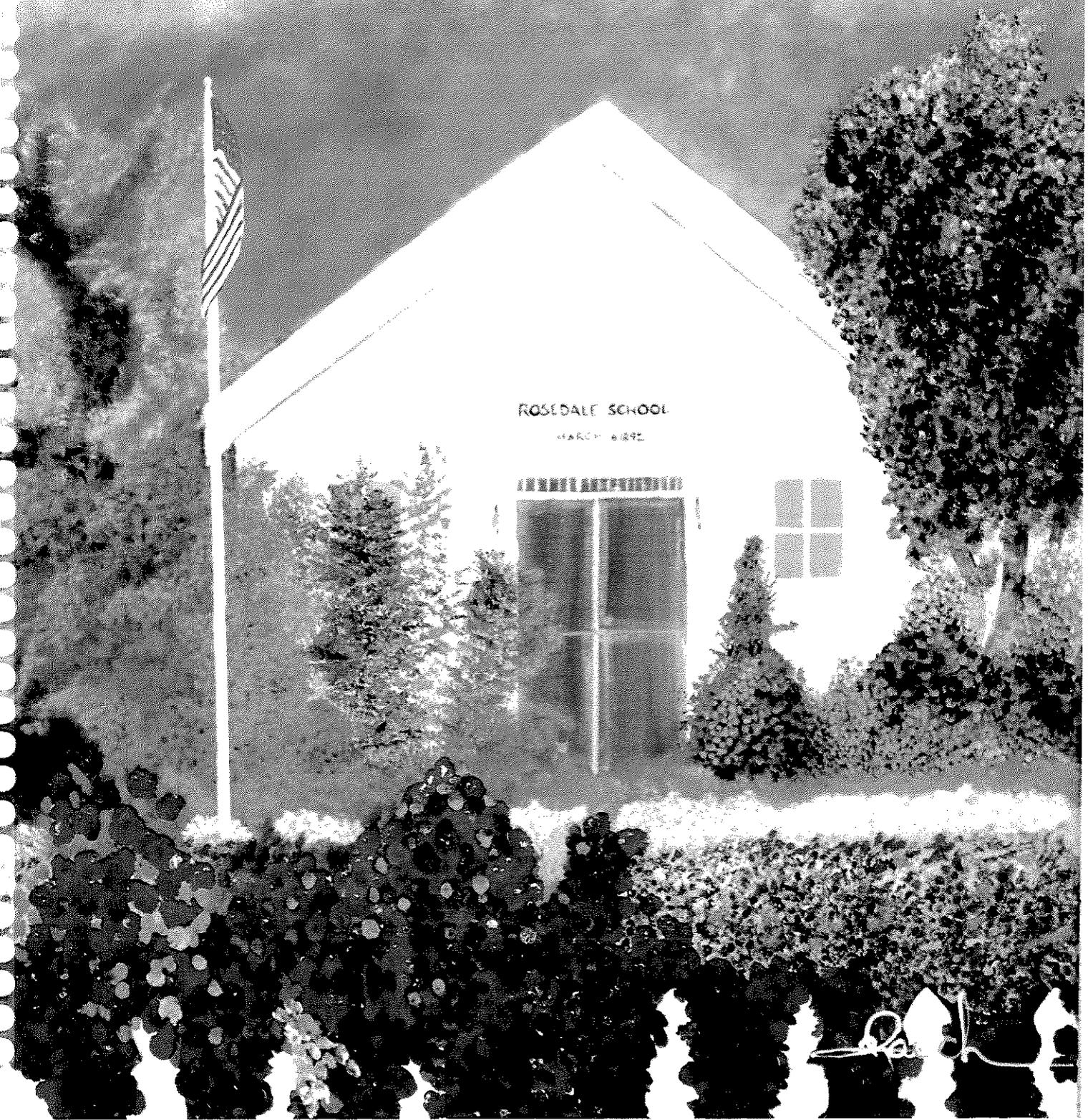


2006-2007

Stanislaus County Civil Grand Jury

FINAL REPORT



BOARD OF SUPERVISORS

2007 JUL 27 P 2:46

ABOUT THE COVER

The cover is from a painting by grand juror Thomas Rauch.

Rosedale School opened on March 16, 1892. It served the local ranching and farming community children until 1965. When the school opened, it had 12 students and over the years the numbers varied from a high of 19 to a low of three. The last graduation class was in 1965. Rosedale remains the only one-room schoolhouse still standing in Stanislaus County. The schoolhouse is now a private residence.

2006-2007
Stanislaus County Civil Grand Jury

FINAL REPORT

1021 I Street, 3rd Floor
P. O. Box 3387
Modesto, CA 95353
Telephone: (209) 558-7766
Facsimile: (209) 558-8170
Website: www.stanct.org

TABLE OF CONTENTS

INTRODUCTION

Members of the 2006-2007 Civil Grand Jury	1
Areas Served by the Civil Grand Jury	2
Foreperson's Letter to the Presiding Judge.....	3
Judge's Letter to the Civil Grand Jury	4

SUBJECTS OF INVESTIGATION

Part One: Stanislaus County Office of Public Guardian - Case No. 07-38	6-9
Part Two: Stanislaus County Fire and Life Saving Services - Case No. 07-34.....	10-12
Part Three: Stanislaus County State of Law Enforcement - Case Nos. 07-35/07-44	13-14
Part Four: Stanislaus County Disaster Preparedness - Case No. 07-40.....	15-16

APPENDICES

What is the Civil Grand Jury?	18-19
2006-2007 Civil Grand Jury Selection Process	20-23
Sample of Citizen Complaint Form.....	24-25
How the Grand Jury Processes a Complaint.....	26-28
How to Respond to Recommendations	29-30

2006-2007 STANISLAUS COUNTY
CIVIL GRAND JURORS

Presiding Judges

The Honorable Marie Sovey Silveira - July 1, 2006 to Dec. 31, 2006

The Honorable Donald E. Shaver - January 1, 2007 to Present

Foreperson William A. Jaques
Foreperson Pro Tem..... George Bairey
Secretary..... Vicki E. Thayer
Sergeant at Arms Sharron A. Mills-Walk

Regina Adams (7/5/06-3/12/07)
Robert Brazil
David D. Durán
Shirley I. LaBass
Sharron A. Mills-Walk
Elmer Taylor

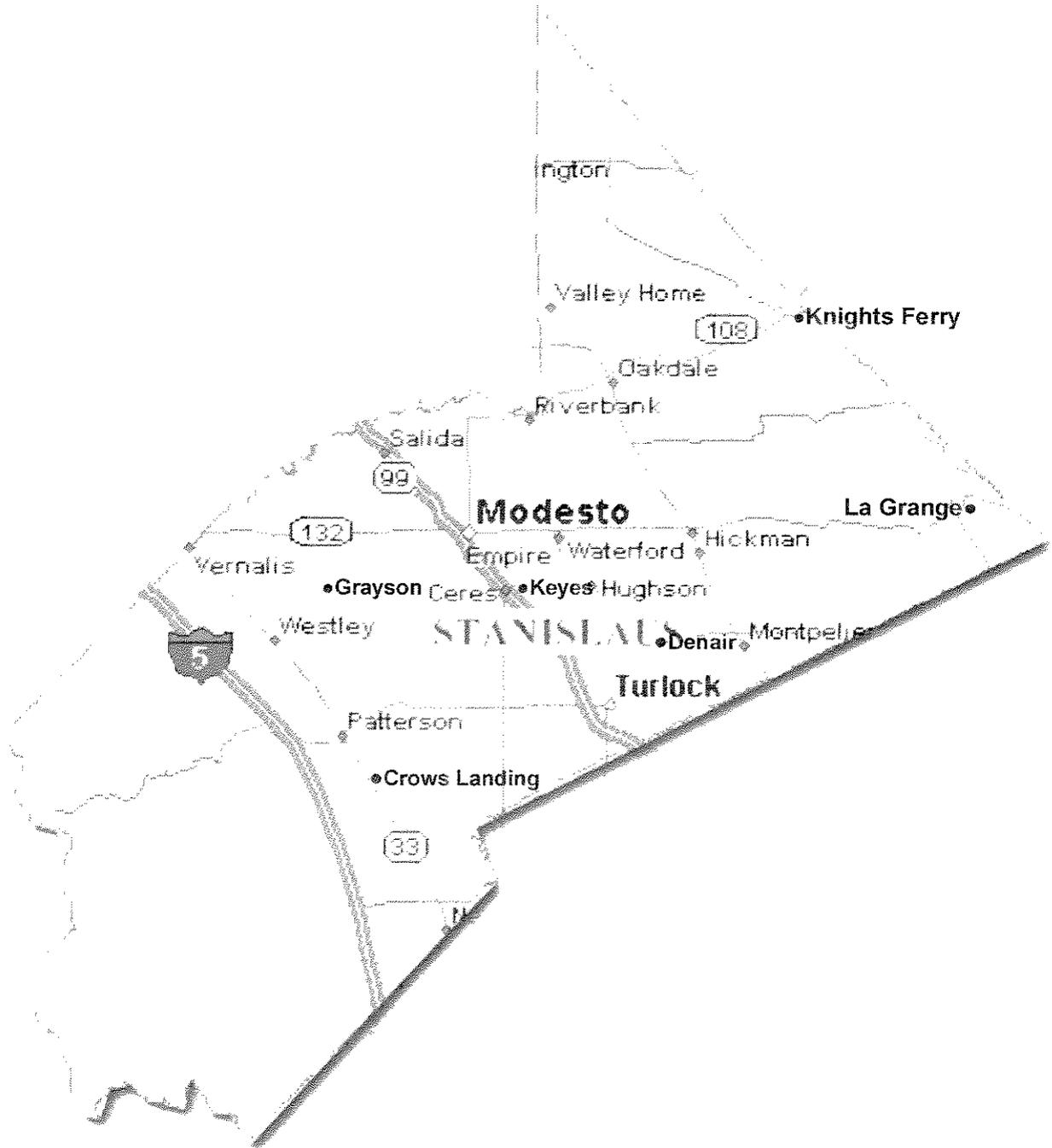
Charles V. Allen
Melvin Burns
Linda A. Gillispie
Donald B. Langman
Thomas Rauch
Vicki E. Thayer

George Bairey
Eugene Davis, Jr.
William A. Jaques
Judith C. Mahan
Jarrod R. Spaulding
Carol A. Wright



AREAS SERVED

The Stanislaus County Civil Grand Jury serves the cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, Waterford . . .



And the communities of Crows Landing, Denair, Empire, Grayson, Hickman, Keyes, Knight's Ferry, La Grange, Salida, Valley Home, Vernalis, and Westley.



STANISLAUS COUNTY CIVIL GRAND JURY

Post Office Box 3387 • Modesto, California 95353 • (209) 558-7766 • Fax (209) 558-8170

2006-2007

GRAND JURY MEMBERS

WILLIAM JAQUES, FOREPERSON

June 26, 2007

REGINA ADAMS
CHARLES ALLEN
GEORGE BAIREY
ROBERT BRAZIL
MIKE BURNS
JOYCE COMPTON
EUGENE DAVIS, JR.
DAVID DURAN
LINDA GILLISPIE
SHIRLEY LABASS
DONALD LANGMAN
JUDY MAHAN
SHARRON MILLS-WALK
THOMAS RAUCH
JARRÖD SPAULDING
ELMER TAYLOR
VICKI THAYER
CAROL WRIGHT

The Honorable Donald E. Shaver
Presiding Judge
Superior Court of California
P. O. Box 3488
Modesto, CA 95353

Judge Shaver:

We are pleased to submit to you the 2006-2007 Stanislaus County Civil Grand Jury Final Report. Albeit somewhat small this year, the final report represents many hours of work. Numerous interviews, several investigations, and many miles traveled brought us this Final Report. Through all of this, we have found many people working very hard, and often with limited funds and resources. The citizens of Stanislaus County need to be proud of the job that is being done for them.

We would like to thank Presiding Judges Marie Sovey Silveira and Donald Shaver, and the Superior Court administration staff for their cooperation and support. It has been truly an honor for us to serve on the Civil Grand Jury.

Sincerely,

William A. Jaques
Foreperson

Attachments

c: Judge Marie Sovey Silveira



Superior Court of the State of California

COUNTY OF STANISLAUS
P.O. BOX 3488
MODESTO, CALIFORNIA 95353

DONALD E. SHAVER, JUDGE

TELEPHONE
(209) 525-7794

June 27, 2007

Mr. William A. Jaques, Foreperson
Stanislaus County Civil Grand Jury
P.O. Box 3387
Modesto, CA 95353

Dear Mr. Jaques:

The task and charge of the Civil Grand Jury is both clear and complicated. Clear in that your task is to investigate and report on complaints brought to you by the citizens of our county; and, complicated because the process of investigating, interviewing, researching, meeting and writing reports is so much easier said than done. Each year 19 dedicated and committed citizens from all walks of life pull it together and respond to the charge given to the Civil Grand Jury. All of you have accepted that charge and have done your very best in the final reports to assist our *government and its many special districts with sound recommendations.*

To all of you our sincere thanks for your time, dedication and a job well done.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "D. Shaver".

Donald E. Shaver
Presiding Judge of the Superior Court

DES/dmd

cc: Michael Tozzi, Executive Officer

Subjects Of Investigation

**STANISLAUS COUNTY OFFICE OF PUBLIC GUARDIAN
CIVIL GRAND JURY CASE # 07-38
2006 -2007**

SUMMARY

The 2006-2007 Stanislaus County Civil Grand Jury conducted a review and assessment of the Stanislaus County Office of Public Guardian to determine the office's ability to meet community needs.

Through sworn testimony and document review, the Grand Jury has determined that the Public Guardian is unable to perform the duties legally required by the state and is in noncompliance with court mandates. Furthermore, it has been determined that lack of staff prevents collection of service revenue owed to the Public Guardian Office. Public funds and client funds are intermingled without an ongoing financial review by county or independent sources. Interest from client accounts is used to offset Public Guardian administrative expenses.

Because of these and other deficiencies, it is the Grand Jury's recommendation that a performance audit and a financial audit of the Office of Public Guardian be conducted by an independent firm.

BACKGROUND

The Office of Public Guardian functions as a division of Stanislaus County Behavioral Health and Recovery Services (BHRS). The Public Guardian serves persons who cannot provide basic services for themselves and do not have family members, friends or others who are willing or able to initiate conservatorship proceedings on their behalf or, ultimately, to serve as conservators upon determination by the court that a conservatorship is required. The Public Guardian provides services to Lanterman-Petris-Short (LPS) Conservatorships, Probate Conservatorships, Representative Payee and Guardian ad litem cases. LPS conservatees are severely mentally ill and/or gravely disabled. Probate conservatees have been found by the Superior Court to be unable to care for themselves or their finances and/or cannot resist undue influence or fraud. Representative Payees are BHRS clients who need to have a representative who ensures that food, clothing and shelter needs are met. The court appoints the Public Guardian to safeguard monies for Guardian ad litem clients until they reach the age of 18.

Although many of the persons served by the Public Guardian are destitute, some have estates that must be managed. The Public Guardian is allowed to bill clients with estates for services at a fixed or hourly rate. This revenue offsets a significant portion of Public Guardian administrative expense. The Public Guardian provides comprehensive fiduciary management to the LPS conservatees, probate conservatees, representative payee and guardian ad litem cases. The Public Guardian also provides comprehensive personal case management to their probate conservatees. With the probate conservatees, the Public Guardian serves as the "substitute decision-maker" for mental health and medical treatment as well as for the provision of food, clothing and shelter.

METHOD OF INVESTIGATION

The Grand Jury interviewed four county employees and reviewed several documents.

Documents reviewed

- Introductory letter dated October 17, 2006 from BHRS Chief, Forensics Services/Public Guardian
- California Probate Code Section 1880 et seq.
- Welfare and Institutions Code 5350 et seq.
- Stanislaus County Public Guardian Statement of Expenditures, Encumbrances and Revenues for April 2007, Fiscal Year 2005/2006, 2004/2005, 2003/2004
- Stanislaus County Public Guardian Budget Unit Financing Use Detail for 2001-2002
- Agreed-Upon Procedures on the Office of Public Guardian report for the period ending June 30, 2006 conducted by Bartig, Basler and Ray
- Agreed-Upon Procedures on the Office of Public Guardian report for the period ending October 28, 2003 conducted by Bartig, Basler and Ray
- Office of Public Guardian New File Checklist

FINDINGS

1. In May 2007, the Public Guardian has a caseload of 165 clients.
 - 82 – LPS Conservatorship
 - 59 – Probate Conservatorship
 - 23 – Representative Payee
 - 1 – Guardian ad litem
2. 2006-2007 Office of Public Guardian Personnel:
 - Program Manager II
 - Deputy Public Guardian II
 - Behavioral Health Specialist II
 - Account Clerk III (2)
 - Stock Delivery Clerk II (3)
 - Stock Delivery Clerk I
 - Account Clerk II (extra help)
 - Chief, BHRS Forensics Services/Public Guardian (39% assignment)
3. The duties and legal responsibilities of the Public Guardian are listed in the California Probate Code and the California Welfare and Institutions Code.
4. Limited Agreed-Upon Procedures reports on the Office of Public Guardian were performed by Certified Public Accountants and Management Consultants Bartig, Basler and Ray in 2003 and 2006.

5. Staffing for the Public Guardian has decreased from 17 fulltime employees (FTE) in 2002/2003 to nine FTEs in 2006/2007.
6. Office of Public Guardian estimates indicate that up to \$175,000 in court accounting fees has gone uncollected due to lack of staff. Also undone or not done timely are the following Public Guardian duties:
 - Fee summaries for court accountings
 - Inventory and appraisals
 - Letters to conservatees' creditors
 - Filing
 - Tracking of outside client bank accounts and investments
 - Client medical bills and the research involved in matching what insurance has paid and what is outstanding
 - Warehouse audits
 - Releasing and/or disposing of deceased conservatees' property
 - Cleaning of clients' houses so that they may be sold on a timely basis
 - Correspondence with IRS to assure that conservatees' taxes are current
7. Evidence suggests that eligible persons who have been referred for appraisal to the Public Guardian have not been accepted into the program because of staff limitations.
8. The 2006 Omnibus Conservatorship and Guardian Reform Act imposes new duties to the California probate system. As a result, additional Public Guardian staff will be needed to accomplish the increased administrative time and effort this new law will require.
9. The 2006/2007 Public Guardian budget is \$965,030 and is funded from three sources:
 - County match funds
 - Service revenue from Public Guardian clients
 - Service revenue from Medi-Cal
10. The Public Guardian budget decreased from \$1,185,310 in 2003/2004 to \$1,095,391 in 2005/2006. It then decreased to \$965,030 in 2006/2007.
11. Service revenue from Medi-Cal funds have declined from \$182,020 in 2005/2006 to \$71,000 in 2006/2007. Limited staffing to bill Medi-Cal and a lower reimbursement rate are two reasons for this decline.
12. Client funds and Public Guardian funds are commingled in one fund. Software allows tracking of each client's individual funds.

When the Public Guardian bills a client for a service, the transferred funds are placed in the Public Guardian portion of the commingled fund. These

transactions are not recorded in the monthly county budget until these funds are transferred to the county treasury each June.

13. Evidence suggests that some client interest revenue is used to offset Public Guardian administrative program costs and not added to individual client accounts.
14. Interest percentage paid to individual Public Guardian client accounts varies according to the amount in the individual client fund account – the larger the amount, the higher the interest percentage paid. It should be noted that Public Guardian clients who have less than \$2,000 are paid no interest due to administrative cost offsets.

RECOMMENDATIONS

The Grand Jury recommends that the Stanislaus County Behavioral Health and Recovery Services take immediate steps to:

- 1) Schedule a full performance audit by an independent firm to assure compliance with federal, state and court requirements.
- 2) Schedule an in-depth financial audit by an independent firm to assure that the handling and investments of county and client funds by the Office of Public Guardian are appropriate.

RESPONSE REQUIRED *per Section 933(c) and 933.05 of the California Penal Code*

Stanislaus County Board of Supervisors
Stanislaus County Behavioral Health and Recovery Services
Stanislaus County Office of Public Guardian

5/22/07

**STANISLAUS COUNTY FIRE AND LIFE SAVING SERVICES
CIVIL GRAND JURY CASE #07-34
2006-2007**

SUMMARY

The 2006-2007 Stanislaus County Civil Grand Jury authorized a review and assessment of the fire and life saving services which are provided to the citizens of Stanislaus County.

Through interviews and document review, the Civil Grand Jury determined that the current fire service delivery system is inefficient and inadequate to meet the needs of a growing county population. The Civil Grand Jury believes that strong leadership from the County Board of Supervisors, in coordination with the various fire districts and the Stanislaus County Fire Chiefs Association, is needed to increase the effectiveness of this important public service.

BACKGROUND

Fire and life saving services in Stanislaus County are provided by 18 separate and autonomous fire safety organizations. Each organization has its own governance and financial base.

There are six municipal fire departments. They include: Ceres; Modesto; Newman; Oakdale; Patterson; and Turlock. Municipal fire departments are funded through general fund revenues.

In addition, there are fourteen special districts in Stanislaus County. They include: Burbank-Paradise Fire Protection District; Ceres Fire Protection District; Denair Fire Protection District; Hughson Fire Protection District; Industrial Fire Protection District; Keyes Fire Protection District; Mountain View Fire Protection District; Oakdale Rural Fire Protection District; Salida Fire Protection District; Stanislaus Consolidated Fire Protection District; Turlock Rural Fire Protection District; Westport Fire Protection District; West Stanislaus Fire Protection District; and Woodland Fire Protection District. It should be noted that two of these districts (Industrial Fire Protection District and Ceres Fire Protection District) have their fire service provided entirely by another contracted service provider. Special Districts are funded from their own tax base.

METHODS OF INVESTIGATION

The Civil Grand Jury interviewed a majority of the 18 fire chiefs, from the largest to the smallest organization, and reviewed "White Paper Stanislaus County Fire Chiefs Association Strategic Visioning Meeting Summary Report July 30, 2004" and also the March 2007 Stanislaus LAFCO Countywide Fire Services Municipal Service Review Final Report.

FINDINGS

Based on the interviews and document review the Civil Grand Jury found that among the 18 fire districts:

1. There is variation in the quality of training provided to staff.
2. There are varying response times and professional capabilities. Minimal standards cannot always be met.
3. Increasing population, new technology, legal mandates, rising equipment costs and unnecessary administrative staff duplication add to the financial burden.
4. New disaster planning requirements have expanded responsibilities and liabilities requiring closer coordination in the areas of planning and performance.
5. City expansion by annexation has markedly weakened the financial base of some rural fire districts making it increasingly difficult for these districts to meet their responsibilities.
6. State training mandates have made recruitment and retention of voluntary firefighters more difficult. Costly full time staff must be used to fill the formerly volunteer positions.
7. The merger of several smaller districts into fewer but larger areas would offer several benefits. Among them:
 - **Lower administrative costs.** The merger of many boards would lower total salary costs of both administrative and professional staff.
 - **More efficient deployment of expensive equipment.** Some pieces of equipment would become unnecessary.
 - **More efficient location of fire stations.** Given larger areas to protect, stations could be more efficiently placed.
 - **Standardized recruitment and training of personnel.** All staff would be held to the same standards of training and competence.
 - **Better use of specialized staff.** Specialists in such areas as hazardous materials and fire investigation could be more efficiently deployed.
8. There is need for an unbiased outside facilitator/mediator to work with all districts to change the current delivery system.

9. No government body has fully accepted the overall responsibility of addressing the need for change in fire and life saving services available to the citizens of Stanislaus County.
10. The Civil Grand Jury believes that any consolidation should occur only after full consideration of financial impact, proper planning and consultation/ involvement from all concerned parties including the public.

RECOMMENDATIONS

The Civil Grand Jury is fully aware that the provision of fire and life saving services is a complicated process and that no Civil Grand Jury member has the expertise to second guess the professionals who provide these essential services. The Civil Grand Jury has no desire to recommend specific changes beyond its expertise. However, a majority of Civil Grand Jury members believes that the present delivery system is inadequate and unable to fully meet the present and future needs of the citizens of Stanislaus County.

The Civil Grand Jury recommends that:

1. The County Board of Supervisors assume the leadership role of solving the multiple problems in fire and life saving services.
2. The County Board of Supervisors work with the Stanislaus County Fire Chiefs Association and various district boards to achieve appropriate consolidation of present districts consistent with the most effective and efficient use of manpower and resources.
3. The County Board of Supervisors share equally the cost of outside expert consultation and/or mediation with the various districts.

RESPONSE REQUIRED *per Section 933(c) and 933.05 of the California Penal Code*

Stanislaus County Board of Supervisors

**STANISLAUS COUNTY STATE OF LAW ENFORCEMENT
CIVIL GRAND JURY CASE #07-35/07-44
2006-2007**

SUMMARY

The Stanislaus County Civil Grand Jury Criminal Justice Committee read the Stanislaus County Crime Report for 2005-2006 and did a review of media reports on law enforcement and criminal justice. As a result, the Committee interviewed law enforcement and criminal justice officials in the County to determine their view of what the state of law enforcement is.

Interview questions would seek the following information:

- Recruitment of police officers
- Retention of police officers and other law enforcement and criminal justice staff
- Detention facilities and their capacities and condition
- General crime issues

BACKGROUND

The Civil Grand Jury is mandated by Penal Code §919(b) to inspect all detention facilities in the County, which includes Juvenile Hall, the Men's Jail, the Honor Farm, and the Public Safety Facility. As result of visiting these facilities, the Criminal Justice Committee wanted to hear responses from law enforcement and criminal justice officials as to their views of these facilities; recruitment of officers, retention of police officers and criminal justice staff; and general crime issues.

METHOD OF INVESTIGATION

The Civil Grand Jury toured all of the detention facilities in the County and had questions of interest and concern that it asked the Criminal Justice Committee to address. The Criminal Justice Committee set appointments with each law enforcement and criminal justice entity and asked them all the same questions concerning recruitment, retention, detention facilities and general crime issues.

FINDINGS

1. Recruitment of police officers is a concern of all law enforcement agencies. It would appear that recruitment of qualified candidates is a concern locally, statewide, and nationally.
2. Retention because of retirement; officers leaving for better working conditions, i.e., pay, education; and officers finding other employment opportunities is an issue of concern for departments where recruitment is already an issue.

3. The following was found about detention facilities:
 - The Honor Farm was spacious, well kept and full.
 - Juvenile Hall is well run and seems well organized. Bed space, however, is limited and there is real danger of overcrowding.
 - The Public Safety Facility is fairly new, spacious, well organized, clean.
 - The Men's Facility (Downtown Jail) is old; smelly; overcrowded; out of date (building codes from the 1950's govern this facility); lacking in space for both staff and inmates.
4. The consensus of law enforcement and criminal justice officials is that collaboration between agencies through various task forces has contributed to reducing crime such as car thefts, home invasion, drugs, and gang involvement. The collaboration has been extremely important in all crime within the County.

RECOMMENDATIONS

1. It is recommended that law enforcement pool their resources to recruit new law enforcement officers in Stanislaus County.
2. It is recommended that the Stanislaus County Board of Supervisors make the condition of the Men's Jail a priority for replacement.
3. It is recommended that the Stanislaus County Board of Supervisors extend the capacity of the Public Safety Center to include more bed space to accommodate additional inmates.

NO RESPONSE REQUIRED

**STANISLAUS COUNTY DISASTER PREPAREDNESS
CIVIL GRAND JURY CASE #07-40
2006 – 2007**

SUMMARY

The 2006-2007 Stanislaus County Civil Grand Jury conducted a review and assessment of the Stanislaus County Emergency Operations Plan (EOP). The purpose was to determine the scope and readiness of the County's plan to meet the needs of its citizens if and when a disaster occurs, such as flood, fire, earthquake, civil disorder, terrorism, agricultural terrorism, hazardous materials, et al. A County official stated, "This program is not about terrorists. This program is about the realities of life."

BACKGROUND

The most recent edition of the Stanislaus County Emergency Operations Plan was published in 2002. The plan was developed in conjunction with the National Incident Management System and the California Standardized Emergency Management System guidelines. Every five years the plan, which is reviewed annually and after emergency events, is modified, republished and redistributed. The plan is available at the Stanislaus County Library and online at www.schsa.org.

METHODS OF INVESTIGATION

The Grand Jury conducted its investigation through interviews with county public officials who have oversight responsibilities, through site visits and by reviewing the Stanislaus County Emergency Operations Plan.

Sites visited included:

- Emergency Services Disaster Preparedness Executive Office
- Coroner's Facility
- National Emergency Rescue Response Training Center
- Volunteer Center of Stanislaus County (United Way)

FINDINGS

1. The County Office of Emergency Services coordinates citizen/community/County disaster preparedness.
2. The Emergency Operations Plan is an all-risk document that addresses natural and man-made disasters. It addresses four phases of emergency management: mitigation, preparation, response and recovery.
3. The Emergency Operations Plan does not address how to serve the needs of those relocated to the County after a disaster in their region of residence.

4. The Approval Authority for Homeland Security Grant Administration Committee is responsible for administrative oversight of Homeland Security grants, which total about \$1,000,000 annually. The committee consists of:
 - County Public Health Officer
 - Assistant Director of the Office of Emergency Services/Fire Warden
 - Stanislaus County Sheriff
 - City of Modesto Police Chief
 - City of Modesto Fire Chief
5. Each of the County's nine incorporated cities is responsible for its own emergency plan. City representatives serve on the County Operational Area Council. A designee from the County Office of Emergency Services chairs the committee.
6. There is a lack of centralized coordination and implementation of services provided by volunteer organizations.
7. The County Department of Public Health publishes yearly results of disaster preparedness and public health monitoring of reportable diseases and biological incidents. The results are available online at www.schsa.org.
8. The Coroner's Facility has inadequate space for autopsies, storage of corpses and supplies and for meetings with staff and greeting families. The ventilation system is inadequate. The data processing, record keeping, computer equipment and communication systems are inadequate.

Despite these limitations, the Coroner's Facility personnel are meeting guidelines of the Emergency Operations Plan.

RECOMMENDATIONS

It is recommended that the Office of Emergency Services:

1. Seek methods to improve the level of collaboration with volunteer organizations.
2. Develop a plan to meet the needs of evacuees coming from surrounding regions when a state of emergency arises.
3. Update the data processing, record keeping, computer equipment and communication systems in the coroner's office.

It also is recommended that the master plan for an upgrade of the Coroner's Facility become a high priority.

RESPONSE REQUIRED per sections 933(c) and 933.05 of the California Penal Code

Stanislaus County Office of Emergency Services
Stanislaus County Department of Health
Stanislaus County Sheriff's Department
Stanislaus County Board of Supervisors

Appendices

WHAT IS THE CIVIL GRAND JURY?

- **The Civil Grand Jury is empowered to investigate complaints** from citizens, civic groups, government employees and others about the operations of county and city governments and the conduct of their officers and employees. The Civil Grand Jury may also investigate complaints about special districts and school districts.
- **The Grand Jury is the guardian of public trust in local government.** This is known as the “Civil Watchdog” function. The Grand Jury exists to assure honest and efficient government.
- **Certain functions of the Grand Jury are mandated by law**, such as examining the condition of the detention facilities within the county. The Grand Jury is mandated to audit the books, records and accounts of county offices and to contract for an outside auditor to conduct such audits.
- **Committees are formed to study citizen complaints.** The Grand Jury itself also selects additional areas that it wishes to study/investigate. The Grand Jury publishes its findings, conclusions and recommendations in a single report for each investigation.
- **Final Reports and Responses.** The complete set of all reports released in a given fiscal year constitutes the Final Report of the Civil Grand Jury. Each individual report is labeled as Part One, Part Two, etc. as each is a single part of the Final Report. Each separate report, and in turn the Final Report, is distributed to the public officials, libraries, and the press.
- Agencies or departments, which are the subjects of investigations, are required to respond to the findings and recommendations within 60 days, and 90 days in certain cases, from the date of the receipt of the report. All reports and responses are available for viewing on the Grand Jury website:
<http://www.stanct.org/courts/grandjury/index.html>.
- **Grand Jury Complaint Forms** may be obtained from the office. Complaints presented in the form of a letter will be accepted, but it is desirable to use the form whenever possible. A complaint form is also available from the website.
- **Grand Jury Confidentiality.** In all Grand Jury proceedings and investigations members and staff are sworn to maintain secrecy. All complaints are handled with the utmost confidentiality. The complainant’s name is never divulged or used in a written report.
- **While the Grand Jury is a part of the judicial system**, it is an entirely independent body. Whereas the State Attorney General, the Presiding Judge of the Superior Court, the District Attorney, and the County Counsel, may act as its

advisors, they cannot control the actions of the Grand Jury except to ensure legality. The Grand Jury is an institution not answerable to any administration, politician, or legislator. It is the overseer of the public interest.

- **The selection of the Civil Grand Jury is a process directed by the Presiding Judge** of the Superior Court and involves names which have been randomly selected from the master jury pool, names which have been submitted by community leaders, and those citizens requesting an application. Every person who responds (that meets initial requirements) in the affirmative that he or she wants to serve is afforded an interview with the Presiding Judge. The court seeks to select a cross section of the community based on geographical location, skills, age, sex and ethnic background. Out of those interviewed, the Judge selects 30 names. On July 1st, 19 names or fewer if there are “holdovers” from the prior term’s panel, and four alternates are drawn to become the new Civil Grand Jury. Civil Grand Jurors volunteer to serve for one fiscal year, or longer, as applicable for holdover jurors.

2006-2007 CIVIL GRAND JURY
SELECTION PROCESS

PHASE I: INITIAL SELECTION PROCESS

Letters mailed to:

- A. 400 names were randomly selected from the Master Jury Pool of 180,823 names.
- 6 responded interested (1.5%)
 - 12 responded interested but (3.0%)
were disqualified or withdrew
 - 185 responded not interested (46.25%)
 - 165 did not respond (41.25%)
 - 32 were returned as undeliver- (8.0%)
able
- B. 145 Community Leaders were asked to submit names.
- 13 responded with names (9.0%)
 - 132 did not respond (91.0%)
- C. 23 names were submitted by 145 Community/Union Leaders.
- 12 responded interested (52.2%)
 - 1 had already been contacted (4.3%)
and responded interested
 - 5 responded not interested (21.7%)
 - 2 were disqualified or withdrew (8.7%)
 - 2 did not respond (8.7%)
 - 1 was undeliverable (4.4%)
- D. 48 persons asked for an application to serve.
- 26 responded interested (54.2%)
 - 16 responded interested, but (33.3%)
later withdrew
 - 5 did not respond (10.4%)
 - 1 disqualified (2.1%)
- E. 31 persons from last years' selection process were contacted.
- 8 responded interested (25.8%)
 - 5 responded not interested (16.1%)
 - 17 did not respond (54.9%)
 - 1 was undeliverable (3.2%)

F. Persons from 15 cities received questionnaires via random selection.

<u>City</u>	<u>Number</u>	<u>Percentage</u>
Ceres	32	(8.0%)
Crows Landing	01	(.25%)
Denair	03	(.75%)
Hickman	06	(1.5%)
Hughson	04	(1.0%)
Keyes	02	(.5%)
La Grange	02	(.5%)
Modesto	202	(50.5%)
Newman	10	(2.5%)
Oakdale	24	(6.0%)
Patterson	15	(3.75%)
Riverbank	14	(3.5%)
Salida	18	(4.5%)
Turlock	57	(14.25%)
Waterford	10	(2.5%)
Total	400 random names	

G. Persons from 3 cities received questionnaires after having their names submitted by Community Leaders.

<u>City</u>	<u>Number</u>	<u>Percentage</u>
Modesto	17	(73.9%)
Patterson	04	(17.4%)
Turlock	02	(8.7%)
Total	23 submitted names	

H. Persons from 9 cities requested an application:

<u>City</u>	<u>Number</u>	<u>Percentage</u>
Ceres	02	(4.2%)
Denair	01	(2.1%)
Hughson	01	(2.1%)
Keyes	01	(2.1%)
Modesto	31	(64.6%)
Oakdale	04	(8.3%)
Riverbank	03	(6.2%)
Salida	01	(2.1%)
Turlock	04	(8.3%)
Total	48 requested an application	

I. Persons from 7 cities were contacted from last years' applicants:

<u>City</u>	<u>Number</u>	<u>Percentage</u>
Ceres	02	(6.5%)
Hughson	01	(3.2%)
Modesto	22	(70.9%)
Oakdale	02	(6.5%)
Riverbank	01	(3.2%)
Turlock	02	(6.5%)
Waterford	01	(3.2%)
Total	31 were contacted from last years' applicants	

PHASE II: INTERVIEWS:

- A. There were 64 prospective jurors scheduled for interviews. Fifty-one completed the interview process; 13 persons withdrew or did not appear.
- B. Of the 30 persons selected 21 were male and 9 were female.
- C. Of the 30 persons selected; 17 requested an application, 5 responded to a letter sent to last years' applicants for reapplication, 4 had their names submitted, and 4 names came from the random selection process.

PHASE III: THE FINAL NINETEEN:

- A. Eighteen names were drawn at random. One person was appointed Foreperson by the Presiding Judge. Four additional names were drawn as alternate members.
- B. Ten persons or (52.6%) requested an application, 3 persons (or 15.8%) from last year's selection process were contacted, 3 persons or (15.8%) were submitted by Community Leaders, and 3 persons or (15.8%) were from the random selection.

- C. The 19 members of the Civil Grand Jury for 2006-2007 come from the following cities and communities:

<u>City</u>	<u>Number</u>	<u>Percentage</u>
Denair	01	(5.3%)
Hickman	01	(5.3%)
Modesto	11	(57.9%)
Oakdale	03	(15.7%)
Salida	01	(5.3%)
Turlock	02	(10.5%)
Total	19 members	

- D. 11 (57.9%) are male, 8 (42.1%) are female.

- E. Occupations include the following: Homemaker, Retired Physician/Physician Administrator, US Marine Officer-State Education System, USDA employee, Retired School Psychologist/School Counselor, Retired Policeman, Retired School Counselor/Administrator, Retired worker of a Confectionery Corporation, General Manager of Poultry Grower and Processor, Accounts Receivable Supervisor, Business owner--mailing service, Registered Nurse, Field Representative, Retired Investigator, Insurance Broker/Agent, Deputy Sheriff/Custodial Sergeant, Construction Worker, Retired Sales Executive of Insurance Company, Retired Manager of County Agency



**STANISLAUS COUNTY CIVIL GRAND JURY
CITIZEN COMPLAINT FORM**

Post Office Box 3387, Modesto, California 95353 . (209) 558-7766 . Fax (209) 558-8170

THIS COMPLAINT IS AGAINST:

Name/Title

Organization

Address

City, State, Zip Code

Telephone

GJ OFFICE USE ONLY

DATE RECEIVED:

GRAND JURY CASE NUMBER:

COMMITTEE ASSIGNMENT:

MY COMPLAINT AGAINST THE ABOVE IS:

OTHER PERSONS OR AGENCIES CONTACTED:

DESCRIBE THE ACTION YOU WANT THE GRAND JURY TO TAKE:

COMPLAINANT

Name: _____

Address: _____
City/State Zip Code

Home Phone Number Work Phone Number

The information in this form is true, correct and complete to the best of my knowledge.

Signature _____ Date _____

**ALL COMMUNICATIONS TO THE GRAND JURY ARE CONFIDENTIAL
(See back for instructions)**

MISSION STATEMENT:

The primary function of the civil grand jury is to provide unbiased oversight and to investigate complaints from citizens about the operations of county and city government, school districts and special districts, as required by law. The grand jury assures citizens that government is operating efficiently and in an ethical, honest manner. The grand jury investigates policies and procedures and makes recommendations to improve local governmental operations.

INVESTIGATIONS:

The civil grand jury conducts three types of investigations.

- **Mandatory investigations**--those that the California Penal Code requires the grand jury to undertake.
- **Discretionary investigations**--those over which the legislature has given the grand jury jurisdiction, but has stated it is not required.
- **Citizen complaints**--those complaints within the jurisdiction of the grand jury received from a citizen. The statutes preclude the grand jury from considering complaints on matters currently before the court, matters that are the subject of litigation, matters involving agencies located outside the county, matters involving privately held companies and matters involving the fiscal and administrative operations of the Superior Court.

ACCEPTANCE:

Anyone may ask the grand jury to investigate. Whether the jury chooses to investigate such a complaint is entirely in its discretion. Deciding factors include such things as determining if the complaint falls within the jurisdiction of the grand jury, if the facts warrant an investigation, whether the jury has sufficient time to conduct a proper investigation, and if a previous grand jury has already reviewed the topic of the complaint.

FINAL REPORTS:

The findings and recommendations of those complaints and issues the jury chooses to study are published in a final report. Reports are distributed to public officials and to the community at large through the media, public libraries and the Internet. Statutes require the entities reported on to respond.

CONFIDENTIALITY:

In all its proceedings and investigations the grand jury is sworn to maintain complete secrecy. The members of the grand jury apply the same objective standard of conduct and responsibility to all persons and entities, and are not influenced by sentiment, conjecture, sympathy, public feelings, passion, or prejudice.

TERM OF SERVICE:

The grand jury's term of service begins July 1st and ends June 30th of the following year.

PROCESS:

The grand jury will acknowledge receipt of your complaint. Mail the form to: **Stanislaus County Grand Jury, Post Office Box 3387, Modesto, California 95353.**

ACTION REQUESTED:

Please identify the specific problem and describe the circumstances. Present your complaint with all available evidence and submit copies of relevant documents. Attach additional pages if necessary.

HOW THE GRAND JURY PROCESSES A COMPLAINT

- All complaints should be submitted in writing and signed. There is a complaint form available for citizen use. Complaints are the property of the full grand jury. (See sample complaint form.)
- The grand jury may choose to examine or to disregard anonymous complaints.
- As soon as possible after a complaint is received, the foreperson will determine if the complaint is within the jurisdiction of the grand jury. If deemed acceptable, the complaint will be entered into the computer database and an office file and a case-tracking sheet prepared. The foreperson will then assign it to the appropriate committee. Each member of the grand jury will receive a synopsis of the new case printed from the database that will be distributed at the next full panel meeting. All members of the committee will receive a complete copy of the complaint.
- All complaints will be assigned a file number. The computer database and the office file will both reflect the same number. To keep track of the complaints for a particular fiscal year, the following numbering system was devised.

Example: 07-01-C. All complaints for the fiscal year 2006-2007 would be given an 07 number. The numbers following the year signify the sequential order in which that complaint was received. The letter(s) following the numbers designate the following:

C	Citizen
GJ	Grand jury initiated investigation
C.C.	Case closed

Example: 07-14-C. Fiscal year 2006-2007, 14th case received, from a citizen.

Example: 07-12-C.C. Fiscal year 2006-2007, 12th case received, case closed.

- All complaints are acknowledged in writing. The letter is signed by the foreperson and acknowledges receipt of the complaint. Each jury can prepare its own letter.
- The jurors to whom the case has been assigned investigate the complaint more thoroughly to determine whether it is legitimate, has substance, and is within the jurisdiction of the grand jury. During this preliminary investigation, the case is in **PHASE 0**. If all three concerns are answered affirmatively, the committee will recommend to the full panel to accept the case. If not, the case will be presented to the grand jury for a vote to reject it.
- If the case is closed due to lack of validity or jurisdiction then no report is written. **PHASE 1**.

- Once the complaint has been judged worthy of investigation, the committee to whom it has been assigned will meet to determine how to conduct their investigation. The case has been accepted and is now in **PHASE 2**.
- The assigned committee will conduct all proceedings in the handling of the complaint. No other jury member should engage in activity regarding the complaint unless requested by the committee chairperson. Any jury member having information regarding aspects of the complaint or complainant should inform the chairperson. The committee chairperson will advise the foreperson of ongoing activities and review progress with the full panel at the regular meeting.
- The committee should consider interviewing the complainant(s) first. By interviewing the complainant, the committee can receive a more detailed explanation of the complaint and it allows the complainant to bring in additional documents supporting the allegations. The subject of the complaint should also be interviewed during the investigation. All witnesses interviewed will be sworn to tell the whole truth and will be admonished not to reveal to anyone what he or she or the grand jury said during the interview.
- Part of the investigation may involve reading or reviewing documents. Examples are *minutes of meetings, agendas, certificates, licenses and court orders*. Jurors are encouraged to visit the office, site or facility being investigated. The committee can make an appointment, or show up unannounced as long as there are at least two panel members. Jurors must wear their grand jury identification badge when making a site visit.
- At the conclusion of the investigation, those most intimately involved with the case will write the final report.
- During the writing of the report, the case is in **PHASE 3**.
- Once the investigating committee has written the final report, it will be distributed to the Editorial Committee. **PHASE 4**.
- The report is put on the Full Panel Agenda and read and approved by the full grand jury. **PHASE 5**.
- The Presiding Judge reads and approves the report for accurate legal content. **PHASE 6**.
- Once the report has been approved and signed off by the Presiding Judge, the case is closed--**PHASE 7**. The grand jury publishes its findings, conclusions and recommendations in a single report for each investigation. The complete set of all reports released in a given fiscal year is the Final Report of the civil grand jury. Each individual report is labeled as Part One, Part Two, etc. as each is a single part of the Final Report. The approved report is released to the entity in question two working days prior to it being released to the public and the press. The bound final report released at the end of the fiscal year will include all those reports released separately.

- A closing letter will be written informing the complainant that the investigation is completed. The complainant receives a copy of the Final Report once it becomes public.
- The entity who is asked to respond to the findings and recommendations have 90 days to submit a response. Elected officials have 60 days to respond.
- All Final Reports will be available for public review on the civil grand jury website located at: <http://www.stanct.org/courts/grandjury/index.html>.
- Response received from the entity--**PHASE 8**. Response added to the response book in the grand jury library and added to the website. The fact that the response has been received is noted in the database.
- The response is also given to the Follow Up Committee for review and discussion at a full panel meeting. The response is also mailed to members of the outgoing grand jury if that panel conducted the investigation.

Summary of Investigation Process

<u>Phase</u>	<u>Definition</u>
Phase 0	Preliminary investigation to establish validity and proper jurisdiction.
Phase 1	Case closed due to lack of validity or jurisdiction. No report written.
Phase 2	Case accepted. Committee investigating complaint.
Phase 3	Committee is writing the Final Report.
Phase 4	Editorial is editing the Final Report
Phase 5	Grand Jury reads and approves the Final Report
Phase 6	Presiding Judge reads and approve the Final Report
Phase 7	Grand Jury votes to close the case. The Final Report is released to the entity two working days prior to it being released to the public.
Phase 8	Response received from the entity.

HOW TO RESPOND TO RECOMMENDATIONS

Responses

The California Penal Code §933(e) specifies both the deadline by which responses shall be made to the Civil Grand Jury Final Report recommendations, and the required content of those responses.

Deadline for Responses

All agencies to which recommendations are made are directed to respond to the Presiding Judge of the Stanislaus County Superior Court,

- Not later than 90 days after the Civil Grand Jury submits a final report on the operations of a public agency, the governing body of that agency shall respond to the findings and recommendations pertaining to the operations of that agency.
- Not later than 60 days after the Civil Grand Jury submits a final report on the operation of a County agency, the elected head governing that agency shall respond to the findings and recommendations pertaining to the operations of their agency.
- Information copies of responses pertaining to matters under the control of a county officer or agency are to be sent to the Board of Supervisors.
- A copy of all responses to the Civil Grand Jury reports shall be placed on file with the clerk of the public agency and the Office of the County Clerk, or the city clerk when applicable.
- One copy shall be placed on file with the applicable Civil Grand Jury by, and in the control of, the currently impaneled Grand Jury, where it shall be maintained for a minimum of five years.

Content of Responses

For each Civil Grand Jury recommendation, the responding person or entity shall report one of the following actions:

- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame if it is to be implemented later.
- The recommendation will not be implemented because it is unwarranted or unreasonable, with supportive explanation.

**RESPONSES TO THE FINAL REPORT
RECOMMENDATIONS ARE SENT IN THE FORM OF
AN ORIGINAL AND THREE (3) COPIES TO:**

**Superior Court - Stanislaus County
Presiding Judge Donald E. Shaver
PO Box 3488
Modesto, CA 95353**