

MONO COUNTY GRAND JURY



Final Report
2012-2013

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LOGO

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MONO

IN RE:

2012-2013 Grand Jury

GENERAL ORDER

I certify that the 2012-2013 Mono County Grand Jury Final Report complies with Title Four of the California Penal Code and direct the County Clerk to accept and file the final report as a public document.

Dated this 6th day of August 2013.


STAN ELLER
Presiding Judge of the Superior Court



COUNTY OF MONO – SUPERIOR COURT

GRAND JURY

Donald Sage
Grand Jury Foreperson 2012-2013

June 22, 2013

The Honorable Judge Stan Eller
Mono County Superior Court
P. O, Box 1037
Mammoth Lakes CA 93546

Dear Judge Eller:

The final Report of the 2012 – 2013 Mono county Grand Jury is attached to this letter. The Grand Jury investigated four citizen complaints, one matter chosen for investigation by the Grand Jury, toured the County Jail and the Probation Department and followed up on investigations by previous Grand Juries.

The Grand Jury organized ad hoc committees for each of the investigations and discussed their findings before the whole jury and then issued final reports for each investigation.

Numerous County officials and others were interviewed by members of the Grand Jury. All persons interviewed were cooperative and forthright.

The Grand Jury would like to thank Hector Gonzalez, the Grand Jury Advisor and the staff of the Mono County Superior Court and the Sheriff's Department for the assistance they have provided.

All the members of the Grand Jury and especially Jack Copeland and Bill Taylor are to be thanked for their time and effort to make this year's Grand Jury a success.

Sincerely,


Donald J. Sage
Foreperson 2012 - 2013

THE GRAND JURY SYSTEM

Shrouded in secrecy, the functions of a Grand Jury are not widely known. The following summary describes what a Grand Jury is and does:

The Grand Jury system dates back to 12th century England during the reign of Henry II. Twelve “good and lawful men” were assembled in each village to investigate anyone suspected of crimes. The jurors passed judgment based on what they themselves know about a defendant and the circumstances of the case. It was believed that neighbors and associates were the most competent to render a fair verdict. By the end of the 17th century, the principle that jurors must reach a verdict solely on the basis of evidence was established, and that practice continues today. Although California Supreme Court decisions have curtailed the historical criminal indictment function, the Grand Jury still serves as an inquisitorial and investigative body functioning as a “watchdog” over regional government.

The Mono County Grand Jury, as a civil Grand Jury, is not charged with the responsibility for criminal indictments except in the case of elected or appointed county officials. Its primary function is the examination of county and city government, including special legislative districts such as community service districts and fire protection districts. The Grand Jury seeks to ensure that government is not only honest, efficient and effective, but also conducted in the best interest of the citizenry. It reviews and evaluates procedures, methods and systems used by governmental agencies to determine compliance with their own objectives and to ensure that government lives up to its responsibilities, qualifications and the selection process of a Grand Jury are set forth in California Penal Code Section 888 et seq.

The Grand Jury responds to citizen complaints and investigates alleged deficiencies or improprieties in government. In addition, it investigates the county’s finances, facilities and programs. The Grand Jury cannot investigate disputes between private citizens or matters under litigation. Jurors are sworn to secrecy, and all citizen complaints are treated in strict confidence.

The Mono County Grand Jury is a volunteer group of 11 citizens from all walks of life throughout the county. Grand jurors serve a year-long term beginning July 1, and the term limit is two consecutive years. Lawfully, the Grand Jury can act only as an entity. No individual grand juror, acting alone, has any power or authority. Meetings of the Grand Jury are not open to the public. By law, all matters discussed by the Grand Jury and votes taken are kept confidential until the end of term.

One of the major accomplishments of a Grand Jury is assembling and publishing its Final Report. This document is the product of concentrated group effort and contains recommendations for improving various aspects of governmental operations. When it is completed, the Final Report is submitted to the presiding judge of the Superior Court. After release by the court, it is directed first to county department heads for review, then to the communications media. The Final Report is a matter of public record, kept on file at the court clerk’s office. It is also available on line at: www.monocourt.org.

Grand Jury Advisors

Stan Eller

Judge, Superior Court, Mono County

Hector Gonzalez Jr.

Executive Officer, Superior Court, Mono County

Tim Kendall

District Attorney, Mono County

Marshall Rudolph

County Counsel, Mono County

Alyse Caton

Executive Assistant, Superior Court, Mono County

Grand Jurors

2011-2012 Grand Jurors

Donald Sage, Foreperson
Mammoth Lakes

Jack Copeland, Vice Foreperson
Mammoth Lakes

Pat Agnich
Mammoth Lakes

Larry Bush
Crowley Lake

Mary Ann Dunigan
Mammoth Lakes

Heidi Heilbig
Mammoth Lakes

Sandy Hogan
Mammoth Lakes

JoAnne Hunt
Mammoth Lakes

Bill Taylor
Mammoth Lakes

Maggie Wahl
Mammoth Lakes

Kathy Watson
Mammoth Lakes

Final Report Regarding Pre Hospital Training Case #1213.01

Summary:

The 2012/2013 Mono County Grand Jury received a complaint dated March 24, 2012 about the contract for Pre-hospital Training Services awarded by the County during 2010 and in previous years. The jury accepted the matter for investigation. On December 18, 2012 the Jury concluded its investigation.

The Grand Jury finds that the issues raised in the Pre-Hospital Training complaint of March 24, 2012 have been appropriately addressed and successfully resolved by the county. The Jury recommends that the county audit time keeping procedures to verify appropriate compensation during on-the-clock versus off-the-clock training during Pre-Hospital Training.

The Complaint:

On March 24, 2012, the 2012 Mono County Grand Jury received a complaint about Mono County's contracting process for Pre-Hospital Training services. Due to other investigations the 2012 Grand Jury was unable to consider this complaint during its tenure; it was forwarded on to the 2013 Grand Jury for consideration. At the September meeting of the 2013 Grand Jury the Jury decided to launch a pre-investigation into this complaint. The pre-investigation subsequently became a full investigation.

The Grand Jury investigated the following allegations made in the complaint:

1. The contract to deliver Pre-Hospital Training for Mono County was a no-bid process. It did not allow for competitive bidding. It was awarded unfairly on the basis of a personal friendship between the Fire, Rescue, and Paramedic Chief and the contractor.
2. The County provided a licensing exemption to the contracting company.
3. The contract was too expensive. The services delivered did not effectively serve the needs of the 11 geographically separate fire districts within the county.
4. The contracting company used county equipment during training.
5. The contractor conducted contracted training while on-the-clock.
6. The contracting company lacked appropriate Liability Insurance.

The Method:

The investigative committee identified three steps necessary to investigate the allegations of this complaint.

1. Interview the county CAO to discover if a contract for Pre-Hospital Training existed for 2010 and if so, what were the terms and conditions of the contract. It should be noted that the CAO interviewed by the committee was not in that position until 2011, after the time of the alleged inappropriate actions in the complaint.
2. Consult with County Counsel to determine the county's statutory and regulatory requirements with regard to a competitive bid process.

3. Interview the Director of the Mono County Health Department to clarify history and current practice for contracting Pre-Hospital Training in Mono County. It should be noted that the Director of the Mono County Health Department did not have responsibility for the Pre Hospital Training program until 2011, after the date of the alleged inappropriate actions in the complaint.

The Investigation:

On October 15, 2012 the investigating committee interviewed the County CAO in his office in Mammoth. The CAO confirmed that a contract did exist in 2010 for Pre-Hospital Training. He provided a copy of the contract including proof of liability insurance and a check register showing payments made to the contractor. The CAO went on to explain that when he entered office in 2011, after the time period of the complaint, he reviewed complaints about this contract and the Pre-Hospital Training process. He concluded that there was a perceived conflict between an employee of the county acting as an independent contractor to the county and although the contract was legal, according to state law and the county regulations, he choose not to renew the contract in 2011 because he wanted to avoid the appearance of a conflict. He also stated that, in this type of service contract, the county is not required to put out public notification or Requests for Proposals. The investigating committee asked for clarification on county bidding procedures. The CAO referred them to County Counsel. The committee asked for more detail on the issues of using county equipment for training, conducting contracted training while on the clock, and a licensing "exemption". The CAO said he did not have information about these details and that the former Fire, Rescue, and Paramedic Chief had retired. He suggested that the Jury interview the Mono County Public Health Director, who assumed responsibility for Mono County Emergency Services after the Chief retired.

After studying the contract, the investigating committee concluded that a contract existed, the terms of the contract were reasonable and the specifications of the services to be rendered were clear and had been fulfilled. The check register revealed that the contractor was paid appropriately according to the specifications of the contract. The committee reported back to the Jury. The full Grand Jury directed them to expand their preliminary investigation into a full investigation and to interview the County Counsel and the Public Health Director for further details.

On November 16, 2012 the investigating committee met with County Counsel to review the County's requirements to put bids out to public notice. Counsel cited the statutes controlling county bids and contracts as well as the County's own regulations regarding bids and contracts. Counsel verified that the County is not required to initiate a public bidding process for this kind of professional service. Counsel went on to clarify that employees of the county are permitted to contract with the county while off the clock. Counsel went on to state that training could also be conducted on the clock but that the trainer would be compensated as an employee not a contractor. He did not know of any "exemption" granted by the county to the contractor. He went on to state that he understood that the reason this contract had been extended over the years was that no other companies in the area had shown an interest in competing for the contract. Counsel referred the investigating committee to the Mono County Director of Public Health for further details.

The Committee reported back to the full Jury that the county had no requirement to put this

contract out to a public bidding process. The committee pointed out that the county had not renewed the contract in 2011 or 2012, and that a new process for Pre-Hospital Training had been initiated. The Jury directed the investigating committee to further investigate further issues of on-the-clock versus off-the-clock training, use of county equipment, and the alleged licensing “exemption”.

The investigating committee met with the Mono County Public Health Director on December 12, 2012. The Public Health Director was well informed on the matter. Complaints about Pre-Hospital Training came to her attention shortly after she took over control of the Emergency Medical Services Department in 2011. She conducted her own investigation into the complaints and took actions to resolve problems she found. Her actions included:

1. No renewal of the contract in question. The reason for this was that it was perceived to be preferential although there was no legal or ethical problem with it.
2. The County directed the contractor to stop licensing himself with Cal – EMSA (California Emergency Medical Services Authority) as an “affiliate” of Mono County.
3. The root cause of this complaint was a disagreement between Mono County and the 11 Fire Chiefs in the County about who should control Pre-hospital Training and what specific services should be included. In 2011 Mono County resolved this problem by turning over the training budget and the decision making authority to the Chiefs themselves.
4. On the matter of on-the-clock versus off-the-clock training the Director clarifies that both are legal and both happen. The question is: what rate of pay does the instructor get for off-the-clock versus on-the-clock training. Due to the amount of stand by time Paramedics have between call outs a significant amount of on-the-clock training and drilling occurs. It is not always clear when a trainer is on-the-clock or when he or she is off. The Director mandated that controls be put into place to eliminate ambiguity in this area and ensure appropriate compensation.
5. On the matter of using county equipment during contracted training there is no prohibition against this, provided all county equipment is returned to the county.

The investigative committee reported back to the full Jury on December 18, 2012.

Findings and Recommendations:

The Grand Jury issues the following findings and recommendations as a result of this investigation.

1. Finding: a contract for Pre-Hospital Training did exist that covered the period of the allegations. The contractor was qualified to deliver the service and the matter of whether or not the Fire and Rescue Chief and the Contractor were friends is immaterial. The contract is legal and binding and the terms and conditions of that contract were fulfilled. The Jury further finds that the county has no obligation to enter into a competitive bidding process for this kind of professional service contract.
 - **Recommendations: none**

2. Finding: on the question of an inappropriate exemption, the County did not issue an exemption to the contractor. The contractor was directed to stop licensing himself with Cal-EMSA as a county affiliate to avoid any appearance of favoritism.
 - **Recommendations: none**
3. Finding: as far as the scope of services not meeting the needs of the 11 Fire Districts and not meeting their expectations with regard to cost, it is a subjective matter of opinion which has been mitigated fully by the county by placing control of the program into the hands of the 11 Fire Chiefs.
 - **Recommendations: none**
4. Finding: on the matter of using county equipment for contracted training, there is no prohibition of this practice.
 - **Recommendations: none**
5. Finding: on the question of on-the-clock versus off-the-clock training and compensation, the jury recognizes that a potential for inappropriate compensation does exist.
 - **Recommendation: the Jury recommends that the county audit time keeping practices to ensure that appropriate controls have been implemented.**
6. Finding: with regard to Liability Insurance, the contractor had the required coverage.
 - **Recommendations: none**

The Mono County Grand Jury closed the investigation of this matter on December 18, 2012.

**Mono County Grand Jury 2013
Final Report Regarding Measure C
Case #1213.02**

Summary:

The 2012/2013 Mono County Grand Jury initiated an inquiry into the status of funds for Measure C, a school bond measure approved by the voters of Mono County in 2000. Because more than twelve years had elapsed since the bond measure had passed, the Grand Jury wished to know the status of the funds and what had been accomplished to date. On May 21, 2013, the Grand Jury concluded its investigation.

The Grand Jury finds that the status of Measure C funds is tracked and monitored by the Kern Community College District (KCCD) and Kern County. The fund balance as of 6/30/12 was over \$8,000,000, with \$4,000,000 remaining bonds to be issued. Three studies have been completed since the passage of the bond measure in 2000, addressing facilities and programming needs. In accordance with facilities noted in the bond measure, Measure C funding has leveraged other funding in the construction of the Dave McCoy College Center, which contains a science lab and a studio arts classroom, and the Library. The (Performing) Arts facility and astronomy center have not been constructed, and because there is no degree program for theater arts or astronomy, these facilities remain conceptual. The Director of the Eastern Sierra College Center (ESCC), working with the KCCD Chief Financial Officer and the Facilities Committee determine facilities priorities appropriate for Measure C funding. The ESCC Director works very closely with the Executive Director of the Mammoth Lakes Foundation (MLF) to gain community input and financial support for the Mammoth Campus of the ESCC.

The Grand Jury recommends that the ESCC incorporate a brief Measure C status report in its annual report to the community, noting facilities and improvements made possible by Measure C. It also recommends that a maintenance category be added to the Measure C spreadsheet, as structural maintenance becomes more common.

The Inquiry:

The inquiry into the status of Measure C was initiated by the Mono County Grand Jury itself. Measure C was a Special School Bond election of 26 September, 2000, which was passed by the voters in 2000, and authorized the State of California to issue \$15,000,000 of bonds. The proceeds could only be used to improve the Mammoth Lakes campus of Cerro Coso College, a college of the Kern Community College District. The ballot language stated:

In order to expand and improve the Mammoth Campus of the Cerro Coso College, build additional classrooms and labs, construct an astronomy center, a new college library and an arts center, shall the Mammoth Campus, Kern Community College School Facilities Improvement District issue \$15 million of bonds at an interest rate below the legal limit to acquire, construct, and improve facilities?

As there was no recent information available to the public concerning the status of the remaining funds, the Grand Jury felt that the public and the college would benefit by a status update. At the

September meeting of the 2013 Grand Jury, the Jury decided to undertake an investigation of the status of the funds.

The Method:

The investigative committee identified potential contacts to be interviewed.

- The Director of the Eastern Sierra College Center (ESCC).
- The Chief Financial Officer of the Kern Community College District (KCCD).
- The Executive Director of the Mammoth Lakes Foundation (MLF).

The Investigation:

The ESCC Director was contacted for an appointment, but first referred the committee to meet with the Chief Financial Officer of the Kern Community College District, whose office is in Bakersfield, California. When the investigative committee contacted the CFO, the CFO requested a letter from the Grand Jury. The Grand Jury Foreman sent a letter to the CFO on 18 January, asking for past and current information concerning the status of Measure C funds. The CFO sent an electronic summary spreadsheet and itemized spreadsheet to the committee. The itemized spreadsheet was a detailed year by year accounting of all charges against the fund. The CFO also sent the most recent planning document (2013) for the college.

The investigative committee reviewed the spreadsheets and the 2013 planning document, and formulated questions for the CFO. The 2013 planning document gave the committee a good background of the Mammoth Lakes Campus history and its projected needs through the year 2025.

On Monday, 11 March, 2013 the investigative committee held a video conference interview with the CFO of the Kern Community College District in the Mammoth campus conference room. The summary spreadsheet and detailed spreadsheet were the main topics of discussion, and the CFO explained both in detail, as well as giving a general background of economic and social changes since the passage of the measure in 2000. At that time economic conditions and projections for college enrollment were positive, and State of CA funds were available. As the decade began, conditions changed: a construction boom in China caused building costs to increase dramatically, college enrollment decreased, and a drop in state funding caused the KCCD to “step back to reassess” its needs. Two studies were completed: one in 2004 by consultant MGT, titled “Program Needs and Delivery Methodology”, and a second was done internally in 2005, “Master Plan for Services”. The most recent study of the KCCD (2013) indicates that the student population of both the Mammoth Lakes and Bishop campuses did not grow as predicted in 2000, and will grow slowly. The report notes that the existing facilities are sufficient for the student population until 2025, but some need to be “repurposed” for better usage.

Facts learned via the interview:

- School Bond process: the community college district sells the bonds (using the services of a financial advisor), and the bond revenue is placed in a restricted Kern County construction fund for the Mammoth Lakes Campus of the KCCD. Kern County also maintains a separate debt service fund for the bonds. Mono County sends the special tax proceeds to Kern County, and Kern County pays the debt service on the bonds
- The financials are tracked by both Kern County and the Kern Community College District. The CFO is able to track these accounts daily, as spreadsheets are available on line
- Funds are audited annually by an external auditor
- The original school bond authorized by the voters was \$15,000,000
- In December, 2000, bonds were issued in the amount of \$7,474,413.70
- In December 2002, bonds were issued in the amount of \$3,999,979.40
- The principle was refinanced in September, 2011 at a lower rate, and the principle debt balance is \$8,060,000.
- The fund balance at 6/30/12 was \$8,034,036.99, with approximately \$4,000,000 in bonds remaining to be issued
- The Dave and Roma McCoy College Center was constructed from 2002 through 2004 with \$3,719,464.84 in Measure C funds; the remainder of the construction was funded by the State of California.
- The College District and Mono County Office of Education entered into an agreement by which the college district funded \$2,309,682.88 of the library's construction cost through Measure C. The library was completed in 2008. The agreement specifies that the library is to serve the needs of the college's students, and also includes a long-term lease for a specified room in the library. It clearly specified that no operating funds were committed
- Scheduled and deferred maintenance projects are included in Measure C "construction" expenditures (e.g. resealing of rock work, parking lot, walkways)
- The KCCD will do a joint venture with partners (MLF, TOML, others) to craft an agreement (e.g. Performing Arts Center or other structures), if three criteria are satisfied:
 1. The structure must be used for an educational component
 2. There must be contributed resources to build it
 3. There must be guaranteed operating costs in any agreement
- Edison Hall and the college's student housing are owned by the Mammoth Lakes Foundation, including additional land
- Parking for the student housing complex is covered by an agreement between MLF and the college

The committee inquired about the status of the (Performing) Arts Center, noting that it was part of the original bond measure, as was the Astronomy Lab. The CFO stated that these are not in the plans for the future, unless partners step forward and can satisfy the three criteria.

After the video conference, the CFO sent two additional planning documents (2004, 2005) for the team's review. The three planning documents gave a historical background of the KCCD, including detailed information on the Mammoth campus of Cerro Coso College, and aided the committee in its understanding of the financial documents.

The committee met with and interviewed the Director of the Eastern Sierra College Center

(ESCC), Mammoth Campus, in her office on 4/29/13. The Director took the committee on a tour of the facility after the interview. The Kern Community College District has three colleges (Porterville, Bakersfield, and Cerro Coso), and Cerro Coso has five campuses plus on-line learning. The on-line enrollment totals 50% of the enrollment. The Director has been in her current position approximately seven years as the Director of the ESCC, which includes the Mammoth and Bishop campuses. Her primary role concerns educational programming and management of the two facilities.

The Center Director has no direct financial decision-making authority concerning construction or maintenance, whether Measure C or General Funds. She has input into programs, and if those programs have special facility's needs (e.g. technical courses such as nursing, welding, etc.), she works with the facilities committee and the CFO, and perhaps an external partner. Examples of the latter are the partnership with Mono County Office of Education (MCOE) in the construction of the library, and also with the Mammoth Lakes Foundation (MLF) in the construction of necessary facilities to support the main facility, including the parking lots and lighting. Currently they are working with the MLF for a future monument sign for the college entrance. A minor amount of Measure C will be used this year, plus donations from the MLF, to enlarge the studio arts classroom by expanding it into the adjoining classroom, replacing carpet with tile, enlarging the sink area, and other minor improvements. Studio Arts is a transfer degree, and the current single classroom is too small for the enrollment. The science laboratory will also be upgraded in the future, to accommodate inorganic chemistry, which is a requirement for the nursing degree. A science lab and an arts facility were both included in the bond measure language, and were constructed as part of the Dave and Roma McCoy College Center.

Facility maintenance needs (e.g. roof replacement, lighting, regulatory issues, and health and safety) are added into the facilities priority list, which the Director sends to the facilities committee of CCC, and to the college district facilities committee. The CFO is involved with the facilities committee, as all colleges except for Bishop have bond measure funding as well as General Funds. The Director notes which projects might fit with Measure C, her priorities for funding, and the CFO and facilities committee make the final decision as to which to fund and how.

The Director of the ESCC gave additional background concerning the drop in enrollment and funding since the passage of Measure C in 2000, and program changes since 2009. These changes, along with the reduced State funding, led to more programs leading to degrees and certificates, and fewer community education classes, such as chorale and orchestra, which cannot be funded by State General Funds. These classes are currently offered as a community service, but do not lead to a degree.

The investigative committee inquired about the status of a Performing Arts facility. The Director noted that there is no Performing Arts program at Mammoth, or any CCC campus. Ridgecrest had a program, but no student ever completed the program, and therefore it was discontinued several years ago. The MLF Edison Theater offers the possibility of theater arts classes which could lead to a future program (e.g. Theater 101 on M/W), but no theater arts class is currently offered. The Director noted that a dedicated Performing Arts facility, as a part of an educational program, is currently not feasible as there is no Performing Arts degree offered at present, nor is one envisioned. She noted that a Performing Arts facility could be justified as a multipurpose facility, subject to the educational (programming) requirement and participation of a funding entity

for operational costs. She stated that operational costs for the main facility are large, with utilities alone more than \$100,000 per year.

The Director noted that an astronomy lab was also included in the bond language, but no astronomy facility is envisioned currently, as there are no astronomy classes offered, and no degree program in astronomy. General education classes in physical sciences are offered at present, none of which require a specialized facility.

A College Library was in the bond language, and is an example of partnership with Mono County Office of Education (MCOE). There is a dedicated room in the library, and the lease is in perpetuity. Mammoth Library has an integrated collection and full library services, but more and more students are doing on-line research. The dedicated room was meant to serve as a Learning Resource Center, but it was not heavily used, and therefore the LRC was moved to the main college building. It was improved without using additional Measure C funding, and is used by students and faculty two days per week, plus two additional days on-line. CCC can rent out the room at the library, or donate it for community events, etc. The college connector path, from the library to the college, the dorms, and the main town path, will be completed this summer.

The director noted that MLF funds support students, but not the college. MLF donates space, money for refreshments for graduation, scholarships, etc. MLF scholarships are given to Mono County residents on a first-come, first-served basis, approximately 30 each semester. Students in MLF housing are not eligible for scholarships.

Additional notes from the interview:

- The 2013 Plan is conceptual. The Center Director uses it to choose projects that fit the college priorities and make good sense.
- There are five full-time faculty, plus 20 adjunct professors. Adjuncts are approved by professors holding an MA or equivalent
- There are two ways to count students: by "head count" or by full time equivalent (FTE). An FTE takes 5 classes (or 12 units). Both campuses have approximately 300 FTEs (or about 500 "head counts"), with Bishop a few more than Mammoth. On-line/Interactive students are counted at 50% of an FTE
- Mammoth has 10% of CCC enrollment; class target size is 35 students for this year
- Interactive learning is used to build up programs until they are more sustainable. Example: a professor has class one day in Bishop, with Mammoth class as interactive, and the second day in Mammoth, with Bishop as interactive. There are two interactive classrooms, with very high tech equipment, valued at \$100,000 each
- IT introduces programs, and gets students into traditional classes. One IT maintenance person serves both campuses.
- Adult Education classes are currently being offered by MCOE; under currently proposed legislation these may transition back to the community colleges.
- The Center Director is putting together an electronic list of links to educational classes being offered through MCOE, other organizations, and private individuals so that potential students can be better served.
- The computer labs have their software upgraded every year, and hardware every few years

The investigative committee interviewed the Executive Director of the Mammoth Lakes Foundation on 5/8/2013. As background, of the original 86 acres in the land exchange, MLF retains 40 acres, the college (KCCD) has 27 acres which was given to them by MLF, MUSD has 14 acres, and MCOE has 6 acres. The colleges (Mammoth and Bishop) were annexed in 1990's to KCCD, with approvals from K-12 school districts in Inyo and Mono counties. A 1994/95 EIR, certified by KCCD, identified 400,000 square feet of buildings for the Mammoth campus. In that EIR was a 500 square foot Performing Arts Center. Both campuses (ESCCC) received \$15,000,000 from state funding to construct facilities. Measure C was passed in 2000, and used for roads, parking lots, and lighting, as state funding could not be used for those facilities. Measure C was also used to leverage the funding of the library and the Dave and Roma McCoy learning center.

The MLF and CCC are separate entities, with MLF serving as an advisory and support group to CCC, including potential Measure C uses. MLF assists the KCCD with public scoping on projects, and has helped with three strategic planning sessions involving the local community, such as the "South Gateway Partners" ten years ago. Another strategic planning session will be held in September, consisting of two Boards (MUSD, MLF), plus invited personnel from the KCCD (President, Center Director), and others. That session will focus upon future uses of the forty MLF acres, future uses of the Edison building, and the future of the dorms, all owned by MLF.

The investigative committee asked the MLF Executive Director his thoughts as to how a Performing Arts facility could be achieved. A few years ago, MLF contracted for a feasibility study for a cultural arts center. This document went to the ESCC Director and to the college president for review and comment. The first requirement is to demonstrate the need for programming (the educational component). A culinary/hospitality curriculum was also a part of this, and a curriculum was written, but there were not enough students to justify the demand for classes. The MLF is considering a pilot project ("teaching kitchen") for the middle room of the Edison building.

The MLF has taken steps to create demand for theater arts by the Edison Theater conversion. The former ski museum was converted into a 100 seat theater, and with Measure U funding now has a full-time artistic director, resulting in more theater offerings. The objective is to create more demand for a larger facility, but smaller than 500 seats. As yet there is no theater arts program or classes offered in theater arts, but the MLF would work with the college if the CCC so desired. For the summer of 2013, a hard-sided large-capacity structure is being rented by four entities for six weeks to test out and drive demand for additional cultural events, as well as accommodate current demand. If successful, season length could be lengthened annually, and additional events added. Eventually, if demand and educational programming requirements can be developed (e.g. theater arts classes offered leading to a degree), a cultural arts facility could be feasible. The ED noted that plans for governance by other than the CCC (e.g. operated by MLF or other entity), must be in place before considering implementation of the facility. The plan for governance, outside operational funding and meeting the educational criteria are all necessary to justify using Measure C funding to leverage other funding to construct the facility.

Additional notes from the interview:

- The MLF was founded by Dave McCoy in 1989
- The Executive Director of the MLF has been in that position since 1998

- KCCD suggested the bond to MLF as a “schools facilities improvement district” for the Mammoth campus
- “South Gateway Partners” was never adopted as a Town plan, though it was presented
- MLF-owned student housing facility has 59 beds; there are usually 45-50 are students, plus 4-5 advisors
- MLF pays for snow removal for college: originally this was in exchange for the use of 2 college classrooms, now it’s for the Felici Trio’s use of the lobby for concerts, and for classrooms for that group to teach music
- MLF gave fifty scholarships this year over two semester to approximately 30 students
- CCC does not have a recruiter, so MLF sends a MLF “recruiter” to college fairs to make potential students aware of student housing, opportunities in Mammoth
- Most community colleges have some sort of a foundation to support their college
- The MLF would like to see a culinary facility similar to that in the College of the Desert that was proposed in the feasibility study.

Additional background information/changes over time

- Before annexation into the KCCD, the biggest growth curve came from the local community through community education classes (“pay for play”) rather than any credit courses
- These community education/general interest classes helped pave the way for annexation, as the FTE’s were then counted fully (as head counts)
- At that time (1990’s), 1,000 FTE’s were required for a college district; 500 FTE’s for a district. Mammoth & Bishop had approximately 500, and therefore the annexation qualified as a “Center”
- Smaller, rural schools having “Center” status had a higher formula for obtaining operating costs from the State General Fund
- Dual enrollment classes (high school and college) counted as separate FTE’s; currently they do not. This resulted in a change that showed a drop in enrollment
- The Library was envisioned as an integral part of a college campus with a dedicated room, resources, and an agreement in perpetuity. It was a key to accreditation and viewed as an integral part of a college campus. On-line technology has lowered student demand for this resource.
- On-line learning was originally included as a full FTE count; the formula is different now, less credit is given and therefore it also shows a drop in enrollment
- Since the KCCD annexation, there have been four chancellors, four to five presidents (in Ridgecrest), and eleven Center Directors. The current Director has the longest tenure
- Before the current Director, classes were regularly scheduled without considering demand, and routinely cancelled. The current Director changed this so that if offered, few are cancelled
- The Director also made changes to the programs ensure that more led to degrees (e.g. the nursing program is licensed for fifteen students, leading to a one year LVN certificate. If a student wishes to transfer to Ridgecrest, a higher degree is possible
- Originally, a five hundred seat cultural arts center was envisioned, at a cost of \$15-20 million to construct, and \$500,000 annual operating costs.
- MLF sees the Performing Arts center as a free-standing building; also sees the library as a part of the greater campus. The current (2013) facilities plan shows the facility as an extension of the main college building.

Findings and Recommendations:

The Grand Jury issues the following findings and recommendations as a result of this investigation.

1. Finding: the status of Measure C funds is tracked and monitored by the Kern Community College District (KCCD) and Kern County. The fund balance as of 6/30/12 was over \$8,000,000, with \$4,000,000 remaining bonds to be issued. The account is audited annually by an external auditor.
 - **Recommendation: none**
2. Finding: the summary spreadsheet and detailed spreadsheet track Measure C expenditures over the years very clearly. Due to the length of time since initial construction, the main facility will need structural maintenance in the future. Currently this is not tracked separately from construction.
 - **Recommendation: Set up a new separate category in the detail spreadsheet to track Measure C used for maintenance.**
3. Finding: three studies have been completed since the passage of the bond measure in 2000, addressing facilities and programming needs. The Director of the Eastern Sierra College Center (ESCC), working with the KCCD Chief Financial Officer and the Facilities Committee determine facilities priorities appropriate for Measure C funding.
 - **Recommendation: none**
4. Finding: the ESCC Director works very closely with the Executive Director of the Mammoth Lakes Foundation (MLF) to gain community input and financial support for the Mammoth Campus of the ESCC.
 - **Recommendation: none**
5. Finding: enrollment growth projections dropped dramatically after passage of the bond, and as a result the current facility is now underutilized. Some of the classrooms are being “repurposed” and improved, and as appropriate, some Measure C funding may be used.
 - **Recommendation: none**
6. Finding: Facilities’ planning is current and takes into account the drop in enrollment projections over the past twelve years.
 - **Recommendation: none**
7. Finding: the first ESCC “2011 Report to the Community” does not contain information concerning Measure C and what has been constructed as a result of the bond measure.
 - **Recommendation: in the next and subsequent “Report to the Community”, incorporate a brief Measure C status report, noting facilities and improvements made possible by Measure C.**

The Mono County Grand Jury closed the investigation of this matter on May 21, 2013.

**Mono County Grand Jury 2013
Final Report Regarding:
Misappropriation of Mono County Health Department Facilities and
Misuse of a Public Vehicle
Case #1213.03**

Summary:

The Grand Jury received a complaint that an individual who had been an employee of the Mono County Health Department had used Health Department facilities to print a color program for the athletic program of Coleville High School.

The same complaint alleged that the Bridgeport fire Chief had used a department vehicle inappropriately to travel to Reno on Personal business.

After investigation, the Jury finds that both complaints were legitimate, approved uses of County and Fire District resources and recommends no changes to policies or procedures.

The Complaint:

The Grand Jury received a citizen complaint alleging the following:

1. Misuse of Health Dept. facilities:
The complaint alleges that an individual employee of the County Health Department used Department facilities to print full color programs for Coleville High School.
2. Misuse of a public vehicle:
The complaint alleges inappropriate use of a Bridgeport Fire Department vehicle for travel to Reno.

The Method:

The investigative committee identified five steps necessary to investigate the allegations of this complaint.

1. Interview the Health Department director to determine whether Department facilities had been used inappropriately.
2. Interview the individual accused of inappropriate use of Health Department facilities to determine if the athletic programs had been printed and to inquire regarding the circumstances of such printing.
3. Interview the Director of the Tobacco Cessation Program to determine whether that Program had financed such printing.
4. Interview the individual, the wife of the Bridgeport Fire Chief who had accompanied the fire Chief on the trip to Reno to determine whether such a trip had occurred.
5. Obtain a copy of the official policy of vehicle use of the Bridgeport Fire Department.

The Investigation:

First Issue:

The subcommittee interviewed the Health Department Director, the staff member involved and the director of the Tobacco Avoidance Program.

The Health Department Director was not in charge at the time and was not aware of the use of Department facilities for this purpose.

The staff member involved stated that she had done the printing as described in the complaint and that the expense had been paid by the Tobacco Avoidance Program.

The director of the smoking cessation program confirmed that the printing of the sports program had been paid for from a smoking cessation grant and provided written verification including verification of the policy.

Second Issue:

The subcommittee interviewed the individual involved by phone teleconference on January 3, 2013 and reviewed the written vehicle policies of the Bridgeport Fire District.

Findings and Recommendations

The Grand Jury makes the following findings and recommendations as a result of this investigation:

1. Finding: Health Department facilities were used to print programs for a high school athletic program. This use of Health Department facilities was an approved expense of the Tobacco Avoidance Program. This use was approved by the Director of the Tobacco Avoidance Program. All benefits of these actions accrued to the benefit of other public agencies: the Tobacco Avoidance Program which paid the cost and the high school sports program, and not to any individual.
 - ***Recommendation: no change in policies or regulations.***
2. Finding: The use of the vehicle in question was consistent with the vehicle policies of the Bridgeport Fire District.
 - ***Recommendations: no change in policies or regulations.***

Mono County Grand Jury 2013
Final Report Regarding Mono County Employee - Complaints 1 - 5
Case #2013.04

Summary:

The initial investigation involved five citizen complaints from one Mono County employee. The employee had previously contacted the 2011/2012 Grand Jury at the end of its service year. The complaints were forwarded to the new Grand Jury.

The 2012/2013 Mono County Grand Jury reviewed the complaints; one was not accepted, as it had been referred to OSHA. Of the others, it appeared that the employee may not have fully understood County policies or procedures. Because of this, and the fact that many of the persons noted in the complaints had left the County, the Grand Jury decided to broaden the investigation into a review of Mono County policies and training. By focusing on this subject, an essential component of county government then became the subject of the investigation, and an overall Grand Jury goal of improving local government would occur. One of the complaints was investigated to see if any formal grievance or complaint had been filed, as it involved potential harassment or discrimination. On May 20, the Jury concluded its investigation.

The Grand Jury finds that County policies and procedures are in place and current. In particular, Information Technology (computer use) policies, procedures, training, and documentation are very effective and ongoing. Employee training records do not reflect that all employees have received training in Mono County policies, other than IT as previously noted. This is particularly true of non-permanent employees, and of employee orientation training. The Grand Jury also found; however, that completion of training is not well documented. The Jury recommends that documentation of employee training be reviewed to be sure that all training is documented, preferably in a searchable digital format.

The Complaints:

Four complaints were dated 10/2/2012, and one was dated 11/12/12.

1. "Crowley Lake Road Shop Roof project" (contract process complaint)
2. "Re: asbestos and lead paint hazard" (under OSHA investigation, therefore not accepted)
3. "Regarding Mono County CAO et al. Re: use of county vehicles to attend political event"
4. "Regarding Mono county CFO and CAO Re: use of county IT system for email forwarding"
5. CAO office investigation request (various subjects, including harassment of women)

The multiple complaints lacked specificity, were open to interpretation, and concerned several management employees who had either already left or were in the process of leaving Mono County. Therefore, the focus of the investigation was broadened to a more central question of Mono County policies: did written policies exist, did employees get training in the areas of complaint (vehicles, computers, political activity, harassment), and was training documented?

The Method:

The investigative committee identified four steps necessary to investigate Mono County policies, training and documentation, and two additional steps to investigate if a harassment complaint had been reported.

1. Research the Mono County website to identify written policies; research the State of California Government Code for specific definitions noted in the complaint(s).
2. Interview the Acting CAO (County Counsel) to identify additional policy information.
3. Interview the Acting IT manager to identify computer policies.
4. Interview personnel staff concerning training given to various classifications of employees, and randomly check files to verify that training is documented.
5. Get verification from complainant that the harassment complaint was reported internally, as per written policy.
6. Interview personnel staff concerning grievance (complaint) process, documentation, and verify that the harassment complaint was filed, documented and in the appropriate personnel folder.

The Investigation:

A preliminary review of each complaint involved Mono county policy questions. The complainant alleged in most cases that activities were “illegal” or in violation of Mono County policies. The last complaint revealed that the complainant was a “contract” (At-Will) employee, and that the work contract had five months to run. It was evident that the complainant had a general opinion of what the policies should contain, though it was not clear that the complainant had knowledge of the policies themselves. While specific allegations were made in the complaints, it was not clear that the situations as described were in violation of any of the policies, as many were open to interpretation. A detailed reading of each complaint raised questions pertaining to the County’s policies: were there written policies? If so, were employees trained? If so, were there records of the training? Also, it was not clear that the complainant had ever formally reported violations, particularly the last one pertaining to potential harassment and/or discrimination, to a supervisor or other management personnel. Because many of the employees noted in the complaint had left, or were in the process of leaving, the Grand Jury was hesitant to accept and investigate each complaint, and decided instead to broaden this case by looking to potential gaps in training on County policies. However, the complaint involving potential harassment was investigated further. The Grand Jury sent a letter asking if the complainant had formally reported any of the complaints internally, either verbally or in written form. Several months passed without a response, and a second letter was sent on 18 April, 2013, specifically referring to the potential harassment complaint. No reply had been received by the date of this report. In addition, the Acting CAO was asked to review the complaint files to see if a formal complaint had been filed, and no complaint was found.

Mono County policies for vehicles, computers, political activities, and harassment were first secured from the Internet. Some appeared dated, but the content was adequate. The Information Technology (IT) policy had an acknowledgement form for employee signature. One was a Board Resolution from the 1990’s.

A meeting with County Counsel (Acting CAO) on January 18, 2013 provided the investigative

committee with further information concerning County policies. The policies had recently been updated and consolidated into two documents: "Mono County Personnel System" (adopted by resolution R11-68), dated October 4, 2011, and "Amendment to Policy Regarding Benefits of Management Level Officers and Employees" (R11-56), dated August 16, 2011.

At the January 18, 2013 meeting, the Acting CAO/County Counsel stated that all employees get a one-day orientation and a copy of the personnel rules. They sign a receipt that they have received and read the policies.

The Acting CAO/County Counsel gave the investigative committee a time sheet which indicated a space allotted for management employees (or those assigned county vehicles) to document vehicle use. The Finance department manages these records.

The Acting CAO/County Counsel stated that the computer policy is reinforced each time an employee signs on to the network, as the screen describes appropriate e-mail use. The employee must acknowledge this policy before they are allowed to access the system.

The Acting CAO/County Counsel stated that discrimination and anti-harassment policies require immediate reporting by employee to supervisor or other management personnel. When asked for a definition of "improper political activity", the committee was told that this definition is found in the CA Government Code. This government code was reviewed, but no definition was found.

The investigative committee contacted the IT department, which had an "Acting" director in place. The computer use policy is current, and each employee is given a copy of the policy, and must sign an acknowledgement form that they have received and read the policy. The acknowledgement form is then filed in the employee's personnel file. Each time that the employee starts to log on to the County's network, a message advises the employee of computer use responsibilities, random monitoring of computer use, and notes that by logging on and using the computer, the employee acknowledges that responsibility. This log on message has been in place since 2006 at the latest, and the investigative committee retained a copy of the message.

The system use is monitored in a variety of ways, including network monitors, e-mail server monitors e-mail capacity levels, and anti-virus and e-mail filters give data on virus/malware issues at a user's PC. Individual users are not monitored in real time, but if an unusual situation arises, or upon a manager's request, IT will then take appropriate action to focus upon an individual.

The investigative committee contacted the Acting CAO, and made an appointment to inspect personnel files at random in Bridgeport. A series of questions were sent to the Administrative Office Manager in preparation for the visit, and the answers helped prepare for the files review. After first meeting with the Office Manager and the Personnel Technician to clarify any remaining questions, and to learn about employee orientation training, three employee training records for each of six employee classifications* were pulled at random and reviewed. Training records in the individual employee file are those that are furnished by the employee, such as certificates, acknowledgements of training (e.g. IT policy, Employee MOU packet, "Personnel Rules", etc.). A separate database is maintained by the Office Manager for training furnished by the County, with training and attendance based upon sign-in sheets manually entered into the database. The database has been in effect since 2009, and is required by the County's Insurance provider, Trindel, a JPA consisting of many counties.

*Permanent full-time, Permanent part-time, Temporary full-time, Temporary part-time, "At-Will", and "Electeds"

The Office Manager later provided individual records for the randomly chosen employees.

Six of the eighteen did not have any training recorded in the database; however, two of those were hired in February, 2013.

Sheriff's Department personnel training files are not maintained in the Administrative Office, and are found in the Sheriff's Office. The Office Manager noted that this has been a long-standing practice. However, whenever the County offers the training, this is entered into the electronic training records database.

The Personnel Technician explained how orientation training is provided to each employee. When the employee reports to work on the first day and signs required paperwork, a large and very complete Orientation Binder is given for review. The formal orientation training is given to one or more employees within the next 6 weeks when possible. Because of scheduling difficulties and differing work schedules, this may be at a longer interval. Temporary or short-term employees without benefits receive a shorter version of the training. This training is documented in an informal manner by the Personnel Technician, noting the employee name, hiring date, scheduled orientation training date, and whether the training is completed or not. Sheriff's Office employees are included in this list.

The investigative committee used a manual checklist/spreadsheet to note the training listed in the individual personnel files, and later reviewed a print-out of the orientation training records to add that to the spreadsheet. Once the individual electronic records were received, a second manual checklist/spreadsheet was used to note training received. The two spreadsheets were then compared.

Findings and Recommendations:

The Grand Jury issues the following findings and recommendations as a result of this investigation:

1. Finding: the original complainant did not file a written harassment/discrimination complaint, nor is there any record of a report of a complaint.
 - **Recommendation: none**
2. Finding: Mono County has written personnel and PC policies on the internet which have been in effect and available for many years; although some of the posted documents have been superseded.
 - **Recommendation: the County should review the policies posted on the County web site and make sure that they are the most current versions. All older versions should be removed.**
3. Finding: In 2011, Mono County reviewed and updated its personnel policies ("Mono County Personnel System" and "Mono County Policy Regarding Benefits of Management-Level Officers and Employees). These packets are given to employees, and an

acknowledgement form is signed and filed in the employee's personnel folder. It is not clear that every employee receives this packet, as only permanent employee training files contain the acknowledgement form, and one was missing from the six permanent employees which were randomly selected.

- **Recommendation: none**

4. Finding: the IT Department's Computer Use policy is complete and has been updated, and each employee authorized for computer use is given a copy of this policy. The employee signs an acknowledgement form to be filed in the employee's personnel folder. The random check of those files showed that this is the most consistently filed document in those files, with fourteen of eighteen having this in their personnel records. Some long-term employees had two on file.

- **Recommendation: none**

5. Finding: the IT Department's log on screen acknowledgement notifies the employee of computer use policy each time that the employee logs on to the network; a most effective policy reminder.

- **Recommendation: none**

6. Finding: the IT Department has a system in place to effectively monitor network use on a large scale, and is also able to monitor individual use as required or requested by management.

- **Recommendation: none**

7. Finding: the orientation training binder is complete and detailed, including harassment, ethics, expected conduct, and other important County policies. A power point presentation incorporates the information found in the binder, and the Personnel Technician is very knowledgeable about and involved with the contents and training procedures.

- **Recommendation: none**

8. Finding: documentation of orientation training attendance is informal and appears incomplete. Of the eighteen employees randomly chosen, only three were on the orientation training list. Two of the three did not have a notation that they had attended orientation training, and the third had a question mark (?) in that column.

- **Recommendation: as a minimum, have each employee sign an acknowledgement form that they have reviewed the orientation book, and file this in the personnel file. An alternative might be to have the training sign-in sheet submitted to the Office Manager for entry into the electronic data base.**

9. Finding: of the eighteen employees randomly chosen, the employee personnel file spreadsheet showed that the most effective record of training was the IT acknowledgement form (fourteen out of eighteen employees); some long-term employees had two of these forms. Next most consistent was the "Disaster Services" acknowledgement for a majority of employees. All but one permanent employee file held the acknowledgement form for the "Personnel Rules" packet, and the MOU packet for employees covered by a union contract.

- **Recommendation: continue and expand use of acknowledgement forms.**

10. Finding: of the eighteen employees randomly chosen, the electronic training database showed that six employees had no training noted. Two of these were new-hires of less than one year, but others were longer term employees. The majority were not permanent employees, and the database went back to 2007 or earlier, incorporating earlier training records.
- **Recommendation: incorporate orientation training records into this database, as the orientation training is a complete and detailed overview of County policies and procedures and is required for each County employee.**
11. Finding: documentation of employee training is incomplete and fragmented. While appropriate training may be taking place, the current record keeping does not clearly demonstrate which employees have or have not completed required training on County policies and procedures.
- **Recommendation: the Grand Jury recommends that all employee training be documented in a single searchable electronic file. The file should be audited annually to assure that all required policy and procedure training has been offered and completed. This file should cover new and existing employees, "At-Will" and temporary employees, and elected and appointed officials and should include initial training and required updates to training.**

The Mono County Grand Jury closed the investigation of this matter on May 20, 2013

Mono County Grand Jury
Final Report Regarding Use of Unnecessary Force by Sheriff's Deputies
Case # 1213.05

Summary:

The 2012/2013 Mono County Grand Jury received two complaints dated August 10, 2012 and October 25, 2012 both containing two separate allegations. The first allegation was that an agreement for dismissal for drug possession charges made between the complainant and Mono County Probation Department was not honored. This allegation was not accepted by the Grand Jury for investigation because it had already been adjudicated by the Courts and was not within the Grand Jury's jurisdiction. The second allegation was that the complainant was illegally searched and that excessive force was used by the Mono County Sheriff's Department officers. The Jury accepted this part of the complaint for investigation.

The Grand Jury finds that the allegations raised against the Mono County Sheriff's Department are unfounded based upon all available evidence.

The Complaint:

In two letters dated August 10, 2012 and October 25, 2012 a complaint was received alleging that on November 8, 2011 Mono County Sheriff's Department approached the complainant and a friend while they were sitting in the friend's car, illegally forced the complainant from the car by assaulting the complainant with an excessive use of pepper spray, denied paramedics their request to transport the complainant to the hospital for treatment, and illegally obtained evidence without probable cause. In addition to the two letters noted above, the Grand Jury investigative committee received a telephone call on or about March 31, 2013 from the complainant saying additional information was available to assist with the Grand Jury investigation. The complainant was subsequently requested to provide this information in writing. No response was received by April 22, 2013 and on that date a follow up letter was sent giving the complainant until May 3, 2013 to respond with the additional information. On May 8, 2013 the Grand Jury received correspondence from the complainant making further accusations regarding civil liberties violations, however, no additional information was provided to substantiate the original complaint.

The Method:

The investigative committee took the following steps to ascertain the validity of this complaint:

1. Requested and reviewed the audio/visual tape of the encounter between the complainant and Sheriff's Department deputies. The video was from the Sheriff's car-mounted camera while the audio was from recorders attached to the officers' clothing.
2. Requested and reviewed the Sheriff's Department deputies' reports of the encounter. Reports from both officers were reviewed, in addition to a memorandum from the Sergeant on duty to the Lieutenant regarding the Use of Force in the encounter.

3. Requested and reviewed the Chalfant Valley Fire Department paramedics' report of the encounter.
4. Met with the Mono County District Attorney to determine the definition of probable cause, legal procedures for car searches, pepper spray use, and medical attention.
5. Requested and reviewed a booking photo of the complainant to visually detect the effects of pepper spray.
6. Requested and listened to audio tape of complainant and friend also involved in the encounter while they were detained inside the Deputy's vehicle.
7. Requested and reviewed a copy of the Mono County Sheriff Department Policy 300 regarding Use of Force.
8. Requested and received the Mono County Superior Court Notices, Orders, Sentence Commitment form (dated May 7, 2012) waiving the Preliminary and Jury Trial as the defendant (complainant) pled guilty to 2 felony counts which resulted in being ordered to report to the Probation Department.

The Investigation:

On February 13 the Grand Jury reviewed the video of the encounter between the complainant and two deputies of the Sheriff's Department. The video was lengthy and not always clear so it was difficult to know with any certainty exactly what was happening some of the time. It was clear however that the driver of the vehicle complied with the officer's request to vacate the car and be searched. It was also clear that the complainant was repeatedly asked by the second officer to vacate the car and the complainant did not comply. The video showed that the complainant physically and vocally refused to exit the vehicle despite repeated requests by the officer and the threat of using pepper spray. The audio portion of the complainant and friend in the officer's vehicle was also reviewed again at a later date with no additional information to be gained from it.

The reports of the two Sheriff's deputies involved in the encounter were consistent in the details. As the marked sheriff's car was on routine patrol they noticed a suspicious vehicle was observed turning into Pumice Mill Road (a dirt road). The officers waited approximately 10 minutes to follow, encountered the complainant and friend, shined their lights on them, and saw the occupants make furtive movements towards the floorboard. The Deputies' reports stated that based upon their training and experience, the car's occupants' furtive movements and information received from a confidential source, the officers suspected they were attempting to hide illegal contraband and/or weapons. The complainant's companion was ordered out of the car, searched in front of the patrol vehicle's camera and placed into the back seat of the patrol vehicle. The complainant was repeatedly ordered out of the car and warned that pepper spray would be used if there wasn't compliance. The complainant, protecting a purse, refused and was then pepper sprayed, from 4 feet away according to one of the officers. The videotape supported this claim and also showed that pepper spray was used at close range while the other officer held back the complainant's head. The complainant and the purse were then searched, contraband and drug paraphernalia was found. Medics were called to counteract the effects of the pepper spray; the

complainant was arrested and taken to Bishop Police Department.

A review of the Mono County Sheriff Department's Use of Force Policy (Policy 300) found that the officers' actions were in compliance.

The meeting with the District Attorney indicated that there are two types of contact between law enforcement and the public. A consensual contact allows an officer to make contact; however, the individual can refuse to speak to the officer. The next progression is detention in which the officer reasonably suspects something peculiar. As officer safety is a concern, based upon the "totality of circumstances" and the officer's training and experience, an officer can initiate probable cause to proceed further. The officer must have more probable cause than not (50%) that a crime is being committed to proceed. Probable cause is needed to search a vehicle; however, a search warrant is not required.

During the meeting with the District Attorney, the investigative committee was informed that an arrestee must be medically cleared before being booked and at that time, an arrestee can make a request for medical attention. The booking photo of the complainant showed no sign of physical stress. However, since this was taken two hours after the administration of pepper spray no conclusion can be drawn from this.

Findings and Recommendations:

1. Finding: the officers had probable cause to search occupants and vehicle, based upon the occupants' observed actions and circumstances.
 - **Recommendations: none**
2. Finding: the officers followed guidelines outlined in MCSD Policy 300.
 - **Recommendations: none**
3. Finding: medical attention was requested and provided.
 - **Recommendation: all Sheriff vehicles to carry a first aid kit and water to counteract the effects of pepper spray.**
4. Finding: complainant resisted officer's repeated directions to vacate the vehicle. After the complainant was removed from the vehicle, the search of the complainant and the care provided for the complainant were not captured on camera.
 - **Recommendation: whenever possible, officer contact with individuals should be captured on camera.**
 - **Recommendation: dialogue from visual and audio tapes should be transcribed as supplemental to the officers' report, when applicable.**
5. Finding: the amount of pepper spray used during the encounter was difficult to ascertain from viewing the visual tape.
 - **Recommendation: Develop a system to document when a canister of pepper spray is issued to an officer and when a canister has been depleted.**

**Mono County Grand Jury 2013
Jail and Probation Department Tours
Case #1213.06**

INTRODUCTION:

Penal Code Section 919 (b) requires that the Grand Jury inquire into the condition and management of the public prisons within the county. To comply with that requirement, the 2012-2013 Grand Jury toured the Bridgeport Jail (the "Jail") and interviewed the Mono County Sheriff (the "Sheriff"). In addition, the Grand Jury toured the Probation Department facility in Bridgeport (the "Probation Department") which also is used as a temporary holding facility (maximum 96 hours hold) for juveniles.

ASSEMBLY BILL 109:

In April of 2011 the State passed Assembly Bill 109 ("AB 109") also known as "prison realignment", and implementation began in October, 2011. AB 109 transfers from the State to the counties the responsibility for incarcerating, rehabilitating and managing low-level offenders for the full term of their sentences. The State continues to incarcerate offenders who commit serious, violent, or sexual crimes. Prior to enactment of AB109, non-serious felons sentenced for more than one year would be incarcerated in the State penitentiary system.

MEETING WITH THE SHERIFF:

The tour began with a meeting with the Sheriff which included a question and answer session.

Background

The Sheriff was appointed in December 2012 when the then-Sheriff retired. According to the Mono County Sheriff's Department website, he began his law enforcement career in 1985 with the Los Angeles County Sheriff's Department. In the year 2000, he moved his family to Mono County and started his Mono County career as a June Lake resident Deputy. Over the past years, the Sheriff has worked a variety of assignments with both departments ranging from Field Training Officer, Dispatcher, Special Assignment Deputy, Helicopter Observer, Chief Deputy Coroner, Sergeant, Lieutenant, and Undersheriff.

Budget

The County receives \$77/day from the State per each sentenced inmate incarcerated pursuant to AB 109; however, the expense per inmate is \$178 per day. The County funds the additional amount and the Sheriff's Department is currently staying within its allocated budget. The Community Correction Partnership ("CCP") is approximately \$347,000/year, and determines how that money will be divided between the various programs, including Probation, Sheriff, Mammoth Lakes Police Department, District Attorney, etc. The majority of the funding goes to Probation and the Sheriff's Department.

Jail Staff

There are currently 18 jail employees. Some of the correctional personnel are transient as the Jail is often used as a stepping stone to the patrol division or to other law enforcement agencies. There is a minimum of two employees on a shift at one time, one of which is always assigned as the 911 operator and dispatcher. The Jail is required to have a female employee at the Jail at all times to deal with female arrestees and inmates. Some of the staff are bilingual and receive a small stipend for that specialty. The Sheriff is very proud of his staff and gives them all very high marks for professionalism.

Jail Infrastructure

The Jail currently houses 30 inmates with a capacity for 44 inmates. The Jail has no facilities for meetings or vocational training and the mental health programs are usually conducted in the detoxification room. The California Department of Corrections and Rehabilitation ("CDCR") and the Standards of Training for Corrections ("STC") has oversight of the Jail and staff and conducts annual inspections. The Mono County Jail consistently receives very high reviews.

Inmates

By the end of this year, the Sheriff anticipates that the Jail will house 15 long-term inmates. Most inmates will serve about half their sentence and/or will fulfill a "split sentence" where part of their sentence will involve working on the outside under the jurisdiction of the Probation Department. Inmates performing work detail/community service receive time-off credit from their sentence. Approximately 50% of the inmates are in custody for drug related crimes.

State Requirements

Due to AB109, the State now mandates that the County must meet ADA (Americans with Disabilities Act) standards, have mental health counseling, alcohol and drug treatment programs, domestic violence training, etc. as is required in the State Penitentiaries. The Sheriff said that the Mono County Health Department, Alcoholics Anonymous, Narcotics Anonymous, Wild Iris, etc., are working with the Sheriff's Department in meeting these requirements.

New Facility

The County has requested State funding for a new jail twice and was denied both times. Considering the overcrowding of other prisons in the State, the Mono County request for a new facility is considered very low priority. The estimated cost for a new jail is \$25 million; the current facility was constructed in the mid-1980's.

JAIL TOUR:

Intake/Sally Port

The Grand Jury was introduced to the Supervising Sergeant of the Jail (the "Sergeant") who was to be our guide through the facility. The tour began at the Intake area or Sally Port where

vehicles with inmates arrive. Prior to entering the Booking Area, officers' guns must be secured in the gun locker which is located adjacent to the Sally Port.

Booking Area

The Booking Area is where all inmates are processed for admittance and given an orientation. Inmates are given an "Inmate Handbook - Jail Division" pamphlet which explains the rules and regulations of the Jail as well as inmate grievance procedures and available inmate programs. The walls also have signage which relate to the rules and procedures of the Jail. There is a booking cage where inmates are asked to sit while the officer processes the individual. The Jail takes away all clothing and personal property of inmates and the items are inventoried and stored until the inmate leaves the facility or the family picks up the items. By law, inmates' property must be secured and the property must be tracked on a computer.

Inmates are fingerprinted with a digital machine and the prints are transmitted to the Department Of Justice ("DOJ"). The Booking Area also has a breathalyzer that is linked to the DOJ in Fresno.

Inmates are required to answer questions from an "Intake Questionnaire" and a "Visual Assessment Questionnaire" which are then entered into a computer. The answers provide an inmate evaluation which determines the appropriate cell block where the inmate should be incarcerated. The Sheriff's Department can over-ride the computer classification.

Every room in the Jail, including the booking cage, is monitored by cameras and recording devices. The telephones are also monitored. According to the Sergeant, there is no expectation of privacy in the Jail except in the attorney/client meeting room.

Library

The Booking Area also contains a library of books and periodicals. The Jail is required to buy and provide books and other reading material for the inmates. Books are also donated by the Mono County Library.

Booking Area Adjacent

There are three separate rooms off the Booking Area/Library. One room is used to strip search inmates when they are being processed. All strip searches are videotaped. The officer will only visually check body orifices. If a cavity search is deemed necessary, a search warrant is required and the search is performed by a medical doctor. Cavity searches are very rare.

Another room is used for medical appointments with a doctor or physician's assistant from the Bridgeport Clinic who comes to the Jail four days a week. If medical help is required the other three days, Mono County paramedics will respond. Staff is cognizant that **Methicillin-resistant Staphylococcus aureus** ("MRSA") and other staph infections are highly contagious and take precautions to prevent their spread. Inmate prescriptions are written by medical personnel and dispensed by the Jail staff. Depending on the number of inmates, medical costs can run as much as \$100,000 to \$150,000 per year. There is a contract with the State Prison System for serious medical/psychological cases. Otherwise, the Jail is required to pay all

medical costs for inmates and the Sheriff's Department has no ability to control the medical costs. Currently there are two inmates over seventy years of age.

The third room off the Booking Area is a "sobering" cell, also known as detoxification, where arrestees who are under the influence and addicts who are in withdrawal are separated from the general inmate population. Any inmate in detoxification must be checked every half hour by the staff.

Laundry

Long-term inmate trustees manage the laundry facility. California law requires twice weekly clothing exchanges. Inmates will also often times hand wash their clothes in the sink in the wards.

Kitchen

The Kitchen is inspected once a year by the CDCR and by the Mono County Health Department. According to the Sergeant, the Kitchen is rated as one of the cleanest kitchens in the State. The Kitchen appeared very clean and efficient and the cook clearly took pride in his food preparation. Breakfast is served at 7 am, lunch (the most substantial meal) at noon, and a light dinner is at 6 pm. All menus must be approved by a State dietitian.

The Jail has two civilian cooks with inmate helpers. The Sheriff's Department would like to hire a third cook, but that position has not been approved. (When one cook is on vacation or sick, the remaining cook can be on duty for 12 hour shifts for up to 30 days straight).

The Kitchen has a huge walk-in freezer and walk-in refrigerator as well as a large pantry. The Jail keeps a two month's food supply in case of road closures or other emergencies. The Jail is not required to accommodate special diets, although pregnant inmates are required by State law to have a modified diet.

The Sheriff, the Sergeant and the Grand Jury ate the same lunch that was served to inmates. The lunch consisted of a meat burrito, refried beans, corn, half an orange and both vanilla and chocolate pudding. The Grand Jury was also served chips and salsa. The Grand Jury consensus was that the meal was very good and there was more than an adequate amount of food.

Administrative Program and Control Areas

The Administrative Office is a staff-only secured area with desks and workstations. There is a walk-in computer closet with an impressive amount of hardware. The computer system is connected to a back-up generator that insures the system is always operational and that records will not be lost if the main power fails. All Jail records are computerized, along with telephone and Dispatch records.

There is also a small room that contains a weapons safe which holds pepper ball guns, hand grenades with gases, sting balls, stab vests, tasers and other equipment to use in the case of an inmate fight.

The Control Area contains the 911 Dispatch Center. The Sergeant informed us that all Jail employees must be both correctional officers and 911 operators. Dispatch must be staffed at all times so if, for example, a female 911 operator is needed to assist with a female inmate, another officer must take over the 911 dispatch. The 911 dispatch serves as the Dispatch Center for the entire County. 911 calls via cell phones are directed to Bishop and then are transferred to Bridgeport Dispatch.

Everything in the Control Area is done electronically. The operator in the Control Area can communicate between various agencies such as Fire, Fish and Game, County, CalTrans, etc. This area also contains the controls in which the Sheriff's Department can electronically open and close (lock) the cell block doors as well as giving the staff control of the inmate's televisions, cell block lights and water. There are video feeds monitoring the entire facility and an intercom system for communication with the inmates. The Sergeant said the videos are retained for 50 days and they can be very helpful as evidence in the case of fights between inmates in the cell blocks.

The Sergeant informed us that the CAD computer system hardware is getting old and it is getting more difficult to acquire parts as the manufacturer has gone out of business. The Sergeant said that the entire system will soon need to be replaced. The County Board of Supervisors is aware of this and the Sheriff's Department has been told that a budget is being worked on for the eventual replacement.

The Control Area also contains the Inergen fire control panel which is the fire suppression mechanism for areas where water would damage computers, other electronics or the food supply. A dry pipe overhead fire sprinkler system protects the rest of the facility. Fire inspections of the Jail occur annually by the Mammoth Lakes Fire Protection District.

Cell Blocks

Cell block "A" is the maximum security block that contains inmates who have been arrested for violent offenses, are hardened criminals or who have come from State Prison or are on their way to State Prison. The inmates are kept in separate cells and there is an adjoining common area with a table and benches, a TV and a pay phone. Each cell can be separately locked. No inmates were in the common area while the Grand Jury was touring the Jail. According to the Sergeant, most of the inmates spend their time sleeping in their cells. "A" Block can accommodate 16 inmates.

Cell block "B/C" is a minimum to light-medium security block. There are two large rooms where the inmates sleep and which are connected to a common area containing tables and benches, a TV and a pay phone. Some inmates work and are outside of the Jail during the day. Other inmates don't want to work and, according to the Sergeant, spend most of their time sleeping. The inmates we saw in the common area were watching TV, doing push-ups on the benches or talking with other inmates. The inmates we observed appeared clean, well-groomed and healthy. Cell Block "B/C" can accommodate 24 inmates.

Cell block "D" is a 4-person cell for females. The Jail can also add cots or temporarily put the women in the isolation cells, or the sobering cell if there are more than 4 female inmates at one time. The Grand Jury did not see Cell block "D".

There are two isolation cells that are typically used for discipline and/or for protective custody (for example, any inmate charged with or convicted of sex crimes is placed in an isolation cell). In the same area there is a small cell for inmates who serve as trustees. This cell has an open door and the trustees are able to move about the Jail area during the day. The trustees wear orange jumpsuits while the rest of the inmates wear black and white striped jumpsuits. The trustees we observed who interacted with the staff were spoken to in a polite and friendly manner.

Inmate fights occur approximately once a month although most are not serious and are resolved when the jailer steps in.

Inmate discipline can include a restriction of privileges (i.e. canteen, television) and/or lockdown. Lockdown can be for 24 hours, up to a maximum of 30 days unless another disciplinary problem occurs within the 30 days. After 30 days, a medical/psychological exam is required for every 10 additional days. Additional discipline may consist of a "disciplinary loaf" which is very bland food with ingredients directed by the State. The Sergeant said the "loaf" has never been used as discipline in the Bridgeport Jail.

Inmates can file grievances for living conditions or regarding staff. The process begins with a complaint being filed with the Jailer, and if not settled, then moves up the chain of command.

Mail (incoming and outgoing) is censored and inmate-to-inmate mail is thoroughly reviewed. Confidential correspondence (e.g. to/from an attorney) is opened by the inmate in the presence of a Jailer, and given a quick check for contraband, metal, drugs, etc.

Visitation privileges are fairly lenient as visitation is available every day and evening except for Tuesday which is when the Court is in session.

Yard

There is a small vestibule that leads outside to a secure walkway and the "Yard". The Yard has a cement floor and is covered by a roof. Two sides of the Yard are completely enclosed in thick wire mesh with the other two sides being the exterior walls of the Jail. Although the Yard provides some fresh air, there is not much, if any sunshine. Staff removed the basketball hoop because the inmates pulled it down and there was the potential to use the metal rim as a weapon. The weights were also deemed a problem and removed as they were being used as a battering ram on the mesh enclosure. According to the Sergeant, State law requires the Jail to offer a minimum of three hours a week in the Yard. Three to five hours are offered to inmates, although the inmates often don't use their allotted time. The only recreation the Yard provides is handball which is played against one of the Jail's concrete walls.

Inmate Canteen

The Grand Jury did not see the Canteen but the Sergeant informed us that the inmates may purchase snacks and personal hygiene items among other things. The profits from Canteen sales go to pay for inmate amenities such as the library books, the TVs and cable service and the repair and upkeep of the Yard. According to the Sergeant, last year the Jail Canteen made more than \$100,000 profit on candy and snacks alone.

Exterior and Interior of the Jail

Both the exterior and interior of the building were well maintained and free of graffiti. The interior walls were clean and appeared to be freshly painted. The floors were clean and all areas were adequately lighted. The bathrooms were clean and the inmate areas were neat and uncluttered. The temperature throughout the building was comfortable.

INMATE PROGRAMS AND QUALITY OF LIFE:

Community Service/Work Crews

The Jail has work crew program which provides inmates with the opportunity to work in the community, helping with things such as clearing snow from around fire hydrants, County roadside maintenance and litter pick-up, and cemetery upkeep. Although the inmates do not get paid, it is a popular program as it allows the inmates outdoor exercise, a break from the prison monotony and work credit towards their sentence. Unfortunately, there is only enough staff to oversee this service three days a week.

Educational and Vocational Training

Currently, education is very limited and difficult to provide because the Jail population is so transient. As more long-term inmates are housed in the Jail, the need for education and vocational training will have to be addressed. At this time, the Jail does not have the space for classrooms. If a request is made, the Mono County Office of Education would make an evaluation to see if the class/program could be made available.

Mental Health and Substance Abuse Programs

A Mono County mental health worker visits the Jail every Monday (or more frequently, as necessary) and provides substance abuse counseling. An Alcoholics Anonymous representative holds meetings every Sunday. According to the Sergeant, mental health and counseling will become more of an issue when the Jail has more long-term inmates.

Recreation

The main form of indoor recreation seems to be watching television or reading. The only opportunity for outdoor recreation appears to be handball in the Yard, and that is only available 3 to 5 hours a week.

Religious Services

There are no religious services, although an inmate may request a visit by a member of the clergy and the Sheriff's Department will try to accommodate the request. According to the Sergeant, requests for clergy are rare.

PROBATION DEPARTMENT TOUR:

Introduction

The Probation Department administers adult and juvenile probation programs and its goals are to protect the community, rehabilitate probationers and prevent crimes and delinquency.

As officers of the Mono County Superior Court (the "Court"), the staff provide investigatory programs and supervision for adult probationers. The Department provides intake, investigation and supervision of all juveniles referred by Town and County law enforcement agencies. The Probation Department is a distinct and separate County department and the Chief Probation Officer reports to the County Chief Administrative Officer.

Mono County maintains Probation offices in Mammoth Lakes and Bridgeport. Office hours are Monday through Friday from 8:00a.m. to 5:00p.m. The Mono County Juvenile Hall, located at 57 Bryant Street in Bridgeport, is a 96-hour special purpose facility. Minors arrested in Mono County are temporarily detained at this facility and then transferred to a facility in Independence. When juveniles are in custody, the facility is staffed 24 hours a day.

Tour

The Grand Jury was given a tour of the Probation Department and Juvenile Hall by the Chief Probation Officer ("Officer") and staff.

The current caseload includes 300 probationers, of which 30 are youth. There are 5 Probation Officers, plus the Chief Probation Officer and one Probation Aide; all are sworn officers of the Court. One officer works specifically with youth. Currently the Department has 3 officers working with adults and there is one vacancy with interviews underway. Most of the officers work in the Mammoth Lakes facility due to the larger population and corresponding level of juvenile issues.

Currently there is a large caseload of 80 – 130 probationers per Probation Officer. According to the Chief Probation Officer, if there were 2 – 3 more officers, home visitations of probationers could occur more frequently. A probation sentence is assigned by a judge, and typically ranges from 3-5 years.

Juvenile Hall

There are two temporary cells located in the Bridgeport facility. One is a "wet" cell with a toilet and sink; the other "dry" cell does not include a toilet or sink. There is also a day area with a table, couch, kitchen and full bathroom. The Bridgeport facility is not used frequently as juveniles are transported to a larger facility in Independence. There, the juveniles are provided

with educational programs and psychological services. There are no juvenile residential facilities in either Mono or Inyo County, which means juveniles are sent elsewhere after sentencing. Very few are placed in foster homes.

The focus in the juvenile system is to keep the juveniles with their family and to work with the family to rehabilitate the juvenile. Typical crimes committed by juveniles include drug abuse, petty theft and sexual offenses. Rehabilitation includes substance abuse counseling, education, vocational skills, anger management, etc. Incurability is a juvenile offense, and juveniles cannot be detained for this offense; parents must deal with these behaviors independently from the court system.

The CASA ("Court Appointed Special Advocate") program has been extremely beneficial in rehabilitating juveniles. The CASA's focus is upon the child, not the system. Inyo County has many of these, but Mono County does not. CASA has just been implemented in Mono County, and additional training is scheduled to be offered. CASA can work with delinquents, although it currently does not in Mono County. The Executive Director of Wild Iris is serving concurrently as the Director of CASA.

Probationers

Probationers are grouped into three categories – low, medium and high risk. Probation Officers monitor low-risk probationers via the telephone, email and mail service. Officers conduct face-to-face meetings with low-risk probationers every few months. Medium-risk probationers are monitored electronically with a GPS-type monitor. Probationers in this category have had multiple DUI convictions, drug abuse convictions, committed sexual crimes and/or domestic violence. The highest risk probationers meet with their Probation Officer twice a month. The Sheriff's Department can provide random probation checks for the Probation Department, with a courtesy request. Recidivism in Mono County is statistically slightly lower than the State average.

When on probation, an individual cannot move out of State unless the Court has granted permission and there is coordination with the receiving State/County. If granted permission to leave the State/County, the probationer is supervised as a courtesy by the respective county, however, the Mono County Court still retains jurisdiction.

FINDINGS AND RECOMMENDATIONS:

1. The Grand Jury found that the Jail and Juvenile Hall are clean and well-maintained. Both operations have budgetary limitations but are working well within those limitations. Given the physical limitations and understaffing of the Jail, it seems to be very well run. The prisoners seem to be treated humanely. The Sheriff and Sergeant were professional, helpful and were rightfully proud of their operation.
 - ***Recommendations: none***
2. The Grand Jury found that AB 109 has not yet seriously impacted the functions of the Jail. Staff, however, predict that the number of full-time prisoners will increase to 15 by the end of this year. There is a concern about mixing career criminals with those who have merely

slipped up and the Grand Jury found that this problem will only become more extreme as the Jail houses more long-term inmates.

- **Recommendation: the County should be planning ahead to determine a viable solution to housing long-term inmates as a result of AB 109.**

3. The Grand Jury found that the Voluntary Work Assignment program is valuable to both inmates and the community, yet the amount of time that inmates can volunteer in this program is limited due to current staffing levels.

- **Recommendation: the Voluntary Work Assignments program (community service) is excellent and serves a useful purpose to society and gives inmates a sense of purpose. The outdoor work is healthy, both mentally and physically. With additional staff, the program could be expanded to 7 days a week and the Grand Jury recommends that additional staff be hired for this purpose.**

4. The Grand Jury found that there are only two cook staff members and when one is sick or on vacation, the other staff person must work additional and/or consecutive days to insure that the inmates are fed.

- **Recommendation: a third cook, possibly as a part-time position if feasible, should be hired to allow the 2 current cooks regular time-off and to fill-in during emergencies.**

5. The Grand Jury found that during non-business hours, the Jail and Dispatch operations have limited staff which could pose a concern for both inmates and Jail employees. The Grand Jury found that minimum Jail staffing of two persons on a shift at one time seems low, especially when one of the staff is the 911 operator and Dispatcher.

- **Recommendation: the Grand Jury recommends that a minimum staffing standard should be established and adhered to as a matter of safety for both inmates and Jail employees. Additional staff should be hired.**

6. Finding: the Grand Jury learned that the 911 Dispatch system and the prison electronic controls systems are reaching the end of their life expectancy. The Board of Supervisors is aware of the need to replace these systems; however, replacement funding has not yet been implemented.

- **Recommendation: the 911 Dispatch and Computer Control System replacement will have to be addressed soon and will be a significant cost to the County. As a result, the Grand Jury recommends that the County should be budgeting now and planning ahead for this eventuality.**

7. The Grand Jury found that the lack of physical and mental recreation and classroom learning opportunities for the inmates needs to be mitigated, especially with the recent addition of long-term prisoners. The Jail, as it now stands, does not have available space for classrooms and the exterior exercise yard is small and depressing. The 3-5 hours of outside exercise per week is insufficient.

- **Recommendation: the Grand Jury therefore recommends funding for a classroom for inmates and outside additional space for outdoor programs, and plus an expansion of the existing Jail (or, ideally, a new facility).**

8. The Grand Jury found that the CASA program is highly effective in Inyo County in working with juveniles, and that building upon this program in Mono County could be beneficial.
 - ***Recommendation: the Grand Jury recommends the establishment of a Establish a County-wide Juvenile Services Advisory Board. The Grand Jury also recommends funding and encouraging Encourage and fund the CASA program by offering training and volunteer recruitment.***
9. The Grand Jury found that there is no statewide database for probationers or juveniles, which means that there is no inter-county exchange of information. In fact, this prevents the Department from communicating with the Court itself.
 - ***Recommendation: none***
10. The Grand Jury found that there are approximately 130 drug offenders on probation, yet there are no resources such as half-way houses available in Mono County. The Grand Jury found that the Probation Department was under-staffed which limits the amount of contact dedicated to each probationer.
 - ***Recommendation: the Grand Jury recommends hiring two to three additional Probation Officers as each Probation Officer currently has a large caseload (80-130 cases). Additional staff would insure that more home visitations occur.***
 - ***Recommendation: the Grand Jury recommends that the County seek funding for a half-way house, similar to the one once located in Mammoth Lakes.***
11. The Grand Jury found that the front door to the Juvenile Hall/Probation facility is not sufficiently secured. The Grand Jury also found that the facility lobby is open and there is no physical barrier to prevent irate individuals from accessing staff and/or the facility.
 - ***Recommendation: the Grand Jury recommends providing security in the existing Juvenile Hall/Probation building by constructing a counter/partition in the lobby area and strengthening the exterior door locking mechanism.***