

**Stanislaus County
Civil Grand Jury
2016-2017**



Final Report

Stanislaus County Civil Grand Jury 2016-2017 Final Report

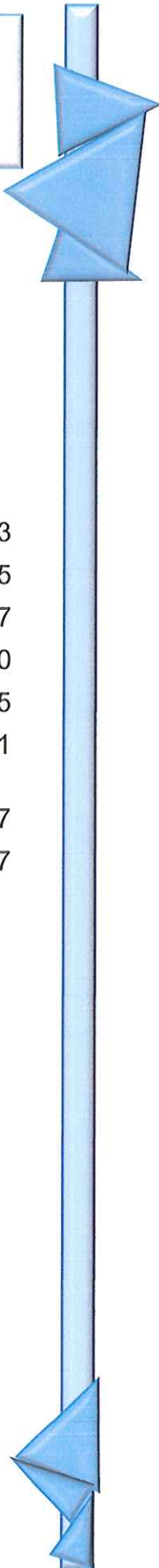


Table of Contents

Foreperson’s Letter to the Presiding Judge.....i
Civil Grand Jury.....ii

SUBJECTS OF INVESTIGATION

Part I Summary of Responses to the 2015-2016 Final Reports..... 3
Part II County Financial Audit Report..... 15
Part III Participation in the Annual Financial Audit Report 17
Part IV 17-03C City of Oakdale Residents Property Tax Bill 20
Part V 17-18GJ Stanislaus County Library 25
Part VI 17-19C Oakdale Irrigation District Redistricting 31
Part VII 17-20GJ Stanislaus County Law Enforcement & Det. Facilities
Inspections 37
Part VIII 17-30C Stanislaus County Probation Department 47



STANISLAUS COUNTY CIVIL GRAND JURY

PO Box 3387 – Modesto, CA 95353 – (209) 558-7766 – Fax (209) 558-8170

June 1, 2017

The Honorable Ricardo Cordova
Presiding Judge of the Superior Court of California
800 11th Street
Modesto, CA 95354

Dear Judge Cordova:

The 2016-2017 Stanislaus County Civil Grand Jury is pleased to submit to your attention the panel's final report. Each panel member has worked diligently to complete this work.

On behalf of the entire grand jury panel, I want to thank you, the Court Executive Officer/Jury Commissioner, the Assistant Court Executive Officer, the Stanislaus County Counsel and the Civil Grand Jury Administrative assistant for your excellent guidance and support during the panel's term.

The grand jury completed the mandatory inspection of all the Stanislaus County Detention facilities. The panel attended the County of Stanislaus Audit entrance and exit meetings conducted by Brown Armstrong Accountancy Corporation as mandated. The panel also completed a follow up to the responses to the 2015-2016 SCCGJ's final report ensuring accountability.

The grand jury initiated and conducted, without prejudice, investigations and assessments of the following: County Election Practices, the Stanislaus County Library, the Stanislaus County Downtown Men's Jail, the Public Safety Center, the Juvenile Commitment Center, the Stanislaus County Sheriff's Office Coroner Division, the Day Reporting Center, Stanislaus Regional 9-1-1 as well as Law Enforcement Ride-Along programs.

The grand jury received and investigated when necessary, a variety of complaints from concerned citizens. The complaints involved a number of issues related to the county and special districts. Reports on the City of Oakdale Residents Property Tax Bill and Oakdale Irrigation District Redistricting policies as well as a report on the Stanislaus County Probation Department were the result of such complaints.

As foreperson, I want to thank each person on our panel who worked diligently to provide this important service to our county.

Sincerely,

Tim Warnock
Foreperson

2016-2017 CIVIL GRAND JURY



FOREPERSON..... Timothy J. Warnock
FOREPERSON PRO TEM James B. McKay
RECORDING SECRETARY Laurie M. Overly
SERGEANT AT ARMS Thomas J. Cardoza

GRAND JURY PANEL

| | | | |
|---------------------|---------|--------------------|---------|
| Kenneth L. Adair | Modesto | Angela M. Lagos | Modesto |
| Jill A. Ayres | Modesto | James B. McKay | Modesto |
| Brian R. Bigelow | Modesto | Diane M. Mecca | Modesto |
| Melvin G. Bradley | Oakdale | Carol Anne Miller | Modesto |
| Thomas J. Cardoza | Modesto | Laurie M. Overly | Modesto |
| Beverly M. Finley | Modesto | Dalbir S. Plaha | Denair |
| Linda S. Fredericks | Modesto | H. Carol Perry | Denair |
| Don S. Hamaguchi | Turlock | Timothy J. Warnock | Modesto |
| Bruce Helmer | Modesto | | |

Part I

Summary of Responses to the 2015-2016 Final Reports

Summary of Responses to the 2015-2016 Stanislaus County Civil Grand Jury's Final Reports

SUMMARY

Following up on the findings and recommendations from a prior year is a prime responsibility of the Stanislaus County Civil Grand Jury (SCCGJ). Each year, the Grand Jury issues reports with findings and recommendations directed to Stanislaus County officials, agencies and municipal and other public entities. Findings are written responses as dictated by California Penal Code Sections 933 and 933.05 and are an important function of all California Grand Juries. Governing bodies of public agencies are required to respond no later than 90 days after the Civil Grand Jury submits a final report; elected county officers, including county boards of supervisors and agency heads, are required to respond no later than 60 days.

GLOSSARY

| | |
|-------------|--|
| DPHD | Del Puerto Healthcare District – A special district that provides health care services to Patterson and the surrounding area |
| CFO | Chief Financial Officer of Del Puerto Healthcare District |
| PSC | Public Safety Center, Stanislaus County Detention Facility |
| DJ | Downtown Jail, Stanislaus County Facility |
| DRC | Day Reporting Center, Stanislaus County |
| JCC | Juvenile Commitment Center, Stanislaus County |
| CSA | Community Services Agency, Stanislaus County |

BACKGROUND

The report demonstrates to affected parties and to the public that the Stanislaus County Civil Grand Jury requested reviews and acts on all responses. The SCCGJ acts on missing and/or inadequate responses to its findings and recommendations. This continuity procedure enables the current and subsequent grand juries to determine if further action is required by the provisions of the California Penal Code.

METHODOLOGY

The responses and comments submitted concerning reports issued by the 2015-2016 Civil Grand Jury were evaluated by the 2016-2017 Civil Grand Jury with reference to the California Penal Code Section 933.05(b), which requires an agency head, a county officer, or governing body to provide one of four possible responses to each recommendation.

1. Have implemented the recommendation
2. Will implement the recommendation
3. Further analysis needed
4. Will not implement the recommendation

California Penal Code Section 933.05(h)(3) requires that respondents indicating that “further analysis needed” to a recommendation must conclude each study within six months from the date of the publication of the Civil Grand Jury Report.

The SCCGJ developed a chart to track responses from county officials and agencies and municipal and other public entities. The following chart reflects each entity’s responses to the Findings and Recommendations of the 2015-2016 SCCGJ Final Report. Please note that the responses filed by the Board of Supervisors and the various agencies are much more extensive than indicated in the following pages. All Civil Grand Jury reports and the responses can be viewed on the following website: www.stanct.org/final-report.

DEL PUERTO HEALTH CARE DISTRICT
Case # 16-06C & 16-11C

Reason for Investigation

The Stanislaus County Civil Grand Jury received two citizen's complaints, Grand Jury Case Numbers 16-06C and 16-11C, alleging mismanagement by the Board of Directors of the Del Puerto Healthcare District [DPHD]. In addition, other allegations included personal use of district credit cards by an ambulance company employee, two traffic accidents by a district ambulance with the same crew on the same day, inappropriate influence by a board member who served on a malpractice insurance board of directors, micro-management by board members in the day-to-day operations of the district.

Agencies Asked to Respond

- ❖ Board of Directors Del Puerto Healthcare District, Recommendations R4-R11

Agencies Invited to Respond

- ❖ Stanislaus County Board of Supervisors

| Findings | | | | Recommendations | Implemented | Will Implement | Further Analysis | Will Not |
|--|------------------|------------------|------------------|---|-------------|----------------|------------------|----------|
| | Agree w/ Finding | Agrees Partially | Disagrees Wholly | | | | | |
| Board of Directors Del Puerto Healthcare District | | | | | | | | |
| F1. The medical clinic delivers good quality healthcare and is effectively managed. | X | | | R1. None | | | | |
| F2. Patterson Ambulance delivers good quality ambulance service and is effectively managed. | X | | | R2. None | | | | |
| F3. The investigation concluded that most of the allegations have been resolved with new management or had no merit. | | | | R3. None * DPHD did not respond to this Finding. | | | | * |
| F4. DPHD's finances are too dependent on Stanislaus County taxes and City of Patterson special | | X | | R4. DPHC should consider hiring a part time CFO, or hire an outside resource to provide | | | X | |

| | | | | | | | |
|---|---|---|--|---|---|---|--|
| tax assessments. | | | CFO functions. | | | | |
| F5. The DPHD is actively planning to expand its healthcare center. | | X | R5. DPHD should delay the plan for capital expansion of the Del Puerto Health Center until the operational budget justifies the expansion. | | | X | |
| F6. A lack of county and City of Patterson audits may result in DPHD not receiving revenue to which it is entitled. | | X | R6. DPHD should request both a Stanislaus County and City of Patterson audit to ensure all revenues and tax assessments due to the DPHD are correct. | | | X | |
| F7. Unpublished minutes result in a lack of transparency in delivery of information to the community. | X | | R7. DPHD should publish board meeting minutes on the DPHD website. | X | | | |
| F8. The investigation revealed that performance appraisals were not given to recent CEOs. In addition, after interviewing board members and other district employees, it is obvious that the board is divided, unsure and unclear about the responsibilities of the Administrative Director. It is not clear whether the board is aligned on the expectations of the position. | X | | R8. When the new Administrative Director is hired, the DPHD Board should: a) Set firm expectations and monitor performance of the Administrative Director and conduct annual performance reviews. b) Establish a policy to allow the Administrative Director to manage the District and refrain from unnecessary board micro-management. An excellent reference is the Oakland City Charter 218 Non-Interference Policy (Attachment B). | X | | | |
| F9. The job specifications used by DPHD to recruit for the new position of Administrative Director were modified to more closely match candidates to the position. | X | | R9. Once the Administrative Director is hired, the DPHD Board should ensure that the job description for the Administrative Director position matches the job specifications used in recruitment. | | X | | |
| F10. There is minimal public outreach to the community to explain the mission of DPHD and to attract qualified board members. | X | | R10. The DPHD should develop an action plan to inform and educate the voters within DPHD on the following: a) The responsibilities of the board b) The role of a board member. c) The qualifications necessary to serve on the board. | X | | | |

| | | | | | | | |
|--|---|--|---|---|--|--|--|
| F11. Without formal orientation and training processes for board members, dysfunction of the board will continue to exist. | X | | R11. DPHD should hire a consultant after each election to provide training for all current and incoming board members on how to work together as an effective team. | X | | | |
| Stanislaus County Board of Supervisors | | | | | | | |
| | | | The SCCGJ identified 11 findings and eight recommendations regarding the investigation of the district. The Board of was invited to respond. However, the District is not a county department or agency under the purview of the Board of Supervisors governance, and the Board has no authority over the district's budget or personnel. | | | | |

Conclusion

The response from Del Puerto Health District did not include a response for Finding F3. The 2016-2017 SCCGJ is satisfied that no response is needed for this finding.

The 2016-2017 SCCGJ is satisfied that all the entities requested have responded to the findings and recommendations of the 2015-2016 SCCGJ report within the time frame stipulated by California Penal Code Section 933(c).

**Stanislaus County Detention Facilities Inspections
Case # 16-13-GJ**

Reason for Investigation

The 2015-2016 Stanislaus County Civil Grand Jury (SCCGJ) conducted its annual detention facilities inspections, as required by California Penal Code 919(b) [CPC919(b)]. The facilities inspected were: Public Safety Center (PSC), Downtown Main Jail (DJ), Day Reporting Center (DRC) and Juvenile Commitment Center(s) (JCC).

Agencies Asked to Respond

- ❖ Stanislaus County Sheriff-Coroner
- ❖ Stanislaus County Probation Department

Agencies Invited to Respond

- ❖ Stanislaus County Board of Supervisors

| Findings | | | | Recommendations | | | | |
|---|------------------|------------------|------------------|--|-------------|----------------|-------------------------|----------|
| | Agree w/ Finding | Agrees Partially | Disagrees Wholly | | Implemented | Will Implement | Further Analysis Needed | Will Not |
| Stanislaus County Sheriff-Coroner Response | | | | | | | | |
| F1. Closed - circuit video cameras are used only on doors that access the facility and each housing unit, and in the safety and sobering cells, since camera views into cells or showers are not permitted. | X | | | R1. The Stanislaus County Sheriff's Department should consider purchase and installation of additional CCTV cameras in the general population units where permitted at the Public Safety Center. | | | X | |
| F2. Currently, Stanislaus County custodial deputies do not wear body cameras either in the facilities or on the street. Video recording devices are used only if there is an incident or if there is a planned cell extraction. | X | | | R2. The Stanislaus County Sheriff's Department should consider equipping custodial deputies in all detention facilities with personal body cameras that are activated when inmates are in the pods outside of their cells. | | | | X |

| | | | | | | | | |
|---|---|--|---|--|---|---|--|---|
| F3. Twelve-hour shifts are difficult to fill when deputies are unexpectedly absent. | X | | | R3. The Stanislaus County Sheriff's Department should reconsider the current staffing model of 12-hour shifts versus 8-hour shifts. In the alternative, consider creating part-time position (reserve custodial deputies) to augment scheduling in the event of unanticipated absences and to serve as a resource for full-time candidates for hiring. * Explained in report Conclusion | | | | * |
| F4. Gang members' logs of custodial deputies' names and daily routines could cause intimidation of custodial deputies and their families. | | | X | R4. The Stanislaus County Sheriff's Department should consider removing the names of custodial deputies from their uniforms. | | | | X |
| F5. The computer lab classroom is currently not being utilized due to lack of staffing. | X | | | R5. The Stanislaus County Probation Department should consider recruiting community volunteers to assist in the staffing of the computer lab classroom. | | X | | |
| Stanislaus County Probation Department Response | | | | | | | | |
| F6. The Juvenile Hall has some shower stall tiles that are in need of new grout and repair. | X | | | R6. The Stanislaus County Probation Department should re-grout tiles in the common shower areas. | | X | | |
| F7. Juvenile Hall has some cells that have paint being scraped off of the walls. | X | | | R7. The Stanislaus County Probation Department should re-paint cells that have paint issues. | X | | | |
| Stanislaus County Board of Supervisors Response | | | | | | | | |
| F1. Closed circuit video cameras are used only on doors that access the facility and each housing unit, and in the safety and sobering cells, since camera views into cells or showers are not permitted. | X | | | R1. The Stanislaus County Sheriff's Department should consider purchase and installation of additional CCDTV cameras in the general population unit where permitted at the Public Safety Center. | | | | X |
| F2. Currently, Stanislaus County custodial deputies do not wear body cameras either in the facilities or on the street. Video recording devices are used only if there is an incident or if there is a planned cell extraction. | X | | | R2. The Stanislaus County Sheriff's Department should consider equipping custodial deputies in all detention facilities with personal body cameras that are activated when inmates are in the pods outside of their cells. | | | | X |

| | | | | | | |
|---|---|--|--|--|--|---|
| F3. Twelve-hour shifts are difficult to fill when deputies are unexpectedly absent. | X | | R3. The Stanislaus County Sheriff's Department should consider the current staffing model of 12 hour shifts versus 8 hour shifts. In the alternative, consider creating part-time positions (reserve custodial deputies) to augment scheduling in the event of unanticipated absences and to serve as a resource for full-time. Candidates for hiring. | | | X |
| F4. Gang members' logs of custodial deputies' names and daily routines could cause intimidation of custodial deputies and their families. | X | | R4. The Stanislaus County Sheriff's Department should consider removing the names of custodial deputies from their uniforms. | | | X |

Conclusion

The 2016-2017 SCCGJ is satisfied that all entities requested have responded to the findings and recommendations of the 2015-2016 SCCGJ report within the time frame stipulated by California Penal Code Section 933(c).

*With respect to the SCCGJ recommendation F3 to reconsider the current 12-hour shift model, the Stanislaus County Sheriff's Department responded that they "partially disagree" with the findings as this labor model was agreed upon through formal negotiations as part of an approved MOU between the Deputy Sheriff's Association and the County Board of Supervisors. They further state that this model has been in effect since February 2015, which is a relatively brief period for analysis, and therefore, believe more time is needed before an effective evaluation can be prepared. The SCCGJ is satisfied with this response.

**Stanislaus Building Study
Case #16-15GJ**

Reason for Investigation

The 2015-2016 Stanislaus County Civil Grand Jury (SCCGJ) conducted an investigation to determine if city-owned properties were being used to their highest and best practices. The SCCGJ requested a summary of all properties owned by each city in the county to determine if they were being used appropriately.

Agencies Asked to Respond

- City of Waterford
- City of Ceres
- City of Hughson
- City of Modesto
- City of Newman
- City of Oakdale
- City of Patterson
- City of Riverbank
- City of Turlock

Commendation: The City of Waterford is commended for using the Central San Joaquin Valley Risk Management Authority Building Detail Report when responding to the request of the SCCGJ.

| Findings | | | | Recommendations | | | | |
|--|------------------|------------------|------------------|---|-------------|----------------|------------------|----------|
| | Agree w/ Finding | Agrees Partially | Disagrees Wholly | | Implemented | Will Implement | Further Analysis | Will Not |
| F1. The City of Waterford is the only city to use the Central San Joaquin Valley Risk Management Authority Building Detail Report. This report has a complete summary of each property, including date built or acquired, address, type of construction, services, features, valuations, and conclusions. In addition, each property has a current photo. Other cities would benefit from using the same system to list their inventory. | | | | R1. The Stanislaus County Grand Jury recommends that all cities in Stanislaus County should consider using the Central San Joaquin Valley Risk Management Authority Building Detail Report to efficiently account for and report to the public all city-owned properties. | | | | |

| Findings | Response | | | Recommendations | Implementation Status | | | |
|-------------------|------------------|------------------|------------------|--|-----------------------|----------------|------------------|----------|
| | Agree w/ Finding | Agrees Partially | Disagrees Wholly | | Implemented | Will Implement | Further Analysis | Will Not |
| City of Ceres | X | | | | X | | | |
| City of Hughson | X | | | | X | | | |
| City of Modesto | X | | | | | | X | |
| City of Newman | X | | | * The City of Newman "agrees with the recommendation." | | | | |
| City of Oakdale | X | | | | | X | | |
| City of Patterson | | | | Response did not directly relate to recommendations | | | | X |
| City of Riverbank | | | | | | | | X |
| City of Turlock | X | | | * The City of Turlock agrees with the findings | | | | * |

Conclusion

The 2016-2017 SCCGJ is satisfied that all entities requested have responded to the findings and recommendations of the 2015-2016 SCCGJ report within the time frame stipulated by California Penal Code Section 933(c) with the exception of Patterson and Riverbank who, after several requests, responded after the deadline.

**The Stanislaus County Civil Grand Jury
Case #16-18GJ**

Reason for Investigation

The purpose of an observer is to provide an avenue for public input into the election process, to assist in validating its integrity, encourage participation, and build voter confidence. Since a review of Stanislaus County election procedure had not been conducted in more than ten years, the SCCGJ observed the process, the counting, and the handling of election ballots to ensure that requirements were being followed.

Agencies Asked to Respond

- Stanislaus County Clerk-Recorder/Registrar of Voters

| Findings | | | | Recommendations | | | | |
|---|------------------|------------------|------------------|--|-------------|----------------|------------------|----------|
| | Agree w/ Finding | Agrees Partially | Disagrees Wholly | | Implemented | Will Implement | Further Analysis | Will Not |
| F1. Polling places were easy to find and access. | X | | | R1. None | | | | |
| F2. In dual polling places, some voters would attempt to place their ballots into the wrong ballot boxes. | | X | | R2. In dual polling places, a solid barrier should be put into place so that voters cannot cross over into the wrong precinct when placing their ballot into the ballot box. | | X | | |

Conclusion

The 2016-2017 SCCGJ is satisfied that all entities requested have responded to the findings and recommendations of the 2015-2016 SCCGJ Report within the time frame stipulated by the California Penal Code Section 933(c).

**Assessment of the Community Services Agency
Case #16-23GJ**

Reason for Investigation

The 2015-2016 Stanislaus County Grand Jury (SCCGJ) performed an assessment of the Stanislaus County Community Services Agency (CSA) to determine whether adequate audits/reviews were being performed. The CSA budget for 2015-2016 is \$325 million or 29,6% of the total Stanislaus County budget of \$1billion. The CSA was chosen because it represents a large portion of the county budget.

Agencies Asked to Respond

- Community Services Agency

| Findings | | | | Recommendations | | | | |
|---|------------------|-----------------------|------------------|---|-------------|----------------|------------------|----------|
| | Agree w/ Finding | R Agrees Partially | Disagrees Wholly | | Implemented | Will Implement | Further Analysis | Will Not |
| F1. CSA has adequate audits/reviews to ensure proper financial and internal controls, as well as a performance and an on-going self-improvement system. | | | | This finding received a commendation from the Stanislaus County Civil Grand Jury. | | | | |

Conclusion

The 2016-2017 SCCGJ is satisfied that all entities invited to respond to the findings and commendations of the 2016-2016 SCCGJ Report within the time frame stipulated by the California Penal Code Section 933 (c).

Part II

County Financial Audit Report

**Stanislaus County
County Financial Audit Report**

Reason for Investigation

In accordance with California Penal Code Section 925, civil grand juries are required to investigate and report on the operations, accounts, and records of the departments or functions of the county. Therefore, the 2015-2016 Stanislaus County Civil Grand Jury (SCCGJ) reviewed the Stanislaus County Fiscal Year 2015 Single Audit Report dated June 30, 2015. The audit was conducted by Brown Armstrong Accountancy Corporation.

Agencies Asked to Respond

- Stanislaus County Auditor-Controller
- Stanislaus County Board of Supervisors

| Findings | | | | Recommendations | | | | |
|--|------------------|------------------|------------------|---|-------------|----------------|------------------|----------|
| | Agree w/ Finding | Agrees Partially | Disagrees Wholly | | Implemented | Will Implement | Further Analysis | Will Not |
| F1. The audits show that the accounting policies of Stanislaus are being followed and the office of the Stanislaus County Auditor-Controller has excellent leadership and management. | X | | | This finding received a commendation from the Stanislaus County Civil Grand Jury. | | | | |
| F2. The continuity of management at all levels has resulted in a depth of knowledge and a commitment to adhere to the accounting policies and procedures established. | X | | | This finding received a commendation from the Stanislaus County Civil Grand Jury. | | | | |

Conclusion

The 2016-2017 SCCGJ is satisfied that all entities have responded to the findings and commendations of the 2015-2016 SCCGJ report within the time frame stipulated by the California Penal Code Section 9339(c).

**Board of Supervisors of the County of Stanislaus
Response to the Stanislaus County Civil Grand Jury 2015-2016 Final Report**

Reason for Investigation

Each year, civil grand juries submit a final report of findings to county boards of supervisors. The report identifies several areas of investigation concerning the operations of various public agencies. As the governing body overseeing the public agencies under review, the Board of Supervisors has been either invited or requested to respond to specific findings and recommendations identified in the report. The pertinent responses are included in the previous charts where appropriate. As stipulated in Penal Code 933.05(c), the Board only addresses those budgetary or personnel matters over which it has some decision-making authority.

Agencies Asked to Respond

- Stanislaus County Board of Supervisors.
- The Sheriff-Coroner, Chief Probation Officer, and Clerk-Recorder/Registrar of Voters have also responded to the SCCGJ Final report within the time frame allowed.

Conclusion

The 2016-2017 SCSG is satisfied that the Stanislaus County Board of Supervisors has responded to the findings and recommendations of the 2015-2016 report within the time frame stipulated by the California Penal Code Section 933(c).

Part III

Participation in the Annual Financial Audit Report

**Stanislaus County Civil Grand Jury (SCCGJ)
Participation in the Annual Financial Audit Report
For the Fiscal Year Ended June 30, 2016**

SUMMARY

In accordance with California Penal Code Section 925, civil grand juries are required to investigate and report on the operations, accounts and records of the departments or functions of the county. Therefore, the 2016-2017 Stanislaus County Civil Grand Jury (SCCGJ) reviewed the Stanislaus County Audit Report dated June 30, 2016. The audit was completed by Brown Armstrong Accountancy Corporation.

GLOSSARY

| | |
|---|--|
| Comprehensive Annual Financial Report (CAFR) | A set of US government statements comprising the financial report of a state, municipal, or other governmental entity that complies with the accounting requirements published by the Governmental Accounting Standards Board. |
| SCCGJ | Stanislaus County Civil Grand Jury |
| The Single Audit | The Single Audit is a rigorous organization-wide audit or examination of an entity that expends \$950,000 or more of federal funds received for its operations. This Single Audit is also known as the Office of Management and Budget (OMB) A-133 Audit. |
| Unmodified Opinion | The auditor's opinion of a financial statement, given without reservation. Such an opinion basically states that the auditor finds the entity followed all accounting rules appropriately and that the financial reports are an accurate representation of the entity's financial condition. |

BACKGROUND

The June 30, 2016 Stanislaus County Audit Report addresses the CAFR, as well as the Single Audit Report. The 2016 CAFR is intended solely to describe the scope of financial internal control testing and to assure the county's financial statements are error free. The audit includes a sampling of departments and programs within Stanislaus County. This audit report received an unmodified opinion. The Single Audit addresses compliance with OMB A-133, which applies to the county's major federal programs. All programs in this report received an

unmodified opinion; therefore no corrective actions were recommended by Brown Armstrong Accountancy Corporation.

The audit samples included the following: Health Services Agency, Inmate Welfare Audit, Regional 911, Insurance Fraud Program, North County Corridor Transportation Expressway Authority, Joint Powers Authority (JPA), Stanislaus Animal Services Agency, City-County Capital Improvement and Financial Agency, Treasury Oversight Report, Tobacco Endowment Investment Fund, and Public Guardian.

METHODOLOGY

Members of the SCCGJ 2016-2017 attended the Entrance Audit Conference on September 27, 2016, and the Exit Audit Conference, on February 21, 2017. During the Exit Audit Conference, Brown Armstrong Accountancy Corporation revealed the county Auditor-Controller's office adopted several new accounting pronouncements throughout the year, as set forth by the Governmental Accounting Standards Board (GASB). The GASB is a board that establishes accounting and financial reporting standards for state and local governments that follow Generally Accepted Accounting Principles (GAAP). The review of the 2016 Stanislaus County Audit was conducted by the Brown Armstrong Accountancy Corporation at the Exit Audit Conference.

FINDINGS

- F1. The audits showed that the accounting policies of Stanislaus County are being followed.
- F2. The Stanislaus County Auditor-Controller's office management team exhibits competent leadership.
- F3. The audit also showed that the management continuity at all levels of the departments results in an expertise and commitment by all staff to adhere to published accounting policies and procedures.

COMMENDATIONS

- C1. The SCCGJ commends the staff within the Auditor Controller's office, and the directors and staff of each audited Stanislaus County Department, for their efforts in adhering to the policies and procedures set forth by the GASB and the OMB.

INVITED RESPONSES

Stanislaus County Auditor-Controller

Stanislaus County Board of Supervisors

Part IV

City of Oakdale Residents Property Tax Bill

17-03C

**Stanislaus County Civil Grand Jury
City of Oakdale Residents Property Tax Bill
17-03C**

SUMMARY

The 2016-2017 Stanislaus County Civil Grand Jury (SCCGJ) received a complaint from an Oakdale city property owner regarding a portion of the non-itemized 1% General County Tax (GCT) listed on their Stanislaus County property tax bill. The complaint questioned the authority for the OID portion of the tax levied on city property owners and what property owners received in return for the assessed tax. The complaint further alleges the Stanislaus County Auditor-Controller's Office (SCAC) did not disclose information about the property tax paid by Oakdale city property owners eventually being disbursed to the Oakdale Irrigation District (OID).

SCCGJ investigation researched to determine the authority for the property tax in question and what services are provided to the City of Oakdale property owners for said tax. During the investigation, the SCCGJ found that information explaining the breakdown of the GCT was not readily available to taxpayers regarding the assessed tax. It was also discovered that there are services available to City of Oakdale property owners resulting from the GCT, but these services were not common knowledge amongst city property owners. An additional concern of property taxpayers within the City of Oakdale is the value of the services provided by OID in return for the taxes they pay.

As a result of the investigation, SCCGJ recommends that the SCAC office develop methods to allow all property owners to demystify their tax bills. The SCCGJ recommends that OID and the City of Oakdale continue to work collaboratively on their Cooperative Action Plan and their Mutual Aid Agreement.

GLOSSARY

| | |
|--------------|--|
| GCT | General County Tax, also known as Parcel tax, Ad valorem tax, and a 1% tax-which is based on the assessed value of the property owner's property according to Prop 13. |
| OID | Oakdale Irrigation District |
| SCAC | Stanislaus County Auditor-Controller's Office |
| SCCGJ | Stanislaus County Civil Grand Jury |
| TRA | Tax Rate Authority |

BACKGROUND

The SCCGJ investigated a matter of public concern/interest in the city of Oakdale, in regards to the GCT that can be found on a property owners' tax bill. An investigation was conducted and several interviews were held to determine the origin for the authorization of the GCT in question. During the investigation, the SCCGJ learned that property owners in the city of Oakdale were unaware of the GCT. SCCGJ also discovered that over one million dollars is paid annually to OID by city of Oakdale property owners. Further concerns arose questioning whether or not the city of Oakdale property owners are receiving a fair market value for services from OID in exchange for the amount of money they pay in GCT annually.

METHODOLOGY

SCCGJ used many avenues to gather information for this investigation. The committee reviewed tax records, interviewed individuals, and researched water laws and policies. The individuals interviewed include the following:

- The complainant
- Employees from the SCAC Office
- An OID employee
- A City of Oakdale employee
- Reviewed tax records from City of Oakdale
- Attended OID Board Meetings
- Reviewed the variances in the High/Low TRA tax rate
- Reviewed the City of Oakdale's Master Water Plan

DISCUSSION

The SCCGJ has reviewed property tax data for those who live in the city limits of Oakdale. These property owners pay a 1% GCT on the assessed value of their property. That 1% is paid, as part of their entire tax bill, to the SCAC office. The distribution of these funds is not reflected on the tax bill; the amount of tax paid will vary depending upon which Tax Rate Area (TRA) the property is located. It was determined by the SCCGJ that together Oakdale property owners pay approximately one million dollars per year to OID.

The legal authority for this assessment derives from the fact that OID is an independent special district established in 1909, in accordance with the provisions of the 1887 Wright Act. Voters approved the formation of the District, agreeing to be taxed accordingly. This independent special district continues to the present time.

The specific amount of property taxes allocated to OID by the SCAC office depends on the following:

- 1) The assessed value of each individual parcel.
- 2) The TRA in which the parcel is located. The City of Oakdale has forty-three such TRA's.
- 3) The formula specified in the Assembly Bill 8 after passage of Proposition 13. (AB8, Chapter 282, Statutes of 1979)

Currently, the only way an individual property taxpayer can learn how his/her taxes are dispersed is by visiting the SCAC office and requesting an itemized printout of the distribution of the 1% GCT for the individual's TRA.

Property owners in the City of Oakdale pay approximately 1 million dollars per year to Oakdale Irrigation District. This represents approximately 20% of OID's operating budget. While it is true City of Oakdale property owners receive services in return for their property tax, it is debatable if the value of those services is commiserate with the amount of tax provided.

Currently, OID provides 10,000 acre feet of water rights from New Melones reservoir as a contingency for water emergencies. In addition, OID provides flood control and water run-off abatement for city streets. Even so, equity questions remain.

To that end, the City of Oakdale and Oakdale Irrigation District have begun a process to review the equity of services rendered by OID to city residents. SCCGJ received the following draft documents:

- Mutual Aid Agreement between the Oakdale Irrigation District and the City of Oakdale
- Cooperative Action Plan between the City of Oakdale and Oakdale Irrigation District
- Scope of Work-Oakdale Irrigation District: Reuse Feasibility Study

FINDINGS

F1.The SCCGJ found no information was readily available to the City of Oakdale taxpayers explaining where the assessed 1% tax went and what if any services OID provided.

F2.Oakdale City residents pay over \$1 million annually in property taxes to the OID.

F3.The 1% tax that the Oakdale City residents pay is based on their TRA and assessed value of their property.

F4.OID and the City of Oakdale are aware of the possible disparities between property taxes paid and services provided to property owners. Both OID and the City of Oakdale are engaged in a dialogue regarding this issue.

RECOMMENDATIONS

R1.The SCCGJ recommends that the SCAC office create a way to explain the 1% ad valorem tax that is on property owners tax bills, or add an insert to their property tax bill explaining what this tax covers. It is further recommended that a link be added to their website (that residents can use with ease) to get this information as well.

R2.The SCCGJ recommends that OID commence dialog with the City of Oakdale residents regarding services provided by OID in regards to this 1% tax.

R3.The SCCGJ recommends that SCAC office explore ways of providing a link on its website that is user friendly and explains the breakdown of this tax.

R4.The SCCGJ recommends that OID and the City of Oakdale continue to work collaboratively on their Cooperative Action Plan and their Mutual Aid Agreement.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

OID Board of Directors

Oakdale City Council

INVITED RESPONSES

From the following individuals:

Stanislaus County Audit Controller

Board of Supervisors-Stanislaus

OID General Manager

City of Oakdale-City Manager

Part V

**Stanislaus County
Library**

17-18GJ

**2016-17 Stanislaus County Civil Grand Jury
Stanislaus County Library
Case #17-18GJ**

Summary

Where can I get the most recent best seller to download on my e-book? Where can I take my preschooler to listen to a good story? It's after 4:00 p.m. and I need to apply for a passport. Where can I go? I need up-to-date resources for my term paper. How can I get them if I don't have a computer? I want to improve my English. Where can I go? The answer to all of these questions is the same – the public library. The Stanislaus County Library is a real gem.

The Stanislaus County Public Library offers these services as well as many others. Most community members agree public libraries should offer programs to teach patrons digital skills and help them learn how to use new, creative technologies. At the same time, libraries should offer comfortable places for reading and relaxing. The Stanislaus County Public Library has worked diligently to offer such places in our community. Library patrons are provided with a useful and interesting collection of services that are centered on meeting their needs and expectations. These services improve the quality of community life as well.

Glossary

| | |
|-----------------------------|--|
| SCCGJ | Stanislaus County Civil Grand Jury |
| SCL | Stanislaus County Library |
| Fiscal Year | Budget Year (June 30th to July 1 st) |
| Home Delivery System | This system delivers library materials to county residents who are unable to visit a branch library. Home Delivery Service also includes a program, based on past requests and patron interests, that suggests a list of books and materials personalized to each individual patron from current library holdings. |

Background

The Stanislaus County Civil Grand Jury (SCCGJ) believed that it would be beneficial to the public to review the Stanislaus County Library (SCL). A review of SCL had not been done since the 1992-93 SCCGJ term, and there have been tremendous changes implemented and challenges faced by the Library in recent years.

Changes include the further incorporation of electronic resources, expansion of outreach programs and transitioning to an institution that services all patrons in Stanislaus County.

Challenges include providing essential services and programs while implementing a strategic plan with uncertain revenue sources. 90% of the SCL revenue comes from sales tax and must be periodically approved by the voters of Stanislaus County. The next election to determine the fate of the SCL will be in November 2017.

Additional challenges include dealing with aging facilities and providing up-to-date materials for patrons. This is especially important when it comes to technological resources. Additionally, the SCCGJ wanted to evaluate the SCL operations in light of the tremendous fiscal decline suffered during the "Great Recession" and to what extent the SCL has recovered from this decline of resources.

Methodology

Members of the SCCGJ toured the Modesto branch of the SCL. This tour was conducted by the Library Director, the Modesto Library Manager, and additional staff members, who provided specialized information.

The SCCGJ members also toured two of the thirteen branch libraries that are part of the SCL system. The SCCGJ asked for, and received, a variety of documents and data from the SCL. The information included the following:

- Current operating budget
- List of budgeted positions
- List of outreach programs
- Number of school visits
- Total Story Time participants
- Copies of surveys used to evaluate services
- Monthly activity calendars
- Circulation statistics of books, magazines, E-audio, E-books, E-languages, and E-magazines
- Number of logged computer sessions
- Total number of clients assisted in the adult literacy program in partnership with Learning Quest
- Number of passports processed last year

Discussion

On Thursday, September 8, 2016, members of the SCCGJ toured the Modesto Branch of the SCL. Jury members observed the scope and depth of services provided to the residents of Stanislaus County.

The SCL operates thirteen branch libraries; all are open at least five days per week and in most cases six days per week. (see 1A in the appendix for branch hours and days of operation.) The number of open hours has increased from 240 ten years ago to 478 today, and all libraries are now open on Fridays. The SCL provides a variety of children's programs including Story Time, pre-literacy sessions, tours, and classroom visits.

The SCL has 722,427 printed materials and a material circulation of 1,900,927, an eBook circulation of 42,698 and an e-magazine circulation of 5,106. There were 2,260,628 visits to the libraries in 2014-2015. By all indications, these numbers will increase in fiscal year 2015-2016. The Modesto branch of the SCL processes over 10,000 passports each year. This appointment-only service is open until one hour before closing time each day, including Saturdays.

The SCL is in the process of developing a five-year strategic plan. This plan has incorporated a professional survey, patron feedback, and input from community leaders. The strategic plan will direct future library services and is expected to be released in early 2017.

Each year, the SCL partners with outside agencies and organizations such as Stanislaus Reads and Learning Quest-Stanislaus Literacy Centers. The Learning Quest partnership is funded with a grant from the State Library Literacy Fund. Since 1995, the Partnership has assisted 15,495 adults to improve their literacy skills in reading, comprehension, writing and math. Currently, there are approximately 120 adult volunteers working with adult students. SCL has been successful in securing over \$310,000 in grants for the current fiscal year.

Specialized programs have increased the availability of resources for county residents. The Home Delivery System matches patrons' interests with items in the library collection, then delivers these materials to residents who are unable to visit a library branch. In addition, patrons requesting materials will normally have them delivered to any branch library within 48 hours. Last year, there were 276 Story Telling sessions attended by 11,600 children.

A "Pop-Up" library program has been instituted to promote early literacy. A pop-up library takes library services into communities so that patrons can access all library services, including Story Hour for preschool children.

The SCL has purchased over 52,000 new materials this year. The SCL receives the latest books on the same day as major booksellers receive copies. The

Library is able to purchase new books at a 30% to 40% discount. The SCL also maintains books utilizing an in-house bookbinding and repair services.

The SCL recognizes the need for a family-friendly learning environment. They have full-time security and have established "Rules of Behavior" for all patrons. Everyone is expected to abide by these rules in order to continue to use library services. In addition, the SCL has banned smoking anywhere on library property.

Findings

- F1. The Stanislaus County Library funding is dependent on a portion of county sales tax revenue that must be voter-approved on a regular basis. Failure to receive voter approval would result in cuts of approximately 85% of library services for residents of the county.
The Stanislaus County Grand Jury finds this budgetary uncertainty to be a limiting factor in SCL strategic planning for future needs and operations of the library system.
- F2. The SCL does not provide discarded materials to other agencies, students, teachers, non-profit organizations, or inmates in the county correctional facilities. Rather, they dispose of materials that may still be of use to the community.
- F3. The SCCGJ finds that additional technology, especially computer workstations, wireless printers and an extension of Wi-Fi capabilities, are needed to keep up with the demands of the public.
- F4. The SCCGJ finds that there is a need for additional skilled volunteers to assist with more challenging library tasks.

Recommendations

- R1. The Stanislaus County Civil Grand Jury recommends that a more stable source of funding be found for the Stanislaus County Library. A concerted effort needs to be undertaken to explore additional revenue streams to augment the SCL budget.
- R2. The SCCGJ recommends that the Stanislaus County Library Administration continue to pursue all appropriate avenues to provide discarded materials to public and non-profit agencies. The current disposal protocol of these materials appears to be a waste of resources that could be utilized elsewhere in the community.

R3.The SCCGJ recommends that the SCL continue to budget for additional up-to- date technology in order to meet the evolving needs of library patrons.

R4.The SCCGJ recommends that the SCL continue to explore all means and methods to increase the number of skilled library volunteers to assist with more complicated library tasks.

Commendations:

C1.The Stanislaus County Civil Grand Jury commends the Stanislaus County Library for providing numerous high-quality, professional services and programs to an ever-changing county.

C2.The SCCGJ commends the SCL for its variety of programs and services to the residents of Stanislaus County, as well as providing these services under very tight budget constraints.

C3.The SCCGJ commends the SCL for its dedication to solicit input from a variety of county residents as it determines which services and programs it will offer. These services and programs are modified to fit the ever-changing needs of the community.

C4.The SCCGJ commends the SCL for its transparency and its communication with the public. The Library website and printed materials provide the public with detailed calendars of events and activities, information on available programs and services.

Responses

Pursuant to Penal Code section 933.05, the Stanislaus County Civil Grand Jury requests the Stanislaus County Board of Supervisors to respond to R1 – R4 within 90 days.

Responses are to be submitted to the Presiding Judge of Stanislaus County Superior Court in accordance with the provisions of Penal Code section 933.05.

STANISLAUS COUNTY LIBRARY – BRANCH INFORMATION

Feb. 7, 2017 (Collection counts from 2-7-17)

| Library Address | Telephone # | Person in charge, Title or description | Open hours | Other Information |
|---|--|---|---|--|
| Library Administration & System-wide Staff 1500 I St. Modesto CA 95354 | 558-7801 558-8951 558-4813 558-4946 558-7863 558-7816 558-8949 558-7801 558-7808 558-7852 | Diane McDonnell, County Library Director Vicki Peitz, Business Mgr/Safety Officer Susan Lilly, PR & Marketing Manager Michael Leamy, Modesto Library Manager Bryan Sontag, Branch Operations Manager John Fleming, IT Manager Lindsey Pimentel, Human Resources Patti Boardrow, Admin Clerk Kathy Davis, Circulation Supervisor Stacey Chen, Collection Services Librarian | Mon 10-5 Tues 10-5 Wed 10-5 Thurs 10-5 Fri 10-5 | Hours/Week 35 public hours |
| Modesto Library 1500 I St Modesto CA 95354 | 558-4946 558-7810 558-7814 558-7808 | Michael Leamy, Modesto Library Manager Children's Services Reference Services Michele Bertolero, Page Supervisor | Mon 10-8 Tues 10-8 Wed 10-8 Thurs 10-8 Fri 10-5 Sat 10-6 | Hours/Week 54 Public area sq. ft.: 37,000 (bldg = 62,000 total sq.ft.) Collection Items: 286,406 Community Rm Capacity: 12 & 140 |
| Ceres Library 2250 Magnolia St Ceres CA 95307-3209 | 537-8938 | Anne-Marie Montgomery, Branch Supervisor | Mon 10-8 Tues 10-6 Wed 10-6 Thurs 10-6 Fri 10-5 Sat 10-5 | Hours/Week 48 Bldg. Sq. ft.: 5,000 Collection Items: 24,700 |
| Denair Library 4801 Kersey Rd PO Box 190 Denair CA 95316-0190 | 634-1283 | Karina Mendoza, Branch Supervisor | Tues 12-5 Wed 12-6 Thurs 12-6 Fri 11-5 Sat 11-5 | Hours/Week 30 Bldg. Sq. ft.: 1,851 Collection Items: 11,574 |
| Empire Library 18 South Abbie PO Box 7 Empire CA 95319-0007 | 524-5505 | Grace Habiger, Branch Supervisor | Tues 12-6 Wed 12-6 Thurs 12-6 Fri 11-5 Sat 11-5 | Hours/Week 30 Bldg. Sq. ft.: 1,920 Collection Items: 10,366 Community Room Capacity: 45 |
| Hughson Library 2412 A 3 rd St PO Box 1025 Hughson CA 95326-1025 | 883-2293 | Heather Bailey, Branch Supervisor | Tues 12-6 Wed 12-6 Thurs 12-6 Fri 11-5 Sat 11-5 | Hours/Week 30 Bldg. Sq. ft.: 2,100 Collection Items: 11,747 |
| Keyes Library 4420 Maud Ave PO Box 369 Keyes CA 95328-0367 | 664-8006 | Yvonne Reagers, Branch Supervisor | Mon 9-5:30 Tues 9-5:30 Wed 9-5:30 Thurs 9-7:30 Fri 9-5 | Hours/Week 44 Bldg. Sq. ft.: 1,200 Collection Items: 10,512 |
| Newman Library 1305 Kern St Newman CA 95360-1603 | 862-2010 | Thomas Kaps, Branch Supervisor | Tues 12-8 Wed 10-5 Thurs 10-5 Fri 10-5 Sat 10-5 | Hours/Week 36 Bldg. Sq. ft.: 2,613 Collection Items: 16,268 Community Room Capacity: 80 |
| Oakdale Library 151 S. First Ave Oakdale CA 95361-3902 | 847-4204 | Wayne Philbrook, Branch Supervisor | Mon 10-6 Tues 10-8 Wed 10-6 Thurs 10-8 Fri 10-5 Sat 10-5 | Hours/Week 50 Bldg. Sq. ft.: 6,500 Collection Items: 42,601 Community Room Capacity: 36 |
| Patterson Library 46 North Salado Patterson CA 95363-2587 | 892-6473 | Xia Thao, Branch Supervisor | Mon 10-6 Tues 10-6 Wed 10-8 Thurs 10-5 Fri 10-5 Sat 12-5 | Hours/Week 45 Bldg. Sq. ft.: 4,070 Collection Items: 29,811 Community Rm Capacity: 40 & 124 |
| Riverbank Library 3442 Santa Fe St Riverbank CA 95367-2319 | 869-7008 | Vicky Holt, Branch Supervisor | Mon 10-5 Tues 10-6 Wed 10-8 Thurs 10-6 Fri 10-5 Sat 12-5 | Hours/Week 45 Bldg. Sq. ft.: 3,594 Collection Items: 25,294 Community Room Capacity: 30 |
| Salida Library 4835 Sisk Rd Salida CA 95368-9445 | 543-7353 | Carol Blomquist, Branch Supervisor | Mon 10-8 Tues 10-8 Wed 10-6 Thurs 10-6 Fri 10-5 Sat 10-5 | Hours/Week 50 Bldg. Sq. ft.: 28,000 + 5,000 sq ft Community Room Collection Items: 77,578 Community Room Capacity: 259 |
| Turlock Library 550 Minaret Ave Turlock CA 95380-4148 | 664-8100 | Diane Bartlett, Branch Supervisor | Mon 10-8 Tues 10-8 Wed 10-8 Thurs 10-5 Fri 10-5 Sat 10-5 | Hours/Week 51 Bldg. Sq. ft.: 10,000 Collection Items: 73,765 |
| Waterford Library 324 E St Waterford CA 95386-9005 | 874-2191 | Cindy Scott, Branch Supervisor | Mon 10-6 Tues 10-6 Wed 10-8 Thurs 10-6 Fri 10-6 Sat 12-5 | Hours/Week 45 Bldg. Sq. ft.: 2,075 Collection Items: 16,887 |
| WIC Collection - Modesto | 556-9170 | Olga Cardenas, Youth Community Outreach Librarian | Tu-2-4/W-3:30-5:30 | Collection Items: 1,365 |

Website: Stanislauslibrary.org

Total # Collection Items (physical items only): 638,874

Part VI

Oakdale Irrigation District Redistricting

17-19C

**2016 – 2017 Stanislaus County Civil Grand Jury
OAKDALE IRRIGATION DISTRICT REDISTRICTING
Case # 17-19C**

SUMMARY

The 2016/2017 Stanislaus County Civil Grand Jury's decision to conduct an investigation into the Oakdale Irrigation District's failure to redistrict its Board of Directors' voting districts following the 2010 Federal Census was prompted by a complaint submitted to the grand jury by an Oakdale area resident and articles in The Modesto Bee.

Special Districts in California are required by both Federal and State law to redistrict as needed after every Federal Census. The Oakdale Irrigation District is a Special District governed by a five-member Board of Directors. Each board member represents his/her respective voting district.

During the investigation, it was found that OID last revised its five voting districts' boundaries in 1991, a full 25 years ago. It should be noted that other irrigation districts in the area have redrawn voting districts' boundaries following the 2000 and 2010 Federal Census, as required by Federal and State law. It was further discovered that the current OID voting districts differ substantially in size.

The SCCGJ recommends that OID promptly redraw its voting district boundaries based on the 2010 Federal Census population data to bring itself into compliance with Federal and State law. SCCGJ also recommends that OID create a formal policy to redistrict voting districts within the six month period following each Federal Census Report release, to prevent this disparity from recurring.

GLOSSARY

| | |
|----------------|--|
| SCCGJ | Stanislaus County Civil Grand Jury |
| OID | Oakdale Irrigation District |
| OID-BOD | Oakdale Irrigation District Board of Directors |

BACKGROUND

The OID was established on November 1, 1909. Its mission statement reads: "To protect and develop Oakdale Irrigation District water resources for the maximum benefit of the OID community by providing excellent irrigation and domestic water service."

A five-member Board of Directors governs OID. The five board members are elected, by voting district, to four-year terms that are staggered in odd-numbered years. Therefore, not all seats are up for election at the same time. The current model of governance provides that the OID board members exercise full control over the OID's administrative and operational activities.

Federal and State law require that Special Districts reapportion their voting districts every 10 years, based on the latest Federal Census population data, if voting districts are disproportionate. Reapportioning assures that all people residing in a given district are equally represented on the Board of Directors.

Since 2011, several articles have appeared in The Modesto Bee referring to OID's failure to reapportion its voting districts. In addition, the Stanislaus County Clerk-Recorder & Registrar of Voters sent a letter to all Special Districts in Stanislaus County in 2011, reminding each district of its responsibility to redistrict, as needed, after the 2010 Federal Census.

SCCGJ members interviewed OID's General Manager and asked why redistricting had not been done since 1991. The response was, "We simply forgot to do it." In addition, SCCGJ members interviewed the complainant and several OID customers. Members also reviewed applicable voter laws.

SCCGJ members found that the OID Districts are now out of balance by as much as 194%. The customary and reasonable variance for each voting district's population should be within a 5 percent range from the calculated average voting district population. Clearly, OID is out of compliance with the laws on redistricting. In order to keep voting districts as equal as possible in population, OID needs to quickly complete redistricting of its five voting districts. Redistricting must be completed at least 180 days before the upcoming November 2017 election for THREE of its board members. The 180 days would fall in May 2017.

METHODOLOGY

Members of the SCCGJ:

- Interviewed the complainant
- Interviewed OID General Manager

- Interviewed a member of the Stanislaus County Board of Supervisors
- Interviewed several OID customers
- Reviewed documents provided by the complainant, OID customers, and the OID General Manager
- Attended several OID board meetings
- Reviewed applicable voter laws, redistricting / reapportionment requirements
- Communicated with a Representative of The Statewide Database & Election Administration Research Center, University of California, Berkeley Law

DISCUSSION

The SCCGJ received a citizen complaint alleging that the Oakdale Irrigation District (OID), neglected to redistrict after the release of the 2010 census. The complaint alleges OID chose not to follow requirements of the law to redistrict after the release of the Federal Census every 10 years. Furthermore, the complaint alleges that one or more of the five districts do not meet California Elections Code Division 21, Section 21500-21506 and Voting Rights Act requirements as it relates to equal populations in each of the five voting districts.

The following is an excerpt from a letter sent to OID by the Stanislaus County Clerk-Recorder & Registrar of Voters, as well as to all Special Districts in Stanislaus County, dated April 6, 2011, as a reminder, following the 2010 census: "Federal and State law require that after each 10-year Federal Census, voting districts must be of equal population. This process to readjust internal division, trustee, area or zone boundary lines within a district requires that each district uses federal census data as a basis. The primary laws governing this process are the US Constitution, the Voting Rights Act, local district charter and California Elections Code Sections 21500-21506."

OID is governed by the California State Water Code, California Elections Code and The Voting Rights Act. OID is required, after each 10 year Federal Census, to determine whether or not its voting districts are as equal in population as possible and to redistrict as needed. The customary and reasonable variance for each voting district's population should be within a 5% range from the calculated average voting district population.

OID Board of Director's last redistricted in 1991, after the 1990 Federal Census release; therefore, it has been over 25 years since its voting districts have been redrawn. OID did not review its voting districts' population following the 2000 census. It also did not review its voting districts' population following the 2010 census. OID's voting districts' boundaries remained stagnant, in spite of warnings over the past five to six years. These included the following:

- Several articles appearing in The Modesto Bee regarding OID and redistricting;
- A 2011 letter sent to OID on redistricting from Stanislaus County Clerk-Recorder & Registrar of Voters;
- Other local irrigation districts complying with the redistricting law, after the 2010 census revealed it was necessary, in order to equalize voting districts.

Each of these instances highlighted the issue of redistricting for the OID Board of Directors and General Manager.

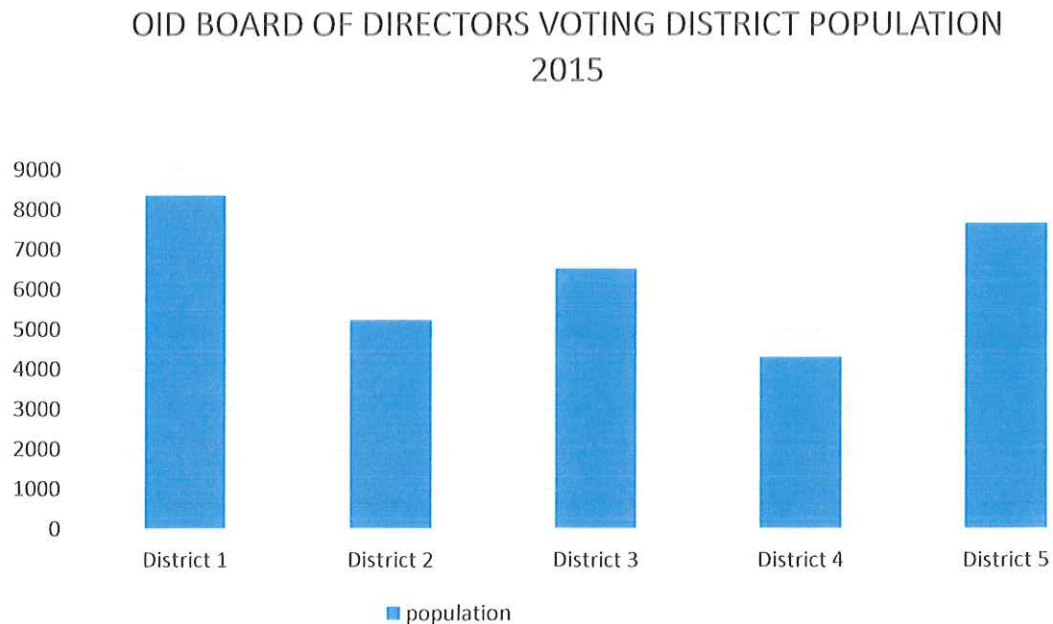
Below are 2 tables showing the population of each voting district, the total OID population and the calculated average voting district population, as of 2015. *This information was provided by OID's General Manager.*

| <u>OID District Number</u> | <u>District Population</u> |
|----------------------------|----------------------------|
| 1 | 8,358 |
| 2 | 5,240 |
| 3 | 6,520 |
| 4 | 4,305 |
| 5 | 7,669 |

| |
|--|
| Total OID District Population = 32,092 |
| Calculated average OID voting district population = 6,418 |

Based on the information above, the largest voting district is 30% larger than the calculated average OID voting district, and the smallest voting district is 32% smaller than the calculated average OID voting district. The customary and reasonable variance is within 5%.

The following graph shows the voting district populations as of 2015 *per information provided by OID's General Manager.*



FINDINGS

- F1.OID-BOD's voting districts are not equal in population. Based on the 2010 Federal Census, the largest district has a population of approximately 8,358; and its smallest district has a population of approximately 4,305. The largest district is 30.3% larger than the calculated average of the OID districts, and the smallest district is 32.5% smaller than the calculated average OID district.
- F2.OID-BOD is required by Federal and State law to redistrict, as necessary, after each Federal Census.
- F3.OID-BOD failed to take action after becoming aware OID voting districts were out of compliance with Federal and State redistricting law, in both 2011 and 2015.
- F4.OID-BOD last redistricted in 1991, after the 1990 Federal Census release; therefore, it has been over 25 years since OID has redrawn its voting districts.
- F5.OID-BOD failed to reapportion its five voting districts, as needed and in a timely manner, after both the 2000 census release and again after the 2010 census release.

F6.OID currently has no formal policy on record to redistrict after each Federal Census data release.

RECOMMENDATIONS

R1.OID-BOD should comply with the existing redistricting law, including California Election Code Sections 21500-21506 and 22000-22001, and redraw its voting districts' boundaries no later than 180 days prior to the November 2017 election of OID's Board of Directors.

R2.OID-BOD should immediately develop and implement a district policy to redistrict within the first six month period after the release of every Federal Census, to assure redistricting is done, as required by law when voting districts differ by more than 5 percent.

R3.OID-BOD should determine if redistricting is needed after the release of every upcoming Federal Census population data in 2021, 2031, 2041, and subsequent years. OID-BOD should redistrict in a timely manner, as consistent with the law.

REQUEST FOR RESPONSES

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

From the following:

- OID Board of Directors - Recommendations R1-R3 within 90 days.
- OID General Manager – Recommendations R1-R3 within 90 days.

Part VII

Stanislaus County Law Enforcement & Det. Facilities Inspections

17-20GJ

**2016 – 2017 Stanislaus County Civil Grand Jury
Stanislaus County Law Enforcement and Detention Facilities Inspections
Case # 17-20GJ**

SUMMARY

The 2016 – 2017 Stanislaus County Civil Grand Jury (SCCGJ) conducted its annual detention and other facility inspections. These inspections included the jail facilities, the Stanislaus County Sheriff's Office Coroner's Division (SCSOCD), Stanislaus Regional 911 (SR911), Juvenile Commitment Facilities (JDF), and the Day Reporting Center (DRC). The Stanislaus County Sheriff's Office Coroner's Division, a state-of-the-art facility that determines individuals' cause of death for the population of three counties: Mariposa, Stanislaus, and Tuolumne. The Stanislaus County Sheriff's Department detention facilities are also state-of-the-art. The SCCGJ participated in ride-along programs offered by Stanislaus County law enforcement agencies. SCCGJ commends the Sheriff's Department, Modesto Police Department, and Turlock Police Department for their cooperation and assistance during the various inspections and tours.

The SCCGJ conducted physical inspections of each facility between September 9, 2016 and March 21, 2017.

GLOSSARY

| | |
|---------------|---|
| BSCC | Board of State and Community Corrections |
| CAD | Computer Aided Dispatch |
| CJ | Stanislaus County Downtown Men's Jail |
| DRC | Day Reporting Center |
| IRT | Intake/Release/Transportation |
| JH | Juvenile Hall |
| JDF | Juvenile Commitment Facility |
| MSH | Maximum Security Housing |
| MHU | Minimum Housing Unit |
| MPD | Modesto Police Department |
| PSC | Public Safety Center (Adult detention facility) |
| SCDF | Stanislaus County Detention Facility |
| SCCGJ | Stanislaus County Civil Grand Jury |
| SCSD | Stanislaus County Sheriff's Department |
| SCSOCD | Stanislaus County Sheriff's Office Coroner's Division |

SR911 Stanislaus Regional 911
TPD Turlock Police Department

BACKGROUND

Stanislaus County currently has no public prisons; however, there are five jail facilities that SCCGJ chose to tour: CJ, PSC, MHU, IRT and MSH. With the exception of the CJ, all other Stanislaus County jails were funded 90% through state AB900 realignment funding. The remainder of funding is the responsibility of Stanislaus County. The most recent jail construction was completed in March 2017, and is known as AB900 Project 1 (MHU) and 3 (IRT). The DRC was completed in 2015.

METHODOLOGY

The SCCGJ conducted inspections at each of the following law enforcement facilities. Jurors interviewed command and operational staff, managers, and medical personnel at the detention facilities.

Stanislaus County Public Safety Center [PSC Unit 1, 2 & 3]
200 Hackett Rd.
Modesto, CA. 95358

Stanislaus County Downtown Men's Main Jail (CJ)
1115 H St.
Modesto, CA. 95353

Stanislaus County Juvenile Commitment Center (JCC)
2215-A Blue Gum Ave.
Modesto, CA. 95351

Stanislaus County Juvenile Detention Facility (JDF)
2215-A Blue Gum Ave.
Modesto, CA. 95351

The following Non-Detention Facilities were inspected:

Stanislaus County Day Reporting Center (DRC)
190 E Hackett Rd.
Modesto, CA. 95357
Stanislaus Regional 911 (SR911)
3705 Oakdale Rd.
Modesto, CA. 95357

Stanislaus County Sheriff's Office Coroner's Division (SCSOCD)
921 Oakdale Rd.
Modesto, CA. 95355

STANISLAUS COUNTY DETENTION FACILITIES (SCDF)

The Stanislaus County detention facilities consist of four main structures, three located on Hackett Road, in close proximity to the Sheriff's Department, and another in downtown Modesto. The downtown jail is called the Stanislaus County Men's Jail (CJ).

The three Hackett Road facilities are the Public Safety Center (PSC) and the Minimum Housing Unit (MHU). The MHU is divided into Units 1 and 2. New facilities, Intake/Release/Transportation (IRT) are also located on the Hackett Road site and opened in March 2017.

Documentation from the SCSD indicated the inmate population as of October 19, 2016, was 364 inmates at CJ, 498 at PSC and 355 at MHU for a total of 1,217 inmates. Gender breakdown consisted of 1,077 males and 140 females. The ethnic composition of inmates is displayed in the following table:

| Ethnic | Total | Male | Female |
|------------------|--------------|-------------|---------------|
| American Indian | 3 | 0 | 3 |
| Asian | 18 | 18 | 0 |
| Black | 144 | 124 | 20 |
| Hispanic | 470 | 427 | 43 |
| Mid-East/African | 11 | 11 | 0 |
| White | 520 | 446 | 74 |
| Other/Unknown | 51 | 51 | 0 |

There were 330 sentenced inmates and 887 un-sentenced inmates in custody. From the total inmate population 1,058 were charged with felonies and 159 were charged with misdemeanors. Security levels classify inmates. There were 78 maximum, 374 medium, and 465 minimum-security inmates.

The Sheriff's Department has a formal grievance policy that allows inmates to file a written grievance against any action, policy, regulation, procedure or activity they feel is

detrimental. The table below represents the number of grievances filed during Fiscal Years 2014-2015, 2015-2016, and 2016-2017 to date (October 19, 2016).

| Grievance | 2014- | 2015- | 2016- | Total |
|---|-------|-------|-------|-------|
| Medical | 230 | 185 | 70 | 485 |
| Staff Conduct | 117 | 89 | 10 | 216 |
| Visits | 11 | 12 | 1 | 24 |
| Class/Programs | 9 | 10 | 2 | 21 |
| Recreation | 4 | 2 | 3 | 9 |
| Commissary | 3 | 16 | 9 | 28 |
| Discipline | 3 | 26 | 12 | 41 |
| Maintenance | 3 | 14 | 1 | 18 |
| Meals | 2 | 3 | 8 | 13 |
| Missing | N/A | 7 | 19 | 26 |
| Housing | N/A | N/A | 37 | 37 |
| Mail | N/A | N/A | 5 | 5 |
| Policy | N/A | N/A | 3 | 3 |
| Property | N/A | N/A | 1 | 1 |
| Other | 2 | 6 | 12 | 20 |
| Total | 384 | 381 | 193 | 958 |
| N/A: New grievance category not yet counted | | | | |

The staff of the Board of State and Community Corrections (BSCC) conducted the 2014-2016 biennial inspection of Stanislaus County Downtown Men’s Jail and both facilities at the Public Safety Center on June 7, 2016. One corrective action was noted related to Title 24 Physical Plant Inspection. At the time of the inspection, some of the single cells contained more than one inmate. This resulted in non-compliance with Title Section 470A.2.6, Single Occupancy Cell. With the spring opening of the new PSC detention facility, this should not be an issue in the future.

Stanislaus County Downtown Men’s Jail (CJ): The CJ was opened in 1955 and, for the most part, has been well maintained despite the age of this facility. It is a three-story structure built adjacent to the Superior Court and has a secured underground hallway leading from the CJ to the Superior Court. It houses sentenced, un-sentenced, maximum security and high-risk inmates. Only male inmates are booked and housed at this location. The men’s jail processes approximately 1500 arrests per month. The federal maximum capacity is 396 inmates. At the time of the inspection, this facility housed 364 inmates.

During the booking process, inmates are interviewed to determine if they have any gang affiliations. For those inmates with medical needs, additional follow up is required. Inmate clothing is specifically color coded for gang classification, general population, maximum security, mental health and protective custody.

Public Safety Center Units (PSC) Minimum Housing Units 1 & 2: The first unit was built in 1992, followed by incremental openings of other facilities. The last PSC unit opened in 2013. In sharp contrast to the CJ, these facilities were built with a more contemporary style of construction and adhere to a more progressive jail management philosophy that provides for more direct supervision of all inmates. Only women are booked at this facility, although both men and women are housed at this location. The maximum bed capacity of this facility is 534; there were 498 inmates at the time of the inspection. During the inspection, the SCCGJ observed a very clean and well-managed facility. The booking area, temporary holding cells, interview rooms program classrooms, and medical facilities were inspected.

Maximum Security Housing (MSH) & Intake/Release/Transportation (IRT): MSH, also known as Project 1, includes 2 maximum-security housing units that have 480 beds. There are 72 beds in the medical and mental health housing unit; of those, 15 are sheltered medical beds, bringing the total to 552. Additionally, there is a Health Services Facility and a Security Administration. Project 1 and IRT were funded 90% by the State of California and 10% by Stanislaus County. The budget for Project 1 was \$83.9M.

IRT, also known as Project 3, is the hub where all processing, booking, staging and transportation occurs and is the vital support for the Phase II jail expansion that was completely funded by Public Facility Fees. The budget for IRT was \$24M. The SCCGJ inspected these facilities on Feb. 21, 2017; the command staff and other operations staff were on site to support the inspection. A facilities dedication was planned for March 7, 2017, and movement of inmates was scheduled to begin March 20, 2017. As indicated, there were no working operational staff or inmates at this facility, although a training class was in progress during inspection.

Juvenile Hall and Commitment Center (JH & JCF): JH provides temporary, safe and secure detention for minors who are alleged to have committed violations and are awaiting Juvenile Court hearing, placement in foster care, or placement in the Department of Juvenile Justice. Originally constructed in 1978, with additional units added in 2000, this facility is very well-managed and maintained. At the time of inspection, JH had an inmate population of 56 juveniles: 54 males and 2 females. Overall capacity is 158 inmates, housing general and maximum security juveniles.

During the JH inspection, operational staff explained the intake process for both male and female offenders that included screening for syphilis. If, during the medical evaluation, the juvenile shows symptoms of other sexually transmitted diseases, then additional screening will occur. Other diseases, such as hepatitis B or C are not routinely screened.

JCF houses youth who require a period of incarceration as part of their final disposition or pending placement. Only one of the three units was populated when inspected. There were 28 males incarcerated at the time of the inspection, with a capacity of 60 general population juveniles. No maximum security inmates are housed at this facility. This facility opened in 2013, and the SCCGJ found the grounds and facility to be clean and well-maintained.

The BSCC staff conducted the 2014-2016 biennial inspection of JH and JCF and found no corrective action required.

STANISLAUS COUNTY LAW ENFORCEMENT INSPECTIONS

Stanislaus County Sheriff's Office Coroner Division (SCSOCD): On Tuesday, December 6, 2016, the SCCGJ toured the SCSDCD. This facility contains 16,000 square feet of space, with 11,000 square feet currently in use. There is room for expansion in the future. The Division also provides contracted services to Tuolumne and Mariposa counties, because neither county has coroner's facilities.

The SCSOCD is led by a Stanislaus County Sheriff's Department sergeant who supervises a staff of twelve that includes five Deputy Coroner investigators, a legal clerk, a public administrator, a full time pathologist, a part-time pathologist, and three autopsy technicians.

The various areas of the compound include administrative offices, areas where bodies and vehicles are processed into the facility for examination and evidence, and cold storage that is kept at 39 degrees and can hold up to 120 bodies, as necessary. There are also two rooms where family members can wait, as well as two chaplain's offices where chaplains can privately provide comfort to families. The facility also has a large conference room that can be transformed into a Stanislaus County command center in the event of a disaster.

The facility contains an additional Decomposition Autopsy room, used for extreme cases of bodily decay and for high-profile cases; the room can be sealed off to protect the chain of evidence. The facility also has a donor network room that can be used to extract bone, tissue, and skin for transplantation purposes. Bodies are transported to Doctors Medical Center if x-rays are needed.

The actual autopsy room is currently set up with two stations, but, as needed for growth, can expand to set up to three additional stations. The autopsy room has state of the art forensic equipment. Autopsies can be observed from an observation deck that overlooks the autopsy stations. This observation deck is sealed off from the autopsy stations, and a closed-circuit video monitor is employed to facilitate communication between the two areas, useful for law enforcement and legal personnel to observe and listen while an autopsy is in progress. All air in the labs is filtered through HEPA (High-Efficiency Particulate Air) filters.

Since January 1, 2016 through January 1, 2017, the SCSOCD has processed 2,756 cases. The breakdown of this number is as follows:

- 1,933 reportable deaths
- 475 autopsies
- 283 chart review/co-sign/storage cases
- 65 cases from Mariposa and Tuolumne counties

Day Reporting Center (DRC): This facility is designed to offer a multitude of services to offenders who are under the jurisdiction of the probation department, with the goal of reducing recidivism (repeat offenders). The DRC serves as a one-stop shop for offenders to meet with their Probation Officer, submit to drug and/or alcohol testing and receive a variety of rehabilitative services. A Probation Orientation Meeting is scheduled for the second Monday of each month. These meetings consist of educating recently released offenders about additional services available in the community that can assist them and their families.

The SCCGJ found this facility and grounds to be clean and well-managed. SCCG observed the assessment offices, several of the classrooms and the computer room; all were adequately equipped. On the afternoon of the inspection, March 21, 2017, only one class was in progress, a 52 week domestic violence/batterer's treatment course attended by three female offenders. Only three absences are allowable; a fourth absence will result in termination from the program, and the offender is referred back to court. To increase participation in the program, bus passes are offered to those needing transportation.

Stanislaus Regional 911 (SR911): The current SR911 is located at 3705 Oakdale Road, Modesto, California. The Dispatch Center has been located at this location since 2000. Dispatch services are provided to all local county fire and law enforcement agencies, with the exception of Oakdale Police Department, Ceres Police Department, Newman Police Department, and Turlock Fire and Police Departments. Dispatchers are responsible to answer emergency and non-emergency phone calls. The annual call volume for 2016 is reported as 196,394 emergency calls and 390,372 non-emergency calls. However in 2016 cell phone calls were not taken by SR911.

The SCCGJ toured the SR911 on Tuesday January 24, 2017. Two of the center's dispatch managers were present and were interviewed. A general overview of the center, staff and operations was given during the interview. During the tour, the SCCGJ was able to see call takers and dispatch staff in their work space conducting routine business.

The CAD System was updated in 2016. Upon implementation of the upgraded system, the staff was trained in new functionality and operations. When asked if the updated CAD System was a positive one, staff commented that it is somewhat more complex to navigate but will better meet future growth.

The current staff consists of four full-time call takers and 39 dispatchers. In addition, there are four managers and a director on the operations side. Although they were interviewing on the day of the tour, it was mentioned that the number of staff has not been increased in several years. Despite this, the center attained a 98% staffing measurement by year-end. The current volume of staff is such that overtime is a common occurrence. In addition, managers are occasionally required to work 24-hour shifts to help with coverage. Starting in 2017, cell phone calls will be received at SR911 and will significantly increase the volume of calls.

Ride-Along Program

Modesto Police Department (MPD): The Ride-Along occurred between 11:00 am and 4:00pm. Prior to the start of the ride-along, the officer advised about procedures for the participant of the ride-along. The officer encountered a variety of calls, including cruelty to animals, a possible suicidal individual, homeless issues and a runaway juvenile. The officer exhibited professional 'conflict resolution' skills. Overall, it was an informative experience, and resulted in a better understanding of the difficulties encountered daily by law enforcement.

Stanislaus County Sheriff's Department (SCSD): At the afternoon Ride-Along with the SCSD, the participant was advised by the sheriff's deputy of the safety procedures for the ride-along. On this ride-along, the deputy encountered crimes including the following: a cruelty to animals call, involving training fighting roosters and a call regarding found credit cards and ID documents, which were eventually returned to the owner.

During briefing the subject of a new SCSD program called, "Community Ambulance", operated by AMR, an ambulance service, was shared. As part of the program, when officers encounter a person with possible mental health issues, the Community Ambulance is dispatched. Based on the AMR technicians' evaluation of the subject, the subject may be transported to a facility by the ambulance service for further evaluation. In this manner, the deputy is then free to continue on to the next call.

Turlock Police Department (TPD): At the beginning of the TPD ride-along, the officer in charge advised the participant about necessary safety and security procedures. Interactions included contact with several homeless people. The officer handled the encounters in an understanding and compassionate manner, ensuring safety for everyone involved.

FINDINGS

- F1. The Stanislaus County Sheriff's Department is extremely adept at managing and maintaining its detention facilities.
- F2. The CJ is approaching the end of its useful life and is using valuable correctional resources that could be better utilized at newer detention facilities.

- F3.The Stanislaus County Sheriff's Department was proactive in securing AB900 state project funding.
- F4.During booking procedures at Juvenile Hall, male and female inmates are screened for syphilis but not hepatitis B or C.
- F5.Working from a state of the art facility, the Stanislaus County Sheriff's Office Coroner's Division facility provides much utilized services to assist in determining causes of death.
- F6.With the implementation of the new CAD system, the staff was provided adequate training and the system is now in full operation. Additionally, Stanislaus Regional 911 will now be responsible for receiving 911 cell phone calls.
- F7.The MPD, SCSD, and TPD are committed to protecting and serving the citizens of their respective cities.
- F8.AMR operates a new program called Community Ambulance to assist SCSD officers when they are dealing with a person with possible mental health issues. The Community Ambulance program follows through with the subject, allowing officers to proceed with their duties.

RECOMMENDATIONS

- R1.The Stanislaus Sheriff's Department should develop a plan to better utilize the CJ.
- R2.The SCCGJ recommends Stanislaus County Probation Department screen for hepatitis B and C during the intake process.
- R3.There is a real need for the Coroner's Office to acquire its own X-ray machine. Needless time and money is spent transporting autopsy cases to Doctors Medical Center for X-rays. There is currently room at the facility for this machine to be installed.
- R4.The Stanislaus Regional 9-1-1 should consider developing a resource plan that would identify potential solutions in minimizing overtime, increase the retention of current workers, and reduce the loss of candidates during the hiring process.

COMMENDATIONS

The SCCGJ commends the Stanislaus County Sheriff's Department in providing professional leadership, management and maintenance of the detention facilities under their supervision.

The SCCGJ commends the Stanislaus County Sheriff's Department and the County of Stanislaus in securing AB900 funding and managing Projects 1 & 3 to a successful completion.

The SCCGJ commends the Stanislaus County Sheriff's Office Coroner's Division personnel for providing outstanding services for three counties and maintaining a state of the art facility.

The SCCGJ commends the Regional Dispatch Center on its improvements, management, and a well-run operation considering current staffing constraints.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

- Stanislaus County Board of Supervisors

INVITED RESPONSES

From the following governing bodies:

Stanislaus County Sheriff's Department

Stanislaus County Coroner's Division

Part VIII

Stanislaus County Probation Department

17-30C

**2016 – 2017 Stanislaus County Civil Grand Jury
Stanislaus County Probation Department
Case # 17-30C**

SUMMARY

The Stanislaus County Civil Grand Jury (SCCGJ) received a complaint alleging the Stanislaus County Probation Department (SCPD) acted in an illegal manner when conducting a property search, failed to follow SCPD procedures, and intimidates citizens from filing formal complaints. SCCGJ chose to investigate the complainant's allegation that the SCPD Citizen Complaint Form and Citizen Complaint Declaration language may prevent citizens from filing complaints. The SCCGJ agrees and recommends SCPD review their Citizen Complaint and Declaration Forms with the intent of removing any language that would discourage citizen input. There may also be an issue with the current form's language not meeting the requirement of a recent judicial opinion.

GLOSSARY

| | |
|--------------|--|
| CPC | California Penal Code |
| SCCGJ | Stanislaus County Civil Grand Jury |
| SCPD | Stanislaus County Probation Department |

BACKGROUND

On December 1, 2016, a citizen filed a written complaint with SCCGJ alleging perceived intimidation when completing the SCPD Citizen Complaint and Declaration form. He alleges that each of these forms contains language that threatens the complainant with a misdemeanor charge and possible prosecution if they knowingly make a false complaint against any peace officer. The text of this language is derived from Section 148.6 of the California Penal Code. This section has come under judicial review of the 9th Circuit Court of Appeals and was recently revised effective January 1, 2017.

The SCCGJ interviewed the complainant and an SCPD employee regarding the use of this form. Additionally the SCCGJ conducted a review of other Stanislaus County law enforcement agency complaint forms and found that none contained similar language. As a result, the SCCGJ believes the SCPD Complaint and Declaration form is outdated, intimidating and prevents citizens from filing complaints.

METHODOLOGY

The SCCGJ conducted an investigation using the following methods:

- Interviewed the complainant.
- Interviewed an SCPD employee.
- Reviewed citizen complaint forms from other Stanislaus County law enforcement agencies.
- Reviewed SCPD's Citizen Complaint Form and administrative policy manual

DISCUSSION

An interview was conducted with the complainant on February 24, 2017 and summarized the facts of the complaint as follows: On January 12, 2016, the complainant filed a report with the SCPD as a result of a search of his front and back yard areas by SCPD officers on December 16, 2015. Officers were searching for a probation violator who SCPD's GPS tracking system indicated was in the complainant's back yard. When the probation violator was not found to be on the complainant's property, a complaint was filed with the SCPD. In doing so, the complainant stated he felt threatened and intimidated by the use of language on both the Citizen Complaint and Citizen Complaint Declaration forms. Specifically, the form stated, "It is against the law to make a complaint that you know to be false. If you make a complaint against an officer knowing that it is false, you can be prosecuted on a misdemeanor charge." The complainant believed that even a small reporting error could result in being charged and prosecuted with a crime. Additionally, Section 148.6 CPC was ruled unconstitutional by the 9th Circuit Court of Appeals in *Chaker v. Crogan*, 428 F.3d 1215 (9th Cir. 2005), cert. denied, 126 S. Cr. 2023 (2006); and should be removed from the citizen complaint forms.

On March 22, 2017 the SCCGJ interviewed an employee of SCPD. Questions were asked regarding SCPD's citizen complaint process. Additionally, the SCPD employee stated that a new Chief Probation Officer was recently appointed and the SCPD has begun a review of all current department forms, including the citizen complaint forms.

Due to the complainant's allegation that portions of SCPD's complaint forms have been ruled unconstitutional by the 9th Circuit Court of Appeals, the SCCGJ reviewed other Stanislaus County law enforcement complaint forms. None of them contained the disputed language from Section 148.6 CPC.

FINDINGS

F1. The Stanislaus County Probation Department's current Citizen Complaint and Citizen Declaration forms may discourage some citizens from filing a formal complaint due to the 148.6 CPC declaration.

RECOMMENDATIONS

R1. SCCGJ recommends that the SCPD review their Citizen Complaint and Declaration forms to foster filing of legitimate complaints and to come into compliance with the ruling of the 9th Circuit Court of Appeals ruling on Section 148.6 CPC.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- Stanislaus County Chief Probation Officer

INVITED RESPONSES

Stanislaus County Board of Supervisors

APPENDIX-STANISLAUS COUNTY PROBATION DEPARTMENT CITIZEN COMPLAINT FORM



Probation

**STANISLAUS COUNTY PROBATION DEPARTMENT
CITIZEN COMPLAINT**



**STANISLAUS COUNTY PROBATION DEPARTMENT
CITIZEN COMPLAINT DECLARATION**

Section 148.6 of the California Penal Code

You have the right to make a complaint against a police officer for any improper police conduct. California Law requires this agency to have a procedure to investigate citizen complaints. You have the right to a written description of this procedure. This agency may find after investigation that there is not enough evidence to warrant action on your complaint; even if that is the case, you have the right to make the complaint and have it investigated if you believe an officer behaved improperly. Citizen complaints and any reports or findings relating to complaints must be retained by this agency for at least five years.

It is against the law to make a complaint that you know to be false. If you make a complaint against an officer knowing that it is false, you can be prosecuted on a misdemeanor charge.

I have read and understand the above statement.

Complainant

Date

NOTE: Your right to complain also extends to probation officers, probation corrections officers and all other peace officers.

(over)

**STANISLAUS COUNTY PROBATION DEPARTMENT
CITIZEN COMPLAINT**

Employee's Name: _____ Title: _____

Complaint Received by: _____ Title: _____

Date and Time Complaint Received: _____

Complainant's Name: _____

Address: _____

Telephone: _____

Allegation: _____

(Attach additional sheets if necessary)

| | <u>Witness</u> | <u>Address</u> | <u>Telephone</u> |
|----|----------------|----------------|------------------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |

I declare under penalty of perjury that the above allegation is true and correct to the best of my knowledge. I agree to cooperate with and testify before any examining authority if this complaint results in disciplinary proceedings or other legal action against a County employee. I understand that I may be held liable in a civil lawsuit if I knowingly make a false or malicious complaint against any County employee, and that I may additionally be charged with a misdemeanor crime if I knowingly make a false complaint against any peace officer.

Complainant Signature

Date