

STANISLAUS COUNTY CIVIL GRAND JURY

FINAL REPORT 2019-2020



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The 2019-2020 Stanislaus County Civil Grand Jury is issuing its reports during the unprecedented conditions of the global COVID-19 pandemic.



Stanislaus County Civil Grand Jury

Post Office Box 3387 • Modesto, California 95353 • (209) 525-4252 • Fax (209) 558-8170

May 19, 2020

The Honorable Dawna Reeves
Presiding Judge of the Superior Court
800 11th Street
Modesto, CA 95354

Dear Judge Reeves,

The 2019-2020 Stanislaus County Civil Grand Jury is pleased to submit the final report of the investigations regarding issues submitted by members of the public, initiated by the civil grand jury, and inspections of law enforcement facilities.

The jurors were thoughtful in their consideration of each investigation and diligent in the pursuit of information through research, interviews and facility tours. The jurors should be commended for the dedication and attention to detail that resulted in this final report. It has been an honor to work with these jurors and to serve as the foreperson of this year's civil grand jury.

On behalf of the entire civil grand jury, I would like to thank you, the Court Executive Officer/Jury Commissioner, the County Counsel, the District Attorney and the Civil Grand Jury Assistant for the guidance and advice we received.

Sincerely,

Judy Navarro
Foreperson



Foreperson.....Judy Navarro
Foreperson Pro Tem.....William Bishop
Recording Secretary.....Marsha Lovelace
Sergeant-at-Arms.....Cheryl Mason

GRAND JURY PANEL

William Bishop	Modesto	Jim McKay	Modesto
Kathy Carr	Hughson	Judy Navarro	Modesto
Lee Ervin	Modesto	Bruce Norris	Modesto
Charlie Gaines	Turlock	H. Carol Perry	Denair
Karen Grenbeaux	Modesto	Norman Porges	Modesto
Eileen Hamilton	Turlock	Larry Sanders	Turlock
Mickey Johnson	Modesto	Alan Seliger	Turlock
Curtis Lineberger	Oakdale	LeRoy Shockey	Turlock
Marsha Lovelace	Modesto	Mary Wise	Modesto
Cheryl Mason	Salida		

**Summary of Responses
to the 2018-2019
Stanislaus County Civil Grand Jury's
Final Reports**

Summary of Responses to the 2018-2019 Stanislaus County Civil Grand Jury's Final Report

SUMMARY

Each year the Stanislaus County Civil Grand Jury (SCCGJ) issues a report with findings and recommendations directed to Stanislaus County officials, agencies, municipal and other public entities. The Continuity Committee's responsibility is to monitor the filing of responses to the previous year's grand jury report and advise the current grand jury if those responses are complete and legally sufficient, or if additional follow-up is necessary.

BACKGROUND

California Penal Code §933(a) requires the civil grand jury to "submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year." §933(c) requires comments from the governing body, elected county officers, or agency heads to the presiding judge of the superior court on the findings and recommendations within a required time period. 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 and agency heads are required to respond no later than 60 days after the civil grand jury submits a final report.

All SCCGJ reports and the responses can be viewed on the following website: stanct.org/final-reports.

METHODOLOGY

The responses and comments submitted concerning reports issued by the 2018-2019 civil grand jury were evaluated by the 2019-2020 civil grand jury. A review of California Penal Code §933.05(b) requires responses to both findings and recommendations. Responses to findings include one of the following:

1. Agrees
2. Agrees partially
3. Disagrees wholly

Responses to recommendations include one of the following:

1. Has implemented the recommendation
2. Will implement the recommendation
3. Further analysis is needed
4. Will not implement the recommendation/other

California Penal Code §933.05(b)(3) requires that respondents indicating "further analysis is needed" must conclude such study within six months from the date of the publication of the civil grand jury report.

GLOSSARY

BOD	Burbank-Paradise Fire District Board of Directors
BOS	Stanislaus County Board of Supervisors
RV	Stanislaus County Registrar of Voters
SCCGJ	Stanislaus County Civil Grand Jury
SCSD	Stanislaus County Sheriff Department
StanCOG	Stanislaus County Council of Governments
n/a	non applicable

The SCCGJ developed a chart to track responses from county officials, agencies, municipal and other public entities. The following charts reflect each entity's responses to the findings and recommendations of the 2018-2019 SCCGJ final report.

Stanislaus County Sheriff Citizen Complaints Case # 19-01C

<u>Reason for Investigation</u>
Stanislaus County Civil Grand Jury (SCCGJ) received a complaint describing mistreatment of some residents in the City of Patterson by Stanislaus County Sheriff's deputies. Allegedly the residents' concerns were not <u>handled well</u> by Sheriff's staff.
<u>Agencies Asked to Respond</u>
❖ Stanislaus County Sheriff..... F1 - F6, and R1, R2, R4
❖ City of Hughson..... F3, F5, R2, R3
❖ City of Patterson..... F5, R3, R4
❖ City of Riverbank..... F5, R3, R4
❖ City of Waterford..... R3, R4
<u>Agencies Invited to Respond</u>
❖ Stanislaus County Board of Supervisors
❖ City of Hughson Police Chief
❖ City of Patterson Police Chief
❖ City of Riverbank Police Chief
❖ City of Waterford Police Chief

Findings	Agree w/ Finding	Agree Partially	Disagree Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other*
Stanislaus County Sheriff								
F1. SCSD has an established complaint procedure that complies with California Penal Code §832.5.	X			R1. SCSD staff should apply the citizen complaint policies and procedures consistently.		X		
F2. Established complaint policies and procedures are inconsistently followed at SCSD field offices.	X			R2. SCSD should improve public access to citizen complaint forms by making them readily available both online and in offices in English and Spanish.		X		
F3. SCSD office in Hughson office staff impedes the citizen complaint process by limiting the access to the paper form.		X		R3. Cities of Hughson, Patterson, Riverbank and Waterford should update police department website homepages to include direct links to SCSD citizen complaint forms.	n/a	n/a	n/a	n/a
F4. Citizen Complaint forms were available in English only at all SCSD offices impeding complainant access.	X			R4. All SCSD offices should purge all citizen complaint forms not compliant with the 9th Circuit Court of Appeals ruling in Chaker v. Crogan.		X		
F5. Electronic access to SCSD Citizen Complaint forms is not readily available on the websites of Hughson, Riverbank, Patterson and Waterford.		X						
F6. SCSD Citizen Complaint forms not compliant with the 9th Circuit Court ruling Chaker v. Crogan are still in use at the SCSD office in Patterson.	X							

Conclusion

The 2019-2020 SCCGJ is satisfied with the Stanislaus County Sheriff's response. The response was received within the time frame stipulated by the California Penal Code §955(c).

Findings	Agree w/ Finding	Agree Partially	Disagree Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other*
City of Hughson								
F1. SCSD has an established complaint procedure that complies with California Penal Code §832.5.	n/a	n/a	n/a	R1. SCSD staff should apply the citizen complaint policies and procedures consistently.	n/a	n/a	n/a	n/a
F2. Established complaint policies and procedures are inconsistently followed at SCSD field offices.	n/a	n/a	n/a	R2. SCSD should improve public access to citizen complaint forms by making them readily available both online and in offices in English and Spanish.	X			
F3. SCSD office in Hughson office staff impedes the citizen complaint process by limiting the access to the paper form.		X		R3. Cities of Hughson, Patterson, Riverbank and Waterford should update police department website homepages to include direct links to SCSD citizen complaint forms.	X			
F4. Citizen Complaint forms were available in English only at all SCSD offices impeding complainant access.	n/a	n/a	n/a	R4. All SCSD offices should purge all citizen complaint forms not compliant with the 9th Circuit Court of Appeals ruling in Chaker v. Crogan.	n/a	n/a	n/a	n/a
F5. Electronic access to SCSD Citizen Complaint forms is not readily available on the websites of Hughson, Riverbank, Patterson and Waterford.		X						
F6. SCSD Citizen Complaint forms not compliant with the 9th Circuit Court ruling Chaker v. Crogan are still in use at the SCSD office in Patterson.	n/a	n/a	n/a					

Conclusion

The 2019-2020 SCCGJ is satisfied with the City of Hughson's response. The response was received within the time frame stipulated by the California Penal Code §955(c).

Findings	Agree w/ Finding	Agree Partially	Disagree Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other*
City of Riverbank								
F1. SCSD has an established complaint procedure that complies with California Penal Code §832.5.	n/a	n/a	n/a	R1. SCSD staff should apply the citizen complaint policies and procedures consistently.	n/a	n/a	n/a	n/a
F2. Established complaint policies and procedures are inconsistently followed at SCSD field offices.	n/a	n/a	n/a	R2. SCSD should improve public access to citizen complaint forms by making them readily available both online and in offices in English and Spanish.	n/a	n/a	n/a	n/a
F3. SCSD office in Hughson office staff impedes the citizen complaint process by limiting the access to the paper form.	n/a	n/a	n/a	R3. Cities of Hughson, Patterson, Riverbank and Waterford should update police department website homepages to include direct links to SCSD citizen complaint forms.		X		
F4. Citizen Complaint forms were available in English only at all SCSD offices impeding complainant access.	n/a	n/a	n/a	R4. All SCSD offices should purge all citizen complaint forms not compliant with the 9th Circuit Court of Appeals ruling in Chaker v. Crogan.	X			
F5. Electronic access to SCSD Citizen Complaint forms is not readily available on the websites of Hughson, Riverbank, Patterson and Waterford.	X							
F6. SCSD Citizen Complaint forms not compliant with the 9th Circuit Court ruling Chaker v. Crogan are still in use at the SCSD office in Patterson.	n/a	n/a	n/a					

Conclusion

The 2019-2020 SCCGJ is satisfied with the City of Riverbank's response. The response was received within the time frame stipulated by the California Penal Code §955(c).

Findings	Agree w/ Finding	Agree Partially	Disagree Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other*
City of Waterford								
F1. SCSD has an established complaint procedure that complies with California Penal Code §832.5.	n/a	n/a	n/a	R1. SCSD staff should apply the citizen complaint policies and procedures consistently.	n/a	n/a	n/a	n/a
F2. Established complaint policies and procedures are inconsistently followed at SCSD field offices.	n/a	n/a	n/a	R2. SCSD should improve public access to citizen complaint forms by making them readily available both online and in offices in English and Spanish.	n/a	n/a	n/a	n/a
F3. SCSD office in Hughson office staff impedes the citizen complaint process by limiting the access to the paper form.	n/a	n/a	n/a	R3. Cities of Hughson, Patterson, Riverbank and Waterford should update police department website homepages to include direct links to SCSD citizen complaint forms.	X			
F4. Citizen Complaint forms were available in English only at all SCSD offices impeding complainant access.	n/a	n/a	n/a	R4. All SCSD offices should purge all citizen complaint forms not compliant with the 9th Circuit Court of Appeals ruling in Chaker v. Crogan.	X			
F5. Electronic access to SCSD Citizen Complaint forms is not readily available on the websites of Hughson, Riverbank, Patterson and Waterford.	n/a	n/a	n/a					
F6. SCSD Citizen Complaint forms not compliant with the 9th Circuit Court ruling Chaker v. Crogan are still in use at the SCSD office in Patterson.	n/a	n/a	n/a					

Conclusion

The 2019-2020 SCCGJ is satisfied with the City of Waterford's response. The response was received within the time frame stipulated by the California Penal Code §955(c).

**City of Modesto Overspending
What's Happening Now?
Case # 19-02C**

Reason for Investigation

The 2018-2019 Stanislaus County Civil Grand Jury (SCCGJ) investigation into overspending by the City of Modesto was prompted by a citizen complaint. Several factors contributed to the City of Modesto finding itself in this situation including understaffing, lack of training, underutilization of internal computer systems and lack of adherence to policies and procedures. Understaffing began as a result of the 2008-2009 recession. Several positions were not filled when vacated. Additionally, some management and department head positions were filled only on an interim basis. Staff who were assigned with purchasing goods and services, or creating contracts, were not fully trained to understand both the limits and conditions of their responsibilities. Finally, no internal alerts were utilized within the City of Modesto's Oracle Computer System to signal approaching termination dates and monetary limits of contracts. SCCGJ also found that City of Modesto staff did not follow the City Municipal Code or the city's purchasing manual when monitoring or getting authorization for contracts. This was a practice that had continued from 2012-2017. Some contracts were paid after termination dates. Others were paid exceeding the limits established by the Municipal Code, without City Council resolution.

Agencies Asked to Respond

- ❖ Modesto City Manager.....**F1 – F7, and R1 – R6**
- ❖ Modesto City Council.....**F8 and R7**
- ❖

Findings	Agree w/ Finding	Agree Partially	Disagree Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other*
Modesto City Manager								
F1. Several high-level and interim positions within the City of Modesto have now been filled.	X			R1. The City of Modesto should continue to maintain adequate staff who will enter specific contract information and generate reports using the Oracle Computer System..	X			

Findings	Agree w/ Finding	Agree Partially	Disagree Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other*
F2. The number of staff positions within the City of Modesto currently meets the contract monitoring needs of the city.	X			R2. The finance department should continue to conduct monthly meetings to assure contract compliance...	X			
F3. Staff now receive monthly training regarding standardized policies and procedures.	X			R3. As required by the Modesto City Charter and the Modesto Municipal Code, regular meetings with all city division heads should occur to ensure that contracts nearing monetary or time limits are reported to the Modesto City Council.	X			
F4. The purchasing procedures manual has not been revised since March 2007.			X	R4. Both of the Purchasing Division's written policy and procedures manuals should be finalized by September 30, 2019.	X			
F5. The purchasing manual has not been revised since July 2009.			X	R5. Staff responsible for purchases and contracts should follow the City of Modesto policy and procedures manual and the Modesto Municipal Code.	X			
F6. The City of Modesto's purchasing division now has safeguards in effect with regard to contract approvals.	X			R6. Purchasing and finance department staff should receive specific orientation and refresher training regarding utilization of the Oracle Computer System.	X			
F7. The City of Modesto's purchasing division now enters and monitors contract information within the Oracle Computer System.	X			R7. The Modesto City Council should begin the process of recruiting and hiring a new City Auditor as required by the Modesto Municipal Code §902.1, no later than September 30, 2019.		X		

Findings	Agree w/ Finding	Agree Partially	Disagree Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other*
F8. The position of City Auditor remains vacant as of the date of this report..	X							

Conclusion

The 2019-2020 SCCGJ is satisfied with the Modesto City Manager's response. The response was received within the time frame stipulated by the California Penal Code §955(c).

Findings	Agree w/ Finding	Agree Partially	Disagree Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other*
Modesto City Council								
F1. Several high-level and interim positions within the City of Modesto have now been filled.	n/a	n/a	n/a	R1. The City of Modesto should continue to maintain adequate staff who will enter specific contract information and generate reports using the Oracle Computer System..	n/a	n/a	n/a	n/a
F2. The number of staff positions within the City of Modesto currently meets the contract monitoring needs of the city.	n/a	n/a	n/a	R2. The finance department should continue to conduct monthly meetings to assure contract compliance...	n/a	n/a	n/a	n/a

Findings	Agree w/ Finding	Agree Partially	Disagree Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other*
F3. Staff now receive monthly training regarding standardized policies and procedures.	n/a	n/a	n/a	R3. As required by the Modesto City Charter and the Modesto Municipal Code, regular meetings with all city division heads should occur to ensure that contracts nearing monetary or time limits are reported to the Modesto City Council.	n/a	n/a	n/a	n/a
F4. The purchasing procedures manual has not been revised since March 2007.	n/a	n/a	n/a	R4. Both of the Purchasing Division's written policy and procedures manuals should be finalized by September 30, 2019.	n/a	n/a	n/a	n/a
F5. The purchasing manual has not been revised since July 2009.	n/a	n/a	n/a	R5. Staff responsible for purchases and contracts should follow the City of Modesto policy and procedures manual and the Modesto Municipal Code.	n/a	n/a	n/a	n/a
F6. The City of Modesto's purchasing division now has safeguards in effect with regard to contract approvals.	n/a	n/a	n/a	R6. Purchasing and finance department staff should receive specific orientation and refresher training regarding utilization of the Oracle Computer System.	n/a	n/a	n/a	n/a
F7. The City of Modesto's purchasing division now enters and monitors contract information within the Oracle Computer System.	n/a	n/a	n/a	R7. The Modesto City Council should begin the process of recruiting and hiring a new City Auditor as required by the Modesto Municipal Code §902.1, no later than September 30, 2019.	X			
F8. The position of City Auditor remains vacant as of the date of this report.	X							

Conclusion

The 2019-2020 SCCGJ is satisfied with the Modesto City Council's response. The response was received within the time frame stipulated by the California Penal Code §955(c).

**Is Measure L Measuring Up?
Case # 19-07GJ**

Reason for Investigation

The Stanislaus County Civil Grand Jury (SCCGJ) chose to open an investigation of Measure L after reading various stories, opinion pieces, and letters-to-the-editor in local newspapers and online sources. SCCGJ's intent of this investigation was to determine whether Measure L special sales tax dollars are spent as intended. Taxpayers often question if government decision-making exists for the benefit of the public; the SCCGJ wondered the same.

Agencies Asked to Respond

- ❖ StanCOG.....**F1, F2**
 - ❖ City of Ceres.....**F1 – F5 and R1, R2**
 - ❖ City of Patterson.....**F1 – F5 and R1, R2**
 - ❖ City of Turlock.....**F1 – F5 and R1, R2**
-

Agencies Invited to Respond

- ❖ Ceres City Council
- ❖ Hughson City Council
- ❖ Modesto City Council
- ❖ Newman City Council
- ❖ Oakdale City Council
- ❖ Patterson City Council
- ❖ Riverbank City Council
- ❖ Turlock City Council
- ❖ Waterford City Council
- ❖ Stanislaus County Board of Supervisors

Findings	Agree w/ Finding	Agree Partially	Disagree Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other*
StanCOG								
F1. StanCOG developed a thorough, all-inclusive special sales tax program in Measure L which benefits all of Stanislaus County.	X			R1. Local jurisdiction personnel managing the planning and engineering of Measure L projects need to familiarize themselves with the budget and finance portions of Measure L as written in the Master Funding Agreement and Policies and Procedures.	n/a	n/a	n/a	n/a
F2. After Stanislaus County voters approved Measure L in November 2016, both StanCOG and local jurisdictions moved quickly to implement the program.	X			R2. Per the requirements of Measure L, Ceres, Patterson, and Turlock websites must contain information for the public noting accomplishments and project progress. A webpage or a link to a department webpage should be developed by December 31, 2019....	n/a	n/a	n/a	n/a
F3. Ceres, Patterson, and Turlock have completed, or are in the process of completing, initial capital improvement projects approved by StanCOG. All three cities are meeting project goals.	n/a	n/a	n/a					
F4. City projects management lack detailed knowledge regarding Measure L funding.	n/a	n/a	n/a					
F5. Ceres, Patterson, and Turlock have not developed a dedicated Measure L webpage on the cities' websites.	n/a	n/a	n/a					

Conclusion

The 2019-2020 SCCGJ is satisfied with the StanCOG's response. The response was received within the time frame stipulated by the California Penal Code §955(c).

Findings	Agree w/ Finding	Agree Partially	Disagree Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other*
City of Ceres								
F1. StanCOG developed a thorough, all-inclusive special sales tax program in Measure L which benefits all of Stanislaus County.	X			R1. Local jurisdiction personnel managing the planning and engineering of Measure L projects need to familiarize themselves with the budget and finance portions of Measure L as written in the Master Funding Agreement and Policies and Procedures.	X			
F2. After Stanislaus County voters approved Measure L in November 2016, both StanCOG and local jurisdictions moved quickly to implement the program.	X			R2. Per the requirements of Measure L, Ceres, Patterson, and Turlock websites must contain information for the public noting accomplishments and project progress. A webpage or a link to a department webpage should be developed by December 31, 2019....		X		
F3. Ceres, Patterson, and Turlock have completed, or are in the process of completing, initial capital improvement projects approved by StanCOG. All three cities are meeting project goals.	X							
F4. City projects management lack detailed knowledge regarding Measure L funding.	X							
F5. Ceres, Patterson, and Turlock have not developed a dedicated Measure L webpage on the cities' websites.	X							

Conclusion

The 2019-2020 SCCGJ is satisfied with the City of Ceres' response. The response was received within the time frame stipulated by the California Penal Code §955(c).

Findings	Agree w/ Finding	Agree Partially	Disagree Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other*
City of Patterson								
F1. StanCOG developed a thorough, all-inclusive special sales tax program in Measure L which benefits all of Stanislaus County.	X			R1. Local jurisdiction personnel managing the planning and engineering of Measure L projects need to familiarize themselves with the budget and finance portions of Measure L as written in the Master Funding Agreement and Policies and Procedures.	X			
F2. After Stanislaus County voters approved Measure L in November 2016, both StanCOG and local jurisdictions moved quickly to implement the program.	X			R2. Per the requirements of Measure L, Ceres, Patterson, and Turlock websites must contain information for the public noting accomplishments and project progress. A webpage or a link to a department webpage should be developed by December 31, 2019....	X			
F3. Ceres, Patterson, and Turlock have completed, or are in the process of completing, initial capital improvement projects approved by StanCOG. All three cities are meeting project goals.	X							
F4. City projects management lack detailed knowledge regarding Measure L funding.			X					
F5. Ceres, Patterson, and Turlock have not developed a dedicated Measure L webpage on the cities' websites.	X							

Conclusion

The 2019-2020 SCCGJ is satisfied with the City of Patterson's response. The response was received within the time frame stipulated by the California Penal Code §955(c).

Findings	Agree w/ Finding	Agree Partially	Disagree Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other*
City of Turlock								
F1. StanCOG developed a thorough, all-inclusive special sales tax program in Measure L which benefits all of Stanislaus County.	X			R1. Local jurisdiction personnel managing the planning and engineering of Measure L projects need to familiarize themselves with the budget and finance portions of Measure L as written in the Master Funding Agreement and Policies and Procedures.	X			
F2. After Stanislaus County voters approved Measure L in November 2016, both StanCOG and local jurisdictions moved quickly to implement the program.	X			R2. Per the requirements of Measure L, Ceres, Patterson, and Turlock websites must contain information for the public noting accomplishments and project progress. A webpage or a link to a department webpage should be developed by December 31, 2019....		X		
F3. Ceres, Patterson, and Turlock have completed, or are in the process of completing, initial capital improvement projects approved by StanCOG. All three cities are meeting project goals.	X							
F4. City projects management lack detailed knowledge regarding Measure L funding.		X						
F5. Ceres, Patterson, and Turlock have not developed a dedicated Measure L webpage on the cities' websites.	X							

Conclusion

The 2019-2020 SCCGJ is satisfied with the City of Turlock's response. The response was received within the time frame stipulated by the California Penal Code §955(c).

**Burbank-Paradise Fire District
Board of Directors Vacancy
Case # 19-12GJ**

Reason for Investigation

The 2018-2019 Stanislaus County Civil Grand Jury (SCCGJ) initiated an investigation into the vacancy on the Burbank-Paradise Fire District Board of Directors (BOD). The position has not been filled by appointment or election since the vacancy occurred in February 2018. The purpose of this investigation was to determine: (1) who is responsible for filling the open board seat, (2) why the board seat has not yet been filled, and (3) how the vacant board seat will be filled.

Agencies Asked to Respond

- ❖ Burbank-Paradise Fire District Board of Directors.....**F1, F2**
- ❖ Stanislaus County Board of Supervisors.....**F1 – F5 and R1, R2**

Findings	Agree w/ Finding	Agree Partially	Disagree Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other*
Burbank-Paradise Fire District								
F1. On February 20, 2018 a board member resigned from the BOD.	X			R1. BOD and BOS should obtain guidance from the California Special Districts Association regarding the process and required timelines for filling board vacancies.		X		
F2. BOD did not notify RV of the vacancy within the required fifteen-day period..	X			R2. BOD should obtain training from RV regarding process and timelines to meet election requirements in preparation for the March 3, 2020 ballot.		X		
F3. March 7, 2018 was the last day for the BOD to notify RV of the vacancy; however, BOD did not notify RV until March 21, 2018.	X			R3. BOD should appoint a person to fill the board vacancy for the remainder of 2019 and until the next official election on March 3, 2020.		X		

Findings	Agree w/ Finding	Agree Partially	Disagree Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other*
F4. BOD did not fill the vacant board seat by appointment, nor did it request RV to call for an election within sixty days, per Government Code §1780..	X			.				
F5. BOD did not notify BOS of the vacant board seat within thirty days per Government Code §1780.	X							

Conclusion

The 2019-2020 SCCGJ is satisfied with the Burbank-Paradise Fire District Board of Directors' response. The response was received within the time frame stipulated by the California Penal Code §955(c).

Findings	Agree w/ Finding	Agree Partially	Disagree Wholly	Recommendations	Implemented	Will Implement	Further Analysis Needed	Will Not Implement/Other*
Stanislaus County Board of Supervisors								
F1. On February 20, 2018 a board member resigned from the BOD.	X			R1. BOD and BOS should obtain guidance from the California Special Districts Association regarding the process and required timelines for filling board vacancies.	X			
F2. BOD did not notify RV of the vacancy within the required fifteen-day period..	X			R2. BOD should obtain training from RV regarding process and timelines to meet election requirements in preparation for the March 3, 2020 ballot.	n/a	n/a	n/a	n/a
F3. March 7, 2018 was the last day for the BOD to notify RV of the vacancy; however, BOD did not notify RV until March 21, 2018.	X			R3. BOD should appoint a person to fill the board vacancy for the remainder of 2019 and until the next official election on March 3, 2020.	n/a	n/a	n/a	n/a
F4. BOD did not fill the vacant board seat by appointment, nor did it request RV to call for an election within sixty days, per Government Code §1780..	n/a	n/a	n/a					
F5. BOD did not notify BOS of the vacant board seat within thirty days per Government Code §1780.	X							

Conclusion

The 2019-2020 SCCGJ is satisfied with the Stanislaus County Board of Supervisors' response. The response was received within the time frame stipulated by the California Penal Code §955(c).

**2019-2020 Stanislaus County Civil Grand Jury
Case #20-01C
Riverbank Language Academy**



**2019-2020 Stanislaus County Civil Grand Jury
Case #20-01C
Riverbank Language Academy**

SUMMARY

The Stanislaus County Civil Grand Jury (SCCGJ) received two complaints about the 2019 election of members to the Riverbank Language Academy (RLA) board. After complainants were interviewed, the SCCGJ decided to open an investigation.

The SCCGJ found RLA bylaws concerning elections were not followed. The SCCGJ did not find an established process for announcing vacancies to the board, an election timeline, or a committee formed to oversee the election process. These factors led to confusion among those who were interested in running for the board vacancies; thus qualified candidates missed deadlines. The SCCGJ found that a misinterpretation of the 4th through 8th grade parent board member regulation excluded some qualified parents and allowed other nonqualified parents to serve. Established guidelines, timelines, clear communications, and a committee to oversee the election process would make the process transparent and available to all who may be interested in the positions.

In its investigation the SCCGJ found best practices were not being followed concerning board meetings. Brown Act violations may have occurred when items were put on the agenda at the meeting, not having been posted 72 hours in advance. Incomplete minutes of board meetings kept interested individuals uninformed. While attending the RLA board meetings, SCCGJ found it difficult to identify board members and hear discussions.

GLOSSARY

RUSD	Riverbank Unified School District
RLA	Riverbank Language Academy
PTO	Parent Teacher Organization
SCCGJ	Stanislaus County Civil Grand Jury

BACKGROUND

Riverbank Language Academy (RLA) is a bilingual, kindergarten through 8th grade charter school. It operates under the authority of Riverbank Unified School District (RUSD). As per California state law, a charter school must renew its charter every five years. RLA is currently

operating under its 2015 charter. RLA has a director/principal and a parent elected advisory board of five members composed of two parents (one from parents of kindergarten through 3rd grade and one from parents of 4th through 8th grade), two members from the community of Riverbank, and a representative from the RUSD.

Complaints included:

- Inadequate notification to parents of RLA Board openings
- Lack of established timelines and procedures for the election process including ballot collection and tabulation
- Confusion over qualifications for 4th through 8th grade board opening
- Vague information and lack of transparency in the election process
- Brown Act violations at RLA board meetings

The SCCGJ decided to investigate the 2019 election of board members to determine if the RLA bylaws were followed and if the Brown Act had been violated.

METHODOLOGY

Two complaints were made to the SCCGJ. After review SCCGJ decided that an investigation into the spring 2019 election of RLA board members was in order. The complainants were interviewed. SCCGJ attended board meetings.

Documents requested were:

- 2015 charter
- 2015 bylaws
- Administrative Regulations RLA Advisory Board Elections
- Memorandum of Understanding between RLA and RUSD
- Agendas and minutes of board meetings from January 2019 to present
- Emails discussing elections
- Flyers and notices pertaining to the RLA board elections
- Agendas and minutes of the Nominations & Elections Committee (Request #6)

After a complete review of the documents, individuals were interviewed to provide clarity about the 2019 election and the overall operations of the RLA board.

DISCUSSION

ELECTIONS

During the investigation inconsistencies between the election process and the RLA bylaws became apparent.

- According to the 2015 bylaws, Article VI, Section 7, states, “the president of the board or the board appoint a committee to identify qualified candidates for election to the board at least 30 days before the date of any election.” However, the SCCGJ found no evidence of an election committee nor did their law firm, Lozano Smith, in a letter dated

- September 30, 2019: “Please be advised that the academy does not have a nomination & elections committee, and therefore documents responsive to request #6 do not exist.”
- According to the Administrative Regulations RLA Advisory Board Elections, “deadlines set forth shall be adhered to.” The SCCGJ found only one deadline to apply was set forth, and it only appeared on the flyer sent home with students. No other communication discussing the elections had a deadline mentioned.
- According to the Administrative Regulations RLA Advisory Board Elections, “The leadership/board nomination committee will provide parents with the information regarding upcoming positions. This shall include at least two different forms of communication.”
 - One email was sent to the Parent Teacher Organization (PTO) president on April 1, 2019, but not to all parents.
 - Flyers were sent home with some students, but not with all students.
 - A follow-up email sent to the PTO president on April 11, 2019 was dated one day after the stated deadline on the flyer.
- According to the 2015 bylaws, Article VI, section 4a, “One parent representative must have a student enrolled in kindergarten through 3rd grade level, and the other parent representative must have a child currently enrolled in the 4th through 8th grade level.” SCCGJ found parents of a 3rd grade student who will be in 4th grade for the upcoming board term being excluded from running for the 4th through 8th opening. Current 8th grade parents were being allowed to run for the upcoming board opening even though they would no longer have a 4th through 8th grade student attending RLA during their term. It was obvious to the SCCGJ that was not the intent of the bylaws. The intent was for board members to have students in the grades they represented during their term.

BOARD MEETINGS

After attending RLA meetings and reviewing agendas and minutes, SCCGJ found what may have been a Brown Act violation of adding items to the agenda at the meetings. Failure to post agenda items results in interested individuals being uninformed and excluded.

- According to RLA minutes dated March 20, 2019, “added item d to director’s report section.” Item d included, “RLA advisory board: two seats will expire this year, a parent seat and also a community seat.”
- According to April 17, 2019 minutes, “add a time sensitive issue to the agenda.”
- According to May 15, 2019 minutes, “added item g to director’s report Boyett Petroleum.”
- According to June 12, 2019 minutes, “add item d under director’s report, school calendar update-minimum day added.”
- According to July 17, 2019 minutes,
 - “added item d/director’s calendar under director’s report.”
 - “added b/PTO project update under information/discussion.”
 - “item c/code of conduct guidelines under information/discussion items.”
- According to August 5, 2019 minutes, “added item ii. public comments.”

After review of agendas and minutes, SCCGJ found the minutes were not a complete summary of the meetings. Summaries of discussions, public presentation comments, and audience comments were not included. Some confusion existed on the part of the board as to what actions had been previously taken and by whom.

While attending RLA board meetings, SCCGJ noted that it was difficult to know who was speaking due to the lack of nameplates. It was also difficult to hear due to the lack of a working sound system.

FINDINGS

ELECTIONS

- F1. The lack of established timelines/procedures for elections resulted in missed opportunities for interested individuals to apply for open board seats.
- F2. The lack of a formal election committee to oversee the election process led to confusion about application deadlines, how/where ballots are returned, and how/who counts votes.
- F3. The lack of an established process for announcing board vacancies, nomination procedures, collection of ballots, and counting of votes prevented parents from being informed.
- F4. Lack of clarity regarding the 4th through 8th grade parent board representative requirement could result in a parent serving on the board who no longer has a student at RLA.
- F5. Lack of clarity regarding the board representative requirements could result in a 3rd grade parent who is not allowed to run even though he/she will have a 4th through 8th grade student during the elected term.

BOARD MEETINGS

- F6. Inability to hear and to identify board speakers make board meetings difficult for the audience to comprehend the discussion.
- F7. Inconsistent minutes of board meetings result in incomplete records of discussions and comments.
- F8. A failure to follow the Brown Act, such as adding items to the agenda or failing to notate exemptions in the minutes, may result in exclusion of interested individuals' participation in discussions.

RECOMMENDATIONS

ELECTIONS

- R1. Form a formal election committee to oversee all aspects of the election process.
- R2. Develop and distribute annually a precise timeline for elections.
- R3. Use all communications that have the greatest potential to reach prospective candidates, including but not limited to flyers, postings, social media, automated phone calls, emails to parents, to announce board vacancies.
- R4. Revise bylaws Article VI, section 4a, from “a child currently” to “student currently enrolled in 3rd through 7th grade.”

BOARD MEETINGS

- R5. Nameplates should be displayed and easily read from the audience, and a sound system used.
- R6. Use both written and audio recordings of board meetings to create a complete summary of all discussions and comments in the minutes.
- R7. Board members attend governance, ethics, and in-depth Brown Act training within sixty days of an election or appointment to the board and annually thereafter.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

From the following governing officials within 60 days:

- RLA board of directors

From the following officials within 90 days:

- RUSD Superintendent

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

**2019-2020 Stanislaus County Civil Grand Jury
Case #20-04GJ
Participation in the Audit Report**



**2019-2020 Stanislaus County Civil Grand Jury
Case # 20-04GJ
Participation in the Annual Financial Audit Report
For the Fiscal Year Ending June 30, 2019**

SUMMARY

Civil grand juries are required to investigate and report on the operations, accounts, and records of the departments or functions of the county, per California Penal Code Section 925. Therefore the 2019-2020 Stanislaus County Civil Grand Jury (SCCGJ) reviewed the Stanislaus County Audit Report for the fiscal year ending June 30, 2019. For the fiscal year ending June 30, 2019, the county contracted with the firm CliftonLarsonAllen LLP (CLA). Their final report was presented on March 2, 2020. In the course of their work, CLA found several materials (non-trivial or significant) misstatements in prior financial reporting by the Auditor-Controller office. These misstatements were found as a result of a new auditing firm reviewing the books.

Stanislaus County used the same auditing firm for fiscal years 2011 through 2018. The grand jury commends county leadership for selecting a different auditing firm in 2019. In addition, the grand jury encourages county leaders to rotate through different auditing firms on a more frequent basis.

GLOSSARY

SCCGJ	Stanislaus County Civil Grand Jury
CAFR	Comprehensive Annual Financial Report
CLA	CliftonLarsonAllen LLP
GAAP	Generally Accepted Accounting Principles
GASB	Government Accounting Standards Board
HSA	Health Service Agency
OMB	Office of Management and Budget
SA	Single Audit

BACKGROUND

The 2019 Stanislaus County Audit Report covers the Comprehensive Annual Financial Report (CAFR), a report that is presented in accordance with §25253 of the Government Code of California (2017). The report contains financial statements that have been prepared in accordance with generally accepted accounting principles (GAAP) prescribed for governmental entities and provides a comprehensive overview of the county's financial operations and financial position. The audit also includes the Single Audit (SA). The Single Audit, also known as OMB A-133 Audit, is an organization-wide audit or examination of a non-federal entity that expends \$750,000 or more of federal funds.

The CAFR ensures Stanislaus County is using accounting practices consistent with GAAP and the Government Accounting Standards Board (GASB). In addition, the auditor confirms the county's financial statements are free from material misstatements.

The SA provides assurance that the county complies with federal requirements that may have a direct and material impact on each of the county's major programs.

METHODOLOGY

SCCGJ interviewed CLA auditors on August 12, 2019, to obtain an overview of the CAFR process. At this interview CLA provided SCCGJ a project timeline of their audit plan for Stanislaus County. SCCGJ also interviewed personnel from the Stanislaus County Auditor-Controller office.

SCCGJ attended a CAFR progress report conference with CLA on October 11, 2019.

SCCGJ and Stanislaus County representatives attended the exit presentations summarizing the findings of the audit by CLA and Stanislaus County Auditor-Controller on March 2, 2020.

DISCUSSION

The audit confirmed that Stanislaus County Auditor-Controller is following GAAP and GASB principles in a consistent manner. However, in the course of its work, CLA found several material misstatements in prior financial reporting. For example:

- Increase in fund balance for the year ending June 30, 2019, in the amount of \$42.6 million to record prior period adjustment for unearned revenue amounts that should have been recorded as earned revenue in prior years.
- Increase in HSA revenue for the year ending June 30, 2019, in the amount of \$901 thousand and increase in fund balance in the amount of \$928 thousand to record current and prior year adjustments for non-accrued WRAP charges.
- Increase in HSA revenue for the year ending June 30, 2019, in the amount of \$414 thousand and increase in fund balance in the amount of \$394 thousand to record current and prior year adjustment to calculated contractual allowance.
- Decrease in HSA fund balance for the year ending June 30, 2019, in the amount of \$2.2 million to record prior period adjustment in opening balance of deferred rent.

SCCGJ found the county did not change audit firms from fiscal year 2011 through fiscal year 2018. A new audit firm was selected for fiscal year 2019.

FINDINGS

- F1.** The audit by CLA uncovered several material misstatements in Stanislaus County's financial reporting. These errors occurred across several years.

RECOMMENDATIONS

- R1.** As noted in the summary, Stanislaus County used the same auditing firm for eight consecutive years. To minimize risk of future accounting errors and reporting, SCCGJ encourages the Auditor-Controller office to adopt a more frequent interval in the rotation of auditing firms.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

From the following governing officials within 60 days:

- Stanislaus County Board of Supervisors.....**F1, F2, R1**
- Stanislaus County Auditor/Controller.....**F1, F2, R1**

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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2019-2020 Stanislaus County Civil Grand Jury Case #20-09GJ Election Security



2019-2020 Stanislaus County Civil Grand Jury

Case #20-09GJ

Election Security

SUMMARY

From observation of behind-the-scenes election processes and discussions with personnel from the Office of the Registrar of Voters (ORV), the Stanislaus Civil Grand Jury (SCCGJ) found that the State of California and Stanislaus County maintain a diligent approach to electoral security. California state law mandates elections by paper ballot, with modern automation technology limited to optical scanning of hand-marked ballots. At the county level, strong security measures including the enforced absence of WI-FI connectivity protect daily activities in the ORV.

SCCGJ reviewed the county electoral process and found that strong security measures were in place as described below:

- The physical chain of custody from pre-election processing to the tallying of votes at the close of polling was maintained without break. At every juncture where election materials were transported two staff members from the ORV were assigned the task. Scanners and ballot boxes at voting precincts were in plain sight and under the control of at least two precinct officers. Scanners and drives at the ORV warehouse were in clear view of multiple staff workers.
- The tally computer in the ORV is isolated and connected only to electrical power. Results from scanned ballots are recorded electronically onto specially formatted USB drives which are bar coded, locked and sealed to specific optical scanners. After the integrity of the drives is confirmed the drives are manually connected to the tally computer in order to transfer the data.

SCCGJ and ORV technical staff are aware that electoral security is an ongoing area of concern. SCCGJ is satisfied with the degree of security observed.

GLOSSARY

SCCGJ	Stanislaus County Civil Grand Jury
ADA	Americans with Disabilities Act
CCTV	Closed circuit television
FBI	Federal Bureau of Investigation
LAN	Local Area Network
ORV	Office of the Registrar of Voters
ORV warehouse	Storage facility for elections hardware
WI-FI	A family of wireless communications technologies

BACKGROUND

The general election of 2016 brought renewed focus upon the security of electoral processes. The FBI reported that voter registration databases in several counties in different states had suffered data breaches^{1,2,4}. Multiple federal intelligence agencies reported that several foreign state operators were actively interfering in the presidential election³. More interference was reported during the elections of 2018. Anticipating further interference in the 2020 general elections, SCCGJ found it prudent to conduct an inquiry into the security of Stanislaus County's elections. After the elections of 2016 the California Secretary of State decertified existing election scanners, requiring counties to purchase new equipment manufactured by the HartInterCivic Company. Although the county held a limited election in November 2019 as a "proof of concept" test of the new hardware, the March 2020 primary presented the county with its first full-scale implementation of the new system.

METHODOLOGY

To assess the degree of security maintained by ORV, SCCGJ reviewed a HartInterCivic document detailing points of security concern, interviewed key personnel, toured the ORV office and the ORV warehouse, and observed two local elections at precincts and satellite offices, as well as at the ORV and the ORV warehouse.

DISCUSSION

The electoral process in Stanislaus County is comprised of pre-election preparations, the voting process, the collection of ballots and the tallying of votes. These areas of the ORV operation present the possibility of exposure to interference. Although SCCGJ has been assured by ORV staff that security measures are in place to safeguard the operations of the ORV, SCCGJ has chosen to focus this inquiry on the security of the actual electoral process.

Pre-election preparations

During interviews with elections personnel SCCGJ learned that in the weeks prior to an election, all the voting machines are tested for both function and logic. Testing determines whether machines work and tally votes correctly. The scanned votes are recorded on specially formatted USB devices called V-drives. Prior to each election, the V-drives are erased, formatted, locked and secured with a wire seal on the individual scanners. Each V-drive is formatted for a unique precinct and, along with its ballot box and ballots, set aside for delivery to that precinct. The number of ballots provided to each precinct shall be "no less than 75% of the registered voters in the precinct..." [Elections Code §14102 (a) (1)]. On the morning of election day the scanners with V-drives, ballot boxes and ballots are delivered to the specified precincts prior to the opening of polls.

The Voting Process

Upon the opening of the precincts, “the precinct board, in the presence of any persons assembled at the polling place, shall open and exhibit and close the ballot container or containers.” [Elections Code §14215]. This process shows that the ballot box is empty prior to the scanning of voted ballots. Before scanning ballots into the ballot box, the precinct officers will print an initial report showing the number of ballots scanned to be zero. This report is signed by both precinct officers.

If a voter arrives at the precinct with a mail-in ballot, but chooses to vote in person at that precinct, the voter is required to surrender the mail-in ballot. Upon surrendering the ballot, a new unmarked ballot is issued.

Voting is done in voting booths by blacking-out rectangular boxes on each ballot item indicating the voter’s choice. This represents a change from prior elections, when ellipses were blacked out. The change is a result of the county using new voting machines. As in prior elections, blacked-out ballots are optically scanned into the ballot boxes, with the V-drive secured to each scanner recording the choices. Each precinct is also supplied with an Americans with Disabilities Act (ADA) compliant voting machine, which provides alternative means for marking the ballot. These devices produce a printed ballot which can be verified by the voter before scanning the ballot into the ballot box. In the event the precinct runs short of ballots the new voting machines are equipped to print ballots on demand.

If voters are still in line at the closing of the polls, a precinct clerk will stand at the end of the line and designate the last person permitted to vote. After the last ballot has been scanned into the ballot box, the precinct officers print and sign a final report showing the number of ballots scanned. When all closing procedures are completed, all election materials are transported to the ORV warehouse in the custody of two precinct officers. Materials include surrendered ballots, mismarked ballots, unmarked ballots, printed reports and the voter registry.

The Collection of Ballots

ORV staff and volunteer workers at the ORV warehouse process the incoming election material. The volunteers bring the registries of voters to one table. The ballot boxes are brought to an array of tables arranged in order of precinct. The scanners and printed reports are brought to the first of five processing stations, all of which are clearly visible to observers. At the first station the barcodes on the scanners are scanned into the ORV computer system. Any discrepancy between the barcodes scanned prior to delivery to the precincts and the barcodes scanned at the end of polling will cause the V-drive and ballot box to be sequestered for further analysis. At the second station the V-drive is unlocked and the printed reports are placed into a small transparent plastic bag. At the third station the seal connecting the V-drive to the scanner is cut. At the fourth station the V-drive is removed from the scanner and displayed visually to the worker at the next station. The V-drive is placed with the bag containing the printed reports on top of the scanner and forwarded to the fifth station. At the last station the ORV worker scans the barcode of the V-drive into the system computer and places the drive in the plastic bag with the printed reports. The bag is placed in a cardboard transport carton, and the scanner is closed and placed

on a storage pallet. Full cardboard transport cartons are closed, sealed with a paper seal and barcoded. The paper seal is initialed by two ORV staff workers who take the cartons to the ORV.

The county ORV staff was tasked with implementing a new system for processing the incoming election materials. SCCGJ observed staff exhibiting uncertainty in how the operation was to be executed during the processing of the initial few scanners, but the on-site manager quickly established an integrated flow as the volume of incoming scanners increased.

The Tallying of Votes

Before the transport cartons are opened at the ORV, the barcode on the carton is scanned and the sealed carton is displayed to the observers at the office. The carton is then opened and the plastic bags containing the printed reports and V-drives are removed individually. The printed reports are confirmed to be correct and the V-drive is taken into the enclosure containing the tallying computers. These computers are “air-gapped” – connected only to electrical power. The V-drives are manually inserted into ports of the tallying computer. State law requires the county to report the current vote tally no later than two hours after close of polling. Every two hours during the evening, the current tally is reported to the Secretary of State over a dedicated secure telephone line. Continual updating ends only after all precincts have been tallied. The Registrar of Voters is required to accept vote-by-mail ballots postmarked no later than election day and delivered within three days following the election. According to state law, counties have thirty days to report the final tally to the Secretary of State.

Observations

The California Secretary of State directed Stanislaus County to purchase a new election system. HartInterCivic scanners and touch screen voting systems have been certified for use by the Secretary of State. The county purchased new scanners, ballot boxes and two tallying computers for use in county elections. Although two tally computers were purchased, only one computer is used for reporting the vote; the second is maintained with current data in the event that the first computer fails. Both computers are maintained in a separate, windowed enclosure in the ORV and are connected only to an electrical power source.

The HartInterCivic Company is a Microsoft Certified Windows Builder and provides the Secretary of State with a certified copy of Windows 7. This operating system maintains all the functionality required by a modern computer but lacks the ability to connect to any network. The lack of network communication eliminates the threat of electronic tampering with the election. The tally computer is reformatted for each election with a fresh installation of the operating system. This is done to ensure that the computer is working with a clean operating system and is not infected with malware. A new copy of Windows 7 is hand delivered to the ORV in the custody of two staff members from the office of the Secretary of State.

The Stanislaus County ORV maintains a diligent stance with regard to security. In addition to re-installing the operating system, all passwords are changed for each election. SCCGJ found

that all computers in the ORV are hardwired to the Local Area Network (LAN), and no WI-FI connections exist within the office. The CCTV cameras in the ORV are focused only upon the visitors' lobby to prevent unauthorized persons from observing the keypad code required to enter the tally computer enclosure. In discussions with ORV personnel SCCGJ is satisfied by the additional security measures taken for safeguarding day to day operation of the office and with the measures taken to secure the electoral process.

FINDINGS

- F1. Strong structural security to ensure the physical integrity of ballots is maintained at both the ORV warehouse and the ORV.
- F2. To prevent individual tampering, a two person chain of custody is maintained at every step in the handling of ballots.
- F3. The State of California and Stanislaus County have taken strong measures to prevent electronic interference in both the counting of the ballots and the software used for the counting.

COMMENDATIONS

- C1. The Stanislaus County Registrar of Voters and staff are to be commended for their diligent approach to securing the integrity of elections in Stanislaus County.

INVITED RESPONSES

- Stanislaus County Board of Supervisors:**F1, F2, F3, C1.**

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**2019-2020 Stanislaus County Civil Grand Jury
Case #20-11GJ
Law Enforcement Facilities Tours**



2019-2020 Stanislaus County Civil Grand Jury

Case #20-11GJ

Law Enforcement Facilities Tours

SUMMARY

The 2019-2020 Stanislaus County Civil Grand Jury (SCCGJ) conducted selected law enforcement facility tours/inspections as mandated by the California Penal Code. Tours/inspections included the Stanislaus County Sheriff's Detention Center, Juvenile Detention Center, Stanislaus Re-Entry and Enhanced Alternatives to Custody Training Facility (REACT), Stanislaus Regional 9-1-1 Emergency Call Center (SR911), Stanislaus County Coroner's Facility, and Modesto Police Department (MPD) Real Time Crime Center.

Each facility was found to be well maintained and clean. The staff prioritizes the best interests for the community and/or detainees by placing a strong emphasis on maintaining practices appropriate for their state-of-the-art facilities, education and self-awareness.

Overall, SCCGJ was impressed with the services provided by the city/county law enforcement agencies, given the parameters of tight budgets and staffing.

BACKGROUND

The California Penal Code §919(b) mandates that grand juries inquire into the condition and management of prisons within the county. While Stanislaus County has no public prisons, it is in the spirit of this law that selected facilities were toured.

In addition, the California Board of State and Community Corrections (BSCC) established standards for the construction, operation and administration of local detention facilities administered by the county or city. The BSCC defines a jail as a locked adult detention facility which holds both non-sentenced and sentenced adult offenders. Temporary holding facilities hold inmates for up to twenty-four hours in a secure enclosure under the control of a peace or custodial officer, primarily for temporary confinement of those recently arrested. BSCC defines a detention facility for juveniles: a juvenile hall, a locked facility that hold non-sentenced and convicted juvenile offenders in separate areas.

In meeting its responsibility to inspect the County's facilities, the SCCGJ toured each physical facility as noted above.

METHODOLOGY

SCCGJ conducted tours/inspections of each of the above facilities between September 2019 and January 2020. At each facility, command and operational staff, managers and medical personnel were interviewed. Additionally, the Superior Court Judges at the Juvenile Detention Center made themselves available in chambers for interviews. Management and staff were interviewed regarding inmate care, services, diet, access and availability of program and opportunities for

community engagement. Facility areas that were inspected included entry, intake, processing, holding, safety cells, medical, kitchen, food preparation, serving, dining, recreation, classrooms, outside patios and rest rooms.

DISCUSSION

Stanislaus County Sheriff's Detention Center

The Sheriff's Detention Center is a state-of-the-art facility for safe and secure detainment for both sentenced and non-sentenced inmates.

The detention center has capacity for approximately 550 adult inmates and includes both maximum and minimum security housing units. There are special areas/precautions for inmates who require protective custody. Inmates are offered daily time outdoors.

Of the approximately 22,000 inmates booked into the center each year, 3,000 of those are female. Mandated changes in the state prison system in regard to managing lower-level criminals have increased the detention volume in county detention centers.

Each inmate is assessed during intake for medical, psychological and psychosocial needs, and then is reassessed periodically based on need.

On-site comprehensive medical services are available. Contracted medical and social services are available at all times reducing the need to transport inmates for outside medical care. Inmates considered a suicide risk are placed in a special cell with fifteen-minute checks. These inmates are seen every eight hours by a mental health professional before determining suitability to be moved from special holding. A fifteen-bed medical unit is ready to be utilized, pending budget and staffing requirements.

The detention center has an on-site kitchen and laundry service.

Educational opportunities are provided for inmates. Attendance is voluntary following an assessment process for inmates who demonstrate life-skill and good behavior progress. Courses vary in availability and include anger management, general health care, parenting and skills for transitioning back to the community.

Stanislaus County Juvenile Detention Center (JDC)

The Stanislaus County Juvenile Detention Center (JDC) is located at 2215 Blue Gum Avenue, Modesto. The Stanislaus County Juvenile Hall and Juvenile Commitment Center contains both maximum and minimum security housing for youths under eighteen years of age. Senate Bill SB439 prohibits detainment of children less than twelve years old unless charged/convicted of a capital offense (i.e., murder, rape, child molestation). Two superior court judges are assigned to the center. Center staff are qualified, experienced and professional.

The center has 218 beds available. On the day of the tour the center had a census of sixty-four youths including detainees who were not yet sentenced. Gang related offenses account for seventy-five per cent of the population. The JDC provides a safe and secure environment. Cameras are located throughout the facility.

A medical assessment is performed during intake and includes medical/psychological/social assessment, screening for sexually transmitted diseases, a pregnancy test for females, vaccinations and prescribed medications. A detainee with potential for self-harm is initially placed in a safety room until cleared by a mental health professional. The detainee may be moved to a special observation room for longer periods with fifteen-minute checks until cleared. Medical staff is on-site at all times; mental health staff is on-site Monday – Friday, 8:00 a.m. – 5:00 p.m. and on call. Unless otherwise prescribed by law, parental consent is required to provide treatment.

Programs are available for required education, guidance to manage poor habits, attitudes, and behaviors for development of a productive and pro-social lifestyle. Demonstrated progress of desired behaviors is rewarded with additional privileges such as use of the game room or library. Each detainee is allowed daily time for outdoor recreation.

Teachers from the Stanislaus County Office of Education provide required education. Comprehensive programs provide general education, counseling, recreation and health activities. Security is present in the classroom.

An on-site kitchen, meeting Title 15 requirements for food preparation/nutrition, provide meals for the facility. Detainees with good behavior after an individualized assessment may participate in a culinary class. Produce from a youth-maintained garden is used in the kitchen.

In 2007, the Juvenile Realignment Law, SB81, affected the number of juveniles incarcerated. The Probation Department continues to explore uses for the excess space.

Stanislaus County Re-Entry and Enhanced Alternatives to Custody Training (REACT)

The Re-Entry and Enhanced Alternative to Custody Training (REACT) facility opened on May 18, 2018, to contribute to and help in forming a positive support group as identified by the inmate. Inmates accepted into REACT participate in education programs to prepare them for successful re-entry into the community. Depending on inmate need, program and services vary in length, with focus on five essential areas: social connections, health, education, employment preparation, stable housing plan and other opportunities and services. The average daily census of the facility is currently 145-150 inmates per day. Additional funding is required to staff beyond 196 beds currently available, to a maximum capacity of 288 beds. Since REACT began, the program completion rate is approximately fifty-three per cent. The leadership staff continuously evaluates and re-evaluates programs for current and future inmate needs.

Stanislaus Regional 9-1-1 Emergency Call Center (SR911)

The Stanislaus Regional 9-1-1 (SR 911) was formed through a Joint Powers Authority Agreement between Stanislaus County and the City of Modesto in 1998 and is directed by the agency commission, comprised of representatives from each member agency.

The Dispatch Advisory Board includes members from the Sheriff's Office, County Fire Warden, Modesto Police Department (MPD) and Modesto Fire Chief, along with rotating membership from members of the agency commission.

SR911 Dispatch Center is located at 3705 Oakdale Road, Modesto.

Employees of SR911 provide service to most law enforcement agencies including MPD, Stanislaus County Sheriff's Department, fourteen fire districts, the Stanislaus County Probation Department and four contracted cities: Hughson, Patterson, Riverbank and Waterford.

The SR911's fifty-seven employees are highly trained and have the ability to triage emergency and non-emergency calls. Priority is determined based on established call processing and dispatch protocols, monitored locations of all emergency service providers and monitored status of emergency situations in real-time. Staff has the ability and authority to directly dispatch needed services.

According to SR911 Annual Report, this agency handled over 600,000 9-1-1 emergency and non-emergency calls in fiscal year 2018. The largest number of response was for MPD (189,108) followed by the Stanislaus County Sheriff's Department (79,342). This increase in volume might be attributed to improved cell phone GPS function.

Modesto Police Department Real Time Crime Center (RTCC)

The Modesto Police Department's Real Time Crime Center (RTCC) has been in place for approximately four years utilizing police officers, technicians and analysts. The overall goal of this center is to increase safety for citizens and its officers, decrease crime and maximize available resources. The RTCC is currently operational during most recognized high volume times, with a goal to expand to around the clock operation.

With advanced monitoring technology, the RTCC can actively triage developing incidents and provide crucial information to responding officers and other first responders before arrival. The RTCC can dispatch other emergency teams based on live pictures of the scene, even before a call to SR911.

Technology allows the center to monitor the location of on-duty officers, as well as active investigations/stopped vehicles, etc. In addition sites waiting for a police response are also monitored. Officers are dispatched after triage to specific locations based on established priority of need.

Camera monitoring areas allow the MPD to search for and/or track locations of specific vehicles, as well as individuals on foot. This process has also provided some success for locating missing persons.

In addition to working in collaboration with SR911 for dispatch of emergency needs, this program allows for MPD to work with the Sheriff's Department or other nearby agencies when they enter the city. The center also works closely with the Traffic Division to analyze needs of the community.

Stanislaus County Coroner's Facility

The Stanislaus County Coroner's Division is located at 921 Oakdale Road, Modesto. The Sheriff assumes overall responsibility for this specialized division with day-to-day operation under the leadership of the assigned lieutenant. This is a state-of-the-art facility with space for future expansion. It is staffed with forensic pathologists, autopsy technicians, detectives and

clerical staff. Chaplain staff and a public administrator are also present. Detectives assigned to this division undergo a two-week death investigation training. At least one detective is on call at all times for the needs within the county. The Coroner's detective will investigate the cause of death while other law enforcement investigators will investigate the circumstances.

As mandated by county and/or state law, certain deaths must be reported to the Coroner's Office. The Coroner's Office makes the determination for which deaths require an autopsy, including, but not limited to: unnatural death, homicide, suicide, drowning, juveniles and when the death certificate has not been signed. In 2018 3,000 cases were reported to the Coroner's Office with 500 autopsies performed. All decedents are treated with respect and dignity. Chain of evidence is maintained throughout all processes.

On-site refrigerated storage provides for 124 remains to be maintained until ready to be released to a mortuary. Remains are immediately identified during an intake process. Positive identification may be pending in some circumstances. Remains are released only with positive identification involving multiple steps to assure remains are properly released.

After a diligent search for relatives, indigent persons are cremated with the cremains being held at the facility for one year. Cremains are scattered at sea after one year, or if the deceased is a known military veteran, internment is at a veteran's cemetery.

Actual autopsies are performed at multiple stations with a separate observation deck for law enforcement and legal personnel. A designated area, sealed to protect evidence and to retrieve remains, has limited personnel access. A special room is designated for use by donor networks for tissue retrieval for transplantation. Infection control practices are maintained in all areas with high efficiency particulate air (HEPA) filtered air, use of personal protective equipment and blood-borne-pathogen precautions.

The Coroner's Division is currently in the early stages of looking at rapid DNA testing technology for rapid victim identification.

FINDINGS

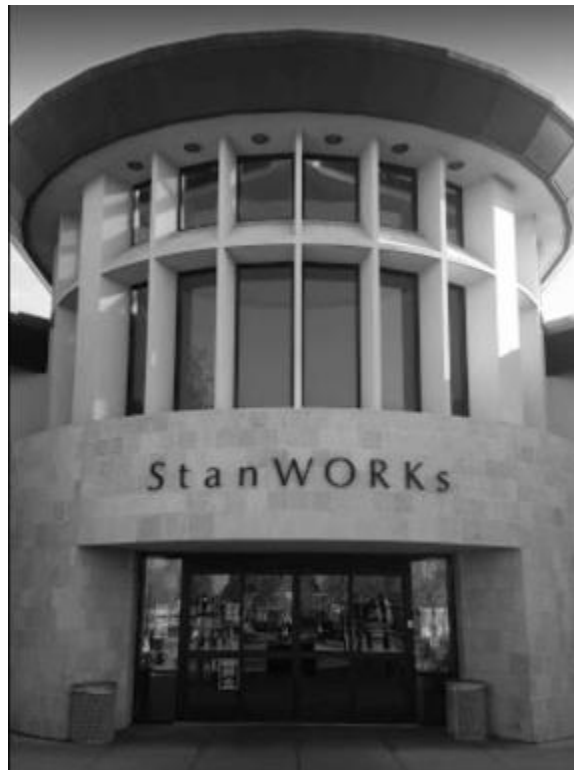
- F1. Each facility was found to be well maintained and clean.
- F2. On-site comprehensive medical services are available at each detention facility.
- F3. On-site educational programs for detainees are available at both the Sheriff's Detention Center and the Juvenile Detention Center.
- F4. The Stanislaus Regional 911 staff is highly trained and, based on observation, has the ability to triage emergency and non-emergency calls.
- F5. The Modesto Police Department's Real Time Crime Center can triage developing incidents and provide crucial information to responding officers and other first responders prior to their arrival.
- F6. The Stanislaus County Coroner's Facility is state-of-the-art and has space for future expansion.

COMMENDATIONS:

- C1. SCCGJ commends the staff of each facility toured for adopting practices that maintain the state-of-the-art facilities and emphasize education and evaluation of programs to meet future needs.
- C2. SCCGJ commends the staff at each toured facility for a strong sense of pride, dedication, commitment and ownership in executing their responsibilities.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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**2019-2020 Stanislaus County Civil Grand Jury
Case #20-12GJ
In Home Support Services**



2019-2020 Stanislaus County Civil Grand jury
Case #20-12C
In Home Support Services

SUMMARY

The Stanislaus County Civil Grand Jury (SCCGJ) initiated an investigation of the In Home Support Services (IHSS) program. The IHSS program is administered by the Community Services Agency (CSA) in Stanislaus County. The investigation was initiated in response to a citizen complaint of mismanagement and poor oversight of the IHSS program. The allegations included the following:

- Delay of initial assessments
- Delinquent reassessments
- Delayed caretaker payments
- IHSS budget reduction
- Issuance of a state corrective action plan
- Unsafe work conditions
- Poor social worker retention
- Limited social worker promotion opportunities

IHSS is a necessary and valuable program for elderly and disabled citizens of Stanislaus County. Approximately 7,000 recipients receive services through the IHSS program. Established in 1973, IHSS is part of a statewide program that provides domestic and personal care services for qualified elderly and disabled citizens in Stanislaus County. IHSS is funded by a combination of county, state and federal programs. Between January and November 2019, IHSS received a total of 2,963 new applications. Due to a carryover of pending applications from the prior year, a total of 3,095 applications were completed.

The stated goal of the IHSS program is to provide assistance to those “eligible aged, blind and disabled individuals who are unable to remain safely in their own homes without this assistance.” IHSS is an alternative to out of home care. The extent of services offered to citizens is in part determined by the availability of funds earmarked and disbursed by the state. Funds are forwarded to the county for budget review and a final IHSS budget is formulated.

GLOSSARY

SCCGJ	Stanislaus County Civil Grand Jury
CAP	Corrective Action Plan
CDSS	California Department of Social Services
CSA	Community Services Agency
IHSS	In Home Support Services
ICT	Inter-County Transfer

BACKGROUND

The IHSS program, part of a statewide program established in 1973, is under the purview of the Community Services Agency (CSA) in Stanislaus County. The objective of IHSS is to provide assistance to citizens enabling them to remain safely in their own homes as an alternative to out of home care. All new IHSS applications are designated a ranking of 1, 2 or 3 depending on the acuity level of the applicant. Applicants with a 1 ranking are in dire circumstances that require urgent in-home care and are assessed within two business days. Applicants with a 2 ranking have an above average need for care and are assessed within ten business days. Applicants with a 3 ranking receive a standard response within thirty days of the application date. Inter-County Transfers (ICT) are to be evaluated within thirty days.

In addition to the Health Certification form, the application package includes the following:

- Needs Assessment
- Application for Social Services
- Recipient/Employer Responsibility Checklist
- Individualized Back-up Plan and Risk Management
- Voter Preference form
- Notice to Applicant of Health Care Certification Requirement
- Caregiver Fingerprinting Information
- Community Resources.

State guidelines for the completion of the initial assessment are in conflict. Most applicants seeking services first contact IHSS by telephone. The first contact date triggers a thirty day application completion requirement. However, the applicant has up to forty-five days to submit the medical certification. Due to extenuating circumstances, the forty-five day requirement can be extended even further. Hospitalization of the applicant, withdrawal of the application, declining cognitive functioning and physician delays in completing paperwork may all contribute to an incomplete or delayed application. On average it takes three months for an applicant to receive a determination on a request for services.

On September 7, 2017 the California Department of Social Services (CDSS) notified the Stanislaus County CSA that the IHSS program was being placed on a Corrective Action Plan (CAP), because of failure to meet the required minimum reassessment rate of 80%. In order to address the deficiency, three Social Worker III positions were added as well as an increase in management oversight.

METHODOLOGY

SCCGJ used the following methodology to investigate the complaint:

- Interviewed complainant
- Interviewed CSA and IHSS personnel
- Reviewed the Citizen Complaint Form and attachments
- Reviewed Social Worker I-III Pay Ranges
- Reviewed relevant IHSS documents

DISCUSSION

SCCGJ interviewed personnel regarding the IHSS program and was informed that training a new IHSS social worker can take as long as six months. As social workers gained experience and expertise they were eligible for promotion to a Social Worker II position. However, after being promoted to Social Worker II, experienced employees would often leave IHSS as no path towards additional promotion existed. This promotional limitation resulted in hiring difficulties that contributed to excessive reassessment delinquencies. This was recently corrected by the addition of Social Worker III positions in the IHSS program.

Interviews indicated that delayed caretaker payments were caused by service provider timecards which were frequently inaccurate, not properly signed or delayed due to mail delivery problems. To remedy this problem the state is in the process of implementing an electronic timecard system in Spring-Summer 2020.

SCCGJ confirmed through interviews and documentation that the IHSS program was placed on a corrective action plan (CAP) for failing to complete at least 80% of the annual reassessments within 12 months. The IHSS program was removed from the CAP for Fiscal Year 2018-2019 with an increased reassessment compliance rate of 80.53%. Due to additional hiring and increased oversight, the program remains in compliance with an 86% reassessment rate.

SCCGJ considered all of the allegation made by the complainant and chose to focus on the allegation of mismanagement and poor oversight. Other issues raised by the complainant related to personnel matters which are beyond the scope of SCCGJ's mission. Other avenues are available to the complainant to address such matters.

FINDINGS

- F1. The current system of documenting caregiver work hours is prone to inaccuracies.
- F2. A state-implemented electronic timekeeping system should reduce errors.
- F3. Failure to provide paths to promotions caused difficulties in recruiting and retaining social workers.

RECOMMENDATIONS

- R1. Monitor the state plan due to be implemented during Spring-Summer 2020 to switch to electronic timecards.
- R2. Annually evaluate social worker retention rates to determine the effectiveness of implementing an augmented path to promotion for social workers.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses from the following elected county officials within 60 days:

Stanislaus County Board of Supervisors.....**R1, R2**

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**Stanislaus County Civil Grand Jury
Case #20-19GJ
Law Enforcement Drone Usage**



2019-2020 Stanislaus County Civil Grand Jury
Case #20-19GJ
Law Enforcement Drone Usage

SUMMARY

The 2019-2020 Stanislaus County Civil Grand Jury (SCCGJ) investigated the use of unmanned aircraft vehicles (UAV/drones) within Stanislaus County law enforcement agencies. Drone technology continues to evolve, and SCCGJ was interested in how law enforcement agencies use drones in their respective operations. Federal Aviation Agency (FAA) regulations governing the commercial operations of drones by public entities are complex. SCCGJ sought to determine if all agencies operated within FAA guidelines.

Three agencies responded to an SCCGJ drone program inquiry sent to Stanislaus County law enforcement agencies. Those responding were: Stanislaus County Sheriff's Department (SCSD), Modesto Police Department (MPD) and Oakdale Police Department (OPD). Each agency was interviewed regarding the authority to fly drones as a public entity and general drone operations such as pilot training, pre-flight checklist, number of drones in program and internal procedures allowing flight within Modesto and Oakdale airspace. Each agency provided copies of an approved FAA Certificate of Waiver or Authorization (COA) permitting use of drones in daily operations with certain limitations. A major limitation of the COA is permitting drone flights within active controlled airspace of airports unless each entity requests approval using the COA's emergency procedure. Each agency provided internal procedures specific to this limitation.

SCCGJ was impressed with each of the agencies' drone operations including the training of drone pilots, the use of pre-flight checklists, internal operations procedures and adherence to FAA regulations.

GLOSSARY

SCCGJ	Stanislaus County Civil Grand Jury
Class D	Airspace that surrounds airports with a control tower in operation
Class G	Uncontrolled airspace
COA	Certificate of Waiver or Authorization
FAA	Federal Aviation Agency
MOD	Modesto City-County Airport
MPD	Modesto Police Department

NM	Nautical Miles
SCSD	Stanislaus County Sheriff's Department
SM	Statute Miles
sUAS	Small Unmanned Aircraft (or Aerial) System
O27	Oakdale Municipal Airport
OPD	Oakdale Police Department
UA	Unmanned Aircraft
UAS	Unmanned Aircraft (or Aerial) System
UAV	Unmanned Aircraft (or Aerial) Vehicle

BACKGROUND

Drones, also known as Unmanned Aerial Vehicles/Systems (UAV, UAS, sUAS and UA) usually weigh less than fifty-five pounds and have no on-board pilot. The increased reliability and versatility of drones allow law enforcement agencies to use the small propeller aircraft in ways unheard in years past. Patrol vehicles carrying drones can easily launch them upon arriving at a dispatched location. Large law enforcement agencies have been able to integrate drones into aviation operations thereby reducing flight costs for full-scale helicopters.

Law enforcement agencies need approval from the FAA to fly drones. The FAA has created two distinct processes in order to allow public agency operators to fly drones: Part 107 Remote sUAS Pilot Certification or a FAA approved COA. Each Stanislaus County law enforcement agency uses the COA process which allows self-certification of drone pilots and authorizes them to fly drones under a number of circumstances. Flying at night is an example of a specific circumstance. Each agency also has an internal policy coupled with a verbal agreement from the FAA to fly within airport controlled airspace.

METHODOLOGY

SCCGJ investigated each agency's drone operation. The intent was to ensure that each agency operated under an agreement with the FAA, complied with the agreement, had written internal procedures for pilot training, pre-flight checklist, pilot log, and an emergency procedure to fly into FAA airport controlled airspace. SCCGJ elected to not focus on reviewing flight logs, training material or other lower level operational documents.

SCCGJ used several sources to gather information on the use of drones by local law enforcement agencies. SCCGJ reviewed rules and regulations available on the FAA's UAS website, reviewed FAA approved documents allowing each agency to fly drones and other information regarding drone operations. The SCCGJ also interviewed officers of each agency's drone program.

The following documents were reviewed:

- Certificate of Waiver or Authorization
- Internal procedure used to request drone flight into controlled airspace
- Operational data - copies of drone pre-flight checklist, number of drones and training schedules
- FAA UAS website regulations specific to public agency use of drones

DISCUSSION

An increasing number of law enforcement agencies are using drones in daily police activities. Small drones are being used for surveillance purposes in a variety of missions, including kidnappings, fugitive investigations, fires, and search-and-rescue operations. SCCGJ investigated Stanislaus County law enforcement agencies' established drone programs and if the programs are compliant with FAA regulations.

SCCGJ sent requests for information to multiple law enforcement agencies within Stanislaus County to determine which agencies have established a drone program. The following agencies utilize drones for law enforcement purposes: Stanislaus County Sheriff's Department, Modesto Police Department and Oakdale Police Department.

Requests for Information from each agency included:

- Federal Aviation Agency (FAA) UAS authorization(s):
 - Certificate of Authorization (COA) – Current copy of COA permitting the agency to conduct law enforcement activities using drones as a commercial operator. COA is an authorization issued by the FAA to a public operator (law enforcement) for a specific Unmanned Aircraft (UA) activity.
 - Airspace Authorizations – Current copy of FAA Airspace Authorization allowing agency to fly drones within Modesto Class D and Oakdale Class G airspace
 - Provide procedure permitting flight in Modesto Class D and Oakdale Class G airspace if no Airspace Authorization exists
- Number of agency personnel who hold a current FAA Part 107 Remote sUAS Pilot Certificate
- Number of drones in service
- Copy of drone pre-flight checklist

Government agencies, law enforcement and public safety entities have two options for operating drones.

- Fly under 14 CFR part 107 allows operations of drones weighing less than fifty-five pounds at or below 400 feet above ground level for visual line-of-sight operations only.
- Fly under the statutory requirements for public aircraft (49 U.S.C. §40102(a) and §40125). Operate with a Certificate of Waiver or Authorization (COA) to be able to self-certify drones and operators for flights performing governmental functions.

All three agencies operate under an approved COA and are almost identical in prescribing flight requirements in the National Airspace System. Each COA authorization allows “Operation of small Unmanned Aircraft System (sUAS) weighing less than fifty-five pounds and operating at speeds of less than 87 knots (100 mph) in Class G airspace at or below 400 feet Above Ground Level (AGL) for the purpose of public aircraft operations.” The COA further limits drone flight near airports by allowing operations beyond the following distances.

- Five nautical miles (NM) from an airport with an operational control tower, or
- Three NM from an airport having a published instrument flight procedure, but without an operational control tower, or
- Two NM from an airport without a published instrument flight procedure or an operational control tower, or
- Two NM from a heliport.

Two airports within Stanislaus County where these limitations may impact drone operations are Modesto and Oakdale airports. Approximately 90% of Modesto residents live within MOD’s Class D airspace. When the tower is closed this airspace reverts to Class G. Oakdale Municipal Airport has no published instrument flight procedure permitting drone flights outside the two NM rule and within most of the City of Oakdale. Additionally, medical heliports are located at Memorial Medical Center and Doctors Medical Center.

Sole use of the COA would prohibit flying within five miles of Modesto and two miles of Oakdale airports. The SCSD and MPD resolved this flight restriction by contacting the MOD FAA Control Tower prior to flying, providing mission (location, time, duration and altitude) information and requesting permission to fly inside the airport airspace defined by its COA. OPD contacts the Oakdale Municipal airport manager and provides drone mission information prior to launch.

SCCGJ interviewed drone program personnel regarding pilot training, pre-flight checklists, pilot logs and accidents. All agencies believe the public’s safety is of paramount importance when planning the pre-flight and avoiding flights over people. MPD and SCSD have regular drone training meetings for pilots to stay current in drone operations. Each of these departments self-certify drone pilots using in-house training. Oakdale sends drone pilots to an FAA certified drone class for training. MPD and SCSD have had one drone crash each, neither causing human injury or public damage although each drone required repair.

MPD and SCSD have much larger drone programs due to the larger population and area each department patrols. Accordingly, they may fly ten or more missions per month. OPD may fly a mission every two months. To be a proficient drone pilot, missions must be flown under real-life situations. MPD and SCSD also fly missions for fire departments within each respective area. Each department has strict criteria when launching a drone; public and officer safety are priorities. The types of missions included in the criteria are high profile search warrants, surveillance, fires, search and rescue, tracking of parole violators and criminal/traffic investigations. MPD was one of the first departments to be issued a COA in California and provides guidance to over sixty other law enforcement agencies throughout the United States in establishing a drone program.

SCCGJ concluded that all three law enforcement agencies operate their drone programs within FAA guidelines. Internal procedures ensure the safe operation of drones while providing a vital public service.

FINDINGS

- F1. Modesto Police Department, Stanislaus County Sheriff's Department and Oakdale Police Department appear to consistently follow approved FAA guidelines when flying drones in the execution of their law enforcement duties.
- F2. Oakdale Police Department, with limited use of its drone, may find difficulty in maintaining pilot skill levels. 1 and 2 are FACTS

RECOMMENDATIONS

- R1. Oakdale Police Department should seek additional opportunities to fly its drone to ensure optimal pilot skill level.

COMMENDATION

- C1. SCCGJ commends Modesto Police Department, Stanislaus County Sheriff's Department and Oakdale Police Department for having well organized drone programs. (Review your info: there may be more)

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

From the following elected county officials within 60 days:

- Sheriff - Stanislaus County Sheriff's Department.....**F1**
- Modesto City Council.....**F1**
- Oakdale City Council.....**F1, F2 and R1**

INVITED RESPONSES

- Stanislaus County Board of Supervisors.....**F1, F2**
- Chief - Modesto Police Department.....**F1**
- Chief – Oakdale Police Department**F1, F2 and R1**

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