

FINAL REPORT



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Foreperson's Report:

On behalf of the 2019-2020 Del Norte Grand Jury, I submit our final report to you, the citizens of Del Norte County, the Del Norte County Board of Supervisors, and the City Council of Crescent City.

The Grand Jury begins its service at the end of June and usually finishes at the end of the following June. This year, however, our service has been pushed to the end of August due to the COVID-19 pandemic. For 3 months, when we normally would have been developing the Final Report for publication, we were instead isolating to help slow the spread of the virus in our community.

The Grand Jury functions as an oversight committee charged with investigating allegations of civil misconduct in four primary areas of our government: The County, the City, Special Districts in the area, and our detention facilities. These investigations help to improve the efficiency and effectiveness of our representatives and staff as they perform their duties.

The committees consist of the following:

The County Committee: This committee is charged with overseeing all aspects of county government and investigates any citizen complaint filed.

The City Committee: The focus of this group is on the city government.

The Detention Committee: Charged with inspecting all of the detention facilities in the area, this is perhaps the busiest of the committees in the Grand Jury. They visit Pelican Bay State Prison, the Del Norte County Jail, Probation Department, Alder Camp, and Juvenile Hall, among others.

Special Districts Committee: The 26 special districts in the county fall under the purview of this committee. From the Bertsch-Ocean View Community Services District to the Trindel Insurance Fund, this group is responsible for responding to complaints submitted by citizens that involve any of these agencies.

Continuity Committee: Consisting of the appointed and elected officers of the Grand Jury, this committee helps to ensure that the incoming Grand Jury is prepared for its service. It reviews responses to the prior year's Grand Jury Report and develops replies. And it helps ensure that the Grand Jury functions in an uninterrupted flow from year to year.

Editorial Committee: This part of the Grand Jury is responsible for editing and publishing the final report. This year it has been a collaborative effort of the entire grand jury.

This is my second year serving on the Grand Jury and first year having served as Foreperson. I have learned quite a bit during that time. For example, I had no idea that the county has 26 separate special districts until I was selected for this service!

I am proud to have served with my fellow Grand Jury Members. Thank you for making this year a breeze! The California Grand Juror's Association offered essential training and information for us to do the job proficiently. We could not have done this without them! Same for our families: thank you for the support and understanding as we performed our duties. We could not have performed this service without the help of the administration personnel that processed all of our documents, our counsellor Joel Campbell, and the wonderful Judge Robert Cochran for appointing us to the Grand Jury and helping us find a meeting location more suitable for social distancing.

To all the citizens of Del Norte County: I encourage you to volunteer to serve on the Grand Jury! Have you ever wondered how our government works? What happens behind the scenes to make the gears mesh to drive the county forward? Well, service on the Grand Jury is, perhaps, the best way to learn.

With that, I would like to close out my forward to the Grand Jury Report for the 2019-2020 year. Thank you, again, to all of you who have made this service possible.

John H Degler, Jr., Foreperson
2019-2020 Del Norte Grand Jury

THE 2019-2020 COUNTY OF DEL NORTE GRAND JURY
DEL NORTE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT;
ENVIRONMENTAL HEALTH DIVISION

SUMMARY/BACKGROUND:

The 2019-2020 County of Del Norte Grand Jury voted to take up an investigation of the Del Norte County Community Development Department - Environmental Health Division. The grand jury had not investigated the Community Development Department since 2011 and had not specifically investigated the Environmental Health Division.

METHODOLOGY:

The 2019-2020 County of Del Norte Grand Jury took up an investigation and review of the Del Norte County Community Development Department - Environmental Health Division in the following ways:

1. Interviews of management and staff.
2. Review of state and county codes.
3. Review of department website.
4. Review of departmental policy and procedure.
5. Review of departmental documentation.

DISCUSSION:

The investigation of the Environmental Health Division was based on a citizen's complaint alleging the Environmental Health Division was instructed by the Board of Supervisors to not become involved in landlord-tenant disputes concerning residential health and safety issues. The scope of the investigation was limited to the following: What is the role of Environmental Health Division in inspecting/investigating residential health and safety complaints? What influence does the Del Norte County Board of Supervisors have in Environmental Health Division policy? Did the Board of Supervisors direct the Environmental Health Division to not become involved in landlord-tenant disputes regarding residential health and safety issues? What is the accessibility of the Environmental Health Division's mission statement, responsibilities, resources, documents and forms to the public?

FACTS:

The Del Norte County Community Development Department includes key functions of the county government. Divisions within the Community Development Department include Planning, Building Inspection, Engineering and Surveying, Roads, Environmental Health, and Code Enforcement. It interacts and participates with other departments in accomplishing goals of the Board of Supervisors.

The Environmental Health Division of the Community Development Department is charged with the responsibility of enforcement of pertinent California health laws, regulations and Del Norte County ordinances. The Environmental Health Division is responsible for a variety of programs, including consumer protection, solid waste, hazardous materials, drinking water and wastewater. Consumer protection programs include the permitting and inspection of retail food facilities, public swimming pools, and body art practitioners. The Environmental Health Division is also designated by the California Environmental Protection Agency as the Certified Unified Program Agency responsible for the oversight of facilities that handle or store hazardous materials. Cal Recycle designated the Environmental Health Division as the local enforcement agency for the county, which requires the Environmental Health Division to enforce state minimum standards for solid waste. This includes oversight of the closed Del Norte Landfill and three existing transfer stations. The Environmental Health Division is also responsible for the review of land use applications for compliance with well siting and septic system locations. Permits for alternative septic systems and wells are also issued by the Environmental Health Division.

California Health and Safety Code, Section 116140, which states, "Whenever a person possessing a place that is infested with rodents fails, neglects, or refuses to proceed and to continue to endeavor to exterminate and destroy the rodents and abate the conditions listed in Section 17920.3 that are causing the infestation, as required in this article and Chapter 3 (commencing with Section 116250), the department and its inspectors, the county board of supervisors and its inspectors, and the local health officer, shall at once cause the rodents to be exterminated and destroyed and the conditions listed in Section 17920.3 that are causing the infestation to be abated."

FINDINGS:

F1. The Community Development Department and Environmental Health Division staff that were interviewed were professional, knowledgeable, friendly and conveyed an in-depth knowledge of their job responsibilities and duties.

F2. The Environmental Health Division consists of one Senior Environmental Health Specialist, one Environmental Health Specialist and a part-time clerk. The Environmental Health Specialist position has been vacant since October 2019. The Community Development Department is actively canvassing to fill the vacant position.

F3. The Community Development Department and Environmental Health Division operate under the general policy direction of the Del Norte County Board of Supervisors.

F4. It is the policy and responsibility of the Environmental Health Division to inspect/investigate residential health and safety complaints, such as serious rodent infestations and mold issues. The Environmental Health Division responds to complaints by both homeowners and tenants. Complaint forms are available at the Environmental Health Division office.

F5. During 2019, the Community Development Department received and investigated ten complaints involving residential health and safety issues. One complaint was investigated by the Environmental Health Specialist and nine of the complaints were investigated by the Code Enforcement Officer in consultation with the Environmental Health Specialist. In one instance, a complainant alleged an employee of the Environmental Health Division stated they were prohibited by the Board of Supervisors from inspecting/investigating health and safety issues involving landlord/tenant disputes.

F6. A former Environmental Health Division employee operated under the belief that the Board of Supervisors did not want the Environmental Health Division to become involved in landlord-tenant disputes concerning residential health and safety issues. The employee operated under that belief for approximately ten years. The Grand Jury was unable to interview the former employee to obtain further information.

F7. Current Environmental Health Division employees were aware of their responsibility to inspect/investigate residential health and safety complaints.

F8. The Grand Jury found no evidence that the current Board of Supervisors directed the Environmental Health Division to not become involved in landlord-tenant disputes concerning residential health and safety issues.

F9. The Grand Jury was unable to determine if any former member(s) of the Board of Supervisors directed Environmental Health Division employee(s) to not become involved in landlord-tenant disputes concerning residential health and safety issues.

F10. The Environmental Health Division has a web page on the Del Norte County government website. The Grand Jury found that the website lacks detailed information about the division's mission, responsibilities, resources and forms. The Community Development Department's "Goals and Objectives for 2019/2020" statement listed one of its goals as, "Continue to add and update Environmental Health information on the County website."

RECOMMENDATIONS:

R1. Ensure the Environmental Health Division has sufficient and qualified staffing to provide necessary services to the public in a timely manner. Review and compare current Environmental Health Specialist salaries with similar counties to ensure qualified candidates can be hired and retained.

R2. Update the Environmental Health Division website to provide detailed information about their mission, services, responsibilities, resources and forms. Include downloadable forms, as well as links to applicable county and state codes, regulations, ordinances and laws.

2019-2020 Del Norte County Grand Jury
SPECIAL DISTRICT INVESTIGATION

INTRODUCTION

The Del Norte County Grand Jury received a detailed complaint on 12/17/2019 claiming the Smith River Community Services District (SRCSD) is not in compliance with Community Services District Law. The complaint specifically cited Government Code Section 61045(f), 61045(g), and 61063(a).

GLOSSARY

SRCSD – Smith River Community Services District

DNCGJ – Del Norte County Grand Jury

SCADA – Supervisory Control and Data Acquisition

California Government Code 61045(f) – The Board of Directors shall adopt rules or bylaws for its proceedings.

California Government Code 61045(g) – The Board of Directors shall adopt policies for the operation of the district, including, but not limited to administrative policies, fiscal policies, and the purchasing policies required by this division.

California Government Code 61063(a) – Each District shall adopt policies and procedures, including bidding regulations, governing the purchases of supplies and equipment not governed by Article 43 (commencing with section 20680) of Chapter 1 of Part 3 of the Public Contract Code. Each district shall adopt these policies and procedures by rule or regulation pursuant to Article 7 (commencing with Section 54201) of Chapter 5 of Division 2 of Title 5.

BACKGROUND

The Smith River Community Services District (SRCSD) was formed by Del Norte Board of Supervisors Resolution on June 22, 1970. The special district was formed for the purpose of providing potable water to District residents.

The SRCSD covers approximately 2,500 acres (3.9 square miles). The District boundary and Sphere of influence are coterminous. No recent District boundary changes have been initiated.

SRCSD is governed by a five member Board of Directors, elected at large by District residents to serve four year terms. The Board meets on the second and fourth Monday of each month at the District Office. Meeting dates and agendas are posted 72 hours prior to the meetings at the District Office and are noted on the resident's monthly water bills. District Staff can be reached by phoning the District Office.

METHODOLOGY

The investigation of this complaint and SRCSD took place between January and February 2020. Interviews were conducted with the complainant, SRCSD staff and two of the SRCSD Board of Directors. The DNCGJ reviewed correspondence from the District Counsel for SRCSD, the SRCSD Board of Directors Policy Manual, the SRCSD Resolutions binder, and California Government Codes 61045(f), 61045(6), and 61063(a).

FINDINGS

F1. Although most issues of the SRCSD policy are comprehended in State Codes, the SRCSD Resolutions and the SRCSD Board of Directors Policy Manuel, there is no single written collection of SRCSD policies for ready reference for Staff or SRCSD customers

RECOMMENDATIONS

R1. SRCSD should collect all of its various policies into a single reference for the use of Staff and the general public. It is also recommended that the policies be posted on the new website.

COMMENDATIONS

The SRCSD Staff and the SRCSD Board of Directors are to be commended for their efforts in modernizing the Smith River water supply including the completion of the Supervisory Control and Data Acquisition (SCADA) System and installation of backup generators to ensure a reliable water supply during power outages.

REQUEST FOR RESPONSES

Smith River Community Services District Board of Directors

BIBLIOGRAPHY

Correspondence from the Mitchell Law Firm dated November 8, 2019

Correspondence from SRCSD dated October 15, 2019

California Civil Code @ leginfo.legislative.ca.gov

The Brown Act @ oag.ca.gov

SRCSD Municipal Review and sphere of Influence Update @
www.delnortelaftco.org

SRCSD Board of Directors Policy Manual

SRCSD Resolutions/Agendas

Water System Emergency Generator Project @ northcoastresourcepartnership.org

DISCLAIMER

The report is issued by the 2019-2020 Del Norte County Grand Jury (DNCGJ). No members of the grand jury volunteered to recuse themselves due to a perceived conflict of interest.

The primary function of the DNCGJ 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 is one means to inform citizens that government is operation efficiently and in an ethical, honest manner. The grand jury investigates policies and procedures and makes recommendations to improve local governmental operations. It has no power to enforce its recommendations. It only informs citizens about some of the legislative and administrative work of their local governments. All grand jury investigations and reports are approved by at least 60% supermajority vote of the entire grand jury panel.

2019/2020 Del Norte County Grand Jury
California Department of Corrections and Rehabilitation
Pelican Bay State Prison

SUMMARY

On 9/17/2019, 4 Grand Jury Detention Committee members and 1 additional Grand Jury Member conducted a scheduled site visitation to the Department of Corrections and Rehabilitation (CDCR), Pelican Bay State Prison (PBSP) in accordance with Penal Code section 919(b) that states: “the Grand Jury shall inquire into the condition and management of the public prisons within the county”.

BACKGROUND

PBSP is located on 275 acres on the North Coast of California, 13 miles from the Oregon/California Border. The institution opened in 1989 to accommodate a need for a growing population of maximum security inmates. Currently in its 31st year of operation, PBSP operates with a budget in excess of \$200 million.

Pelican Bay State Prison (PBSP) is designed to house California’s most serious criminal offenders in a secure, safe, and disciplined institutional setting. The prison houses maximum security inmates in a general population (GP) setting. PBSP also houses inmates in the Security Housing Unit (SHU), designed for inmates presenting serious management concerns.

In addition to General Population, B Facility also operates the Restricted Custody General Population (RCGP), which is a 128-bed unit designed as a transitional program for GP inmates who have custodial/security/safety concerns. On Facility “D” PBSP operates a 480-bed Level II Facility. PBSP also operates a 400-bed, Level I Minimum Support Facility, which houses non-violent offenders outside of the secure perimeter of the main institution, a Firehouse with eight full time inmate firefighters.

METHODOLOGY

The Detention Committee met with the PBSP Public Information Officer (PIO). The PIO coordinates public information and community relations programs

at PBSP. The PIO is also the Warden/institution head's Administrative Assistant and the institution's designee to respond to media requests. The areas of interest to the Del Norte County Grand Jury (DNCGJ) included the general safety and security of the facility, fire safety, food service, religious services, rehabilitative programs, medical service, job training requirements for staff, escape procedures, law library, inmate treatment, investigations, housing units, and staff morale.

DISCUSSION

The remote setting of PBSP has resulted in fewer staff available than at prison locations throughout the state located in more populated areas. When staffing levels are too low to be filled with volunteer overtime, holdover overtime is required. This situation is slightly alleviated with the arrival of newly graduated officers from the academy. However, staff shortage remains a concern. PBSP has a mutual aid agreement with the Sheriff's Office, the California Highway Patrol, and Crescent City Police Department. Criteria for activation of these plans include, but are not limited to, disasters which may result from flood, fire, earthquake, war, sabotage, or riots. The DNCGJ requested and was provided a paper copy of CDCR's Annual Performance Measures Report and Strategic Plan Dashboard for review. Additionally, the recent Ricin Incident which prompted the evacuation of the PBSP administrative building was discussed with the PIO. The DNCGJ agreed that precautionary measures were put into place and reaction to the incident was handled without impacting normal daily operations of the prison and it was also noted that the inmate population was unaffected by the incident. The site tour included the Administrative Building, Facility "C" Security Housing Unit (SHU), Facility "D" Level-II, Administrative Segregation Unit (ASU), Correctional Treatment Center (CTC), General Population Yards, Investigative Services Unit (ISU), Main Kitchen, Laundry, Education Classrooms and the Mailroom. The DNCGJ was most impressed by PBSP's commitment to rehabilitative programs within the Institution. Previous years DNCGJ recommendation was to advocate for more rehabilitative programs and funding. According to the Community Partnership Office (CPO) the number of Inmate Activity Groups (IAG) offered have more than doubled since last year and is still growing. Throughout the tour, interaction with the inmate population was positive. Inmates were polite and respectful when encountered the day of the tour. Both custody and support staff provided open and candid responses

to our inquiries and are to be acknowledged for the job they do in a highly stressful and confined setting with many high security inmates.

FINDINGS

F1 PBSP is committed to the safety and security of the community and the State of California.

F2 PBSP is committed to the successful integration of the inmate population back into the California communities by providing education, treatment, rehabilitative, and restorative justice programs, all in a safe and humane environment.

F3 PBSP is an asset to the Communities of Del Norte County by having a Mutual Aid agreement with Law Enforcement Agencies which provides additional trained resources to be utilized if needed in emergency situations.

F4 PBSP housing facilities are well-run. Officers are well-equipped to respond to emergencies.

REQUIRED RESPONSES

No response is required, as Pelican Bay State Prison is part of a State Agency.

DISCLAIMER

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 Del Norte County Grand Jury

Del Norte County Jail

SUMMARY

The Del Norte County Grand Jury is required by California State law to annually “inquire into the condition and management of the public prisons” within Del Norte County as per California Penal Code 919 [b].

BACKGROUND

The original Jail was constructed in the 1960s primarily out of brick and was remodeled and extended in 1993/94 increasing the “blocks” or housing units, adding a secondary recreation facility and control booth.

Officers and staff are on duty to monitor bookings, medical care, transport, recreation time, disturbances, and hourly bed/cell checks.

While housed at the Del Norte County Jail, inmates are offered resources such as: Narcotics and Alcoholics Anonymous programs, medical services, recreational privileges, religious support, visits with attorneys/family/friends as well as work programs within the facility itself. Onsite classes through College of the Redwoods are also available.

Menus and meals are regulated by the State with a yearly visit from an auditor to observe the cleanliness and overall operation of the kitchen staff and facility. The inmates are served breakfast each morning and dinner each evening. A sack lunch is provided to each inmate to be consumed sometime during the mid-day.

METHODOLOGY

February 28, 2020 three members of the Del Norte Grand County Grand Jury met in the Commander’s Office for information on jail procedures and staffing functions prior to the tour. Afterwards, a tour of the facility was provided.

FINDINGS

F1. Jail capacity is 165 beds made up of eight male housing units and two female housing units.

- F2. Four teams of three correctional officers and two technicians working twelve hour shifts (two day and two night) occur daily unless there are staffing absences.
- F3. A self-imposed cap is in place of 105 inmates due to lack of adequate staffing.
- F4. Inmates are housed based upon compatibility in order to mitigate violence within the jail.
- F5. The kitchen and kitchen equipment was clean, and food storage areas were sanitary and vermin free.
- F6. Medications confiscated during booking were placed in a duffel bag in the drawer of a filing cabinet, possibly within reach of unauthorized inmates or personnel. Due to COVID 19 restrictions, we were unable to return and assess the accountability and proper storage of these medications.

RECOMMENDATIONS

- R1. In order to maintain a safe and compliant detention facility, it is recommended that an additional correctional officer be hired for each shift or raise pay to make the position more competitive with State Prison or other law enforcement agencies.
- R2. Verify the proper accountability and storage (logging, etc.) of confiscated medications.

COMMENDATIONS

The Commander and Staff were very knowledgeable and capable in all areas of jail procedures.

2019/2020 Del Norte County Grand Jury

ALDER CAMP REPORT – CAMP 20

SUMMARY

The California Penal Code mandates that the Grand Jury inspect County detention facilities annually. The 2019-2020 Grand Jury conducted a physical inspection of Alder Camp #20 on December 10, 2020. A total of four jury members performed the inspection. During the inspection, the Grand Jury observed that personnel were welcoming and prepared to allow a thorough inspection of the entire facility and grounds.

CDCR CAMP HISTORY AND BACKGROUND

The Alder Conservation Camp was opened in April 1961. The Camp is jointly operated by the California Department of Corrections and Rehabilitation (CDCR) and the California Department of Forestry and Fire Protection (CAL-FIRE). The Camps primary mission is to provide inmate firefighting crews for fire suppression activities in the Humboldt-Del Norte Ranger Unit Areas. In addition to fire suppression, inmate hand crews provide a work force for conservation and community service projects in the local area. In-camp, Alder' has a CALFIRE Saw-Mill and Wood Shop which produce lumber and wood products for tax supported governmental agencies.

The CDCR is responsible for the selection, supervision, well-being and discipline of the inmates. CALFIRE maintains the camp, supervises the work of inmate fire crews, and is responsible for custody of the inmate while on their daily CALFIRE project activities. CDCR staff may accompany the inmate fire crew when they respond out of the local area to provide for inmate security, care, and custody when no on emergency assignments to fires and other emergencies. Inmates must have 24 hour per day direct supervision while on work projects and while assigned to emergencies.

METHODOLOGY

The Grand Jurors were given written material about the facility, a tour of the facility and a video presentation that detailed the ongoing collaboration between Cal Fire and Alder Camp.

DISCUSSION

The Grand Jurors were first treated to homemade style pastries and donuts baked fresh that morning, in the Camp kitchen, by the inmates. It was a welcoming treat and allowed jurors the opportunity to interact with the correctional staff and inmates.

The Grand Jurors were then escorted to a conference room and were given a detailed presentation on facility operations. The Grand Jurors had an opportunity to ask questions.

The Grand Jury observed that an Emergency Preparedness Disaster Plan was posted and easily accessible in all areas of the facility. Staff explained that an inmate's ability to handle the *physical* demands of being a *firefighter and an emergency response team member required a* physical training program including workouts and exercise. Inmates have a daily routine and daily responsibilities that work towards that goal. The Inmates dedication to their rehabilitation and work program is impressive. The facility grounds are similar to that of a park like setting. The inmates obviously take pride in their surroundings and worked hard to maintain a safe environment.

Inmates are also exposed to many on hands vocational training opportunities. Inmates assist in maintaining the Cal Fire vehicle fleet, they have exposure to electronics, wood working and hobby crafts - such as children's toys and recognition plaques made from redwood burl and other local resources. The Grand Jurors observed that the necessary safety equipment and signage was available to inmates. The Grand Jurors also observed a very well-organized process for disbursing and retrieving all equipment and tools used by inmates.

FINDINGS:

F1: Alder Camp continues to provide training opportunities and vocational skills to inmates.

F2: Alder Camp has a mutual aid agreement with Cal Fire, the Del Norte County Sheriff's Office, the California Highway Patrol, and Crescent City Police Department. Criteria for activation of these plans include, but are not limited to, disasters which may result from flood, fire, earthquake, war, sabotage, or riots.

F3: Alder Camp continues to support the community by participating in the annual Santa's Workshop.

COMMENDATIONS:

C1: The staff and inmates are to be commended for their ongoing commitment the Camps primary mission which is to provide inmate firefighting crews for fire suppression activities in the Humboldt-Del Norte Ranger Unit Areas. In addition to fire suppression, inmate hand crews provide a workforce for conservation and community service projects in the local area.

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