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TULARE COUNTY GRAND JURY REPORT 2015-2016

SYNOPSIS

Complaint 15/16 #4

The Tulare County Grand Jury received a complaint on July 6, 2015, authored by an anonymous complainant who alleged numerous misdeeds against a Tulare County resident. The Grand Jury's investigation eventually disclosed the person against whom allegations were being made was a private attorney. Additional information precipitated a visit from the Grand Jury to the Tulare County Public Defender's Office. There it was learned that the subject was not an employee of Tulare County. Due to the fact that the Grand Jury is prohibited from investigating private entities and businesses, this complaint was closed on July 24, 2015.

Complaint 15/16 #7

The Tulare County Grand Jury received this complaint on July 7, 2015. This complaint reported that the complainant had been refused assistance by a local law enforcement agency. Following a review, the Grand Jury attempted to begin an investigation by contacting the complainant for an interview. After numerous fruitless attempts at contact, including voicemails and a letter with specific instructions about replying, the Grand Jury closed this complaint on July 31, 2015.

Complaint 15/16 #8

The Tulare County Grand Jury received this complaint on July 24, 2015. The complainants alleged local law enforcement failed to enforce city ordinances pertaining to the neighbors creating a nuisance by their conduct and lifestyle. Members of the Grand Jury interviewed the complainants and neighbors. Information disclosed that the complaint did not have sufficient validity to merit further investigation or action by the Grand Jury. The Grand Jury closed this complaint on August 21, 2015.

Complaint 15/16 #14

The Tulare County Grand Jury received a complaint on August 19, 2015. The complainant charged a local law enforcement officer with breaking the law by fabricating evidence. This complaint was involved in litigation; therefore, the Grand Jury was unable, by statute, to investigate it. This complaint was closed on September 11, 2015.

Complaint 15/16 #16

The Tulare County Grand Jury received a complaint on September 18, 2015, from an inmate in the Tulare County Jail. The complainant alleged his pain was not being managed by the medical staff employed by the jail system. An investigation was attempted by the Grand Jury; however, the complainant had been released from jail with no forwarding contact information. This complaint was closed October 23, 2015.

Complaint 15/16 #19

The Tulare County Grand Jury received a complaint on September 19, 2015, alleging a police department wrongfully handled a police investigation of a prowler. After interviewing the complainant and reviewing documents, the Grand Jury determined that no further action was warranted. Based on this, the complaint was officially closed on November 18, 2015.

TULARE COUNTY GRAND JURY REPORT 2015-2016

Complaint 15/16 #20

The Tulare County Grand Jury received a complaint on October 7, 2015, from an inmate alleging mail tampering within the jail and an officer failing to restrain a police dog. The Tulare County Grand Jury interviewed the complainant and reviewed all documentation that was provided. The complainant was informed the Grand Jury does not have jurisdiction over matters which are currently pending in court. The complaint was closed on November 18, 2015.

Complaint 15/16 #24

The Tulare County Grand Jury received a complaint on November 29, 2015 from the legal guardian of a minor on probation. The complainant requested the Grand Jury investigate the possible illegal search of his residence and questioning of the minor without the guardian present.

The Grand Jury interviewed the complainant, two of the police officers involved in the search and interview of the minor, and the minor's probation officer. County Counsel was consulted as part of the investigation. The Tulare County Grand Jury thoroughly investigated this complaint and determined that law enforcement operated within the law in searching the residence and questioning the minor. The complaint was officially closed on January 22, 2016.

Complaint 15/16 #28

The Tulare County Grand Jury received a citizen complaint on December 29, 2015, alleging a local police department used deadly force in an attempt to apprehend the complainant. The Grand Jury reviewed the documentation and determined there was no wrong doing by the Department. The Grand Jury closed the complaint on February 5, 2016.

Complaint 15/16 #29

The Tulare County Grand Jury received a citizen's complaint on January 4, 2016, alleging illegal incarceration by a local police department, causing the complainant to miss a civil court date. The Grand Jury reviewed the documentation and determined there was no wrong doing by the Department. The Grand Jury closed the complaint on April 8, 2016.

Complaint 15/16 #32

The Tulare County Grand Jury received a citizen's complaint on March 21, 2016, alleging that policy and procedures were not being followed in regard to the opening of legal mail by Tulare County Jail staff. The Grand Jury conducted interviews and reviewed documentation. Due to an absence of sufficient specific information, the Grand Jury closed the complaint on May 20, 2016.

Complaint 15/16 #34

The Tulare County Grand Jury received a citizen's complaint on March 22, 2016. The complainant was concerned that all in-person visits at all Tulare County jail facilities would be switched exclusively to electronic visits via the internet. The Grand Jury conducted interviews and reviewed documentation. Tulare County Sheriff's Office staff assured the Grand Jury a revised visitation policy would be forthcoming. The Grand Jury closed the complaint on May 20, 2016.

TULARE COUNTY GRAND JURY REPORT 2015-2016

Complaint 15/16 #36

The Tulare County Grand Jury received multiple citizen complaints on April 12, 2016. The complainants were concerned that all in-person visits at all Tulare County jail facilities would be switched exclusively to electronic visits via the internet. The Grand Jury conducted interviews and reviewed documentation. The Tulare County Sheriff's Office staff assured the Grand Jury a revised visitation policy would be forthcoming. The Grand Jury closed the complaint on May 20, 2016.

Complaint 15/16 #38

The Tulare County Grand Jury received a citizen's complaint on April 21, 2016, expressing concerns regarding the policy and procedures for housing at the Tulare County Jail. Interviews were conducted and it was determined that the complaint was outside the purview of the Grand Jury. The Grand Jury closed the complaint on May 20, 2016.

TULARE COUNTY GRAND JURY REPORT 2015-2016

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RICHGROVE COMMUNITY SERVICE DISTRICT: “WHO’S ON FIRST?”

BACKGROUND:

Richgrove is an unincorporated farming community in the southern part of Tulare County, California. Classified by the U.S. Census Bureau as a Census Designated Place, the community had a population of 2,882 in 2010. Census Designated Places are defined to provide data for settled concentrations of population that are identifiable by name but are not legally incorporated under the laws of the state in which they are located.

Special Districts in the State of California first began as a means to meet the water needs of farmers in the San Joaquin Valley. Hampered by an inconsistent water supply, plus largely varying prices, farmers in Stanislaus County organized the Turlock Irrigation District under the Wright Act of 1887. The Wright Act allowed a majority of residents in an area to form a public entity for water delivery and to finance its operation through the sale of bonds. The Turlock Irrigation District originated California’s Special District Concept and made it possible for San Joaquin Valley farmers and others, such as Tulare County’s Richgrove Community Services District (RCSD), to intensify and diversify their domestic and agricultural activities.

The RCSD, founded in 1977, supplies the domestic water, sanitary sewage and other services to the homes and businesses within the community. In 2011 the RCSD was awarded a grant from the California Department of Parks and Recreation to construct a community park. The park is designed to provide recreational activities for youth, families and senior citizens. The plan includes walking trails, community gardens, a skate park, picnic arbors, a tot-lot and fields for sports such as soccer, baseball, volleyball and exercise features¹.

REASON FOR INVESTIGATION:

The 2015-2016 Tulare County Grand Jury received a response to the 2014-2015 Grand Jury “Confusion and Chaos in Richgrove” report from the RCSD Board of Directors. The 2015-2016 Grand Jury determined that the responses were woefully inadequate and unacceptable. A Grand Jury investigation was undertaken to further research the RCSD’s financial situation, Board of Directors’ procedures, and RCSD policies.

Additionally, the 2015-2016 Tulare County Grand Jury decided to investigate the administration of the Richgrove Community Park’s \$2.81 Million State Grant, received by the RCSD. The Grand Jury investigation reflected possible impropriety with respect to the administration of the grant.

¹ Under the California Statewide Park Development and Community Revitalization Act of 2008 (AB 31) with funds authorized under the State Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), the State can award grants to eligible entities for the purposes of Division 43 of the Public Resources Code.

TULARE COUNTY GRAND JURY REPORT 2015-2016

METHOD OF INVESTIGATION:

The Tulare County Grand Jury attended both RCSD Board of Directors and RCSD Park Board meetings. The Grand Jury also conducted numerous interviews of witnesses from various agencies. Other independent witnesses were also interviewed. Documents related to the administrative policies, procedures and practices of the RCSD, as well as development of the park, were reviewed. The Grand Jury visited the future park site at various intervals.

FACTS:

RCSD Administration Facts:

1. Penal Code §933.5 allows the Grand Jury to investigate a “special purpose assessing or taxing district”, commonly referred to as a “Special District.”
2. The RCSD has not filed their audits with the county for multiple years (2007-2015), as required by California Government Code (CGC) §26909.
3. The Grand Jury attended a meeting of the RCSD Board of Directors, as a result of which it was discovered that the Board was unable to produce an operating budget, by-laws, monthly financial statements or other documents requested.
4. Subsequent to the Grand Jury’s attendance at the RCSD Board of Directors meeting, the RCSD engaged the services of a volunteer with expertise in organizational management.
5. The CGC §61053 (3) stipulates that a Special District’s Board of Directors adopt a system of accounting and auditing that shall completely and at all times show the district’s financial condition and that the system of accounting and auditing shall adhere to generally accepted accounting principles.

RCSD Administration Facts:

1. In 2011, the RCSD was awarded a grant from the California Department of Parks and Recreation to construct a community park. The total amount of the grant was \$2.81 Million for planning, design, purchase of park site, construction, initial maintenance, and administration .
2. The RCSD is defined as a “Public Entity” as per Public Contract Code (PCC) Section 1100, and therefore must follow applicable contract statutes. (see Attachment “A”).
3. The community park project funded to be built in Richgrove is defined as a “Public Works Contract” project as per PCC Section 1101. (see also Attachment “A”).

2 An agreement was entered into between the California Department of Parks and Recreation (hereinafter referred to as “GRANTOR,” or “STATE”) and Richgrove Community Services District (hereinafter referred to as “GRANTEE”) for a granted amount of \$2.81 Million.