



2023-2024

DEL NORTE COUNTY

GRAND JURY

FINAL REPORT

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Del Norte County Grand Jury
2023-2024 Final Report



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COUNTY OF DEL NORTE
GRAND JURY
450 H Street
Crescent City, CA 95531

The Honorable Darren McElfresh
Presiding Judge
450 H Street
Crescent City, CA 95531

On behalf of the 2023-2024 Del Norte County Grand Jury, I submit our final report to you, to the Citizens of Del Norte County, to the City Counsel of Crescent City, and to the Del Norte County Board of Supervisors.

This year our greatest challenge was retaining all of our members. By the second meeting we lost 2 of our 19 members, and we lost several more later in the year. We received a number of alternates, but ultimately, we finished with 16 members. We were fortunate to make our monthly quorums as required by law, but there were several times when we barely accomplished this.

Attendance and participation issues aside, we had many dedicated citizens who actively participated in investigations and generously gave their time and skills so that we were able to overcome many of the obstacles created by our diminished numbers. There were several grand jury members who took on multiple tasks, going above and beyond to fulfill this civic duty.

I believe I speak for all of us when I say that serving on the Grand Jury was a valuable experience. Not only did we gain more insight into the workings of county agencies and our local penal institutions, but by performing the “watch dog” function of our local government and

flushing out areas of concern, we were also able to see the many ways these agencies perform professionally.

I have heard grumblings in the community that the Grand Jury lacks any real power, and yet, we found that all the agencies we reached out to when we started our inquiries were very cooperative with the process. They all responded to our concerns. I believe this should reassure the community as to the power and respect the Grand Jury still holds.

Our final report will be published in *The Triplicate* and online at the Del Norte County Grand Jury website. Additional printed copies will be available in the Self-Help Center in the Del Norte County Superior Court and in the County Clerk's Office at 981 H Street, Suite 160.

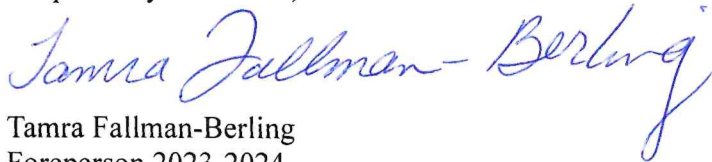
I especially wish to thank our Detention and Harbor Committee Chairs for taking charge of their investigations and devoting many hours of service. I also wish to thank all of our members for sharing their insight, voices, valuable time and efforts to attend the required tours of the Del Norte County Jail, Pelican Bay State Prison and Alder Conservation Camp CC #20. All the members of this Grand Jury have very full lives and busy work schedules and still found time to serve.

This Final Report includes investigations required by law, those that arose from citizen concerns and from issues proposed by the Grand Jury itself. I encourage the citizens of Del Norte County to serve on the Grand Jury for a fuller understanding of our role.

Citizen complaints are our best resource for investigating issues of concern. I invite the citizens of Del Norte County to be proactive in bringing their concerns to the Grand Jury. Complaint forms are available on our website at <https://www.co.del-norte.ca.us/departments/grandjury> , and may be submitted into Mailbox #1 at the Del Norte Superior Courthouse.

I thank your honor for trusting me as this year's foreperson, and it is with the utmost respect I present you and the Citizens of Del Norte County with this report. It has been my honor to be of service.

Respectfully submitted,



Tamra Fallman-Berling
Foreperson 2023-2024
Del Norte County Grand Jury

**Del Norte County
Civil Grand Jury
2023/2024
Report on the Del Norte County Jail**

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 members Amanda Jourden and Kerrie Webb, accordingly, voluntarily self-recused themselves from this particular matter at its inception.

SUMMARY

Under California Penal Code 919(b), the Del Norte County Grand Jury is required to “inquire into the condition and management of the public prisons” within Del Norte County annually.

GLOSSARY

BSCC -- California Board of State and Community Corrections

USDA -- United States Department of Agriculture

BACKGROUND

The jail was built in 1960 primarily of brick. In the early 1990’s it was remodeled and a new wing added. It has a capacity to hold 142 inmates but operates under a self-imposed cap of 60-90 due to limitations of staff and safety.

METHODOLOGY

Documents reviewed:

- Board of State and Community Corrections (BSCC) Initial Inspection Report 2023-2024 Biennial Inspection Cycle issued 9/25/2023
- County of Del Norte Office of the Sheriff-Coroner Execution of Corrective Action Plan 9/26/2023
- BSCC 2023-2024 Comprehensive Inspection, Penal Code 6031 Welfare & Institutions Code 209, Del Norte County Sheriff’s Office Detention and Court Holding Facilities report issued 10/16/2023

Site Tour:

- Members of the grand jury toured the Del Norte County Jail, observing conditions and speaking with several staff members.

Interviews:

- A list of uniform questions was created and used to interview relevant personnel.

DISCUSSION

Staff:

The jail is understaffed and does not meet the required compliance of the Board of State and Community Corrections regulations as to staffing.

New hires frequently stay only one year and then leave.

Because of staff shortages, personnel sometimes work 12-hour shifts.

A single staff member in the control pod does surveillance while simultaneously answering requests from inmates. Inmates can see into the control pod in certain areas.

Safety check intervals by staff do not meet BSCC standards.

Jail Conditions

The floor tiles and counters are chipped and broken. There is mold and asbestos contamination. Some toilets are flooded. There are broken windows in the visiting area.

Although newer inmate records are in a locked and secure location, older ones are in an unsecured room.

The phone in the attorney's room is often broken leading to unsecure communications.

Mirrors are missing in some of the housing blocks.

Maintenance responds slowly, if at all, to requests.

Intercoms do not work in the two sobering cells.

FINDINGS

- F1. Conditions in the jail such as the mold, flooding toilets, and asbestos are a health hazard for both inmates and staff;
- F2. The insufficient staffing that results in twelve-hour shifts and safety check failures is a

security threat to staff and inmates;

- F3. Non-competitive compensation makes it difficult to recruit new staff;
- F4. Adverse working conditions and non-competitive compensation make it difficult to retain staff;
- F5. The position and size of mirrors and monitors in the control pod create blind spots for staff, and present a security risk for both inmates and staff;
- F6. Broken windows create visibility problems;
- F7. Unsecured inmate records are at risk for unauthorized access.

RECOMMENDATIONS

- R1. One factor in losing staff has been that newly hired graduates stay a year and then leave for jobs elsewhere. Offer incentives such as paying a percentage of student debt each year beyond the first year of service.
- R2. Ensure that USDA Rural Development Community Facilities Projects grants for jail improvements are applied for and followed up on.
- R3. Investigate why there is a problem with the Del Norte County Maintenance Department.
- R4. Place unsecured inmate records in a secure location, offsite if necessary.
- R5. Institute procedure for reporting when the attorney phone is out of order.

INVITED RESPONSE

The Del Norte County Sheriff is invited to provide a response to the Honorable Judge McElfresh and the Grand Jury within 90 days regarding: (F1-F7, R1-R5)

COMMENDATIONS

The kitchen and kitchen equipment are clean and well organized.

During this year D tank was renovated and now has no major issues.

Pay raises for staff were instituted this year.

**Del Norte County
Civil Grand Jury
2023/2024
Crescent City Harbor District
Staff Use of Credit Cards and Compliance with Annual Audit Requirements**

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 Diane Rykken, accordingly, voluntarily self-recused herself from this particular matter at its inception.

BACKGROUND/SUMMARY

The Grand Jury received a formal complaint that in 2021 there was at least one confirmed occasion of the Crescent City Harbor District's (CCHD) staff misusing CCHD's credit card for a personal travel expense. Staff indicated that they used CCHD's credit card for a personal travel expense by mistake. Staff indicated that to reimburse CCHD for the personal travel expense they did not claim a travel reimbursement to which they were entitled, as an offset. Receipts showing that staff fully reimbursed CCHD for the improper use of the credit card were requested but have not been produced, and, consequently, the complete reimbursement cannot be verified at this time.

In 2021, CCHD did not have a written policy regarding staff's use of CCHD's credit cards. As of November 2022, CCHD staff developed a written policy governing staff's use of CCHD's credit cards; however, CCHD has not adopted this policy at a public meeting.

Further, the Grand Jury learned that the CCHD had been out of compliance with required financial audits for several fiscal years, including 2020/2021 and 2021/2022. As of 2024 CCHD is now current with its required financial audits.

DISTRICT STRUCTURE

The CCHD formed in 1931 as a special district under California Government Code. The CCHD is run and managed by five publicly elected Commissioners and operates under the California Harbors and Navigation Code.

METHODOLOGY

Interviews

- Various interested parties and officials with information pertinent to the investigation

Documents Reviewed

- Relevant California Government Code Sections
- Relevant California Harbors and Navigation Code Sections
- Relevant California Public Resources Code Sections
- Crescent City Harbor District Independent Auditor’s Report, Financial Statements and Supplementary Information for Year Ended June 30, 2023
- Crescent City Harbor District Independent Auditor’s Report, Financial Statements and Supplementary Information for Year Ended June 30, 2022
- Crescent City Harbor District Independent Auditor’s Report, Financial Statements and Supplementary Information for Year Ended June 30, 2021
- Crescent City Harbor District Plan of Action & Milestones as of August 23, 2022
- Bylaws of the Crescent City Harbor District (Amended May 18, 2021)
- Summaries of Credit Card Purchases and Credit Card Statements
- Crescent City Harbor District Credit Card Policy (November, 2022)
- Correspondence between government officials
- Various other documents from a wide variety of sources

Websites Reviewed

Crescent City Harbor District: www.ccharbor.com

California Fair Political Practices Commission: www.fppc.ca.gov

California Special Districts Association: www.csda.net/home

DISCUSSION

Pursuant to the Fair Political Practices Commission:

“Public service is a public trust, requiring officials and employees to place loyalty to the citizens, the laws, and ethical principles above private gain. Following ethical guidelines and eliminating any improprieties, or even the appearance of potential corruption, is imperative to safeguarding the public’s trust in government. To help accomplish this goal, laws exist to aid public officials in avoiding conflicts between an official’s public duties and the official’s personal interests.

Whether elected, appointed, or hired, good governance depends on officials and staff knowing, understanding, and following the duties and responsibilities of being a public servant as well as the relevant laws and requirements that govern it.”

<https://www.fppc.ca.gov/learn/public-officials-and-employees-rules-.html>

Government officials and employees must not use public funds for personal expenses, as this violates the Constitution of the State of California’s prohibition against any gift of public funds

(Cal. Const. Art. XVI § 6). Committing such a violation may subject the person to criminal prosecution under California Penal Code section 424 and will undermine the public's trust in the government entity.

On at least one occasion in 2021, CCHD staff misused a CCHD credit card for a personal travel expense. This misuse was reportedly committed in error and was reportedly reimbursed, however CCHD does not currently have all of the actual receipts at this time that substantiates that the gift of public funds was fully reimbursed to CCHD.

At the time this misuse occurred, CCHD did not have a credit card policy in place to set forth the expectations for staff's use of CCHD credit cards and the manner in which a misuse would be rectified.

Additionally, pursuant to California Government Code section 53891, CCHD is required to submit annual audit reports to the Del Norte County controller. CCHD failed to undergo a timely audit for fiscal years 2020/2021 and 2021/2022. Failing to submit to timely audits is inconsistent with the law, results in a lack of transparency, and may lead to community mistrust.

CCHD has taken steps to address these issues. CCHD hired a new comptroller in May 2022. In November 2022, CCHD staff developed a written policy relating to staff's use of CCHD credit cards. This policy, however, has not been discussed and approved by the CCHD commissioners in an open meeting.

On October 7, 2022, the audit for fiscal year 2020/2021 was completed, and on August 23, 2023, the audit for fiscal year 2021/2022 was completed.

FINDINGS

- F1. CCHD provides credit cards to certain staff members to assist with their ability to conduct CCHD business;
- F2. In 2021, a CCHD staff member misused the CCHD credit card to pay for a personal travel expense;
- F3. CCHD has not produced any actual receipts demonstrating that the staff member fully reimbursed CCHD for the staff's misuse of the CCHD credit card;
- F4. CCHD staff developed a credit card policy in November 2022, but the policy was not discussed and approved by the CCHD commissioners in an open meeting;
- F5. CCHD failed to undergo timely audits for several fiscal years, including 2020/2021 and 2021/2022;
- F6. As of 2024, CCHD has completed its required audits.

RECOMMENDATIONS

- R1. CCHD should require staff to undergo regular training and should provide cross-training for staff on requirements and best practices for financial management and safeguarding public funds.
- R2. The CCHD should discuss the November 2022 credit card policy in an open meeting and determine whether it is sufficient to safeguard public funds, and whether to approve it as is or amend it by September 30, 2024.
- R3. CCHD should require staff to annually sign an acknowledgement of the Credit Card Policy.
- R4. CCHD should require staff to separate their CCHD credit card from their personal credit cards via a sleeve, or other method, to avoid CCHD's credit card from being misused for personal expenses by mistake.
- R5. If a staff member misuses a CCHD credit card for a personal expense, CCHD should require the employee to reimburse CCHD via a trackable method, such as by check or credit card transaction which bolsters public faith and trust.
- R6. CCHD should make compliance with state auditing requirements a priority to prevent future violations of the law.
- R7. CCHD should request auditors to prominently highlight their review for credit card transactions and to clearly indicate whether they found credit card usage to be for CCHD business and supported by actual receipts.

REQUIRED RESPONSES

The following responses are required pursuant to Penal Code Sections 933 and 933.05 from the following governing body within 90 days:

Crescent City Harbor Commissioners (F1 - F6, R1-R7)

**Del Norte County
Civil Grand Jury
2023/2024
Report on Alder Conservation Camp CC #20**

SUMMARY

The Grand Jury conducts investigations stemming from complaints filed by local citizens and required annual reviews. Under California Penal Code 919(b), the Del Norte County Grand Jury is required to “inquire into the condition and management of the public prisons” within Del Norte County annually. This report stems from the required annual review pursuant to California Penal Code 919(b). No formal complaints were raised against Alder Conservation Camp, so there were no specific questions jurors had for investigation. All inquiries in this report were raised during the two tours jurors made of the facility and are intended to provide the public with information as to the camp, its programs, conditions, and opportunities for inmates.

Alder Conservation Camp’s Mission states: “We enhance public safety by providing trained inmate fire fighters through the cooperation of Cal Fire and the California Department of Corrections and Rehabilitation and the Conservation Camp Program. This mutually beneficial program provides a higher quality of life for participating inmates, training in real world employee skills, while also providing a beneficial service to the community, saving lives, homes and the natural lands of California.”

The camp provides incarcerated hand crews to combat fires in the Humboldt-Del Norte Ranger Unit Areas. The five Alder Conservation Camp firefighting crews have also been assigned to fight fires, floods and other emergencies statewide including in the Mendocino Ranger Units for Cal Fire, the Six Rivers, Shasta and Trinity National Forest for the U.S. Forest Service, Hoopa Indian Reservation for Bureau of Indian Affairs, and the Redwood National parks for the National Park Service. Community service project partners include: National Park Service, State Parks, Cal Trans, Del Norte County Roads, Del Norte Fire Safe Counsel, Humboldt County Roads, Orick Levee and Pelican Bay State Prison. In the 2021/2022 fiscal year, Alder Conservation Camp provided 52,826 community service hours.

GLOSSARY

CDCR --California Department of Corrections and Rehabilitation

CALFIRE – California Department of Forestry and Fire Protection

AB2147- This law allows former non-violent incarcerated people who participated in a CDCR conservation camp to have their records expunged.

WASPO –Water and Sewage Plant Operator

BACKGROUND

CDCR and the California Department of Forestry and Fire Protection jointly operate Alder Conservation Camp #20. The Camp opened in April of 1961, and part of their rehabilitation programming includes state-level water treatment and waste-water treatment programs with training.

The Camp offers WASPO, a comprehensive training provided by CAL FIRE in the operation and maintenance of a class 3 treatment plant. The training provides inmate apprentices with the necessary hours to complete the state's wastewater certification and helps them find new careers upon release.

In 2020 Governor Gavin Newsom signed AB2147 into law, allowing former, non-violent incarcerated people who participated in a CDCR conservation camp to have their criminal records expunged. The result of this is employment barriers are removed so they may seek fire-fighting jobs within the community.

METHODOLOGY

The Grand Jury Detention Committee reviewed and examined the following:

- CDCR Website “cdcr.ca.gov”
- Alder Conservation Camp CC#20 “Welcome” Publication for the Grand Jury
- Conducted interviews with camp staff and inmates
- Conducted two site tours of the camp with commanding personnel

DISCUSSION

Ours is the first grand jury to tour Alder Conservation Camp CC #20 since the onset of Covid in 2020. The first tour this grand jury completed was in October of 2023, and the second tour was completed in February of 2024.

On both tours Grand Jury members were provided with literature the camp published to provide members with an overview of the camp, its purpose and programs. On both tours Grand Jury members were invited to eat lunch with camp staff and inmates. It was the inmates who had prepared the lunch, which showcased the camp's emphasis on self-sufficiency through work and learning marketable skills.

When staff was asked to describe typical interactions between staff and inmates, answers showed that most interactions are respectful, but the facility is still a prison. Inmates do have consequences for making poor choices.

Jurors observed that the camp emphasizes self-sufficiency. Inmates were updating the bunkrooms and receiving training in how to redo their roofs and bunkhouses. The ground's benches were produced by the camp's saw mill. The camp also has its own water system and water supply that is maintained by inmates.

Jurors observed that the camp emphasizes teaching useable work skills and responsibility. All inmates had to work either in a firefighting crew, training in water maintenance, vehicle maintenance, cooking, or working in the saw mill or wood shop. Inmates are responsible for maintaining their living space and caring for camp pets.

Interviews revealed that inmates have left the camp with jobs waiting for them based on skills learned at the camp.

Jurors observed that most of the books and DVDS inmates had for recreational use were outdated.

Overall, jurors found that this is a well-run and well-maintained camp that provides valuable community services and rehabilitative life skills.

FINDINGS

F1) Jurors observed that eyewash stations were dusty and covered in cobwebs. When tested, the eyewash stations worked, but the lack of cleanliness suggested they were not consistently maintained.

RECOMMENDATIONS

R1) Cleaning and testing eyewash stations should be part of the regular facility maintenance regimen.

INVITED RESPONSE

The Superintendent of Alder Conservation Camp C #20 is invited to provide a response to the Honorable Judge McElfresh and the Grand Jury within 90 days regarding: (F1, R1)

**Del Norte County
Civil Grand Jury
2023/2024
Report on Del Norte County Probation Department**

DISCLOSURES

To maintain the integrity of the Grand Jury and avoid any possible appearance of conflict, any Grand Jury member may voluntarily disqualify themselves from the investigation and ensuing report of a particular subject. In this specific matter, Grand Jury member Tamra Fallman-Berling voluntarily disqualified herself at its inception.

The Grand Jury investigates, reports factual findings, and reports to the public with recommendations. The Grand Jury is not a court of law nor a source for legal advice on civil rights for incarcerated youths or other legal matters. Accordingly, the scope of the investigation and reports drawn from it are factual findings and not to be construed as legal conclusions.

BACKGROUND/GROUNDS OF THE COMPLAINT

The Del Norte Grand Jury received a formal complaint from a resident of Del Norte County against the Del Norte County Probation Department.

In summary, the Complaint alleges that incarcerated juvenile offenders in Del Norte County (hereafter referred to as “incarcerated youths”) are being deprived of sufficient time to discuss their case with their legal counsel – both for preparation before court appearances and afterward for an exit interview. Additionally, the complaint alleged that these incarcerated youths are not being adequately informed of their rights about court appearances and conferences, and there is a question of whether there is a sufficient and appropriate space allotted for their meetings with their legal representatives of record.

Currently, these incarcerated youths are being housed in Shasta County (Redding, CA) at a distance of 212 miles and Humboldt County at a distance of 85 miles (Eureka, CA) (from now on, both will be referred to as “The Facilities”) and transported to Del Norte County for their court appearances and back within the same day.

The allegations in the Complaint appear to have merit, and the Grand Jury finds this to be proper subject matter for investigation.

DEPARTMENT STRUCTURE

The Del Norte County Probation Department is a county-run entity in and for the County of Del Norte. Attorney assignments for the incarcerated youths are made through the Court. Chief Probation Officer Lonnie Reyman ordinarily reports to the Del Norte County Board of Supervisors.

METHODOLOGY

The Grand Jury approached this matter by first interviewing the confidential Complainant, followed by an interview with Probation and various other people relevant to the case.

The Grand Jury also toured the (currently closed) Del Norte Juvenile Hall and was informed by the Probation Department of potential plans to reopen limited areas for juvenile arrestee intake and processing.

DISCUSSION

After the scheduled closing of the Del Norte County Juvenile Hall in 2023, the incarcerated youths were transferred to The Facilities. Although the number varies, about five incarcerated youths are currently being transported to Del Norte County for court appearances at any given time.

This raises the question of whether incarcerated youths are provided time to meet with their legal representatives in a confidential and meaningful setting before and after court appearances, whether a space is reserved for attorney-client meetings, and whether the youths are informed of their rights regarding meetings with their legal counsel of record.

In ordinary circumstances, exit interviews allow the incarcerated youths to meet with their legal counsel following a court appearance to explain what transpired so they can consider their options and prepare for the next court appearance.

Through the various interviews, the Grand Jury ascertained that the incarcerated youths are not afforded sufficient time for confidential meetings with their legal representatives before or after their court appearances.

Although there are time restrictions to consider with the travel time from The Facilities to Crescent City and back, there is a considerable limitation in the time afforded for these

incarcerated youths to meet with their legal representatives. As a result, it appears incarcerated youths may not be informed of their rights and options that apply to their particular situation. Further, there appears to be insufficient proper space available for the incarcerated youths to meet with their legal representative, and any meetings that do take place are generally conducted hastily in the hallways of the courthouse.

In limited circumstances, incarcerated youths can occasionally connect with their legal counsel through Zoom meetings, which do not guarantee attorney/client privilege.

FINDINGS

The Grand Jury finds as follows:

F1. Insufficient preparation time is provided before court appearances for the incarcerated youth to meet with their legal counsel;

F2. The incarcerated youths are being transported back to The Facilities immediately after court appearances in Del Norte County without an opportunity for an exit interview with their legal counsel;

F3. In addition to the lack of an exit interview, a further problem is a breakdown in communication between the Del Norte County Probation Department and legal counsel for the incarcerated;

F4. There is no particular space reserved for confidential attorney-client meetings.

RECOMMENDATIONS

R1. Del Norte County Probation should transport the incarcerated youths to arrive at the Del Norte Juvenile Hall with adequate time before court, which is agreed upon by both probation and legal counsel, so the attorneys can have proper, adequate, confidential meeting time to prepare for court.

R2. Del Norte County Probation should return the incarcerated youth(s) to the Del Norte Juvenile Hall after court, where they will not be returned to The Facilities until the attorney has sufficient time to discuss what happened in court.

REQUIRED RESPONSE

The following responses are required pursuant to California Penal Code Sections 933 and 933.05 from the following governing body within 90 days:

The Del Norte County Probation Department (F1-F4; R1-R2).