

MODOC COUNTY GRAND JURY

FRANCIS W. BARCLAY
Presiding Judge Superior Court

RONDA GYSIN
Court Executive Officer

DAVID A. MASON
Superior Court Judge

SHAWN NORMINGTON
Foreperson

July 11, 2017

RECEIVED

JUL 12 2017

Chester Robertson, CAO
Modoc County Administrative Services
202 West 4th Street
Alturas, CA 96101

BOARD OF SUPERVISORS

Re: 2016/2017 Grand Jury Report

Dear Mr. Robertson:

The 2016/2017 Final Grand Jury Report has been reviewed and certified by Assistant Presiding Judge David A. Mason. For purposes of distribution, and at a minimum, those agencies mentioned in the report as well as each elected official must receive a copy with instructions to submit comments to the Presiding Judge of the Modoc Superior Court or Assistant Presiding Judge in accordance with the provisions of Penal Code Section 933(c). Copies of the 2016/2017 Grand Jury Report have been distributed to the agencies listed below. I am also providing your office 10 extra copies. The Report will be made public by July 28, 2017.

Sincerely,



Shawn Normington, Foreperson
2016/2017 Grand Jury

SN/bi

Enclosures (11)

cc:	Modoc County Auditor/Recorder/Clerk	(1)
	Modoc County Sheriff	(1)
	Devil's Garden Conservation Camp #40	(1)
	Modoc County Office of Education Superintendent	(1)
	Modoc County Tax Collector/Treasurer	(1)
	Modoc Joint Unified School District Superintendent	(1)
	Surprise Valley Health District	(3)
	Modoc County Board of Supervisors	(6)
	Modoc County District Attorney	(1)
	City of Alturas City Council	(6)
	Modoc County Dept of Social Services	(6)

Modoc County Grand Jury Report



2016-2017

RECEIVED

JUL 12 2017

BOARD OF SUPERVISORS

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Letter from the Foreperson

I would like to thank this year's Grand Jury for proving that it is possible for a diverse group of citizens to work in unity toward a common goal. Each year a new group of individuals or returning jurors volunteer to participate in the process of investigating County, State mandated and Special entities. Although the members of the panel change each year, the task remains the same.

One of our goals as a Grand Jury was to facilitate better cooperation and communication between all entities within Modoc County under the jurisdiction of the Grand Jury. We are pleased to have seen some progress in this area.

I want to encourage you as a citizen of Modoc County to become involved in this democratic process. It is a rewarding experience, which leads to personal growth and better knowledge of how our County functions within the entities that provide expected services to the citizens of this county on a daily basis with the funding they are provided.

Sincerely,
Shawn Normington
Foreperson

Acknowledgements

The 2016-2017 Grand Jury would like to thank the following:

Honorable Judge David A. Mason
Ronda Gysin, Court Executive Officer
Sheriff Mike Poindexter for the use of the Annex
Sheriff's Office accommodating staff
Department Heads
Board of Supervisors
California Grand Jury Association
All those who appeared before the Grand Jury

Superior Court of California

County of Modoc

ROBERT A. BARCLAY JUSTICE CENTER

205 South East Street, Alturas, CA 96101

www.modocsuperiorcourt.ca.gov

(530) 233-6516 ext. 1207

FRANCIS W. BARCLAY
PRESIDING JUDGE

RONDA GYSIN
EXECUTIVE OFFICER

DAVID A. MASON
SUPERIOR COURT JUDGE

July 6, 2017

To: Grand Jury Members

Dear Ladies and Gentlemen:


I want to take this opportunity to express my appreciation and the appreciation of the Superior Court to all of the members of the 2016-2017 Modoc County Grand Jury for a job well done. Your diligence, dedication and hard work are clearly reflected in this year's report.

I want to specifically recognize and extend an individual thank you to Shawn Normington for his outstanding leadership as this year's Foreperson. In particular, I would like to commend those members who went above and beyond the call of duty by serving an additional term. You provided valuable guidance and continuity to the process.

Serving as a Grand Juror is not an easy task and I commend each and every one of you for your sincere effort and commitment to addressing the complex, varied and sensitive issues presented to you.

Thanks once again for a job well done.

Sincerely,



David A. Mason
Assistant Presiding Judge

I certify that the Modoc County Grand Jury Final Report complies with Title Four of the California Penal Code and direct the Court Executive Officer to accept and file the final report as a public document.



David A. Mason, Assistant Presiding Judge

Date: July 3, 2017



Law Enforcement Committee – Devil’s Garden Conservation Camp

May 10, 2017

SUMMARY

According to the California Penal Code 919(a)(b), the Grand Jury is mandated to annually tour and inspect this State operated correctional facility located in Modoc County. The buildings, grounds, projects and programs reviewed comply with the State-mandated policies and procedures. The Grand Jury highly commends the Camp for its outstanding programs and services that benefit both the inmates and Modoc County.

BACKGROUND AND DISCUSSION

The California Department of Corrections and Rehabilitation (CDCR) and the California Department of Forestry and Fire Protection (CAL FIRE) jointly operate the Devil’s Garden Conservation Camp; one of 39 in the state. Opened in 1989, the facility is located 7 miles west of Alturas, California and can house 120 inmates, with a capacity for five 17-man work crews. Currently there are 87 inmates assigned to work crews that carry out work projects. The projects include emergency response to wildfire, conservation projects such as fire hazard abatement and watershed enhancement, maintenance of state vehicles, construction of signage, and assistance with community projects such as cemetery, school and fire district grounds maintenance. One crew of inmates is responsible for the in-house projects such as cooking, computer work, facility and vehicle maintenance. The Camp also operates the Mobile Food Unit (MFU) which is used to support feeding operations at emergency incidents.

METHODOLOGY

The Grand Jury toured the facility and was introduced to the Camp’s staff and others from the Department of Corrections and Rehabilitation who led a detailed discussion of the Camp’s current issues and programs. The staff assembled to assist with the Grand Jury visit was informative and cooperated with the Grand Jury inquiries regarding the Camp’s policies and procedures.

FINDINGS

F1. The facility is maintained at a very high standard and provides inmates opportunities to participate in a variety of rehabilitation programs, education and job training. The Camp offered the GED exam for the first time on May 11 and 12.

F2. Camp morale – both staff and inmates – is high with obvious pride in their work and facilities.

F3. With the implementation of AB 109, fewer inmates choose to participate in the Camp programs.

F4. The CDRC has recently initiated additional educational programs to help Camp inmates increase their successful reentry to civilian life, as well as informal training in such skills as resume-writing and job-interview conduct.

F5. Proposition 57 will allow inmates to receive credit for their Camp work experience.

RECOMMENDATIONS

NONE.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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Law Enforcement Committee – Modoc County Jail

MODOC COUNTY JAIL

June 26, 2017

SUMMARY

The 2016-2017 Grand Jury interviewed the Undersheriff and inspected the County jail facility. After reviewing the findings, the Grand Jury recommends that the Sheriff and his staff continue to pursue seeking funds needed to update, repair and construct a new jail and to provide adequate levels of officers at the County jail.

GLOSSARY

AB 109: Realignment of State Prison Inmates to County Facilities (Adopted 2011); in order to reduce the number of State prison inmates, newly convicted low level offenders without current or previous serious or violent offenses stay in county jail to serve their sentences. AB 109 provides dedicated and permanent revenue through Vehicle License Fees and a portion of the State tax (as outlined in AB 118 and SB 89). These funds provide counties the resources to house inmates and provide local public safety programs.

SB 678: Formation of Community Correction Partnerships (Adopted: 2011); authorizes the formation of a multidisciplinary team of agencies and private providers to engage in providing rehabilitation programs to persons convicted of a felony offense under probation supervision with conditions imposed by a court for a specific period.

BACKGROUND

The State of California mandates that the Modoc County Civil Grand Jury conduct an annual inspection and review of the Modoc County jail. The Modoc County jail is a Type II facility and responsible for inmates pending arraignment, during their trial and sentencing. Additionally, with the realignment of inmates from the State Prison System (AB 109) to the County jail, the Sheriff's Office and the jail facility are expected to house inmates for extended periods of time and provide services to reduce recidivism (SB 678).

During the past two years, without success, the Sheriff's Office has submitted grant requests to the State of California to construct a new jail. The current jail facility, constructed in the 1960s, is no longer in compliance with the California Department of Corrections guidelines for housing inmates. It is clearly acknowledged by all concerned that the Modoc County jail is antiquated, in need of many repairs, and lacks the space to house high-risk inmates.

METHODOLOGY

The Grand Jury interviewed the Undersheriff and departmental staff on September 22, 2016 and was given a guided tour of the County jail facility. In January of 2017, the Grand Jury Jail Committee met again at the Modoc County Jail as a follow up inspection.

DISCUSSION

During the September 2016 interview with the Sheriff, information regarding the recommendations made by the 2015-16 Grand Jury was provided. The annual facility and fire extinguishers inspections have been completed. A binder with Material Safety Data Sheets is completed and at the time of inspection a new metal roof was being installed.

The jail inspection revealed that the facility, constructed in the 1960s, is antiquated, greatly deteriorated and lacks adequate work areas and space for holding high-risk inmates. Notable was the escape of an in-custody inmate. The Undersheriff showed the Grand Jury the area and the steps taken to prevent a reoccurrence.

California Department of Corrections guidelines now require increased square footage per inmate. As a result, the dormitory style that was acceptable during the era when the jail was built is now inadequate. The facility, which was constructed to house 74 inmates, can now legally hold only 43 inmates.

The Sheriff continues to pursue funding for construction of a new jail facility through grants and requests for increased annual County budget.

The County jail is understaffed and this can and will lead to health and safety issues for both inmates and staff.

The Sheriff continues to coordinate with the County Board of Supervisors and other County Staff to resolve budget requests for additional staff and for the funds to construct a new jail facility.

FINDINGS

- F1. The State Fire Marshal requires annual inspection of fire extinguishers. The Sheriff's Department is currently compliant.
- F2. Material Safety Data Sheets are up-to-date.
- F3. With the development of a new jail, Modoc County will be in compliance with the State correctional facility regulations.
- F4. County needs to increase funding for general jail repairs and upgrades.

- F5. Understaffing of Jail staff, County needs to work with Sheriff to increase the budget to meet staffing requirements.

RECOMMENDATIONS

- R1. Continue with annual inspection of fire extinguishers and maintain compliance with all State-mandated regulations.
- R2. Update Material Data Safety Sheet Binder as required.
- R3. Continue working with the consultant to develop detailed plans and the budget needed to secure grants and sufficient county funding to construct a new Jail.
- R4. The Board of Supervisors should continue annual visits to the County jail.
- R5. The CAO and Board of Supervisors work with the Sheriff on funding to meet staffing needs of the jail and overall needs of the facility for the health and safety of all.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following individual:

- Modoc County Sheriff: Respond in writing to F1 and R1, F2 and R2, F3 and R3, F4 and R4.

From the following governing body:

- County Board of Supervisors: Respond in writing to F5 and R5.
- County Chief Administrative Officer Respond in writing to F5 and R5

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

Local Government – Surprise Valley Health Care District

June 27, 2017

DISCLAIMER

This report was issued by the Grand Jury with the exception of a Juror who Surprise Valley Health Care District (SVHCD) felt was biased. This Grand Juror was excluded from all parts of the investigation, including interviews, deliberations, and the writing and approval of this report.

SUMMARY

Because the 2015-2016 Grand Jury did not receive a response from SVHCD in a timely manner, the 2017 Grand Jury felt that it was necessary to continue the investigation. The investigation conducted by the 2016-2017 Grand Jury showed that there is a high level of concern over the ability of the Surprise Valley Health Care District to survive. The lack of accurate fiscal information, including up-to-date audits, has contributed to the current financial crisis. The 2016-2017 Grand Jury interviewed Board members, Accounts Manager and the HR director. The board members were very cooperative and helpful. When the Grand Jury was finally able to interview the current CEO, we found him to be uncooperative and very non-transparent with his responses to the committee. It was also apparent to the committee that the CEO was also non-transparent with the Board members as well. The Grand Jury recommends that the Board have complete financial transparency. A financial breakdown and itemization of SVHCD governmental debts, regarding IRS liens, Inter Governmental transfers, and state withholdings. It should have separate line items to provide the tax payers with a clearer understanding of the overall debt. The Grand Jury also recommends date stamping all incoming mail in order to respond in a more timely manner. This will ensure that all deadlines are met.

GLOSSARY

CEO – Chief Executive Officer

SVHCD – Surprise Valley Health Care District

GJ- Grand Jury

BOD- Board of Directors

BACKGROUND

The SVHCD upheaval was brought to the attention of the Grand Jury by the news media. Various members of the county urged the Grand Jury to initiate an investigation. SVHCD failed to respond to the 2015-2016 Grand Jury report in a timely manner as required.

METHODOLOGY

Interviews with board members, accounting, CEO and a few families of patients in the long term care. Also contacted current vendors for account standing and past due statistics.

DISCUSSION

The Surprise Valley Health Care District (SVHCD) provides a critical access hospital, a provider-based rural health clinic, a distinct-part skilled nursing facility (SNF) and a basic life-support ambulance service to residents who reside in Ft. Bidwell, Lake City, Cedarville and Eagleville. SVHCD is the largest employer in the valley. SVHCD receives funds from a tax assessment on the residents who live in its service area.

During the Modoc Grand Jury investigation it quickly became apparent that there was concern throughout Surprise Valley about the future of the District. The Grand Jury learned there was a lack of financial transparency in the information presented by the CEO to the Board of Directors and the public.

Not enough financial information was presented to the Board, and audits were not kept current and remain delinquent.

During this Grand Jury's tenure, the CEO has left employment, and the Human Resources and Director of Nursing have resigned their positions. The Board of Directors has filled the positions with temporary personal while searching to find qualified replacements.

FINDINGS

- F1. CEO was providing non-transparent financial reports to the Board of Directors. Need to add line itemization for accountability for liens.
- F2. Incoming mail is not being date-stamped for proper tracking to meet time lines.
- F3. SVHCD still behind in audits.
- F4. No audit has been provided since FY 2011. Lack of this critical information regarding the financial status has contributed to the current crisis.

RECOMMENDATIONS

- R1. The Administration must provide accurate and timely financial documents at each regular monthly meeting.
- R2. The Board needs to insure all incoming mail is date-stamped.
- R3. The Board along with Administration needs to develop an action plan to meet the short-term and long-term financial needs of SVHCD.
- R4. The Board and Administration should also work together to develop a plan to meet the audit needs of SVHCD.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following individual:

- The CEO of SVHCD: Respond in writing to F1 and R1.

From the following governing body:

- SVHCD Board of Directors: F2 and R2, F3 and R3, F4 and R4.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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Become a Grand Juror

The law states grand jury applicants must have the following qualifications:

- Citizen of the United States
- 18 years of age or older
- Resident of state and county or city and county for one year prior to being selected.
- In possession of natural faculties, ordinary intelligence, sound judgment, fair character.
- Possess sufficient knowledge of the English language.

Beyond the legal requirements, there are more specific qualifications which are desirable for a grand juror:

- A general knowledge of the functions, authorities and responsibilities of the county and city governments and other civil entities.
- Research abilities, including complex reading capabilities, background in accessing/analyzing facts and report writing.
- Substantial background in group/committee work.
- Respect and objectivity concerning the positions and views of others.

Contact the Modoc County Superior Court at 205 S. East Street, Alturas, CA 96101 or call 530-233-6516 ext. 1207 to learn more.

MODOC COUNTY GRAND JURY
205 S. East Street, Alturas, CA 96101 Phone: 233-6516 x 1207
CITIZENS COMPLAINT FORM

Your name: _____ Date: _____

Home Address: _____ Zip: _____

Work Address: _____ Zip: _____

Telephone #:(Home) _____ (Work) _____

1. PERSON(S), OFFICIAL, DEPARTMENT, OR AGENCY ABOUT WHOM (WHICH) YOU ARE MAKING THE COMPLAINT:

Name: _____

Address: _____ Zip: _____

Telephone #: _____

Director of Agency, if applicable: _____

2. BRIEF SUMMARY OF PROBLEM (including dates of events and names of persons, officials, department, and agencies involved. Attach additional sheets, if necessary.)

3. PLEASE LIST THE PERSONS, OFFICIALS, DEPARTMENTS, AGENCIES, OTHER GRAND JURIES OR MEDIA WHOM YOU HAVE CONTACTED ABOUT THIS PROBLEM:

ENTITY	ADDRESS	APPROXIMATE DATE OF CONTACT
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. WHO DO YOU THINK THE GRAND JURY SHOULD CONTACT ABOUT THIS PROBLEM?

NAME	ADDRESS	TELEPHONE #:
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. REASON TO CONTACT THE ABOVE: _____

6. WHAT RESULT DO YOU WANT FROM THE GRAND JURY INVESTIGATION?

PLEASE ATTACH ANY CORRESPONDENCE OR SUPPORTING DOCUMENTATION THAT WOULD BE PERTINENT TO THIS COMPLAINT.

Among the many powers and responsibilities of the Grand Jury is the investigation of citizen complaints to assure that all branches of County government are being administered efficiently, honestly and in the best interests of its citizens.

All Complaints submitted to the grand jury will be treated in the strictest of confidence.

The undersigned hereby authorizes the Modoc County Grand Jury to disclose my identity to the person or office against whom or which I have made a complaint

Signature of Complainant

Date