.

The staff were very informative and answered all our questions. It was obvious to the members of the Grand Jury that the staff was very motivated and compassionate about their jobs and were fully committed to working with the youth in assisting them to learn, cope, and change in order for them to move forward with their lives and become better citizens.

SUGAR PINE CONSERVATION CAMP #9



The California Department of Corrections and Rehabilitation (CDCR), in cooperation with the California Department of Forestry and Fire Protection (CAL FIRE), jointly operate 43 conservation camps, commonly known as fire



camps, located in 27 counties. All camps are minimum-security facilities, and all are staffed with correctional staff.

Overall, there are approximately 3,100 inmates working at fire camps currently. Approximately 2,200 of those are fire line-qualified inmates. In addition to inmate firefighters, camp inmates can work as support staff for the camps. All inmates receive the same entry-level training that CAL FIRE's seasonal firefighters receive in addition to ongoing training from CAL FIRE throughout the time they are in the program.

An inmate must volunteer for the fire camp program; no one is involuntarily assigned to work in a fire camp. Volunteers must have "minimum custody" status, or the lowest classification for inmates based on their sustained good behavior in prison, their conforming to rules within the prison and participation in rehabilitative programming. Some conviction offenses automatically make an inmate ineligible for conservation camp assignment, even if they have minimum custody status. Those convictions include sexual offenses, arson, and any history of escape with force or violence.



When not fighting fires, inmate firefighters perform conservation and community service projects performing a wide range of duties, such as clearing brush and fallen trees to reduce the chance of fire, maintaining parks, sand bagging, flood protection and re-forestation.

Adult male inmates receive fire-fighting training at the California Correctional Center, Susanville; Sierra Conservation Center, Jamestown; the California Men's Colony, San Luis Obispo; and the California Rehabilitation Center, Norco. Female inmates are trained at the

California Institution for Women, Corona. Juvenile offenders are trained at the Pine Grove Conservation Camp in Amador County.

History

The Conservation Camp Program was initiated by the CDCR (originally named the California Department of Corrections) to provide able-bodied inmates the opportunity to work on meaningful projects throughout the state. The CDCR road camps were established in 1915.



During World War II, much of the work force that was used by the Division of Forestry (now known as CAL FIRE), was depleted. The CDCR provided the needed work force by having inmates occupy "temporary camps" to augment the regular fire fighting forces. There were 41 "interim camps" during WWII, which were the foundation for the network of camps in operation today.

In 1946, the Rainbow Conservation Camp was opened as the first permanent male conservation camp. Rainbow made history again when it converted to a female camp in 1983. The Los Angeles County Fire Department (LAC), in contract with the CDCR, opened five camps in Los Angeles County in the 1980's.

While the CDCR is responsible for the selection, supervision, care and discipline of the inmates, CAL FIRE maintains the camp, supervises the work of the inmate fire crews, and is responsible for inmate custody while on daily grade projects. CDCR staff often accompany inmate fire crews on out-of-county assignments, or on local assignments located near residential areas. Inmates are directly supervised 24 hours per day while on work projects and while assigned to emergencies. In addition to fires, the crews have been assigned to rescue efforts in local parks and are also eligible to respond for flood suppression.

Grand Jury Facility Visit



On February 11th, this Grand Jury did its annual review of operations at the Sugar Pine Conservation Camp. The Camp is a joint operation between the California Department of Corrections and CAL FIRE. The camp personnel consisted of eight Correctional Officers and 17 CAL FIRE personnel. The camp is designed to house up to 120 inmates. Inmates that are selected to be part of the camp are assigned as minimum custody designation. Most inmates are paid \$1.45 a day for their work. Skilled inmates may earn up to \$2.45 a day. The inmates live in open dormitories with a dining hall staffed by inmate cooks. The CDCR staff provide around the clock supervision of the inmates.

Teamwork is the working structure of the camp. The Corrections staff, CAL FIRE staff and the inmates support and rely upon one another with shared responsibilities. This working structure is successful because of the communications, trust and sense of fair play between inmates, Corrections staff and CAL FIRE personnel. The inmates feel for the most part they are not treated as convicts but as valued members of the team.

Inmates from the California Conservation Camps make up approximately 30% of California's firefighter workforce. Not only are they an integral part in fighting and containment of fires but contribute a great deal to creating defensive spaces by clearing landscapes and forests of combustible material.

According to the Camp Commander, the success of the camp at turning around the lives of inmates is much higher than you see in a conventional correction setting. As members of the Grand Jury we had a chance to talk to many inmates. They all showed a true desire to get their lives on the right track once they are paroled. We were all impressed with their work ethic and attitudes. We feel that Sugar Pine Camp is a positive force in our county and state. The staff and inmates should be commended on being a beacon of hope and success. Truly they are a shining star within the correction institutions for the state of California.

COMMUNITY CORRECTIONS CENTER (CCC)

The Community Corrections Center (CCC) is located across the street from the Shasta Administration building at 1421 Court Street in Redding. The CCC is referred to as a "one stop shop", consisting of multiple agencies from both the county and private agencies.

This collaboration is where offenders are provided with orientation related to their formal supervision requirements, assessment of their criminogenic, cognitive-behavioral therapy, and supervision in a coordinated fashion. Evidence-based programming is utilized to facilitate a successful re-entry of offenders back into the community.

The following agencies are represented and in residence at the CCC:

Shasta County Health and Human Services (HHSA)



A Mental Health Clinician is available five days a week to conduct assessments for offenders who have mental health issues and/or substance abuse addiction issues. HHSA also provides a Community Health Advocate who is available to assist offenders in obtaining general aid, food stamps, and medical insurance. Most offenders are released from custody without a means to provide

for themselves or their families. The Nurse Family Partnership (NFP) program, primarily run by HHSA, facilitates and provides a means of income for offenders who are deemed appropriate to be enrolled in NFP as well as other parenting programs.

Shasta County Probation Department



The Probation Department has several of its members assigned to the CCC to administer programs like the Supervised Own Recognition Program (SOR), which oversees selected pre-sentenced offenders in order to reduce the burden of overcrowding at the jail, as well as increase the percentage of offenders appearing at their scheduled court hearings.

There is a Compliance Officer housed at the CCC who works with other probation officers and officers within the local law enforcement community to maintain consistent and regular personal contact with offenders on formal supervision and those on SOR. Two Probation Assistants provide aid and support to offenders in their successful transition to the Shasta Technical Educational Program Unified Partnership (STEP-UP), which is a collaborative effort between multiple agencies to provide offenders the opportunity to participate in one-year certification programs through Shasta College.

Probation also has a High-Risk Transition Officer assigned to the CCC. This officer is assigned offenders who are deemed high risk to re-offend based on an evidence-based risk assessment tool.

Another two officers, one assigned to the "Striker" Caseload. This caseload is comprised of offenders with two designated "strike" offenses on their record. The intent of this caseload is to provide close supervision within the community coupled with the appropriate treatment and services to reduce recidivism and future lengthy prison commitments.

Finally, Probation has an officer assigned to assist with offenders exiting prison on Post Release Community Supervision (PRCS). This PRCS Investigations Officer reviews cases and submits to CDCR the appropriate conditions of supervision promote community safety and aid each offender in their successful re-entry into the community.

Northern Valley Catholic Social Services (NVCSS)



NVCSS is non-profit organization located throughout Northern California which administers the Participants Actions to Housing (PATH) program. A program dedicated to assisting offenders with finding and keeping safe and affordable housing.

They provide workshops aimed at teaching offenders in areas such as how to find safe and affordable housing, how to be a good tenant, and how to budget their income.

DAY REPORTING CENTER (DRC)



Right next door to the CCC is the Day Reporting Center (DRC). Managed by BI Incorporated/GEO Group. The BI Incorporated/GEO Group was established in 1978, and is the largest provider of GPS ankle bracelets, alcohol monitors, RF technology, and probation-related services in the United States. BI offers a full continuum of monitoring technologies and related supervision services for parolees, probationers,

pretrial defendants, and individuals involved in the immigration process.

The Day Reporting Center (DRC) is operated separately from the CCC and provides intensive services to offenders to address their top criminogenic needs in order to create lasting change in offender behavior, thereby reducing repeat offenders or recidivism. The DRC is open seven days a week and offenders progress through three phases and aftercare to complete this program.

Grand Jury Facility Visit

In November 2019, members of this Grand Jury were given a tour of both Community Corrections Center (CCC) and the Day Reporting Center (DRC). While both facilities seemed to be rather small in relation to their space, their role and impact in the Probation Department are huge. Grand Jurors were impressed with the innovative ways the County has adopted to handle recidivism and the struggles individuals face when released on probation.

These programs have proved to be invaluable considering recent probation regulations and propositions handed down by the State of California. The County detention centers are operating either at or near capacity and these programs provide a path for individuals on probation to get the proper help and guidance to get their lives moving in a positive direction and not return to the county detention centers. Furthermore, these programs are a fine example of teamwork and cooperation between multiple agencies/departments within Shasta County and private sector re-habilitation programs.

2019-2020 Investigative Reports

- Compliance Report — Responses to the 2018-2019 Shasta County Grand Jury Reports
- Shasta County Clerk / Elections — “In Shasta County – Your Vote Counts”
- Fire Fuel Management — “Summer of Fire”
- French Gulch Whiskeytown School District — “So Much with So Little”
- Shasta Jail Inspection — “It’s a Jail”
- Shasta County District Attorney — “Fighting the Good Fight”

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.

2019-2020 GRAND JURY COMPLIANCE REPORT

Responses to the 2018-2019 Shasta County Grand Jury Reports

SUMMARY

This Compliance Report covers the responses to the 2018-2019 Grand Jury Consolidated Report. The full Consolidated Report, approved by the Shasta County Superior Court, is available to the public and is archived online at www.shastacountygrandjury.org. California Penal Code Sections 933 and 933.05 mandate there be responses to final Grand Jury Reports. The current sitting Grand Jury may review the responses to the Investigative Reports from the prior year’s Grand Jury to ensure timely and adequate responses to the reports from the elected officials and governing bodies of the public agencies, special district or educational institution that are the subjects of the reports.

Elected officials must respond within 60 days; governing bodies (i.e., City Council) must respond within 90 days after a report is released to the public. The Grand Jury fully reviewed the Reports from 2018-2019 and the responses from the governing bodies charged with preparing those documents. It is with great appreciation that we report all were in total compliance with the required time period for compliance with Penal Code §933 and all responses complied with Penal Code §933.05.

BACKGROUND

The goal of the Grand Jury is to provide analysis of local government functions, their effectiveness, compliance with law and effect upon the public. The Grand Jury is also charged with developing verifiable findings and recommendations, appropriate to the governing body or elected official who has jurisdiction over the subject of the investigation. To fully understand an investigative report’s findings and recommendations, a careful read of the report is necessary.

METHODOLOGY

This year’s Grand Jury fully reviewed the Reports from 2018-2019 and the responses from the governing bodies and elected officials charged with preparing those documents. The prior year’s Grand Jury produced the following Final Reports:

- Medical Services at Shasta County Jail
- SHASCOM 911 Services
- Sugar Pine Conservation Camp

DISCUSSION

The 2018-2019 Shasta County Grand Jury Consolidated Final Report contained three individual reports with a total of 28 findings, 12 recommendations, 2 commendations to the Medical and Correctional Staff of the Shasta County Jail and 1 commendation to the Sugar Pine Conservation

Camp. Additionally, a commendation was issued to all agencies that put links to CodeRED on their websites. According to the Penal Code, elected bodies and officials are mandated responders.

There were five required respondents identified in the 2018-2019 Consolidated Final Report. All responded to both findings and recommendations. The 2019-2020 Shasta County Grand Jury reviewed the responses to recommendations for compliance with the Penal Code. According to the Penal Code § 933.05(b), for each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

- (1) *The recommendation has been implemented, with a summary regarding the implemented action.*
- (2) *The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.*
- (3) *The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.*
- (4) *The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.*

The following two reports offered no Recommendations:

Medical Services at the Shasta County Jail- It Works

The Grand Jury commended the medical and correctional staff of the Shasta County Jail on providing efficient and compassionate medical

care for the inmates at the Jail. The Grand Jury also commended the medical and correctional staff of the Shasta County Jail for meeting or exceeding its contractual obligations during the fiscal years 2016-2017 and 2017-2018 and offered no Recommendations in this Report.

Shasta County Sheriff's Department Responded: "We will continue to provide efficient and compassionate medical care for the inmates in the jail, and will not be complacent, rather strive for improvement".

Sugar Pine Conservation Camp

The Grand Jury commended the Sugar Pine Conservation Camp for being a positive force in our County and State correctional system and offered no Recommendations in this Report.

TABLES SUMMARIZING RESPONSES RECEIVED

The responses of each mandated responding agency/entity of the remaining Report is summarized in the table below. To review the complete responses of all respondents, go to the Shasta County Grand Jury's website at www.shastacountygrandjury.org

2018-2019 SHASTA GRAND JURY RESPONSE SUMMARY CHARTS

SHASCOC: 9-1-1 What's Your Emergency?		
THE 2018-2019 SHASTA COUNTY GRAND JURY RECOMMENDED:	REQUIRED RESPONDENT	RESPONSES
R1. By September 30, 2019, the SHASCOC Board will begin the process of hiring a subject matter expert (management consultant) to review and analyze personnel management issues related to overtime, staffing levels, and dispatcher responsibilities and classifications (PSDI and PSDII). Funding could come from current-year budget savings or be allocated to the following year's budget.	Shasta County SHASCOC	The recommendation will not be implemented and is not warranted. The staffing shortage and recruitment challenges are felt at most 9-1-1 centers and are not unique to SHASCOC. The responsibilities and classifications (PSD I and PSD II) were negotiated items with the employee bargaining group and are a part of their Memorandum of Understanding.
R2. By October 31, 2019, the SHASCOC Board will instruct the SHASCOC Director to prepare a comprehensive recruitment plan that analyzes appropriate targets and details the timing and methods of recruitment.	Shasta County SHASCOC	The recommendation will be partially implemented. The current director will be retiring in September, but the full recommendation will be implemented within six months of the appointment of a new SHASCOC director.
R3. Beginning January 31, 2020, the SHASCOC Board will require the SHASCOC Director to provide quarterly reports on recruitment efforts and outcomes, based on the comprehensive recruitment plan.	Shasta County SHASCOC	The recommendation will be implemented by January 31, 2020.

SHASCOC: 9-1-1 What's Your Emergency?		
THE 2018-2019 SHASTA COUNTY GRAND JURY RECOMMENDED:	REQUIRED RESPONDENT	RESPONSES
R4. By January 31, 2020, the SHASCOC Board will require the SHASCOC Director to have prepared and initiated the Request for Proposal (RFP) process for hiring the management consultant.	Shasta County SHASCOC	The recommendation will not be implemented as it is not warranted at this time. The Board will reevaluate the recommendation at a future date after allowing time for other Grand Jury recommendations to be completed and results evaluated.
R5. By November 30, 2019, the SHASCOC Board will require the SHASCOC Director to present a timeline for achieving compliance with accreditation certification of the dispatch center, either through POST or an alternate accreditation organization.	Shasta County SHASCOC	The recommendation was already met when a training timeline was agreed to between the Agency and POST at the January 14, 2019 Board meeting. A staff report will be presented to the Board prior to the recommended date to codify the timeline and agreement with POST.
R6. By November 30, 2019, The SHASCOC Board will require that each employee's annual evaluation include continuing education requirements and provide a reasonable timeframe to complete the training.	Shasta County SHASCOC	The recommendation will be implemented by November 30, 2019.

The 2018-2019 Grand Jury requested Responses from: City of Redding, City of Anderson, City of Shasta Lake, Shasta County Sheriff Department, and SHASCOC to the report "911: What's your Emergency?"

City of Redding, City of Anderson, City of Shasta Lake Responded to the report with written statements within the time period requested. Each stated "The City is not a governing body of SHASCOC and is not required by Penal Code Section 933" to respond.

The Shasta County Sheriff's Department responded to the report with written statement within the time period requested. The Shasta County Sheriff's Department response: "As Sheriff, a response is beyond my purview and inappropriate".

SHASCOC Board of Directors responded with written statement within the time period requested. The Response is completely transcribed in the following table.

R7. By November 30, 2019, the SHASCOC Board will instruct the SHASCOC Director to conduct an in-house audit on the effectiveness of the training program and report the results to the Board by January 31, 2020.	Shasta County SHASCOC	The recommendation will not be implemented by November 30, 2019 due to the current director's retirement. The Board will instruct the new director to comply with the recommendation by January 31, 2020.
R8. Beginning at the September 2019 SHASCOC Board meeting, and at each bi-monthly meeting thereafter, the Board will require written updates on the performance of the CAD until all issues are resolved to the satisfaction of participating Agencies.	Shasta County SHASCOC	The recommendation will be implemented at the September 2019 Board meeting.
R9. By January 31, 2020, SHASCOC Board will instruct the SHASCOC Director to present a project plan for incorporating information on people with access and functional needs into the CAD database.	Shasta County SHASCOC	The recommendation will be implemented by January 31, 2020.
R10. By January 31, 2020, the SHASCOC Board will instruct the SHASCOC Director to plan the implementation of an annual performance test of CodeRED with a subsequent report to the Board on the system's effectiveness within 60 days of the test.	Shasta County SHASCOC	The recommendation will not be implemented as it is not warranted. Such wide scale testing is disruptive to the Agency, which received 1,200 additional 9-1-1 calls during the 2 hours of the last system test. It can also have the unintended result of numbing the public to future emergency notifications.
R11. By January 31, 2020, the SHASCOC Board will instruct the SHASCOC Director to appoint a staff member of SHASCOC to improve the CodeRED registry website and expand public registration, including persons with special access and functional needs.	Shasta County SHASCOC	The recommendation will not be implemented as it is unwarranted. With nearly 150,000 registered contacts, we feel the system is properly and adequately utilized.

SHASCOC: 9-1-1 What's Your Emergency?		
THE 2018-2019 SHASTA COUNTY GRAND JURY RECOMMENDED:	REQUIRED RESPONDENT	RESPONSES
R12. By May 31, 2020, the SHASCOC Board will establish an operational, standing Advisory Board, composed of community volunteers as outlined in this report.	Shasta County SHASCOC	The recommendation will not be implemented as it is unwarranted.

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.

Released: October 11, 2019

AN INVESTIGATION OF THE ELECTION PROCESS IN SHASTA COUNTY - YOUR VOTE COUNTS!

SUMMARY

It was the consensus of the 2019-2020 Shasta County Grand Jury that the citizens of Shasta County would like reassurance that the voting processes in this county are above reproach. After extensive investigation, several interviews, and personal observation of election day activities, this Shasta County Grand Jury has determined that the voting processes in our county result in accurate tallies; that the security and other safeguards that are in place maintain and assure the accuracy of the system; and the resolve of the employees and the volunteers not only keep the system running smoothly but provide a proactive environment to continually improve the system when possible.

BACKGROUND

Among the most important rights that we, as citizens, have is the right to vote. Having the right to vote and exercising it properly is fundamental in determining how our government operates, who operates it on our behalf, how our taxpayer dollars are spent, and how the government affects and determines our desired way of life. Accordingly, it is important that elections be conducted in accordance with the law, free of voter fraud or other unlawful actions that could prevent an election from producing accurate results. Voter fraud could change the legitimate outcome of the citizens' majority vote. Many of the methods that can stop fraudulent voting are simple and logical, but often they are not implemented.

Voter fraud can affect the decisions of elected officials at all levels. People in a position to prosecute those involved often hesitated or refused to do so because of the adverse effects on themselves or other people, political goals, budget allocations, and long range plans. Little of this is seen today. And, as both the voting process and the safeguards in place become modernized and gradually require less reliance on the physical paper ballot for the tally, vote accuracy has greatly improved and the possibility of external intervention has been greatly reduced.

Types of voter fraud include:

- A non-citizen registering to vote (and subsequently doing so)
 - An individual voting by using someone else's name
 - An individual registering to vote more than once using different names, addresses, precincts and/or birthdates
 - Voting machine fraud or hacking
- Alleged voter registration irregularities used in the past included:
- Politically motivated organizations registering non-citizens
 - Registering homeless people living at a single address, then "helping them" fill in their ballots (then called absentee ballots)
 - A person obtaining a quantity of blank registration forms and literally "going through the phone book" for names to register.

FACTS

A. Voter fraud is rare in Shasta County, and is prosecuted when discovered. The Shasta County Elections Office explained the many cross-checks in place.

B. In the past, voter registration required only a verbal affirmation of citizenship and non-felon status. However, these requirements are now verified by one of several ways during the final vetting process.

C. Current voter registration requires proof of age and address such as would be obtained from a Department of Motor Vehicles (DMV) Driver's License or ID card, and the last four digits of the Social Security number.

D. Shasta County, to the extent possible, validates and updates all voter registrations and the voter database. This is done using voter input, DMV ad-

dress, United States Postal Service (USPS) change of address, Social Security Administration data, the Superior Court and the Public Health Department. A registered voter dying outside the county might not be reported right away.

E. The Shasta County Department of Elections/County Clerk actively encourages eligible citizens to register to vote. Information of all kinds is available in many places, as well as help through their county office. There is a program available to the high schools informing the students of the importance of voting and about the registration process. They are actually allowed to pre-register as they approach voting age.

F. The Shasta County Elections Office (elections office) explained the many problems they encountered with the new DMV voter registration process that began in April 2018. The DMV encouraged a great many of their customers to register to vote, often without explaining eligibility/citizenship requirements. Additionally, many incomplete forms were submitted by the DMV to the elections office. These problems were addressed by election offices throughout the state, and ineligible people were removed from the rolls. The forms provided by the DMV have become more consistently correct and complete. Most problems with DMV provided voter registrations were corrected before the June 2019 election.

G. Voting machines are programmed, checked before each election, and kept secure. They are transported to the polling places typically a day or so ahead of the election.

H. Voting machine secure digital memory (SD-memory) cards are secure at all times. Tallies from the polling place are done on an isolated server. Poll data (SD-memory cards, ballots, etc.) is carefully documented, counted and logged (several times), and always in the possession of at least two people. Ballot count and voter count must match.

I. The Help Americans to Vote Act (HAVA) regulations are sometimes cumbersome, but do not hinder the process. HAVA requirements and the Building Code for the polling places are often as restrictive as the Americans with Disabilities Act (ADA) regulations for people with disabilities.

J. At the election office, all election material from each precinct is closely monitored. Counts must add up (number of voters, number of used ballots, number of unused ballots). All material

first has its ID scanned as it arrives, then is logged in manually at each of two different locations. Voting tallies are done again on the isolated servers in a secure area at the election office. All activity, especially transporting these materials, involves at least two people closely monitoring what is going on.

K. There are two checks at the polling place to verify voter eligibility. The signature log and the address log. Poll workers are not allowed to ask for identification unless the voter is flagged for an ID check. This usually occurs if there is a problem in a recent voter registration as identified by the elections office.

L. Most voting issues can be handled by the poll supervisor. Often, provisional ballots are used.

M. People rarely try to fraudulently vote for someone else in Shasta County. There are many cross-checks in place. Plus, the poll volunteers, particularly in unincorporated areas of the county, are often from the same neighborhood and know the residents.

N. It was noted that the salaries for employees of the County Clerk/Elections Department are below those of comparable positions in some other departments in the county. This has caused difficulty in obtaining new employees and keeping current employees.

O. Nearly 80% of voters in Shasta County vote by mail.

P. The age of the average voter in Shasta County is 60½.

Q. There was a significant error in the title of Measure A in the voter information guide, the only local measure on the ballot for the March 2020 primary election.

METHODOLOGY

This Grand Jury decided to begin this investigation by finding as much information as possible about the voting process and its history in California and Shasta County specifically. It then validated, to the extent possible, the authenticity of that information. There is a wealth of information available at the Shasta County Elections Office and their website detailing how to register and vote, registration requirements, and the importance of voting.

This Grand Jury interviewed three individuals, including people from the County Clerk/Elections Office and one poll worker. Additionally, on the day of the November 2019 election, quite a few grand jurors went (in pairs) to several polling places in the county to observe and ask about the voting processes, and five grand jurors went to the elections office to observe the receipt, logging and handling of election materials from each polling place, and the tally of the election results.

DISCUSSION

Based on our initial research, this Grand Jury did not expect to find any egregious irregularities in the voting process in Shasta County. However, it did go in with an open mind, and with no pre-conceived expectations one way or the other.

The first thing this Grand Jury investigated was the voter registration process and the methods to ensure only eligible citizens are registered to vote. In years past, only a verbal sworn statement of

citizenship and eligibility was required to register to vote. This is no longer the case. We are happy to report that today a citizen can register to vote not only at the County Clerk's office but also at the DMV year-round. In addition, registration can be done on-line and at many tables and kiosks in shopping centers and businesses around town as an election approaches.

Voter registration requires proof of name and address. A DMV Driver's License or ID is often used. The last four digits of the Social Security Number (SSN) may be requested. There is an extensive list of authorized forms of identification that the Department of Elections will accept. The Department of Elections then vets the voter registration information to confirm and finalize the registration.

The voter registration database is updated continually. In many cases the voter will provide a change of status (married name, address change, etc.). Further information is obtained from the USPS address changes, DMV data, Social Security Administration (SSA) data, the Superior Court, and the Public Health Department.

The Department of Elections employees and all volunteers are totally prepared for election day. There is required training for all personnel, with refresher tests required before each upcoming election. If somebody fails to pass the refresher test, they must retake and pass the training package again before they are eligible.

When the registered voter goes to the poll, the voter is asked for their name

and address, each of which is checked with the current voter log. If the voter is flagged (a rare occurrence, and usually for a new voter) the voter may be asked to show their ID. For any irregularities in the above check-in process, the poll supervisor is called and the problem can usually be solved by using a provisional ballot.

Vote by Mail (VBM) has become popular in Shasta County, and actually statewide as well. Currently about 80% of registered voters in Shasta County vote by mail. Voting by mail provides yet another check for election accuracy as all VBM signatures are manually checked with the signatures on file. This doesn't happen when voting in person at the poll.

Voting machine security is assured. There is virtually no way for the election results to be hacked. Each voting machine has an SD memory card for storing election results. The results from each precinct are tabulated on an isolated server at the elections office. For example, when results from a statewide election are tallied, the Shasta County precincts' results are tabulated, and a fax containing the County Clerk's phone number is sent to the Sacramento elections office. That office then calls the specified number for the county totals. Those of this Grand Jury who went to the Elections Office on election night were very impressed with the detail of organization of the entire election process. One entire hallway wall was covered with post-it notes detailing everything that needed to be done for the current election, due date, the person or group responsible, and all other pertinent information. Four feet by thirty feet of details!

The supervisors, employees and volunteers that worked election night were surprisingly energetic and enthusiastic, even after working a 12 hour work day with several more hours ahead. It is obvious that everyone understood the importance of what they were doing and were proud to be part of the end result! Up until last year, the two people from each polling place bringing all the election materials to the elections office had to stand in line outside until their materials were logged in.

The election in June 2019 was unseasonably hot, even after 8:00 in the evening. Nobody really complained, but the elections office personnel came up with the plan to have the back alley blocked off for dropping off the election materials. Therefore, starting with the November 2019 election, nobody had to leave their car – runners logged in the materials and took them inside! Great plan, and perfect timing considering the inclement weather that evening!

FINDINGS

F1. In years past, only a sworn verbal statement was required to establish citizenship and/or eligibility at the time of voter registration. This provided the potential of stacking votes in a given election in many different ways. In the modern era, use of the DMV Driver's License or ID card, the last four digits of the Social Security number, and a long list of other recognized sources of valid identification allows the Shasta County Department of Elections to properly vet all new voter registrants.

F2. To assure current and accurate voter information, the voter registration records are updated continually. An inactive voter will eventually be removed from the active voter list, but this could take up to eight years (two presidential election cycles).

F3. A good percentage of voter registration as well as good voter turnout is attained in part by the Shasta County Elections Office providing the public with constant reminders (mailings, media, etc.) to register and to vote before each upcoming election.

F4. Shasta County has a good record of preventing voter irregularities (fraud) because of the various cross-checks in place, the updates of voter information and the diligence of the employees and volunteers involved.

F5. The Shasta County Department of Elections indicate that the problems ini-

tially experienced with the DMV provided voter registrations have been essentially eliminated, but are still being monitored.

F6. Voting machine results are accurate because of the initial program checks, many data checks against known results, the security provided, and the multiple tabulations of votes on isolated servers which includes a random hand count.

F7. Polling operations and tabulation of election data are efficient and accurate partly because of the detailed training required and provided by the Shasta County Elections Department.

F8. Due to the extensive checking that is done, there are no known massive or pervasive voting irregularities in Shasta County. While fraudulent/extra votes are theoretically possible, they are few and have not caused problems or raised questions in any final tabulations.

F9. The entire vote tabulation process has been made very efficient by the personnel in the Elections Office due to their job dedication and a proactive approach to continual improvement.

F10. Errors in ballot measure titles and/or summaries, such as occurred with Measure A in the November 2019 election, can mislead voters, causing some to not vote the way they intend.

RECOMMENDATIONS

R1. The Shasta County Elections Office and poll workers shall continue to maintain diligence through every avenue available to them to prevent a non-citizen or ineligible citizen from registering to vote or from voting in an election.

R2. Voter registration records are currently updated by the Shasta County Elections Office on a continuous basis. The Shasta County Elections Office shall continue to do so.

R3. The Shasta County Elections Office should continue to inform and encourage eligible citizens to register and to vote.

R4. The Shasta County Elections Office should continue its current procedures of voter fraud and election irregularities prevention.

R5. The Shasta County Elections Office shall continue monitoring DMV voter registration until the types of errors experienced to date are eliminated. DMV registrations thereafter shall be vetted as are all other voter registrations.

R6. The Shasta County Elections Office shall assure that all efforts to maintain completely accurate election results continue.

R7. The Shasta County Elections Office shall continue its training program at its current level.

R8. The Shasta County Elections Office shall continue to monitor and be alert for current and newly created types of voter fraud.

R9. The Shasta County Elections Office shall continue to be proactive in foreseeing and solving problems in the voting and voting tabulation processes.

R10. The Shasta County Elections Office shall assure that all election materials presented to the voters are absolutely correct.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, this Grand Jury requests responses as follows: From the following governing body within 60 days:

- The Shasta County Clerk and Registrar of Voters (F1 through F10, R1 through R10)

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.

Released: June 29, 2020

THE SUMMER OF FIRE

SUMMARY



Shasta County is known for its beautiful lush forests and its trout, steelhead, and salmon laden rivers. Visitors come from all over the world to partake in the Shasta County experience, and many stay. The population of Shasta County in 1930 was 14,000 and today the population is 180,000. The growth has slowed substantially in the last decade but the boom growth years between 1930 and 2010 have placed substantial stress on the county's Wildland Urban Interface (WUI). New housing projects have expanded well into our forest areas, boasting green, pristine surroundings to attract new home buyers.

During most of the boom era, and continuing today, our previously effective forestry practices have gone by the wayside, placing our "green and pristine" wildlands in grave peril, creating the conditions for catastrophes such as the 2018 Carr Fire.

Between July 23, 2018 and August 30, 2018 Shasta County experienced the

Carr Fire, the seventh most destructive wildfire in California wildfire history. There were 229,651 acres reduced to snags and ash; 1,604 structures, including homes were destroyed, while 277 others were damaged and sadly eight lives were lost. Over 38,000 people were evacuated for up to 10 days, and many of those who lost everything are still waiting for their homes to be rebuilt.

The Shasta County area is prone to wildfires. There have been five significant fire incidents, as well as the countless smaller fires that have occurred since 1992 alone, each of which have ravaged the county. A sustained effort in the areas of fire fuel management and defensible space is required to mitigate or eliminate the threat of future fires. Any success our government agencies will have depends on all Shasta County citizens giving their full support and participation.

The 2019-20 Shasta County Grand Jury recognized the issue and began an investigation of wild- fires in the county. This Grand Jury recognizes that the responsibility for change in Shasta County is required with the assistance of our local cities and county government, including our citizens, to ensure that the entire county follows through and promotes a long awaited and needed shift from suppression to prevention.

BACKGROUND

Shasta County has experienced many wildfires; the Carr Fire of 2018 being the seventh most devastating fire in California history. Over \$1.5 Billion in insured damages were paid out and \$158.7 million taxpayer dollars in suppression costs were incurred.

In August of 1992 the Fountain Fire raged through Round Mountain and Montgomery Creek torching 63,960 acres, 654 structures, and mercifully took no lives. In October 1999, the Jones Valley Fire incinerated 26,220 acres, 954 structures and claimed one life. The Clover Fire of 2013 destroyed 8,073 acres, 296 structures, claimed one life and seriously injured six people. These fires, especially the magnitude of the Carr Fire, emphasize that a new thought process and a continuing long-term plan for fire fuel management is required.

THE INGREDIENTS OF FIRE

As a simple chemical reaction, fire requires three major elements: oxygen, heat and fuel. Heat is characteristic during Shasta County fire season; oxygen is everpresent; and fuel is variable depending upon management practices.



Shasta County's land management practices for the last 30 years have allowed dangerous fuel buildup. This buildup has led to an excess of high ignition rate fuels in our wildlands. Of course, the higher the ignition rate of the fuels the more susceptible the forest is to catastrophic wildfire.

Many fires are started from accidental human activity which is unpredictable. What can be managed is the fuel load and its contribution to devastating fires.



Photo courtesy of weather.com



Photo courtesy of pinterest.com Photo courtesy of actionnews.com



Photo courtesy of dailycos.com

INVESTIGATION METHODOLOGY

In order to understand the total picture, i.e. who is doing what, where and when, it was necessary for the investigating committee to research any entity that had anything to do with Fire Protection in Shasta County. The information was very important to the understanding of the problem. The investigation committee of twelve was broken down into five specific investigation groups. 1) Federal Government (for informational purposes only), 2) State Government (for informational purposes only), 3) Shasta County Fire Departments, 4) City Fire Departments, and 5) Local Districts and Agencies. The subject was broad and complex, so the committee focused on defensible space and fire fuel management as its main issues, and what is being done since the Carr Fire. Groups 1 and 2 utilized web searches to obtain their information. Groups 3, 4 and 5, conducted interviews, site visits, and web searches combined.

The in-depth Defensible Space/Fire Fuel Management Investigation included:

- Fourteen interviews were conducted with individuals from the Shasta County Fire Department, Redding Fire Department, Anderson Fire Department, Shasta Lake City Fire Department, Shasta Fire District, Igo/Ono Volunteer Fire Department, Redding Electrical Utility and Redding Parks Department.

Each interviewee was straight forward, willing and forthcoming, with professional answers to all of our questions. This Jury, in all cases, was impressed with the dedication, pride and commitment each interviewee had to their profession. Shasta County can be assured that the task of fire suppression rests in extremely capable hands.

- In-depth website studies of sources of information relied upon by Shasta County and local City and Districts, including US Forest Service, Fish and Wildlife Service, National Parks Service, Bureau of Land Management, Bureau of Indian Affairs, Intertribal Timber Council, National Association of Foresters, National Weather Service, US Fire Administration (Homeland Security), Federal Emergency Management Agency (FEMA) and Office of Emergency Services (OES) were performed and documented.

- Members of the investigation committee toured the ignition point of the Carr Fire, French Gulch, the town of Keswick, Keswick Estates and several of the other areas of devastation.

- Members of the investigation committee toured the 21-mile-long Highway 44 Shaded Fuel Break and Timber Removal Project, funded as a result of the State's February 22, 2019, "Community Wildfire Prevention Report." They also toured the Swasey/Lower Springs Road portion of the West Redding Project

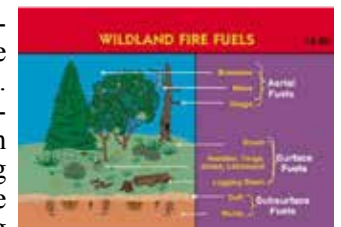
- Members of the investigation committee studied the local private timber companies and learned that they are good stewards of our forests, and declined to interview them. The private companies are outside the jurisdiction of the Grand Jury.

- A member of the investigation committee attended a fire fuel management meeting for the West Redding Project, on January 24, 2020, in Old Shasta.

DISCUSSION

WHAT THE JURY LEARNED

All of the research shows that past forest management practice has been the major cause of the build-up of highly flammable and dangerous fuels. Multiple factors that can occur in our wildland areas cause tree populations to become denser; brush and noxious weeds grow rampant; tree limbs sag to the ground or break during snow storms; surface level fuels such as leaves, pine needles and logging slash gather to unsafe thicknesses; and un-cleared snags, downed trunks and limb wood from previous fires amass as well. The smaller the diameter of the fuel, the faster the fuel will ignite.



Scientists have warned that cyclically rising temperatures are creating ever de-

creasing humidity levels and comparably increasing high temperatures. The fire experience, world-wide, is devastating, but here in Shasta County it means that we have sustained one of the longest, driest, stifling droughts in our history, and our fire season has increased by 75 days (two and one half months).

DEFENSIBLE SPACE

Shasta County must reach its own conclusions and come to its own decisions regarding a solution to the destructiveness of wildfires within the county. SCFD records indicate that 80% of all fires in Shasta County are caused by human activity. Smoking, cooking, careless equipment use, camp fires, backfires, barbecues, electrical mishaps, heating, miscellaneous, undetermined and arson all made the 2018 list of human-caused fires in Shasta County. Most of the fires happened around or near homes and businesses, so naturally SCFD has directed its fire prevention efforts and attention to structures.



A **Defensible Space** is an arrangement that all Shasta County fire departments have devised and agreed that provides a greater chance of a structure's survival against a wildfire, and correspondingly, forests have a greater chance of surviving "human activity" caused wildfires. **Defensible space**, in Shasta County, applies to all structures regardless of ownership. Private and publicly owned structures alike must adhere to defensible space requirements.

Zone 1 is defined as **Lean, Clean and Green**. In this zone the requirement is to remove all dead plants, grass and weeds; remove dead and dry leaves and pine needles from the yard, roof and rain gutters; and keep tree branches 10 feet away from a chimney and other trees.

Zone 2 is 100 feet of **Reduced Fuel**. Annual grasses must be disked or mowed down to a maximum height of four inches. Horizontal spacing between shrubs and trees must be created. (Shrub spacing is twice the height of the shrub; tree spacing is 10 feet, branch tip to branch tip, on level surfaces.)

Zone 3 (Not shown) is the area outside of Zone 2 which is called the **Greenbelt**. In this zone one must remove all trees less than a soda-can in diameter, at chest height; remove all invasive weeds and non-native trees and shrubs; remove and thin native vegetation; and mow annual weeds to three to four inches or less in height.

Note: On October 22, 2019, Shasta County adopted a Defensible Space Ordinance (see Readyforwildfire.org/THELAW) that included two more, much needed, zones. The first zone is a five-foot-wide strip directly adjacent to a structure's foundation line that must be cleared of all flammables including bark and other groundcovers and flammable fence materials connecting to the structure.

The second zone provides for a mowed or disked, 15-foot-wide, strip along a fence line that abuts or encroaches on a neighbor's 100-foot reduced fuel zone. Fire fuel management, as regards defensible space, includes ridding one's property of all unnecessary flammable materials including junk, garbage, boxes, and pallets. Wild piles must have a minimum clearance of 10 feet, down to bare mineral soil, in all directions. Wood piles may be moved closer to structures during non-fire season, when the wood is needed. Dead or dying woody surface materials and aerial materials must be removed. Loose surface litter consisting of leaves, needles, twigs, bark, cones and small branches must not exceed three inches in depth.

FIRE FUEL MANAGEMENT

Shasta County Fire Department (SCFD), located at 875 Cypress Ave. in Redding, has a wealth of information and handouts available to all Shasta County homeowners. Their website contains all the information one needs to create a defensible space around a home and out-structures. The SCFD may be called, at 530-225-2418, to request a defensible space inspection of one's property or some other property one might feel is not in compliance with ordinance requirements.

Obviously not all land is privately owned in Shasta County. Federal government departments, California state government agencies, three cities, local districts, and several lumber companies own swatches of our landscape. Based on this investigation, it was determined that all property owners/land managers bear the responsibility in keeping us safe from wildfire.

In cases of fire, the Federal Government is responsible for the Federal Response Areas (FRAs), Cal Fire is responsible for the State Response Areas (SRAs) and Local City and District Fire Departments are responsible for the Local Response Areas (LRAs). In case of a wildfire disaster such as the Carr Fire, all first responders come together under the Office of Emergency Services (OES) and respond as a whole.

On February 22, 2019, the Governor's Office issued the Community Wildfire Prevention and Mitigation Report (CWPM). The State, with assistance from Cal OES, California National Guard, California Government Operations, Governor's Office of Planning and Research, California Department of Finance, California Natural Resources Agency and 48 other state and local agencies determined that there were 35 critical projects, statewide, that needed to be tackled immediately. Three of the 35 projects are in Shasta County; Highway 44 Shaded Fuel Break, West Redding Fuel Reduction Project, and China Gulch Fuel Break, all with the projected completion date of December 2019. The three projects are still ongoing, but should be completed by the beginning of the 2020 fire season.

The Highway 44 Shaded Fuel Break (SFB) Project, toured by this Grand Jury on October 15, 2019, was taken on by CDF and SCFD, with a combination of State funding through the Community Wildfire Prevention and Mitigation Program and income from the sale of merchantable timber harvested within the project limits.





The project provides landings and shaded fuel breaks for fire suppression activity along a 21 mile stretch of Highway 44, through Shingletown, from Dersch Road to the Lassen National Forest Boundary. A progress report (February 14, 2020) indicated 800 acres have been treated. Spring vegetation treatment and some pile burning had yet to be completed as of March 21, 2020. The project was extremely well planned and executed by SCFD/CDF. The purpose of the project is to protect Shingletown, Viola and Inwood, and provide safer evacuation routes during wildfire events.

The administration of the West Redding Fuel Reduction Project was awarded by CALFire/Shasta County Fire to the McConnell Foundation. This major project, designed to remove burned vegetation and hazardous trees that remain in the wake of the Carr Fire of 2018, will be completed with funding from the State of California CWPM and grants. At a McConnell Foundation sponsored meeting in Old Shasta, January 24, 2020, it was learned that part of the project is in the very early phases, with expectations of putting boots on the ground in April or May of 2020. The higher priority portion of the project, namely Swasey and Lower Springs Roads, has progressed with 145 acres treated to date (February 14, 2020). Remaining to be done is spring vegetation treatment of weeds, brush, some chipping and pile burning. The project will ultimately protect West Redding, Shasta, Victoria Highlands, Lower Springs, Rock Creek, and Keswick, with defensible space, fuel breaks and safer evacuation routes. McConnell is actively seeking FEMA funding.

The China Gulch Fuel Reduction Project is located on a ridge south of Clear Creek, between Highway 273 and Shasta County Landfill. The fuel break project will remove understory brush and live oak and remove dead and damaged vegetation from previous fires. As of February 14, 2020, 450 acres have been treated from Bear Creek Road to Highway 273, with a planned spring vegetation treatment and pile burning. The project is designed to protect Happy Valley, Redding, Anderson and Igo.

On the heels of the Carr Fire, California enacted Senate Bill 901 (SB901) in September of 2018. The bill requires utilities to prepare wildfire mitigation measures, by January 2020, where overhead power lines are located in high risk wildfire areas. The City of Redding and Redding Electrical Utility (REU) reacted by setting aside 8 million dollars, over the next four years, for the Fire Fuel Management work. Details of the initiative can be found in REU's 2019 Wildfire Mitigation Plan, which was adopted by the Redding City Council on December 3, 2019.

In 2018, the City of Anderson enacted Ordinance 2018-01, Exterior Hazard Abatement Program, which addresses the minimum abatement standards. The ordinance deals mostly with a 100-foot defensible space and fire fuel management on private property and demanding similar requirements as described above in the defensible space narrative. Additionally, five acre and larger properties are required to have a series of fire breaks at designated locations, 15 to 60 feet in width, disked or kept mowed at a height of three inches or less. Anderson has coined itself a "Fire-wise Community", and is actively making residents more fire aware.

The City of Anderson Fire Department maintains an unverified list of contractors, for the convenience of their citizens, which can be found on their city website. It is worth noting that only the City of Anderson was found to offer assistance to physically and financially limited citizens ("at-risk") for defensible space cleanup. No other entity in Shasta County is known to offer assistance to those who cannot comply with defensible space regulations.

Shasta Lake City (SLC) has limited FFM programs according to the SLC fire department. Most of what they do is handled by the Fire Prevention Officer (FPO) who began February 3, 2020. Compliance by the citizens has been hit and miss. SLC encourages its citizens to use the Cal Fire recommendations to replant fire resistant vegetation on areas of their property they have cleared. SLC has not developed a 2019-2020 FFM plan. They depended on the Animal Regulation Officer to determine the work that needed to be done.

Currently, this responsibility can be handled by the new FPO who can work with home owners directly. SLC plans to adopt the Fire Mitigation Plan implemented by the Burney Fire District as its model. The funds collected from fines for violations would go directly to the SLC fire district, not the city. The fire ordinances cover everyone in Shasta Lake City, home owners and businesses alike. The compliance begins with a letter to a property owner citing the violation(s). If there is no satisfactory response from the property owner by the fourth contact, fines and/or liens will be levied through the assessor's office in order to get clean-up fees paid through taxes. SLC currently does not have an assistance program to help citizens who are not able to clear their property because of physical or financial limitations. They hope to develop a plan similar to REU through their city power company to help in this area.

This Grand Jury learned that twelve fire districts and nineteen volunteer fire units do not participate in defensible space and fire fuel management projects. The paid on-call volunteer fire units would like to participate in the off-fire-season work, but are unable due to current funding and training limitations. This Grand Jury has determined that Shasta County and City Government agencies know and understand what must be accomplished in order to ensure that another catastrophic fire will not occur. This Grand Jury further concludes that the property owners of Shasta County need to be held more accountable to bring their properties into compliance. To those ends, this Grand Jury has formulated a broad series of Recommendations aimed at planning, executing, and reporting to the public on a regular basis for at least the foreseeable future.

FINDINGS

F1. Fire fuel management for the prevention of wildfires in Shasta County has not been a top priority for far too long, due to lack of funding, and limited manpower leading to a higher risk for the well-being of Shasta County.

F2. Fire Fuel management is an ongoing process that requires maintenance of previously completed projects so regrowth remains manageable.

F3. Shasta County Fire Department is unable to thoroughly identify defensible space and fire fuel management infractions due to understaffing. Absentee landowners and non-complying landowners stretch the limited law enforcement officers' resources.

F4. A structure in the Wildland Urban Interface (WUI) has an improved chance of withstanding, or not igniting a wildfire when defensible space requirements are practiced.

F5. There are elderly, disabled and other at-risk people living in the WUI who need physical or financial assistance to achieve a proper defensible space and decrease their personal risk as well as risk to their neighbors.

F6. Some members of the public may be misinformed from time to time by the media and social media about fire fuel management and defensible space re-

quirements, leading to confusion resulting in a lack of compliance and support.

F7. There are fewer volunteer organizations available, than in previous years, to assist the “at-risk” community with defensible space maintenance, making that community more vulnerable.

F8. Inmate fire crew reduction due to AB109 and the inability to use off-season volunteer fire- fighters, due to their limited fire fuel management training, has resulted in a lack of man- power available for fire fuel management projects.

RECOMMENDATIONS

R1. By November 1, 2020, the Shasta County Board of Supervisors (BOS) shall direct the Shasta County Fire Department (SCFD) to develop an annually prioritized Fire Fuel Management (FFM) Plan listing the top FFM projects necessary to significantly reduce the expectation of another catastrophic fire.

R2. No later than December 31, 2020, the SCFD shall report progress of the FFM projects to the Shasta County BOS, and every quarter thereafter.

R3. After receiving a report from SCFD, the BOS shall make the report public through its normal reporting process, and on their website, prior to the next scheduled board meeting.

R4. By November 1, 2020, the BOS shall direct the SCFD to report monthly on the progress of the funding efforts and the project completions. Funding shall be developed through reprioritizing existing work plans, cost allotments and grants.

R5. By November 1, 2020, the three incorporated city councils within Shasta County shall direct their respective fire departments to develop an annually prioritized Fire Fuel Management (FFM) Plan listing the top FFM projects necessary to significantly reduce the potential of another catastrophic fire.

R6. By December 31, 2020, the three city fire departments in Shasta County shall report on the progress of the FFM priority projects to their respective city councils, and every quarter thereafter.

R7. After receiving a progress report the city councils shall make the reports public through their normal reporting process, on their respective websites and social media platforms, prior to the next scheduled council meeting.

R8. By November 1, 2020, each city council shall direct their respective fire departments to report monthly on the progress of the funding efforts and the project completions. Funding shall be developed through reprioritizing existing work plans, cost allotments and grants.

R9. By November 1, 2020, the BOS shall direct the Shasta County Fire Department to include ongoing “in-perpetuity” maintenance of fire fuel management projects in the quarterly report.

R10. Beginning fiscal year 2021, the BOS shall provide funding for maintenance to include spring vegetation treatment, limbing and other operations deemed necessary by County Fire. Funding for maintenance to be provided from sources such as assessment fees and defensible space non-compliance fines.

R11. The BOS shall identify other agencies and identify funding sources, such as grants, to further assist the at-risk community to maintain defensible space for their residences.

R12. Beginning fiscal year 2021, the Shasta County Fire Department shall look into training and utilizing off-season volunteer fire department personnel for the purpose of Defensible Space Ordinance Enforcement Inspector activities. This can be funded through existing grants.

R13. By November 1, 2020, the BOS shall consider amending their October 22, 2019, Defensible Space Ordinance to provide more compliance incentives through steeper fines, faster legal action, and property liens, which will be addressed and assessed in a timely manner.

R14. By December 31, 2020, the SCFD shall prepare and initiate a comprehensive public education process to increase awareness of fire prevention, defensible space and fire fuel management. The BOS shall make the public aware of the positive effects of the Defensible Space Ordinance. The BOS can utilize social media platforms, mass media and their existing website to accomplish this task.

R15. Beginning with the 2021 Spring Quarter and one week each year for ten years thereafter, in order to ease costs to private land owners, the City Councils of Redding, Anderson and Shasta Lake City, along with the Shasta County Board of Supervisors, shall implement an “Amnesty Day” plan to permit ‘no-or-low cost’ dumping of defensible space waste materials at each landfill located within each entity’s jurisdiction.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, this Grand Jury requests responses to the Recommendations as listed below:

From the following governing bodies within 90 days:

- Shasta County Board of Supervisors: R1, R3, R4, R9, R10, R11, R13, R15
- Shasta County Fire Department: R1, R2, R9, R12, R14
- Redding City Council: R5, R7, R8, R15
- Redding Fire Department: R5, R6, R8
- Anderson City Council: R5, R7, R8, R15
- Anderson Fire Department: R5, R6, R8
- Shasta Lake City Council: R5, R7, R8, R15
- Shasta Lake City Fire Department: R5, R6, R8

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.

ACRONYMS

APS- Adult Protective Services
AB109- California Assembly Bill 109
AFD- Anderson Fire Department
BOS- Board of Supervisors
Cal Fire- California Department of Forestry and Fire Protection (also referred to as CDF)
CDF- Commonly used acronym for Cal Fire
CEQA- California Environmental Quality Act
COA- City of Anderson
COR- City of Redding
CWPM- Community Wildfire Protection and Mitigation Report
DS- Defensible Space
FEMA- Federal Emergency Management Agency
FFM- Fire Fuel Management
FRA- Federal Response Area
FPO- Fire Prevention Officer
HHSA- Health and Human Services Agency
IHSS- In Home Support Services
LRA- Local Response Area
OES- Office of Emergency Services
REU- Redding Electric Utility

RFD- Redding Fire Department
SB901- California Legislature State Bill 901
SCFD- Shasta County Fire Department
SFB- Shaded Fuel Break
SLC- Shasta Lake City
SLCFD- Shasta Lake City Fire Department
SRA- State Response Area
WUI- Wildland-Urban Interface

GLOSSARY

CALIFORNIA ASSEMBLY BILL 109 (AB109): Established the California Public Safety Realignment Act of 2011 which allows for current non-violent, non-serious, and non-sex offenders to be supervised at the local County level after release from prison.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA): is a California statute passed in 1970 to institute a statewide policy of environmental protection.

CALIFORNIA LEGISLATURE STATE BILL 901 (SB901): State Bill 901 addresses a number of wildfire related items relating to public utilities.

DEFENSIBLE SPACE (DS): The buffer created between a building and the grass, trees, shrubs or any wildland area that surrounds it.

FIRE FUEL MANAGEMENT (FFM): Hazardous fuel reduction generally requiring the reduction of surface and ladder fuels.

SHADED FUEL BREAK - Selective reduction, modification, and management fuels within designated areas in order to enhance mitigation efforts in the event of a wildland fire situation.

WILDLAND URBAN INTERFACE - A zone of transition between wildland (unoccupied land) and human development.

REFERENCE DOCUMENTS

1. Redding Electrical Utility 2019 Wildfire Mitigation Plan.
2. Redding COMMUNITY PLANNING ASSISTANCE FOR WILDFIRE 2019
3. Title 14 of the California Code of Regulations (14CCR), Division 1.5, Chapter 7, Sub-chapter 2, Articles 1-5.
4. Public Resource Code Section 4291 (Amended 2018, Effective January 1, 2019), and Section 4291.1
5. Public Resource Code Division 4421 through 4446, Chapter 6 FIRE SAFETY STAND- ARDS 5/10/2017
6. Report to Shasta County Board of Supervisors, August 13, 2019, Ordinance for Defensible Space for Fire Protection.
7. State of California, Community Wildfire Prevention and Mitigation Report, 2/22/2019. In response to Executive Order N-05-19, 1/9/2019.
8. CAL FIRE – Shasta County Incidents and Responses Reports for the years 2008 through 2018
9. NOTICE OF DEFENSIBLE SPACE INSPECTION FORM
10. CAL FIRE – Are you ready? Graphic Description of Defensible Space - Pamphlet
11. CAL FIRE – Returning home after a Wildfire – Pamphlet
12. SCFD/CDF/Shasta County Sheriff's Office - Shasta County Wildfire Evacuation Plan – Shingletown
13. CAL FIRE – READY, SET, GO – Your Personal Wildfire Action Plan – Booklet
14. CAL FIRE – Homeowners Checklist – How to Make Your Home Fire Safe.

Released: July 1, 2020

SO MUCH WITH SO LITTLE



French Gulch - Whiskeytown School District

SUMMARY

In the interest of discovering the effects of the Carr Fire on all schools and local districts within the burn scar in Shasta County, the 2019-2020 Grand Jury began a search of public records for information.

The French Gulch Whiskeytown School District (FGWSD) was near ground zero of the Carr Fire, which started on July 23, 2018, and continued through August 30, 2018. Initial research into the French Gulch Whiskeytown School District revealed a lack of a web site or any public information other than what was on the Shasta County Office of Education (SCOE) or the California Office of Education (COE) web sites. Further investigation revealed additional challenges for the district.

BACKGROUND

French Gulch is a small village not far from the end of the pavement in a canyon along Clear Creek. French Gulch was established by French gold miners in 1849. With the creation of several large mines in the area and an influx of people, a school was established in 1854. A school building was built in 1858, the same year that a wagon road was opened between French Gulch and Weaverville. The current school building was built in 1964. French Gulch has been threatened by fire several times in the past, the Carr Fire being the latest and most destructive. Although the town was saved, several houses up canyon were lost. The entire town was evacuated for several weeks during the fire.

METHODOLOGY

The FGWSD school budget and Local Control and Accountability Plan (LCAP) were reviewed, along with board meeting agendas and minutes. Information was also gathered from SCOE and COE web sites.

During this investigation, this grand jury interviewed five people, including FGWSD staff, administration, board members, and a SCOE representative.

Grand jury members toured the school and attended three board meetings. Grand jury members researched and verified general information and background online.

DISCUSSION

The 2019-2020 Shasta County Grand Jury chose to investigate some of the schools and local districts in Shasta County to see how they were affected by the Carr fire and how they are doing over a year later. When the French Gulch Whiskeytown School District (FGWSD) was first examined using normal in-

ternet searches it was as though it didn't exist. The Shasta County Office of Education (SCOE) and the California Department of Education (CDE) each had listings for the school district with contact information and a link to a "non-existent" web site. This is part of the reason an investigation was initiated. As the investigation progressed, a new web site appeared in September of 2019, which was obviously a work in progress. Most of the pages on the web site were place holders to be populated at a later date.

This Grand Jury also learned that the school's access to the internet is problematic at best. There is no hard wired, high speed internet connection in French Gulch. The French Gulch Whiskeytown School (FGWS) uses a microwave beam that connects to SCOE via Shasta Bally Mountain repeaters. Storms, inclement weather, wildlife, wildfires and such often play havoc with the connection. During the Carr Fire and after the evacuation of French Gulch was lifted, there was too much smoke in the air for the beam to get through. If it snows, the dish may lose its connection. Bears have also been known to have damaged the microwave dish in the past. Internet technology has bypassed French Gulch.

The FGWS is what CDE classifies as a very small school (less than 100 students) and as such receives additional funding per student. With only 25 students this year, district personnel stated the funding isn't enough to meet all of the normal expenses. The school budget is always projected to be in the red and only gets into the black after Federal Grants are received, which are not guaranteed. A Federal Grant, made possible by the creation of the Whiskeytown National Recreation Area, established in 1963, is applied for every year to replace lost property tax and student revenue. Grant writing is the school's life blood and is an ongoing need that is achieved by dedicated volunteers.

It is clear to this Grand Jury that unpaid volunteers, and substantial amounts of unpaid time are the only things keeping the FGWS functioning. The superintendent is only paid to work one day a week, although she is at the school most of the week. If a teacher calls in sick, the superintendent may take over the class for the day. The IT person comes in twice a month for web site maintenance and training. The office manager is also the school lunch administrator, cook, custodian, and board secretary. There are only two full time teachers, one for grades pre-K through 4 and one for grades 5 through 8. The school utilizes specialty teachers for music, speech, writing, and industrial arts, etc., that only work a few hours a week or month. The FGWS uses the Montessori Method of teaching. The Montessori system allows the school to teach multiple grades in one classroom.

When this Grand Jury started looking into the FGWS it discovered a lack of sufficient Brown Act training. The Brown Act was passed in an effort to make the activities and decisions of all local government entities as transparent as possible to the community. This includes, among other things, the requirement to publish and/or post all meeting dates, times and locations in advance as well as the minutes of all such meetings. It was determined that the Brown Act training was not offered to all those who needed it, and many of those who were offered the training didn't feel it was a priority and turned it down.

Student absenteeism is a problem at the FGWS. Absenteeism affects the overall funding for the district. Although the School Attendance Review Board (SARB) is utilized for chronic attendance issues it has not corrected the truancy problem. A high degree of poverty and lack of parental engagement may be responsible for some of the problem. Seventy five percent of the students at FGWS qualify for free or reduced cost lunches, because their families fall below the Federal poverty line. Another reason could be the lack of bus or van service. There isn't enough funding in the budget to cover the cost of paying and training a bus driver, let alone the acquisition, fuel and maintenance cost of a bus or van. The majority of the students' families live in a trailer park just a mile from the school. In the past it was common practice for students of small rural schools to walk to school, which in today's environment is not always practical.

Public safety power outages have caused problems at FGWS. Without a backup generator the school may need to close during power outages. During the fall of 2019 a power outage occurred, however the school managed to remain open with the use of battery powered lanterns. With the school running its own school lunch program it maintains several refrigeration units. During the outage, all the food in the refrigeration units was lost. Fortunately, the weather at the time of the outage allowed the school to operate without the need for heating or cooling in the classrooms. The likelihood of future public safety outages is high and the need for a generator and automatic switch gear is also high.

FINDINGS

- F1. None of the current district board members and only several key employees have attended Brown Act training.
- F2. Volunteers and dedicated paid staff willing to work unpaid extended hours are the life blood of the school and provide the much-needed support to keep the school functional and solvent.
- F3. Student absenteeism is a chronic problem causing, among other things, financial issues for the school and below average test scores for some of the students. Most of the students live within one mile of the school yet for some reason, still do not attend classes regularly.
- F4. A backup generator with switch gear is needed.
- F5. Internet access for the school is unreliable, causing difficulty for staff to utilize necessary web-based programming.

RECOMMENDATIONS

- R1. The entire school board, current and future, along with the superintendent and office manager must attend Brown Act training. This training shall begin with the next scheduled training offered by SCOE at no personal cost.
- R2. A generator and automatic switch gear shall be acquired in preparation for power outages. This can be accomplished through grant funding or school fundraising opportunities.

REQUIRED RESPONSES

- Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows: From the following governing bodies within 90 days:
- F1, F2, F3, F4, F5, R1, R2, French Gulch Whiskeytown School District Board.

INVITED RESPONSES

- From the following governing bodies within 60 days:
- FGWS Superintendent: F1, F2, F3, F4, F5, R1, R2.

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.

GLOSSARY

FGWSD = French Gulch Whiskeytown School District
FGWS = French Gulch Whiskeytown School
SCOE = Shasta County Office of Education
LCAP = Local Control and Accountability Plan
CDE = California Dept. of Education

Released: July 1, 2020

“IT’S A JAIL ”

SHASTA COUNTY ADULT DETENTION FACILITY INSPECTION REPORT

INTRODUCTION

Under authority of Penal Code sections 925 and 925a, the Shasta County Grand Jury (SCGJ) has inquired into the operation and conditions of the Shasta County Jail (SCJ), and thereafter determined that it would be appropriate to issue this report.

In the past, the SCJ has been traditionally “inspected” by a walk-through tour by all 19 members of the SCGJ.

The SCJ has further been specifically inspected by SCGJ Committees in the past on complaints of poor medical care and violations:

- Jail - Inmate Welfare Fund 2006-07
- Jail - Cell Searches 2010-11
- Jail - Female Inmates 2011-12
- Jail - Hiring Process 2012-13
- Jail - Funding and Capacity 2017-18
- Jail - Medical Services 2018-19

A summary of these SCGJ Investigative reports is available on the website ShastaCountyGrandJury.org under Reports.

The 2019-2020 Shasta County Grand Jury Complaint Committee received various complaints of issues occurring at the SCJ. As many of the complaints were already under litigation or court/District Attorney oversight, only a few of these complaints were considered valid enough by the Complaint Committee to move forward to this SCGJ for consideration.

Coincidentally, at this time, the SCJ experienced three “In Custody” deaths (Sept 12, 2019 through Sept 25, 2019). This is an unusually high number in so short a time.

Therefore, this Grand Jury established, per protocol, an Ad-Hoc “Jail Issues” Committee (committee). The committee was formed in October 2019 to inspect the SCJ and review the latest SCJ inspections as performed under state law, and investigate complaints.

SUMMARY

During the course of the investigation it was determined that the Shasta County Jail operates at a court-ordered maximum capacity of 484 inmates. Capacity issues arise from the fact that the jail was never intended to be utilized for long term incarceration when it was originally constructed in 1984. Long term incarceration has been as result of the State of California’s Prison Realignment requirements (commonly referred to as AB109). Approximately 70% of those currently held in custody at the SCJ have been arraigned and are awaiting trial or are serving multiple year sentences.

Operating at capacity on a daily basis requires the facility to rely on a classification system to determine which individuals to keep in custody and which individual to release in order to accommodate the limited capacity. This continual need to release individuals from the facility has given an impression to the public that the jail has a “revolving door” policy.

The jail staff interviewed indicated low morale in the workplace. They are required to work significant amounts of overtime weekly, which contributes to the morale issue. All staff that were interviewed expressed a genuine commitment to their profession and cited that the perception of the revolving door the

jail has is not a true representation of their work product or their dedication to the safety of the public or the inmates that are housed at the SCJ.

Excessive overtime is a result of understaffing due to a lack of qualified individuals applying for the Correctional Officer positions needed to be filled at the jail. This chronic understaffing also results in a lack of appropriate supervision for the staff. Shift supervisors often end up having to fill a vacant shift normally handled by a correctional officer rather than be fully focused on their responsibilities as a watch commander. Recruitment efforts for the facility, to relieve the staffing issue, are hampered by the fact that wages for correctional officers in Shasta County are not commensurate with those who work in similar facilities in other counties. This data is readily available.

There is a pervasive perception that a “blind-eye” has been turned towards the issues presented by prison realignment – overcrowding and early release – as well as the historic underfunding for public safety both statewide and locally. The goals set forth by AB109 and the promise of additional funding to the counties, now being responsible for housing those once in prison, have proved to be unrealistic and the funding disproportionate for the amount of services that must be provided.

The inescapable fact is the jail facility is old, aging, and was not designed to be used as a prison. There is no effective solution to the issues caused by prison realignment on the horizon to prevent the unintended issue of chronic early release and recidivism. Yet, despite these challenges it is evident that the jail staff does the best they can within the parameters they have to work with, and the care and safety of the inmates is their daily priority.

BACKGROUND



The Shasta County Jail was built in 1984 and opened for use in 1985. When it was constructed it was intended to be used as a detention facility for short term incarceration. Typically, inmates of the jail were held pending arraignment and during trial. Any subsequent conviction would determine where the inmate would be placed after trial. Prior to prison realignment requirements by California State Assembly Bill (AB109), it was typical for those with misdemeanor convictions to serve their sentence at the county jail whereas felony convictions would likely result in an inmate serving their sentence at a state prison.

In 2011, due to realignment requirements put forth in AB109 and California Propositions 47 and 57, the burden of housing and monitoring those who would have ordinarily been sent to state prisons, shifted back to the county. As a result, the Shasta County Jail operates at capacity daily; despite adding 102 beds in December of 2019. This was the first major expansion of the jail since 1993 and brought the number of available beds up from 381 to 484. There is housing for 404 males and 80 females.

The continuous operation of the jail at capacity poses some serious issues regarding early release from incarceration. In order to keep those individuals who have committed the most serious offenses in custody, those who have committed lesser offenses are released earlier than what would be ordinarily required. This raises the question of whether there is relatively lesser, or no, accountability for those who have committed lesser offenses. Although it is the Sheriff’s Office which operates the jail facility, public comments seem to indicate many citizens do not realize that early releases of those incarcerated at the jail are not the result of a policy created unilaterally by the Sheriff’s Office itself, but are instead the result of efforts to comply with the laws governing the jail, including the state’s AB109, Prop 47 and Prop 57 laws.

This early release system has also created an element of empowerment with-

in the criminal community. Many of those who are career criminals are well aware of the strain on public safety and the fact that new changes in the laws make the accountability aspect of breaking a law, less-and- less stringent. This mindset of being able to “get out of jail free” creates an atmosphere of fear and frustration within the community and leaves law enforcement dealing with the same criminals, committing the same crimes, on a daily basis.

Despite the capacity issues that occur at the jail, it does continue to operate. There is a responsibility to the inmates to ensure their safety and security while they are incarcerated at the jail. In- mates, regardless of length of stay, may have an occasion in which they need to express their concerns (or grievances) about their treatment, food quality, staff or accommodations. They may also wish to make requests, which could include requesting additional personal care items, writing supplies, medical evaluation, etc. These grievances and requests used to be submitted in paper form. The written submission process was cumbersome and difficult to track. A little over a year ago, SCJ’s communications contractor Global Tel Link (GTL) began placing iPads into the detention facility. These iPads allow those incarcerated to have electronic digital access to all grievance and request forms. They can also access educational or behavioral programs at no cost. For a fee, video chatting with friends/family or access to entertainment options in the form of games, movies, sports, news, etc., are also available. The introduction of the iPads has reduced the inmate violence within the housing units.

The addition of iPad technology, now available to the inmates, allows for faster delivery of any submitted grievance/request to the appropriate parties. The software tracks who reviews each entry and what the resolution was. These electronic records are permanent and more easily trackable than the old paper style option. However, the ease at which these grievances and requests can be filed often proves to be an encouragement for those with time on their hands to spend their day submitting numerous grievances/requests. System overload impacts correctional staff and an in- mate may not feel that they are receiving their answer in the time and manner in which they had hoped. This frustration can result in an inmate, or their family member/friend, filing a complaint with the Shasta County Grand Jury to review and investigate whether the staff at SCJ is meeting their obligation to the inmate in question. This can be seen as a safeguard/watch dog function to ensure that the system has proper oversight not just from the law enforcement professionals but private citizens as well.



This Grand Jury has received numerous citizen complaints during the course of our 2019-2020 service. Some of those complaints specifically addressed issues concerning SCJ. Additionally, from September 12-25, 2019, three in-custody deaths occurred at SCJ. In an effort to meet the duties we were charged with, this Grand Jury evaluated each and every complaint and in exercising our due diligence decided that the citizens of Shasta County would benefit from our time being spent reviewing the facility, training, operations and practices of SCJ.

METHODOLOGY

The committee began its investigation by requesting from the Sherriff’s Office all the documents produced within the last calendar year relating to any aspect of operation of the SCJ. The request was made in mid-October. In order to maintain the confidentiality of the complaints received and be as knowledgeable and thorough as possible, it was determined that a broad investigation needed to be conducted. The committee organized the topics to be covered in its interviews, conducted by the investigation/inspection teams listed below. Refer to the Reference List for a list of documents and reports that were reviewed during the course of this investigation.

It was not until the committee was well into the interview process that, due to continued diligent research by committee members into other available reports, it discovered the Shasta County Board of Supervisors had commissioned CGL Companies (CGL) to do a comprehensive review which included conducting a detailed evaluation of the performance of the Shasta County Jail (SCJ) relative to current operational workload, recognized best practices, professional standards, and applicable local, State, and Federal policies and regulations. A draft of this report, “Shasta County Jail Operations Review”, was completed and submitted to the Shasta County Board of Supervisors on August 13, 2019. While the existence of this report was noted in the BOS minutes, it took some determined searching on the Shasta County Board of Supervisors website, under Meetings and Agendas, to even find the link to the draft, as the website is not easily navigable.

Interviewed:

Multiple Shasta County Sheriff’s Department Custody Division Personnel/ Correctional Officers Four Inmates incarcerated at the Shasta County Jail

Site Visit:

Shasta County Jail included:
One General Information Tour

Five Investigation/Inspection Team visits with the following areas of focus:

- Facility
- Training and Standards
- Processing and Programs
- Quality of Life
- Follow-up review

DISCUSSION

This investigation began as a result of complaints received by this Grand Jury coupled with the public reports of three in-custody deaths occurring in just over two weeks. Like many citizens in Shasta County, this Grand Jury had little personal experience with the daily operation of the Shasta County Jail. While many members of this Grand Jury had attended the yearly jail tour, it became apparent that there were far more questions than what could be answered during a cursory facility tour.

As citizens, many of us receive our messages about how a custody facility operates through news articles, movies and other dramatizations. These are often stark and unflattering glimpses that present a negative connotation about the treatment of inmates or the professionalism of correctional staff. Based on those examples, it is very easy to develop an unintended bias about jails. In order to address such concerns with the most accurate information possible, this Grand Jury created an Ad-Hoc Jail Issues Committee. The committee immediately divided the Jail Facility into four areas of investigation:

- Facility
- Training and Standards
- Processing and Programs
- Quality of Life

As our investigation and interviews progressed, it was decided to add Follow-up to permit the committee to clarify any facts that were inconsistent or in need of clarification before the report was written.

Facility

The Shasta County Adult Detention Facility (jail) was constructed in 1984. The total capacity is 484 with a policy to release at 90% capacity so as to maintain approximately 10% of the jail’s capacity for incarcerations as they occur on a day-to-day basis. Cases are reviewed and assessed daily.

Booking Process at the Facility

The inspection group followed the path that a new inmate would follow. Beginning with the receiving / booking area, then on to the safety and sobering cell

area, followed by the shower and apparel issue room. If required, a medical facility area is available, then a newly booked inmate would be moved on to housing. The group was also shown where an inmate's personal belongings are stored.

Interior Building Safety Inspection

All of the areas visited during this mock booking process – walkways, elevators and stairwells – were clean and free of obstructions. Signage was clear for fire extinguishers and fire alarm pull stations. The emergency lighting was well placed and exit signs were illuminated. It should be noted that the last fire/emergency drill was in November 2019. Fire extinguishers were last tested in April 2019.

All storage areas were organized, clean and unobstructed. Labels were clearly visible, if necessary (inmate apparel storage, cleaning chemicals, paint and general supplies). Heating, Ventilation and

Air Conditioning (HVAC) areas (chillers and blowers), electrical panels, Main Fire Suppression Panel and the Back-up Generator Room were also organized, clean and unobstructed from clutter such as: loose extension cords, boxes, furniture etc.

The overall interior was determined to be in satisfactory condition. One can find a few suspended ceiling tiles with water staining and a few discolored floor tiles. However, despite its age, the Shasta County Jail building is in good shape.

Kitchen

The food storage areas and kitchen/meal prep areas were clean and organized. The inspection team was present during the middle of lunchtime, as such they observed that the meal prep area had very little food or liquids spilled on the floor. All food handlers were wearing gloves. Since the kitchen is considered one of the most dangerous areas, all knives are tethered. Freezers, refrigerators and warming cart temperatures were frequently monitored. Any residual food waste is stored in a cold controlled environment. There is a recycled waste area (cardboard, food containers) that is also processed in this area.

Inmate Common Use Areas

Inmate amenity areas such as: the exercise and recreation area, library, study areas, court room and religious observance areas were clean, organized and well maintained. A previous Grand Jury report made the recommendation to divide the two exercise/recreation areas in half to better accommodate the inmate capacity. However, now only one of the areas has a basketball hoop which is a source of contention amongst the inmate population.

Exterior Building Inspection

Regarding the exterior inspection of the building, there were no signs of deterioration to the concrete walls and no graffiti. The landscaping was maintained and free of trash and debris.

Cameras and Recordings

There are approximately 120 cameras in the facility. The cameras focus on intake and high traffic inmate areas. There are numerous areas that are “blind spots” and are not covered by cameras. Jail staff estimate that approximately 500 additional cameras would be needed to cover all areas/angles necessary to eliminate blind spots. Average cost for each camera is approximately \$1,000 to \$1,500 which includes necessary storage for recording data. There is currently a Prison Rape Elimination Act (PREA) audit underway and there is an expectation that the report will recommend/require the placement of additional cameras.

Currently, the cameras in operation are recording but not at all times due to data storage capacity. All recordings must be kept by law for 365 days +1. The jail has the largest server of the county entities to accommodate that storage.

Control Panels

The control panels which are used to monitor and maintain operation of the jail facility are at the end of their design life. The vendor that created the panels has all proprietary rights to them and the vendor is the only one, by contract, who can maintain or repair the equipment. The jail administration is looking at other products and eventually wants to implement touch screens. This has to be approached from a practical, budgetary and ergonomic standpoint.

Training and Standards

Overall, the Shasta County Jail, as it pertains to Training and Standards, is operating at or above expectation. A lot of emphasis is placed on the staff having access to continued training. While it is clear that they are within compliance with all California Board of State and Community Corrections (BSCC) requirements for continued education through use of computer-based learning, there is a lack of available hands-on training options.

Gang Awareness, Racial Bias and Transgender Accommodations

Prison realignment has increased the concern for the jail to maintain focus on gang awareness, racial relations and safety of those who have specific transgender needs. The jail stays abreast of those trends and tries to offer the best options for the safety of both inmates and staff. The staff are trained to mitigate the violence level and interaction between individuals who have expressed or displayed a particular bias toward another inmate or group of inmates; to include segregating the parties from each other.

The jail administration is ahead of other local custodial facilities having developed a Shasta County Jail specific policy and procedure to deal effectively with custodial strip search requirements as it pertains to transgender individuals. The issues were researched with the assistance of counsel and the attorney general to develop a plan. The policy allows a transgender inmate the right to request to be searched by a female or male officer based on their identification and comfort level. With regard to housing, jail staff adhere to the policy of not placing pre-surgical biological males/females with the opposite gender despite identification. This policy ensures the safety of the transgender inmate as well as non-transgender inmates.

Training Plan and Dissemination of Information to Staff

While there is no written training plan specific to the Shasta County Jail that is utilized, the administration adheres to the Standards and Training for Corrections (STC) guidelines to ensure the minimum of 24 hours of continued education/update training is adhered to. They follow all state guidelines and conduct briefings with their staff to identify current trends in correctional enforcement and identify issues within the facility. There is a briefing document available to all applicable staff to ensure that the message is being delivered. This is the same information provided to everyone. By utilizing email, they can confirm that the information is received by each addressee (this is tracked through email read receipt function).

Training Regarding Use of Force

The training and standards expectations emphasize use of force for safety compliance. While it is not outside the realm of possibility for an inmate to experience an unprovoked physical encounter with a correctional officer, all indications through the STC training program indicate that every possible step is being taken to avoid those instances. It was determined during the course of the investigation that staff are educated in the expectations of their position. They are aware that any use of force is investigated fully. The investigations occur in the form of an Internal Affairs Investigation (IA). An investigation would likely include corroborating evidence in the form of facility video, supplemental incident reports and witness interviews (including interviews of inmate witnesses). Whether that is a deterrent to avoid use of force was not determined in the scope of the inspection team.

Training Budget Constraints

As with other aspects of the jail, budgetary constraints are the largest hurdle. In the area of training and standards it affects physical training opportunities

by lack of on site or local training venues to help reduce the burden on staff to travel to/from training. It also increases an overtime burden to fill shifts to cover that travel for employees who are scheduled for training. To mitigate those issues, they rely heavily on computer-based training, debriefing and repetition. It is also difficult to train and retain staff. The high overtime requirements and lower pay scale are factors that can make potential candidates leery of choosing corrections as a profession.

There is a lot of investment made into each employee and the goal is evident that they want to train and keep qualified individuals to relieve the burden on the understaffed facility. Whether that would cause administration to keep an employee who is failing to be competent in their job performance is unclear.

Processing and Programs

The jail has a written Policies and Procedures Manual developed specifically for their facility. Approximately every six months, the manual is updated to reflect current laws. However, updates can be implemented by jail administration whenever applicable. All staff are required to acknowledge receipt and review of any updates that are issued.

Inmate Intake Screening and Classification

The jail staff complete all essential steps in the intake process in accordance to BSCC standards and have been found to be compliant with these procedures during their last audit. This process includes a procedure for systematically screening inmates upon admission. During intake, staff conduct medical screenings, an Americans with Disabilities Act (ADA) questionnaire and a Classification Screening. After booking, the staff will conduct a PREA screening to identify possible sex offenders and victims. There is a formal, written classification process to determine housing assignment, supervision requirements and program eligibility. This process can be modified for at-risk inmates.

Classification and Capacity Releases

The Classification Officer is responsible for the process of ensuring that the jail population does not exceed capacity restrictions. The general procedure is to release those who are the least violent, the least likely to reoffend or the least considered to be a flight risk. The jail administration is planning on a testing period utilizing the Virginia Pretrial Risk Assessment Instrument (VPRAI) to assist with capacity releases. The corrections industry considers the VPRAI tool to be a more consistent and data driven option for classification and capacity release. However, amid concerns that California voters may choose to implement bail reform measures, the administration is being cautious about committing resources to the VPRAI system at this time.

Discipline

The jail has an inmate handbook that outlines rules, expectations for inmate behavior, and consequences for rule violations that is provided to inmates upon booking. The handbook is available in print and electronic format on the iPads.

Programs

A wide range of programs (Alcoholics Anonymous, substance abuse, educational etc.) is available to assist the inmates in their self-improvement, healing and reintegration back into the community. There are seven certified courses: Anger Management, Life Skills, Career Planning, Consumer Math, First Aid, Parenting and Health courses available to inmates. Completion of each course is worth seven days off of their sentence per year.

The Step-Up Program offered through Shasta County Probation and Shasta College is also available to inmates to assist with reintegration.

Despite having an ample array of programs available there is no suitable space, equipment or supplies. The jail staff indicated that regardless of those limitations they do make every effort to “make it work.”

Civil Rights and Fair Treatment

Sensitivity training is provided to staff to enable them to understand and communicate effectively with people from different ethnic, cultural and religious backgrounds. An Ethics and Corrections Class is offered as well as Crisis Intervention Training for communicating with those inmates who have mental health needs. Additionally, they utilize outside assistance for interpretation or sign language services to further ensure communication for those inmates who require those services.

If any issues arise and an inmate feels they are not receiving the appropriate care or treatment a grievance can be filed. Grievances and appeals are done via the iPads or on paper forms. There are three levels of appeal. Each level allows five business days for response after which an inmate can file a lawsuit.

Quality of Life

Based on this investigation, the quality of life for a Shasta County Jail inmate appears to be better than what the average citizen might assume an incarceration would entail. All inmates that were interviewed appeared clean, in good health and were dressed in well-fitting clothing that was in good repair. The inmates interviewed further went on to indicate correctional officers are professionals as a general rule and interact with the inmates politely and respectfully. They did admit that, as they are all “human”, an occasional issue can occur between staff and inmates. However, the interviewees indicated that they understood rules, requirements, disciplinary actions and that there is a process available to them to file grievances or make requests.

During the course of our investigative process this Grand Jury discovered that GTL, the contractor that provides the iPad service for inmates at the jail, pays an annual \$214,000 placement fee to the Inmate Welfare Fund. These funds are used at the discretion of the Shasta County Sheriff specifically for inmate welfare, which may include sporting goods, full body scanners or any other item determined to serve the best interests of the inmates incarcerated at the jail. It cannot be used to pay for staff salaries or other such uses.

Diet

Approximately 10% of the inmate population is on a special diet. Inmates who require medication related to meals or who are diabetics are sent to the medical clinic before each mealtime. All meals are prepared from scratch which gives staff better control over quality and content. The estimated average cost, for ingredients alone, is approximately \$1.00 or less per meal. There was a recent recommendation set forth by a dietician’s report regarding further lowering the sodium content of the food prepared for inmates. Per jail officials, there are certain Title 15 regulations regarding diet that they have to meet regardless of the dietician’s recommendation. However, it was determined they were well within compliance and sodium levels are acceptable.

Exercise

Exercise is available and provided within state guidelines. Exercise is permitted both inside (day- room) or outside in the rec yard. Inside, the inmates can exercise in dayroom as often as they would like during their day room time. Recreation time is limited to the state requirement of three hours in a 7-day time period. This is accomplished by, in addition to dayroom exercise time, providing two 1/2-hour segments of time outside, in the rec yard, within that 7 days. There is NO punitive action taken by staff to deprive an inmate who has not been following rules the opportunity to utilize this exercise time. It is mandated and cannot be withheld as a disciplinary consequence.

Access to Religious Support, Education and Behavioral Health Programs

Access to clergy is provided to all inmates. There is a head Chaplain who oversees the religious program and brings in other volunteer clergy from other denominations as needed. Church services are held in a classroom on site, dubbed the chapel, and are non-denominational. Those inmates requiring a specific religious service are provided one-on-one meetings with clergy specific to their faith.

Anderson Union High School District is contracted to provide educational services to inmates at the Shasta County Jail. They offer GED/High School Diploma programs as well as behavioral assistance courses (i.e. anger management, parenting courses etc.). Inmates receive credit toward their time served if they participate in those programs. Hands-on vocational training is not available to incarcerated inmates.

There is a work-release program utilizing non-incarcerated “inmates” who perform clean up etc. at community events and different job sites throughout the county. Eligibility for the work release program is something offered in lieu of incarceration and determined by the judge/work release staff for appropriateness. Incarcerated inmates are not let out of facility to go work and then return.

Visitation, Entertainment and Filing Requests/Grievances

There are physical visiting booths in the facility as well as a fixed video screen in the lobby for electronic visiting. Information regarding visitation with inmates can be found on the jail’s web- site. Since the placement of the iPads within the facility by GTL, most inmates keep in touch with the outside world as well as visit with family and friends through the iPad utilizing a fee-based video chat service. In addition, also for a fee, inmates have access to vendor selected movies, games, sports, news etc.

The iPads have a non-fee-based application as well. They can be utilized to access inmate rules and regulations, file grievance forms (i.e. civil rights concerns, complaints regarding food options etc.) and make requests from jail staff (i.e. for medical visits, personal care items etc.). Education and behavioral programs are also available through the non-fee-based portion of the iPad.

Harassment and Use of Force

Regarding harassment and/or excessive use of force by correctional staff toward inmates, there was one secondhand report of harassment mentioned and no instances of unwarranted use of force indicated during the interviews with inmates. As no specific or significant issues were described by any inmate contacted, nothing that was mentioned rose to a level which would warrant further investigation by this Grand Jury. Nor did any inmate request the committee to conduct further investigation on their behalf or the behalf of another.

CGL Report

The Shasta County Board of Supervisors (BOS) commissioned CGL to conduct a thorough review of the jail and its operations. Many of the deficiencies noted throughout the course of this report are issues addressed in the CGL report draft presented to the BOS on August 13, 2019. The CGL report draft noted the lack of appropriate supervision for correctional staff, considerable amounts of overtime due to the facility being understaffed, an outdated jail facility resulting in continual releases due to capacity limits and use of a non-industry standard risk assessment for releases, etc. Upon receipt of the draft of the report, members of the BOS asked many questions of the CGL representative and the Sheriff’s Office during its public Board meeting on August 13, 2019. A discussion of the key findings and plan for implementation was to be developed and provided by the Sheriff’s Office, which was to be made an Agenda item for the September BOS meeting.

The BOS issued an amendment to the CGL report contract and set forth a parameter to have “sub- mission of the Final Report no later than September 30, 2019”. This Amendment was agreed upon by the BOS during the Consent Calendar portion of their meeting on September 10, 2019. There is no mention of receipt of the Final CGL Report after the September 10, 2019 BOS meeting. There has been no mention of any plan for implementation of recommendations set forth in the draft of the CGL Report since the August 13, 2019 BOS meeting that can be located.

CONCLUSION

During the course of this investigation, it was determined that none of the complaints received by this Grand Jury regarding the SCJ operations were deemed valid. The investigation into the three in-custody deaths remains incomplete as autopsy results were still pending prior to the finalization of this report.

Additionally, this Grand Jury determined as a result of its extensive investigation, that the Shasta County Jail operationally is doing the best that they can within the parameters with which they have to work. The staff who are currently working at the jail demonstrated a commitment to doing their best to ensure the safety and security of the inmates. The insufficient staffing, insufficient supervision, and an increased overtime burden have created an atmosphere of low morale. The facility itself is aging and being utilized to house inmates far longer, and offer more programs, than it was ever designed to do. Technology in the form of cameras, control panels and other methods of surveillance are outdated and in need of upgrade and/or repair.

The facts and findings compiled by this Grand Jury’s investigation are further validated by the draft of the CGL Report received by the BOS. Therefore, it is apparent that the issues at the jail are well known, well documented and in need of immediate attention to better serve the safety and security of not just the inmates and correctional staff but also the citizens of Shasta County.

FINDINGS

F1. The jail facility is old and wearing out. The jail was never designed to serve for long term incarceration making it difficult to meet current demands.

F2. The jail facility is too small, and its design does not fit current demands. This leads to early releases and classification issues as well as safety concerns.

F3. The jail has an internal approach for the early release of inmates but will be testing VPRAI in the future. Classification of inmates is a multifaceted issue requiring constant change to respond to current laws and bail reform requirements.

F4. There are not enough cameras in the facility and many blind spots. The lack of cameras leads to higher potential of violence towards other inmates or correctional officers.

F5. The nutrition provided to inmates is above average.

F6. The request/grievance procedure is well understood by inmates.

F7. The introduction of the iPads has reduced the inmate violence within the housing units.

F8. The Inmate Welfare Fund is supplemented by the iPad placement fee paid by GTL. The placement fee is a potential source of revenue to be considered for jail improvements.

F9. Inmates have the opportunity, while incarcerated, to further their education.

F10. The jail is understaffed leading to excessive overtime and low morale.

F11. The Correctional Officers are underpaid based on state employment data. The lack of sufficient pay leads to issues with recruitment and retention of correctional officers and exacerbates overtime.

F12. The Correctional Officers training and continuing education are above the STC requirements.

F13. Excessive use of force by Correctional Officers is not used as a form of punishment against inmates. If unauthorized excessive force is used, jail staff are disciplined and held accountable.

F14. Due to a cumbersome website platform, the CGL Report was not readily available to the public leading to an appearance of lack of transparency surrounding the status of the jail facility.

F15. Although the deadline was September 30, 2019 for CGL to issue a final report on Jail Operations to the BOS, this Grand Jury has found no evidence of a final report being submitted to the BOS.

F16. Although the deadline was September 30, 2019 for the Sheriff's Office to present the BOS with a plan for implementation of the recommendations set forth in the CGL report, none could be located.

RECOMMENDATIONS

R1. By July 1, 2021, alternative custody options shall be explored and a plan shall be established. Options could include a Navigation Center, out of county placement, work camps etc. Existing property assessment fees and monies being held in the county's public safety fund should be utilized.

R2. By July 1, 2021, the Shasta County Jail shall obtain and implement an objective classification system.

R3. By July 1, 2021, the Shasta County Jail shall implement a plan to obtain better quality cameras and a plan for installation in sufficient numbers to provide adequate coverage. Funding to be allocated from a portion of the Inmate Welfare Fund, grant sources and yearly budgetary process. Upgrades should be completed within 4 years.

R4. By July 1, 2021, the Shasta County Jail shall create a plan to prioritize utilizing a portion of the Inmate Welfare Fund to benefit the safety of inmates by making improvement to the jail facility.

R5. By July 1, 2021, the Shasta County Jail shall increase security staffing by at least 10 additional personnel. Funding shall be prioritized and provided through budgetary process with the Board of Supervisors.

R6. By July 1, 2021 the Board of Supervisors shall consider taking steps to ensure compensation levels for all Correctional Officers is commensurate with California counties of similar size.

R7. By July 1, 2021 Shasta County Jail Administration will create and implement a recruitment team to highlight the benefits of living in Shasta County.

R8. All future studies/reports commissioned by the BOS, utilizing taxpayer funds, shall be made more easily available to the public on the BOS website within five days of the receipt by the board. This can be accomplished by setting up a Reports link that contains just commissioned reports without a user having to traverse a multi-layered and cumbersome website to locate them.

R9. By December 31, 2020 the Board of Supervisors will ensure that the finalized copy of the CGL Report is received and made available to the citizens of Shasta County.

R10. By December 31, 2020 the Board of Supervisors will follow through with their request of August 13, 2019 to have the Sheriff present to them an implementation plan that encompasses the recommendations of the CGL report.

RESPONSES

Pursuant to Penal Code sections 933 and 933.05, this grand jury requests responses as follows: From the following governing body (within 90 days)

- Shasta County Board of Supervisors: F1, F4, F10, F11, F15 and R1, R3, R5, R6, R8, R9, R10
- From the following elected county officer (within 60 days)
- Shasta County Sheriff: F1 through F13 and R1 through R5, R7, R10

GLOSSARY

California Assembly Bill 109 (AB109)- Enacted in 2011, Realignment AB 109 transfers responsibility for supervising certain kinds of felony offenders and state prison parolees from state prisons and state parole agents to county jails and probation officers. Crime statutes amended by realignment are classified as non-serious, non-violent and non-sex related.

California Proposition 47-

Proposition 47 implemented three broad changes to felony sentencing laws. First, it reclassified certain theft and drug possession offenses from felonies to misdemeanors. Second, it authorizes defendants currently serving sentences for felony offenses that would have qualified as misdemeanors under the proposition to petition courts for resentencing under the new misdemeanor provisions. Third, it authorizes defendants who have completed their sentences for felony convictions that would have qualified as misdemeanors under the proposition to apply to reclassify those convictions to misdemeanors.

Felony convictions resentenced or reclassified as misdemeanors under the proposition are considered misdemeanors for all purposes, except that such relief does not permit the person to own, possess, or have in his or her custody or control any firearm.

California Proposition 57- The measure was designed to make individuals convicted of nonviolent offenses eligible for parole. Authorized sentence credits for rehabilitation, good behavior and education. CGL Company- An internationally recognized expert in justice facilities, specializing in facility planning, design, maintenance and operations.

Prison Rape Elimination Act (PREA)- The Prison Rape Elimination Act (PREA) was passed in 2003. The purpose of the act was to "provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape

Virginia Pretrial Risk Assessment Instrument (VPRAI)- The Virginia Pretrial Risk Assessment Instrument (VPRAI) was developed by the Virginia Department of Criminal Justice Services in 2003 for use by Pretrial Services programs throughout the Commonwealth. The VPRAI is an objective research-based instrument that assists Pretrial Services Officers in the performance of their duties by identifying a defendant's level of risk of failure (failure to appear and/or new arrest) if released pending trial. The VPRAI is provided to judicial officers as a part of the pretrial investigation report to assist them in making the bail decision (to release or detain a defendant pending trial).

California Code of Regulations Title 15 Crime Prevention and Corrections- Title 15 sets forth the minimum required rules and regulations of Adult Institutions, Programs and Parole, Department of Corrections and Rehabilitation. Title 15 covers areas such as mail, library, religious programs, exercise etc.

REFERENCE LIST:

BSCC 2016-2018 SCJ Bi-Annual Report
SCJ Shasta County Jail Fire Inspection 2019
SCJ Medical and Mental Health Inspection 2019
SCJ Environmental Health Inspection 2019
SCJ Nutritional Health Inspection (2019)
2017-2018 Shasta County Grand Jury Community Correction Partnership AB109
2019 CGL Report "Shasta County Jail Operations Review", released 8/8/19

ACRONYMS

AB109- Assembly Bill 109
ADA- Americans with Disabilities Act
BOS- Board of Supervisors
BSCC- Board of State and Community Corrections
CGL- CGL Companies Inc.
CO- Correctional Officer
GTL- Global Tel Link
HVAC- Heating, Ventilation and Air Conditioning
PREA- Prison Rape Elimination Act
SCJ- Shasta County Jail
SCGJ- Shasta County Grand Jury
SSO- Sheriff's Service Officer
STC- Standards and Training for Corrections
VPRAI- Virginia Pretrial Risk Assessment Instrument

When there is a perception of a conflict of interest involving a member of the Grand Jury, that member has been required to recuse from any aspect of the investigation involving such a conflict and from voting on the acceptance of or rejection of that report. No members of the Grand Jury were recused from 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.

Released: June 26, 2020

THE DISTRICT ATTORNEY'S OFFICE * FIGHTING THE GOOD FIGHT *



SUMMARY

In the past two years, Shasta County's District Attorney's (DA's) office has lost approximately one third of its prosecutors, some citing burn-out and/or the need for more family time. It has been difficult to refill the vacated positions as very few qualified attorneys are applying for them. The necessity to recruit and train new prosecutors plus the importance of retaining both new and seasoned prosecutors has never been more evident.

The county's criminal justice system is no longer able to perform the way it was designed. Due to California's Assembly Bill 109 (AB109), the Shasta County Jail is required to incarcerate non-violent felons, previously housed in the state prison, leaving very little room for misdemeanor criminals. Thus, people committing misdemeanors are often booked and released within hours, and some go on to commit more crimes. Offenders have lost respect for the criminal justice system and may not even show up to hear what they are being charged with or to make a plea. Because of this, cases are often bundled with other pending cases that a particular criminal has previously been charged with and these are processed together to try to save time and effort. This is just one of the problems overburdening our District Attorney's staff; but it is a major one. Our criminal justice system is attractive to all criminals. This problem will continue until the Shasta County Jail has adequate space and jail beds.

The DA's office is doing a remarkable job under very stressful conditions and they are constantly looking for ways to better the criminal justice system. Our District Attorney's Office has already made changes to alleviate some of the

problems in our criminal justice system by negotiating for and initiating the Chronic Offenders Program, which jails the nine worst repeat offenders; thus, restoring some accountability for crime. This is a small start in the right direction but more can be done. They continuously watch for appropriate grants that might be available to help with funding for more prosecutors. Also, they would like to be able to recognize the selfless efforts of the people at the DA's office.

BACKGROUND

In 2011, Assembly Bill 109 (AB109) was written to alleviate overcrowding of California state prisons. Large numbers of non-violent prisoners were moved from the state prisons to California's county jails. This caused our county jail to become so overcrowded that many criminals are booked and released and even some felons have to be released early. The effect of this on Shasta County's Criminal Justice system is lack of accountability for the criminals with the tendency to reoffend, causing increased caseloads, and more work for the prosecutors, and a negative effect on citizens due to exposure to increased crime.

In 2014, Proposition 47 was voted into law. Adding more burden on the county criminal justice system, this measure changed the following felony charges to misdemeanors:

- Grand theft, where the value of the stolen property does not exceed \$950
- Receiving stolen property, where the value of the property does not exceed \$950
- Forgery, where the value of forged check, bond or bill does not exceed \$950
- Fraud, where the value of the fraudulent check, draft or order does not exceed \$950
- Writing a bad check, where the value of the check does not exceed \$950

In 2016, Proposition 57 was voted into law, allowing inmates to apply for early parole. The DA's office is given just 30 days to review the case, contact the victim(s) and family, research prisoner conduct while incarcerated, and file a response.

In 2019, Senate Bill 1437 (SB1437) was passed. This bill changed felony murder to allow resentencing of accomplices already sentenced with first-degree convictions. When the DA's office receives a request for resentencing, they have just 60 to 90 days to review the old case and respond.

No Funding

There has been no additional funding given for Propositions 47 and 57 and

Senate Bill 1437, making it difficult to hire additional prosecutors. Prosecutors are working 6 to 7 days a week, 10 hours a day. In addition, some prosecutors are on call 24/7 as first responders. This can also cause burn- out.

METHOD OF INVESTIGATION

Interviewed:

District Attorney Office personnel
County Executive Office personnel
Board of Supervisors personnel
County Financial Office personnel

Reviewed:

Shasta County's Adopted Budget for Fiscal Year 2019-2020
Shasta County's Personnel Roster, District Attorney Section as of 10/19/2019
https://www.calbar.ca.gov/Portals/0/documents/humanResources/2020_Employee_Salary_Ranges_Rev.pdf
<https://www.justice.gov/usao/career-center/salary-information/administratively-determined-pay-plan-charts>
https://www.co.shasta.ca.us/docs/libraries/cao-docs/2019-2020-adopted-budget/2019-2020-adopted-budget.pdf?sfvrsn=d43ffe89_4
<https://www.samhsa.gov/find-help/national-helpline>
Fund 0195, Public Safety Budget Unit 227 Revenues and Expenditures Financing Detail California Assembly Bill 109 (2011)
California Proposition 47 (2014)
California Proposition 57 (2016)
Senate Bill 1437 (2017)

DISCUSSION

The District Attorney's Office has not been the subject of a Grand Jury Report on the topics addressed in this report in at least 20 years. When approached by this Grand Jury, all of those interviewed were amiable, honest, and very cooperative. In spite of the additional work caused by AB109, Prop 45, Prop 57, and SB1437, and the past two years of personnel losses, the new and remaining staff have a good attitude and most love their work. Presently, many prosecutors are working 10-hour days and taking work home without complaint but the District Attorney and Chief Deputy District Attorney are doing their best to find ways to hire additional staff and to lower the problems caused by criminal recidivism and lack of jail beds. They are working on creating good-will and a family-like atmosphere where the workers help each other when needed.

A subdivision of the District Attorney's office, the Bureau of Investigations, has worked with allied agencies to provide security patrols, looting details, escort details, road closures and repopulation operations when needed. They investigate unlicensed contractors and property owners charging accelerated rent. They also investigate consumer fraud, real estate fraud and environmental crimes as well as cooperating in multi-agency sting operations for such crimes as contracting without a license. All this was especially evident during the Carr Fire and the re-population of the Carr Fire areas.

Staff:

The DA's office consists of 6 units:

- Administration
 - 1 District Attorney
 - 1 Chief Deputy District Attorney
 - 1 Legal Office Executive Assistant
- Criminal Division
 - 7 Senior Deputy District Attorneys
 - 17 Deputy District Attorneys
 - 7 Legal Process Clerks
 - 1 Legal Secretary Supervisor
 - 5 Legal Secretaries



- Bureau of Investigation
 - 1 Chief District Attorney Investigator
 - 1 Supervising District Attorney Investigator
 - 9 District Attorney Investigators
 - 1 Senior Investigative Technician
 - 4 Investigative Technicians
- Victim Witness Program
 - 1 Victim Witness Program Manager
 - 1 Senior Victim Advocate
 - 6 Victim Advocates
 - 1 Claims Supervisor
 - 4 Claims Specialists
 - 1 Legal Process Clerk
 - 1 Clerk
- Fiscal
 - 1 Staff Services Manager
 - 1 Accountant Auditor
 - 1 Collections Clerk
- Information Technology
 - 1 Agency Staff Services Analyst

The attorney responsibilities are further broken down into:

- Misdemeanors
- General Felony
- Family Violence
- Consumer Protection
- Juvenile
- Felony Filing
- Serious Offenders
- Supervisors



Hiring

The Shasta County salaries for prosecutors are commensurate with the cost of living in the county. The salaries in Shasta County may be lower than in other areas. However, rents and mortgages have typically been lower than in other parts of California. Additionally, the quality of life in this rural area is excellent.

Budget

While much of the staff is paid through the county's general fund, some of the programs within the units are paid by grants. Currently, Domestic Violence, Criminal Prosecution and Workers Compensation/Welfare Fraud Units are being assisted by grants. The Victims Assistance Unit has its own grant. The DA's office lost one grant in the past year. However, they have been able to procure a grant from the Redding Rancheria to process municipal code violations for the City of Redding. The DA's Office has also been able to obtain funding from processing civil consumer fraud cases. The grant plus the earnings has enabled them to retain an attorney and hire one additional attorney.

Recidivism Problems

The capacity issues of the jail have led to premature release of prisoners back into society, encouraging reoffending. This is believed to cause additional recidivism and this problem is not expected to lessen until there are enough county jail beds to discontinue book and release practices. Thus, the misdemeanor caseload problem is expected to continue for years. The DA's office bundles repeat offense cases together by offender, which has been found to reduce the caseloads.

FINDINGS

F1. The DA's office caseload is large and the lack of more financial resources

is resulting in a loss of experienced attorneys and increased difficulty in hiring qualified replacements.

F2. AB109 and Props 47, 57, and SB1437 have caused major workload increases in the DA's office resulting in burn-out and difficulty in hiring new attorneys.

F3. Rural Shasta County is not competitive with wages in the private sector or some other counties, leading to difficulty in hiring new attorneys.

F4. In the past, the DA's office relied on state and federal grants to fund some of their needs but many grants have been discontinued or have restrictions that hinder the functioning of the DA's office.

F5. People committing misdemeanors and nonviolent crimes are now booked and released within hours because of the lack of jail space. This impedes the DA's ability to prosecute because many offenders do not show up for their court hearing/arraignment and may continue to commit additional crimes.

F6. Plea Bargaining is used in approximately 90% of the cases which saves time, court costs and court space.

F7. Some prosecutors respond 24/7 to evaluate major crimes, which can cause burn-out.

F8. The DA's office has done an outstanding job of keeping morale high in spite of limited re- sources.

RECOMMENDATIONS

R1. No recommendation will be given for F1.

R2. By November 1, 2020, the DA's office will develop a program to recognize the prosecutors, acknowledging that they are appreciated.

R3. By November 1, 2020, the DA's office will develop a recruitment program that emphasizes the quality of life in Shasta County.

R4. The DA's office will continue to be on the look-out and apply for any new grants that might help with the budget shortfall.

R5. By November 1, 2020, the DA's office will negotiate to increase the allocation of beds in the Chronic Offender Program (COP) from 9 beds to at least 15 beds. The increase in the number of beds for COP will emphasize accountability to repeat offenders.

R6. The DA's office will continue to bargain for rehabilitation programs and/or community service as a viable sentencing option.

R7. By November 1, 2020, the DA's office will encourage first responders who are involved in major violent cases to make at least one visit to a trauma therapist.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, this Grand Jury requests responses as follows: From the following elected county officials within 60 days:

- Shasta County District Attorney, F1 through F7; R2 through R7

From the following elected county officials within 90 days:

- Shasta County Board of Supervisors: F1, F3

GLOSSARY

Chronic Offenders Program (COP) – A program that began in January, 2019 to incarcerate the worst repeat offenders in jail. Three beds are allotted to each law enforcement agency within Shasta County. See video here: <https://www.redding.com/story/news/2019/01/17/new-shasta-county-program-career-criminals-behind-bars-jail-bosenko-moore-rpd-bridgett-sheriff/2607555002/>

Felony – A crime punishable by more than one year of incarceration.

First Responder – Any individual who responds to a critical event

Misdemeanor – A crime punishable by no more than a year in jail. Offender – A person who is guilty of a crime.

Public Safety - Refers to the welfare and protection of the general public. The primary goal is prevention and protection of the public from dangers affecting safety such as crimes or disasters.

Recidivism - The tendency of a criminal to reoffend.

DISCLAIMER:

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: PROPOSITION INFORMATION

Prop 47 (Became effective November 4, 2014)

The measure required misdemeanor sentencing instead of felony for the following crimes:

- Grand theft, where the value of the stolen property does not exceed \$950
- Receiving stolen property, where the value of the property does not exceed \$950
- Forgery, where the value of forged check, bond or bill does not exceed \$950
- Fraud, where the value of the fraudulent check, draft or order does not exceed \$950
- Writing a bad check, where the value of the check does not exceed \$950
- Personal use of most illegal drugs

In January 2015, it was announced that as many as 1 million Californians could be eligible to change past felony convictions on their records under Proposition 47

Source: [https://ballotpedia.org/California_Proposition_47,_Reduced_Penal_ties_for_Some_Crimes_Initiative_\(2014\)](https://ballotpedia.org/California_Proposition_47,_Reduced_Penal_ties_for_Some_Crimes_Initiative_(2014))

Prop 57 (Became effective November 8, 2016)

Under Proposition 57, CDCR incentivizes inmates to take responsibility for their own rehabilitation with credit-earning opportunities for sustained good behavior, as well as in-prison program and activities participation. Proposition 57 also moves up parole consideration of nonviolent offenders who have served the full-term of the sentence for their primary offense and who demonstrate that their release to the community would not pose an unreasonable

risk of violence to the community. These changes will lead to improved inmate behavior and a safer prison environment for inmates and staff alike, and give inmates skills and tools to be more productive members of society once they complete their incarceration and transition to supervision.

Source: <https://www.cdcr.ca.gov/proposition57/>

AB 109
(Became effective October 1, 2011)

Existing law defines a felony as a crime which is punishable with death or by imprisonment in the state prison. Existing law also provides that except in cases where a different punishment is prescribed by law, every offense declared to be a felony, or to be punishable by imprisonment in a state prison, is punishable by imprisonment in any of the state prisons for 16 months, or 2 or 3 years. Every offense which is prescribed to be a felony punishable by imprisonment in any of the state prisons or by a fine, but without an alternate sentence to the county jail, may be punishable by imprisonment in the county jail not exceeding one year or by a fine, or by both.

This bill would instead provide that a felony is a crime that is punishable with death, by imprisonment in the state prison, or notwithstanding any other provision of law, by imprisonment in a county jail for more than one year. The bill would generally provide that felonies are punishable by imprisonment in a county jail for 16 months, or 2 or 3 years. The bill provides exceptions to imprisonment in a county jail for a variety of felonies, including serious felonies and violent felonies, as defined, felonies requiring registration as a sex offender, and when the defendant has a prior conviction for a serious or violent felony, or a felony subjecting the defendant to registration as a sex offender, among other exceptions.

Source: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB109

SB-1437 Accomplice liability for felony murder. (2017-2018) (Became effective January 1, 2019)
SEC. 4.

Section 1170.95 is added to the Penal Code, to read:

1170.95.

(a) A person convicted of felony murder or murder under a natural and probable consequences theory may file a petition with the court that sentenced the petitioner to have the petitioner's murder conviction vacated and to be resentenced on any remaining counts when all of the following conditions apply:

(1) A complaint, information, or indictment was filed against the petitioner that allowed the prosecution to proceed under a theory of felony murder or murder under the natural and probable consequences doctrine.

(2) The petitioner was convicted of first degree or second degree murder following a trial or accepted a plea offer in lieu of a trial at which the petitioner could be convicted for first degree or second degree murder.

(3) The petitioner could not be convicted of first or second degree murder because of changes to Section 188 or 189 made effective January 1, 2019.

(b) (1) The petition shall be filed with the court that sentenced the petitioner and served by the petitioner on the district attorney, or on the agency that prosecuted the petitioner, and on the attorney who represented the petitioner in the trial court or on the public defender of the county where the petitioner was convicted. If the judge that originally sentenced the petitioner is not available to resentence the petitioner, the presiding judge shall designate another judge to rule on the petition. The petition shall include all of the following:

(A) A declaration by the petitioner that he or she is eligible for relief under this section, based on all the requirements of subdivision (a).

(B) The superior court case number and year of the petitioner's conviction.

(C) Whether the petitioner requests the appointment of counsel.

(2) If any of the information required by this subdivision is missing from the petition and cannot be readily ascertained by the court, the court may deny the petition without prejudice to the filing of another petition and advise the petitioner that the matter cannot be considered without the missing information.

(c) The court shall review the petition and determine if the petitioner has made a prima facie showing that the petitioner falls within the provisions of this section. If the petitioner has requested counsel, the court shall appoint counsel to represent the petitioner. The prosecutor shall file and serve a response within 60 days of service of the petition and the petitioner may file and serve a reply within 30 days after the prosecutor response is served. These deadlines shall be extended for good cause. If the petitioner makes a prima facie showing that he or she is entitled to relief, the court shall issue an order to show cause.

(d) (1) Within 60 days after the order to show cause has issued, the court shall hold a hearing to determine whether to vacate the murder conviction and to recall the sentence and resentence the petitioner on any remaining counts in the same manner as if the petitioner had not been previously been sentenced, provided that the new sentence, if any, is not greater than the initial sentence. This deadline may be extended for good cause.

(2) The parties may waive a resentencing hearing and stipulate that the petitioner is eligible to have his or her murder conviction vacated and for resentencing. If there was a prior finding by a court or jury that the petitioner did not act with reckless indifference to human life or was not a major participant in the felony, the court shall vacate the petitioner's conviction and resentence the petitioner.

(3) At the hearing to determine whether the petitioner is entitled to relief, the burden of proof shall be on the prosecution to prove, beyond a reasonable doubt, that the petitioner is ineligible for resentencing. If the prosecution fails to sustain its burden of proof, the prior conviction, and any allegations and enhancements attached to the conviction, shall be vacated and the petitioner shall be resentenced on the remaining charges. The prosecutor and the petitioner may rely on the record of conviction or offer new or additional evidence to meet their respective burdens.

(e) If petitioner is entitled to relief pursuant to this section, murder was charged generically, and the target offense was not charged, the petitioner's conviction shall be redesignated as the target offense or underlying felony for resentencing purposes. Any applicable statute of limitations shall not be a bar to the court's redesignation of the offense for this purpose.

(f) This section does not diminish or abrogate any rights or remedies otherwise available to the petitioner.

(g) A person who is resentenced pursuant to this section shall be given credit for time served. The judge may order the petitioner to be subject to parole supervision for up to three years following the completion of the sentence.

Source: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1437

Released: June 22, 2020