

# FINAL REPORT

Del Norte County Grand Jury

2022-2023 Final Report



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**COUNTY OF DEL NORTE**

**GRAND JURY**

450 H STREET

Crescent City, CA. 95531

The Honorable Robert Cochran

Judge of the Superior Court of Del Norte County

450H Street

Crescent City, CA 95531

Your Honor:

On behalf of the 2022-2023 Del Norte Grand Jury, we 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.

As the Foreperson for the 2022-2023 Grand Jury, I wish to thank those members who stayed engaged throughout the whole one year of service. As with some of previous Grand Jury's in the past we are challenged to have a consistent Quorum to then vote on formal issues and report approvals. This is true even after adding Zoom access to our attendance criteria and procedure. It is with this experience that I suggest the recruitment process be reviewed and updated to function like most of the other Grand Juries in the state with similar demographics. Reaching out to those qualified people who are willing to serve within the Grand Jury will increase the number of potential jurors and increase the level of commitment by the members.

To footnote the Continuity Committee, they are the bridge between the previous and current Grand Jury. This Committee consists of a selection 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 Reports and develops replies & follow-up of these same reports. It supports & ensures that the Grand Jury functions in a more cohesive flow of information from year to year.

In addition to the following four reports, members of the Grand Jury toured, but are not reporting on, the Pelican Bay State Prison. It is a comprehensive four-hour tour that is very well done and instructive on how the State Prison is managed.

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? Volunteer service on the Grand Jury is, perhaps, the best informative way to learn, as well as participate in our county.

It is with great honor and respect that we, the 2022-2023 Grand Jury present to you and the County of Del Norte this year's report.








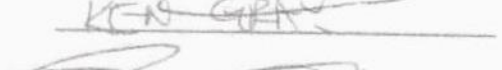






Sincerely,

Steve Yearout

Foreperson 2022-2023

Del Norte Grand Jury

Final Report  
Del Norte County Grand Jury  
2022-2023

Name of Juror	Signature of Juror
1 Steve Yearout (Foreperson)	
2 Marty Tyler (Secretary)	
3 Ryan Schillinger (Pro Tem)	
4 Linda Field	
5 Paul Senyszyn	
6 Brett Fahning	
7 Kenneth Gray	
8 Pamela Obuchon	
9 Wess Nunn	
10 Catherine Melvin	
11 David Cooper (Attorney)	
12 William Kelly (Librarian)	
13 Scott Fields	
14 Aurora Clawson	

2022-2023 GRAND JURY, IN AND FOR THE COUNTY OF DEL NORTE  
SPECIAL DISTRICT REPORT OF THE DEL NORTE COUNTY  
FAIRGROUNDS RECREATION AND PARK DISTRICT

**Scope of Inquiry**

The Grand Jury conducts investigations of both formal complaints from local citizens and annual reviews. Additionally, in its discretion, the Grand Jury may pursue other general lines of inquiry of public entities including special districts (see California Penal Code Section 933.5). This review and report of the Del Norte County Fairgrounds Recreation and Park District are generated pursuant to the latter.

**Structure of the Two Fairgrounds Boards**

There are two separate boards serving the Del Norte County Fairgrounds. The two boards previously held joint meetings, but now correspond and cooperate through other methods.

**41<sup>st</sup> District Agricultural Association**

The first board is the 41<sup>st</sup> District Agricultural Association (*hereafter* "41<sup>st</sup> District"). The Del Norte Fairgrounds are owned by the State of California. For over 100 years, Del Norte County Fairgrounds has been maintained, operated, and primarily funded by the State's 41<sup>st</sup> District with board appointments made by the Governor. This is the entity most familiar to our local residents as having run the fairgrounds for many years. As a State entity, any inquiries into State fairgrounds are generally not within the purview of County Grand Juries.

**Del Norte County Fairgrounds Recreation and Park District**

The second board is The Del Norte County Fairgrounds Recreation and Park District (*hereafter* "Park District"). In 2011, the California State Legislators voted to defund county fairgrounds statewide, which severely jeopardized the ability of the Del Norte Fairgrounds and County Fair to continue. In response, the special district was created.

In 2014, Del Norte County voters passed Measure 7 by the required two-thirds super-majority, thereby approving a 0.25% county-wide sales tax, to remain in effect for seven years, beginning April 1, 2015 and ending March 31, 2022.

The Park District's board of directors consists of elected officials following a Del Norte County official ballot general election. These board positions are unpaid elected positions. As a County special district, the scope of inquiry is well within the purview of the County Grand Jury, as are financial transactions and agreements entered into between the two districts.

The Park District maintains a web page which shows an intent and a very real effort towards transparency (see "dncfrpd.org"). The web page provides up-to-date board director information, meeting minutes and schedules, as well as attached copies of budgets and expenses, and account balances, in a very easy to use format.

### **Summary**

In the absence of any formal complaint against the Park District, there are no specific questions raised for investigation or review. The inquiries made here are general in nature and are made for the purpose of providing the public with information as to the overall fiscal health of the fairgrounds, its financial status, and future revenue outlook of the County Fair, post Measure 7, anticipated projects, and any recommendations.

Measure 7 (0.25% county-wide sales tax) became necessary to generate income after the State ended its financial support for the Fairgrounds of approximately \$200,000 per year. The sales tax generated approximately \$600,000 yearly until ending in 2022 pursuant to a sunset clause. This amount has accumulated to a current balance of approximately \$1,600,000, according to official records from the Park District. The accumulated balance suffices, for the time being, to supplant the loss of State contribution, but a future shortfall is certain. To avoid this future shortfall, the Park District is currently seeking and applying for grant monies.

### **Methodology**

The Grand Jury Fairgrounds Committee viewed and examined the following:

- Park District official agendas and minutes
- Budgets, expenditures, and other financial documents available online
- The Park District's website, "dncfrpd.org"

- Conduct an interview with Doug Wakefield, President of the Board of Directors for the Park District.

### **Review**

When first contacted by the Grand Jury Fairgrounds Committee, the secretary of the Park District responded by e-mail the same day.

On Friday, February 17<sup>th</sup>, 2023, the Grand Jury Fairgrounds Committee interviewed Doug Wakefield, President of the Board of Directors for the Park District.

President Wakefield expressed that the Park District currently oversees, provides for, and controls the finances of the 41<sup>st</sup> District. Budgets, expenditures, spreadsheets, receipts, meeting agendas and minutes, etc. are all currently posted on the Park District web site for full and open disclosure. The Park District Directors are said to be directly involving themselves 'hands on' in the bidding, expenditure, and financial decision processes of Fairgrounds projects. It does appear that the Park District may currently be exercising greater control and scrutiny of the funds provided to the 41<sup>st</sup> District than at their inception.

President Wakefield shared that there is great difficulty and expense in pursuing projects on the state-owned Fairgrounds due primarily to State requirements such as using only state-certified contractors or builders, prevailing wage control, etc. As an example, President Wakefield pointed out that the cost of the building and installation of new grandstands, cost about 2-3 times what it would otherwise cost if they were allowed to hire local contractors for the project.

As part of the Grand Jury's interview, questions were raised as to the Park District's paid second secretary, the first being a position on the Board of Directors. We were informed that the second position was created 4-5 years ago for the purpose of managing agendas, calendars, and other fiscal responsibilities of the Park District. The person who was employed in that position since its inception, recently resigned, leaving moot the question of whether any potential conflict of interest may exist.

### **Findings**

In conclusion, and in the absence of any formal complaint, the Grand Jury Fairgrounds Committee finds as follows:

F1: The now-ended 0.25% county-wide sales tax, which generated approximately \$600,000 annually, has accumulated to a current balance of approximately \$1,600,000.

F2: According to Park District official estimates, these funds should be sufficient to support day-to-day operations for the next 4-5 years.

F3: To meet future needs and avoid a future shortfall, the Park District is currently seeking and applying for grant monies.

F4: The Park District appears to be a very responsible County partner. In an effort towards transparency, it maintains a web page (see "dncfrpd.org"). The web page provides up-to-date board of director information, including meeting agendas, recent and archived meeting minutes, and updated calendar of meetings and events, as well as accessible copies of budgets and expenses and account balances, all available in an easy to use format.

F5: Though at one time the 41<sup>st</sup> District and the Park District held joint meetings, this was found to be against procedural guidelines. However, individual members from either board can correspond and some, we were told, frequently do attend each group's meetings, as they often discuss many of the same issues and concerns regarding the Fairgrounds.

F6: The Grand Jury Fairgrounds Committee found no violation or matters of non-compliance.

**Recommendations:**

R1: For the sake of keeping the public informed, the Grand Jury recommends that the Del Norte County Fairgrounds Recreation and Parks District post basic information regarding any completed, ongoing, or newly planned projects; and grants applied for or awarded.



## **2022-2023 Del Norte County Grand Jury Report Del Norte County Jail**

### **Summary**

The Del Norte County Grand Jury is required by the State of California to annually "inquire into the condition and management of the public prisons" within Del Norte County, as per California Penal Code 919 (b).

The Del Norte County Jail representatives indicated that the Biennial inspection from the Board of State and Community Corrections (BSCC) had not yet been conducted at the time of our tour on April 28, 2023. This report is scheduled for completion in June 2023 by the Board of State and Community Corrections for the Del Norte County Jail facility.

### **Background**

The Del Norte County Jail is constructed of two (2) wings. The first was built mainly of brick in the 1960's with an expansion and remodel in 1993-1994, along with a control booth and second recreation facility added to the newly constructed portion.

It is the responsibility of the Del Norte Jail and its staff to ensure the safe and secure housing of the inmates housed at the Jail. The inmates include those awaiting trial, those serving their county sentences, and those awaiting transportation to State facilities.

The Grand Jury received a copy of the Initial Inspection Report of the BSCC 2020 - 2022 biennial inspection, which occurred 11/04/2021. The next Biennial inspection is scheduled for June 2023.

### **Areas of Focus**

Title 15, Section 1025 - Not having annual required training specified in Section 184 of Title 15, CCR

Title 15, Section 1027.5 - Safety Checks not being routinely documented and completed with the 60-minute time lapse of this regulation throughout the facility.

Title 15, Section 1032 - Not having documented monthly fire inspections conducted by Staff from 02/2020 - 06/2023.

Title 15, Section 1280 - Various areas needing maintenance, and other noncompliance issues noted in the Del Norte County Environmental Health Inspection report.

Title 24, Section 1231.3.9 - The mirrors in Modules A-E need to be replaced due to being in disrepair.

## **Methodology**

### Documents

During the course of its investigation, the Del Norte Grand Jury reviewed multiple documents. These include:

The Del Norte County Environmental Health Inspection report, date 01/31/2023;

The BSCC biennial inspection report, issued 12/08/2021;

Sheriff Garret Scott's response to the 2021-2022 DNC Grand Jury report, date 10/24/2023.

The BSCC Corrective Action Plan Follow-up Inspection of 3/01/2023.

### Site Tours

The Grand Jury conducted a visit to the Del Norte County jail on 04/28/2023 to follow up on this information. Members met with responsible staff and toured the facility. The Grand Jury noted conditions which are listed in the previously mentioned reports and compared them to the list of noncompliance issues to determine whether these items had been addressed.

### Interviews

A list of questions was determined, and interview completed on 06/05/2023 with the sheriff and staff. The Grand Jury also spoke with other members of the jail staff during the tour detailing the Jail's operation as well as their responses to the specific findings listed in the reports. Further documents

were requested after the site tour, prior to the interview, and have not been submitted to the Grand Jury as of writing this report.

### Jail Staff

The interview and tour revealed a short-staffing issue with the jail. Currently the sheriff's office has 6 vacancies (2 correctional officers, 3 deputy sheriffs, 1 bailiff sergeant). The department is currently trying to fill these positions.

Jail staff is required to complete monthly fire prevention inspections, perform hourly safety checks, document the findings, and retain these records for 2 years. These records were requested following the tour but have not been made available as of writing this report.

There was also a diesel leak from the backup generator fuel storage tank. This issue was reported by the public and the source was traced by county agencies back to the sheriff's office. The Sheriff's Department was unaware of the situation until county maintenance department showed up outside the Sheriff's Department to address the situation with a sump-pump and black poly tank to clean up the contaminate. The sheriff's office reported that county maintenance fixed the leak in the generator fuel storage tank.

### Jail Conditions

The control booth is on the "newer" side of the jail (both sides of the jail are old, outdated, and in need of repair). There are 2 large monitors, each containing multiple screens which are visible to inmates from certain positions. These screens show the cameras' views throughout the facility, but many screens said, "no video." We were informed this message on screen meant a camera had lost signal, and the construction of the building prevented installation of wireless cameras. Del Norte County Information Technology (IT) is responsible for the maintenance of electronics at the jail and a help ticket has been submitted from the jail staff to County IT.

During power outages, the Jail's power comes from a backup generator. We found that the auto start had been recently repaired. Training for staff on how to start the generator manually has yet to be set in place. After a public complaint was filed with the US Coast Guard, County Maintenance tracked a diesel leak back to the Sheriff's Department. – They determined that the generator fuel storage tank had begun to leak diesel at some point in February or March, 2023. County maintenance solution for safety measures was to put up a large black tank to hold the recovered diesel, with a hose leading from the storm drain into the tank. A sump pump was used to pump contaminated water from the storm drain into a black poly tank that had been placed in front of the Sheriff's Department on 5<sup>th</sup> Street. This black tank was removed towards the end of May, 2023. The Sheriff stated that he and the staff were unaware of the fuel leak until county maintenance showed up with the black tank to begin cleanup. The Sheriff's Department stated that all maintenance and inspections of the fuel tank are the responsibility of the County Maintenance Department. The Sheriff stated he has no idea what County Maintenance has done with this black tank.

Overall maintenance of the Jail is lacking. The County Maintenance Department provided the Sheriff's office with two (2) maintenance people at the beginning of the year. As of April, 2023 they were down to one maintenance person being assigned to them from County Maintenance Department. The Environmental Health Division documented concerns with cleanliness, repairs, and safety throughout the jail in their report made on January 31, 2023. There were many items detailed in this report, that have required the attention of the County Maintenance Department. Jail staff informed us that certain requests are handled quickly, but many go without resolution. The Environmental Health Division noted in their report these findings.

- In K TANK- Rust was found above the shower vent, tiles were missing along the edge of the shower, floor tiles were missing/broken. Upstairs. one sink had water running non-stop. Ceiling tiles were missing.

- In H TANK they found rust above the shower vent, tiles missing/broken in the shower, ceiling tiles missing, floor tiles missing/broken Drain/vent for oil laundry area has no cover.
- E TANK Rust/paint damage on ceiling of restroom/shower, missing floor and wall tiles in restroom/shower, Mold in restroom/shower, missing/damaged floor tiles in living/sleeping area.
- A TANK Paint peeling off on the ceiling, rust/paint damage on ceiling of shower, damaged tiles in the shower, missing/damage floor tiles, new concrete patch work needs to be painted, bottom of window trim is rusted and needs new paint.

The Environmental Health Division was not able to inspect all inmate holding tanks of the jail. Their recommendation was for jail staff to inspect all tanks to ensure any mold, rust, missing/broken tiles are repaired or replaced. Jail staff stated that these inspections were completed. The Grand Jury requested proof of these inspections via reports or logbooks, but no supporting documents were provided to the Grand Jury as of writing this report. Help tickets to the County Maintenance Department appear to have been submitted by jail staff in a timely fashion. During the tour, we noted multiple examples of the findings by the Environmental Health Division, damaged or missing floor tiles as well as cracked and broken windows. Peeling paint, missing ceiling tiles. High-traffic areas on the floor appeared worn through and are no longer sealed from contaminants.

High levels of humidity were also reported while touring the county jail facilities. When asked what was causing these increased levels of humidity the staff reported that the jail is a hermetically sealed facility, making it hard/impossible to circulate any air passively. This means that all air is circulated through the HVAC system. Staff reported that the facility was constructed with six (6) HVAC units on top of the building. Over the years of use, and extra wear from the units being exposed to salt on the coast,

only two of the units are currently functional. Sheriff's Department staff stated that County Maintenance has "cannibalized" the other units for parts to keep the 2 functional HVAC units working. This means that currently the county jail's HVAC system is circulating 33% of the air that it was designed to move throughout the facility causing heightened levels of humidity. Staff stated that the jail is "comfortable" three months out of the year.

While interviewing the Sheriff and staff the Grand Jury inquired into narcotics, fentanyl specifically, that was reported to have been smuggled into the county jail earlier in the year. The sheriff reported that there were no specific negative ramifications to inmates and/or staff from this particular incident but that there have been overdoses caused by fentanyl while inmates are in custody. It was also stated that no inmates have died from overdoses while in custody. The sheriff reported that procedures have been changed to make sure narcotics do not make their way into the county jail. However, at the time of writing this report, no documentation of operational procedures were provided to the Grand Jury from the Sheriff's Department staff.

In Sheriff Scott's response to the 2021-2022 Grand Jury report, he stated that the Correctional Lieutenant was working with the IT Department to rectify the issues of visibility of monitors by inmates and a new electronic safety log. Both of these issues still remain unchanged since noted in the the grand jury tour of the jail in 2022. The Sheriff stated that they have filed work order tickets for both issues with the IT Department. The IT Department has purchased the new software for the electronic safety logs, but it has not been installed and implemented at the time of our interview. Paper copies of the required safety logs were requested but have not yet been provided to the Grand Jury at the time this report was written.

## **Findings**

F1. The Del Norte County Jail's lack of competitive compensation and difficult working conditions limit the ability of the Sheriff's Department to attract new staff members, which in turn adds to the difficulty of retaining current staff. Measure-R has provided the Sheriff's office with additional

funding for staff, which has been helpful in mitigating staff shortages, but it was reported that many staff members gain experience at the Jail then seek higher-paying positions, with similar duties elsewhere. Failed background checks from applicants are also a cause for a lower hiring pool.

F2. The retirement of the supervisor responsible for tracking continuing training (two years ago), without a successor, has created a loss of corporate knowledge and effective tracking of the training which has not been rectified.

F3. The Jail's deteriorated flooring gives cause for concern for both staff and inmates.

a. The flooring is susceptible to being chipped into small pieces, creating a footing hazard.

b. In addition, these pieces may be sharpened and used as weapons.

c. Broken floor tiles are used to transport contraband from one cell or unit to another.

d. The floor's level of wear prevents proper cleaning, as the porous layer is exposed, creating a potential health hazard, due its potential for harboring bacterial growth.

F4. The video monitoring system at the Jail poses a security threat.

a. The size and position of the control room monitors make them visible to inmates from multiple angles.

b. The size and position of the screens obstructs proper viewing of the housing units by control room personnel.

c. As many as six cameras were not working and the notice "no video" was observed on the monitors in the control room.

F5. The Jail's backup generator is unreliable and in the event of a power outage, should it fail, the Jail lacks sufficient alternative emergency lighting in several key areas of the facility, which is a serious cause for concern both regarding safety and security.

F6. Broken windows remain unrepaired, creating visibility issues and safety concerns.

F7. Exposed sink plumbing is a potential safety hazard.

F8. Peeling paint was noted throughout the facility.

F9. Missing and damaged ceiling tiles were observed in numerous areas throughout the facility.

F10. Maintenance tickets submitted by the Jail staff are often not addressed in a timely manner.

### **Recommendations**

R1. Maintenance issues need to be prioritized while ensuring completion of all repairs. County Maintenance, County Chief Administrative Officer, Environmental Health, and Sheriff's Department should work together to acquire funding and create a priority list for repairs.

R2. Individuals should be specifically designated as being responsible for maintaining and documenting key areas of the Jail's operations, such as training, maintenance, and safety checks.

R3. Control room monitors should be sized and positioned in a manner that prevents inmates from viewing the display, while allowing the control room operator's full, unobstructed viewing of the housing units.

R4. Hire additional employees to fill vacant positions. Try diversifying recruiting strategies for open positions. (Cal. Code Regs. Title 15 § 1027 – Sufficient number of personnel.)

R5. All Jail staff should be trained on how to start the backup generator for emergencies when the generator does not automatically start.



R6. The defective flooring should be removed, and the facility assessed for installation of proper replacement.

R7. Provide the Grand Jury with the structure report from Nichols, Melburg & Rossetto Architects + Engineers company (NMR) as soon as it becomes available.

R8. Provide the Grand Jury with next BCSS report once it is ready.

R9. Provide the Grand Jury with all documents requested previously.

R10. Inspect all inmate holding cells and complete reports noting each cells condition. File work order tickets with County Maintenance for any needed repairs.

R11. The Sheriff's Department should look into hiring their own maintenance staff to ensure prompt repairs. Hire outside contractors if maintenance cannot keep up with repairs.

R12. Install and implement electronic safety logs.

### **Invited Responses**

- The Del Norte County Sheriff is invited to develop and implement a plan to improve documentation and tracking of maintenance tickets.
- The Sheriff is invited to collaborate and coordinate with County Information Technology Department to install and begin use of electronic safety check program.
- The Sheriff is invited to collaborate and coordinate with County Information Technology Department to rectify the visibility of monitors from inmates.
- The Sheriff is invited to collaborate and coordinate with County Information Technology Department to fix security cameras that do not work properly.

- The Sheriff is invited to provide the grand jury with the following documents:
  - Engineering Report on the jail prepared by NMR Architects and Engineers of Redding, CA;
  - BCSS 2023 Report, when completed;
  - Copy of recent Fire Marshall inspection;
  - Copy of Sanitation Inspection(s) from January 1, 2023 - April 30, 2023;
  - Policy and Procedures Manual(s).

## **2022-2023 DEL NORTE COUNTY GRAND JURY KLAMATH FIRE PROTECTION DISTRICT REPORT**

### **Scope of Inquiry**

The Del Norte County Grand Jury (DNCGJ) is mandated by the State of California law to conduct regular investigations pertaining to certain public entities. Additionally, the DNCGJ has the discretionary authority to conduct reviews as to the management and efficient operation of entities including special districts (*see* California Penal Code Section 933.5). The Klamath Fire Protection District (*hereafter* Klamath FPD) is one such special district within the boundaries of the County of Del Norte.

### **Summary**

Our investigation of the Del Norte County, Klamath Fire Protection District originated pursuant to a citizen complaint, but transitioned into a Continuity and Compliance Report stemming from the Findings and Recommendations cited in the 2016/2017 DNCGJ Report, because it shared many common issues raised in the complaint, the majority of which pertain to compliance with The Brown Act.

### **Applicable Statutes**

The Brown Act, California Government Code § 54950 et seq., is a California law that guarantees the public's right to notice of meetings, and the right to attend and participate in meetings, of local public entities including special districts. The Brown Act was enacted in 1953 in response to mounting public concerns over informal, undisclosed meetings held by local elected officials.

In general, some of the proceedings mandated by the Act include: (1) a public posting of an agenda at least 72 hours prior to a regular meeting with the place and time and a general description of each item, (2) public notice of general topics regarding closed, special, and emergency meetings, and (3) an opportunity for public members to be heard.

### **Accountability and Governance**

The Klamath FPD is governed by a five-member Board of Directors who are elected at large by registered voters that reside within the district boundary. The Directors are required to reside within the district boundaries and are elected to serve four-year terms. Board Members may be appointed by the Del Norte County Board of Supervisors in lieu of election if there are insufficient candidates to require an election. Board members do not receive a stipend for meetings or any other compensation or benefits.

Each Del Norte County Fire District has a dedicated Fire Chief, a complement of volunteers, and an elected Board of Directors, which oversees available funds and necessary expenditures. The City of Klamath has lost a substantial number of businesses due to the decline in the fishing, wildlife and sporting industries, and more recently as a result of COVID shutdown. Those losses contribute to a reduced manpower pool in the area for recruiting firefighters and emergency medical technicians (EMTs). Tax revenue is also lost to the county and therefore, the Fire Districts. Additionally, land belonging to the Yurok Tribe in the Klamath area and Federal/State Park lands are not on the Del Norte County property tax roll. Recently, the Tribe has made several business property purchases and likewise, individual Tribe members are buying homes and property, and by putting them into a Tribal trust, which is a common practice but results in these properties becoming tax-exempt properties.

### **Boundaries and Coverage of Services**

The Klamath FPD encompasses approximately 306 square miles, or roughly 25 percent of the total land area in Del Norte County. The northern boundary extends east/west near US Highway 101 mile-post 15, the southern boundary is the Del Norte/Humboldt County line, the eastern boundary extends to the Siskiyou County line, and the western boundary extends to the Pacific Ocean. The District's sphere of coverage follows US Highway 101 for approximately three miles north from the District Boundary to US Highway 101 mile-post 18.0.

The Klamath FPD provides fire protection and emergency response services to the Klamath community. In addition to responding to fires, the KFPD also responds to medical emergencies, motor vehicle accidents, rescue calls, and incidents involving hazardous materials. The greatest percentage of their responses is for medical emergencies including home medical emergencies and vehicle accidents, while the smallest percentage of their calls is to fight structure fires. The Klamath FPD responds to approximately 200 calls annually. Klamath FPD and other DNC Fire Districts help each other through the standard practice of mutual and automatic aid agreements. As an outlying area, Cal Fire supports them when available as well.

### **Methodology**

The DNCGJ reviewed the following documents:

- Citizen Complaint Letter (July 2021)
- Most recent Klamath FPD Board meeting minutes (September 28, 2022).
- The Brown Act
- The Klamath Fire Protection District Standard Operating Manual

The DNCGJ conducted the following interviews:

- The Complainant regarding the specifics of the complaint.
- Klamath FPD Board of Directors Treasurer: requested Board minutes and Klamath FPD financials.
  - Klamath Fire Department Chief: requested Klamath Fire Department record of fundraiser expenses and proceeds; record of private donations and copy of bank account statements related to department spending.
  - Klamath FPD Board of Directors President: requested a copy of Klamath FPD bylaws; any and all financial records from 2021 – current year were also requested.

### **Findings**

F1. The KFPD Board is currently not conducting meetings in accordance with the Brown Act.

F2. The Klamath FPD meeting agendas and meeting minutes are currently not properly posted in accordance with the Brown Act.

F3. The Klamath FPD and the Klamath Fire Department failed to comply with the Grand Jury's multiple requests to provide various documents, including financial records and bank statements.

F4. The Klamath FPD currently has 12 dedicated volunteers who are faithfully participating in ongoing training, with several receiving EMT training.

F5. The Klamath FPD receives limited revenue from Del Norte County to run their District. The amount they receive is based on the growth rate of their district and from the Del Norte County 1.0% Property Tax. As mentioned above, the City of Klamath property tax base has been in decline for the past several years due to the loss of businesses and property being purchased by the Yurok and its tribe

members. Therefore, they receive a relatively diminished share of tax-generated funding. This rate is computed by a State formula, which does not vary much year to year.

F6. The Klamath FPD receives additional revenue from a Fire Assessment fee collected from Klamath properties on the Del Norte County tax roll, as voted in by the residents in the Klamath Fire Protection District.

F7. Cal Fire is an option as a backup responder, but their availability is seasonal and the cost, at approximately \$250,000 per year to guarantee Cal Fire's yearlong presence at the Klamath Station (Amador Program), is prohibitive.

F8. The Klamath FPD does pursue grants, which are written and submitted by the Fire Chief. No grants have been awarded recently, nor are any grant applications currently pending.

F9. The Klamath Fire Auxiliary conducts occasional fundraising events within the community to raise monies for a variety of Klamath Fire Department/KFPD needs. For example: class training materials; fire protection uniforms, helmets and gear; medical and various other supplies.

F10. Both the Klamath FPD Board and the Klamath Fire Department Chief failed to comply with multiple requests made by the DNCGJ for records concerning said "fundraiser events." No record of specific fundraiser events, their purpose, expenses, or proceeds and how they were spent has been provided as of the submitting of this report.

### **Recommendations**

R1. The DNCGJ recommends that the Klamath FPD Board of Directors, along with the Klamath Fire Department Fire Chief, seek guidance and instruction regarding the statutory requirements under the Brown Act for each of the following:

- a. required content for meeting agendas;
- b. requirements for creating, maintaining and publishing minutes of previous meetings; and,
- c. requirements for the public posting of meeting agendas and minutes.

R2. The DNCGJ recommends that the Klamath FPD Board of Directors, along with the Klamath Fire Department Fire Chief, seek guidance and instruction regarding the statutory requirements for creation, maintenance, and publication of proper financial records.

R3. The DNCGJ recommends that the Klamath FPD seek guidance and instruction towards creating better working relationships, communication, and cooperation with the Klamath Volunteer Fire Department, The Yurok Tribe, the Klamath Fire Auxiliary and the greater Klamath Community.

R4. The DNCGJ recommends that the Klamath FPD aggressively pursue state, regional and national grants, and, in that effort, consider sub-contracting to someone qualified to perform grant writing.

### **Invited Responses**

The DNCGJ invites the Klamath FPD to address the failure to provide requested documents in a timely manner.

The DNCGJ invites the Klamath FPD to offer a public plan for compliance with the Brown Act.

## 2022-2023 DEL NORTE COUNTY GRAND JURY MARSY'S LAW

### **Disclosure**

For the purposes of maintaining the integrity of the Grand Jury and to avoid any possible appearance of conflict, any Grand Jury member may voluntarily recuse themselves from the investigation and ensuing report of a particular subject. Grand Jury member David Cooper accordingly voluntarily self-recused himself from this particular matter at its inception.

### **Summary/Introduction**

The Del Norte Grand Jury received a formal written complaint from a resident of Del Norte County (hereafter "Complainant") against the Office of the District Attorney for the County of Del Norte and associated offices. The Complaint alleges certain violations and non-compliance of state-mandated statutes regarding the rights of victims to receive notice of all court proceedings related to the prosecution, conviction, and sentencing of an alleged criminal perpetrator.

These rights are protected under the 2008 amendment to the California Constitution article 1, § 28, section (b), the "Victim's Bill of Rights Act of 2008", also and more commonly known as "Marsy's Law"; compliance of which is required for all District Attorney Offices in the State of California.

Once a request is made by a victim under Victim Witness and Marsy's Law, the Office of the District Attorney is tasked with the responsibility of providing the victim with notice of all court proceedings of the case.

In this case, it is undisputed that the Complainant was victimized by the alleged criminal perpetrator, that the Office of the District Attorney charged and prosecuted the case,

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and that the victim formally requested to be notified of all court proceedings in the subject criminal case.

The Complainant in this matter waived all rights to anonymity for purposes of conducting an investigation, but the Grand Jury maintains anonymity of the Complainant for purposes of generating this report.

**Background/Grounds of the Complaint**

Following an altercation in a local business, the Complainant became a victim of stalking and multiple threats of personal bodily harm by a person determined by the County of Del Norte to be of substantially compromised mental health. As is often the case of criminal victimization, these incidents disrupted the Complainant's life for a substantial period of time.

The Office of the District Attorney accordingly brought charges against the alleged criminal perpetrator and provided the Complainant with a copy of the "Victims' Bill of Rights Act of 2008". It is undisputed here that the Office of the District Attorney did provide Complainant with a pamphlet explaining notice rights under Marsy's Law, and that the Complainant accordingly requested to be notified of all court proceedings in the case.

There is one confirmed incident during the prosecution of the underlying case where a deputy district attorney forwarded an incorrect time of hearing to the Complainant. By the time the mistake was realized and the correct time given, the hearing had already passed. The District Attorney readily acknowledges this error.

The Complainant alleges there were additional occasions where no notice of a court proceeding was provided. These allegations of additional incidents of non-compliance with notice requirements become the primary matters for investigation and report.

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### Office Structure

The District Attorney's Office is a county office and the District Attorney for Del Norte County is a county ballot elected position. District Attorney Katherine Micks is currently serving her second term after being elected in 2018 and re-elected in 2022. Prior to that, she was appointed interim by the Del Norte County Board of Supervisors after the previous district attorney left mid-term.

One of the duties of the District Attorney is in the management of the Victim Witness Program. In addition, several court advocates work directly under the Office of the District Attorney along with a staff of deputy district attorneys and investigators.

### Methodology

The Grand Jury approached this matter by first interviewing the Complainant, followed by conducting an interview of Del Norte County District Attorney Katherine Micks.

The primary questions for investigation are, [1] was there more than one incident, or a pattern of incidents, which resulted in the Complainant being deprived of notice of a court proceeding, [2] does the District Attorney possess documentary evidence showing the Offices of the District Attorney and/or Victim Witness provided notice of all court proceedings to the Complainant, and [3] were any such additional incidents a result of lack of policy and/or method on the part of the Offices of the District Attorney and/or Victim Witness?

### Discussion

As stated above, it is undisputed that there was one occasion when a deputy district attorney gave the Complainant an incorrect time for a particular court hearing. By the



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time the mistake was discovered and new notice given, the court hearing had already taken place.

Regarding the inquiry of whether the District Attorney's Office provided notice of all court proceedings – although requested, the District Attorney provided no documentary evidence to demonstrate that notice of all court proceedings were provided to the Complainant. The District Attorney referred to her personal notes, but declined to provide copies.

Accordingly, although this investigation could not absolutely conclude whether the Offices of the District Attorney and Victim Witness ever failed to provide notices to the Complainant, the investigation did conclude that the Offices have no written policies and procedures, method or 'paper trail' with which to document whether such notices have been provided.

There is another circumstance that may be a contributing factor. Early in the proceedings, the Complainant was represented by an attorney. There is some confusion as to whether the attorney primarily represented the interests of the local business where the altercations took place, or whether the attorney represented the Complainant directly. It is possible that the attorney, whether representing the Complainant directly or indirectly, may have in fact received, but not forwarded, some of the notices of hearing to the Complainant. Nonetheless, no documentary evidence was provided by the District Attorney to substantiate that this may be the case.

**Findings**

F1. The Grand Jury confirms one incident in which the Office of the District Attorney provided the victim with an incorrect hearing time;

F2. It appears the incorrect hearing time was based on human error;

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F3. Although requested, the District Attorney provided no e-mails, phone messages or records, proofs of service, or any other form of 'paper trail' that would ascertain that notices for all court proceedings were served on the victim or any attorney for the victim;

F4. In the absence of any 'paper trail' as referenced in F3, it could not be ascertained whether notices for all court proceedings were served on the victim;

F5. These matters were avoidable;

R1. The Grand Jury recommends that written policies and procedures be adopted by the Office of the Del Norte County District Attorney which provide for the documentation of any and all notices sent to a victim, and, to both victim and attorney in cases where the victim is represented by legal counsel.