

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # \*B-2

Urgent

Routine

AGENDA DATE August 2, 2011

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Consideration and Approval of Response to the 2010-2011 Stanislaus County Civil Grand Jury Final Report - 11-10C Stanislaus County Sheriff

STAFF RECOMMENDATIONS:

1. Accept the response to the Grand Jury Final Report with any modifications made after consideration by the Board of Supervisors and authorize the Chairman of the Board to forward the response to the Presiding Judge of the Superior Court by August 3, 2011.
2. Direct the Chief Executive Officer to ensure that the recommended actions by the Board of Supervisors be followed and completed by the subject County Departments and report back to the Board as appropriate.

FISCAL IMPACT:

There is no direct fiscal impact associated with this response.

BOARD ACTION AS FOLLOWS:

No. 2011-463

On motion of Supervisor Withrow, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

This Item was removed from the consent calendar for discussion and consideration.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. M-39-M-4

**DISCUSSION:**

The Board of Supervisors received from the 2010-2011 Stanislaus County Grand Jury Report 11-10C regarding the Stanislaus County Sheriff and Report 11-15C regarding the Community Services Agency – Child Protective Services. The Grand Jury did not request a response regarding the Community Services Agency – Child Protective Services report. The Board of Supervisors was requested to respond to Report 11-10C regarding the Stanislaus County Sheriff. The Sheriff's response to this report is attached.

**Civil Grand Jury 2010-11 Case #11-10C - Stanislaus County Sheriff**

The Stanislaus County Civil Grand Jury finds the following:

**Finding 1:** The Stanislaus County Civil Grand Jury finds the Stanislaus County Sheriff violated Government Code section 3206.

**Response:** Neither agrees or disagrees. The Board of Supervisors is not knowledgeable about the events that supports the Grand Jury's finding and, therefore can neither agree, nor disagree with the findings. The Board of Supervisors acknowledges that these types of meetings could be viewed as political activities. On the other hand, many actions of an elected Sheriff can be viewed as a political activity and Section 3206 does not define or clarify what is or is not a political activity. A clear line identifying what is a prohibited political activity could and should be defined by the State Legislature to ensure compliance with the law.

**Finding 2:** The Stanislaus County Civil Grand Jury finds no evidence to support the allegation that the Sheriff ignored the "cease and desist" letter from the Stanislaus Sworn Deputies' Association.

**Response:** Agrees.

**Finding 3:** The Stanislaus County Civil Grand Jury finds that the "Hatch Act" does not apply in this matter.

**Response:** Agrees.

**Finding 4:** The Stanislaus County Civil Grand Jury finds the Stanislaus County Sheriff did not violate California Labor Code section 1101.

**Response:** Agrees.

**Finding 5:** The Stanislaus County Civil Grand Jury finds the Stanislaus County Sheriff did not violate California Government Code section 3506.

**Response:** Agrees.

**Recommendations for the Stanislaus County Sheriff:**

The Stanislaus County Civil Grand Jury recommends the following:

**Recommendation 1:** It is the recommendation of the Stanislaus County Civil Grand Jury that the Sheriff and successors refrain from wearing a uniform while participating in any political activity.

**Response:** Agrees.

**POLICY ISSUE:**

Pursuant to California law, the Board of Supervisors must respond to the Presiding Judge of the Superior Court no later than 90 days after submittal of the Final Report of the Civil Grand Jury. Adoption of this response meets this requirement.

**STAFFING IMPACTS:**

County Departments that are subjects of the Grand Jury Reports are required to prepare a response to the findings and recommendations of the Grand Jury. Existing staff has prepared the recommended response.

**CONTACT PERSON:**

Patricia Hill Thomas, Chief Operations Officer Telephone: (209) 525-6333.



SHERIFF'S DEPARTMENT  
Adam Christianson, Sheriff-Coroner

May 9, 2011

ADMINISTRATION  
DIVISION

The Honorable Ricardo Cordova, Presiding Judge  
Stanislaus County Superior Court  
P.O. Box 3488  
Modesto CA 95353

Re: Response to Grand Jury Report 11-10C

Dear Judge Cordova:

I am in receipt of the Stanislaus County Civil Grand Jury's completed report "The Stanislaus County Sheriff Case #11-10C."

Pursuant to Penal Code Sections 933(c) and 933.05 the following is my response.

**Findings:**

F1. The Stanislaus County Civil Grand Jury finds the Stanislaus County Sheriff violated Government Code section 3206.

**Response:** The respondent disagrees with the finding.

While I appreciate the time and effort of the Civil Grand Jury, I respectfully disagree with their conclusion that discussing public safety issues with those I command or with The Modesto Bee Editorial Board is a political event. Neither of the appearances mentioned were open to the public and both discussions were focused on budget, staffing, resource allocation, area command/decentralization, promotional/assignment decisions, crime rates, management decisions and other departmental/community related public safety issues.

F2. The Stanislaus County Civil Grand Jury finds no evidence to support the allegation that the Sheriff ignored the "cease and desist" letter from the Stanislaus Sworn Deputies' Association.

**Response:** The respondent agrees with the finding.

F3. The Stanislaus County Civil Grand Jury finds that the "Hatch Act" does not apply in this matter.

**Response:** The respondent agrees with the finding.



F4. The Stanislaus County Civil Grand Jury finds the Stanislaus County Sheriff did not violate California Labor Code section 1101.

**Response:** The respondent agrees with the finding.

F5. The Stanislaus County Civil Grand Jury finds the Stanislaus County Sheriff did not violate California Government Code section 3506.

**Response:** The respondent agrees with the finding.

**Recommendations:**

R1. It is the recommendation of the Stanislaus County Civil Grand Jury that the Sheriff and successors refrain from wearing a uniform while participating in any political activity.

**Response:** The respondent agrees with the recommendation and intends to implement the recommendation.

The Office of the Sheriff is a constitutionally elected office and can only be held by a peace officer as defined by the California Penal Code and the Peace Officers Standards & Training. The Sheriff is the chief law enforcement officer in the County and as such, the uniform is part of the job.

The duties and responsibilities of the Sheriff are very demanding and often times require a constant presence in the community. The Office of the Sheriff is a non-partisan elective office and one that frequently is involved in political issues or issues that have political significance. I did not perceive that discussing departmental/community related public safety issues with those I command or with The Modesto Bee Editorial Board, in a forum that was not open to the voters or the public at large, would be considered a "political activity."

I understand the Civil Grand Jury's concern that those events could be considered a political activity and in the future, I will make every effort to avoid the appearance of "participating in any political activity" while in uniform.

Sincerely,



ADAM CHRISTIANSON  
Sheriff-Coroner

cc: Supervisor Dick Monteith, Chairman, Stanislaus County Board of Supervisors  
Denis D. France, Foreperson, Stanislaus County Civil Grand Jury  
Richard W. Robinson, Chief Executive Officer, Stanislaus County