

BOARD OF SUPERVISORS

2009 AUG 18 A 10: 38



# FINAL REPORT

## 2008-2009

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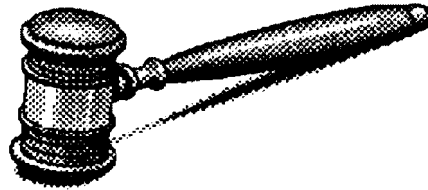
## **STANISLAUS COUNTY CIVIL GRAND JURY**

### **MISSION STATEMENT**

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

**2008-2009 STANISLAUS COUNTY  
CIVIL GRAND JURY**

The Honorable Jack M. Jacobson, Presiding Judge



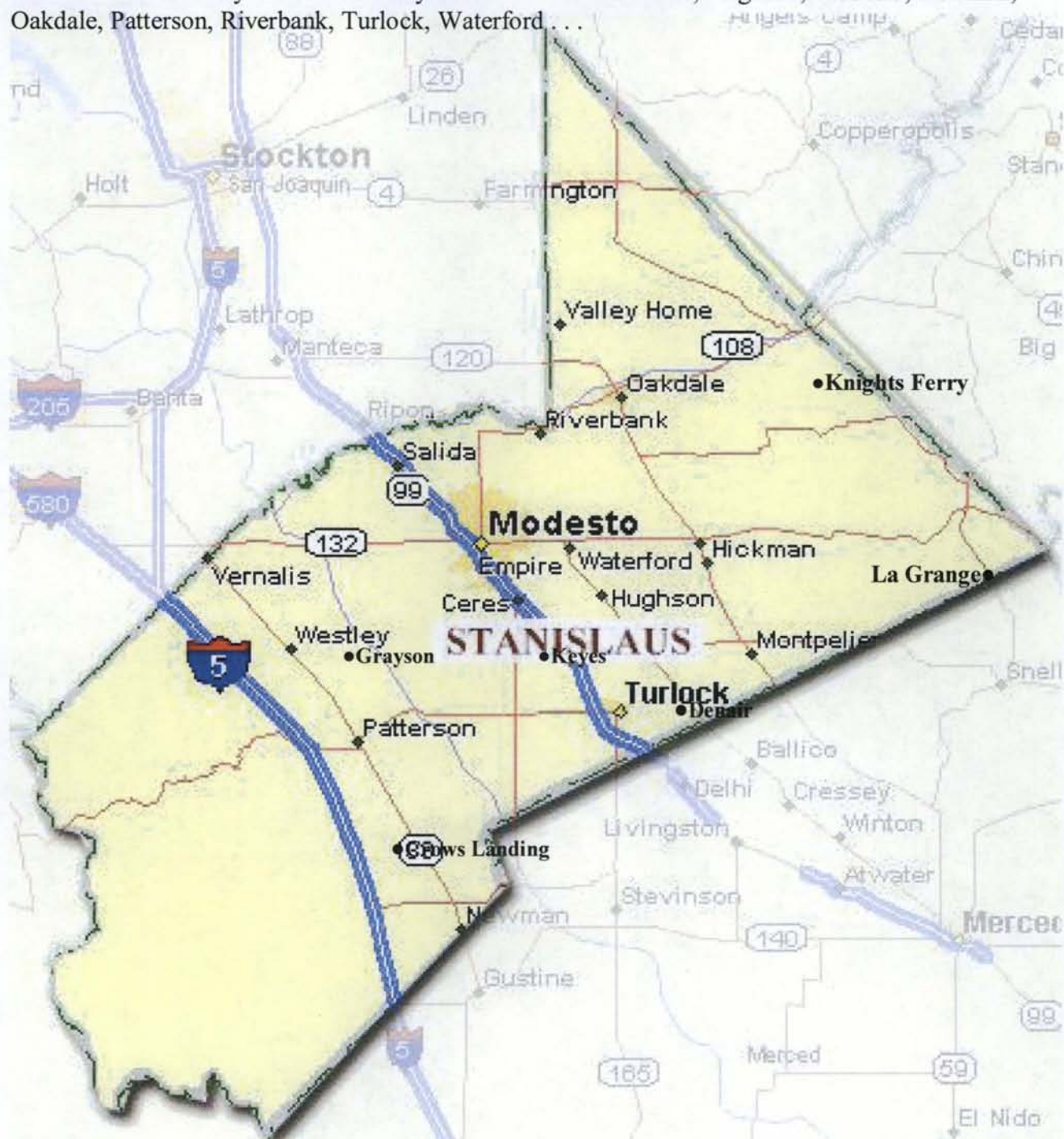
Foreperson..... Diane A. Sol  
Foreperson Pro Tempore..... Mike Casares  
Secretary..... Bill L. Axtell  
Sergeant at Arms..... Richard T. Baroni

Bill L. Axtell	Riverbank
Richard T. Baroni	Modesto
Mike Casares	Modesto
Charles M. deLaire	Modesto
Michael Erat	Modesto
Eloise F. Fernandez	Modesto
Nancy L. Goodman	Modesto
Jerry J. Jackman	Modesto
Warren A. Kennedy	Modesto
Elsie T. Lujan	Patterson
Bob G. Phillips	Turlock
Magdalena G. Robles	Ceres
Sharon D. Severe	Modesto
Anthony W. Smith	Oakdale
Diane A. Sol	Modesto
Charles D. Stark	Modesto
Paul R. Troop	Oakdale
Nancy P. Webber	Modesto



## AREAS SERVED

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



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



## **STANISLAUS COUNTY CIVIL GRAND JURY**

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

**2008-2009**

**GRAND JURY MEMBERS**

DIANE A. SOL, FOREPERSON

June 30, 2009

BILL L. AXTELL  
RICHARD T. BARONI  
MIKE CASARES  
CHARLES M. DELAIRE  
MICHAEL ERAT  
ELOISE F. FERNANDEZ  
NANCY L. GOODMAN  
JERRY J. JACKMAN  
WARREN A. KENNEDY  
ELSIE T. LUJAN  
BOB G. PHILLIPS  
MAGDALENA G. ROBLES  
SHARON D. SEVERE  
ANTHONY W. SMITH  
CHARLES D. STARK  
PAUL R. TROOP  
NANCY P. WEBBER

The Honorable Jack M. Jacobson  
Presiding Judge of the Superior Court of California  
800 11<sup>th</sup> Street  
Modesto, CA 95354

Dear Judge Jacobson:

We are pleased to submit the 2008-2009 Stanislaus Civil Grand Jury Final Report. This report was completed by a dedicated group of citizens. There were numerous hours, interviews, and miles traveled that brought us to this final report.

The citizens of Stanislaus County can be proud of the work done by the various agencies representing them. They are doing an outstanding job on their behalf. We would like to thank you Judge Jacobson, Mike Tozzi, the District Attorney's Office, and the Grand Jury's administrative assistant for your patience and support.

It has been an honor to serve on the Civil Grand Jury.

Sincerely,

Diane A. Sol  
Foreperson



*Superior Court of the State of California*

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

JACK M. JACOBSON, JUDGE

TELEPHONE  
(209) 525-7794

June 22, 2009

Diane A. Sol, Foreperson  
Stanislaus County Civil Grand Jury  
P.O. Box 3387  
Modesto, CA 95353

Dear Ms. Sol and Civil Grand Jury Members:

Congratulations on yet another busy and productive year for the Civil Grand Jury. Every year no matter how busy you are or how complicated the investigations, your services and recommendations serve such a useful purpose for our governments, special districts and our citizens. This year presented some additional challenges with several members having to resign in the middle of the year and alternates taking their place.

The dedication to your duties, the quality and thoroughness of your work product is unquestionable. You are very much appreciated by the Superior Court Judges, its administration and me.

Sincerely,

A handwritten signature in black ink that reads "Jack M. Jacobson". The signature is written in a cursive style with a large, sweeping flourish at the end.

Jack M. Jacobson  
Presiding Judge

JMJ/dmd

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# Subjects Of Investigation

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**Stanislaus Economic Development and Workforce Alliance  
Civil Grand Jury Case No. 09-05C  
2008/2009**

**SUMMARY**

The 2008/2009 Stanislaus County Civil Grand Jury received a complaint requesting examination of Stanislaus Economic Development and Workforce Alliance (the Alliance) operations. The Alliance manages Enterprise Zone 40 and handles the processing of hiring tax credit vouchers.

The complaint alleged: 1) the Alliance was improperly issuing tax credit vouchers to the Patterson Vegetable Company, 2) Alliance staff had ordered the deletion of records, and 3) that Alliance actively solicits funds from companies in the region with expectations of reward.

After a review of documents and interviewing key personnel, it was determined: 1) that the Alliance had acted properly in issuing vouchers to the Patterson Vegetable Company, 2) that Alliance staff did not order the destruction of records, and 3) that no documentary evidence exists that the Alliance solicited funds in exchange for rewards.

**BACKGROUND**

The Alliance is a 501(c)(6) non-profit corporation whose formation was approved by the Stanislaus County Board of Supervisors on June 11, 2002. One of the duties of the Alliance is the processing of hiring tax credit vouchers. These vouchers were designed to act as incentive for business(es) to hire employees that were considered disadvantaged, i.e., veterans, dislocated workers, individuals residing in economically depressed areas, etc. These tax credits allow a business to deduct a portion of a qualified employee's salary from its net tax burden. If a qualified employee remains employed with a company for five years, the total tax credits can amount to approximately \$31,570. As the managing entity for Enterprise Zone 40, the Alliance is tasked with processing the applications from various businesses in the County in compliance with the California Department of Housing and Community Development (HCD) regulations.

Qualified Enterprise Zone employers can qualify for these vouchers if they hire employees who meet one of approximately 15 different criteria set forth by HCD. One of these qualifying criteria is defined in *Section 23622.7* of the California Revenue and Taxation Code *Subsection (bb)* as an employee who:

*“Has been terminated or has received a notice of termination of employment as a result of any permanent closure or any substantial layoff at a plant, facility, or enterprise, including an individual who has not received written notification but whose employer has made a public announcement of the closure or layoff.”*

Patterson Frozen Foods issued their final layoff notice in June 2007 in accord with the Worker Adjustment and Retraining Notification (WARN) Act. Most of the assets of Patterson Frozen Foods were purchased by the Patterson Vegetable Company in June 2007. The Patterson Frozen Foods plant closed on June 18, 2007 and reopened on June 19, 2007 as the Patterson Vegetable Company. All employees of Patterson Frozen Foods were asked to submit applications for employment. Some

employees decided to get new jobs with the new company, and some did not. Shortly thereafter, representatives of the Patterson Vegetable Company filed hiring tax credit voucher applications with the Alliance. After review, a majority of the tax credit applications were approved. These employees met the criteria of “dislocated” workers who had received WARN Act layoff notices.

Patterson Vegetable Company must then submit these approved vouchers with their annual tax returns in order to claim the tax credit. The tax returns and vouchers are then subjected to review by the California Franchise Tax Board (FTB) who then determines if a company qualifies to take advantage of these vouchers. The FTB regulations in *Section 17053.46* of the California Revenue and Taxation Code includes the following statement:

*“If an employer acquires the major portion of a trade or business of another employer (hereinafter in this paragraph referred to as the "predecessor") or the major portion of a separate unit of a trade or business of a predecessor, then, for purposes of applying this section (other than subdivision (d)) for any calendar year ending after that acquisition, the employment relationship between an employee and an employer shall not be treated as terminated if the employee continues to be employed in that trade or business.”*

It is important to note that the Alliance is only tasked with determining the qualifications of an employee for the voucher and if an employer is located in the Enterprise Zone, not for the ability of the company to claim the credit. A debate regarding this did take place amongst the staff of the Alliance during the review process. It was determined by the person overseeing the vouchering program that these employees met at least one of the criteria, and therefore the Alliance was compelled to issue the voucher and allow the company to deal with the Franchise Tax Board when filing.

The complaint also alleged that Alliance staff had ordered the deletion of records of the vouchering process in contravention to state law. After interviewing Alliance staff, it was determined that staff had asked for the status of some voucher applications to be changed to “pending” while waiting for additional information or reapplications from the Patterson Vegetable Company which brought up the issue of whether or not the information from the first application would be kept. The staff who manage the database devised a way to keep all of the information from the original applications and incorporating the new information into new records so that the integrity of the database was maintained. All voucher applications are kept in hard copy form and remain accessible if needed.

In addition, the complaint also alleged that the Alliance was soliciting funds from private organizations in exchange for rewards (such as tax credit vouchers). The Alliance, in its capacity as a non-profit corporation, does solicit private funds to help support the work it does. This is a common practice amongst non-profit corporations. There was no evidence of any promises of reward or any rewards given in exchange for donations.

### **METHODS OF INVESTIGATION**

- Reviewed documents from several branches of the Alliance.
- Interviewed both the complainant and key personnel involved in the processing of the hiring tax credit vouchers.
- Reviewed public documents regarding the Alliance i.e., public meeting minutes and newspaper articles.

## **FINDINGS**

- The Civil Grand Jury finds that the Alliance staff did not erroneously issue hiring tax credit vouchers to the Patterson Vegetable Company.
- The Civil Grand Jury finds that Alliance staff did not order the deletion of voucher records and that these records still exist.
- The Civil Grand Jury finds no evidence that the Alliance solicited funds for any other purpose than to support its work as a non-profit corporation.
- The Civil Grand Jury finds that the two major sources of regulation for the processing and issuance of these hiring tax credit vouchers, the Department of Housing and Community Development and the Franchise Tax Board, have created a set of regulations that are confusing and sometimes create a situation where a business may not know if a voucher issued will be honored at tax time.
- The Civil Grand Jury finds that the vouchering process and the tax credit process act independently; the Alliance has oversight of the first and the Franchise Tax Board has oversight of the second.

## **RECOMMENDATIONS**

- The Civil Grand Jury recommends that the Alliance fully educate business to avoid sources of conflict regarding qualification for this tax credit.
- The Civil Grand Jury recommends that businesses seek the advice of tax counsel when considering these tax credits.
- The Civil Grand Jury recommends that the two involved state agencies, Housing & Community Development and the Franchise Tax Board, work together to develop definitive criteria regarding the qualification of employers for these tax credits.

## **RESPONSE REQUIRED**

- Stanislaus Economic Development and Workforce Alliance.

## **REFERENCES**

California Department of Housing and Community Development website  
<<http://www.hcd.ca.gov/fa/cdbg/ez/>>.

California Revenue and Taxation Code Section 17053.46 <<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=rtc&group=17001-18000&file=17041-17061>>.

California Revenue and Taxation Code Section 23622.7 <<http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=67209820427+3+0+0&WAISaction=retrieve>>.

Stanislaus Economic Development and Workforce Alliance <<http://www.stanalliance.org>>.

**City of Modesto Public Works**  
**Civil Grand Jury Case No. 09-06C**  
**2008-2009**

**SUMMARY**

The 2008/09 Stanislaus County Civil Grand Jury received a complaint regarding the leasing practices at the Modesto City/County Airport.

The complaint alleged the Modesto City Council approved ground (land) and hangar leases without appropriate review.

Existing ground (land) and hangar leases, and related documents, were reviewed. The Civil Grand Jury concluded that the procedures and policies for granting leases should be revised. Additionally, the airport's properties should be under the purview of a Property Manager.

**BACKGROUND**

The complaint alleged the Modesto City Council approved ground (land) and hangar leases without appropriate review.

The Modesto City/County Airport has entered into numerous types of leases. This investigation addresses only ground (land) and property (hangar) leases.

- The terms of the original ground (land) leases stipulated that the lessees were to construct buildings at their expense. At the end of the lease, the hangar and any additional improvements would become the property of the City of Modesto. Options were available for extensions or renegotiations.
- Proposed leases were submitted to the City Council as a consent item on the agenda without the opportunity of public input.

**METHOD OF INVESTIGATION**

- Conducted interviews with the complainant, Airport Management past and present, and the Director of Modesto City Public Works.
- Conducted an on-site tour of the airport.
- Review of current leases and agreements.
- Searched websites for the City/County Airport, the City of Modesto Public Works, and the meeting agendas and resolutions of the Modesto City Council.
- Discussed assessing practices with the County Assessor's Office.
- Consulted with legal counsel.

## **FINDINGS**

- The City Council granted extensions on long-term leases without an increase in the rent.
- In the case of Hangar 7, the initial lease expired and the City took no action. Four years later the lessee requested an “extension” of his lease, which was granted. Shortly thereafter the lessee assigned the lease to a third party with the approval of the City. The original lease did not include a holdover provision or an option to renew. The “extension” is dated and effective four years after the expiration of the original lease.
- The ground lease for Hangar 7 was for a term of 20 years. At the expiration of the lease, the improvements were to revert to the City of Modesto. When this lease expired the City took no action for approximately four years at which time it entered into a 15-year extension of the expired lease.
- The City of Modesto now owns both the land and improvements. They acquired the hangar by a quit claim deed from the original lessee. As it now stands, the occupant of Hangar 7 has a lease for the ground only.
- The City/County Airport entered into several other long-term ground leases. During the term of these leases, the City agreed to 15-year extensions, rather than acquiring the title to the improvements as provided under the terms of the leases.
- At the time of this investigation, there was no current Airport Master Plan in place.
- From information gathered through interviews, the Modesto City/County Airport needs the expertise of a professional Property Manager.
- City of Modesto Council Agenda Report presented the leases as a consent item.

## **RECOMMENDATIONS**

The Grand Jury considers the lack of oversight of City resources a serious problem. In a period of financial crisis the City has ignored a valuable resource. It is strongly recommended that the following issues be addressed.

- The lease for Hangar 7 should be renegotiated.
- The City of Modesto should have a Property Manager review all leases.
- A copy of the updated Airport Master Plan be submitted to the Civil Grand Jury.
- Reassess the process in which the ground leases are given extensions.
- Any future Airport leases be open to public discussion.

## **RESPONSE**

- Modesto City Council
- Airport Manager
- City of Modesto Public Works

**Stanislaus County Sheriff's Office**  
**Civil Grand Jury Case No. 09-09C**  
**2008/2009**

**SUMMARY**

The 2008/2009 Stanislaus County Civil Grand Jury received a complaint requesting the Grand Jury examine how the Sheriff's office manages the time and pay of the Reserve Deputy Sheriff-Coroner who also serves as Mayor of Modesto. The complainant believed this person was doing City of Modesto business while being paid by the County.

After a review of documents, it was determined that the Sheriff's office has accommodated the schedule of the Mayor of Modesto properly. The Sheriff's office stated that this individual's schedule is flexible and at the discretion of approval by his supervisor. There was no documented evidence that the Sheriff's Office had mismanaged this individual's time and pay.

**METHODS OF INVESTIGATION**

- Reviewed information on the pay and expected duties of this individual as both a Reserve Deputy Sheriff-Coroner and as Mayor of Modesto.
- Reviewed statements by the Sheriff's office.

**FINDINGS**

- The Civil Grand Jury finds that no evidence exists that non-County business was allowed to be done by this particular Reserve Deputy Sheriff-Coroner.
- The Civil Grand Jury finds no evidence exists which would indicate that this particular Reserve Deputy Sheriff-Coroner is paid or treated differently than any other.

**RECOMMENDATIONS**

The Civil Grand Jury has no recommendation.

**RESPONSE REQUIRED**

No response required.



**Monterey Park Tract Community Service District**  
**Civil Grand Jury Case No. 09-14C**  
**2008/2009**

**SUMMARY**

The 2008/2009 Stanislaus County Civil Grand Jury received a complaint regarding the eligibility status of a board member on the Monterey Park Tract Community Service District.

The complaint alleges that the Vice President is not eligible to serve on the board due to the residency requirement.

**BACKGROUND**

- Monterey Park Tract Community Service District is a water district serving approximately 48 residences.
- All directors are required to be registered voters within the service district.

**METHODS OF INVESTIGATION**

- Conducted interviews with the complainant and two board members.
- Interviewed Special District Liaison for the Board of Supervisor of Stanislaus County.
- Obtained documentation regarding residency of board member in question from the County Voter Registrar Office.
- Reviewed "committee fact sheet" of the Monterey Park Tract Community Service District obtained from the Stanislaus County website.
- Pertinent information was received from the County Board of Supervisors.
- Reviewed Government Code Section 1780 that governs board member replacement.
- Consulted with the District Attorney's office.

**FINDINGS**

- The Vice President does not meet the residency requirements.
- It was determined that a vacancy has existed on the Monterey Park Tract Community Service District for several years.
- According to Government Code Section 1780 the vacancy position(s) should have been filled by the governing Service district or the County Board of Supervisors.
- County Special District Liaison acknowledged that filling special district vacancies is a recurring problem.
- Training for board members offered by Stanislaus County is not mandatory.

**RECOMMENDATIONS**

- The Civil Grand Jury recommends that the Vice President resign or be removed from office since he does not meet the residency requirement.
- Special District Liaison should take a more active role in the operations of Special Districts.

- Periodic training for Special District Board members be mandatory.
- The governing board for Monterey Park Tract Community Service District and the County Board of Supervisor take action to fill existing vacancies.
- If the Board is unable to fill vacancies, the County should consider absorbing the Monterey Park Tract Community Services District into an appropriate existing water district.

**RESPONSE**

Monterey Park Tract Community Service District  
Stanislaus County Board of Supervisor, District 5  
Special District Liaison for the Stanislaus County Board of Supervisors

**Turlock City Council Member**  
**Civil Grand Jury Case No. 09-16C**  
**2008-2009**

**SUMMARY**

The 2008-2009 Stanislaus County Civil Grand Jury received a complaint against a Turlock City Council Member alleging a violation of conflict of interest laws and official misconduct.

Through interviews and document review, the Civil Grand Jury found that no financial nor common law conflicts of interest existed on the part of the Turlock City Council Member.

The Civil Grand Jury recommends that newly elected and appointed officials be given the written guidelines addressing *Financial and Common Law Conflicts of Interest* so they can make appropriate decisions for themselves, their constituents, and colleagues.

**BACKGROUND**

The Turlock City Council Member is an elected official for the City of Turlock. This Council Member, who is the subject of a complaint, was elected to this position in December 2008. Her current term will end 2012.

- A citizen complaint was filed with the Civil Grand Jury alleging that the Turlock City Council Member's campaign manager was the attorney of record for the business, which constitutes misconduct and/or conflict of interest.
- The Turlock City Council Member voted on an issue in which she was alleged to have a conflict of interest.

**METHODS OF INVESTIGATION**

- Interviews
- Review of printed State doctrines, "*Fair Political Practices Commission*"
- Review of printed materials, confidential memos
- Council Member's completed California Form 410, "*Statement of Organization Recipient Committee*" for elected officials
- The California "*Common Law Conflict of Interest Doctrine*"
- The California "*Financial Conflict of Interest Doctrine*"

**FINDINGS**

- The attorney of record for the business in question was found not to be the Turlock Council Member's campaign manager.
- The Turlock City Attorney advised the Council Member that she "*may have a potential common law conflict.*"
- Often the perception of wrongdoing is greater than the offense itself. This appears to be the case here; wherein no actual wrongdoing was found to exist, the perception of wrongdoing does (exist).
- *Financial Law Conflict of Interest* is easy to understand; however, this was never an issue. The *Common Law Conflict of Interest* doctrine is somewhat broader in scope and subject to

varied interpretations.

- No evidence exists to support the *Common Law Conflict of Interest* complaint regarding the actions concerning the Turlock Council Member.
- The decision to recuse one's self is of great importance to every elected or appointed official. An elected office holder must act with unquestioned integrity at all times, ensuring the public trust.
- The Council Member's actions at no time compromised the good standing of the Turlock City or the City Council as a whole.
- The Turlock City Council Member should have recused herself to avoid any perception of wrongdoing.

### **RECOMMENDATIONS**

- The Turlock City Attorney's responsibilities should include the maintaining of revisions and updates of material addressing *Common Law and Financial Conflict of Interest* doctrines.
- The Turlock City Attorney should be responsible for distributing this information to all elected and appointed officials bi-annually.
- The Turlock City Attorney should create and maintain a log which verifies that all elected and appointed officials received materials detailing *Common Law and Financial Conflict of Interest* doctrines. Verification of receipt shall be confirmed by each elected or appointed official's signature.
- The Turlock City Council should provide oversight to the Turlock City Attorney regarding the above recommendations.

### **RESPONSE**

- Turlock City Council
- Turlock City Attorney

**Correctional Facilities Inspections**  
**Civil Grand Jury Case No. 09-18GJ**  
**2008-2009**

**SUMMARY**

Annual inspections of custodial facilities are mandated by the *California Penal Code, Section 919(b)*. The Stanislaus County Civil Grand Jury did not initiate these investigations as a direct or an indirect result of a complaint filed by any person.

**INTRODUCTION**

The Stanislaus County Civil Grand Jury is mandated by *California Penal Code Section 919(b)*, “to inquire into the condition and management of the detention facilities within the county.” The mandate for these inspections is a part of the overall need to ensure that public agencies are properly serving the County and its citizens.

This mandate has been widely interpreted by past grand juries to range from visits to one or more facilities within their jurisdiction with a brief report as to the condition of those facilities. Sometimes detailed inspections of specific aspects of a facility’s operation is included. This is, of course, in addition to the need to conduct investigations brought to any California Civil Grand Jury by a citizen, a person in custody, or a custodial staff member *California Penal Code Section 919(a)*.

The Grand Jury would like to comment on a practice that the Jury believes ultimately contributes to the continuing deterioration of certain custodial facilities and loss of programs within the County.

Financial savings from facilities’ operating budgets that are the result of creative management are returned to the County General Fund and are not available to the facility itself. This practice inhibits incentives to create the most cost effective methods of operation. Unit managers should be empowered to redirect some or all of the funds saved for the benefit of their programs and facilities, enabling improvement in overall operations. This applies in particular to facilities with the greatest need.

Past Stanislaus County Grand Juries have criticized the physical condition of certain custodial facilities for nearly 25 years, with virtually no effect. In the meantime, the incarceration rate in this county per capita has grown to one of the highest in the world.<sup>1</sup> Budgetary challenges call for a more creative approach to managing facilities and existing resources.

The Grand Jury is concerned by the decrease in rehabilitation programs in certain facilities such as the Juvenile Detention facility and the Stanislaus County Honor Farm. In addition, the underutilization of detainee manpower at the Honor Farm for the benefit of the County should be addressed. The Grand Jury believes this to be a waste of sorely needed resources. These three issues coupled with incentives to save by individual units could produce positive results for the County.

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<sup>1</sup> Source: U.S. Justice Department, The International Center for Prison Studies; **National Institute of Corrections**

The Grand Jury recommends that administrators determine how these custodial units can be empowered to streamline and improve their operations. Steps should be taken to make changes their managers can embrace.

### **METHODS OF INVESTIGATION**

Members of the 2008-2009 Stanislaus County Civil Grand Jury met and discussed the extent to which the facilities within Stanislaus County should be inspected and evaluated. The members then refined the scope and level of detail to which those inspections should extend:

- On-site visits with tours through each facility by members of the Stanislaus County Civil Grand Jury
- Communication between the Grand Jury and the supervisors of the various facilities in the county
- On-site conferences with selected members of each facility's staff
- Examination of County of Stanislaus Public Safety Services Master Plan, June, 2007, Executive Summary. This plan refers to the 1988 Jail Needs Assessment and Master Plan
- Examination of County of Stanislaus Sheriff Department's Jail Needs Assessment, June, 2007, Executive Summary
- Examination of Stanislaus County Probation Department's Juvenile Commitment Facility Needs Assessment, April, 2008, Executive Summary
- Review Policies and Procedures of the Sheriff's Department

Members of the Stanislaus County Civil Grand Jury made multiple announced and unannounced visits to the four facilities located within the county.

Stanislaus County detention facilities were inspected in January, February, and March, 2009: The Main Jail at 1115 H Street; Public Safety Center, 200 E. Hackett Road; Probation Department Juvenile Facility, 2215 Blue Gum Avenue; Stanislaus County Honor Farm, 8224 Grayson Road,

The following non-correctional facilities were also visited: Modesto Police Department, 600 10<sup>th</sup> Street; Ray Simon Training Center, 3805 Cornucopia Way; Coroner's Office, 939 Oakdale Road; Office of Emergency Services (OES), 3705 Oakdale Road, Administration Building, 424 E. Hackett Road.

### **FACILITY DISCUSSION, FINDINGS AND RECOMMENDATIONS**

#### **STANISLAUS COUNTY MAIN JAIL**

The entire facility should be replaced. Replacement of this facility has been recommended since the *1988 Jail Needs Assessment and Master Plan*.

Paint storage room is a fire hazard.



There does not appear to be clear written guidelines and standards for classification of inmates to determine their housing. The process as it exists appears to be an Ad Hoc process, which does not provide inclusion of qualified custodial staff specifically trained to make these decisions.

It was noted that certain inmates, classified as high-risk, were not allowed in the enclosed exercise facilities without wrist and ankle restraints.

The configuration of the rooftop exercise area and the officer's observation station creates a blind spot which may cause a security issue.

There were no citizen complaint forms available when requested.

Inmates were not accessible to Grand Jury members.

### **PUBLIC SAFETY CENTER**

- **Main Kitchen on Hackett Road:**

It appeared that the food procurement procedures were missing opportunities to create greater economies of scale.

It was noted that there were several versions of uniforms worn by custodial and ancillary staff. This could potentially facilitate an escape.

- **Minimum custody housing unit:**

The officer located in the lobby area had an obstructed view of the housing units due to existing window coverings.

Overall the cleanliness of the minimum security housing unit needs improvement.

- **General Population Unit:**

The furniture in this unit is not anchored to the floor and made of flammable materials.

### **PROBATION DEPARTMENT'S JUVENILE FACILITY**

The kitchen area is in need of extensive cleaning; in particular, the overhead vents located over the cooking area are coated with grease. This is a fire hazard.

The entrance to the walk-in refrigerators located in the kitchen area had several floor tiles missing which is a safety and health hazard.

There were no written policies to determine classification of incoming wards.

**STANISLAUS COUNTY HONOR FARM**

Two of the units in the building that houses the high risk inmates were in such a state of disrepair as to render units uninhabitable.

It was noted that un-sentenced inmates were housed at the Honor Farm which is understood to be a minimum custodial facility.

It was noted that there were previously two types of recycling programs at the Honor Farm. One of them was making compost from green waste; the other was recycling discarded items on County roads. It appears these programs were discontinued because of the lack of funds.

Sections of the property housing the facility had been previously used for growing fruit trees and vegetables. The crop was included as part of the food program for County detention facilities. This program no longer exists.

**RECOMMENDATIONS FOR MAIN JAIL**

Stanislaus County Main Jail: The entire facility should be replaced. Replacement of this facility was recommended in the *1988 Jail Needs Assessment and Master Plan* and continuously after that. This Grand Jury concurs with that recommendation.

The paint storage room does not meet the \*OSHA (Office of Safety and Health Administration) *Standards for Storage of Flammable and Combustible Liquids 1926.152*.

Specific guidelines for inmate classification should be developed by qualified professionals and disseminated as a training document for staff involved in the assignment of housing and programs of inmates.

In certain instances Grand Jurors may choose to speak directly to an inmate. Jail staff should be aware of this prerogative.

High-risk inmates that are currently restrained during their period in the exercise area should be allowed to exercise in their secured and separate enclosure without wrist or ankle restraints.

The officer's observation station located in the exercise area should be moved to a location that provides an unobstructed view of all inmates.

At the recommendation of the current Civil Grand Jury, a directive was issued by the Sheriff, dated May 19, 2009. Citizen complaint forms will now be available in all Sheriff's facilities and on-line, to be issued upon request without questioning.

*Main Kitchen (Public Safety Center):* The current cost of feeding per inmate approaches \$6.00 per day. The kitchen management is encouraged to seek additional means to create economies of scale in food procurement i.e., joint purchases of commonly used food products with nearby counties.

Applications should be made to the federal government for access to federal food stores if possible, and other mechanisms that would result in the reduction of daily food costs.

It is recommended that all staff interacting with inmates dress in a uniform manner to reduce the potential of prisoner escape.

*Minimum Housing Custody Unit:* Window coverings in the lobby area should be removed or permanently raised to provide an unobstructed view of the inmate activity area.

It is recommended that the Sheriff's Department utilize inmate workers to achieve and maintain the overall cleanliness of the housing unit.

*General Population Unit:* The Grand Jury recommends that the furniture be securely anchored to the floor. Furniture purchased in the future should be made of non-flammable materials.

### **RECOMMENDATIONS FOR PROBATION DEPARTMENT'S JUVENILE FACILITY**

The kitchen area should be thoroughly cleaned with particular attention paid to the overhead vents that are covered with grease.

Missing floor tiles in the kitchen area should be replaced.

Specific guidelines for ward classification should be developed by qualified professionals. This information should be disseminated as a training document for staff to assign housing and programs for wards.

### **RECOMMENDATIONS STANISLAUS COUNTY HONOR FARM**

The building that houses the high-risk inmates should be condemned and razed.

It is apparent that inmates classified at higher than minimum risk are housed at this minimum risk facility. It is recommended that this practice be reviewed.

### **RESPONSES REQUIRED**

Stanislaus County Board of Supervisors  
Stanislaus County Probation Department  
Stanislaus County Sheriff's Office

**Riverbank City Council**  
**Civil Grand Jury Case No. 09-20C**  
**2008-2009**

**SUMMARY**

The 2008/2009 Stanislaus County Civil Grand Jury received a complaint against the City Manager of Riverbank, the Mayor of Riverbank and two City Council Members. The first issue on the complaint was that one of the City Council members did not reside in the City of Riverbank at the time he took out nomination papers. The second issue on the complaint was that during a City Council vote to appoint a new Mayor, one member of the council should have recused himself because of a personal bias against one of the candidates. The third issue stated that the Mayor of Riverbank, who was currently a City Council Member, voted for his own appointment. The fourth issue, it was alleged that the City Manager was aware of the Mayor's plans to resign in December 2008; however, he did not inform the electorate of that decision.

During the course of this investigation the Civil Grand Jury uncovered many more questionable practices than those initially outlined in the complaint.

After interviews with key individuals and review of documents, the Civil Grand Jury determined that the newly "elected" official be removed from office. No bias was found. The City of Riverbank is negligent in providing policies and procedures for staff and Council. The City Manager needs to be more visible and diligent in his role.

**BACKGROUND**

The Civil Grand Jury reviewed documents to verify the Council Member's residency. The City Manager was informed of the Mayor's decision to resign and did not disclose this information to the voters prior to the election. The newly elected Mayor appointed a Vice-Mayor immediately before his own resignation.

**METHODS OF INVESTIGATION**

- Conducted interviews with the complainant, past and present City Council Members, City of Riverbank City Manager, City Clerk and staff, Stanislaus County Clerk Recorder /Registrar of Voters, three former Mayors and a sitting member of the County Board of Supervisors
- Attended City of Riverbank City Council Public Meetings
- Obtained documents from Riverbank City Hall: City Policies and Procedures, Nomination papers, Guidelines for Prospective Candidates
- Obtained and reviewed documents from the U.S. Selective Service with assistance from a Congressman's office.
- Consulted with the District Attorney's office
- Reviewed the *California Elections Code 2007*

## **FINDINGS**

- It was determined that the most recently “elected” City Council Member was not a registered voter in Riverbank when he took out nomination papers. This is in violation of the *Candidates’ Guidelines for Municipal Office*.
- In December, 2008, the City Manager was made aware of the Mayor’s intention to resign and chose not to disclose this information to the citizens. In Riverbank, information flows up to the City Manager, but there is a lack of information flowing downward to the City Council and to the level of City Clerk. One city employee stated that he or she was not expected to think, but to do what he/she was told. This has led to much intrigue, misinformation, and lack of vision of all levels of City government. There have been several reports of intimidation by certain City Council Members and concerned citizens to the line staff in the City Government. The City Manager is either unaware of this, or chooses to ignore it.
- There is no law forbidding individuals from voting for themselves.
- It was found that the City Clerk of Riverbank does not validate the accuracy of information on election documents submitted to the City Clerk’s office, although the form(s) indicates a signature of verification.
- It was found that written policies and procedures are either non-existent or unavailable to staff and City Council Members. If available, they are not required reading.
- Without the knowledge of the City Council, the Vice Mayor purchased a table at a local fund-raising event with personal funds. The signage on the table indicated sponsorship by the Riverbank City Council.
- There is no uniform method of disseminating information to City Council Members. There is one City Council Member who does not use the Internet, e-mail, or any other computer based programs provided by the City of Riverbank.

## **RECOMMENDATIONS**

- The Riverbank City Council should invalidate the election and remove the most recently “elected” City Council Member.
- The City of Riverbank has a strong City Manager/weak Mayor form of Government. The City Manager shall establish a more efficient manner of disseminating information to the City Council and staff.
- The City Manager needs to be more visible in his leadership role.
- The City Council should evaluate the City Manager on an annual basis.
- The City Manager should evaluate his staff on an annual basis.
- The City Council should direct staff to develop a set of policies and procedures for each department.
- The City Manager should institute a policy that all employees read, and verify by their signature, the policies of the City of Riverbank on an annual basis.
- When verification of documents is required, the City Clerk or Assistant City Clerk should review each document for accuracy and timeline.
- The City Council should publicly reprimand or censure the Vice Mayor for misrepresenting the Riverbank City Council at a local fund-raising event.
- The City Manager should contract with a professional consultant experienced in cities with rapidly changing population demographics, aging infrastructure, and organizational

changes. The City Council should also develop relationships with cities that have successfully navigated the pitfalls of rapid change.

- One delivery system, paper or e-mail, should be used and computer training for the sole member who professes computer illiteracy, should be provided if the City chooses to use only an electronic mode for communication.
- Several interviewees were unable to recall certain dates, meetings, subjects of meetings, and Court testimonies. It is strongly suggested that all members of the Riverbank City Council, City government, and County Board of Supervisors maintain records of the dates of meetings and the subject of said meetings to enhance their recall.
- Concerned citizens frequently question the actions of the City government and City Council. In the best interest of transparent government, the City Council needs to develop a set of policies and procedures. This would assist the members of the City Council and establish a sense of trust between the Council, City government and all of the citizens of Riverbank.

**RESPONSES REQUIRED**

The Riverbank City Council  
The Riverbank City Manager  
The Riverbank City Clerk



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# Appendices

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## **WHAT IS THE CIVIL GRAND JURY?**

- **The Civil Grand Jury is empowered to investigate complaints** from citizens, civic groups, government employees and others about the operations of county and city governments and the conduct of their officers and employees. The Civil Grand Jury may also investigate complaints about special districts and school districts.
- **The Grand Jury is the guardian of public trust in local government.** This is known as the “Civil Watchdog” function. The Grand Jury exists to assure honest and efficient government.
- **Certain functions of the Grand Jury are mandated by law**, such as examining the condition of the detention facilities within the county. The Grand Jury is mandated to audit the books, records and accounts of county offices and to contract for an outside auditor to conduct such audits.
- **Committees are formed to study citizen complaints.** The Grand Jury itself also selects additional areas that it wishes to study/investigate. The Grand Jury publishes its findings, conclusions and recommendations in a single report for each investigation.
- **Final Reports and Responses.** The complete set of all reports released in a given fiscal year constitutes the Final Report of the Civil Grand Jury. Each individual report is labeled as Part One, Part Two, etc. as each is a single part of the Final Report. Each separate report, and in turn the Final Report, is distributed to the public officials, libraries, and the press.
- **Agencies or departments**, which are the subjects of investigations, are required to respond to the findings and recommendations within 60 days, and 90 days in certain cases, from the date of the receipt of the report. All reports and responses are available for viewing on the Grand Jury website: <http://www.stanct.org>.
- **Grand Jury Complaint Forms** may be obtained from the office. Complaints presented in the form of a letter will be accepted, but it is desirous to use the form whenever possible. A complaint form is also available from the website.
- **Grand Jury Confidentiality.** In all Grand Jury proceedings and investigations members and staff are sworn to maintain secrecy. All complaints are handled with the utmost confidentiality. The complainant’s name is never divulged or used in a written report.
- **While the Grand Jury is a part of the judicial system**, it is an entirely independent body. Whereas the State Attorney General, the Presiding Judge of the Superior Court, the District Attorney, and the County Counsel, may act as its advisors, they cannot control the actions of the Grand Jury except to ensure legality. The Grand Jury is an institution not answerable to any administration, politician, or legislator. It is the overseer of the public interest.

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

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**2008-2009 CIVIL GRAND JURY  
SELECTION PROCESS STATISTICS**

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**PHASE I: INITIAL CONTACT**

Letters mailed to:

A. 400 names were randomly selected from the Master Jury Pool of 233,295 names.

- 11 responded interested (2.75%)
- 12 responded interested; later withdrew (3.0%)
- 179 responded not interested (44.75%)
- 157 did not respond (39.25%)
- 41 returned as undeliverable (10.25%)

These random names came from the following 16 communities:

<u>City</u>	<u>Number</u>	<u>Percentage</u>
Ceres	23	(5.75%)
Crows Landing	1	(.25%)
Denair	8	(2.0%)
Empire	1	(.25%)
Hickman	1	(.25%)
Hughson	11	(2.75%)
Keyes	1	(.25%)
La Grange	4	(1.0%)
Modesto	204	(51.0%)
Newman	7	(1.75%)
Oakdale	35	(8.75%)
Patterson	14	(3.5%)
Riverbank	14	(3.5%)
Salida	3	(.75%)
Turlock	62	(15.5%)
Waterford	11	(2.75%)
<b>Total</b>	<b>400 random names</b>	

**B. 147 Community Leaders were asked to submit names.**

- 8 responded with names (5.4%)
- 139 did not respond (94.6%)

**13 names were submitted by 8 Community/Union Leaders.**

- 6 responded interested (46.1%)
- 1 was disqualified (7.8%)
- 6 did not respond (46.1%)

These 13 names represented 5 cities:

<u>City</u>	<u>Number</u>	<u>Percentage</u>
Modesto	6	(46.1%)
Newman	2	(15.4%)
Oakdale	1	(7.7%)
Patterson	1	(7.7%)
Riverbank	3	(23.1%)
<b>Total</b>	<b>13 submitted names</b>	

**C. 58 persons asked for an application.**

- 37 responded interested (63.8%)
- 3 did not respond (5.2%)
- 18 indicated interest, later withdrew (31.0%)

They represented 8 cities:

<u>City</u>	<u>Number</u>	<u>Percentage</u>
Ceres	3	(5.3%)
Hughson	1	(1.7%)
Modesto	35	(60.3%)
Newman	1	(1.7%)
Oakdale	8	(13.8%)
Riverbank	1	(1.7%)
Turlock	8	(13.8%)
Waterford	1	(1.7%)
<b>Total</b>	<b>58 requested an application</b>	

- D. 19 persons from last year's selection process were contacted.
- 6 responded interested (31.6%)
  - 2 indicated interest, later withdrew (10.5%)
  - 11 did not respond (57.9%)

Representing 5 cities:

<u>City</u>	<u>Number</u>	<u>Percentage</u>
<u>Ceres</u>	<u>2</u>	<u>(10.5%)</u>
Hughson	1	(5.3%)
Modesto	9	(47.4%)
Oakdale	2	(10.5%)
Turlock	5	(26.3%)
<b>Total</b>	<b>19</b>	

**PHASE II: INTERVIEWS/SELECTION OF 30:**

- A. There were 78 prospective jurors scheduled for interviews. Fifty-four (69.2%) completed the interview process; 23 (29.5%) persons withdrew or did not appear; and 1 (1.3%) was disqualified.
- B. As required by the Penal Code, 30 names were selected from those interviewed -- 19 ((63.3%) male and 11 (36.7%) female.
- C. Of the 30 persons selected; 20 (66.7%) requested an application, 3 (10.0%) names were submitted, 3 (10.0%) names came from the random selection process, and 4 (13.3%) were from last year's applicants.

**PHASE III: SELECTION OF THE 19-MEMBER PANEL:**

- A. From the list of 30, sixteen names were drawn at random and one was appointed Foreperson by the Presiding Judge. Two persons were designated as holdovers from the 2007-2008 Grand Jury. Four additional names were drawn as alternate members.

From the 17 selected, 11 persons (or 64.7%) had requested applications, Community Leaders submitted 1 name (5.9%), 2 persons (11.8%) came from the random selection, and 3 (17.6%) from last year's applicants.



- B. The 19 members of the Civil Grand Jury for 2008-2009 come from the following cities and communities:

<u>City</u>	<u>Number</u>	<u>Percentage</u>
Ceres	3	(15.8%)
Hughson	1	(5.3%)
Modesto	10	(52.6%)
Oakdale	2	(10.5%)
Patterson	1	(5.3%)
Riverbnak	1	(5.3%)
Turlock	1	(5.3%)
<b>Total</b>	<b>19 members</b>	

7 (36.8%) are female, 12 (63.2%) are male.

- C. Occupations of the grand jurors include:

Clinical Laboratory Scientist  
Community Service Officer  
Corrections Lieutenant - retired  
County Social Worker  
Executive Secretary  
Farmer  
Insurance Adjuster - ret.  
Insurance Business Owner - retired  
Insurance Executive - retired  
Medical Administrator - retired  
Public Administration  
Registered Nurse  
Retail Inventory Supervisor  
Teacher - retired  
Teachers' Aid - retired  
Transportation Supervisor - ret.

**DEMOGRAPHIC DATA ON GRAND JURORS**

Effective January 1, 2007, it is required by California Court Rule 10.625 that certain demographic data be available relating to prospective general grand jurors.

Eighty-six individuals indicated interest in serving on the Civil Grand Jury -- 36 females (41.9%) and 50 males (58.1%).

	Prospective Grand Jurors		17 Selected Grand Jurors		Carry Over Grand Jurors	
	Female	Male	Female	Male	Female	Male
<b>ETHNICITY</b>						
Amer. Indian/Native	0	2	0	0	0	0
Asian	0	2	0	0	0	0
Assyrian	0	1				
Hispanic/Latino	7	7	3	2	0	0
White	29	35	2	10	2	0
Declined Answer	0	3	0	0	0	0
<b>AGE GROUP</b>						
18-25	1	2	0	1	0	0
26-34	3	2	0	1	0	0
35-44	4	2	0	0	0	0
45-54	10	5	3	0	0	0
55-64	7	20	1	6	2	0
65-74	8	12	1	3	0	0
75+	3	7	0	1	0	0
<b>APPLIED VIA:</b>						
Application	21	35	3	9	2	0
Nomination	3	7	1	2	0	0
Random	12	8	1	1	0	0

Occupations of the 86 Prospective Regular Grand Jurors Include:

- |                               |                                 |
|-------------------------------|---------------------------------|
| Accountant                    | Manufacturing Worker            |
| Administrative Assistant      | Marketing Executive - ret.      |
| Air Traffic Controller - ret. | Medical Administrator - retired |
| Backer                        | Minister - ret.                 |
| Business Services Consultant  | NASA Division Chief             |
| Business Owner - ret.         | Office Manager                  |
| Cafeteria Worker - Lead       | Pharmacist - ret.               |
| CalTrans Administrator        | Plumber - ret.                  |
| Caregiver                     | Production Foreman              |
| Carpenter                     | Property Manager - ret.         |
| Civil Servant - ret.          | Public Administration           |
| Clinical Laboratory Scientist | Public Safety Dispatcher        |
| College Professor             | Realtor                         |
| Community Service Officer     | Registered Nurse                |

Computer Consultant  
Corrections Lieutenant - retired  
County Social Worker  
Executive Secretary  
Farmer  
Fire Fighter  
Housewife  
Insurance Adjuster - ret  
Insurance Sales  
Insurance Business Owner - retired  
Insurance Executive - retired  
Legal Assistant - ret.  
Law Enforcement - ret.  
Locksmith

Retail Manager  
Retail Inventory Supervisor  
Retail Sales  
Safety Officer  
School Administrator - ret.  
Software Engineer  
Systems Engineer  
Teacher - retired  
Teachers' Aid - retired  
Transportation Supervisor - ret.  
Travel Agent - ret.  
Truck Driver  
U. S. Army - ret.



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

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

**THIS COMPLAINT IS AGAINST:**

\_\_\_\_\_  
Name/Title

\_\_\_\_\_  
Organization

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone

**GI OFFICE USE ONLY**

DATE RECEIVED:

GRAND JURY CASE NUMBER:

COMMITTEE ASSIGNMENT:

**MY COMPLAINT AGAINST THE ABOVE IS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OTHER PERSONS OR AGENCIES CONTACTED:**

\_\_\_\_\_  
\_\_\_\_\_

**DESCRIBE THE ACTION YOU WANT THE GRAND JURY TO TAKE:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COMPLAINANT**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
City/State Zip Code

Home Phone Number Work Phone Number

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

Signature Date

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

**MISSION STATEMENT:**

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

**INVESTIGATIONS:**

The civil grand jury conducts three types of investigations.

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

**ACCEPTANCE:**

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

**FINAL REPORTS:**

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

**CONFIDENTIALITY:**

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

**TERM OF SERVICE:**

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

**PROCESS:**

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

**ACTION REQUESTED:**

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

## **HOW THE GRAND JURY PROCESSES A COMPLAINT**

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

Example: 09-01-C. All complaints for the fiscal year 2008-2009 would be given an 09 prefix number. The numbers following the year signify the sequential order in which that complaint was received. The letter(s) following the numbers designate the following:

C      Citizen complaint  
GJ     Grand Jury initiated investigation

Example:      09-14-C. Fiscal year 2008-2009, 14th case received, from a citizen.

Example:      09-12-GJ. Fiscal year 2008-2009, 12th case received, investigation initiated by the Grand Jury.

- All complaints are acknowledged in writing. The letter is signed by the foreperson and acknowledges receipt of the complaint. Each jury can prepare its own letter.

### **PHASE 0 - Preliminary Investigation**

- The jurors to whom the case has been assigned investigate the complaint more thoroughly to determine whether it is legitimate, has substance, and is within the jurisdiction of the grand jury. If all three concerns are answered affirmatively, the committee will recommend to the full panel to accept the case. If not, the case will be presented to the grand jury for a vote whether or not to accept the complaint.

### **PHASE 1**

- If the case is closed due to lack of validity or jurisdiction then no report is written.

### **PHASE 2**

- Once the complaint has been judged worthy of investigation, the committee to whom it has been assigned will meet to determine how to conduct their investigation.



- The assigned committee will conduct all proceedings in the handling of the complaint. No other jury member should engage in activity regarding the complaint unless requested by the committee chairperson. Any jury member having information regarding aspects of the complaint or complainant should inform the chairperson. The committee chairperson will advise the foreperson of ongoing activities and review progress with the full panel at a regular meeting.
- The committee should consider interviewing the complainant(s) first. By interviewing the complainant, the committee can receive a more detailed explanation of the complaint and it allows the complainant to bring in additional documents supporting the allegations. The subject of the complaint should also be interviewed during the investigation. All witnesses interviewed will be sworn to tell the whole truth and will be admonished not to reveal to anyone what he or she or the grand jury said during the interview.
- Part of the investigation may involve reading or reviewing documents, such as minutes of meetings, agendas, certificates, licenses and court orders. Jurors are encouraged to visit the office, site or facility being investigated. The committee can make an appointment, or show up unannounced as long as there are at least two panel members. Jurors must wear their grand jury identification badge when making a site visit.

### **PHASE 3**

- At the conclusion of the investigation, those most intimately involved with the case will write the final report.

### **PHASE 4**

- Once the investigating committee has written the final report, it will be distributed to the Editorial Committee.

### **PHASE 5**

- After the editorial process, the report is put on the Full Panel Agenda, read and approved by the full grand jury.

### **PHASE 6**

- The Presiding Judge reads and approves the report for accurate legal content.

### **PHASE 7**

- Once the report has been approved and signed off by the Presiding Judge, the case is closed. The grand jury is ready to publish its findings, conclusions and recommendations in a single report for each investigation. The complete set of all reports released in a given fiscal year is the Final Report of the civil grand jury. Each individual report is labeled as Part One, Part Two, etc. as each is a single part of the Final Report. The approved report is released to the entity in question two working days prior to it being released to the public and the press. The bound final report released at the end of the fiscal year will include all those reports released separately.



- A closing letter will be written informing the complainant that the investigation is completed. The complainant receives a copy of the Final Report once it becomes public.
- The entity that is asked to respond to the findings and recommendations has 90 days to submit a response. Elected officials have 60 days to respond.
- All Final Reports will be available for public review on the civil grand jury website located at: <http://www.stanct>

**PHASE 8**

- Responses received from the entity are filed accordingly in the grand jury library and added to the website.
- The response is also given to the Continuity Committee for review and discussion at a full panel meeting. The response is also mailed to members of the outgoing grand jury if that panel conducted the investigation.

## **HOW TO RESPOND TO RECOMMENDATIONS**

### **Responses**

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

### **Deadline for Responses**

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

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

### **Content of Responses**

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

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

- The recommendation will not be implemented because it is unwarranted or unreasonable, with supportive explanation.

**Respond to:**

Responses to the grand jury's findings and recommendations are sent in the form of an original hard copy and a digital copy on compact disc (Microsoft Word or pdf format) to:

*Superior Court - Stanislaus County*  
*Presiding Judge Jack M. Jacobson*  
*PO Box 3488*  
*Modesto, CA 95353*

Stanislaus County Civil Grand Jury  
1021 I Street, 3<sup>rd</sup> Floor  
P. O. Box 3387  
Modesto, CA 95353

Telephone: (209) 558-7766

Facsimile: (209) 558-8170

Website: [www.stanct.org](http://www.stanct.org)