

This document is an extract of a larger publication.

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TULARE COUNTY CIVIL GRAND JURY FINAL REPORT



TULARE COUNTY CIVIL GRAND JURY FINAL REPORT

LETTER FROM THE JUDGES



Superior Court of the State of California

Stephanie Cameron
Court Executive Officer/
Jury Commissioner

COUNTY OF TULARE
ADMINISTRATION
221 S. Mooney Blvd., Room 303
Visalia, California 93291
Telephone: (559) 730-5000
Facsimile: (559) 737-4290

Nocona Soboleski
Assistant Court Executive Office

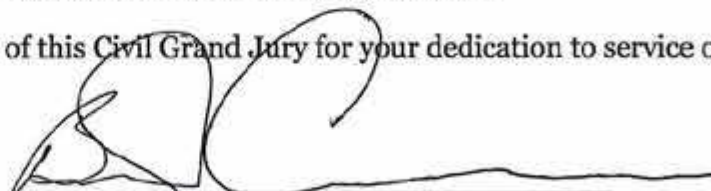
JUDGES' COMMENTS


On behalf of the entire bench of the Tulare County Superior Court we want to sincerely thank the 2018-2019 Civil Grand Jury for all the work they have performed on behalf of the citizens of Tulare County. Once again another Civil Grand Jury's term has been completed.

Civil Grand Jurors always assume a great deal of responsibility whenever they agree to be a part of a year's panel. They willingly do this as volunteers without any purpose other than to insure that governmental agencies and individuals are properly performing their duties. The taxpayers of Tulare County were well served by all the time and effort put forth by this Civil Grand Jury. We are especially grateful for the efficient manner in which this year's Civil Grand Jury performed these tasks and the overall cooperation and respect they showed to each other.

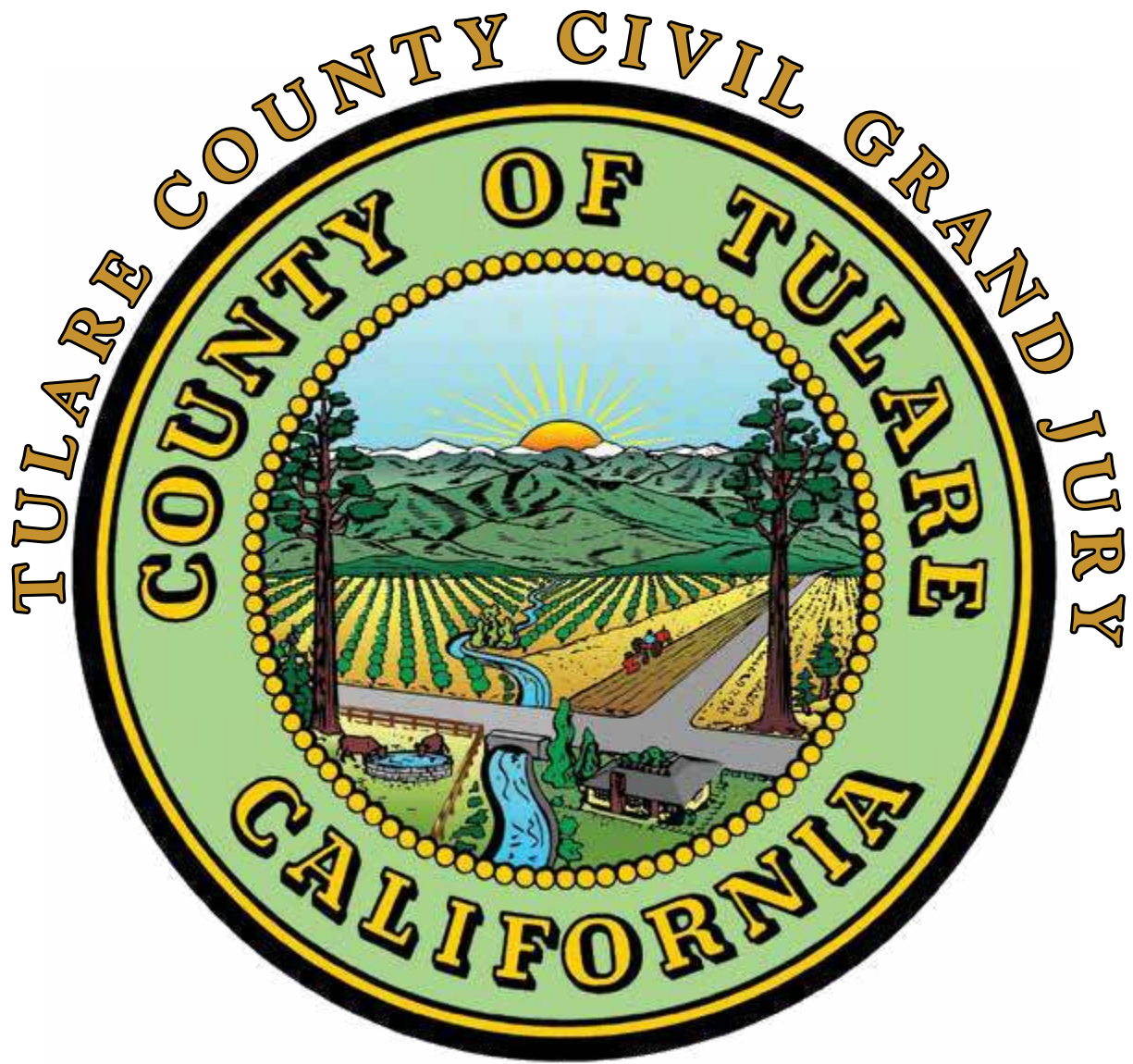
Much is misunderstood by the general public as to the functions and purpose of the Civil Grand Jury. It is empowered by statutory authority to investigate local governmental agencies and process citizen complaints involving local government issues. No other agency or group has mandate to be a "watch-dog" to insure that our local government works effectively, efficiently, and to the best interest of all citizens. We need responsible, dedicated people such as those on this year's Civil Grand Jury to serve in the future. If you would like to volunteer to do meaningful work for our community, we invite you to apply for service on Civil Grand Jury by contacting the Superior Court at (559) 730-5000 x1359 and ask for an application.

In closing, we applaud each member of this Civil Grand Jury for your dedication to service on behalf of all citizens who live in Tulare County.


Brett R. Alldredge
Presiding Judge


David C. Mathias
Assistant Presiding Judge

TULARE COUNTY CIVIL GRAND JURY FINAL REPORT



TULARE COUNTY CIVIL GRAND JURY FINAL REPORT



Tulare County Civil Grand Jury

5963 South Mooney Boulevard
Visalia, CA 93277

(559) 624-7295 • Fax (559) 733-6078

Honorable Judge Brett R. Alldredge
Presiding Judge of the Superior Court
State of California
County of Tulare

Honorable David S. Mathias
Supervising Judge of the Grand Jury
State of California
County of Tulare

Dear Judge Alldredge and Judge Mathias,

Our experience as members of the 2018-2019 Tulare County Civil Grand Jury has been informational, interesting and educational, as we worked together as a team in our investigations throughout our term.

The Civil Grand Jury wishes to extend our thanks and gratitude to Judges Alldredge and Mathias for their advice and guidance. We also appreciate the relationship with the Tulare County Counsel and District Attorney's Office for their assistance.

A very special thank you to Annette Jones, the Tulare County Civil Grand Jury Clerk, her knowledge, professionalism and assistance during the year were above her normal duties. I personally would have been lost without her daily helpfulness and encouragement. We are also grateful to Ellen Kennedy, the Tulare County Superior Court Executive Secretary for her expertise and support.

It has been an honor and privilege to serve with the 2018-2019 Jury during my term as a foreperson. My appreciation to the eighteen other jurors for their service and dedication during our year together.

Respectfully,

A handwritten signature in blue ink that reads "Ron White".

Ron White, Foreman

2018-2019 Tulare County Civil Grand Jury

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TULARE COUNTY CIVIL GRAND JURY FINAL REPORT

GRAND JURY RESPONSE REPORT 2017-2018 COMPLIANCE REVIEW

OVERVIEW OF GRAND JURY RESPONSE DUTIES:

The Tulare County Civil Grand Jury (TCCGJ) is impaneled annually to act as the public's watchdog by investigating and reporting on the affairs of county agencies, local governments and independent districts within Tulare County. TCCGJ reviews complaints brought by citizens and internally initiates investigations about perceived government irregularities. As a fact finding body, the TCCGJ has the potential to make recommendations for constructive changes and possible solutions to a wide range of local governmental problems. This is done by reviewing and evaluating policies and procedures, methods, and systems utilized to determine if more efficient and economical programs can be employed. TCCGJ is authorized to, and in some cases, must do the following:

- Inspect and audit books, records, and financial expenditures to ensure that public funds are properly accounted for and legally spent
- Examine the books and records of any nonprofit organization receiving local public funds
- Inquire into the conditions and management of jails and detention facilities
- Inquire into any charges of willful misconduct in office by County, local officials, or employees

TCCGJ does not investigate private entities, nonprofit organizations not funded by the county; states or federal agencies; courts; school curricula; or, other matters not connected with local governments.

TCCGJ annually issues a final report which contains specific reports addressing one or more issues. California Penal Code §933.05 requires responses from governing agencies, including the Tulare County Board of Supervisors, city and county government entities, schools, special districts, and certain non-profit corporations. This ensures these entities have performed their function in a lawful, economical, and efficient manner. Each report contains information such as the background regarding the subject matter, reasons for the investigation, the procedures followed in obtaining information, findings, conclusions, and recommendations. All required responders must reply in writing to each finding and recommendation in the specific report within a specified time period.

ACTIVITIES OF THE COMMITTEE:

1. Reviewed returned responses to the 2017-2018 and 2015-2016 Grand Jury Final Reports
2. Reviewed relevant California Government and Penal Codes
3. Compiled statistics regarding the responses



TULARE COUNTY CIVIL GRAND JURY FINAL REPORT

The 2017-2018 TCCGJ reports required responses from the following responding agencies:

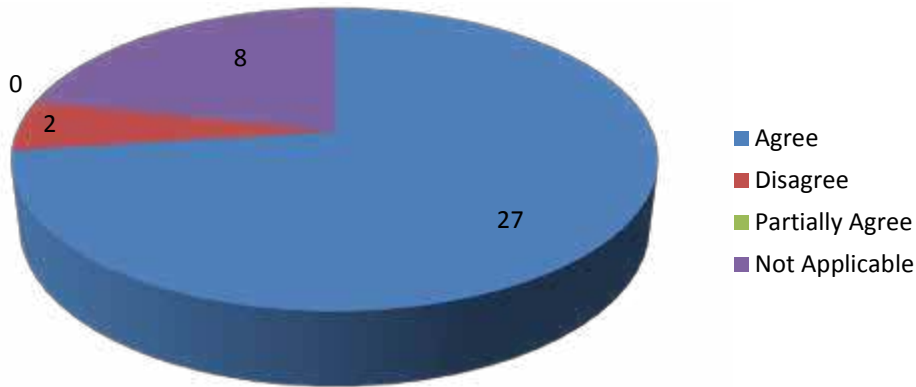
1. Tulare County Resource Management Agency – The Roads of Tulare County
2. Tulare County Sheriff’s Office - Vision of Protection
3. Tulare County Board of Supervisors Clerk’s Office – Show Me the Records!!!
4. Pleasant View School District – A Pleasant View of Discipline to Create a Positive Environment
5. Tulare County Animal Services – It’s Reigning Cats and Dogs Animals in Control
6. Tulare County Health and Human Services – Homeless Health and Sanitation
7. Tulare County Sheriff Office – Female Detainees in Tulare County Jails
8. Kaweah Health Care District – Kaweah Delta’s Emergency
9. East Orosi Community Service District – Where is Trust, Transparency, and Accountability
10. Tulare County Office of Education – To Unify or Not to Unify
11. Tulare County Probation Department – Pay Up and Recover

DATA REVIEWED:

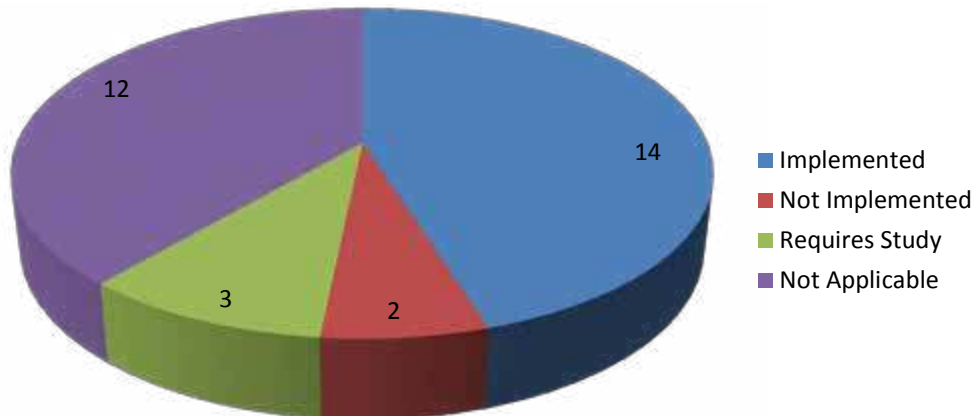
1. There were 11 TCCGJ reports published in the 2017-2018 Final Report.
2. There were 60 findings and 26 recommendations to the 2017-2018 Final Report.
3. The following diagrams indicate the numbers of those in concurrence with or disagreement to the findings, and implementations’ or non-implementation of recommendations made by the responding entities.

TULARE COUNTY CIVIL GRAND JURY FINAL REPORT

2017-2018 Findings



2017-2018 Responses



SUMMARY

Instructions are provided to all entities from which responses are required. Not all entities responded by the response date, however, with subsequent requests to do so, all but East Oroquieta Community Services District responded. All entities responding to a report must do so in accordance with California Penal Code §933.05.

2018-2019 Final Report and Responses may be found on the Tulare County Civil Grand Jury Website: <http://tularecounty.ca.gov/grandjury>

TULARE COUNTY CIVIL GRAND JURY FINAL REPORT

REVIEW OF 2015-2016 IMPLEMENTATION

TCCGJ annually issues a final report addressing one or more issues requiring responses from various agencies in the county. All required responders must reply in writing to each finding and recommendation in the specific report. The 2015-2016 Grand Jury Final Report included 13 reports. The grand jury is obligated to verify implementation of recommendations made in past reports with the required responders using a specific method of follow up as detailed below. Out of 13 reports, each report contained at least one recommendation.

METHOD OF FOLLOW UP:

1. Clarification letters were sent to the designated responders.
2. Reviewed websites and confirmed updates were completed.
3. Reviewed updated documents and responses.

The 2015-2016 TCCGJ reports required responses from the responding agencies including:

1. Lindsay City Council – Nightmare in Lindsay
2. Tulare County Fire Department
3. Farmersville Unified School District – Farmerville School Issues
4. Tulare County Health and Human Services – Homeless, Hopeless and Helped Less
5. Tulare County Housing Authority - The Aging Wait for Elderly Housing
6. Tulare County Sheriff Office – Female Detainees in Tulare County Jails
7. Tulare County Sheriff Office and District Attorney –Justice for All
8. Tulare County Probation Department – Cause and Effect
9. Richgrove Community Service Board of Districts – Richgrove Community Service District
10. Tulare County Resource Management Agency, Cities of Woodlake, Porterville, Tulare, Visalia, Lindsay, Exeter, Dinuba, Farmersville – Are we ready for El Nino
11. Tulare County Auditor-Controller-Treasurer-Tax Collector – Auditor’s Audit Failures
12. Tulare Local Health Care District Board of Directors – Tower of Shame
13. Tulare County Sheriff Office – We Will be the Difference

TULARE COUNTY CIVIL GRAND JURY FINAL REPORT

DATA REVIEWED:

There were 13 TCCGJ reports published in the 2015-2016 Final Report, with 88 findings and 63 recommendations.

SUMMARY:

25 agencies were required to respond to the findings; of which 92 were “agreed to,” 12 were “disagreed to,” 7 “partially agreed to,” and 29 were “not applicable.”

25 agencies were required to respond to the recommendations; of which 63 were implemented and 13 were not implemented.

There was one report not requiring a response.

Instructions were provided to all entities from which responses were required. All entities responded in accordance with California Penal Code §933.05.

TULARE COUNTY CIVIL GRAND JURY FINAL REPORT



ELECTIONS: TIMELY ACCESS TO RESULTS

BACKGROUND:

In Tulare County, the primary responsibilities of the Registrar of Voters (often referred to as “the Elections Office”), include, but are not limited to, the following:

1. To direct the processing of voter registration affidavits;
2. Maintenance of voter registration records;
3. Verification of State and local petitions (i.e. initiative, referendum, recall and nomination);
4. Management of mail ballot program and mail ballot voter records, including preparation, mailing, verification, and processing of mail ballots;
5. Coordination with external organizations including the United States Postal Service, ballot printing and mailing contractor;
6. Ensuring State and Federal reporting requirements are completed;
7. Management and staffing of polling precincts;
8. Other duties which have come to be expected – if not required by law – are maintenance of a website, accessible by the general public, from which information regarding election results may be obtained; and the timely reporting thereof.

REASONS FOR INVESTIGATION:

The Tulare County Civil Grand Jury (TCCGJ) received a complaint regarding mishandling of change of address procedures impacting the complainant’s ability to cast a ballot.

Also, in recent years, the Registrar of Voters website has been inoperable (i.e. “crashed”) early in the evening of election nights, resulting in an inability on the part of voters, the news media and other interested parties to access information regarding the outcomes of various elections. These deficiencies in reporting often resulted in several days passing before election results were known. This served as a catalyst to the TCCGJ to initiate an investigation.

TULARE COUNTY CIVIL GRAND JURY FINAL REPORT

METHOD OF INVESTIGATION:

1. Interviewed complainant
2. Interviewed Registrar of Voters personnel
3. Conducted onsite review of election night procedures
4. Reviewed relevant documents and data

FACTS:

1. There were 166,279 registered voters in Tulare County as of October 22, 2018.
2. In the November 6, 2018 election, 101,066 ballots were cast and processed (60.78 percent of those eligible to vote).
3. Voters who live in precincts with less than 250 registered voters must use mail ballots or vote at the Registrar of Voters Office. Registered voters in larger precincts have the option of voting by mail or in person at the precinct.
4. In the June 5, 2018 Primary Election, at least one voter and other interested party experienced difficulties in accessing elections results on the Registrar's website on a timely basis.
5. In addition to address changes being provided by the voter, the elections office also receives address changes from the California Department of Motor Vehicles (DMV) and the USPS.
6. Early in 2019, the Tulare County Board of Supervisors (TCBOS) approved \$1.5 Million for upgrading Elections Office equipment.

FINDINGS:

- F1. In preparation for the November 6, 2018 General Election, the Elections Office moved data from a shared computer server to a proprietary server, thus facilitating accessibility and increasing speed and capacity of the website. Consequently, irregularities experienced in the June 5, 2018 Primary Election, were not evident in the November General Election.
- F2. The Elections Office does not maintain a complaint log nor do they have established protocols to resolve complaints filed and to track them to resolution.
- F3. The scheduled upgrade of equipment should assist the Elections Office in reporting accurate election returns in a more timely manner.

TULARE COUNTY CIVIL GRAND JURY FINAL REPORT

CONCLUSION:

The TCCGJ found the Elections Office to be responsive and effective in addressing issues related to the accessibility and reporting of election returns.

RECOMMENDATIONS:

R1. Formal policies, procedures and protocols should be developed to address issues related to complaints lodged with the Elections Office. This would include, but not be limited to, establishing and maintaining a complaint log.

REQUIRED RESPONSES:

1. Tulare County Registrar of Voters. Findings F2 and F3, Recommendation R1

Disclaimer

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TULARE COUNTY CIVIL GRAND JURY FINAL REPORT

ELDER ABUSE: EVERYONE'S BUSINESS

BACKGROUND:

Elder abuse is defined as an action by a person in a position of trust which causes harm to an elder. Harmful actions by strangers are not considered elder abuse, but are considered crimes. Elder abuse includes physical, emotional, sexual, and financial exploitation. Neglect, self-neglect, and isolation are also common forms of abuse.

Abuse and neglect of elderly adults is recognized as a social problem. One in ten adults over 65 years of age has suffered some form of abuse. According to US Census Bureau figures, the 65+ population rises from 40 million today, to over 70 million by 2030. It is estimated that there are at least 18,150 people over 65 residing in Tulare County. In 2016, there were 2,700 reports of elder abuse in Tulare County. From 2016 to 2018, the number of criminal investigative cases involving elder abuse in Tulare County increased 14.3 percent and is projected to continue to increase. It is estimated that only one in 14 cases of elder abuse is reported in Tulare County. The short and long term effects of financial abuse include decline in health leading to early death; dependence on social service agencies; inability to afford medications; hospitalization or long term care. Laws pertaining to elder abuse include but are not limited to the following:



1. California State Law, SB 1018, (California Financial Abuse Law, effective 8/29/2005). This law was enacted to protect the elderly from financial exploitation.
2. California Welfare and Institutional Code sec. 15630, "Mandated reporters that fail to report may be guilty of a crime."
3. California Penal Code § 368 governs crimes against elder or dependent adults.

Several agencies exist- wholly or in part- for the protection of the elderly in Tulare County. These include:

1. Tulare County Sheriff's Department
2. Other Law Enforcement agencies within Tulare County (e.g., various police departments serving municipalities)

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3. The Office of the Tulare County District Attorney
4. Kings Tulare Area Agency on Aging (KTAAA)
5. Tulare County Department of Health and Human Services
 - a. Adult Protective Services
 - b. Public Guardian
6. Kings-Tulare Ombudsman Program

REASON FOR INVESTIGATION:

The reasons for this investigation were to review and raise awareness of current programs in Tulare County, designed to identify and prevent elder abuse. These programs are designed to protect independent adults, those needing financial guidance, and those in care facilities. The Tulare County Civil Grand Jury (TCCGJ) endeavored to determine what resources are available to protect the elderly.

METHOD OF INVESTIGATION:

1. Interviewed witnesses
2. Reviewed specific documents
3. Examined statutes, ordinances, and supportive services in place for the protection of elder adults

FACTS:

1. Elder abuse includes physical, emotional, sexual, and financial exploitation or neglect.
2. KTAAA serves as Tulare County's principal advocate for older adults.
3. Elder abuse occurs in all socio-economic strata, subcultures, religions, and neighborhoods.
4. Tulare County Sheriff's Department estimates that elder abuse cases in Tulare County will increase by a factor of 23.8 percent from 2017 to 2018.
5. Financial abuse is the most often reported type of abuse.
6. The following are mandated reporters and are required to report suspected instances of elder abuse:
 - a. Physicians and medical professionals
 - b. Clergy
 - c. Bank employees
 - d. Any individual assuming care responsibility or custody of an elderly person

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7. Common characteristics of the abused:
 - a. Over 75 years of age
 - b. Socially isolated
 - c. Loyal defenders of the abuser
 - d. Dependent on their abuser
8. Common characteristics of abusers:
 - a. Most often a relative of the abused
 - b. Most often live with the abused
 - c. May be abusing drugs and/or alcohol
 - d. Externalize blame on others
 - e. Expect the elderly care recipient to meet a wide range of their needs
 - f. Often shift anger meant for an authority figure to the abused

FINDINGS:

- F1. Despite multiple agencies in Tulare County dealing with the issues surrounding elder abuse, the number of unreported cases remains high.
- F2. Elder abuse is not confined to any one socio-economic stratum.
- F3. Increased demand for social services and long-term care - as a result of financial abuse - will have a direct negative impact and place a financial burden on all agencies serving Tulare County's elders.
- F4. All reported cases of elder abuse are treated with strict confidentiality.

RECOMMENDATION:

- R1. If additional resources can be found by agencies serving the elderly, consideration should be given to prioritizing actions and policies toward promoting the earlier and more consistent reporting of suspected incidents of elder abuse.

REQUIRED RESPONSES:

1. Tulare County Board of Supervisors – Findings F1, F3 Recommendation R1
2. Kings – Tulare Area Agency on Aging – Findings F1, F2, F3, F4

TULARE COUNTY CIVIL GRAND JURY FINAL REPORT

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INMATE EDUCATIONAL PROGRAMS IN TULARE COUNTY

BACKGROUND:

California Penal Code (PC) §919 (b) requires civil grand juries to inquire into conditions and management of “public prisons” within the county.

In 2018-2019, the Tulare County Civil Grand Jury (TCCGJ) toured county jails and reviewed educational programs offered to inmates by the Tulare County Sheriff Office (TCSO). The goals were to determine:

1. The types and number of programs being offered
2. The costs of providing academic education in the jails,
3. The number of inmates volunteering to complete these programs while incarcerated,
4. Whether or not these educational programs are changing inmate behaviors, and
5. Whether or not these programs are reducing recidivism rates

The TCSO operates under the mandate of PC § 6030 as codified in California Code of Regulations, Title 15, § 1061:

“Inmate Education Plan. The facility administrator of any Type II or III facility shall plan and shall request of appropriate public officials an inmate education program. When such services are not made available by the appropriate public officials, then the facility administrator shall develop and implement an education program with available resources. Such a plan shall provide the voluntary academic and/or vocational education of housed inmates. Reasonable criteria for program eligibility shall be established and an inmate may be excluded or removed based on sound security practices or failure to abide by facility rules and regulations.”

On October 14, 2017, AB 1008 was codified into existing law under the California Fair Employment and Housing Act (FEHA). AB 1008 prohibits an employer from asking an applicant for employment to disclose information concerning an arrest or detention that did not result in a conviction, any pretrial or post trial diversion program, or information regarding a criminal conviction.



TULARE COUNTY CIVIL GRAND JURY FINAL REPORT

REASON FOR INVESTIGATION:

The TCCGJ decided to investigate and report to the public on the various educational programs available to inmates within the jails of Tulare County.

METHOD OF INVESTIGATION:

1. Site visits
2. Interviewed appropriate administrative personnel
3. Reviewed applicable and relevant documents

FACTS:

1. There are 24 inmate education programs offered. The types of programs include education and literacy skill development, job skill training, job placement services, parenting classes, and behavioral modification programs.
2. Funding is obtained from multiple sources.
3. Inmate participation in education programs is voluntary.
4. The TCSO offers behavioral focused educational programs.
5. Recidivism data is tracked by the TCSO and measures current rates.

FINDINGS:

F1. Listed are some of the inmate educational programs offered:

- a. AC/DC Electrical Systems
- b. General Education Development (GED)
- c. Literacy Program
- d. Alcohol/Drug Relapse Prevention
- e. Residential Substance Abuse Treatment (RSAT/WRSAT)
- f. The Gang Awareness Parenting Project (G.A.P.P.)
- g. Theft Intervention Program
- h. Vocational Transition Program

F2. State funds include SB 1, AB 109, Proposition 98, and an annual Budget Act Item 158. Grants are a major component of Tulare County inmate education program funding. The importance of this funding source is reflected by the fact that the Sheriff's staff includes a full time grant writer. Grant sources include federal, state and local funds.

TULARE COUNTY CIVIL GRAND JURY FINAL REPORT

- F3. The number of inmates participating varies for each program. For example:
- a. Substance Abuse male RSAT program included 64 inmates.
 - b. Substance Abuse female WRSAT program included 32 inmates.
 - c. Theft Intervention Program had 57 inmates enrolled.
 - d. Vocational transition program had 97 inmates enrolled.
- F4. The behavioral focused educational inmate programs include Substance Abuse male and female RSAT, Theft Intervention Program, Mother/Father Read Programs, The Gang Awareness Parenting Program, and a Transitional Skills program.
- F5. The TCSO annual recidivism rate data for specific inmate educational programs include:
- a. Residential Substance Abuse Treatment:
 1. Less than one year data indicates that:
 - a. 69% of inmates who graduated in 2015 were not re-arrested and 31% were re-arrested.
 - b. 58% of inmates who graduated in 2016 were not re-arrested and 42% were re-arrested.
 - c. 60% of inmates who graduated in 2017 were not re-arrested and 40% were re-arrested.
 - d. 74% of inmates who graduated in 2018 were not re-arrested and 26% were re-arrested
 - b. Gang Awareness Parenting Project
 1. Less than one year data indicates that:
 - a. 61% of inmates who have been released for less than one year have not been re-arrested in Tulare County.
- F6. Due to the recent implementation of AB 1008, the TCSO has not yet conducted a study to determine its effects on recidivism rates to date. The Sheriff is considering including a study on AB 1008 in the future implementation of a job placement skills program.

CONCLUSION:

Data regarding rates of recidivism for Tulare County trend favorably from 2016-2018. Tulare County recidivism data, when compared to rates for inmates throughout California's other 57 counties, compares favorably.

These inmate education programs are designed to help inmates improve competence in reading, language arts, mathematics, vocational (job skills) education, and self-esteem. The benefits and outcomes are an opportunity for lifelong learning and literacy skill development.

These services help the individual and community by providing inmates with the knowledge and skills necessary to participate effectively as workers, family members, and consumers of goods and services.

TULARE COUNTY CIVIL GRAND JURY FINAL REPORT

RECOMMENDATION:

R1. The TCCGJ recommends that the TCSO implement a study of AB 1008. This study should be focused on determining AB 1008's effects on recidivism rates.

REQUIRED RESPONSES:

Tulare County Sheriff Findings F1-F6, and Recommendation R1.

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EFFECTS OF PROP 64 IN LEGALIZING MARIJUANA IN TULARE COUNTY

BACKGROUND:

In November 1996, California voters approved Proposition 215, the initiative exempted certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of marijuana for medical purposes.

In November 2016, California voters passed Proposition 64, legalizing the recreational use of marijuana.

In January 2017, Tulare County Board of Supervisors passed Ordinance §3502, extending Ordinance §3500, temporarily establishing the regulations on the recreational use, cultivation and sales of marijuana in the unincorporated areas of the County.

Cities in Tulare County have the authority to institute their own regulations. As of this time, the cities of Woodlake and Farmersville allow the cultivation and distribution of marijuana or commercial cannabis. Tulare County has two licensed medicinal use marijuana co-ops.

Although non-medical marijuana possession, use, and sale have been decriminalized under state law, the federal government has not sanctioned the cultivation, sale, or possession of non-medical cannabis in any way.

REASON FOR INVESTIGATION:

While investigating the Resource Management Agency (RMA), the Tulare County Civil Grand Jury (TCCGJ) found that marijuana regulations and enforcement are complex and continually evolving. TCCGJ decided to inform the public on the rules and regulations involved in administering the county ordinances on marijuana.

METHOD OF INVESTIGATION:

1. Interviewed agency personnel
2. Reviewed relevant documents and data

FACTS:

1. Tulare County has the authority to investigate illegal marijuana growing and processing operations in the unincorporated areas.



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2. RMA has only one dedicated full time marijuana code enforcement inspector. In 2018, RMA had a total of 296 medical marijuana complaints. Of these, 155 complaints resulted in the assessment of fines and fees.
3. In 2018, Tulare County Sheriff's Office (TCSO) served 100 search warrants for RMA to abate the growth of illegal marijuana groves.
4. In 2015, TCSO received 350 citizens' complaints regarding marijuana cultivation. If there are 100 or more plants, TCSO investigates and works with the District Attorney to decide if criminal charges may be filed. Smaller groves and non-criminal violations are referred to RMA.
5. Under the Medical Marijuana Regulation and Safety Act, there are 17 different types of State licenses that govern all manner of marijuana production and sales.
6. There are four focuses of marijuana licensing in the State of California.
 - a. Growing and cultivation
 - b. Delivery
 - c. Transportation
 - d. Laboratory testing
7. In the event of noncompliance, RMA assesses fines and fees.
8. Under Tulare County Ordinance §3502, there are six plants per private residence allowed indoors for personal use, and 12 plants allowed for a licensed co-op. The cultivation of cannabis outdoors is prohibited.
9. Law enforcement officials have found that in places where recreational marijuana has been decriminalized, some individuals use state marijuana laws as a cover for illicit grow operations. The District Attorney has the discretion to prosecute marijuana violations.
10. RMA code enforcement, upon verification of an illegal grove, issues a 10 day notice to eradicate the plants. If the plants are not abated, they will be re-inspected and a search warrant may be issued. If there is still no owner response, they will issue a 30 day notice to eradicate. In 2005, 46 illegal marijuana groves were known to exist by TCSO. By 2015, this number has increased to over 1000 groves.
11. RMA reported there are not enough certified inspectors to perform code enforcement duties.

FINDINGS:

- F1. RMA assesses fees and/or fines with the focus to abate illegal marijuana. A property lien may be placed to recover the costs of investigation, eradication, and search warrants. Tulare County cannot collect on a tax lien until the property is sold, transferred, or refinanced.
- F2. Despite being illegal, some code violators have been known to pay fines assessed, then turn around and harvest the crop at considerable profit.

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F3. With 296 marijuana complaints and more than 1000 illegal groves, there has been an increase in the workload for RMA staff.

CONCLUSION:

Decriminalization of recreational marijuana in portions of Tulare County has not necessarily resulted in a reduction in the number of plants eradicated.

RECOMMENDATION:

R1. Tulare County RMA should hire additional certified code enforcement inspectors for the marijuana program.

REQUIRED RESPONSE:

1. Tulare County Board of Supervisors Finding F1 Recommendation R1

INVITED RESPONSE:

1. Tulare County Resource Management Agency Finding F3 Recommendation R1

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).

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