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Sheriff's Department

Background

As recommended by the 2004-2005 Grand Jury, this Grand Jury continued the investigation of the Plumas County Sheriff's Department (PCSD). Significant time and effort was invested in further interviews and document reviews. Additional allegations of misconduct by PCSD personnel were uncovered.

Findings

1. The allegations of misconduct which were investigated by the Grand Jury were not supported by documentary evidence or testimony by first-hand witnesses. Unsupportable formal and informal complaints against the PCSD have been presented to the Plumas County Grand Jury for at least the last five years.
2. The Attorney General's Office, which was invited into the PCSD investigation by the 2004-2005 Grand Jury, withdrew from participation early in 2006 because it could find no first-hand testimony or evidence of felony offenses.
3. Staff meeting frequency and regularity are not consistent throughout the PCSD, in some cases degrading communications and supervision efficiency.

Recommendations

The Grand Jury recommends that:

1. Citizens not elevate to the level of formal complaints second or third hand stories of official misconduct for which they have no supporting evidence and can not deliver important sworn testimony.
2. PCSD implement a uniform policy of frequent, regular staff meetings to enhance the quality of supervision and intra-departmental communication.

COMPLAINT SUMMARY

COMPLAINT #05/06-1

Nature of Complaint

Complainant reported “dishonest, improper, illegal and inefficient” behavior on the part of the Portola City Council.

Response

The Grand Jury sent a letter to complainant indicating that the complaint lacked adequate specificity for the Grand Jury to act and suggested that complainant resubmit with some specific details.

COMPLAINT #05/06-2

Nature of Complaint

This complaint was referred from the 2004/2005 Grand Jury. The complainant brought forth several issues regarding inspections, code violations and contractor licensure with the county Building and Planning Services Department.

Response

Following investigation of this complaint a letter was mailed to the complainant advising that personal consultation with the new administrator of this department is the most effective means of solving concerns. The new philosophy and reorganization of the department should prevent such concerns in the future.

COMPLAINT #05/06-3

Nature of Complaint

This complaint was Complaint #04/05-14 from the previous year’s Grand Jury.

Response

Complainant’s problem was solved without needing Grand Jury intervention.

COMPLAINT #05/06-4

Nature of Complaint

Building horse corrals close to complainant's property and creating a nuisance with flies and odors.

Response

A letter was drafted referring complainant to the County Environmental Health Department and also recommending that complainant contact the Planning Department if there are questions concerning zoning issues.

COMPLAINT #05/06-5

Nature of Complaint

Complainant, a resident of Portola, reported that on January 16, 2004 complainant paid \$100 down to the Portola Cemetery District (PCD) for a \$300 plot adjacent to those of complainant's parents and that same day an out-of-county relative (OCR) sent a check for the remaining \$200 to the district. This check reportedly was a personal loan to the complainant. Complainant supplied copies of the check and receipts signed by the district manager.

Complainant's sibling (CS), with whom complainant is in litigation over the estate of their parent, was subsequently appointed to the board of directors of the PCD.

The OCR later received a warrant, dated 04/29/04, in the amount of \$300 from Plumas County along with a letter, dated 04/14/04, from the cemetery district secretary. The letter stated a mistake was made and that to a non-resident of Portola the price of the plot would be \$500 and was under review to be increased to \$785. The OCR wrote two letters to the district board. The first, dated 5/9/04 explained that the purchaser was the complainant, not the OCR, and a response was requested. The second, dated 6/21/04, addressed to the chairman of the district board asked for the minutes of the last three meetings of the board and a copy of the bylaws of the district.

Complainant reports that no reply was received to either communication.

Response

The Grand Jury interviewed the Secretary of the PCD and reviewed his records of the matter.

Findings

- 1.The nine Plumas County cemetery districts are officially special districts, but are not included in the list of special districts maintained by the County Clerk. They are included in the list of Boards, Commissions and Committees maintained by the Clerk of the Board of Supervisors. The latter list is out of date, at least as far as the Portola Cemetery District is concerned.
- 2.Although the PCD officially has an elected board, the members are all appointed by the district County Supervisor.
- 3.The PCD receipt supplied to complainant and dated 01/16/04, the check from the OCR dated 01/16/04, and the receipt to the OCR dated 2/12/04 all specify the same plot number in the Whispering Pines cemetery.
- 4.The PCD Secretary did not have a copy of the receipt of the complainant's \$100 deposit, which was a cash payment.
- 5.The refund warrant from the county to the OCR was for \$300, not \$200, which was the amount of the OCR's check.
- 6.The minutes of the April 14, 2004 PCD board meeting state that the board member CS presented a complaint from the complainant but does not specify the contents of that complaint. The minutes state that CS said that CS bought two cemetery plots the previous year and was promised six more plots. A motion was made and passed to write a letter to the OCR saying a mistake was made in selling OCR the plot and to refund the cost of the plot.
- 7.The cemetery district's records indicate that the specific plot originally sold to the complainant is now owned by the board member CS.
- 8.The PCD Secretary has a letter to PCD from the Plumas County Auditor-Controller's office, dated 12/2/04, which reports that the \$300 warrant issued was stale dated and had been cancelled, with the funds transferred into the unclaimed trust fund.

Recommendations

This complaint appears to be a product of an ongoing private struggle between estranged siblings, however, the Grand Jury recommends that:

1. Public officers not use their office to gain advantage in private disputes.
2. County supervisors use extra care to avoid selecting special district board appointees who bring to office private agendas.

3. The next Grand Jury review all the cemetery districts, which do not receive much publicity and remain obscure to the public.
4. The County Clerk include the cemetery districts in the list of special districts maintained by that office.

COMPLAINT #05/06-6
COMPLAINT #05/06-7
COMPLAINT #05/06-8
COMPLAINT #05/06-9
COMPLAINT #05/06-10

Nature of Complaints

These five complaints, all against the Feather River Canyon Community Services District (FRCCSD) addressed the issues of frequently interrupted, low pressure, and occasionally unsanitary water service at one of the seven systems maintained by the district. The complainants also reported a perceived lack of constructive response from the FRCCSD Board of Directors.

Response

The Grand Jury interviewed the Chairman of the FRCCSD Board of Directors and the Director of the Plumas County Community Development Commission (PCCDC) and gleaned the following information:

The FRCCSD was formed in the 1980's in response to California State Department of Health Services (CSDHS) newly enforced requirements on water systems. The district was form by multiple business owners with separate water systems in order to become eligible for grant funds necessary to update the water systems to meet new state requirements. These funds were made available to the district, largely as a result of the efforts of the PCCDC and the systems were upgraded by 1989.

In the ensuing years the canyon population, and water demand, grew while the water systems equipment deteriorated. Necessary repairs became more and more frequent, with the district raising its annual budget from about \$15,000 to \$43,000 in 2005, still with an expected loss. About 2000, the CSDHS imposed new requirements on the district which require significant investment and with the help of the PCCDC in 2004 the district obtained block grants for \$326,000, which will be used to cover work to commence this summer. The work specified in the

grants does not include improvements to the system which is the subject of the complaints, but some funds may be redirected to such use.

It appears that the population base in the FRCCSD is large enough to create a water demand that exceeds the capacity of some systems, but is not large enough to finance the upgrades necessary to increase capacity and meet the CSDHS requirements. This district appears to have been surviving only on the charity of the federal and state governments.

COMPLAINT #05/06-11

Nature of Complaint

Complainant reports that a Sheriff's Deputy, while answering a burglary call at complainant's business establishment dealt with complainant in a rude and unprofessional manner.

Response

This complaint will be referred to the 2006-2007 Grand Jury.

COMPLAINT #05/06-12

Nature of Complaint

Complainant reported concerns about the quality of classes being offered at Feather River College. Complainant felt that classes had been "watered down". Priorities seem to be misplaced for educating the students.

Response

The Grand Jury, pursuant to California Penal Code 914, is charged with specific responsibility to investigate and report on all aspects of county government, including community colleges.

Administration, operations, and practices can be discussed or investigated by the Grand Jury. Curriculum cannot be challenged.

COMPLAINT #05/06-13

Nature of Complaint

This complaint was carried over from the 04/05 Grand Jury. The complainant questioned the legitimacy of a card lock transaction.

Response

The Grand Jury found that it was common for County employees to use a County credit card for gas when they use their cars for work related procedures.

Recommendation

The Grand Jury recommends that the County Administrative Officer and the Board of Supervisors review county travel policy concerning such use of credit cards.

COMPLAINT #05/06-14

Nature of Complaint

Complaint involved accusation of a breach of confidentiality by Court employees.

Response

Complainant was advised by letter that Court employees are under the jurisdiction of the State of California, and not Plumas County. Consequently the Grand Jury may not review this complaint. Complainant was advised to consult with the department administration.

COMPLAINT #05/06-15

Nature of Complaint

Complainant reports incidents of retaliation, harassment and failure to follow written policies at Feather River College.

Response

The Grand Jury does not investigate personnel matters. Since complainant has retained legal counsel the complainant should follow the advice and counsel of the attorney as to rights and remedies in this matter.

COMPLAINT #05/06-16

Nature of Complaint

The complainants alleged improprieties with the lay-off procedure followed by the county and benefits due temporary employees.

Response

The Grand Jury declined to pursue this complaint. The complainants should contact the Human Resources Department or their union representative for resolution of their complaint.

COMPLAINT #05/06-17

Nature of Complaint

The complaint alleged numerous instances of policy violation and impropriety in the Animal Control Department.

Response

After reviewing the complaint and its supporting documentation, it was determined that a review of the Department was warranted. The review of Animal Control is included in the body of this Final Report.

COMPLAINT #05/06-18

Nature of Complaint

Complainant accused a current County Supervisor of a “conflict of interest” by simultaneously holding two public offices.

Response

The Grand Jury sought County Counsel opinion on this matter. Subsequent to this opinion a letter was sent to the complainant indicating that no “conflict of interest” exists, as a co-op board of directors is not a public office.

COMPLAINT #05/06-19

Nature of Complaint

Complainant charges that “Temporary Occupancy Permits” were not properly issued prior to occupancy of the Animal Shelter and the Permit Center, and that such permits are not offered to private landowners on an equal basis.

Response

Following investigation of this complaint a letter was mailed the complainant advising of the following:

As a result of numerous interviews regarding this matter, and the receipt of additional documentation, the Grand Jury has concluded the following:

1. Appropriate Temporary Occupancy Permits were in place for both the Animal Shelter and Permit Center at the time of occupancy.
2. At a later date there was a lapse in issuance of “Temporary Occupancy Permit” for the Animal Shelter, apparently the result of no tracking system in place for such permits.
3. Some Temporary Occupancy Permits contain a stated expiration date, while others do not.
4. There is apparently no Building Code regulation requiring such stated expiration dates.
5. Temporary Occupancy Permits are issued to private landowners.

The following recommendations will be forwarded to the Building and Planning Services administrator as well as to the Board of Supervisors:

1. Institute a computerized tracking system as soon as possible regarding all permits—including date of issuance and expiration date.
2. All Temporary Occupancy Permits should include issuance date and expiration date.

COMPLAINT #05/06-20

Nature of Complaint

Complaint alleges loss of institutional controls at Feather River College allowing for dishonest, improper and inefficient operations.

Response

The Grand Jury advised complainant by letter that it would bear in mind complainant's concerns in its future review of Feather River College.

COMPLAINT #05/06-21

Nature of Complaint

Complainant charged that a Fundraiser was held on county time. The Treasurer's office collected the money without stating the purpose of the collected funds.

Response

While the hours of the fund raiser were from noon to 2pm, this was attended during the county employees' lunch hours to compensate for the varying lunch times (no offices were closed for the purpose of the fundraiser). The treasurer's office did not collect the money; however the person that collected the money works in that office. The funds are set up in a personal account and are not subject to Grand Jury review.

COMPLAINT #05/06-22

Nature of Complaint

Complainant objects to the treatment he claims to have received from the Plumas County Child Protective Services Department.

Response

This complaint will be forwarded on to the 2006-2007 Grand Jury.

COMPLAINT #05/06-23

Nature of Complaint

Complainant claims a Plumas County Judge was biased in the decisions made in his court case.

Response

The Grand Jury wrote a letter to the complainant informing him that the Grand Jury has no jurisdiction over judges, who are state employees, and referred him to the Judicial Council of California.

Grand Jury Investigation History

Plumas County Grand Jury Evaluations

DEPARTMENT/ AGENCY/PROGRAM	Earlier Years	2000- 2001	2001- 2002	2002- 2003	2003- 2004	2004- 2005	2005- 2006
Administrative/CAO	95-96		X				
Assessor	95-96, 98-99						
Auditor/Controller			X				X
Board of Supervisors			X				X
Clerk/Recorder			X inc.				
Chamber of Commerce							
Information Technology	99-00						
Fair			X				
Farm Advisor							
Law Library	99-00						F/U
Library	98-99						
Literacy Program	98-99						
Museum	98-99						
Human Resources	99-00				X		
Treasurer/Tax Collector	98-99						
Alcohol and Drug	95-96		X inc.				
Senior Services							
District Attorney –Family Support Division	97-98						
Mental Health	95-96, 99-00						
Plumas County Public Health Agency					X		
Public Administrator							
Public Guardian/Conservator	99-00						
Sierra House	99-00						
Social Services	95-96						
Veteran’s Services	95-96						
Animal Control	95-96		X	X		X	F/U
County Counsel							
District Attorney	98-99						
Fish and Game Commission							
Jail	98-99		X	X	X	X	X
Victim Witness							
Office of Emergency Services							

DEPARTMENT/ AGENCY/PROGRAM	Earlier Years	2000- 2001	2001- 2002	2002- 2003	2003- 2004	2004- 2005	2005- 2006
Probation	98-99		X		X		
Juvenile Hall				X		X	
Public Defender							
Sheriff/Coroner	95-96, 96-97 98-99		X		X		INC
Fire			X	X		X	F/U
Ag. Commissioner							
Engineering							
Environmental Health							
Housing and Community Development							
Local Agency Formation Commission							
Planning				X		X	X
Public Works	95-96, 97-98 98-99		X				F/U
Plumas County Flood Control and Water Conservation District					X	X	INC
Airport Operations							
Facility Services	99-00			X		X	
Recreation Districts	95-96						
Nutrition Programs	95-96						
Plumas Corporation			X				
Hospital Districts			X				
Plumas Unified School District				X	X	X	
Feather River College							INC
Portola Cemetery District							INC

Key: F/U = Follow-up investigation
INC = Incomplete investigation