PLACER COUNTY GRAND JURY
2018-2019 FINAL REPORT

STATE OF CALIFORNIA
PLACER COUNTY GRAND JURY
May 31, 2019

PLACER COUNTY GRAND JURY

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The Honorable Alan V. Pineschi
Presiding Judge
Superior Court County of Placer
P.O. Box 619072
Roseville, CA 95661

The Honorable Suzanne Gazzaniga
Advising Judge
Superior Court County of Placer
P.O. Box 619072
Roseville, CA 95661

and Citizens of Placer County

Subject: 2018 - 2019 Grand Jury Final Report

Dear Judge Pineschi, Judge Gazzaniga, and Citizens of Placer County:

With great pride I present the Final Report of the 2018-2019 Placer County Grand Jury. On behalf of all nineteen members of the grand jury, I would like to acknowledge the advice and guidance provided by our Advising Judge, the Honorable Suzanne Gazzaniga and our Presiding Judge, the Honorable Alan V. Pineschi. We also appreciate the assistance from Interim County Counsel, Karin E. Schwab and Deputy County Counsel, Brian Wirtz. As always, our gratitude also goes to the Grand Jury Coordinator, Rosalinda Cruz, for her gracious assistance throughout the year.

In July of 2018, nineteen Placer County residents volunteered and were sworn in to serve as the 2018-2019 Placer County Grand Jury. It has been an honor to serve with this outstanding group of citizens who contributed valuable experience and dedication in carrying out our function as watchdog over city and county government.

This Final Report contains the results of investigations as required by law, those requested by citizens, or those internally generated. This report is the culmination of investigations that have been ongoing since the jury was impaneled last July. However, many of the issues are still on-going and some concerns raised during the investigations may already be resolved by the time of this publication.

Sincerely,

Ronald M. Johnson
Foreperson
2018-19 Placer County Grand Jury

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Dedication

On May 28, 2019, the Placer County Board of Supervisors recognized former grand juror Dave O'Brien. He was an esteemed member of the 2012-13 Placer County Grand Jury. Dave used his skills to study the grand jury budget and developed a plan that brought the grand jury into the 21st century. Dave took charge and headed up a committee to work with the county to move the grand jury room to a secure, private location that is in use today. The room was equipped with the technology that was lacking in the prior working space. Dave's foresight resulted in an aesthetic, practical and professional meeting place for all the Placer County Grand Juries that came after him.

Placer County 2018–2019 Grand Jurors

Foreperson Ronald Johnson – Granite Bay
Pro Tem Jennifer Sclater – Rocklin
Secretary Karen Schadel – Lincoln
Sergeant-At-Arms Dennis Lovejoy – Lincoln
Office Manager Shane Campbell-Kaslin

Jurors

Auburn
Roger Luebkeman
Cheryl Tucker
Suezy Tucker

Colfax
Gene Mapa

Granite Bay
Rick VanLandingham

Lincoln
Elizabeth Lynn

Newcastle
Sue Kukrall

Rocklin
Pam Dear
Tom Medley

Roseville
Sue Hallahan-Cook
Frank Curry
Jim Ferguson
Jack Gibbons
Anne Nash
Brooke Whitlock

Grand Jury Members (Back Row, Left to Right): **Dennis Lovejoy, Ronald Johnson, Jim Ferguson, Jack Gibbons, Roger Luebkeman, Karen Schadel, Anne Nash, Tom Medley**

(Front Row, Left to Right): **Pam Dear, Brooke Whitlock, Sue Kukrall, Jennifer Sclater, Suezy Tucker, Cheryl Tucker, Rick VanLandingham**

Not Pictured: **Sue Hallahan-Cook, Frank Curry, Elizabeth Lynn, Gene Mapa**

Grand Jury Photograph: Morgan Meadows, Placer County Communications and Public Affairs

Cover Art: Claude Chana - Auburn. **Artist**: Linda Enis.

Introduction to the Grand Jury

What is the Grand Jury?

The grand jury is an investigatory body with the authority to act as a watchdog of local government, investigate citizen complaints, and assist in criminal matters at the request of the district attorney.

The grand jury is part of the county judicial system as authorized by the California State Constitution. It is advised by the Placer County Superior Court but is not accountable to elected officials or government employees. Its findings and recommendations are unbiased and impartial. Grand jurors are sworn to secrecy and, other than final reports, their work is kept strictly confidential.

History

Juries stem from the eleventh century. In 1215 the concept of a jury had become a pledge expressed in the Magna Carta that no free man would be *"imprisoned or dispossessed or exiled or in any way destroyed ...except by the lawful judgment of his peers ..."*

In 1635 the Massachusetts Bay Colony impaneled the first grand jury to consider cases of murder, robbery and wife beating. The U.S. Constitution's Fifth Amendment and the California Constitution call for grand juries. Grand juries were established throughout California during the early years of statehood. As constituted today, criminal and civil grand juries are a part of the judicial branch of government, arms of the court system.

Investigations

The grand jury is an investigatory body created for the protection of society and the enforcement of the law. The grand jury in California is unusual because its duties include investigation of local and county governments as provided by statutes passed in 1880.

The primary duty of the grand jury is to evaluate local government entities through a systematic fact-finding process. The objective of the investigations is to produce beneficial reports that persuade local officials to run agencies effectively and efficiently. The final report is the end result of year-long investigative efforts and is the only public record of that endeavor.

Anyone may ask a grand jury to conduct an investigation of a civil issue that falls within the grand jury's jurisdiction. Whether it chooses to investigate such a complaint is entirely in the jury's discretion and may be affected by workload, resource limitations or jurisdictional issues.

By law, all proceedings of a grand jury are confidential. Findings and recommendations are published in its final report. After a final report is published, the official or governing body of an agency or government covered in the report must respond to the

grand jury within a given period of time, as prescribed by California law. Elected officers or agency heads must respond within 60 days. Governing bodies of public agencies must respond within 90 days. The following year's grand jury publishes the responses to the final report.

Upon occasion, the district attorney asks a grand jury to hold hearings in criminal investigations to determine whether evidence presented by the district attorney is sufficient to indict an individual, who would then stand trial in court. A minimum of twelve grand jurors must vote for an indictment in any criminal proceeding.

Placer County Grand Jury Committees

The 2018-2019 Placer County Grand Jury served a one-year term from July 1, 2018 through June 30, 2019. In performing its duties, it examined county government, special districts, school districts, and city governments.

Most grand jury work is done by committee. A typical juror serves on three committees and is an officer on two committees. The following eight committees meet at least twice each month.

Audit and Finance
This committee initiates audits of county government offices, departments, agencies, and districts as needed and as mandated by law. It also reviews monthly grand jury expenses, keeping in line with the adopted budget.

Cities
This committee may investigate incorporated cities/towns within Placer County. The six incorporated cities/towns in Placer County are Auburn, Colfax, Lincoln, Loomis, Rocklin, and Roseville.

Continuity and Editorial
This committee is responsible for ensuring that the written reports of the grand jury are factual, clear, concise and readable. Editing includes proper punctuation, spelling, grammar and format. This committee also leads the task of the continual update of the Placer County Grand Jury Handbook so that the next grand jury may make a smooth, user-friendly transition into its new term.

County Administration
The scope of the committee encompasses all Placer County government not specifically assigned to another committee. This includes investigations of appointed boards and commissions, the Board of Supervisors, Assessor, County Executive Office, and many more.

Criminal Justice
This committee is mandated to inspect all eight county jails each year. It also may investigate matters concerning criminal justice.

Health and Welfare
This committee investigates issues related to the social services of Placer County. In addition, it inspects the Juvenile Detention Facility.

Schools and Libraries
This committee investigates public educational institutions and libraries. It has no jurisdiction over school policies or personnel.

Special Districts
This committee investigates special districts, agencies, boards, commissions, and joint powers agencies serving Placer County. Examples of these special districts include water agencies, cemetery districts, fire districts, and hospitals.

Jurisdiction

The following summarizes the areas that are within the investigatory jurisdiction of the Placer County Grand Jury:

- Persons imprisoned in the county jail on a criminal charge and not indicted
- The condition and management of the public jails within the county
- Willful or corrupt misconduct in office of public officers of every description within the county
- County government, city government, special districts, school districts, agencies and authorities
- Criminal hearings upon request of the district attorney

Areas not within Placer County Grand Jury jurisdiction include:

- Federal agencies
- State agencies
- Superior court system
- School district personnel records, curriculum, and policy

Grand Juror Qualifications

Prospective grand jurors must possess the following qualifications (California Penal Code Section 893):

- Applicant is a citizen of the United States, 18 years or older, who has been a resident of Placer County for one year immediately before being selected and sworn in;
- Applicant is in possession of his/her natural faculties, of ordinary intelligence, of sound judgment, and of fair character;
- Applicant is possessed of sufficient knowledge of the English language.

A person is not allowed to serve as a grand juror if:

- serving as a trial juror in any California court;
- convicted of a felony;
- discharged as a grand juror in any court of this state within one year;
- convicted of malfeasance in office or any felony or other high crime; or
- serving as an elected public officer.

Desirable qualifications for a grand juror include:

- computer and Internet communication skills;
- good health;
- open-minded with concern for the views of others;
- ability to work with others;
- genuine interest in community affairs; and
- investigative skills and an ability to write reports.

Juror Selection

In the spring of each year, the Presiding Judge of the Placer County Superior Court selects residents by lottery from the list of applicants. Applicants should expect that a criminal records check will be conducted. Applications are reviewed and an interview is scheduled with the presiding and supervising judges as well as the foreperson of the outgoing grand jury.

After the interview process, prospective applicants are requested to appear for the final selection, held in a Placer County Superior Court courtroom. At this time, with outgoing grand jurors in attendance, the court clerk draws nineteen names randomly. A minimum of ten names are drawn and ranked to form a list of alternate jurors.

The presiding judge then swears in the new nineteen grand jury members and gives them a description of their duties and responsibilities. The jurors begin a one-year term on July 1st.

Commitment

Persons selected for grand jury service can expect to serve forty or more hours per month for a period of one year, July 1 through June 30. Jurors may opt to serve a second consecutive year, if approved by the court.

Remuneration

Grand jurors receive a nominal payment for meetings they attend, and are reimbursed for mileage to attend meetings and training.

Orientation

New jurors are encouraged to attend an orientation program regarding grand jury functions and information about county, city and special district governments.

Why Become a Grand Juror?

Those who volunteer and are accepted for grand jury service should feel privileged to be selected. They enter this service with interest and curiosity to learn more about the administration and operation of Placer County government. Serving as a grand juror requires many hours and serious effort, and reflects a generous commitment to public service.

How to Apply to Serve as a Grand Juror

Download a Prospective County Grand Jury Application, available at http://www.PlacerGrandJury.org. Fill it out and follow the directions at the end of the application.

Grand Jury Reports

The Placer County Superior Court maintains web pages for the grand jury on its website. Past and present final reports, and responses to those final reports, may be found on the website: http://www.PlacerGrandJury.org.

How to Submit a Confidential Citizen Complaint

All complaints must be submitted in writing. A confidential Citizen Complaint form is available online at: http://www.PlacerGrandJury.org. Complete the form and mail, fax or hand-deliver it to the grand jury office below. The citizen will receive a letter acknowledging receipt of the complaint.

All grand jury documents, including citizen complaints, are secret and cannot be subpoenaed in court or revealed to the public. The complainant's name will be held in strictest confidence.

How to Contact the Grand Jury

By Mail:	**Placer County Grand Jury** **11532 B Avenue** **Auburn, CA 95603**
In Person:	**Materials can be placed in a drop box located by the entrance door to the above address.**
Online:	http://www.PlacerGrandJury.org
By Phone:	(530) 886-5200
By Fax:	(530) 886-5201

RESPONDENTS

PLACER COUNTY GRAND JURY

Phone: (530) 886-5200 FAX (530) 886-5201
Mailing Address: 11532 B Avenue, Auburn, CA 95603

INSTRUCTIONS FOR RESPONDENTS

The legal requirements affecting respondents and responses to Grand Jury findings and recommendations are contained in California Penal Code, Section 933.05. The full text of the law is provided below.

Timeframes for responses and to whom you must respond is defined in Penal Code Section 933(c) are as follows:

Type of Agency	Time Frame	To Whom
Governing Body of Public Agency	Ninety (90) Days	• Presiding Judge of the Superior Court
Elective Officer or Agency Head	Sixty (60) Days	• Presiding Judge of the Superior Court • Information copy to Board of Supervisors

An original signed copy of the response must be provided to both of the following:

1. Presiding Judge of the Placer County Superior Court at the address listed below:
   The Honorable Alan V. Pineschi
   Presiding Judge, Superior Court, County of Placer
   P.O. Box 619072
   Roseville, CA 95661

2. Placer County Grand Jury at the address listed below:
   Placer County Grand Jury
   11532 B Avenue
   Auburn, CA 95603

When responding to more than one report, respondents must respond to each report separately.

You are encouraged to use the Response to Grand Jury Report Form below to help format and organize your response. An electronic version of the form is available upon request from the Grand Jury.

Response to Grand Jury Report Form

Report Title: _____

Report Date: _____

Response By:_____

FINDINGS

- I (we) agree with the findings, numbered:_____.
- I (we) disagree wholly or partially with the findings, numbered:_____.
  (Describe here or attach a statement specifying any portions of the findings that are disputed or not applicable; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered_____ have been implemented.
  (Describe here or attach a summary statement regarding the implemented actions.)
- Recommendations numbered_____ have not yet been implemented but will be implemented in the future.
  (Per Penal Code 933.05(b)(2), a time frame for implementation must be included. Describe here or in an attachment.)
- Recommendations numbered_____ require further analysis.
  (Describe here or attach 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 director 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 (6) months from the date of publication of the grand jury report.)
- Recommendations numbered_____ will not be implemented because they are not warranted or are not reasonable.
  (Describe here or attach an explanation.)

Date: _____ **Signed: _____**

Number of pages attached: _____.

California Penal Code
Section 933.05

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
  (1) The respondent agrees with the finding.
  (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to 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.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines

that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

Final Report Summaries

City of Lincoln Water Connection Fund

Lincoln continues to grow as more land is being developed for homes, businesses, schools, and community parks. The grand jury investigated Lincoln's Water Connection Fund (WCF) and the historical events leading to its current balance. Water connections, usage fees, and water rate structures were examined as well as previous decisions regarding the implementation of the Twelve Bridges Project. The findings show Lincoln ignored governing regulations related to rate-setting and as a result, overcharged developers and homeowners, resulting in an accumulation of a $41 million surplus in the WCF for the 2018-2019 fiscal year. Further, a portion of this fund was loaned to other funds managed by the city without following proper procedures or ensuring those other funds would be able to repay those loans.

The grand jury recommends Lincoln return fees collected inappropriately and return funds from improper loans. The city council should develop improved oversight of management within the city.

Court-Ordered Debt

Placer County has an agreement with the Placer County Superior Court to collect delinquent court-ordered debt. The county is allowed to recover its costs of collection prior to disbursing the remainder to various funds within the court system, local cities, and the county. The costs to collect delinquent accounts is deductible from the debt collected, however the county is also including costs related to non-delinquent accounts, which lowers the amounts disbursed to the various programs.

The county collects $8 - $10 million per year and the total balance owed as of the end of 2018 was roughly $125 million, primarily in amounts under $1,000 per case. In 2017, the county began a process to discontinue collection efforts on accounts older than ten years and likely uncollectable.

Report Response Revisited
California Public Records Act Compliance

Last year's grand jury conducted an investigation into the Placer County Sheriff's handling of telephone and fax requests pursuant to the California Public Records Act. The grand jury found there was no tracking mechanism in place for telephone requests. A recommendation was made for the department to implement such a tracking system. The Placer County Board of Supervisors and Placer County Sheriff responded to the report and indicated they did have a tracking system for telephone calls. This seemed contrary to what was reported, so a review of the investigation was undertaken. The review confirmed there was no formal tracking system for telephone calls or faxes. It also became apparent that there is a lack of understanding of the role of the grand jury amongst county employees.

Roseville Police Department New P25 Radio System

The city of Roseville conducted a multi-year study that resulted in a strategic plan for a new radio system for the entire city, including the police, fire, and other city departments. The Roseville City Council approved a $7.1 million contract in 2017 for a new Project 25 (P25) radio system.[1] The new radio system "went live" in July 2018. Roseville Police Department (RPD) is its primary user. RPD experienced issues with the new system almost immediately with muffled and garbled transmissions, dead areas, and user errors that were a concern to public safety and officer safety. The RPD worked with the vendor and the number of system issues has decreased.

Placer County Schools Access Control

California Education Code §32281(a) states "each school district and county office of education is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades one to twelve, inclusive." There are 114 schools in 18 individual school districts in Placer County serving over 63,000 students. Placer County Grand Jury investigated a citizen's complaint referring to a concern over the safety of students in Placer County public schools. The grand jury visited 10 schools located in urban, suburban, and rural areas. The grand jury investigation centered on five categories: school access and control, visitor sign-in process, vendor and contractor sign-in process, key control security, and identification (ID) badges. The grand jury interviewed front office staff, principals, and superintendents. The grand jury found that the public schools visited showed diligent efforts to secure their schools and keep students safe in all of the five categories.

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[1] P25 is a suite of standards for digital mobile radio communications designed for use by public safety organizations in North America. P25 radios are a direct replacement for analog UHF (FM) radios but add the ability to transfer data as well as voice, allowing for a more natural implementation of encryption and messaging. P25 radios are commonly implemented using vehicle-mounted radios combined with walkie-talkie handheld use.

All American Speedway Progress Report

In 2006-2007, expansive changes were implemented to the All American Speedway within the Placer County Fairgrounds without proper environmental studies or permits. Numerous noise complaints were received in the following several years. As a result, the Placer County Grand Juries of 2010-11, 2011-12, 2012-13, and 2013-14 investigated the Placer County Fairgrounds and All American Speedway. Summarily, these reports directed the county to resolve the problems initiated by the original speedway changes. This included recommending the completion of an after-the-fact Environmental Impact Report (EIR) and proper county permits obtained where applicable.

An EIR was subsequently initiated at the county's expense, but never completed. Work was conducted to address the problems. The county needs to explain why it pursued a county-funded after-the-fact EIR, but never completed it.

Placer County Juvenile Detention Facility Annual Inspection

California Penal Code §925 mandates that the grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county. To meet the mandate, the 2018-19 Placer County Grand Jury conducted its annual inspection of the Placer County Juvenile Detention Facility (JDF) in Auburn on October 10, 2018. The grand jury found the JDF to be secure and well-maintained with a dedicated staff. The JDF continues to implement programs designed to motivate youth and support rehabilitation. The grand jury recommends that the JDF consider expanding the education programs to include technical and vocational training opportunities for juveniles.

Placer County Jails and Holding Facilities 2018-2019 Annual Inspections

California Penal Code §925 mandates that the grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county. Penal Code §919(b) specifically allows the grand jury to inspect jails within the county.

PLACER COUNTY GRAND JURY

City of Lincoln
Water Connection Fund

City of Lincoln Water Connection Fund

SUMMARY

Lincoln continues to grow as more land is being developed for homes, businesses, schools, and community parks. The grand jury investigated Lincoln's Water Connection Fund (WCF) and the historical events leading to its current balance. Water connections, usage, fees, and water rate structures were examined as well as previous decisions regarding the implementation of the Twelve Bridges Project. The findings show Lincoln ignored governing regulations related to rate-setting and as a result, overcharged developers and homeowners, resulting in an accumulation of a $41 million surplus in the WCF for the 2018-2019 fiscal year. Further, a portion of this fund was loaned to other funds managed by the city without following proper procedures or ensuring those other funds would be able to repay those loans.

The grand jury recommends Lincoln return fees collected inappropriately and return funds from illegal loans. The city council should develop improved oversight of management within the city.

APPROACH

The grand jury conducted interviews of Lincoln city officials and citizens, made site visits, researched legislative documents, reviewed media reports, reviewed a report from the Auditor of the State of California, and city council meeting minutes.

DISCUSSION

In the course of reviewing residential building permits within the county, the grand jury noted select parcels within Lincoln (and, at times, within areas subject to a preexisting Development Agreement), were assessed higher fees for services, such as the water connection fee. All water connection fees are deposited in the WCF which, as of budget year 2018-19, has a balance in excess of $26 million. In addition, there are approximately $15 million in outstanding loans from the WFC that were made to other Lincoln city funds. The grand jury initiated an investigation to review the manner in which the water connection fees were established and to verify whether the accumulated fund balance was used in an appropriate manner.

Water Connections

Lincoln operates its own water department. Water is obtained from both city-owned wells and purchased from the Placer County Water Agency (PCWA). To obtain water from PCWA, the city purchases water connections. Each connection represents usage calculated as an Equivalent Dwelling Unit (EDU) representing 1,150 gallons usage per day. PCWA has a two-tier charge to the city, regulated and unregulated. Regulated is the charge for the majority of properties in Lincoln. They are served through the city water system due to their lower elevation. Unregulated properties are served directly from the PCWA pipeline, due to higher elevation. PCWA charges Lincoln the current rate of $15,677 per regulated EDU and $19,339 per unregulated EDU (Appendix 1). The unregulated connections are at a higher rate to compensate

for water storage by PCWA (Lincoln has its own storage for the connections served by its water system). These water connection fees are paid to Lincoln by developers and by homeowners during building permitting.

Fees

Fees collected for water connections are deposited in the WCF and must only be used for specific purposes as set forth in the following city and state laws:

Lincoln Municipal Code 13.04.360 states *"Connection fees for every service connection to the city water system are established for the purpose of providing funds for the payment of the costs for design and construction of the city's water system and to make the required service connection payments to the Placer County Water Agency and in order that such costs be shared by those receiving the benefits."*

California Government Code 66013(c) states *"A local agency receiving payment of a charge as specified in paragraph (3) of subdivision (b) shall deposit it in a separate capital facilities fund with other charges received, and account for the charges in a manner to avoid any commingling with other moneys of the local agency, except for investments, and shall expend those charges solely for the purposes for which the charges were collected. Any interest income earned from the investment of moneys in the capital facilities fund shall be deposited in that fund."*

Lincoln has transferred funds from the WCF, in the form of loans, to other city funds including, but not necessarily limited to the following:

- $5.33 million - Redevelopment agency
- $5.25 million – Airport
- $4.16 million – Fire Stations - Fund 242

These loans are not consistent with California Government Code 66013(c). At the time of this report there were no strategies for repayment, and it appears from sources reviewed that the funds receiving the loans may not currently have the ability to be able to repay those loans in any reasonable timeframe.

PCWA Water Connection Charge & Rate Structure

California Government Code 66013(a) states, *"Notwithstanding any other provision of law, when a local agency imposes fees for water connections or sewer connections, or imposes capacity charges, those fees or charges shall not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed, unless a question regarding the amount of the fee or charge imposed in excess of the estimated reasonable cost of providing the services or materials is submitted to, and approved by, a popular vote of two-thirds of those electors voting on the issue."*

PCWA did an extensive study in 2017 which resulted in a revised water connection charge structure for its retail customers. PCWA held hearings and ultimately established water

connection charges based upon the size of the lot. This new rate structure only applied to PCWA's retail customers. Wholesale customers like Lincoln continued to pay a flat fee per EDU.

In July 2017, Lincoln city officials imposed a new rate structure for its retail water customers modeled after PCWA's. This rate structure was implemented even though Lincoln had not conducted the required studies to demonstrate that these fees did not exceed the reasonable cost of providing the service as required by state law. Lincoln held no hearings and no city council approval was obtained. The net effect of this change increased fees for some properties and decreased others. For example, under the new rate structure, citizens of the Lakeside development were charged fees of $18,353 per lot whereas under the former rate structure, fees would have been $15,295, or approximately twenty percent less.

In January 2019, Lincoln's City Council approved changes to Municipal Code 13.04.360 to modify the PCWA water connection fee without first completing a formal study. The City Council was advised by city staff that neither a hearing nor a study were necessary because the new rate structure would result in a reduction of the fees. While this modification did result in reduced rates for some, it did not address or correct the lack of studies for the imposition of the 2017 rate structure which maintained the increased rates for other properties. For example, a home on a 35,000 square foot unregulated lot currently has a connection fee of $63,983 (Appendix 2). Per the Twelve Bridges agreement the maximum the city can charge is $45,833 (19,339 x 2.37). The current fee is a forty percent increase. In contrast, PCWA's highest charge for their retail customers is $48,348.

Twelve Bridges Project

In 1998, the city entered into an agreement with Placer Holdings Corporation to develop the Twelve Bridges project. This project encompassed the land east of Hwy 65 to Sierra College. It included the Del Webb Sun City development as well as several other villages. The agreement specified that each lot would be charged for one regulated EDU. According to the agreement, the rationale for this determination was contained in a study conducted by Lincoln's city engineer. The study could not be located by city officials.

In 2018, an informal study by Lincoln's city engineer examined water usage and found approximately 85 percent of Lincoln's residential lots actually used less than half of an EDU and 40 percent used less than a third of an EDU. These actual usage rates conflicted with Lincoln's 1998 agreement with the developer of the Twelve Bridges project. For example, per that agreement, Lincoln charged each Sun City lot for a full EDU and purchased a commensurate number of EDUs from PCWA. Not only were Lincoln's Sun City citizens charged for more water capacity than they have actually consumed, but Lincoln has purchased far more water capacity from PCWA than it will use for decades. These overcharges have contributed to the inflation of the WCF to over $41 million.

The agreement also specified that the units in villages 13-17 and 19 would have a water factor of 2.37 EDU's because they were identified as very low-density parcels as defined by the land development agreement Exhibit M. For undocumented reasons, the city increased the water factor to 2.5 EDUs for parcels in these villages. For a home built in 2016-17, this resulted in an additional $2,300 charged to the homeowner.

The developer paid for water storage capacity for the development which exempted it from the storage portion of the PCWA water connection fee (Appendix 3). Units in this development were considered regulated connections. In 1999 an amendment to the agreement specified that units in villages 13, 19, 23 and a portion of 18 would be charged the unregulated PCWA rate due to their elevation (Appendix 4). This rate includes the storage portion of the PCWA fee. However, it appears that the city also charged homes built in other villages the unregulated PCWA fee. For example, one home in Village 16, which was built in 2014, was charged $43,268 ($17,307 x 2.5). The fee should have been $32,199 ($13,586 x 2.37) in compliance with the 1999 amendment. This $11,069 overcharge was not an isolated event. Several other properties were similarly overcharged.

In response to the above, the city engineer stated the development agreement was "informational only" despite the fact that it was a legally-binding contract. Lincoln justified charging the unregulated PCWA water connection fee since Village 16 is within the higher elevation zone that is served by the unregulated PCWA service. The city could not provide any agreements that modified the terms of its original agreement. Lincoln is bound to its formal agreement with the developer and cannot arbitrarily change its terms. Doing so has resulted in thousands of dollars in overcharges to the citizens of Lincoln.

CONCLUSION

City officials acknowledge that the Twelve Bridges development agreement was too complex for the city to administer effectively. The agreement was flawed in calculating the fees for very low-density high-elevation housing, but the city agreed to those terms and should either abide by them or modify the agreement. The arbitrary changes and establishment of water connection fees in 1997 and 2017 were not done in a manner set forth by law. It seems clear that Lincoln has unlawfully collected water connection fees in excess of its reasonable costs for providing such service. It has not attempted to conduct any studies to justify these actions. For the past twenty-two years there has been insufficient city council oversight of the conduct by unelected city officials. As a result, the citizens of Lincoln have been charged unjustified and excessive water connection fees. Such conduct cannot be minimized by the city's assertion of the statute of limitations.

FINDINGS

The grand jury found:

F1. The city has repeatedly failed to conduct required nexus studies to determine reasonable costs for the PCWA connection fee.

F2. The rate modification in 2017 was not done in a manner required by statute.

F3. Lincoln's 2019 modification of the PCWA water connection fee did not correct the fees that were improperly established in 2017 and also did not comply with statutory requirements.

F4. Lincoln's unlawful actions resulted in significant over-charges to its citizens.

F5. Lincoln made loans from the WCF to other city funds with no assurances that the funds receiving the loans will be capable of repayment within any reasonable timeframe.

RECOMMENDATIONS

The grand jury recommends:

R1. Lincoln refund charges that exceed the regulated and unregulated PCWA connection fees due to modification of the rate structure in 2017, even if it exceeds the statute of limitations.

R2. Lincoln identify and refund excess water connection charges to homes in low-density villages for wrong EDU water factor even if in excess of the statute of limitations.

R3. Lincoln identify homes not in villages 13, 19, 23, and portions of 18 that were charged the unregulated PCWA water connection fee instead of the regulated fee, and refund the overcharge even if it exceeds the statute of limitations,

R4. Lincoln City Council require a review every 5 years for all connection fees to determine reasonable costs.

R5. Lincoln restructure loans made from the WCF to comply with state regulations or return the funds to the WCF.

R6. Lincoln City Council conduct a retroactive study of the performance of city officials and initiate systemic corrective actions including closer oversight of city functions going forward.

Exhibit M, 1998 Placer Holdings, Inc. Development Agreement with City of Lincoln detailing the projects EDU schedule.

Land Use Symbol	Description	Unit	Traffic EDU a)	Sewage EDU b)	Water EDU c)	Drainage EDU d)
VLD	Very Low Density	du	1.00	1.27	2.37	1.30
LD	Low Density	du	1.00	1.00	1.00	1.30
MD	Medium Density	du	0.72	1.00	1.00	0.70
HD	High Density	du	0.72	0.60	.057	0.24
VC	Village Commercial	ac	58.33	6.94	5.43	6.40
C	Community	ac	58.33	6.94	5.43	6.40
EC	Employment Center	ac	25.55	6.94	5.43	6.40
P	Parks	ac	1.11	1.59	7.39	2.96
OS	Open Space	ac	0.00	0.00	0.00	0.00
GC	Golf Course	ac	1.11	0.04	0.03	0.03
CC	Community College	ac	5.55	4.96	7.83	4.00
HS	High School	ac	5.55	4.96	7.83	4.00
MS	Junior High School	ac	5.55	3.17	7.83	4.00
ES	Elementary School	ac	5.55	4.76	7.83	4.00
FS	Other Public	ac	1.11	6.94	7.83	2.96

Note:

a) Traffic EDU/unit based on Fehr & Peer's
b) Sewer EDU/unit based on LD average day use = 252 gpd
c) Water EDU/unit based on John Pedri's 11/12/97 max day demands &LD = 1EDU @ 1,150 gpd
d) Drainage EDU/unit based on City PFE rate
e) Golf Course (GC) Water demands assumes irrigation is from raw water source

Appendix 1

Water Connection Charges (Effective 1/1/2019)

Zone 6 - City of Lincoln (for reference only)

Lower Zone 6 Base Rate Increased 2.5% per ENR CCI (Section 40900(a) of Rules & Regulations) from $18,867 to $19,339

Base Rate WCC for 1.0 Unit of Capacity (UOC):

Component	Amount for Regulated Meter	Amount for Unregulated Meter
Treatment	$8,959	$8,959
Transmission	$6,638	$6,638
Groundwater	$0	$583
Storage	$0	$2,998
Planning	$80	$161
Total WCC	**$15,677**	**$19,339**

Notes and Definitions:

- This WCC rate chart is for reference only and is intended to show fees as described in the PCWA-City of Lincoln supply contract. Please contact Lincoln for all development fees and process.
- Per contract with the City of Lincoln, WCC for service through the 18" Regulated Meter is based on the following percentage of PCWA Upper Zone 6 components: 100% Treatment, 100% Transmission, and 50% Planning.
- Units of Capacity purchased for services off of the 8" Unregulated Meter are subject to the full PCWA Upper Zone 6 Water Connection Charges.
- Units of Capacity (UOCs), also known as Equivalent Dwelling Units (EDUs), is defined as 1,150 gallons per day maximum day demand.
- WCC = Water Connection Charge
- GPD = Gallons per Day
- MDD = Maximum Daily Demand (GPD)

Appendix 2
CITY OF LINCOLN RESIDENTIAL BUILDING PERMIT FEES
As of February 8, 2019

1. ***PCWA Water Connection Charge:** *City collects a source water connection charge based on PCWA table (below)*

Total Lot Size (square feet)	Total Peak Day (gal)	PCWA WCC Regulated Meter	PCWA WCC Unregulated Meter
Less than 2,901	250	$3,324.89	$4,101.52
2,901 to 4,400	450	$5,984.80	$7,382.74
4,400 to 5,500	550	$7,314.76	$9,023.35
5,501 to 7,000	700	$9,309.70	$11,484.26
7,001 to 10,000	850	$11,304.63	$13,945.17
10,001 to 17,000	1200	$15,959.48	$19,687.30
17,001 to 35,000	1950	$25,934.15	$31,991.87
Greater than 35,000	3900	$51,868.30	$63,983.74

Appendix 3

1998 Agreement - Section 3.3.2 (d)

For a new water service within the City, City charges a city water connection fee ("City Water Connection Fee"). The City Water Connection Fee is comprised of two main components; first, the City's PFE water fees ("PFE Water Fees"), and second, an amount equal to the PCWA Plant Expansion and Replacement Charges fee ("PERC fee" or "Pass Through Fee") for water customers within PCWA's Zone No. 1 from the Foothill-Sunset Water System which is set by PCWA from time to time. PHI shall pay, at the time of issuance of each building permit, the then current City Water Connection Fee including one hundred percent (100%) of the then current PFE Water Fees, subject to the adjustments that may be made pursuant to Sections 2.4, 2.4.1, and 4.2 of this agreement, less a credit for storage facilities constructed by PHI and Webb as provided under Section 3.3.4 of this Agreement, and the then current PERC fee comprising **one hundred percent (100%) of the PERC treatment component, one hundred percent (100%) of the PERC transmission component,** subject to adjustment pursuant to Section 3.3.3 of this Agreement**, one hundred percent (100%) of the PERC planning component** payable by the City/ and **no percentage (0%) of the PERC storage or distribution component**, all of which shall be further calculated by **multiplying the sum of the foregoing components by the Water EDU Factor** established pursuant to Section 3.3.9 of this Agreement. In the event that City adjusts its City Water Connection Fee such that the above-stated percentages are reduced, such reduced Water Connection Fee shall apply to the Project and be paid by PHI. In no event shall the Project be subject to City Water Connection Fees in an amount which is more than the City Water Connection Fee charged elsewhere within the City.

Appendix 4

1999 Amendment - Section 3.3.4(a)

City acknowledges that Villages **13. 23. 19, and a portion of 18** in the Project, as shown on the Large Lot VTM are at a higher water pressure zone and will therefore, connect directly to the new PCWA 30" transmission line to Sunset Water Treatment Plant. **The EDUs comprising Villages 13, 23. 19, and a portion of Village 18 will pay the full PERC fee, including the storage component to City/PCWA.** Consequently, storage demand for these units shall be deducted from the Project for purposes of calculating the water storage demand, as set forth above.

REQUEST FOR RESPONSE:

Pursuant to Penal Code §933.05, the Placer County Grand Jury requests a response from the following governing body:

	Recommendations Requiring Response	Response Due Date
Lincoln City Council 600 6th St**.** Lincoln, CA 95648	**R1 thru R6**	**August 6, 2019**

Copies sent to:

Lincoln City Manager Hanson
600 6th St
Lincoln, CA 95648

PLACER COUNTY GRAND JURY

Court-Ordered Debt

Court-Ordered Debt

SUMMARY

Placer County has an agreement with the Placer County Superior Court to collect delinquent court-ordered debt. The county is allowed to recover its costs of collection prior to disbursing the remainder to various funds within the court system, local cities, and the county. The costs to collect delinquent accounts is deductible from the debt collected, however the county is also including costs related to non-delinquent accounts, which lowers the amounts disbursed to the various programs.

The county collects $8 - $10 million per year and the total balance owed as of the end of 2018 was roughly $125 million, primarily in amounts under $1,000 per case. In 2017, the county began a process to discontinue collection efforts on accounts older than ten years and likely uncollectable.

APPROACH

The grand jury interviewed employees of both the County Administrative Services Department's Revenue Services Division (RSD) and Placer County Superior Court. State and county documents related to court-ordered debt (COD) collections over the past ten years were reviewed, as well as an internal county audit of RSD.

DISCUSSION

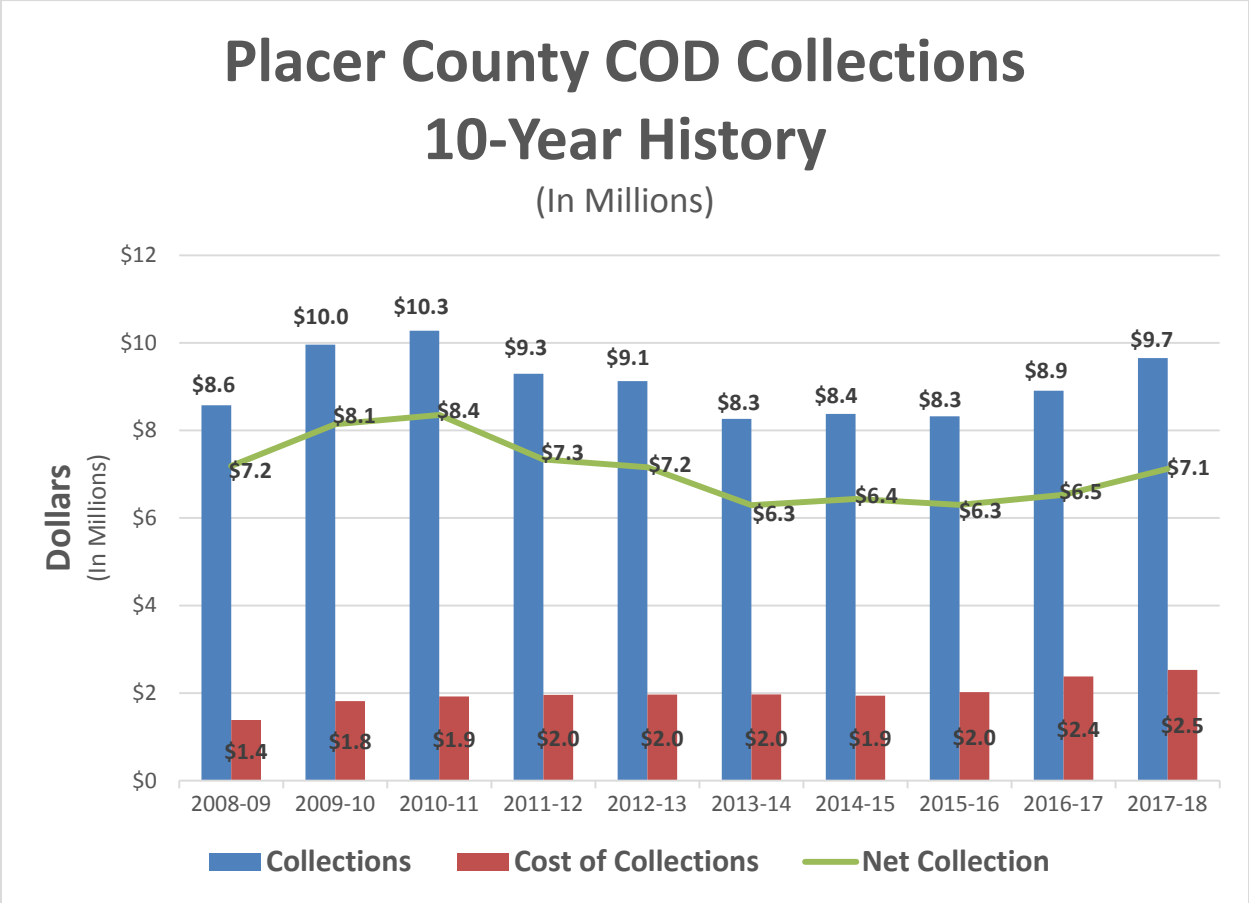
The Placer County Board of Supervisors authorized RSD to discontinue collection efforts of over $20 million in Placer County Superior Court COD in November 2017 and an additional $6 million in August 2018. The grand jury wanted to understand the basis of this debt and why it was being discharged. To understand the COD process, it is important to understand the relationship between the court and county.

When fines, fees, forfeitures, penalty surcharges, assessments, and restitutions are levied by the court, the defendant is allowed a specified time to pay the debt or set up a payment schedule. If a defendant fails to pay or stops making payments, the debt is considered delinquent. California Penal Code (PC) §1463.007(b) defines the criteria for when the debt is considered delinquent as the following:

> (1) A defendant does not post bail or appear on or before the date on which he or she promised to appear, or any lawful continuance of that date, if that defendant was eligible to post and forfeit bail.
>
> (2) A defendant does not pay the amount imposed by the court on or before the date ordered by the court, or any lawful continuance of that date.
>
> (3) A defendant has failed to make an installment payment on the date specified by the court.

Typical of most California superior courts, Placer County Superior Court has a cooperative agreement with the county for collections through a Memorandum of Understanding (MOU). Pursuant to this agreement, Placer County Superior Court transfers responsibility to RSD for collection of debt when a defendant wishes to set up a payment schedule or the debt becomes delinquent. RSD reports regularly to the court and quarterly meetings occur to review collection status and address any issues. The superior court and the county appear to have an effective working relationship.

As of the August 2018 discharge, the RSD reported over 94,000 active COD debtor accounts representing over $100 million. Most of these accounts owe less than $1,000 and a third are under $500. RSD reports approximately 11,000 new delinquent accounts are received each year totaling an average of $8.2 million. Over the past ten years, Placer County reported collections have stayed within a range of $8.3-$10.3 million. Collection costs, however, have trended upward over the same period. As a result, net collections have averaged approximately $6.6 million per year over the most recent five years compared to $7.6 million per year for the five previous years. The chart below provides a historical comparison.



County staff initially attempts to recover as much debt as possible. If unsuccessful, the collection is passed to the Franchise Tax Board for collection. If the debt remains unpaid, it is given to a private debt collector. If all reasonable collection attempts fail, and the account meets certain criteria, the debt should be discharged from accountability. This typically means the outstanding amount is either too small to continue pursuing or is too unlikely to be collected and no further collection attempts are warranted. Examples include accounts delinquent more than five years for infractions or ten years for a misdemeanor or felony. Placer County conservatively used ten years for all account types. The discharge of the debt does not mean the debt is forgiven or erased. It just means that no more collection attempts will occur.

California PC §1463.010 requires the Judicial Council of California to report the extent to which each court or county is following its *Approved Collections Best Practices* (Appendix 1). For a number of years, Placer County had been reporting successfully achieving twenty-four of the twenty-five best practices. The one exception was the county's failure to establish a process for handling the discharge of accountability for uncollectible court-ordered debt. In 2013, the Placer County Board of Supervisors authorized the auditor-controller to discharge from accountability the collection of bad debt. The $20 million debt discharged in 2017 and $6 million in 2018 were a result of the county not discharging on a regular basis.

The county's MOU with the superior court, per PC §1463.007(a), allows the county to recover its costs of collections (COC) of delinquent debt by subtracting its costs from the revenue collected. Cost recovery is only allowed if the collections program meets the criteria for a "comprehensive collections program" as defined within PC §1463.007(c). Placer County does meet this definition and can therefore recover the COC, but only for the portion of costs associated with collection of delinquent debt. These costs include salary, benefits, and overhead for the employees. It also includes all operating expenses directly related to collections, for example software maintenance costs. The county tracks employee time devoted to COD collection and submits a quarterly report to the court. A recent county audit revealed that RSD was not accounting for its time accurately. Since the audit report, several new procedures have been put in place to ensure that the report reflects an accurate account of time spent on collecting COD versus other collection programs.

Revenue collected, less the county's COC, is returned to the court to fund its operations and to distribute to other entitled entities such as cities, special programs, and various departments. The county's collection costs reduce the overall distribution.

Section 12.2.6 of the MOU specifies that RSD provide financial reimbursement to the court for up to one full time clerk for traffic court clerical services. This was done to compensate for the loss of a RSD employee position that was returned to the main office. The court submits a quarterly invoice for the equivalent of a 40-hour work week. The cost of this position is approximately $100,000 a year. Either party may cancel this arrangement with written notice per California Government Code (GC) §77212 (b) and (c).

The grand jury found that the county considers this a COC and deducts 100 percent of the cost from collected revenues. The traffic clerk position overwhelmingly works on non-delinquent debt. This practice is inconsistent with the requirements of PC §1463.007(a) which limits reimbursable costs only to collection of delinquent debt.

CONCLUSION

The county has collected reimbursement for work on non-delinquent debt. The traffic clerk position does not work on delinquent debt therefore the time does not qualify for reimbursement per PC §1463.007(a). The county's inclusion of the costs of this position effectively reduces the amount of funds available for distribution to entitled funds.

FINDINGS

The grand jury found that:

F1. The county's inappropriate inclusion of costs related to non-delinquent debt in its cost of collection for court-ordered debt reduces net collections available for distribution to entitled entities.

F2. The 2017 initiation of an annual discharge from accountability process is lowering the total court-ordered debt target towards a more accurate reflection of collectable amounts.

RECOMMENDATIONS

The grand jury recommends that:

R1. The county should only claim, as a cost of collection for court-ordered debt, the time the traffic court clerks work on delinquent debt or seek to modify this arrangement with the court per GC §77212 (b).

R2. The county should discontinue claiming time spent on setting up and collecting non-delinquent debt via payment schedules as a cost of collections.

Appendix 1 - Judicial Council–Approved Collections Best Practices

Penal Code section 1463.010 as amended by Assembly Bill 367 (Stats. 2007, ch.132) requires the Judicial Council to report the extent to which each court or county is following best practices for its collection program.

The collection programs are encouraged to use the following best practices.

1. Develop a plan and put the plan in a written Memorandum of Understanding (MOU) that implements or enhances a program in which the court and county collaborate to collect court-ordered debt and other monies owed to a court under a court order.
2. Establish and maintain a cooperative superior court and county collection committee responsible for compliance, reporting, and internal enhancements of the joint collection program.
3. Meet the components of a comprehensive collection program as required under Penal Code section 1463.007 in order that the costs of operating the program can be recovered.
4. Complete all data components in the Collections Reporting Template.
5. Reconcile amounts placed in collection to the supporting case management and/or accounting systems.
6. Retain the joint court/county collection reports and supporting documents for at least three years.
7. Take appropriate steps to collect court-ordered debt locally before referring it to the Franchise Tax Board for collection.
8. Participate in the Franchise Tax Board Court-Ordered Debt (COD) collection program.
9. Participate in the Franchise Tax Board Interagency Intercept Collections (IIC) program.
10. Establish a process for handling the discharge of accountability for uncollectible court-ordered debt.
11. Participate in any program that authorizes the Department of Motor Vehicles to suspend or refuse to renew driver's licenses for individuals with unpaid fees, fines, or penalties.[2]
12. Conduct trials by written declaration under Vehicle Code section 40903 and, as appropriate in the context of such trials, impose a civil assessment.
13. Implement a civil assessment program and follow the Criteria for a Successful Civil Assessment Program.[3]
14. Evaluate the effectiveness and efficiency of external collection agencies or companies to which court-ordered debt is referred for collection.
15. Accept payments via credit and debit card.

[2] Assembly Bill 103 (Stats. 2017, ch.17) was chaptered June 27, 2017, and limited collections program driver's license suspension or hold actions to only failures to appear in court.
[3] *http://www.courts.ca.gov/partners/documents/Rev-Dist-Criteria-for-Successful-Civil-Assessment-Program.pdf*

16. Accept payments via the Internet.
17. Include in a collection program all court-ordered debt and monies owed to the court under a court order.
18. Include financial screening to assess each individual's ability to pay prior to processing installment payment plans and account receivables.
19. Charge fees as authorized by Penal Code section 1202.4(l).
20. Charge fees as authorized by Penal Code section 1205(e).
21. Use restitution rebate, as authorized by Government Code section 13963(f), to further efforts for the collection of funds owed to the Restitution Fund.
22. Participate in the statewide master agreement for collection services or renegotiate existing contracts, where feasible, to ensure appropriate levels of services are provided at an economical cost.
23. Require private vendors to remit the gross amount collected as agreed and submit invoices for commission fees to the court or county on a monthly basis.
24. Use collection terminology (as established in the glossary, instructions, or other documents approved for use by courts and counties) for the development or enhancement of a collection program.
25. Require private vendors to complete the components of the Collections Reporting Template that corresponds to their collection programs.

Additional information regarding best practices, including guidelines and standards, can be obtained on the external collections Web site: *http://www2.courtinfo.ca.gov/collections*; or by contacting staff of the Funds and Revenues Unit at collections@jud.ca.gov.

REQUEST FOR RESPONSE:

Pursuant to Penal Code §933.05, the Placer County Grand Jury requests responses from the following governing body:

	Recommendations Requiring Response	Response Due Date
Mr. Todd Leopold County Executive Officer 175 Fulweiler Avenue Auburn, CA 95603	**R1, R2**	**July 30, 2019**

Copies sent to:

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

PLACER COUNTY GRAND JURY

Report Response Revisited

California Public Records Act Compliance

Report Responses

SUMMARY

Last year's grand jury conducted an investigation into the Placer County Sheriff's handling of telephone and fax requests pursuant to the California Public Records Act. The grand jury found there was no tracking mechanism in place for telephone requests. A recommendation was made for the department to implement such a tracking system. The Placer County Board of Supervisors and Placer County Sheriff responded to the report and indicated they did have a tracking system for telephone calls. This seemed contrary to what was reported, so a review of the investigation was undertaken. The review confirmed there was no formal tracking system for telephone calls or faxes. It also became apparent that there is a lack of understanding of the role of the grand jury amongst county employees.

APPROACH

The grand jury reviewed last year's investigation and responses. Interviews were conducted with current sheriff's office employees along with last year's respondents.

DISCUSSION

Last year's grand jury conducted an investigation into the Placer County Sheriff's handling of telephone and fax requests pursuant to the California Public Records Act. The grand jury found there was no tracking mechanism in place for telephone requests. A recommendation was made for the department to implement such a tracking system. The Placer County Board of Supervisors and Placer County Sheriff (Sheriff) responded to the report and indicated they did have a tracking system for telephone calls. This seemed contrary to what was reported, so a review of the investigation was undertaken. The review confirmed there was no formal tracking system for telephone calls or faxes.

Tracking requests are handled in various ways. First, if a request comes through the front counter of the Sheriff's Office, and is accepted, the request is scanned and attached to the digital case file. If the request is deemed not valid, the requestor is informed of this and there is no tracking.

If the Sheriff's front counter is unable to determine if the request is valid, it is forwarded to a records supervisor for review. The tracking of this is handled differently. The information is entered into a spreadsheet and stored on the reviewing supervisor's computer. If the request is accepted, it is attached to the case file. If the request is determined to be invalid there is no further tracking.

Last year's grand jury attempted to obtain information regarding telephone and faxed requests made to the Sheriff's Office. During the investigation, the grand jury's copies of the faxes were examined by the records supervisor. She advised they were not considered valid

requests. Because they were not considered valid requests, there was no tracking record that they received them. There was no log for the faxed requests or attachments to the case for the faxes in question.

During this investigation there were troubling incidents that occurred. There seemed to be a lack of understanding of the function of the grand jury by county personnel. The grand jury is an independent body separate from the entities and officials it investigates. It conducts its investigations under the auspices of the Placer County Superior Court and has broad access to public officials, employees, records, and information. The grand jury has a right to admonish witnesses not to reveal what they learn during the interview process. A subpoena is not required for confidentiality to be invoked. This is done to preserve the integrity of an investigation. A violation is punishable as contempt of court. In this case, after an interview with the Grand Jury was set up, an employee was admonished. This employee then went to a co-worker for assistance after being admonished not to speak to anyone. The county counsel became involved and suggested the grand jury not interview the witness but instead the co-worker, stating that the co-worker had more knowledge of the subject matter. The witness admitted to speaking to her co-worker about the subject matter of the upcoming interview and clearly did not understand the gravity of the situation.

The other area of concern is the cooperation of obtaining documents. The county counsel supplied the requested documents for this first request. When an additional document was requested, counsel advised that the request was not a valid public records request and never provided the document. It should be clear the grand jury has a mandate to investigate county departments and has a right to all documentation upon request. Grand jury requests should not be handled as public records requests.

CONCLUSION

It is clear there was no formal telephone tracking system in place during last year's investigation. Currently, the sheriff's office is testing a tracking system that will better serve the needs of the public. The grand jury encourages this development and hopes to see it implemented.

This investigation revealed some county employees lacked knowledge of the grand jury's function and authority. Steps should be taken to inform county employees of their duties and responsibilities when the grand jury approaches them. The need for confidentiality is paramount and must be taken seriously.

FINDINGS

The grand jury found:

F1. There was no telephone or fax tracking log in place contrary to the county responses.

F2. Employees do not understand the need for confidentiality.

F3. There is a lack of understanding of the grand jury's function and authority.

RECOMMENDATIONS

The grand jury recommends:

R1. County management should ensure its employees are aware of their responsibilities when approached by the grand jury.

R2. The county should assure responses to grand jury investigative reports are accurate.

REQUEST FOR RESPONSE:

Pursuant to Penal Code §933.05, the Placer County Grand Jury requests responses from the following governing body:

	Recommendations Requiring Response	Response Due Date
Mr. Todd Leopold County Executive Officer 175 Fulweiler Avenue Auburn, CA 95603	**R1, R2**	**July 30, 2019**

Copies To:

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

Sheriff Devon Bell
Placer County Sheriff-Coroner-Marshal
2929 Richardson Drive
Auburn, CA 95603

PLACER COUNTY GRAND JURY

Roseville Police Department
New P25 Radio System

Roseville Police Department New P25 Radio System

SUMMARY

The city of Roseville conducted a multi-year study that resulted in a strategic plan for a new radio system for the entire city, including the police, fire, and other city departments. The Roseville City Council approved a $7.1 million contract in 2017 for a new Project 25 (P25) radio system.[4] The new radio system "went live" in July 2018. Roseville Police Department (RPD) is its primary user. RPD experienced issues with the new system almost immediately with muffled and garbled transmissions, dead areas, and user errors that were a concern to public safety and officer safety. The RPD worked with the vendor and the number of system issues has decreased.

APPROACH

The grand jury interviewed Roseville police officers, administrators, and dispatchers, as well as the city's radio project manager. The grand jury also reviewed various documents including media reports, the multi-year study, the vendor contract, and the issue log. The grand jury visited the Roseville Police dispatch center and listened to transmissions over the new system in the field as well as in the dispatch center.

DISCUSSION

After the new radio system was implemented, media reports came to the attention of the grand jury that indicated the system was "plagued by glitches". The safety of the public and police officers in Roseville is of paramount concern. The grand jury initiated an investigation into the performance of the new radio system as it relates to public safety and officer safety.
The grand jury learned that the previous Roseville analog radio system was at the end of its life and would no longer be serviceable after 2018. As a result, the city council approved a $7.1 million contract for a new radio system for all users within all city departments. The contract was awarded to a communications/technology company, who provided a P25 compliant radio infrastructure to replace the present radio system. The primary user of the new radio system is RPD. Other users of the system are the city transit department, the fire department and the solid waste department. The new radio system went live in July 2018.

The new P25 system initially experienced problems pertaining to garbled and muffled transmissions, dead areas, and user errors. As a precautionary move to enhance public safety and officer safety, the police chief assigned two police officers to each patrol car for approximately four weeks. This allowed patrol officers to have instant backup in the event of a radio system failure or deficiency. There was a reduction in the number of patrol cars on

[4] P25 is a suite of standards for digital mobile radio communications designed for use by public safety organizations in North America. P25 radios are a direct replacement for analog UHF (FM) radios but add the ability to transfer data as well as voice, allowing for a more natural implementation of encryption and messaging. P25 radios are commonly implemented using vehicle-mounted radios combined with walkie-talkie handheld use.

the street during this period, however emergency service was not interrupted. According to the chief of police, delays may have been experienced for routine or non-emergency calls for service.

The RPD had two backup communication systems in case of total failure of their new P25 system; California Law Enforcement Mutual Assistance Radio System (CLEMARS) operated by the California Office of Emergency Management and officer-issued cell phones. Roseville's Information Technology (IT) department created a detailed issue log beginning August 17, 2018 to record issues, resolutions and solutions. All issue log entries were addressed immediately by the city and its vendor. The vendor for the radio system has been responsive in identifying the deficiencies, repairing those deficiencies, and supporting the new radio system. Over time, the issue log proved to be a valuable tool that recorded problems and corrective actions which resulted in radio system improvements and a significant reduction in the number of problem performance issues.

RPD chose to use existing handheld and car radios that were reprogrammed to work with the new P25 system. The users knew how to physically operate the radios, therefore training on using the radios did not initially appear necessary. However, users were unaware of how they would sound with the new system. There were nuances to the use of these older radios with the new system that were not present in the old system, i.e., tones, transmission delays, speech synthesizer, etc.

Other city departments received new radios and were provided training by the system vendor. RPD's sworn personnel continued to use the old radios with the new software installed and did not initially receive training in July 2018. Communications were sent to RPD's sworn personnel with documentation and best practices for the new system in July 2018. Training was later provided to some sworn personnel in December 2018 by Roseville IT department.

Roseville is working through radio and system issues with the vendor. Until they are resolved, the city will withhold final payment of the contract. There have been no critical incidents reported that resulted from the implementation of the new P25 radio system.

CONCLUSION

The implementation of new systems resulted in difficulties for RPD during the transition. These problems have been tracked and resolved cooperatively with the city departments and the vendors using the issue log. Mandatory training for all RPD users prior to the implementation of the new system might have reduced the number of issues that were experienced. During the implementation of the P25 system, there were no critical incidents where the radio failed. There has been no impact to public or officer safety reported as a result of the new system implementation.

The vendors have been responsive to the issues of installing and using the new system. Issues with the system have decreased significantly since July 2018. The vendor and the city have agreed to withhold the final payment of the contract until the city is satisfied all issues with the P25 system are resolved.

FINDINGS

The grand jury found:

F1. Training for sworn personnel users was delayed for several months impacting their ability to effectively use the system.

F2. The RPD issue log has proven effective in identifying issues and driving their resolution.

F3. The vendor is addressing infrastructure problems in a timely manner.

F4. No critical law enforcement incidences reported by the police department as a result of the P25 radio errors and deficiencies.

F5. The city has appropriately withheld final payment until all system issues are addressed.

RECOMMENDATIONS

The grand jury recommends:

R1. RPD personnel using the P25 radio system are adequately trained.

R2. RPD continue using the issue log to identify and address system problems as needed.

REQUEST FOR RESPONSES:

Pursuant to Penal Code section §933.05, the Placer County Grand Jury requests responses from the following governing body:

	Recommendations Requiring Response	Response Due Date
James R. Maccoun, Chief of Police Roseville Police Department 1051 Junction Boulevard Roseville, California 95678	**R1, R2**	**July 30, 2019**

Copies sent to:

Roseville City Council
311 Vernon Street
Roseville, California 95678

Karl Grover, IT Analyst
City of Roseville
316 Vernon Street
Roseville, California 95678

PLACER COUNTY GRAND JURY

Placer County Schools
Access Control

Placer County Schools Access Control

SUMMARY

California Education Code §32281(a) states "each school district and county office of education is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades one to twelve, inclusive." There are 114 schools in 18 individual school districts in Placer County serving over 63,000 students. Placer County Grand Jury investigated a citizen's complaint referring to a concern over the safety of students in Placer County public schools. The grand jury visited 10 schools located in urban, suburban, and rural areas. The grand jury investigation centered on five categories: school access and control, visitor sign-in process, vendor and contractor sign-in process, key control security, and identification (ID) badges. The grand jury interviewed front office staff, principals, and superintendents. The grand jury found that the public schools visited showed diligent efforts to secure their schools and keep students safe in all of the five categories.

APPROACH

The grand jury investigated how Placer County schools support student safety. Questions used were developed by the Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center in collaboration with the California Department of Education and the U.S. Department of Education. (Appendix 1) Each of the interviewed school officials was asked the REMS questions regarding their school.

DISCUSSION

REMS questions were asked of superintendents, principals, the front office staff, and the Placer County Sheriff's Office School Resource Officers (SRO). Ten schools were chosen to respond to the survey questions. (Appendix 2) Their answers were used to form conclusions about how the schools execute the following:

- Access to facility – buildings.
- Visitor sign in – signage.
- Vendor sign in - contractors/bus drivers.
- Key control – security.
- Badges - photo identification.

Access to Facilities/Buildings

Access control is a technique used to monitor who has access to school sites. All schools visited have controlled access to buildings through designated, supervised and/or locked entry points during school hours. However, after school hours, four of the ten schools share their gyms and athletic fields with the local community which makes access control more difficult.

Visitor Sign-In
All schools have outdoor signs that direct visitors to a single point of entry. Visitors are required to check in with front office staff upon arrival and departure. A dated log book is provided for visitors to sign in and out. They are given a visitor's badge to be worn while on school property. Some schools attempt to retrieve the badges at the conclusion of the visit while others do not. The grand jury found visitor badges ranged from simply a name to details including date, time, and access area.

Vendor and Contractor Sign-In
Vendors and contractors deliver school supplies and perform maintenance and repairs on a daily basis. Anyone who enters the campus is required to be escorted by school personnel for scheduled, non-scheduled maintenance, or other business. Front office staff accepts unscheduled deliveries such as Fed-Ex or UPS.

Key Control-Security
All schools have key control programs to monitor keys and duplicate keys issued to staff. Key storage systems are in place to provide quick access for law enforcement and fire department personnel as needed.

Badges and Photo ID
All schools issue photo identification badges to administrators, faculty, and staff that are to be worn during school hours.

CONCLUSION
The grand jury's investigation concluded that all schools visited have preventive and protective measures in place for access control, visitor and contractor signage, key control security, and photo ID badge distribution. The only area that needs attention is better visitor badges that would include date, time, and access area. The grand jury would like to commend the schools visited for their diligence in creating a culture of safety and security for the students, staff, and communities with the resources available.

FINDINGS
The grand jury found:

F1. Most schools visited did not have adequate visitor badge information.
F2. Visited schools are diligent in creating a culture of safety and security for the students, staff, and communities with the resources available.

RECOMMENDATIONS
The Grand Jury recommends:

R1. Visitor access badges for all Placer County schools should include name, date, time in, purpose of visit, and where they will be on campus.
R2. Require all visitor badges be retrieved at the end of the visit.

Appendix 1 - School Access Control Practices

Interview questions to inform the Grand Jury about the Access Control measures at randomly selected Placer County Schools. Questions may be tailored or modified to a school as applicable. For example, urban and rural schools may have different access controls.

ACCESS to Facility/Buildings

1. Is access into the building(s) controllable through designated, supervised, or locked entry points, including windows and service entries?
2. Are the facility perimeter and areas within the facility that require access control well defined?
3. Does the facility limit building access points?
4. Does the school have a designated primary point of entry/exit to each building?
5. Are the designated points of entry monitored to control building access, including student arrival and departure?
6. Are positive entry control systems established (e.g., telephone entry control, biometric access control)?
7. Is attendee access to the rest of the school controlled during performances or sporting events?
8. Are card access systems installed throughout the campus for use by students and staff?

VISITOR SIGN IN - Signage

1. Are there signs that direct visitors to designated building entrances and exits?
2. Do students have access to the school without direct staff supervision?
3. Is written permission needed to remove students or for them to leave the grounds?
4. Are all visitors required to enter through one designated entrance?
5. Are all visitors required to wear a visitor's badge while on school property?
6. Are visitors required to check in with the front office upon arrival and departure?
7. Are visitors required to show picture ID when checking in with the front office upon arrival?
8. Are visitors provided with dated, school-issued identification badges when on school grounds?
9. Are visitor passes closely monitored?
10. Is the sex offender registry used to screen visitors?
11. Does staff confirm visitor identification and check against a student's emergency data card?

VENDOR SIGN IN - Contractors/Bus Drivers

1. Are background checks conducted on all school employees, vendors, and contractors?
2. Are the identities of school bus drivers verified before they enter school grounds?
3. Are policies in place for those with and without appointments or official school business?
4. Are vendors and contractor personnel escorted throughout the facility?
5. Do vendors have scheduled time periods for delivery?
6. Do staff personnel maintain delivery logs, including what was delivered and by whom?
7. Are personnel who receive property required to sign for it?

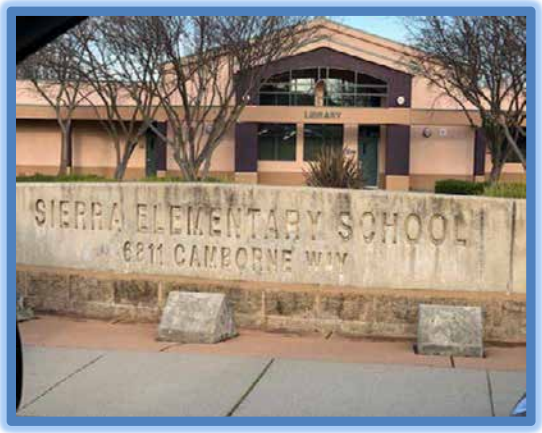
KEY CONTROL - Security

1. Is a key-control program established that monitors keys, entry cards, and duplicates?
2. Is a key-control program audited at least annually?
3. Where keyed locks are used? Is a master key control system in place to monitor keys and duplicates?
4. Must employees sign a key log when a key is issued or re-issued?
5. Does the school have a secure key storage system to provide law enforcement officers with quick access to keys?

BADGES - Photo Identification

1. Are photo identification badges issued to all teachers, administrators, students, and staff?
2. Are students required to display the badge while on school property?
3. Are teachers, administrators, and staff required to display the badge while on school property?
4. Are students required to turn in photo ID at the end of the year or when they leave the school?

Appendix 2 - School Photos



Sierra Elementary School, Rocklin, CA.

Spring View Middle School, Rocklin, CA.

Whitney High School, Rocklin, CA.

Rocklin Independent Charter Academy, Rocklin, CA.

North Tahoe High School, Tahoe City, CA

Colfax Elementary School, Colfax, CA.

Appendix 2 - Continued

Alta-Dutch Flat Elementary School, Dutch Flat, CA.

Sierra Expeditionary Learning School-Charter, Truckee, CA.

North Tahoe Middle School, Tahoe City, CA.

Kings Beach Elementary School, Kings Beach, CA.

REQUEST FOR RESPONSE:

Pursuant to Penal Code §933.05, the Placer County Grand Jury requests responses from the following governing body:

	Recommendations Requiring Response	Response Due Date
Gayle Garbolino-Mojica Placer County Superintendent of Schools 360 Nevada Street Auburn, CA 95603	**R1, R2**	**August 29, 2019**

Copies sent to:

Colfax Elementary School District
John Baggett/Principal
24825 Ben Taylor Road
Colfax, CA 95713

Tahoe-Truckee Unified School District
Dr. Robert Leri/Superintendent
Chief Learning Officer
11603 Donner Pass Road
Truckee, CA 96161

Rocklin Unified School District
Roger Stock/Superintendent
2615 Sierra Meadows Drive
Rocklin, CA 95677

Alta-Dutch Flat School District
Michael Wells/Superintendent/Principal
34050 Alta Bonny Nook Road
Alta, CA 95701

PLACER COUNTY GRAND JURY

All American Speedway
Progress Report

All American Speedway Progress Report

SUMMARY

In 2006-2007, expansive changes were implemented to the All American Speedway within the Placer County Fairgrounds without proper environmental studies or permits. Numerous noise complaints were received in the following several years. As a result, the Placer County Grand Juries of 2010-11, 2011-12, 2012-13, and 2013-14 investigated the Placer County Fairgrounds and All American Speedway. Summarily, these reports directed the county to resolve the problems initiated by the original speedway changes. This included recommending the completion of an after-the-fact Environmental Impact Report (EIR) and proper county permits obtained where applicable.

An EIR was subsequently initiated at the county's expense, but never completed. Work was conducted to address the problems. The county needs to explain why it pursued a county-funded after-the-fact EIR, but never completed it.

APPROACH

The grand jury interviewed county employees, the director of Placer Valley Tourism (PVT), and the current operator of the All American Speedway. The grand jury reviewed past grand jury reports and responses, contracts for fairground operations, contracts for speedway operations, sound studies, Placer County department memoranda, media reports, and Board of Supervisors agendas and minutes.

DISCUSSION

Placer County Fairgrounds in Roseville, which is owned by the county, has been conducting fair activities since 1937. Since its inception, the non-profit Placer County Fair Association (PCFA) had contracted with the County to operate the fairgrounds including the All American Speedway.

In 2006-07 the PCFA made improvements to the speedway without obtaining appropriate county approvals, including a required Environmental Impact Report (EIR) and building permits.

The 2010-2011 grand jury report found numerous noise complaints were made between 2007 and 2010 regarding speedway activities. The grand jury recommended the county ensure all issues created by the unauthorized improvements be resolved.

The 2011-2012 grand jury found county negligence in overseeing the PCFA which contributed to work being done on the speedway without permits or a completed EIR. The county responded it was committed to completing the EIR as expeditiously as possible. The county required the PCFA obtain after-the-fact permits for grading and building activities associated with the modifications to the Speedway that occurred in 2006-2007.

The 2012-2013 grand jury report noted the county was working to address the problems. In July 2012 the Board of Supervisors authorized $84,480 to complete Phase II of the required EIR. Phase II included public review of the draft EIR, and county environmental and planning commission review. At the time the grand jury report was published in 2013, work had not been started on Phase II. The county responded that the Board of Supervisors had instructed Facility Services and Code Enforcement to increase oversight of the PCFA and by May 2013 two permits had been issued.

By the following year's grand jury review, the county noted PCFA had satisfied five after-the-fact issues by removing structures, and satisfied five additional issues through Placer County Building Permit Final Inspections. The county also stated that structures associated with the two remaining issues were not being used at that time.

In March 2017, the Board of Supervisors designated Placer Valley Tourism (PVT) as the new operator of the Placer County Fairgrounds. In December 2017, the Deputy Director of Public Works and Facilities sent a memo to Community Development Resource Agency to close the 2012 EIR contract, stating they "found the environmental review described in the contract unnecessary".
The agreement between the County and PVT dated March 2017 stated PVT must acquire prior county approval for: any modifications to the fairgrounds or the speedway; any contracts in excess of $20,000; any contracts that authorize facility modifications; and repairs or replacements that require a building permit.

CONCLUSION

Efforts were made by the county to address the issues created by the speedway improvements made in 2006/07. Phase II of the EIR was approved and funded ($84,480) by the Board of Supervisors in 2012 but never completed during the five-year period before the contract was closed in 2017. The county's explanation was that the EIR was unnecessary.

FINDINGS

The grand jury found:

F1. The county has entered into a new agreement for the operation of the fairgrounds with Placer Valley Tourism and the speedway. This agreement puts into place specific language to address noise concerns that were brought to the county's attention more than ten years ago.

F2. Failure to complete the EIR prevented transparency and public input on the changes to the speedway.

RECOMMENDATIONS

The grand jury recommends:

R1. The county should explain why it committed to, but never completed, an EIR.

R2. The county should assess whether or not the failure to complete the EIR has adversely affected the public, and take any remedial action warranted.

REQUEST FOR RESPONSE:

Pursuant to Penal Code §933.05, the Placer County Grand Jury requests responses from the following governing body:

	Recommendations Requiring Response	Response Due Date
Mr. Todd Leopold County Executive Officer 175 Fulweiler Avenue Auburn, CA 95603	**R1, R2**	**July 30, 2019**

Copy sent to:

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

PLACER COUNTY GRAND JURY

Placer County Juvenile Detention Facility

2018-19 Annual Inspection

Placer County Juvenile Detention Facility
2018-19 Annual Inspection

SUMMARY

California Penal Code §925 mandates that the grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county. To meet the mandate, the 2018-19 Placer County Grand Jury conducted its annual inspection of the Placer County Juvenile Detention Facility (JDF) in Auburn on October 10, 2018. The grand jury found the JDF to be secure and well-maintained with a dedicated staff. The JDF continues to implement programs designed to motivate youth and support rehabilitation. The grand jury recommends that the JDF consider expanding the education programs to include technical and vocational training opportunities for juveniles.

APPROACH

The grand jury conducted an annual inspection using the Inspection Form – Juvenile Detention Facility, as well as interviews with the superintendent, staff and youth. The inspection form included general safety and security of the facility, fire safety, food services, medical services, education and programs for youth, treatment of youth, and staff morale.

Documents reviewed:

- The Board of State and Community Corrections Biennial Inspection Report 2016-2018 that was issued June 15, 2018.
- County of Placer Juvenile Detention Facility Policy, Procedures and Operations Manual

DISCUSSION

The 2018-19 grand jury agrees with last year's grand jury recommendations to expand current education opportunities by adding technical career training to the program. Current education programs available to youth include classes and study to achieve high school diplomas, college credits, and General Education Development (GED) taught by two accredited special education teachers and one non-accredited teacher aide.

Last year the grand jury recommended that JDF provide opportunities for youth to learn about alternatives to college and information about some of the technical trades available for them to pursue (i.e. cosmetology, plumbing, electrical, construction, auto repair, etc.). The JDF management responded to previous grand juries that there may be opportunities to work with Sierra College and Golden Sierra to expand course offerings that includes classes that focus on technical skills. This year's grand jury would like to see management re-visit these plans in 2019.

Research-based evidence shows strong educational programs make a difference to youth and their subsequent involvement in criminal behavior.[5] The grand jury encourages JDF to strengthen educational opportunities such as augmenting the library with brochures, and other written material describing technical careers. Efforts should include reaching out to community members and businesses to solicit volunteers interested in giving their time to talk to youth and give presentations about technical career opportunities in the community.

CONCLUSION

The grand jury finds the overall operation of JDF efficient and well-run, with professional staff dedicated to youth rehabilitation. The activities and services provided to youth are suited to the current juvenile justice philosophy of rehabilitation, not incarceration. The grand jury recommends providing information and exposure to technical education programs and career opportunities that would augment the education currently provided.

The leadership's philosophy, "There are no bad kids, just kids that make bad choices," is reflected in the positive environment at JDF, and the favorable comments made by youth about staff and management. The grand jury commends the staff that encourages and support young offenders in their charge to make better life choices.

FINDINGS

The grand jury found:

F1. Information on technical trainings and other career opportunities is not currently provided.

F2. Technical educational programs for youth are not offered.

RECOMMENDATIONS

The grand jury recommends:

R1. Educational opportunities for youth are expanded to include technical training programs.

R2. Provide information on career and technical training opportunities.

[5] National Criminal Justice Reference Service: Strengthening Education in Short-term Juvenile Detention Centers: Final Technical Report December 2016 (https://www.ncjrs.gov/pdffiles1/ojjdp/grants/251118.pdf)

REQUEST FOR RESPONSE:

Pursuant to Penal Code §933.05, the Placer County Grand Jury requests responses from the following governing body:

	Recommendations Requiring Response	Response Due Date
Mr. Joseph Netemeyer, Superintendent Placer County Juvenile Detention Center 11260 B Avenue Auburn, CA 95603	**R1, R2**	**July 30, 2019**

Copy sent to:

Mr. Marshall Hopper, Chief Probation Officer
Placer County Probation Department
2929 Richardson Drive, Suite B
Auburn, CA 95603

PLACER COUNTY GRAND JURY

Placer County Jails, Holding and Associated Facilities

2018-2019 Annual Inspection

Placer County Jails, Holding and Associated Facilities

SUMMARY

California Penal Code §925 mandates that the grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county. Penal Code §919(b) specifically allows the grand jury to inspect jails within the county.

APPROACH

To meet that mandate the grand jury inspected two jails and several holding facilities using a checklist developed for the jails by the grand jury, as well as additional information requested by the jurors making the tour. The checklist included, but was not limited to the general safety and security of the facility, fire safety, food services, medical services, job training requirements for staff, inmate treatment, housing unit condition, and staff morale.

DISCUSSION

The grand jury toured the following facilities;

- South Placer Adult Correctional Facility (SPACF) (including Minimum Security)
- Santucci Justice Center - Honorable Howard G. Gibson Courthouse Holding Cells
- Placer County Main Jail
- Burton Creek Sheriff's Substation
- Auburn Historical Courthouse

Other than the specific findings in this report, the grand jury did not have concerns at these facilities. Additionally, California Penal Code § 6031 mandates that the California Board of State and Continuity Corrections (BSCC) inspect each local detention facility in the state every other year, at minimum. All Placer County facilities listed above were inspected by the BSCC in 2018. The conditions and management of the Placer County jails met the standards established by the BSCC. Any concerns raised by BSCC were resolved by jail management.

Auburn Historic Courthouse

The grand jury was concerned that the three holding cell sliding doors have no grab handle installed to securely close the door on the outside. The deputies must use their fingers in a small indentation to slide the door closed. Additionally, the locks of the three sliding holding cell doors are not self-locking when slid closed. The deputy must insert a small key in the lock and turn it to secure and lock the door. It was also noted that there are no cameras in the hallway between the three holding cells and the jail office.

These three concerns can pose a safety issue to the deputies who are supervising inmates in the hallway. If an inmate is combative, he could place his body between the sliding door and the door jamb where the lock must be manually set and locked. The deputy would have to push the inmate from the doorway but has no strong handed grab handle to shut the door after doing so. If the inmate is combative or uncooperative, the deputy must also juggle the

door, the inmate and put the key in the lock while jeopardizing his safety and the safety of the inmate. There are no cameras monitoring this area.

Placer County Main Jail

The floor in the booking area of the jail is industrial rolled out vinyl with sealed seams that is about five years old. This area of the jail is a high traffic area of the jail. The vinyl floor is separating and rising from the concrete slab, creating large bumps on the surface of the floor in many locations. The bumps or bubbles bulging on the vinyl floor can create a tripping hazard if allowed to continue to degenerate.

FINDINGS

The grand jury found:

Auburn Historic Courthouse

F1. The three doors of the holding cells slide from side-to-side. There is no grab handle to securely close the door on the outside. There is only a small indentation that one must use their fingers to slide close the door.

F2. The locks of the three sliding holding cell doors are not self-locking when slid closed. The deputy must insert a small key in the lock and turn it to secure and lock the door.

F3. There is no camera in the hallway between the three holding cells and the jail office.

Placer County Main Jail

F4. The floor in the booking area of the jail is industrial rolled out vinyl with sealed seams that is about five years old. The vinyl floor is separating and rising from the concrete slab, creating large bumps on the surface of the floor in many locations. The bumps or bubbles bulging on the vinyl floor can create a tripping hazard if allowed to continue to degenerate.

RECOMMENDATIONS

The grand jury recommends:

Auburn Historic Courthouse

R1. Install a strong grab handle on the outside of each sliding holding cell door.

R2. Install self-latching locks that are engaged when the sliding holding cells doors are slid shut.

R3. Install video camera to monitor holding cell hallway (common area).

Placer County Main Jail

R4. Repair vinyl floor in booking area.

Request for Responses:

Pursuant to Penal Code §933.05, the Placer County Grand Jury requests responses from the following governing body or elected official:

	Recommendations Requiring Response	Response Due Date
Sheriff Devon Bell 2929 Richardson Drive Auburn, CA 95603	**R1 thru R4**	**July 30, 2019**

Copies to:

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603