

2008/2009
Shasta County
Grand Jury Report

*With Responses

Letter to Judge

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The Grand Jury investigates and reports on the operations of any department or municipal agency within the county. - Section 925 et seq. of the California Penal Code

Your Shasta County Grand Jury

Authority to Act

In California, each county is required by the state constitution to maintain at least one empanelled Grand Jury. Here in Shasta County, as elsewhere in California, Title 4 of the California Penal Code and other state laws and statutes govern and guide our Grand Jury. More specifically, Sections 925 and 925a of the California Penal Code authorizes the Grand Jury to investigate and report on the operations of any department or municipal agency within the county. The Shasta County Grand Jury functions as an arm of the Judicial Branch of the government, and operates under the guidance of the presiding judge of the Superior Court of Shasta County. Our primary focus is oversight of government institutions at the county or city level.

At the time this final report was compiled, the information contained therein was accurate to the best of the Grand Jury's knowledge. However, some facts may have changed since the original compilations were filed. Whenever possible, the report has been updated.

When there is a perception of a conflict of interest involving a member of the Grand Jury, that member is required to be recused from any investigation involving such a conflict and from voting the acceptance or rejection of the related subject.

Any communication with the Grand Jury is treated in strict confidence. This includes written documents as well as the testimony of witnesses and participants. All minutes and records of Grand Jury meetings are confidential.

The Grand Jury's final report contains findings and recommendations regarding governmental agencies. Every citizen is urged to study this report.

Areas of Empowerment

Acting on its own initiative or responding to a confidential written complaint, the Grand Jury:

- May investigate aspects of county and city government's departments, officials' functions and duties, service districts, and special districts funded in whole or in part by public funds. Almost any entity that receives public money may be examined.
- May review criminal investigations and return indictments for crimes committed in the county. When an indictment has been voted on the case proceeds through the Criminal Justice System. The decision of whether or not to present criminal cases to the Grand Jury is made by the county District Attorney.
- May bring formal accusations against public officials for willful misconduct or corruption in office. These accusations can lead to removal from office.

The Grand Jury must inquire into the condition and management of all the adult or juvenile detention or correctional facilities within the county.

The jury is not allowed to continue an oversight from a previous panel. If the jury wishes to look at a subject which a prior panel was examining, it must start its own investigation and independently verify all information. It may use information obtained from the prior jury but this information must be verified before it is used by the current jury.

Confidentiality of the Grand Jury exempts the jury from the requirements of the open meeting law (Brown Act). Direction and action taken requires that 12 of 19 members of the Grand Jury agree. This ability to internally police itself allows the Grand Jury to operate completely independent of external pressures. The desired result is a self-directed body of investigators that has the power to pursue unlawful conduct to its very source, including the government itself.

The Grand Jury is required to publish at least one report containing a minimum of one finding and one recommendation. Published reports are the only public record of the Grand Jury's work; there is no minority report. Each published report includes a list of those public entities that are required or requested to respond. California Penal Code Section 933.05 dictates the format of these responses.

Citizen Complaints

The Grand Jury reviews all complaints and investigates when appropriate. Each complaint is treated confidentially. The complainant may be asked to appear as a witness. A complaint form may be obtained by contacting:

Shasta County Grand Jury
P.O. Box 99286
Redding Ca. 96099-2085
(530) 225-5098
or online at www.co.shasta.ca.us/grandjury

Why should you serve?

As a citizen you will have an opportunity to make a difference. You will become involved with other interested citizens in learning more about city and county governments and special districts. The Grand Jury issues informational reports about local government agencies performance. A challenging year of investigations, interviews and deliberations will give you an education and unique experience.

To be a Grand Juror The Shasta County Grand Jury is composed of 19 concerned county citizens. Each prospective juror applies in April/May for the fiscal year beginning July 1. The presiding judge selects 30 names. To preserve continuity the presiding judge may select a few jurors to continue into the next year. The balance is randomly selected by a drawing.

Prospective Grand Jurors

An application to serve on the Grand Jury may be requested from the following address:

Shasta County Superior Court
Courthouse room 205
1500 Court Street
Redding, Ca. 96001
or online at www.shastacourts.com

2008/2009 Shasta County Grand Jury

PJ Marsh, Foreperson

Loretta Carrico-Russell	Dick Keene	Phyllis Solberg
Dwayne Coate	Jim Kelly	Lynette Strause
Diane Dodero	Bill Masten	Dale Trudeau
Laurie Freeman	Lori Miles	Shawn Watts
Harla Hanford	Jerry Phillips	Andi Winters
Al Jensen	Nancy Russell	

Grand Jury Committees

Audit and Finance
City Government
Continuity
County Government
Criminal Justice
Editorial
Local Districts and Agencies
Information Technology

Summary of 2008/2009 Grand Jury Activities

Agencies, Departments and Districts toured	24
Autopsies attended	1
Committee meetings held	77
Complaints received	63
Criminal Hearings held	0
Interim Report	2
Final Report	1
Governmental Board Meetings attended	60
Indictments	1
Joint Audit Committee Meetings attended	3
Meetings of Full Grand Jury	22
Number of interviews conducted in the course of investigations	58
Citizen Reviews with Shasta County District Attorney	2

Responses to the Grand Jury Final Report

Section 933.5 of the California Penal Code requires that public agencies respond to the final report of the Grand Jury no later than 90 days if the governing body or 60 days if an elected official. The responses must be sent to the presiding judge of the Superior Court of Shasta County. The respondents are required to comment on the findings and recommendations contained in the report. The respondent must indicate whether the respondent agrees with the finding, disagrees wholly or partially with the finding, has implemented the recommendation, plans to implement the recommendation in the future, will further analyze and study the recommendation, or will not implement the recommendation and, if not, provide an explanation.

The responses to the 2008/2009 Shasta County Grand Jury Final Report can be found at www.co.shasta.ca.us/grandjury/2008/09.

The California Penal Code 919(b) states that the grand jury shall inquire into the condition and management of the public prisons within the county. The 2008/2009 Shasta County Grand Jury toured the following facilities to fulfill that obligation:

Shasta County Justice Center – Main jail

Crystal Creek Regional Boys' Camp

Shasta County Work-Release Annex

Sugar Pine Conservation Camp

Shasta County Juvenile Hall

Shasta Mosquito Abatement District

19200 Latona Road, Anderson, CA 96007 530-365-3768

Just compensation or just a gift?

History

In 1915 the California Legislature authorized the formation of mosquito abatement districts. Pursuant to that legislation (Health and Safety Code, § 2000 et seq.), the Redding Mosquito Abatement District was formed in 1919. In the 1950s the Redding Mosquito Abatement District was consolidated with three other mosquito abatement districts (Anderson, Clear Creek and Cottonwood) to form the Shasta Mosquito Abatement District.

Changing its name again in 1994 to reflect the increase in the scope of its services, the Shasta Mosquito Abatement District became the Shasta Mosquito and Vector Control District (SMVCD). The following year the SMVCD annexed Palo Cedro, Balls Ferry, Shasta Lake, Keswick, Shasta, Centerville, Cloverdale, Happy Valley, Olinda, West Cottonwood, Coleman, Millville, Bella Vista, Mountain Gate, Jones Valley, Lakehead, Castella, French Gulch, Igo, Ono, Shingletown, and Viola. Today, the SMVCD encompasses about 1,086-square miles, employs about 20 part-time and full-time employees and has an annual budget of approximately \$2.6 million.

The SMVCD governing body is a five-member board of trustees. The city councils of the City of Redding, the City of Anderson and City of Shasta Lake each appoint one trustee. Two trustees are appointed by the Shasta County Board of Supervisors. The SMVCD is funded by a share of property taxes and by Mosquito and Vector Control Benefit Assessment fees levied against property owners as a parcel charge.

Background

Having received several letters alleging mismanagement by the board of trustees, credit card abuse, harassment, retaliation and other misconduct at the SMVCD, the Shasta County Grand Jury decided to investigate.

The Grand Jury learned that beginning in 2005, the SMVCD manager engaged in a personal legal conflict with the spouse of another SMVCD employee which eventually resulted in each obtaining a restraining order against the other. During this process the SMVCD manager incurred \$45,000 in personal legal fees, \$38,000 of which were paid for by the SMVCD.

In another matter, a different SMVCD employee was alleged to have used an assigned SMVCD credit card improperly to purchase gas and a smog certification for the employee's personal vehicle and to pay for a meal for which a receipt had already been submitted for reimbursement. After realizing the errors, the employee reported all three incidents to the SMVCD administrative assistant. The SMVCD manager verbally reprimanded the employee and eventually took away the credit card. Some of the employees at the SMVCD told the Grand Jury that the manager repeatedly berated and threatened the employee with criminal charges.

Because of the manager's treatment the employee retained an attorney and filed a complaint with the Employment Risk Management Authority (E.R.M.A.), which, among other responsibilities, investigates "workplace wrongdoing." In order to keep the manager and the employee apart during the ensuing investigation, the SMVCD trustees granted the employee a two-month paid leave of absence which cost the SMVCD several thousand dollars. Later, the employee was directed to take additional time off using accrued vacation time while the trustees negotiated the manager's retirement. Eventually the SMVCD also paid the employee \$15,000 toward legal fees.

Of greatest concern to the Grand Jury is the handling of the manager's retirement package negotiated by the trustees to persuade the manager to retire in order to avoid a lawsuit by the employee. Invoking its authority under the California Penal Code and also using the California Public Records Act, the Grand Jury sent a letter dated April 24, 2009, to the SMVCD Board of Trustees. The Grand Jury requested documentation and justification for the manager's negotiated retirement agreement and other compensation. The letter requested the trustees' rationale for:

- Giving the manager a 13.5 percent salary increase in July 2008 while the other SMVCD employees received only a 3.5 percent salary increase.
- Reimbursing \$38,000 of the \$45,000 in legal fees the manager incurred during the 2005 restraining order conflict between the manager and the spouse of an SMVCD employee.
- Authorizing a lump sum wage payment of \$29,000 to be paid to the manager on the last day of the manager's employment, June 30, 2009.
- Reimbursing the manager more than \$6,000 for lumber, described by some SMVCD employees as "termite infested" and "rotted," which had been stored on the SMVCD property for years and without obtaining proof from the manager of ownership, verifying the condition of the lumber, or determining its original cost.

The SMVCD board of trustees responded in writing with the following:

- As to the 13.5 percent pay raise and the \$2,000 pay increase for four months, "the Board determined that the approved compensation was appropriate in light of the Manager's experience and qualifications."

- As to the manager's paid leave of absence and the \$29,000 lump sum wage payment on the manager's final day of employment, the trustees justified the board's decision by referring to its "Retirement Agreement and Mutual Release" negotiated with the manager.
- As to the reimbursement for the lumber, the response stated that the board of trustees "decided the claim was meritorious, and approved the claim."

Findings

1. Although the credit card abuse allegations were confirmed, the abuse was due to carelessness on the part of the employee and not due to intentional fraud.
2. The SMVCD manager failed to apply appropriate disciplinary actions against the employee for the misuse of the SMVCD credit card.
3. The district's grievance procedure was not followed when the employee alleged a hostile work environment existed.
4. A majority of the trustees stated to the Grand Jury that because of a fear of a lawsuit from the employee they agreed to pay \$15,000 toward the legal fees of the employee who had misused the SMVCD credit card. One trustee told the Grand Jury that the board of trustees wanted to "smooth things over," and another trustee said that the board wanted to "make it go away."
5. The Grand Jury finds that before the manager received the 13.5 percent raise, the additional \$2,000 a month for four months, and the lump sum wage payment of \$29,000, his wages had been in line with those of managers in other mosquito abatement districts in Northern California.
6. The Grand Jury finds that the SMVCD manager was an "at-will" employee; that is, the manager could be terminated without cause and without the specially negotiated retirement package. The Grand Jury found that the board of trustees used taxpayers' money to entice the manager into retirement by granting extra wage increases and payments, paying for a leave of absence amounting to more than \$40,000, and allowing the manager to remain as an employee while using accrued vacation time until retirement on June 30, 2009, in spite of the manager's "at-will" status.
7. The wage increases and the lump sum wage payment were negotiated in order to increase the manager's retirement compensation, since the manager's retirement compensation is based upon a percentage of the highest amount of wages earned by the manager prior to retirement.
8. The Grand Jury finds that the board of trustees reimbursed the manager \$38,000 of the \$45,000 legal fees the manager incurred during the manager's personal conflicts with the spouse of an SMVCD employee.
9. The board of trustees reimbursed the manager \$6,900 for lumber which the manager regarded as his own without proof of ownership, condition or its original cost.
10. Without a receipt or adequate proof of ownership the board of trustees paid the manager \$675 for lava rock (based upon current costs) that sat on SMVCD property for years.

11. The Grand Jury finds that it is in disagreement with the judgment of the SMVCD Board of Trustees in approving the Retirement Agreement and Mutual Release negotiated between the SMVCD manager and the trustees.
12. The board of trustees violated the Brown Act (Government Code, § 54950 et seq.) by circulating a document outside of a board of trustees meeting to gather trustees' signatures. The document authorized the \$2,000-per-month pay increase to the manager for four months.
13. The board of trustees violated the Brown Act by having a sign-in sheet placed at the entrance to the room in which meetings were held without clearly stating that signing the sheet was voluntary and that all persons could attend a meeting regardless of whether or not the person signed it.
14. At the meetings attended by the Grand Jury the SMVCD President of the Board of Trustees failed to control the meetings, in that he allowed constant interruptions by the district's manager.
15. Regarding appointments to the board of trustees, there is no process in place for screening applicants, and there is no accountability in place for poor representation by trustees.
16. The SMVCD Personnel Manual contains no policy or procedure for employee performance evaluations, and the SMVCD employees interviewed by the Grand Jury indicated that no evaluations have been conducted.
17. For many years the manager stored personal property on SMVCD premises. On March 17, 2009, the board of trustees adopted a resolution (Resolution 2009-01) prohibiting the storage of employees' personal property on SMVCD grounds.

Recommendations

1. The Grand Jury recommends that those SMVCD trustees who approved the Retirement Agreement and Mutual Release between the trustees and the manager consider resigning.
2. The Grand Jury recommends that the City Councils of the City of Redding, the City of Anderson, the City of Shasta Lake and the Shasta County Board of Supervisors adopt a selection process that includes personal interviews for all appointments and reappointments to the board of trustees of the SMVCD.
3. The Grand Jury recommends that the SMVCD trustees receive training on the Brown Act and on the laws (and the SMVCD's own policies) concerning anti-harassment, vacation and sick leave accrual, and grievances.
4. The Grand Jury recommends that the president of the SMVCD Board of Trustees control meetings by establishing, publishing and enforcing rules concerning the public comment period and by preventing interruptions.
5. The Grand Jury recommends that the SMVCD policy and procedures manual be revised to include definitive procedures for job performance evaluations.

6. The Grand Jury recommends that all SMVCD employees, including the manager, receive annual written job performance evaluations.

Responses required

- The Shasta Mosquito Vector and Control Board of Trustees as to Recommendations 1, 3, 4, 5, 6.
- The Redding City Council as to Recommendation 2.
- The Anderson City Council as to Recommendation 2.
- The City of Shasta Lake City Council as to Recommendation 2.
- The Shasta County Board of Supervisors as to Recommendation 2

Method of Inquiry

The grand jury interviewed:

- SMVCD Board of Trustees
- SMVCD District Manager
- SMVCD District Employees
- Shasta County Clerk of the Board of Supervisors

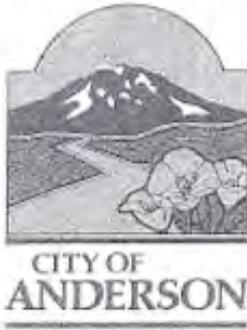
The Grand Jury reviewed the following:

- Constitution of California Article XVI, §6, Gifts or Loans of Public Monies or Pledging of Credit Prohibited
- The Ralph M. Brown Act
- “The Brown Act” (2003), a publication of the California Attorney General’s Office at http://caag.state.ca.us/publications/2003_Main_BrownAct.pdf
- SMVCD Policy and Procedures Manual
- SMVCD 2008-2009 Revenue and Expenditure Report
- SMVCD Audited Financial Statements for the Fiscal Year, June 30, 2007 and June 30, 2008

- SMVCD 2007-2008 and 2008-2009 West Nile Virus Augmented Budget Expenditures
- Retirement Agreement and Mutual Release between SMVCD Board of Trustees and the SMVCD manager dated December 5, 2008
- Mosquito Vector Control Agency of California Salary Survey Report 2006
- Invoices of the SMVCD processed by the Shasta County Auditor-Controller for legal expenses dated December 16, 2008; for lava rock dated January 20, 2009; and for lumber dated January 20, 2009
- Various SMVCD agendas and meeting minutes
- Roberts Rules of Order
- SMVCD letter from the manager to the SMVCD attorney, dated January 6, 2006, regarding Assembly Bill 1234 (Stats 2005, ch. 700; legislation pertaining to ethics training and claims for travel and meeting expenses)
- Note, to the district's manager from board of trustees president dated September 18, 2008
- SMVCD Resolution 2009-01 dated March 17, 2009, Setting Guidelines for the Storage of Personal Property on District Grounds.
- Review of 452 pages of Shasta County Superior Court documents regarding the conflicts between the SMVCD Manager and the spouse of an SMVCD employee

The Grand Jury attended:

- Four meetings of SMVCD District Board of Trustees.



September 15, 2009

The Honorable Stephen H. Baker
Presiding Judge, Shasta County Superior Court
1500 Court Street
Redding, CA 96001

Dear Judge Baker:

On behalf of the City of Anderson, we wish to express our thanks and appreciation for the work of the 2008-2009 Shasta County Grand Jury.

As required by California Penal Code Section 933.05, the City of Anderson offers the following response to *Shasta Mosquito Abatement District – Just compensation or just a gift?*

Recommendation No. 2:

The Grand Jury recommends that the City Councils of the City of Redding, the City of Anderson, the City of Shasta Lake, and the Shasta County Board of Supervisors adopt a selection process that includes personal interviews for all appointments and reappointments to the board of trustees of the SMVCD.

Response:

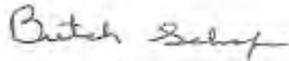
The City of Anderson has already implemented this recommendation. In December 2007, the City's appointee to the SMVCD advised the City that he would be unable to serve an additional term and the City Clerk solicited applicants to fill the board vacancy. Two applications were received from interested citizens. At the City Council meetings of February 5 and February 19, 2008, these two applicants were interviewed publicly by the City Council. At the conclusion of these interviews, the City Council

selected Mr. Larry Mower as the City's representative to the SMVCD for a four year term.

The Honorable Stephen H. Baker
September 15, 2009
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The City of Anderson appreciates this opportunity to respond to relevant portions of the 2008-2009 Shasta County Grand Jury Final Report. We believe the Grand Jury system helps strengthen the provision of local government services in California and we are pleased to provide our comments.

Sincerely,



Butch Schaefer
Mayor, City of Anderson

ds



Shasta County

BOARD OF SUPERVISORS

1450 Court Street, Suite 308B
Redding, California 96001-1680
(530) 225-5557
(800) 479-8009
(530) 225-5189-FAX

DAVID A. KEHOE, DISTRICT 1
LEONARD F. MOTY, DISTRICT 2
GLENN HAWES, DISTRICT 3
LINDA HARTMAN, DISTRICT 4
LES BAUGH, DISTRICT 5

August 18, 2009

The Honorable Stephen H. Baker
Presiding Judge, Shasta County Superior Court
1500 Court St., Rm. 205
Redding, CA 96001

Re: Response of Board of Supervisors to Fiscal Year 2008-2009 Grand Jury Report

Dear Judge Baker:

The Shasta County Board of Supervisors appreciates the time and dedication which the 2008-2009 Grand Jurors contributed to their charge. The following findings and recommendations are under serious consideration and discussions are being held regarding solutions to any unresolved problems.

RESPONSES AND FINDINGS

BOARD OF SUPERVISORS:

A. SHASTA MOSQUITO ABATEMENT DISTRICT

RECOMMENDATIONS:

2. The Grand Jury recommends that the City Councils of the City of Redding, the City of Anderson, the City of Shasta Lake and the Shasta County Board of Supervisors adopt a selection process that includes personal interviews for all appointments and reappointments to the board of trustees of the SMVCD.

Response The Shasta County Board of Supervisors disagrees with this recommendation as the Shasta County Board of Supervisors has no statutory

authority to adopt a selection process which would include personal interviews for appointments and reappointments to the SMVCD board of trustees. Further, the Shasta County Board of Supervisors finds the SMVCD selection process currently in place, is adequate to fulfill the requirements and needs of the SMVCD.

BOARD OF SUPERVISORS *(Since issuance of the Grand Jury Report, Risk Management has issued a check to the complainant for the appraised value of his three handguns.)*

B. SHASTA COUNTY SHERIFF'S OFFICE: FIREARMS CONFISCATION

RECOMMENDATIONS:

4. The Grand Jury recommends that the Shasta County Risk Management Office reopen the complainant's claim and review new information discovered by the Grand Jury indicating that the guns should not have been sold.

Response: N/A

5. The Grand Jury recommends that the complainant be reimbursed for the appraised value of his three handguns.

Response: N/A

BOARD OF SUPERVISORS *(The Board previously provided responses on April 14, 2009, but will include them with this response for the convenience of the Court.)*

C. AGRICULTURE - WEIGHTS & MEASURES

RECOMMENDATIONS:

1. The fueling station inspector should be authorized to take home the county testing vehicle when this practice would shorten travel time, save gas and vehicle wear and tear, and allow the inspector more time to inspect fuel pumps.

Response The Board of Supervisors concurs with the recommendation in that this is an allowable authorization by the Department Head per County policy. The Board of Supervisors further finds that the California Business and Professions Code Section 12209 states that, "Every Sealer shall (a) Carefully preserve all copies of the standards of weights and measures in his possession; (b) Keep the copies in a safe and suitable place when not actually in use". All of

the County's weights & measures testing devices (standards) are officially traceable to the state, federal, and international standards. Preserving the integrity of these pieces of equipment is one of a County Sealer's primary duties. Additionally, all testing equipment is very expensive and must be maintained to maximize their useful life spans and minimize costs to the public.

These particular pieces of testing equipment are permanently mounted on a truck bed and are stored in the department's shop garage. They are stored in the garage for security, maintenance, safety, and liability reasons. Garaging them daily minimizes their exposure to potential vandalism and the elements. It also prevents any inspection of this unique truck by children or others who might be curious and might be tempted to touch or climb on the equipment. Glass gauges could be broken or the provers themselves could be dented or damaged. Any damage to the provers will destroy their integrity and immediately terminate their certification as official standards. Additionally interested parties could hurt themselves by climbing on the truck, etc. and expose the County to unnecessary liability.

County policy allows (Section 34.9 B) a department head to authorize an employee to retain a vehicle overnight...for a limited term to enable completion of special or unusual assignments. Retail meter (gas station) inspections typically do not meet this standard. The shop is fairly centrally located (and is even closer to the individual's home generally assigned this duty than the office is). Because of the security, maintenance, safety, and liability concerns the vehicle is garaged in a county facility. Any employee assigned to this job is allowed to start their day from the shop thereby eliminating the need to come into the office at the start of the day. No employee has ever requested to take the vehicle home and if that request is made it would be considered in conformance with County policy, the Grand Jury's recommendation, and the need to store the vehicle properly. The truck would not be allowed to be parked on the street at an employee's home.

2. The County should consider increasing the load capacity of the next vehicle used by the Shasta County Department of Agriculture/Weights & Measures for testing fuels and pumps by purchasing a heavy duty one-ton truck during the next replacement cycle.

Response The Board of Supervisors concurs with this recommendation and finds that this is an excellent recommendation and it is the Department's intent to eventually replace the existing vehicle with a heavy duty one-ton truck. The existing vehicle is an older County fleet vehicle that was retrofitted with the

testing equipment because the department was not able to fund a new vehicle when the equipment was initially purchased. Staff worked with Fleet Management to safely complete the retrofit.

BOARD OF SUPERVISORS

D. ADULT SERVICES

RECOMMENDATIONS:

1. The Grand Jury recommends that APS purchase two satellite phones for use by social workers traveling to areas of the county where cell phone usage is limited. Satellite phones would provide a much needed measure of safety.

Response The Board of Supervisors concurs with the recommendation with a slight modification. Social Services – Adult Protective Services has purchased and is in the process of testing and setting up usage guidelines for the utilization of two Satellite Personal Tracker (SPOT) devices to provide a means of communication for social workers who find themselves in areas without cell phone reception. These devices include a GPS locator feature, and will send pre-programmed messages including an emergency call for assistance to pre-programmed email and cell or other phone numbers as well as 911. Implementation of these devices is to occur in the near future.

2. The Grand Jury recommends that APS provide a personnel sign-in/sign-out board on which all employees leaving the premises during work hours are required to post their times of departure, their destinations and their expected times of return. In addition, the Grand Jury recommends integrating GPS capabilities into the cell phones used by social workers. In case of an emergency a GPS could pinpoint the location of a social worker.

Response The Board of Supervisors concurs with this recommendation and it has been implemented. APS has used an in-out board for many years that included the expected time of return, but have added the physical addresses of the destinations workers are traveling to. The APS duty officer will monitor activity flow and take appropriate action if a worker is not back at the time noted on the board.

As noted in the response to the satellite phone recommendation, the SPOT devices include GPS technology to provide an additional measure of safety for social workers in the field.

APS staff meets every morning as a group to discuss staff assignments and any identified visitation safety concerns. If any safety concern is brought forward two staff will be sent out on the visitation and/or law enforcement will be asked to accompany the social worker. This process acts as an additional safeguard for social workers and was implemented years ago.

3. The Grand Jury recommends that APS provide formal, structured on-the-job training, utilizing a learning check list that articulates in detail what the social workers must do to perform the job to expected standards. The training also should prepare social workers to meet and respond to threatening or emergency situations.

Response The Board of Supervisors concurs with this recommendation, and in addition to its regular training procedures, APS is in the process of implementing a formal structured on-the-job training plan that utilizes a learning checklist and includes prevention tactics and response to threatening or emergency situations.

Annual safety trainings by local law enforcement will continue to be held for all staff to ensure safety while working in the office and out in the field.

4. The Grand Jury recommends that Shasta County Adult Services re-evaluate its budget to make available funds for reinstating law enforcement contracts which would provide specially trained investigators to assist in abuse cases.

Response The Board of Supervisors does not agree with this recommendation as the program does not have the resources to reinstate these contracts. APS will continue to work with all law enforcement agencies toward maintaining collaborative relationships and providing training to allow for more thorough response to and investigation of criminal elder abuse issues.

BOARD OF SUPERVISORS

E. PURCHASING

RECOMMENDATIONS:

1. The Grand Jury recommends that Shasta County Board of Supervisors expand section 2.4 of the Shasta County Contracts manual (contract manual) to include standardized procedural guidelines for establishing open accounts with local vendors and for making purchases and paying invoices on those accounts.

Response The Board of Supervisors concurs with the recommendation. Staff will review section 2.4 and provide recommendations to upgrade the policy where appropriate. Consideration shall include but not be limited to; assessing procedures for how open accounts with local vendors are created, how purchases are approved, and how invoices are paid on those accounts.

2. The Grand Jury recommends that in expanding section 2.4 of the contracts manual the county adopt a policy that requires departments to go through the purchasing division to establish new open accounts so that the county maintains one central control for those accounts.

Response The Board of Supervisors concurs with the recommendation. The County will study the feasibility, cost and efficiency of implementing this recommendation or developing additional controls to ensure that accounts are created and managed in accordance with established procedures.

3. The Grand Jury recommends that each department head using open accounts be required to establish written purchasing policies and procedures specific to that department's open account activity, in accordance with the standardized guidelines established by the county in Recommendations 1 and 2.

Response The Board of Supervisors concurs with the recommendation. The County encourages departments to incorporate county wide policies into their daily operations and believes that appropriate business controls will be in place and standardized by the taking of action on recommendations one and two.

4. The Grand Jury recommends that all county employees involved in the purchasing process receive formal, written and documented training in purchasing procedures.

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August 18, 2009

The Honorable Stephen H. Baker

Responses: The Board of Supervisors concurs with the recommendation. The county already conducts an annual employee training series that includes a module on purchasing procedures. The county will look to include additional written materials in this training and ensure that the training is documented.

Sincerely,



Glenn Hawes, Chairman
Board of Supervisors
County of Shasta

GH:LL/rbhl

✓ Cc: Members of the Grand Jury



CITY OF REDDING

OFFICE OF THE MAYOR

777 Cypress Avenue, Redding, CA 96001
P.O. Box 496071, Redding, CA 96049-6071
530.225.4447 FAX 530.225.4463

August 20, 2009
B-080-600-800

Rick Bosetti
Mayor

The Honorable Stephen H. Baker
Presiding Judge
Shasta County Superior Court
1500 Court Street
Redding, CA 96001

Dear Judge Baker:

Pursuant to Section 933 of the California Penal Code, the attachments to this letter shall serve as the City of Redding's responses to the following sections of the *2008/2009 Shasta County Grand Jury Final Report*:

1. Policing Themselves
2. Enough Study! Just Do It!
3. Just Compensation or Just a Gift?
4. Electronic Highway – Use and Abuse

The City of Redding appreciates and respects the important function that the Shasta County Grand Jury serves in local government.

If you have any questions regarding this matter, please do not hesitate to contact me at 225-4447.

Sincerely,

Rick Bosetti
Mayor

Attachments

c: City Council Members
Kurt Starman, City Manager
Rick Duvernay, City Attorney
Greg Clark, Assistant to the City Manager
Pam Mize, Administrator-Office of City Clerk
Gerry Kersten, Support Services Director
Peter Hansen, Police Chief

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2008-2009 Shasta County Grand Jury Final Report
REDDING POLICE DEPARTMENT COMPLAINTS
Policing Themselves

RECOMMENDATION:

- 1. The Grand Jury recommends that the Redding Police Department allow a complaint to be completed and transmitted online at the RPD Web site.**

Response: The City agrees with this recommendation and has implemented a procedure to submit a complaint online via e-mail. The web site contains instructions on what to include in the complaint and provides a "hot link" to send the e-mail. The e-mailed complaint is received in a confidential mailbox and reviewed by the Office of the Chief of Police and processed.

An electronic version (Adobe PDF file) of our complaint/commendation form also is available on the Redding Police Department web site at www.reddingpolice.org. Someone wishing to make a complaint can print a copy of the form, fill it out, and either mail it or personally deliver it to the Redding Police Department. The form is also available in the lobby at the main building located at 1313 California Street, Redding, California, 96001.

The Police Department has modified its web site to include a page dedicated to the personnel commendation and complaint procedures. It also provides an overview of the investigation procedure and a definition for each of the findings. This information is currently available to the public in the form of a brochure on the Internet and at our main facility.

2008-2009 Shasta County Grand Jury Final Report
REDDING POLICE FACILITY
Enough Study! Just Do It!

RECOMMENDATIONS:

1. **Given the current condition of the property and evidence storage areas, the Grand Jury recommends that the Redding Police Department immediately relocate the property unit personnel, along with all evidence and confiscated property, to a different facility. This facility should have enough space to allow for proper lifting, for maneuvering between aisles and for safe egress in the event of an emergency.**

Response: The City has implemented a portion of this recommendation, transferring property personnel into a new office. This space has nearly twice the square footage and improved lighting. The Police Department is also utilizing several volunteers to help remove backlogged evidence in the existing storage area, which will increase space and improve accessibility to property and evidence. The City does not intend to immediately implement the remainder of this recommendation due to space and budget constraints.

2. **The Grand Jury recommends that all Redding Police Department staff and equipment be relocated temporarily to a facility that is safe for all employees and large enough for them to conduct RPD work.**

Response: The City does not intend to implement this recommendation. The City concurs that the existing Police facility is inadequate; however, it is not aware of any significant health or safety issues that would require the City to immediately relocate all of the staff at the existing Police facility.

3. **The Grand Jury recommends that the Redding City Council expedite the construction of a new facility or the retrofitting of an existing building to house the Redding Police Department.**

Response: The City agrees that there is a compelling need for a new Police facility and is currently evaluating several options, including the possible retrofit of at least two buildings. The engineering/cost analysis necessary to evaluate those alternatives is currently being performed by the property owners and is due by the end of August 2009. The City Council has communicated its desire to review and act on that information as quickly as possible, but is unable to make a responsible evaluation and decision on those alternatives until the analysis is complete. Further analysis is required before the City can implement the recommendation.

4. **The Grand Jury recommends that the Redding City Council should fund a new RPD facility or retrofit an existing building, using public/private partnerships, bonds, one-time funding previously identified by the Police Facility Review Committee, general fund reprioritization or reserve draw downs, borrowing from other funds or reserves, or any other such funding method.**

Response: This recommendation requires further analysis. The City Council has indicated it will evaluate Police facility alternatives and their costs after the completion of the retrofit analysis. As noted by the Grand Jury, the weak economy has required reductions to be made to the General Fund, impacting the viability of potential funding methods. Once the exact cost of a new or retrofitted Police facility is known, the City Council can determine what funding method is appropriate.

2008-2009 Shasta County Grand Jury Final Report
SHASTA MOSQUITO ABATEMENT DISTRICT
Just Compensation or Just a Gift?

RECOMMENDATION:

2. **The Grand Jury recommends that the City Councils of the City of Redding, the City of Anderson, the City of Shasta Lake and the Shasta County Board of Supervisors adopt a selection process that includes personal interviews for all appointments and reappointments to the board of trustees of the SMVCD.**

Response: The City does not intend to implement this recommendation as the City Council feels existing practices provide for a thorough review of candidates and have served the City well.

Currently, any member of the public interested in serving on the Shasta Mosquito and Vector Control District (SMVCD) Board representing District 1 (Redding area) may fill out an application on the City's web site or on paper. The application solicits all pertinent information about the candidate, including qualifications for the position and reasons for seeking the appointment. All City Council members receive copies of these applications as they are submitted throughout the year. For an impending District 1 vacancy on the SMVCD Board, applications are reviewed by the Mayor and one or more candidates are interviewed by the Mayor at his/her discretion. The Mayor's proposed appointment is then considered and voted upon by the City Council in open session. The appointment is for a two- or four-year term at the City Council's discretion.

The City Council feels that this process provides for sufficient review of SMVCD candidates' qualifications and performance and does not need to be modified at this time.

2008-2009 Shasta County Grand Jury Final Report
INFORMATION TECHNOLOGY
Electronic Highway – Use and Abuse

RECOMMENDATIONS:

1. **The Grand Jury recommends that the City of Redding modify its computer usage policy to prohibit personal use of City computers and to require random audits of e-mail.**

Response: The City does not intend to implement the recommendation to modify the computer usage policy. The current policy prohibits inappropriate use of the City's computers, equipment, and inappropriate behavior while working on City time. The City Attorney's Office has reviewed and updated the policy and feels it sufficiently protects the interests of the City and its employees. Existing City policy specifies that the City may audit e-mails and it has done so, which has led to appropriate disciplinary action based on evidence of inappropriate use. For all intents and purposes, that portion of the Grand Jury's recommendation has already been implemented.

2. **The Grand Jury recommends that the City of Redding restrict access to inappropriate Internet sites and monitor City employee Internet activity.**

Response: The City does not intend to implement this recommendation at this time. Sufficient City personnel policies already exist prohibiting inappropriate behavior including viewing of inappropriate Internet sites. The City does reserve the right to monitor Internet access and has undertaken disciplinary action as appropriate in instances of abuse.

3. **The Grand Jury recommends that the City of Redding institute automatic "time outs" on City personal computers. "Time outs" either blank the screen or invoke the screen saver and lock the keyboard when the computer is not in use for a specific period of time.**

Response: The City of Redding does not intend to implement this recommendation at this time. The City has not found evidence that problems have occurred as a result of the computer not being "timed out," or the keyboard locked, after the computer has remained idle. As such, the cost/time necessary to enable the "time outs" Citywide does not appear justified at this time. The City of Redding agrees that if a problem is experienced with not locking out a computer, the City will consider implementing the recommendation in the future.

4. **The Grand Jury recommends that the City of Redding archive all e-mail traffic for a period of at least twelve months in order to monitor the appropriateness of email.**

Response: The City does not intend to implement this recommendation at this time. The City already has a policy governing the retention of records and e-mail that complies with the law. Existing City policy specifies that the City may audit e-mail usage to determine if inappropriate use of e-mail is occurring.

5. **The Grand Jury recommends that the City of Redding begin now either to phase out, or to replace, software that is dependant upon the RPG programming language.**

Response: The City has implemented this recommendation. The City has been deploying newer technologies that are not dependant upon RPG programming language. It must be noted, however, that the RPG programming language continues to be upgraded and modernized and will remain a major component of a vast array of City Information Technology resources.

6. **The Grand Jury recommends that the City of Redding simplify and make more specific its policy on computer usage.**

Response: The City has implemented this recommendation. The City adopted a new Computer Usage Policy, which it believes adequately addresses appropriate computer usage.

7. **The Grand Jury recommends that the City Hall computer room remain locked at all times to prevent unauthorized access.**

Response: The City does not intend to implement this recommendation. The City's computer room is located in the hallway of the Information Technology Division, which is open only to authorized personnel. After hours, the entire division is locked down and an alarm is activated to prohibit unauthorized access. There does not appear to be a need to place a lock specifically on the computer room door.

8. **The Grand Jury recommends that the generator at City Hall be fueled by either propane or diesel fuel to provide continuity during an emergency of natural gas lines or disruption.**

Response: The City does not intend to implement this recommendation. When City Hall was built, natural gas was chosen as the fuel to power the generator in case of electrical disruption. With natural gas, there was no need to permanently house a large tank of flammable fluid in close proximity to City Hall to serve in what would be an extremely rare emergency event. In the very highly unlikely event that both a natural gas disruption, and an electrical disruption occur simultaneously, the uninterruptible power supply for the computer room will allow for an orderly shut down of the systems. If Information Technology operations must resume prior to the re-establishment of electrical or natural gas service, the City will make arrangements to rent a large generator with an on-board fuel supply to provide the necessary power to the City Hall.

9. **The Grand Jury recommends that the City of Redding establish a tracking system to document which employees have read and agreed to abide by the Computer Usage Policy.**

Response: The City has implemented this recommendation and already has developed steps to ensure records are kept that indicate employee acknowledgment of the Computer Usage Policy. Policy acknowledgments will be sent to employees each January and are filed alphabetically and checked against employee lists. Since the Grand Jury investigation, all but five employees have read, and agreed to abide by, the Computer Usage Policy.

10. **The Grand Jury recommends that the City of Redding remove games from personal computers before placing them into service.**

Response: The City of Redding does not intend to implement this recommendation at this time. The City has not found evidence that this pre-installed software is interfering with workplace conduct and therefore their removal does not justify the cost/time necessary to remove them. The City of Redding agrees that if a problem is experienced with the standard games that come with the operating systems, the City will remove the games in the future.

11. **The Grand Jury recommends that the City of Redding re-prioritize its I.T. budget to pay for the previous recommendations, possibly taking from funds allocated for overtime, consulting services, or office equipment maintenance/repair.**

Response: The City of Redding has implemented this recommendation for recommendations 5, 6 and 9; the City of Redding does not intend to implement this recommendation for the other items listed above. The City regularly prioritizes and readjusts its budgetary expenditures to meet the most important Information Technology needs of the City.

City of Shasta Lake

P.O. Box 777 • 1650 Stanton Drive
Shasta Lake, CA 96019
Phone: 530-275-7400
Fax: 530-275-7414
Website: cl.shasta-lake.ca.us



September 8, 2009

P.J. Marsh, Foreperson
Shasta County Grand Jury
P.O. Box 992086
Redding, CA 96099-2086

Dear Mr. Marsh:

The City is in receipt of your letter received July 2, 2009, regarding the Shasta County Grand Jury's Annual Report and the Shasta County Mosquito and Vector Control Abatement District (SMVCD). The following information is offered:

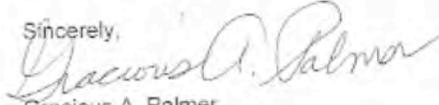
Finding #2

The Grand Jury recommends that the City Councils of the City of Redding, the City of Anderson, the City of Shasta Lake and the Shasta County Board of Supervisors adopt a selection process that includes personal interviews for all appointments and reappointments to the board of trustees of the SMVCD.

The City of Shasta Lake disagrees partially with this finding. The City does not intend to implement this recommendation because the City Council feels their existing practice provides adequate review of the appointments and reappointments. The City currently advertises for commissions, committees, or board representatives in the local newspaper. Additionally, the City posts notices at various locations within the City for these vacancies and/or appointments. Individuals interested in volunteering for vacancies or appointments submit a letter of interest which is forwarded to the City Council for consideration and approval. If the City Council receives more than one letter of interest, the City Council will conduct public interviews. When the City receives only one letter of interest, the individual will provide a statement of interest to the City Council at the time of selection and the City Council may conduct a public interview at their discretion. The City Council does not believe it is necessary to hold interviews for reappointments at this time. Representatives of committee, commissions, or boards communicate their activities, either verbally or in writing, on a frequent basis to the City Council. If the City Council believes an individual is not suited to continue as a representative of the City, the City Council may take action to relieve the appointee at their discretion.

The City of Shasta Lake appreciates the Shasta County Grand Jury and respects all of their efforts. If you need additional information regarding this matter, please do not hesitate to contact me at 275-7400.

Sincerely,


Gracious A. Palmer
Mayor

Mountain Gate Community Services District

Community Government

14508 Wonderland Blvd., Mountain Gate, CA (530) 275-3002

In the best interest of the district

Background

Mountain Gate Community Services District was established in May 1956. The district's service area encompasses 3,540 acres, or 5.5-square miles, in the unincorporated areas of northern Shasta County. Mountain Gate's water district serves a population of about 2,500, and its volunteer fire department protects the Mountain Gate community as a whole and assists with mutual aid in other nearby communities.

The Shasta County Grand Jury began its investigation into Mountain Gate Community Services District based on a citizen's complaint. During the inquiry we reviewed additional complaints and several newspaper articles relating to the district.

The Grand Jury discovered:

Threats and misrepresentations: A complainant alleged that a board member threatened residents with a lawsuit unless they removed their names from a recall petition, but there was insufficient evidence to conclude that the intimidation had occurred. When questioned, residents denied being intimidated or said the issue was resolved to their satisfaction.

There were also claims that citizens were tricked into signing a separate recall petition which was misrepresented as another document. The Grand Jury was unable to confirm these accusations.

Conflict of interest: An initial complaint alleged that a board member had engaged in a conflict of interest. The Grand Jury determined that one board member did vote on an action item involving his employer, but the vote had no direct benefit to the board member. He said he will recuse himself from future votes relating to his employer.

Donation: One complaint alleged that a \$1,000 donation made to the district was a pay off in exchange for an alleged arson cover-up. Another complaint alleged that this donation was for the inappropriate

installation of a fire hydrant. Upon advice from counsel the board of directors returned the donation. The Grand Jury found no evidence of improprieties.

Bank accounts: The original complaint alleged that five bank accounts were “hidden” and “controlled” by a district employee. The Grand Jury found that the accounts were established during a period of years and for various purposes. Most of the accounts were established before the employee was hired, and the employee was an authorized signator on only one of the accounts. The Grand Jury found no misfeasance or malfeasance with the establishment of the accounts. Now the accounts are audited regularly.

Fire Hydrants: There were allegations that fire hydrants were illegally installed. The Grand Jury found no credible evidence of illegalities.

However, during our investigation the Grand Jury discovered conflicts within the board, between board members and district employees, and between board members and community members.

Findings:

1. **Municipal Service Review (MSR):** Mountain Gate’s MSR is incomplete. A completed MSR is designed to inform Local Agency Formation Commissions (LAFCo), local agencies, and the community about the municipal services provided by agencies. The MSR explains the services the district provides, analyzes information, and identifies the district’s structures and opportunities for growth. Without an MSR, LAFCo will not authorize an agency to expand its services or service area.

The Grand Jury discovered:

- The fire department isn’t addressed in the MSR
- Property tax revenue appears to be used as water income
- The MSR does not address confined spaces and hazardous materials
- The MSR does not explain the water contract with the Bureau of Reclamation
- There is no mention of the pumps in Lake Shasta
- The MSR does not identify the source, transportation and storage of the district’s water supply

2. **Revenue:** According to the district’s incomplete MSR, water rates were not raised for 13 years, despite increased fuel, materials and labor costs. The Grand Jury queried other districts and learned that it is common practice to raise water rates on a regular basis to accommodate increased costs, to modernize infrastructure and to purchase additional and replacement equipment.

3. **Audit:** The district retained Nystrom & Company, LLC (Nystrom) to perform the district’s financial audits. Nystrom informed the district that it had not completely adopted the standards set forth in

Governmental Accounting Standards Board Statement No. 34. That is, the district's financial records do not disclose the overall financial health of the district, provide complete information about the cost of delivering services to the district's customers, or provide information on its infrastructure assets. In the audit for year ending June 2008 Nyström continues to recommend that the district record the accumulated depreciation and depreciation expense of its capital assets, such as fire equipment. Depreciation information is necessary for planning purposes like budgeting for replacement equipment and repairs.

4. **Enterprise/non-enterprise:** The district's enterprise funds (from the sale of water and services) and non-enterprise funds (property taxes for fire protection) are not separated in the district budget as recommended by Governmental Accounting Standards Board Statement No. 34.

5. **Credit cards:** The district has not authorized issuance of credit cards for use by its fire protection personnel. The lack of credit cards available to the fire department impedes the ability of fire personnel to purchase fuel and other needed items when responding to out-of-area fires. Although these responses eventually generate money, the department must have the means to sustain itself while working these fires.

6. **Management:** Three present and former board members reported to the Grand Jury that the current manager has technical field expertise but lacks administrative abilities.

7. **Two departments:** Although the present manager is head of the water and fire operations of the district, he has no expertise in the area of firefighting but depends on information provided by the part-time fire chief.

8. **Board interactions:** The board of directors violated the Brown Act on March 10, 2009, by discussing an agenda item during a break in its meeting.

Board meetings attended by members of the Grand Jury were not conducted in accordance with Robert's Rules of Order. Audience participation was not controlled, and audience outbursts were tolerated.

As a consequence of board infighting a recall petition was circulated that resulted in a cost to the district of approximately \$10,000.

9. **Statement of Economic Interests (700 Form):** The law requires that special districts' board members each must complete a 700 Form, which is public information. The Grand Jury could not locate 700 Forms for some of the board members.

10. **Policy & Procedures:** The district's policy and procedures manual is outdated and consists mainly of board resolutions, making it difficult to locate pertinent information.

11. **Training:** The general manager and board members acknowledged that they have not received training on how to perform their duties. District board members and staff do not participate in any association conferences, such as the Association of California Water Agencies or the California Special Districts Association.

12. **Fire Department Manuals:** Neither the fire department's training manual nor the policy and procedures manual comprehensively guides the firefighters in understanding what is expected of them.

13. **Infrastructure:** Board members and the general manager stated to the Grand Jury that the district's infrastructure is in "severe disrepair." For example, the water pipeline contains asbestos, is very old and is prone to breaks.

Recommendations:

1. The district's Municipal Services Review should be completed. The Grand Jury recommends that the district use the Shasta Community Services District's MSR as a template.

2. A financial committee of board members and customers should explore revenue options available, like regularly raising rates, implementing benefit assessment fees or impact fees.

3. The district should follow the recommendations of the Nystrom audit that the district should record the accumulated depreciation and depreciation expense of its capital assets, such as equipment. To meet its fiduciary responsibilities the district should consider utilizing the Shasta County Auditor-Controller's free services for future financial reviews.

4. The Grand Jury recommends that the district's enterprise funds (from the sale of water and services) and non-enterprise funds (property taxes for fire protection) be separated in the budget.

5. The fire department should have at least two credit cards for use in purchasing gas and supplies by personnel responding to out-of-area fires.

6. The district should consider hiring an administrative manager skilled in organizational management, knowledgeable of available funding sources and able to create a comprehensive policy and procedures manual. The district administrative manager should focus on management of the district and not on field work. Options for funding for this position include salary re-structuring, implementing fees, increasing water rates and obtaining grants to free up money from other areas in the budget.

7. The district should modify the organizational chart so that the water department and the fire department both report directly to the board, or to the administrative manager, if hired.

8. Board members should educate themselves about the Brown Act and should adhere to its provisions.

9. Board meetings should be conducted according to Robert's Rules of Order as per the district's policy. Audience participation should be controlled, and outbursts should not be tolerated. All board members should conduct themselves in a courteous, polite and respectful manner.

10. The district should ensure that all board members complete the Statement of Economic Interests 700 Form as mandated by law.

11. The district's policy and procedure manual should be purged of inapplicable documents and revised, organized and updated.

12. Board members and district staff should take advantage of the training and networking available through the Association of California Water Agencies, California Special Districts Association and other such as sociations. They should utilize the training on the California Attorney General's website and seek out additional training on the websites of the California Special Districts Association and the Association of California Water Agencies.

13. The fire department training manual and the policy and procedures manual should be written or modified so that the firefighters understand what is expected and so that training is properly documented.

Responses Required

- The Mountain Gate Community Services Board as to Recommendations 1 through 12.

Method of Inquiry

The Grand Jury visited:

- Several Mountain Gate Community Services District Board of Directors meetings
- Mountain Gate Community Services District offices
- Mountain Gate Community Service area

The Grand Jury interviewed:

- Mountain Gate Community Services District Chairman of the Board
- Mountain Gate Community Services District sitting board members
- Mountain Gate Community Services District manager
- Mountain Gate Community Services District secretary/office manager
- Mountain Gate Volunteer Fire District Chief
- Mountain Gate Community Services District employees
- Mountain Gate Volunteer Fire District volunteers
- Former Mountain Gate Community Services District board member
- Mountain Gate community members

The Grand Jury reviewed:

- Citizens' Complaints
- The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000
- Governmental Accounting Standards Board Statement No. 34
- Government Code §56430 regarding municipal service reviews
- California Code §16111-16111.5 regarding enterprise and non-enterprise special districts
- California Code §6253.5-6270 regarding recall petitions
- California Codes §1770-1782 regarding filling vacancies on a board
- Mountain Gate Community Services District Policy & Procedures
- Incomplete Mountain Gate Community Services District Municipal Service Review
- California Special Districts Association <http://www.csda.net>
- Mountain Gate Community Services District's audit by Nystrom & Company, LLP
- Recordings of Mountain Gate Community Services District Board of Directors meetings
- Mountain Gate Community Services District meeting minutes
- Mountain Gate Community Services District budget
- Mountain Gate Volunteer Fire District agendas
- Mountain Gate Volunteer Fire District Training Log
- Mountain Gate Volunteer Fire District Policy and Procedures
- Mountain Gate Community Services District Resolution 2005-15, revising customer agreement for installing pipeline extensions
- Mountain Gate Community Services District Resolution 90-05, amending by laws on job description of the fire chief
- Mountain Gate Community Services District Resolution 2006-07, rescinding resolutions 2002-2007 giving general manager sole authority to instruct employees and to prohibit board members from usurping manager's authority
- Mountain Gate Volunteer Fire District approval of plot plan of private property
- Correspondence from Mountain Gate Volunteer Fire District regarding the closed bank accounts

- Mountain Gate Volunteer Fire District Incident Report on January 8, 2008
- Letter from Shasta County Clerk/Registrar of Voters
- Mountain Gate Community Services District Notice of Special Meeting
- Letters to the Grand Jury from community members
- Mountain Gate Community Services District Organizational Flow Chart
- Correspondence between community member and Mountain Gate Community Services District
- Letters of resignation from board members of Mountain Gate Community Services District
- Letters from Mountain Gate Community Services District employees regarding a board member
- Notice of intention to Circulate Recall Petition
- Answer to Notice of Intent to Recall Petition
- Unsigned Recall Petition
- Six Redding Record Searchlight newspaper articles regarding Mountain Gate Community Services District
- Request to be heard by the Mountain Gate Community Services District Board of Directors
- Draft Municipal Service Review of City of Redding
- Draft Municipal Service Review of Cottonwood Community Services District
- Municipal Service Review of Shasta Community Services District

Response:

Mountain Gate Community Services District “*Claims of Questionable Decisions by the Board*”

SUMMARY

The Grand Jury initiated an investigation into the Mountain Gate Community Services District after several citizens from that district questioned the conduct of the board of directors. Complaints addressed the possibility of violations of the Brown Act, misuse of the district's credit card policy and tailoring a job description to fit a predetermined candidate.

FINDINGS

F1. The Mountain Gate board was advised by its legal counsel that there was no conflict of interest in the hiring of the General Manager. The Grand Jury, however, determined there was the appearance of favoritism when the board lowered the employment standards and hired the former board member to be general manager.

F2. Prior to the board implementing a policy on credit card usage, charges to the district's credit card were incorrectly reported as fuel expenses when actually they were meals for employees. Although the bylaws allow for a per diem, there is no specific authorization in the bylaws for employees to charge meals on the district's credit card.

F3. After receiving training, board meetings attended by the Grand Jury were orderly.

RECOMMENDATIONS

The Grand Jury recommends:

R1. The board create a policies and procedures manual separate from the bylaws for all operations of the district. The manual should state which personnel may use the district's credit card and for what purpose.

R2. All board members complete training on the Brown Act and government ethics every two years as required by law.

R3. The policies and procedures manual should designate the maximum reimbursement rates for lodging. Further, meal reimbursement should be limited to authorized out-of-county travel.

RESPONSE

FINDINGS:

F1

The respondent disagrees partially with the findings, the board of directors did not lower the employment standards. The General Managers job description was revised to conform with the ACWA Joint Powers Insurance Authority Water Industry Job Descriptions and Americans with disabilities act manual. ACWA/JPIA is our insurance carrier.

F2

The respondent agrees with the findings.

F3

The respondent agrees with the findings.

RECOMMENDATIONS:

R1

The recommendation has not yet been implemented, but will be implemented in the future, the district's attorney is already writing the new by-laws and a draft has been presented to the board. The adoption of these by-laws should be within the next few months. The policies and procedures manual is a work in progress with completion in the near future.

R2

The recommendation has been implemented.

R3

The recommendation has been implemented.

Response By:

**David Selby, Chairman of the Board - Cary Park, Vice Chairman - Greg Peterson,
Director - Gary Gunter, Director - Janice Heck, Secretary to the Board**

City of Redding

Information Technology

City of Redding, 777 Cypress Ave. Redding, CA. 96001 (530) 339-7220

Electronic highway-use and abuse

Background

Information technology (I. T.) and the use of personal computers (PC) have affected nearly every household and workplace. All levels of government, including the City of Redding and Shasta County, have used this computer technology to become more efficient, more precise and better able to serve the public.

A by-product of this technology is that some workers use computers to view information that is not work-related and to waste time communicating about non-work-related topics. Such misuse occurred within Redding City Hall in 2007 when several employees exchanged thousands of personal, inappropriate e-mail messages and viewed pornographic images on city computers.

The Shasta County Grand Jury researched the city's use of computers. The Grand Jury also looked into the type of computer hardware and software used by the city, the policies governing the use of city PC's and examined the security of the city's IT resources.

The Grand Jury learned that the city's annual I. T. budget is approximately \$2.4 million. The city's computer hardware consists of three basic elements: an AS400 business systems computer, a Microsoft Outlook Exchange server, and network security monitoring.

The city uses an AS400 computer system to process data, prepare reports and allow city residents to conduct business electronically (e.g. pay bills, buy dog licenses). The centralized Microsoft Outlook Exchange server manages e-mail and controls electronic traffic for all the city's PCs. The city's main computer hardware is located in city hall, and its data is backed up daily. The city provides safeguards for its intranet applications running on the AS400 and has instituted measures to control spam and virus attacks against the city's e-mail system. The Redding Police Department facility also houses computer hardware, but that hardware mainly runs applications specific to law enforcement and is independent of the hardware in city hall.

Approximately 1,000 city employees have access to more than 700 city-owned personal computers. Many city employees use PCs every work day, while others use them only occasionally. City personnel communicate internally and externally by e-mail, and many access the Internet to obtain information relative to their work assignments. Some city vehicles, like police cars and fire trucks, are equipped with mobile computer terminals that allow the vehicle operator to communicate with a dispatcher and other terminal users and to query databases.

The City of Redding's Personnel Policies and Procedures Manual contains a written policy regarding the use of computers and management of electronic records.

Findings

1. **Hardware/software:** The AS400 computer system was introduced in 1988 and depends to a large degree on a programming language called RPG (Report Program Generator). RPG was first released in 1959 and was created for punch-card machines. City staff estimates that software to replace RPG would cost millions of dollars plus the cost of the new hardware that would be needed. City staff reports that, while some of their equipment and software may be old, they are accomplishing their mission. However, two of the RPG-trained city programmers are due to retire in 2009, creating a void that the Grand Jury thinks will be very difficult to fill.

The city's personal computers run Windows 2000, XP or Vista operating systems. The city uses software programs for firewall protection and for prevention of unauthorized access from outside the city's system. However, there is no proactive software installed on the city's computers that controls access to unauthorized or malicious Internet sites. Furthermore, the city's computer system does not use filters that would inhibit access to Internet sites that may contain either malicious software or inappropriate content. In addition, there is no "time out" program on city computers that would blank the screens and lock the keyboards when the computers are idle, as when employees are away at lunch; thus the computers are left vulnerable to unauthorized access.

2. **Policy:** The City of Redding has regulated computer use since 1998, when a Redding City Manager's policy (CM 98-1) was created. The original CM 98-1 Policy prohibited transmission of non-city related information on city computers.

After city employees misused the city's computers in 2007, instead of reigning in personal use of city computers, the city revised and apparently weakened CM 98-1 by now allowing transmission of personal matters on city computers.

Originally the policy stated:

All software, data, reports, messages and information stored on local and network resources are the property of the City. Therefore, no data shall be removed or transmitted via e-mail or any method of electronic file transfer to any other agency or person unless it is for the sole purpose of completing City business.

On April 14, 2008, after the misconduct became public, CM 98-1 was revised to read:

All software, data, reports, messages and information stored on local and network resources are the property of the City. Therefore, no data *relating to the conduct of City business* (italics added) shall be removed or transmitted via e-mail or any method of electronic file transfer to any other agency or person unless I.T. is for the sole purpose of completing City business.

Research into the policy of other governmental agencies revealed that Shasta County, the Shasta County Superior Court, the County of Los Angeles and several state agencies prohibit use of their computers for personal reasons.

The 2008 revision of CM 98-1 also banned “Excessive use for personal matters unrelated to City business,” but the term “excessive” is not defined in the policy.

The Grand Jury also finds that the current computer use policy includes complicated language such as the following:

All electronic communications to, from, between or among any City officials or employees by use of an electronic communication system to facilitate any business of the City, where it is neither necessary nor intended that the informational content of the communication be preserved for future City use or reference, may be deleted from the City’s computer system without preserving the informational content of the communication or any portion thereof, unless (1) a law expressly requires such communication to be kept; or (2) preservation of the communication is necessary or convenient to the discharge of the public officer’s or employee’s duties and the communication was made or retained for the purpose of preserving this informational content for future City use or reference.

In 2008, city department managers were directed to discuss with staff the city’s policies on computer use. Later in the year the city manager decided that CM 98-1 should be converted to a personnel policy, and in October the policy entitled, “Policy Regarding Use of Computers and Management of Electronic Records” was added to the Personnel Policies and Procedures Manual.

City management also decided that all employees should be reminded annually of several important policies. On October 19, 2008, the personnel director sent the computer use policy to all city employees. The employees were directed to read the policy, sign an acknowledgment form and return the form to the personnel department by November 15, 2008. However, as of February 24, 2009, more than 100 employees still had not returned the acknowledgment.

3. Personal use of computers by city personnel: The misconduct that occurred within city hall in 2007 included transmission of thousands of personal e-mails that perpetuated relationships and that were often sexually explicit. As a result of the misconduct four city employees resigned, two received suspensions, and two received written reprimands. Two of the employees investigated were quoted as saying “...putting the hammer down on all of these e-mails would be the best thing,” and “I am confident that city officials would be stunned if they were to investigate the level of personal use of computers which occurs on a daily basis city wide.” One employee expressed shock “about the city’s lackadaisical attitude on inappropriate e-mail usage.”

During its investigation the Grand Jury found that most of the city employees interviewed could not define specifically what is meant by “excessive” in the city’s computer use policy and think that they are allowed minimal personal use of city computers. Some employees consider online shopping and reading non-work-related e-mail as acceptable personal uses of the city’s computers.

4. **System administration:** The City of Redding does not audit e-mail messages of city employees and does not archive or store e-mail messages for more than several weeks. Most employees have Internet access from their city computer. City supervisors do not monitor Internet usage, and there is no system to prevent employees from viewing inappropriate sites. The common games that come installed on a typical computer are not removed from city computers before they are placed into service. City staff estimated an archiving system for e-mail storage would cost approximately \$50,000. Staff has considered Internet tracking software and barriers to unauthorized sites, but they think that the costs of the equipment are prohibitive.

5. **Security/redundancy:** The city’s primary central computer systems are located in a room at city hall deep within a complex of offices not accessed by the public and an ancillary computer room is off a main hallway. When the Grand Jury visited city hall, however, the primary computer room was not locked, and there appeared to be minimal access control; on the other hand, the ancillary room was locked and unmarked. There is a similar but smaller computer room at the Redding Police Department. This room is locked, and no unauthorized entry is allowed. All three computer rooms are individually climate-controlled and equipped with special fire suppression equipment.

The city’s computers contain a large amount of data relating to the city’s residents and to the operation of the city. The data from the computer is backed up daily on tape which is delivered to the Redding Police Department for safekeeping. The tapes are stored within a locked container in the locked computer room. However, there are no computers at the police station capable of running the city’s operations. City staff indicated that, if a catastrophic failure were to occur at city hall, replacement computers would be requested from outside the city and that it could take several days before the city could access its data. City I.T. staff are currently working with the local emergency dispatch and communication center (SHASCOM) on a redundant computer system that would provide continuity in the event of a disaster.

If commercial power is lost, city hall can be powered by an on-site emergency generator. The computer room at city hall is equipped with a battery uninterruptible power supply (UPS) that keeps the computer system operational until the emergency generator can provide power. This generator is fueled by a natural gas line supplied by Pacific Gas and Electric. The computer room at the police station also is equipped with a battery UPS, and an on-site emergency backup diesel-fueled generator is available.

Recommendations

1. The Grand Jury recommends that the City of Redding modify its computer usage policy to prohibit personal use of city computers and to require random audits of e-mail.

2. The Grand Jury recommends that the City of Redding restrict access to inappropriate Internet sites and monitor city employee Internet activity.
3. The Grand Jury recommends that the City of Redding institute automatic “time-outs” on city personal computers. “Time-outs” either blank the screen or invoke a screen saver and lock the keyboard when the computer is not in use for a specific period of time.
4. The Grand Jury recommends that the City of Redding archive all e-mail traffic for a period of at least 12 months in order to monitor the appropriateness of e-mail.
5. The Grand Jury recommends that the City of Redding begin now either to phase-out or to replace software that is dependent upon the RPG programming language.
6. The Grand Jury recommends that the City of Redding simplify and make more specific its policy on computer usage.
7. The Grand Jury recommends that the city hall computer room remain locked at all times to prevent unauthorized access.
8. The Grand Jury recommends that the generator at city hall be fueled by either propane or diesel fuel to provide continuity during an emergency if natural gas lines are disrupted.
9. The Grand Jury recommends that the City of Redding establish a tracking system to document which employees have read and agreed to abide by the computer policy.
10. The Grand Jury recommends that the City of Redding remove games from personal computers before placing them into service.
11. The Grand Jury recommends that the City of Redding reprioritize its I.T. budget to pay for the previous recommendations, possibly taking from funds allocated for overtime, consulting services, or office equipment maintenance/repair.

Responses Required:

- The City of Redding City Council as to Recommendations 1 through 11.

Method of Inquiry:

The Grand Jury interviewed:

- City of Redding City Manager
- City of Redding Support Services Director
- City of Redding Personnel Director

- City of Redding Chief of Police
- Redding Police Department captain
- City of Redding technology manager
- Shasta County Chief Technology Officer
- City of Redding information technology supervisor
- City of Redding management analyst II
- City of Redding building inspector

The Grand Jury reviewed:

- City of Redding policies for use of computers and management of electronic records, employee conduct and honesty and discipline
- Redding Police Department policies relating to use of the police radio, police officer minimum performance standards, and harassment in the workplace
- Shasta County policy on electronic assets and information security, pre-login warning to all employees signing on to their computers, and an acknowledgment form regarding e-mail and Internet access monitoring
- An agreement for the operation of the Integrated Public Safety System (IPPS)
- An IPPS security clearance signature form
- A document titled, "Preparation of a Plan for Upgrade and Expansion of Mobile Digital Data" dated Dec. 2, 2008
- City of Redding form titled, "City of Redding Receipt for Personnel Policies"
- City of Redding Internal Communication relating to personnel policies dated Feb. 24, 2009
- City of Redding budget for the Information Technology Division of the Support Services Department
- A list of City of Redding personnel who had not acknowledged receipt of policies, dated February 24, 2009
- Numerous documents prepared by a private investigator relating to City of Redding employee misconduct and misuse of city computer systems in 2007
- Three Redding Record Searchlight articles dated Sept. 14, 2007 and May 4, 2008

- California Department of Transportation Director's Policy 17R, Information Technology and computer network and Internet access guidelines
- California Highway Patrol network security and administration policy, Chapter 2 of Highway Patrol Manual 40.4 and form CHP 101, appropriate use of automated information and systems statement
- Los Angeles County Board of Supervisors policies 6.105 and 6.101, Internet usage policy and policy on the use of county information technology resources; and an employee agreement for acceptable use and confidentiality of Los Angeles County's information technology assets
- Two Shasta County Superior Court memoranda relating to e-mail and Internet use
- California Office of Information Security and Privacy Protection website, www.oispp.ca.gov
- California State Administrative Manual, www.sam.dgs.ca.gov
- SANS Institute Web site, www.sans.org
- Municipal Information Systems Association of California Web site, www.misac.org
- California Counties Information Services Directors Association Web site, www.ccisda.org



CITY OF REDDING

OFFICE OF THE MAYOR

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P.O. Box 496071, Redding, CA 96049-6071
530.225.4447 FAX 530.225.4463

August 20, 2009
B-080-600-800

Rick Bosetti
Mayor

The Honorable Stephen H. Baker
Presiding Judge
Shasta County Superior Court
1500 Court Street
Redding, CA 96001

Dear Judge Baker:

Pursuant to Section 933 of the California Penal Code, the attachments to this letter shall serve as the City of Redding's responses to the following sections of the *2008/2009 Shasta County Grand Jury Final Report*:

1. Policing Themselves
2. Enough Study! Just Do It!
3. Just Compensation or Just a Gift?
4. Electronic Highway – Use and Abuse

The City of Redding appreciates and respects the important function that the Shasta County Grand Jury serves in local government.

If you have any questions regarding this matter, please do not hesitate to contact me at 225-4447.

Sincerely,

Rick Bosetti
Mayor

Attachments

c: City Council Members
Kurt Starman, City Manager
Rick Duvernay, City Attorney
Greg Clark, Assistant to the City Manager
Pam Mize, Administrator-Office of City Clerk
Gerry Kersten, Support Services Director
Peter Hansen, Police Chief

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2008-2009 Shasta County Grand Jury Final Report
REDDING POLICE DEPARTMENT COMPLAINTS
Policing Themselves

RECOMMENDATION:

- 1. The Grand Jury recommends that the Redding Police Department allow a complaint to be completed and transmitted online at the RPD Web site.**

Response: The City agrees with this recommendation and has implemented a procedure to submit a complaint online via e-mail. The web site contains instructions on what to include in the complaint and provides a "hot link" to send the e-mail. The e-mailed complaint is received in a confidential mailbox and reviewed by the Office of the Chief of Police and processed.

An electronic version (Adobe PDF file) of our complaint/commendation form also is available on the Redding Police Department web site at www.reddingpolice.org. Someone wishing to make a complaint can print a copy of the form, fill it out, and either mail it or personally deliver it to the Redding Police Department. The form is also available in the lobby at the main building located at 1313 California Street, Redding, California, 96001.

The Police Department has modified its web site to include a page dedicated to the personnel commendation and complaint procedures. It also provides an overview of the investigation procedure and a definition for each of the findings. This information is currently available to the public in the form of a brochure on the Internet and at our main facility.

2008-2009 Shasta County Grand Jury Final Report
REDDING POLICE FACILITY
Enough Study! Just Do It!

RECOMMENDATIONS:

1. **Given the current condition of the property and evidence storage areas, the Grand Jury recommends that the Redding Police Department immediately relocate the property unit personnel, along with all evidence and confiscated property, to a different facility. This facility should have enough space to allow for proper lifting, for maneuvering between aisles and for safe egress in the event of an emergency.**

Response: The City has implemented a portion of this recommendation, transferring property personnel into a new office. This space has nearly twice the square footage and improved lighting. The Police Department is also utilizing several volunteers to help remove backlogged evidence in the existing storage area, which will increase space and improve accessibility to property and evidence. The City does not intend to immediately implement the remainder of this recommendation due to space and budget constraints.

2. **The Grand Jury recommends that all Redding Police Department staff and equipment be relocated temporarily to a facility that is safe for all employees and large enough for them to conduct RPD work.**

Response: The City does not intend to implement this recommendation. The City concurs that the existing Police facility is inadequate; however, it is not aware of any significant health or safety issues that would require the City to immediately relocate all of the staff at the existing Police facility.

3. **The Grand Jury recommends that the Redding City Council expedite the construction of a new facility or the retrofitting of an existing building to house the Redding Police Department.**

Response: The City agrees that there is a compelling need for a new Police facility and is currently evaluating several options, including the possible retrofit of at least two buildings. The engineering/cost analysis necessary to evaluate those alternatives is currently being performed by the property owners and is due by the end of August 2009. The City Council has communicated its desire to review and act on that information as quickly as possible, but is unable to make a responsible evaluation and decision on those alternatives until the analysis is complete. Further analysis is required before the City can implement the recommendation.

4. **The Grand Jury recommends that the Redding City Council should fund a new RPD facility or retrofit an existing building, using public/private partnerships, bonds, one-time funding previously identified by the Police Facility Review Committee, general fund reprioritization or reserve draw downs, borrowing from other funds or reserves, or any other such funding method.**

Response: This recommendation requires further analysis. The City Council has indicated it will evaluate Police facility alternatives and their costs after the completion of the retrofit analysis. As noted by the Grand Jury, the weak economy has required reductions to be made to the General Fund, impacting the viability of potential funding methods. Once the exact cost of a new or retrofitted Police facility is known, the City Council can determine what funding method is appropriate.

2008-2009 Shasta County Grand Jury Final Report
SHASTA MOSQUITO ABATEMENT DISTRICT
Just Compensation or Just a Gift?

RECOMMENDATION:

2. **The Grand Jury recommends that the City Councils of the City of Redding, the City of Anderson, the City of Shasta Lake and the Shasta County Board of Supervisors adopt a selection process that includes personal interviews for all appointments and reappointments to the board of trustees of the SMVCD.**

Response: The City does not intend to implement this recommendation as the City Council feels existing practices provide for a thorough review of candidates and have served the City well.

Currently, any member of the public interested in serving on the Shasta Mosquito and Vector Control District (SMVCD) Board representing District 1 (Redding area) may fill out an application on the City's web site or on paper. The application solicits all pertinent information about the candidate, including qualifications for the position and reasons for seeking the appointment. All City Council members receive copies of these applications as they are submitted throughout the year. For an impending District 1 vacancy on the SMVCD Board, applications are reviewed by the Mayor and one or more candidates are interviewed by the Mayor at his/her discretion. The Mayor's proposed appointment is then considered and voted upon by the City Council in open session. The appointment is for a two- or four-year term at the City Council's discretion.

The City Council feels that this process provides for sufficient review of SMVCD candidates' qualifications and performance and does not need to be modified at this time.

2008-2009 Shasta County Grand Jury Final Report
INFORMATION TECHNOLOGY
Electronic Highway – Use and Abuse

RECOMMENDATIONS:

1. **The Grand Jury recommends that the City of Redding modify its computer usage policy to prohibit personal use of City computers and to require random audits of e-mail.**

Response: The City does not intend to implement the recommendation to modify the computer usage policy. The current policy prohibits inappropriate use of the City's computers, equipment, and inappropriate behavior while working on City time. The City Attorney's Office has reviewed and updated the policy and feels it sufficiently protects the interests of the City and its employees. Existing City policy specifies that the City may audit e-mails and it has done so, which has led to appropriate disciplinary action based on evidence of inappropriate use. For all intents and purposes, that portion of the Grand Jury's recommendation has already been implemented.

2. **The Grand Jury recommends that the City of Redding restrict access to inappropriate Internet sites and monitor City employee Internet activity.**

Response: The City does not intend to implement this recommendation at this time. Sufficient City personnel policies already exist prohibiting inappropriate behavior including viewing of inappropriate Internet sites. The City does reserve the right to monitor Internet access and has undertaken disciplinary action as appropriate in instances of abuse.

3. **The Grand Jury recommends that the City of Redding institute automatic "time outs" on City personal computers. "Time outs" either blank the screen or invoke the screen saver and lock the keyboard when the computer is not in use for a specific period of time.**

Response: The City of Redding does not intend to implement this recommendation at this time. The City has not found evidence that problems have occurred as a result of the computer not being "timed out," or the keyboard locked, after the computer has remained idle. As such, the cost/time necessary to enable the "time outs" Citywide does not appear justified at this time. The City of Redding agrees that if a problem is experienced with not locking out a computer, the City will consider implementing the recommendation in the future.

4. **The Grand Jury recommends that the City of Redding archive all e-mail traffic for a period of at least twelve months in order to monitor the appropriateness of email.**

Response: The City does not intend to implement this recommendation at this time. The City already has a policy governing the retention of records and e-mail that complies with the law. Existing City policy specifies that the City may audit e-mail usage to determine if inappropriate use of e-mail is occurring.

5. **The Grand Jury recommends that the City of Redding begin now either to phase out, or to replace, software that is dependant upon the RPG programming language.**

Response: The City has implemented this recommendation. The City has been deploying newer technologies that are not dependant upon RPG programming language. It must be noted, however, that the RPG programming language continues to be upgraded and modernized and will remain a major component of a vast array of City Information Technology resources.

6. **The Grand Jury recommends that the City of Redding simplify and make more specific its policy on computer usage.**

Response: The City has implemented this recommendation. The City adopted a new Computer Usage Policy, which it believes adequately addresses appropriate computer usage.

7. **The Grand Jury recommends that the City Hall computer room remain locked at all times to prevent unauthorized access.**

Response: The City does not intend to implement this recommendation. The City's computer room is located in the hallway of the Information Technology Division, which is open only to authorized personnel. After hours, the entire division is locked down and an alarm is activated to prohibit unauthorized access. There does not appear to be a need to place a lock specifically on the computer room door.

8. **The Grand Jury recommends that the generator at City Hall be fueled by either propane or diesel fuel to provide continuity during an emergency of natural gas lines or disruption.**

Response: The City does not intend to implement this recommendation. When City Hall was built, natural gas was chosen as the fuel to power the generator in case of electrical disruption. With natural gas, there was no need to permanently house a large tank of flammable fluid in close proximity to City Hall to serve in what would be an extremely rare emergency event. In the very highly unlikely event that both a natural gas disruption, and an electrical disruption occur simultaneously, the uninterruptible power supply for the computer room will allow for an orderly shut down of the systems. If Information Technology operations must resume prior to the re-establishment of electrical or natural gas service, the City will make arrangements to rent a large generator with an on-board fuel supply to provide the necessary power to the City Hall.

9. **The Grand Jury recommends that the City of Redding establish a tracking system to document which employees have read and agreed to abide by the Computer Usage Policy.**

Response: The City has implemented this recommendation and already has developed steps to ensure records are kept that indicate employee acknowledgment of the Computer Usage Policy. Policy acknowledgments will be sent to employees each January and are filed alphabetically and checked against employee lists. Since the Grand Jury investigation, all but five employees have read, and agreed to abide by, the Computer Usage Policy.

10. **The Grand Jury recommends that the City of Redding remove games from personal computers before placing them into service.**

Response: The City of Redding does not intend to implement this recommendation at this time. The City has not found evidence that this pre-installed software is interfering with workplace conduct and therefore their removal does not justify the cost/time necessary to remove them. The City of Redding agrees that if a problem is experienced with the standard games that come with the operating systems, the City will remove the games in the future.

11. **The Grand Jury recommends that the City of Redding re-prioritize its I.T. budget to pay for the previous recommendations, possibly taking from funds allocated for overtime, consulting services, or office equipment maintenance/repair.**

Response: The City of Redding has implemented this recommendation for recommendations 5, 6 and 9; the City of Redding does not intend to implement this recommendation for the other items listed above. The City regularly prioritizes and readjusts its budgetary expenditures to meet the most important Information Technology needs of the City.

City of Redding

Redding Police Facility

City of Redding, 777 Cypress Ave. Redding, CA. 96001 (530) 339-7220

Enough study! Just do it!

Background

Since 1978 Redding Police Department (RPD) has occupied a former auto dealership building on California Street. The building was originally constructed in 1948 and was remodeled just before RPD moved in. The RPD currently employs about 190 people, of whom 119 are sworn peace officers, and is organized into three major divisions: Administrative Services, Field Operations and Investigations. Due to space limitations, in 1988 the RPD Investigations Division was moved to a separate location in the Redding Downtown Mall.

For more than 21 years Redding City Councils have been made aware that the department's California Street facilities are inadequate. Many City of Redding budget reports reflect the need for a new police facility, and the City of Redding 2000-2020 General Plan dated October 3, 2000, states, "However, even with the conversion of the existing Council Chambers at the main station complex and extensive remodeling, a new facility is needed today..."

The 2005/2006 Shasta County Grand Jury investigated RPD and its California Street facility. In their report, "Redding Police Department: Redding's Finest Housed in Redding's Worst," the 2005/2006 Grand Jury found that the RPD facility was inadequate in size and had numerous deficiencies including: insufficient public reception area, inadequate handicap access, cramped work cubicles, exposed wiring, insufficient rest room facilities, too few private interview rooms, congested locker rooms, insufficient personal equipment storage, limited desk space for report writing, an overcrowded lunch room and no windows. It was also noted that the facility lacked adequate parking space or sufficient storage for official records, evidence, property and departmental equipment.

Furthermore, the 2005/2006 Shasta County Grand Jury found that approximately half of Redding's residents would have supported an additional sales tax for funding police, fire and street and park maintenance, and that the support for the sales tax proposal would have increased if it had included a specific time limit known as a "sunset clause." It was estimated that a .5 percent (one-half of one percent) sales tax would have generated about \$5 million per year and that people from other communities that work and shop in Redding, along with tourists, would have paid a significant portion of the increased sales tax.

Consequently, the 2005/2006 Shasta County Grand Jury recommended that the City of Redding reprioritize its emphasis from recreational projects to public safety and improvement of the city's infrastructure. As far as funding a new police facility, that Grand Jury wrote:

In the event current city finances (including the General Fund, redevelopment funds, potential sales of surplus property, etc.) are inadequate to support construction of a new police building, the Grand Jury recommends that the Redding City Council immediately propose and diligently promote a 0.5% sales tax increase limited to seven years, which would generate \$35 million.

The city's response to this recommendation was:

The recommendation requires further analysis. While the Council agrees that construction of a new police facility is a high priority, there is not yet enough information available to determine the most appropriate method of financing its construction.

A sales tax increase was never placed on a ballot, nor was a new RPD facility built, despite ample funds to construct other city projects over the past 10 years. The current 2008/2009 Shasta County Grand Jury decided to investigate why the previous Grand Jury recommendations were not implemented and why the city has been unable to provide a critically needed facility.

Findings

1. Everyone the 2008/2009 Grand Jury interviewed or contacted about the Redding Police Department California Street facility agreed that a new building is needed. The need for a new building has been apparent for more than 21 years and is well documented in city files.
2. The RPD building was constructed 61 years ago and is not in accordance with modern building and safety standards. The building was not designed to withstand a significant earthquake or any other major disaster, as is now required by the state's the Essential Services Building Seismic Safety Act of 1986 (Health & Safety Code, §16000 et seq.) for new police facilities. The deficiencies found by the 2005/2006 Grand Jury still exist today. Indeed, the problems with the building have been compounded by four more years of use and exacerbated by the need for a new roof and by recent problems with the sewer system.
3. The RPD building is not protected by an automatic fire protection sprinkler system. Although the building does have a modern fire and smoke detection alarm system and someone is present in the building at all times, there are numerous concealed spaces where a fire could start and burn undetected.
4. On September 9, 2008, the City of Redding's Safety Inspection Team (S.I.T.) comprised of risk management, fire and building maintenance personnel completed an inspection of the RPD building. The S.I.T.'s report identified potential general safety and Occupational Safety and Health Act (OSHA) violations, general liability exposures and building maintenance and fire code issues. The report concluded:

The potential for an employee complaint or incident as a result of unsafe working conditions is heightened by the lack of workspace. The City could face substantial fines and penalties if an OSHA investigation were to occur.

However, when interviewed by the Grand Jury, only one of the current five city council members claimed to have seen the S.I.T. report, and even that member of the city council could not recall the report's contents.

5. The Grand Jury re-visited the RPD facility on April 29, 2009, to follow-up on the items identified in the S.I.T. report. The Grand Jury was particularly concerned about the fire code violations and structural and egress deficiencies that could hamper fire control or obstruct a safe, quick exit from the building.

The Grand Jury found that many of the items identified in the S.I.T. report had been corrected, including fire extinguisher mountings and signage, some wiring issues and a bulging partition. A sagging ceiling in the property and evidence storage area also had been partially repaired, although the support beam holding up the ceiling is still not attached to one wall on the south side of the room. However, many other identified code violations were not, or could not be, corrected.

For several years the city has minimized or not even undertaken repairs to the police station, because there was a belief that a new building would be constructed soon. The result is that unacceptable and, in some cases, unsafe workspace conditions continue to exist, such as in the property and evidence storage area, briefing room and locker room. The roof continues to leak; electrical power strips and extension cords are overloaded; dry-rot is present in the roof fascia in the front of the building and portions of the building flood during heavy rains. Based upon the deficiencies of the RPD building that have existed for many years, and upon the conclusions of the city's own S.I.T. report, the Grand Jury finds that RPD employees are working in an unsafe environment. For example, there is not enough space in the property and evidence storage areas to allow for proper lifting, for maneuvering between aisles or for safe egress in the event of an emergency.

6. The estimated cost to build a new RPD facility has ranged from approximately \$15 million for a retrofitted structure to more than \$40 million for a new building with a shooting range and a separate storage building. So many cost figures have been given over such a long period that there is no clarity about how much a new or retrofitted building would cost. The present poor economy also has altered cost escalation trends.

At one point in 2008 the city council decided on the construction of a new building rather than the retrofitting of an existing structure. However, after elections and the seating of a new council member the current city council changed course and, based on statements made during council meetings, appears to be considering a retrofitted building. Since the city council has not made a decision on what size or type of facility it is willing to construct or retrofit, it has not yet been able to determine the ultimate cost of a police facility.

7. The most prevalent answer heard by the Grand Jury to the question of why a new RPD building has not been built or an existing building retrofitted is that there is no money to do it. The Grand Jury does

not accept this answer. Over the past 21 years there have been numerous opportunities to designate or set aside sufficient funds to build a new RPD facility or to retrofit an existing structure, as evidenced by the many improvements in city infrastructure that have occurred in that time. The City of Redding's overall budget for Fiscal Year 2008-09 is approximately \$360 million. The amount encompasses various types of funds that make up the city's annual budget, including enterprise funds (utilities such as water, wastewater and the Redding Electric Utility); internal service funds (in-house services such as information technology or fleet maintenance); special revenue funds (targeted revenue such as gas tax or federal block grants) and the general fund. Each of the funds is managed separately with revenues and expenditures unique to each. The general fund, as its name implies, pays for most general government services, including police and fire protection, street and park maintenance, recreation programs, development services and city facilities. The city's budgeted general fund for fiscal year 2008-09 was \$76.7 million before any reductions were made because of the weak economy.

In 2008 the city council established a citizens' committee to explore the issues surrounding the construction and financing of a new RPD facility. One of the charges given to the committee was to identify and recommend funding sources for construction. The committee fulfilled its responsibility and identified numerous funds that could be used for a new building. Despite the identified funds, all city council members still maintain that there is no money to build a RPD facility.

8. Ultimately, it is the city council that is responsible for seeing that the facilities used by RPD are safe, modern and efficient. In the past 21 years, the various city councils have failed in meeting that responsibility.

Recommendations

1. Given the current condition of the property and evidence storage areas, the Grand Jury recommends that the Redding Police Department immediately relocate the property unit personnel, along with all evidence and confiscated property, to a different facility. This facility should have enough space to allow for proper lifting, for maneuvering between aisles and for safe egress in the event of an emergency.
2. The Grand Jury recommends that all Redding Police Department staff and equipment be relocated temporarily to a facility that is safe for all employees and large enough for them to conduct RPD work.
3. The Grand Jury recommends that the Redding City Council expedite the construction of a new facility or the retrofitting of an existing building to house the Redding Police Department.
4. The Grand Jury recommends that the Redding City Council should fund a new RPD facility or retrofit an existing building, using public/private partnerships, bonds, one-time funding previously identified by the Police Facility Review Committee, general fund reprioritization or reserve draw downs, borrowing from other funds or reserves, or any other such funding method.

Responses Required

- The City of Redding City Council as to Recommendations 1 through 4.

Method of Inquiry

The Grand Jury interviewed:

- City of Redding City Manager
- City of Redding Chief of Police
- Former City of Redding Chief of Police
- City of Redding police captain
- City of Redding police lieutenant
- All current City of Redding City Council members
- Former City of Redding City Council member
- City of Redding building inspector
- City of Redding risk manager
- City of Redding fire inspector
- City of Redding building maintenance supervisor
- State of California, Department of Industrial Relations Associate Cal/OSHA Enforcement officer
- An architect from Nichols, Melburg, and Rossetto

The Grand Jury reviewed the following:

- 2005/2006 Shasta County Grand Jury report titled, “Redding Police Department: Redding’s Finest Housed in Redding’s Worst.”
- City of Redding City Safety Inspection Team Examination (S.I.T.) Report, one dated 2002 and another dated September 11, 2008.

- 2008 City of Redding Police Facility Review Committee report to the City Council and supporting documentation
- City of Redding website, www.ci.redding.ca.us.
- California Health and Safety Code, sections 16000-16022
- California Code of Regulations, Title 8, Section 1709
- City of Redding Fire Department inspection report of the RPD California Street facility dated August 16, 2006



CITY OF REDDING

OFFICE OF THE MAYOR

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August 20, 2009
B-080-600-800

Rick Bosetti
Mayor

The Honorable Stephen H. Baker
Presiding Judge
Shasta County Superior Court
1500 Court Street
Redding, CA 96001

Dear Judge Baker:

Pursuant to Section 933 of the California Penal Code, the attachments to this letter shall serve as the City of Redding's responses to the following sections of the *2008/2009 Shasta County Grand Jury Final Report*:

1. Policing Themselves
2. Enough Study! Just Do It!
3. Just Compensation or Just a Gift?
4. Electronic Highway – Use and Abuse

The City of Redding appreciates and respects the important function that the Shasta County Grand Jury serves in local government.

If you have any questions regarding this matter, please do not hesitate to contact me at 225-4447.

Sincerely,

Rick Bosetti
Mayor

Attachments

c: City Council Members
Kurt Starman, City Manager
Rick Duvernay, City Attorney
Greg Clark, Assistant to the City Manager
Pam Mize, Administrator-Office of City Clerk
Gerry Kersten, Support Services Director
Peter Hansen, Police Chief

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2008-2009 Shasta County Grand Jury Final Report
REDDING POLICE DEPARTMENT COMPLAINTS
Policing Themselves

RECOMMENDATION:

- 1. The Grand Jury recommends that the Redding Police Department allow a complaint to be completed and transmitted online at the RPD Web site.**

Response: The City agrees with this recommendation and has implemented a procedure to submit a complaint online via e-mail. The web site contains instructions on what to include in the complaint and provides a "hot link" to send the e-mail. The e-mailed complaint is received in a confidential mailbox and reviewed by the Office of the Chief of Police and processed.

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The Police Department has modified its web site to include a page dedicated to the personnel commendation and complaint procedures. It also provides an overview of the investigation procedure and a definition for each of the findings. This information is currently available to the public in the form of a brochure on the Internet and at our main facility.

2008-2009 Shasta County Grand Jury Final Report
REDDING POLICE FACILITY
Enough Study! Just Do It!

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The City Council feels that this process provides for sufficient review of SMVCD candidates' qualifications and performance and does not need to be modified at this time.

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INFORMATION TECHNOLOGY
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Response: The City of Redding has implemented this recommendation for recommendations 5, 6 and 9; the City of Redding does not intend to implement this recommendation for the other items listed above. The City regularly prioritizes and readjusts its budgetary expenditures to meet the most important Information Technology needs of the City.

City of Redding

Redding Police Department Complaints

Redding Police Department, 1313 California Street, Redding, CA 96001 (530) 225-4200

Policing themselves

Background

The City of Redding incorporated on October 4, 1887. In 1898 the Redding Municipal Code provided for the establishment of a police “office” and designated the City Marshal as the chief of police. The name change from police “office” to police “department” occurred in about 1934.

The mission of the Redding Police Department (RPD) is “to work in partnership with the community to protect life and property, solve neighborhood problems, and enhance the quality of life in our city.” To accomplish this mission, the RPD has a total of 190 full- and part-time positions, of which 119 are sworn peace officers. In 2008, the police department responded to 85,451 calls for service and made 9,574 arrests. Each of those calls and arrests represented an opportunity for RPD officers to provide public service and also had the potential to escalate into volatile or life-threatening situations for the responding officers.

One element of police professionalism is the way in which police department personnel interact with citizens of the community. As Sir Robert Peel, widely known as the “father of modern law enforcement,” stated in his nine principles of police forces, “The ability of the police to perform their duties is dependent upon public approval of police actions.”

Effective police leaders scrutinize their employees’ actions and when necessary take corrective steps. In addition, the public has the opportunity to complain about a perceived act of police misconduct and then to have that complaint objectively evaluated. This complaint mechanism is embodied in California Penal Code §832.5, which states, “Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies, and shall make a written description of the procedure available to the public.”

Some large law enforcement agencies use police commissions, citizens’ committees or ombudsman-type liaisons to investigate possible police misconduct or at least to review the investigations to ensure objectivity. However, most law enforcement agencies, including RPD, internally investigate the alleged misconduct of their employees.

A grand jury is one of only three entities that have access to confidential peace officer personnel records without a court order. The other two are a district attorney’s office and the office of the California Attorney General (California Penal Code §832.7). The Shasta County Grand Jury considers it an important exercise of its authority to examine peace officer personnel records and to evaluate the quality and objectivity of police internal investigations. Consequently, the Grand Jury examined every completed internal investigation conducted by the Redding Police Department in 2008.

Findings

1. **Responsibility:** The Grand Jury finds that the Redding Police Department is aware of its duty to investigate complaints by members of the public. A pamphlet, “Compendation or Complaint,” describing how to file a complaint or commend an employee, states:

The Redding Police Department acknowledges its responsibilities to establish a system of complaint and disciplinary procedures for corrective action when officers conduct themselves improperly. It is the purpose of these procedures to provide a prompt, just, open, and expeditious resolution of complaints regarding the conduct of officers and employees of the Department. The Redding Police Department ... welcomes feedback from citizens of the community regarding the performance of our employees as well as the department.

Complaints concerning misconduct are investigated in accordance with applicable law and established RPD procedures. Only supervisors or managers conduct complaint investigations and prepare reports. The chief of police reviews and approves the results of all internal affairs investigations. Complainants are notified in writing of the disposition of complaints; however, any disciplinary actions taken against peace officers are, by law, confidential and, therefore, not divulged to complainants or to the public.

2. **Transparency:** The former City of Redding Chief of Police had extended an invitation to the Grand Jury to review citizens’ complaints filed against members of the police department. The current chief of police also extended the invitation and expanded it to include all internal investigations. RPD management granted the Grand Jury full access to all information concerning these investigations.

3. **Quantity:** Twenty-three internal investigations were undertaken by the Redding Police Department in 2008. Three of those investigations were reviews of traffic collision reports prepared by the California Highway Patrol. These investigations resulted in discipline for the officers involved.

Of the remaining investigations, eight were initiated by RPD itself, and 12 were based upon citizens’ complaints. All investigations were focused on sworn peace officer personnel of the department. At the time of the review by the Grand Jury, the findings of the investigations were:

#	Investigation Outcomes
4	Unfounded (the alleged acts did not occur or did not involve police personnel)
5	Sustained (the alleged misconduct did occur)
9	Still being prepared or reviewed
1	Withdrawn by complainant

4. **Quality:** The Redding Police Department has prepared a written description of the department’s procedures to be used in investigating complaints along with instructions on how to complain about or commend a police department employee. With one exception, the Grand Jury determined that all

investigatory documentation was completed in a timely manner. The one exception was a citizen's complaint that was misplaced during a transition in management. It has been determined that enough information about the complaint was available, and, at the writing of this report, the complaint was under investigation.

The Grand Jury examined every completed investigation prepared in 2008 and finds all conclusions to be reasonable and supported by the facts established by the investigation. All reports were professionally prepared, well-documented, thorough and objective. For those investigations that were not complete, the Grand Jury received a thorough briefing and information about the likely outcome based on available evidence.

5. **Citizen Access:** The Grand Jury finds that filing a citizen's complaint is a simple process. The Redding Police Department Web site contains a link to access the pamphlet entitled "Commendation or Complaint." This pamphlet explains the philosophy of the police department and identifies three ways for citizens to contact the department: by phone, in person or by e-mail. A link to download the citizen's complaint form is on the RPD Web site, but the form cannot be completed and transmitted online.

Recommendations:

1. The Grand Jury recommends that the Redding Police Department allow a complaint to be completed and transmitted online at the RPD Web site.

Responses Required:

- City of Redding City Council as to Recommendation 1.

Response Invited:

- City of Redding Chief of Police

Method of Inquiry:

The Grand Jury interviewed:

- City of Redding Chief of Police
- Former City of Redding Chief of Police
- Redding Police Department captain

The Grand Jury reviewed the following:

- California Penal Code § 832.5 regarding grand juries authority to inspect police employees personnel files
- Redding Police Department Web page (www.reddingpolice.org)
- Redding Police Department pamphlet “Commendation or Complaint”
- Redding Police Department Internal Affairs 2008 Summary of Dispositions
- California Public Safety Officers Procedural Bill of Rights Act, Gov. Code §3300 et seq.
- Redding Police Department General Order A-55.3
- City of Redding Discipline Policy, Personnel Manual Page No. 17.60
- Two Redding Record Searchlight letters to the editor (December 20 and 27, 2008)



CITY OF REDDING

OFFICE OF THE MAYOR

777 Cypress Avenue, Redding, CA 96001
P.O. Box 496071, Redding, CA 96049-6071
530.225.4447 FAX 530.225.4463

August 20, 2009
B-080-600-800

Rick Bosetti
Mayor

The Honorable Stephen H. Baker
Presiding Judge
Shasta County Superior Court
1500 Court Street
Redding, CA 96001

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City of Redding

Red Light Photo Enforcement Program

City of Redding, 777 Cypress Ave. Redding, CA. 96001 (530) 339-7220

Ready, Set, Stop

Running red lights kills and injures

Background

According to the U.S. Department of Transportation, the total societal cost of crashes exceeds \$230 billion annually. Motor vehicle crashes are the leading cause of death among Americans 1-34 years old. Running red lights is one of the major causes of crashes, deaths and injuries at signalized intersections. Most recent crash statistics show that running red lights kills about 1,000 people and injures about 175,000 annually in the United States. The monetary impact of red light crashes to our society is approximately \$14 billion annually.

Shasta County and its incorporated cities are not immune to traffic safety problems. The following table represents accident statistics for Shasta County according to the California Statewide Integrated Traffic Records System (SWITRS).

Collisions-2006

Location	Fatal	Injury	Property Damage
Anderson	0		72
Redding	2		1151
Shasta Lake	1		51
County area	19		579

As can be seen in the above table which shows the latest SWITRS tabulations available, the City of Redding, and specifically the Redding Police Department, has the biggest traffic safety challenge in the

county. To address this challenge, the Redding Police Department has created a specific traffic safety unit comprised of one sergeant, six motorcycle officers and two non-sworn personnel to enforce traffic laws, document traffic collisions and recover abandoned vehicles.

Despite the Redding Police Department's efforts, many collisions still occur every year. Typically, about 10 percent of the collisions in Redding is attributable to running red lights (a violation of California Vehicle §21453 a, b or c). In 2005, five people were killed in a single broadside collision in south Redding caused by a driver who ran a red light. The occurrence of this crash, in addition to the commitment to improve traffic safety generally, led the Redding Police Department to a widely available technology that could help them combat red light accidents without using additional staffing. This technology, red light photo enforcement, used successfully in hundreds of cities throughout the country, reportedly decreases intersection collisions by 25 percent.

The Redding City Council approved the Red Light Photo Enforcement Program and signed a contract with Redflex Traffic Systems, Inc. in February 2007. The contract called for the installation and operation of the red light photo equipment at up to 10 intersections. It was very specific about costs to the City of Redding, stating, “ **Cost neutrality is assured to Customer using this methodology as Customer will never pay Redflex more than actual cash received.**” (Emphasis in original.)

The Red Light Photo Enforcement Program uses high-resolution digital cameras at high-incidence, high-traffic-volume intersections to detect and document red light violations. Automated camera systems and sensor devices detect vehicles entering the intersection during the red light phase. The system is activated only when the signal light is red. Vehicles crossing the limit line or entering the pedestrian crosswalk after the signal turns red are detected automatically. The camera system records images of the violator, vehicle and surroundings. On each image it records the date, time, location, time into the red cycle, detected vehicle speed and posted speed. Four images are produced:

- An image showing the vehicle behind the limit line with the traffic signal red
- An image showing the vehicle through the intersection
- A face image showing the operator of the vehicle
- A plate image showing the license number of the vehicle

The camera also produces a 12-second video showing 25 frames per second of the violation.

Redflex, Inc. processes the data and electronically transmits it to the Redding Police Department, where a trained officer reviews the photos and the video of the violation. The officer compares the photo of the driver to the Department of Motor Vehicles' photo of the registered owner of the vehicle. The officer decides whether or not, in fact, a violation occurred and whether or not the identification is proper. A police department employee mails a citation to the registered owner, who can review all photographic evidence and then either pay a fine or contest the violation in Shasta County Superior Court. If the registered owner was not the driver of the vehicle, he or she is asked to identify the driver at the time of the violation.

Despite the reported benefits of the Red Light Photo Enforcement Program, some argue against it. Opponents claim:

- Red light photo enforcement represents “big brother” watching the public’s movements
- The City of Redding installed the equipment as a money generator for the city’s budget
- Rear-end collisions will significantly increase at photo-enforced intersections
- People might be accused of running red lights when they were, in fact, not the drivers
- Unlike an officer, the equipment does not stop dangerous drivers
- Yellow light phases will be shortened to create more violations

With the knowledge that there are divergent views surrounding the photo enforcement system, the grand jury set out to identify definitively the costs, benefits, positive and negative aspects of the Red Light Photo Enforcement Program.

Findings

1. **Installation:** Redflex, Inc. examined the intersections in Redding and conducted traffic analyses to determine which intersections are best suited for red light cameras (i.e. traffic volumes, likely number of red light violations). As previously stated, the contract between Redflex, Inc. and the City of Redding allowed photo enforcement equipment to be installed at up to 10 intersections. The intersection of Cypress Avenue and Bechelli Lane in the east/west direction was the first to receive the equipment. Next, Redflex, Inc. installed equipment at the intersection of Shasta Street and Market Street and in 2008, at Cypress Avenue and Churn Creek Road. The intersection of Market Street and Lake Boulevard was the last to receive the red light photo enforcement equipment.

2. **Costs:** While the photo enforcement program cannot apprehend dangerous drivers as well as could an officer stationed at an intersection, the 24/7 coverage ability of the red light program represents a phenomenal law enforcement tool at very little, if any, cost to the law-abiding citizens of the city.

The contract between Redflex, Inc. and the City of Redding states, “Customer shall be obligated to pay Redflex a fixed fee of \$5,500 per month for each Designated Intersection Approach (“Fixed Fee”) for one to two lanes, and \$6,000 for three or four lanes as full remuneration for performing all of the services contemplated in this Agreement.” The City of Redding is never obligated to pay Redflex, Inc. more than the actual cash received by the City.

The Redding Police Department budgeted \$30,000 annually to pay retired officers to administer the Red Light Photo Enforcement Program. In the 2007/2008 budget year \$26,919.62 of the budgeted funds were spent. As of September 17, 2008, Redflex, Inc. had invoiced the Redding Police Department for \$200,516.40. The city paid Redflex, Inc. \$116,000, the total amount collected from red light violation fines. Because of the cost neutrality clause of the Redflex, Inc. contract, the Red Light Photo Enforcement Program cost the City of Redding \$ 26,919.62, the wages for the retired officers, but generated no revenue for the city.

In 2009 Redflex, Inc. agreed to an amendment of the contract and assumed responsibility for paying the wages of the retired officers. If the fines collected ever exceed Redflex, Inc. charges, the city's general fund would benefit from the Red Light Photo Enforcement Program.

3. **Fines:** According to the Shasta County Superior Court, the base fine for conviction of running a red light is \$400. The fine can be increased by court fees, prior convictions and traffic school costs.

The California Penal and Government Codes require that the fine money be distributed to 14 different accounts. Those accounts include funding for a variety of activities such as court automation, automated fingerprinting, courthouse construction, county services, and criminal justice programs. The City of Redding receives the largest single share of each fine, approximately 41 percent, to operate the red light photo enforcement program. Redflex Inc. is paid out of this 41 percent for its services. Theoretically, the City of Redding could experience surplus revenue from the red light photo enforcement program. However, since the fine revenue is currently significantly lower than Redflex, Inc. charges, income in excess of expenditures will not occur in the near future.

4. **Collision statistics:** Red light camera effectiveness has been studied fairly extensively. According to the Federal Highway Administration, red light cameras reduce overall injury crashes by as much as 25 percent although rear-end collisions may increase. Because the equipment was installed at various times throughout 2007, 2008 and 2009, comparative analysis of collision statistics was not available at the time of the writing of this report.

The number of collisions at all intersections with active red light photo enforcement is down almost 48 percent in the first six months of 2008, and the total number of collisions citywide is down just over 21 percent for the same time period. There is no evidence of an increase in rear-end collisions.

Redding Police Department traffic experts postulate that a primary cause of the dramatic improvement in traffic safety is the presence of red light cameras. In the last year of October 2007 to October 2008, the Shasta County Superior Court filed 2,783 red light camera citations, which undoubtedly made thousands of drivers think about their driving habits. The full year of 2009 should allow more accurate statistical comparisons from year to year and shed more light on the effect of the red light photo enforcement program.

5. **Evidence and convictions:** The members of the Grand Jury were impressed by the clarity of both the still images and video of violators who run red lights. The images themselves left no doubt in the Grand Jurors' minds that the drivers had committed violations. Every driver who is cited for a red light camera violation is able to view the photographic evidence pertaining to the incident. The quality of evidence provided by Redflex, Inc., combined with the expert testimony of the Redding Police Department personnel, have resulted in every citation being upheld, excepting one which was dismissed on a non-red light camera technicality. This conviction rate is impressive, considering that the court processed over 2,700 citations in the last year. Additionally, since the cameras operate only during the red light phase, they are not capable of being remotely focused on any thing but the intersection. The evidence is viewed only when a violation occurs. The Grand Jury saw no evidence that the City of Redding is monitoring its citizens for anything other than detecting red light violations.

6. **The Court:** The Shasta County Superior Court, a state-funded agency, processes all red light photo enforcement program citations. Because of this program the court must process thousands more citations than in the past. Even though the state court system is to receive approximately 13 percent of red light violation fines, none of that money has yet returned to the Shasta County court. With no money to hire more personnel for the increased volume of violations, the court has automated citation processing to allow existing personnel to process the many additional citations.

7. **Yellow light phasing times:** In 2008, the City of Redding initiated reviews of the yellow light change intervals at all intersections where the red light photo enforcement program operates. The change intervals have all been set to meet or exceed the intervals required by the Manual of Uniform Traffic Control Devices and were recorded in documents signed by the city's Director of Transportation.

Recommendations:

1. The Grand Jury recommends that the Redding Police Department continually evaluate the impacts of the red light photo enforcement program and inform the public of the results on an annual basis. The information should be disseminated as widely as possible using all available information outlets.

2. The Grand Jury recommends that the City of Redding continue with the red light photo enforcement program and expand it at every opportunity where traffic analysis indicates it would be effective.

Response Required:

- Redding City Council as to Recommendations 1 and 2.

Response Invited:

- The Redding Police Department as to Recommendation 1.

Method of Inquiry:

The Grand Jury interviewed:

- The City of Redding Chief of Police
- A Redding Police Department lieutenant

- A Redding Police Department management analyst
- A retired Redding Police Department officer who administers the program
- The Shasta County Superior Court Administrator

The Grand Jury reviewed the following:

- The red light photo enforcement program agreement between the City of Redding and Redflex, Inc.
- The Business Rules for the red light photo enforcement program
- Shasta County Superior Court's red light camera citation analysis
- Shasta County Superior Court's penalty distribution explanation
- Shasta County Superior Court's budget reconciliation related to the red light program
- Redding Police Department, "Red Light Photo Enforcement Income and Expense" balance sheet
- Redding Police Department internal memorandum dated May 22, 2006, related to an overview of the red light program
- Redding Police Department's budget relating to the red light photo enforcement program
- Redding Police Department's collisions statistics
- The Statewide Integrated Traffic Records System statistics for Shasta County
- The National Highway Traffic Safety Administration Web site
- The Federal Highway Administration Web site
- The Web site www.highwayrobbery.com
- City of Redding "Yellow Light Change Interval" documents for all photo equipped intersections
- Redflex Traffic Systems, Inc.'s "Customer Management Report" covering January to June 2008
- The Web site www.photoblocker.com
- The Redflex Traffic Systems Inc. Web site
- Video and photographic evidence of several red light violations

- The California Vehicle Code
- Redding Record Searchlight articles on red light photo enforcement
- Sacramento Bee articles on red light photo enforcement
- The photographic evidence the Redding Police Department uses to verify and document red light violations
- The Grand Jury visited traffic court when red light camera citation cases were being tried and viewed.



Red light photo enforcement equipment at Cypress Ave. and Churn Creek Rd.

Response to Grand Jury Report Ready, Set, Stop: Running Red Lights Kills and Injures

With respect to the findings contained in the Report, the City of Redding responds as follows:

Finding No. 1

The City of Redding agrees with Finding No.1. Since the time of the original investigation done by the Grand Jury, red light camera systems have been installed and are operational at the Market Street and Lake Boulevard location and at the Pine Street and Tehama Street location.

Finding No. 2

The City of Redding agrees with Finding No. 2. The current contract with Redflex has a cost-neutrality clause that allows the City to pay to Redflex only the amount received from the Court. However, the contract does not cover personnel costs, which are paid from General Fund monies. The City is seeking an amendment to the existing contract which would absorb the personnel costs associated with administering the program, thereby eliminating any fiscal impact to the General Fund.

Finding No. 3

The City of Redding agrees with Finding No. 3

Finding No. 4;

The City of Redding agrees with Finding No. 4.

Finding No. 5.

The City of Redding agrees with Finding No. 5.

Finding No. 6.

The City of Redding agrees with Finding No. 6.

Finding No. 7

The City of Redding agrees with Finding No. 7.

With respect to the recommendations contained in the Report, the City of Redding responds as follows:

1. Grand Jury Recommendation: The Grand Jury recommends the Redding Police Department continually evaluate the impacts of the red light enforcement program and inform the public of the results on an annual basis. The information should be disseminated as widely as possible using all available information outlets.

Response: The Redding Police Department currently publishes an annual report at the beginning of each year in which statistical analyses are provided for a variety of public safety concerns, such as violent crimes (homicide, rape, robbery, assault) and property crimes (burglary, larceny, vehicle theft). Also included in the report is an overview of additional statistics including number of calls for service, response times, number of arrests, and domestic violence incidents.

In order to meet the request of the Grand Jury, the Police Department will include red light photo enforcement statistics in the annual report to include number of violations viewed, number of citations issued, number and types of collisions (t-bone, rear-end), and non-injury versus injury (to include complaint of pain, major injury and fatalities).

The report is disseminated to all local media and is available on the Police Department's website.

2. Grand Jury Recommendation: The Grand Jury recommends that the City of Redding continue with the red light photo enforcement program and expand it at every opportunity where traffic analysis indicates it would be effective.

Response: The current contract with Redflex included the implementation of red light photo enforcement camera systems at up to ten intersection locations. There currently are seven cameras in operation. The City will continue to monitor statistics and conduct research to determine which three locations would be best suited for the additional three systems.

Shasta County Sheriff's Office

Firearms Confiscation

Shasta County Sheriff's Office, 1525 Court Street, Redding, CA 96001 (530) 245-6075

“What happened to my guns?”

Background

The Shasta County Grand Jury investigated a complaint relating to the confiscation of three handguns by the Shasta County Sheriff's Office. The complainant was ordered to surrender his guns because of a temporary restraining order (TRO) issued against him. The guns had been inventoried and documented in accordance with established policies and procedures. A temporary 30-day hold had been placed on the weapons, pending resolution of legal action.

The TRO began as a 30-day temporary order which ended when the Shasta County Superior Court issued a three-year restraining order, extending the period of confiscation for three additional years. Through a series of missteps the guns were sold at auction by the sheriff during the three years. A claim by the complainant for reimbursement for his three handguns was denied by the Shasta County Risk Management Office.

The Investigation

The Grand Jury reviewed the law and sheriff's office policies that give the sheriff authority to confiscate, document, store and eventually sell or otherwise dispose of firearms.

Under the law firearms may be confiscated by law enforcement. There are three general categories of confiscation:

1. firearms which constitute evidence specific to a crime
2. firearms not related to a crime but taken for public safety, or when the owner is unable to take possession, for example, in cases of domestic violence, mental instability and restraining orders
3. found firearms pending verification of ownership

Firearms taken for these reasons are documented on a Property Control Report (PCR), which is in triplicate. Each firearm is listed separately with its serial number on the PCR. The first copy is retained

with the sheriff's deputy's report. The second copy is given as a receipt to the owner. On the back of the second copy is the property release authorization. After the third copy is bar coded, the information is entered into the sheriff's property unit database. The bar codes are used to track each item and its location within the property unit. The third copy of the PCR is used for chain of custody, the documentation of when, where, why and by whom the item is removed from and returned to the property unit.

Confiscated firearms can be disposed of in any one of four ways. Guns can be returned to the owner once validation of ownership or adjudication by law is established. Guns deemed by the court to be a nuisance (e.g. illegal guns) can be destroyed. A third alternative is that firearms considered to be of value (e.g. for collecting, recreational or sporting use) can be auctioned per California Penal Code §12028. The fourth option is that the guns can be retained for use by sworn sheriff's office personnel to be used in the line of duty after petition to the court or district attorney by the sheriff.

From 1985 through 1999 the sheriff put up for auction eligible firearms. The auctions netted a total of \$89,383. From 2000 through 2006, pursuant to a decision by the then sheriff, no auctions were held, and the guns were destroyed. In 2006 the newly elected sheriff reinstated the auction of firearms.

Pursuant to California Penal Code §12028, the auction of weapons is to take place July 1 through July 10 each year. Only licensed firearms vendors are eligible to bid (California Penal Code §12071). The County of Shasta entered into a contract with Olde West Guns and Loan, Inc. of Redding to accommodate the auction and to meet statutory requirements. The revenue from these auctions is utilized at the sheriff's discretion within the department.

In the July 2007 auction the sheriff's office received \$3,865 from the sale of 74 firearms, which included the complainant's three guns.

The Grand Jury learned that owners of confiscated firearms are to be notified by the property unit when their firearms are eligible for pick-up. In cases where owners cannot be reached, drivers' license records and telephone databases are searched in an attempt to locate the rightful owners.

A registered letter is sent to the owner as notification that the firearms can be released. Upon receipt of the letter the owner has 180 days to retrieve the firearms. If during this period the owner does not make arrangements to collect the guns, the firearms are eligible for disposal as described above.

Findings

1. With respect to the seizure of the complainant's three handguns, the Grand Jury finds that the sheriff's office property unit was in error in sending out a letter of release when, in fact, the complainant was ineligible to retrieve his guns at the time he received the letter. The firearms should have remained in inventory until the matter was resolved.

2. The series of events began when the complainant was served with a temporary restraining order. The complainant surrendered his weapons to the sheriff's sub station in Burney, starting a 30-day temporary hold on his guns.
3. When the 30-day period ended, sheriff's office property unit personnel sent out a letter to the complainant stating that he was eligible to retrieve his handguns, pending written clearance from Department of Justice (DOJ). The issuance and acceptance of the sheriff's office letter initiated a 180-day period during which the complainant could retrieve his guns.
4. The complainant told the Grand Jury that he phoned the property unit and spoke with a property unit clerk requesting that his guns be held in safekeeping while he attempted to secure the necessary DOJ clearance. The Grand Jury was unable to verify his claim, as the property unit does not keep track of inquiries.
5. In November 2005 the complainant attempted to secure DOJ clearance but was denied based on the extension of the TRO. In March 2006 he made another attempt to secure DOJ clearance, but this too was denied because by that time the TRO had been replaced with a three-year restraining order. The data utilized by DOJ to deny the return of the guns was generated by the local court and had been entered by the sheriff's office into the computer and onto the California Law Enforcement Telecommunications System (CLETS) in a timely manner. However, the Grand Jury finds that the Shasta County Sheriff's Office Property Unit personnel failed to review CLETS before sending the letter.
6. The letter from the property unit should not have been sent because at the time the gun owner was still restricted by a TRO and ineligible to receive the guns. The 180-day period during which the owner could retrieve his handguns should not have been started.
7. In 2008, when the restraining order was lifted, the complainant received DOJ approval to retrieve his guns. To the owner's dismay, when he attempted to pick up his guns, he learned from the property unit that his guns had been sold at the July 2007 auction.
8. When he was unable to retrieve his guns, the complainant filed a claim with Shasta County Risk Management Office for the appraised value of his three handguns. Based on information provided by the sheriff's office, risk management denied the claim.

Recommendations

1. Sheriff's Office Property Unit personnel should query the California Law Enforcement Telecommunications System (CLETS) data base prior to mailing firearm release letters. Such inquiry would ensure a check and balance between the different agencies' data bases and would provide the most current information.
2. The property unit technician should document the CLETS query on the Property Control Report before release letters are sent.
3. The property unit technician should document on the Property Control Reports all inquiries made by property owners.

4. The Grand Jury recommends that the Shasta County Risk Management Office reopen the complainant's claim and review new information discovered by the Grand Jury indicating that the guns should not have been sold.

5. The Grand Jury recommends that the complainant be reimbursed for the appraised value of his three handguns.

Since this report was written Shasta County Risk Management has issued a check to the complainant for the appraised value of his three handguns.

Responses Required

- Shasta County Sheriff as to Recommendations 1, 2 and 3
- Shasta County Board of Supervisors as to Recommendations 4 and 5,

Method of Inquiry

The Grand Jury reviewed:

- Shasta County Sheriff's Office Policies and Procedures
- Redding Police Department Policies and Procedures
- Shasta County Sheriff's Office Duty Manual, §440.5, Property Determination,
- Shasta County Sheriff's Office Property and Evidence Booking Procedures, rev. 2006,
- Shasta County Sheriff's Office Evidence Bureau , Evidence Procedures, Dangerous Evidence manual
- Shasta County Sheriff's Office Crime Lab, Property Unit, Property and Evidence manual
- Shasta County Sheriff's Office Form Letter of Owner Release
- Shasta County Sheriff's Office Gun Destruct/Sales Policy
- California Penal Code, §12021 and §12028
- Shasta County Sheriff's Office Property Control Report Form
- California Law Enforcement Telecommunications System (CLETS) data base
- Relevant files of the Superior Court of the State of California, County of Shasta issued documents
- Contract between County of Shasta and Olde West Gun and Loan, Inc. June 21, 2007

- County of Shasta Administrative Manual, Risk Management, Procedures for Handling Claims and Litigation.

The Grand Jury Interviewed:

- Former City of Redding Chief of Police
- Shasta County Sheriff-Coroner
- Shasta County Sheriff's Office Sergeant
- Complainant
- Shasta County Sheriff's Office Records Supervisor
- Shasta County Risk Management Office Human Resources Analyst II,
- State of California Department of Justice Supervisor, Firearms Program
- Shasta County Sheriff's Office Property Technician,

The Grand Jury visited and inspected:

- Shasta County Sheriff's Office Crime Lab, property unit
- Anderson Police Department Property unit
- Redding Police Department Property unit



SHASTA COUNTY

Office of the Sheriff



July 27, 2009

Response to 2009 Grand Jury Report

Investigation #1: "What happened to my guns?"

Tom Bosenko
SHERIFF - CORONER

The Grand Jury conducted an investigation of a citizen's complaint where an individual turned over firearms, per a court order, to the Burney Unit for safekeeping. These firearms were ultimately transferred to the Sheriff's Evidence Lab for safekeeping, pending return upon removal of the court order.

It was discovered the firearms had been sold at auction by the Evidence Lab under the belief the citizen failed to pick up his firearms, when in fact he could not possess them based upon a standing court order. Ultimately, upon the order being removed, the citizen attempted to obtain his firearms legally, discovering that they had been sold at auction by the Sheriff's Evidence Lab.

The Grand Jury made five recommendations, of which the Sheriff is responsible for responding to the first three.

Recommendation #1

"The Sheriff's Office Property Unit personnel should query the California Law Enforcement Telecommunications System (CLETS) data base prior to mailing firearm release letters. Such an inquiry would ensure a check and balance between the different agencies' data bases and would provide the most current information."

Response:

The Sheriff's Office agrees with recommendation #1. The Sheriff's Office has created policy (attached) directing Lab staff to query the CLETS data base prior to releasing a weapon to determine if a TRO/RO is still in effect. Typically, this was past practice. In regards to this incident, it was either not done or the CLETS query was not interpreted correctly. Additional information has come forward since the writing of the Grand Jury Report. As of January 1, 2005, the Evidence Lab was instructed by both the Department of Justice as well as the Sheriff's Records Unit not to query criminal records of individuals for the release of firearms, as all clearances are to be forwarded to the Department of Justice. However, in this case the query of the CLETS database for the purpose of determining if there is a valid TRO/RO would be acceptable and would still require the individual to contact the Department of Justice for firearm clearance.

Recommendation #2

"The property unit technician should document the CLETS query on the Property Control Report before release letters are sent."

Response:

The Sheriff's Office agrees with recommendation #2. This recommendation will be implemented in policy (attached) for the Evidence Lab and once again was past practice by some individuals but apparently not the situation in this case. Rather than making a note regarding a CLETS query on the property control report, the query itself will be attached to the property control report.

Recommendation #3

"The property unit technician should document on the Property Control Reports all inquiries made by property owners."

Response:

The Sheriff's Office agrees with recommendation #3. The recommendation will be implemented in policy (attached) for the Evidence Lab. To accommodate this practice the Evidence Lab supervisor is presently completing a due diligence form for the purpose of stapling to the Property Control Report. It will allow property personnel to make notations of contact and related information regarding evidence held.

Investigation #2: "No room to spare"

The Grand Jury conducted an inspection and tour of the Property and Evidence facility located at the Breslauer Lane complex belonging to the Shasta County Sheriff's Office. Upon completing their inspection of this facility, recommendations were made related to their concerns and observations. There were five recommendations made by the Grand Jury related to this report of which four recommendations will be responded to by the Shasta County Sheriff's Office.

Recommendation #1

"A comprehensive annual audit should be performed by Sheriff's Office personnel not assigned to the property/evidence facility. In addition, quarterly self-audits of firearms, drugs and cash by property/evidence facility personnel should be conducted and then reviewed and then approved by the Sheriff or Undersheriff."

Response:

The Sheriff's Office disagrees partially with this finding with the following explanation. An audit is an important tool in any facility that holds items of evidence. The Sheriff's Office agrees that an annual or bi-annual audit would be beneficial. Quarterly audits other than individual inquiries by evidence and property personnel to include the supervisor would be too time consuming and too costly.

The Grand Jury recommended in their investigative interviews that other departments in Shasta County, including those that utilize the Evidence Lab, could assist as an audit team. This is definitely an option. There has been no set date or plan for an audit, however the Sheriff will make every effort to research the possibilities and comply with present standards of the California Association of Property and Evidence Officers Association as well as look at what similar agencies are presently doing.

Recommendation #2

"All Sheriff's Office property/evidence facility personnel should receive initial and ongoing training in property and evidence handling, including the training available from C.A.P.E."

Response:

The Sheriff's Office agrees with this recommendation. It has been the Sheriff's Office practice that all personnel assigned to the Property and Evidence Lab attend a Property and Evidence management course and historically all have been members of the California Association of Property & Evidence (C.A.P.E.). Additionally Sheriff's Office Lab personnel attend bimonthly training with Department of Justice personnel under an acronym of F.I.G. referring to Forensic Investigators Group. Information is shared regarding the handling and submittal of evidence. All Sheriff's Evidence Lab personnel also receive additional training in crime scene investigation to include the handling, processing, and management of evidence related to crime scene investigation.

Recommendation #3

"All Sheriff's Office property/evidence facility personnel should receive initial and ongoing training on the software program used to inventory and manage stored items."

Response:

The Sheriff's Office agrees with this recommendation. The Sheriff's Office will forward the Grand Jury's recommendation to the Shasta County Information Technology department. The Sheriff's Office needs to make the Grand Jury aware that training and updates provided by the Information Technology Unit are at an additional cost to the Sheriff's Office and that the Sheriff must work within his budget constraints.

Recommendation #4

"The Sheriff's Office should develop a plan for disposing of property and evidence that no longer needs to be stored at the property/evidence facility. Personnel currently assigned to the property/evidence facility and to the co-located Sheriff's Office crime lab, as well as employees on light duty, volunteers and retired Sheriff personnel could carry out the plan."

Response:

The Sheriff's Office agrees partially with this recommendation. Since this Grand Jury report was made public, the Sheriff's Office has met with the District Attorney's Office and created a policy that all misdemeanor cases where evidence is held prior to 1999 can be destroyed. Additionally, the Sheriff's Office has been in communication with the District Attorney's Office and informed that a program addressing property related to a criminal prosecution will be presented during the prosecution phase. Information related to the disposal/release of the property will be forwarded to the Sheriff's Property and Evidence Lab after the appeal period has taken place.

In the past, research of property related to cases was cumbersome. It was left to the property technician to arbitrarily research cases with no prompt from the courts or District Attorney's Office. Additionally, the property management system implemented by the county's Information Technology Unit does not have adequate query capabilities or flags that would initiate an inquiry.

In the past, the Sheriff's Office has placed employees who are on modified duty at the Evidence Lab for the purpose of research and destruction of evidence. This practice has been ongoing for quite some time and was recommended as a practice by the Grand Jury. The job restrictions for those on light duty have to fit the job requirements of the lab however.

The Sheriff's Office is concerned however regarding volunteers and retired Sheriff's Office employees conducting research related to the disposal of property. Personnel who do not have security clearance to include CLETS clearance are a risk to the integrity of the lab. Additionally, to employ retired Sheriff's Office personnel would require we pay extra help wages which creates an additional budget consideration.

The Sheriff's Office desires to take a proactive approach in clearing evidence from the lab when it is no longer needed. We believe that with the policy of destroying misdemeanor cases ten years and older, as well as the new policy by the District Attorney's Office of relaying court information, this will start the process. Additionally the Sheriff's Office will focus on the research and disposal of other property held in the lab that is no longer needed and consuming storage space.

I wish to thank all of the 2009 Grand Jury members for their service and many hours of diligent work to address these and other issues. Should you have additional questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Tom Bosenko". The signature is written in a cursive style with a long horizontal stroke at the beginning.

TOM BOSENKO
Sheriff-Coroner

TMB/bw

Attachments

Safekeeping

Property that is being held for safekeeping shall be returned to the legal owners upon request or by legal mandate. Property (excluding firearms) not claimed within 60 days is to be considered intentionally abandoned by the owner and disposed of.

Firearms held under the provisions of 12028.5 shall be held no longer than 72 hours. Firearms held as safekeeping pursuant to a Temporary Restraining Order (TRO) or Restraining Order (RO) shall be held until the expiration of the TRO or RO. The property officer shall do the following upon receiving a firearm taken for safekeeping:

- *Inform the subject requesting to obtain the firearm of the steps that must be taken to conduct a criminal history check through the Department of Justice.*

If the owner is not legally entitled to the weapon under the provisions of 12001.6, 72021.1, 12021.5 and 12560 PC, it will be disposed of per 12028 PC.

- *Conduct a CLETS check on the firearm to determine if it is stolen. If stolen, refer case to the Investigations Division. If the owner cannot be found, the weapon will be disposed of per 12028(F) PC upon court adjudication.*

Prior to releasing weapons relinquished pursuant to a TRO or RO, the property officer shall query CLETS to determine if the restraining order remains in effect. A printed copy of the CLETS entry shall be attached to the PCR. The property officer shall also contact the Sheriff's Office Records Division to ascertain if the restraining order is still in effect or if there has been any recent activity on the case.

The property officer will notify the owner by mail or telephone to schedule an appointment for the release of the weapon. A certified letter is sent to the owner advising the weapon will be disposed of per 12028.5 PC if not claimed. The weapon is then held for 180 days.

If the weapon was relinquished pursuant to a TRO or RO, the owner must bring documentation the TRO or RO has been vacated.

Property that is being held for safekeeping shall be returned to the legal owners upon request or by legal mandate. Property (excluding firearms) not claimed within 60 days is to be considered intentionally abandoned by the owner and disposed of.

Firearms held under the provisions of 12028.5 shall be held no longer than 72 hours. Firearms held as safekeeping pursuant to a Temporary Restraining Order (TRO) or Restraining Order (RO) shall be held until the expiration of the TRO or RO. The property officer shall do the following upon receiving a firearm taken for safekeeping:

- *Inform the subject requesting to obtain the firearm of the steps that must be taken to conduct a criminal history check through the Department of Justice.*

Property Comments Form

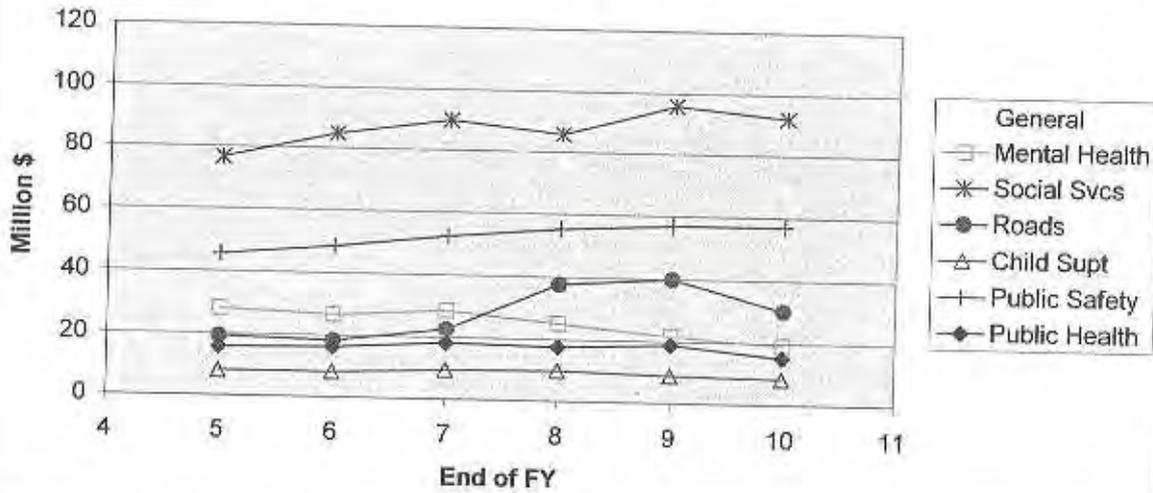
Any inquiries or comments received from, or made to, owners or other interested parties regarding property/evidence held at the Crime Lab shall be documented on the Property Comments Form (PCF). The PCF will then be attached to the PCR to provide a record of activity regarding the affected property/evidence.

COUNTY FUNDS (1)	AVAILABLE FINANCING			FINANCING REQUIREMENTS			
	ESTIMATED FUND BALANCE UNRESERVED/ UNDESIGNATED JUNE 30, 2008 (2)	CANCEL OF PRIOR YEAR RESERVES/ DESIGNATIONS (3)	ESTIMATED ADDITIONAL FINANCING SOURCES (4)	TOTAL AVAILABLE FINANCING (5)	ESTIMATED FINANCING USES (6)	PROVISIONS FOR RESERVES/ DESIGNATIONS (NEW OR INCR) (7)	TOTAL FINANCING REQUIREMENTS (8)
0080 GENERAL	12,416,597	821,977	64,681,073	77,919,647	74,794,799	3,124,848	77,919,647
0081 GENERAL - CMSP	0		8,000,000	8,000,000	8,000,000		8,000,000
0082 GENERAL - CAPITAL PROJECTS	-31,505	31,505	79,451	79,451	79,451		79,451
0084 GENERAL - RESOURCE MGMT	1,110,828		4,725,011	5,835,839	5,167,121	668,718	5,835,839
0085 GENERAL - FED FOREST TITLE III	-178,574	256,275	1,548	79,249	79,249		79,249
0088 MENTAL HEALTH	228,364	392,071	21,125,934	21,746,369	21,736,269	10,100	21,746,369
0081 MENTAL HEALTH SERVICES ACT	148,932		9,654,606	9,803,537	9,156,124	645,413	9,803,537
0100 INTERMOUNTAIN FAIR	13,613		639,708	653,321	592,180	61,141	653,321
0110 LIBRARY	-133,652	138,652	1,416,810	1,421,810	1,421,810		1,421,810
0120 OPPORTUNITY CENTER	310,142		4,539,570	4,849,712	4,497,820	351,892	4,849,712
0140 SOCIAL SERVICES	8,337,410		87,744,460	96,081,870	90,421,901	5,659,969	96,081,870
0150 WILDLIFE	8,371	31,424	8,800	48,595	48,594		48,595
0170 GENERAL RESERVES	303,167		150,000	453,167		453,167	453,167
0186 HOUSING HOME IPP	5,288,877		576,261	5,865,138	576,261	5,288,877	5,865,138
0188 ENDANGERED SPECIES	1,396	20,502	9,800	31,698	30,302	1,396	31,698
0189 SUBSTANCE ABUSE CRIME PREV	-17,060	28,871	613,560	625,371	625,371		625,371
0190 ROADS	1,780,541	4,012,525	34,270,104	40,063,170	39,947,670	115,500	40,063,170
0191 ROADS - DUST MITIGATION	15,200		14,000	29,200	20,500	8,700	29,200
0192 CHILD SUPPORT SERVICES	379,728	133,333	8,508,540	9,021,602	8,795,665	225,937	9,021,602
0193 SHASTA COUNTY TRANSIT	43		149,250	149,293	149,250	43	149,293
0195 PUBLIC SAFETY	1,687,653		55,473,010	57,160,662	56,678,306	482,356	57,160,662
0196 PUBLIC HEALTH	3,982,235	56,408	14,955,275	18,993,918	16,975,951	2,017,967	18,993,918
0197 SHASTA HOUSING REHAB	-316,249	320,987	706,214	711,952	711,952		711,952
SUBTOTAL	35,337,057	6,244,530	318,042,985	359,624,571	340,508,546	19,116,024	359,624,571
0040 ACCUM CAPITAL OUTLAY	487,087	800,000	200,000	1,487,087	800,000	687,087	1,487,087
0041 CAPITAL PROJ CRTHSE REMODEL							
0043 CAPITAL PROJ LIBRARY BUILDING	1,128,164		5,000	1,133,164	49,060	1,084,104	1,133,164
0044 CAPITAL PROJ ADMIN BUILDING	265,856			265,856	171	265,685	265,856
TOTAL	37,218,164	7,044,530	318,247,985	362,510,678	341,357,777	21,152,900	362,510,678
APPROPRIATIONS LIMIT	121,430,955						
APPROPRIATIONS SUBJECT TO LIMIT	40,890,204						
AMOUNT (UNDER) OVER LIMIT	-80,540,751						

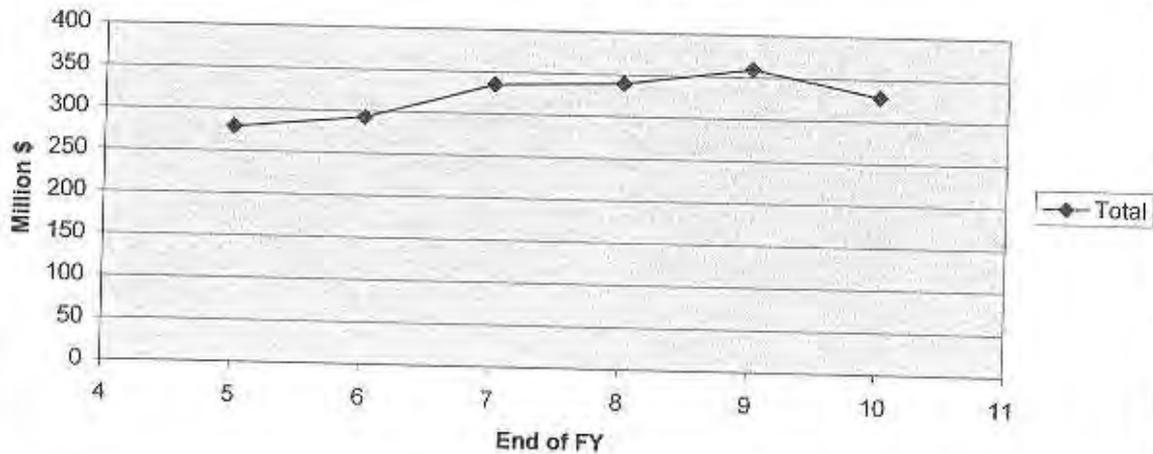
HISTORICAL BUDGETS

Shasta County Budget Highlights										
FY	End FY	General	Mental Health	Social Svcs	Roads	Child Supt	Public Safety	Public Health	Total	
04-05	5	63.5	28.1	76.7	19.3	8.1	45.6	15.8	278.9	
05-06	6	67.8	26.6	85	18.3	8.2	48.6	16.3	292.8	
06-07	7	85.4	28.6	90.1	22.6	9.4	52.5	18.2	335	
07-08	8	76.9	25.1	86	37.7	9.9	55.3	17.6	339.5	
08-09	9	77.9	21.7	96	40	9	57.1	19	359.6	
09-10	10	68.8	19.2	92.3	30.3	8.5	57.2	15.3	328.7	

Shasta County Major Funds



Shasta County Total Budget





Shasta County

BOARD OF SUPERVISORS

1450 Court Street, Suite 308B
Redding, California 96001-1680
(530) 225-5557
(800) 479-8009
(530) 225-5189-FAX

DAVID A. KEHOE, DISTRICT 1
LEONARD F. MOTY, DISTRICT 2
GLENN HAWES, DISTRICT 3
LINDA HARTMAN, DISTRICT 4
LES BAUGH, DISTRICT 5

August 18, 2009

The Honorable Stephen H. Baker
Presiding Judge, Shasta County Superior Court
1500 Court St., Rm. 205
Redding, CA 96001

Re: Response of Board of Supervisors to Fiscal Year 2008-2009 Grand Jury Report

Dear Judge Baker:

The Shasta County Board of Supervisors appreciates the time and dedication which the 2008-2009 Grand Jurors contributed to their charge. The following findings and recommendations are under serious consideration and discussions are being held regarding solutions to any unresolved problems.

RESPONSES AND FINDINGS

BOARD OF SUPERVISORS:

A. SHASTA MOSQUITO ABATEMENT DISTRICT

RECOMMENDATIONS:

2. The Grand Jury recommends that the City Councils of the City of Redding, the City of Anderson, the City of Shasta Lake and the Shasta County Board of Supervisors adopt a selection process that includes personal interviews for all appointments and reappointments to the board of trustees of the SMVCD.

Response The Shasta County Board of Supervisors disagrees with this recommendation as the Shasta County Board of Supervisors has no statutory

authority to adopt a selection process which would include personal interviews for appointments and reappointments to the SMVCD board of trustees. Further, the Shasta County Board of Supervisors finds the SMVCD selection process currently in place, is adequate to fulfill the requirements and needs of the SMVCD.

BOARD OF SUPERVISORS *(Since issuance of the Grand Jury Report, Risk Management has issued a check to the complainant for the appraised value of his three handguns.)*

B. SHASTA COUNTY SHERIFF'S OFFICE: FIREARMS CONFISCATION

RECOMMENDATIONS:

4. The Grand Jury recommends that the Shasta County Risk Management Office reopen the complainant's claim and review new information discovered by the Grand Jury indicating that the guns should not have been sold.

Response: N/A

5. The Grand Jury recommends that the complainant be reimbursed for the appraised value of his three handguns.

Response: N/A

BOARD OF SUPERVISORS *(The Board previously provided responses on April 14, 2009, but will include them with this response for the convenience of the Court.)*

C. AGRICULTURE - WEIGHTS & MEASURES

RECOMMENDATIONS:

1. The fueling station inspector should be authorized to take home the county testing vehicle when this practice would shorten travel time, save gas and vehicle wear and tear, and allow the inspector more time to inspect fuel pumps.

Response The Board of Supervisors concurs with the recommendation in that this is an allowable authorization by the Department Head per County policy. The Board of Supervisors further finds that the California Business and Professions Code Section 12209 states that, "Every Sealer shall (a) Carefully preserve all copies of the standards of weights and measures in his possession; (b) Keep the copies in a safe and suitable place when not actually in use". All of

the County's weights & measures testing devices (standards) are officially traceable to the state, federal, and international standards. Preserving the integrity of these pieces of equipment is one of a County Sealer's primary duties. Additionally, all testing equipment is very expensive and must be maintained to maximize their useful life spans and minimize costs to the public.

These particular pieces of testing equipment are permanently mounted on a truck bed and are stored in the department's shop garage. They are stored in the garage for security, maintenance, safety, and liability reasons. Garaging them daily minimizes their exposure to potential vandalism and the elements. It also prevents any inspection of this unique truck by children or others who might be curious and might be tempted to touch or climb on the equipment. Glass gauges could be broken or the provers themselves could be dented or damaged. Any damage to the provers will destroy their integrity and immediately terminate their certification as official standards. Additionally interested parties could hurt themselves by climbing on the truck, etc. and expose the County to unnecessary liability.

County policy allows (Section 34.9 B) a department head to authorize an employee to retain a vehicle overnight...for a limited term to enable completion of special or unusual assignments. Retail meter (gas station) inspections typically do not meet this standard. The shop is fairly centrally located (and is even closer to the individual's home generally assigned this duty than the office is). Because of the security, maintenance, safety, and liability concerns the vehicle is garaged in a county facility. Any employee assigned to this job is allowed to start their day from the shop thereby eliminating the need to come into the office at the start of the day. No employee has ever requested to take the vehicle home and if that request is made it would be considered in conformance with County policy, the Grand Jury's recommendation, and the need to store the vehicle properly. The truck would not be allowed to be parked on the street at an employee's home.

2. The County should consider increasing the load capacity of the next vehicle used by the Shasta County Department of Agriculture/Weights & Measures for testing fuels and pumps by purchasing a heavy duty one-ton truck during the next replacement cycle.

Response The Board of Supervisors concurs with this recommendation and finds that this is an excellent recommendation and it is the Department's intent to eventually replace the existing vehicle with a heavy duty one-ton truck. The existing vehicle is an older County fleet vehicle that was retrofitted with the

testing equipment because the department was not able to fund a new vehicle when the equipment was initially purchased. Staff worked with Fleet Management to safely complete the retrofit.

BOARD OF SUPERVISORS

D. ADULT SERVICES

RECOMMENDATIONS:

1. The Grand Jury recommends that APS purchase two satellite phones for use by social workers traveling to areas of the county where cell phone usage is limited. Satellite phones would provide a much needed measure of safety.

Response The Board of Supervisors concurs with the recommendation with a slight modification. Social Services – Adult Protective Services has purchased and is in the process of testing and setting up usage guidelines for the utilization of two Satellite Personal Tracker (SPOT) devices to provide a means of communication for social workers who find themselves in areas without cell phone reception. These devices include a GPS locator feature, and will send pre-programmed messages including an emergency call for assistance to pre-programmed email and cell or other phone numbers as well as 911. Implementation of these devices is to occur in the near future.

2. The Grand Jury recommends that APS provide a personnel sign-in/sign-out board on which all employees leaving the premises during work hours are required to post their times of departure, their destinations and their expected times of return. In addition, the Grand Jury recommends integrating GPS capabilities into the cell phones used by social workers. In case of an emergency a GPS could pinpoint the location of a social worker.

Response The Board of Supervisors concurs with this recommendation and it has been implemented. APS has used an in-out board for many years that included the expected time of return, but have added the physical addresses of the destinations workers are traveling to. The APS duty officer will monitor activity flow and take appropriate action if a worker is not back at the time noted on the board.

As noted in the response to the satellite phone recommendation, the SPOT devices include GPS technology to provide an additional measure of safety for social workers in the field.

APS staff meets every morning as a group to discuss staff assignments and any identified visitation safety concerns. If any safety concern is brought forward two staff will be sent out on the visitation and/or law enforcement will be asked to accompany the social worker. This process acts as an additional safeguard for social workers and was implemented years ago.

3. The Grand Jury recommends that APS provide formal, structured on-the-job training, utilizing a learning check list that articulates in detail what the social workers must do to perform the job to expected standards. The training also should prepare social workers to meet and respond to threatening or emergency situations.

Response The Board of Supervisors concurs with this recommendation, and in addition to its regular training procedures, APS is in the process of implementing a formal structured on-the-job training plan that utilizes a learning checklist and includes prevention tactics and response to threatening or emergency situations.

Annual safety trainings by local law enforcement will continue to be held for all staff to ensure safety while working in the office and out in the field.

4. The Grand Jury recommends that Shasta County Adult Services re-evaluate its budget to make available funds for reinstating law enforcement contracts which would provide specially trained investigators to assist in abuse cases.

Response The Board of Supervisors does not agree with this recommendation as the program does not have the resources to reinstate these contracts. APS will continue to work with all law enforcement agencies toward maintaining collaborative relationships and providing training to allow for more thorough response to and investigation of criminal elder abuse issues.

BOARD OF SUPERVISORS

E. PURCHASING

RECOMMENDATIONS:

1. The Grand Jury recommends that Shasta County Board of Supervisors expand section 2.4 of the Shasta County Contracts manual (contract manual) to include standardized procedural guidelines for establishing open accounts with local vendors and for making purchases and paying invoices on those accounts.

Response The Board of Supervisors concurs with the recommendation. Staff will review section 2.4 and provide recommendations to upgrade the policy where appropriate. Consideration shall include but not be limited to; assessing procedures for how open accounts with local vendors are created, how purchases are approved, and how invoices are paid on those accounts.

2. The Grand Jury recommends that in expanding section 2.4 of the contracts manual the county adopt a policy that requires departments to go through the purchasing division to establish new open accounts so that the county maintains one central control for those accounts.

Response The Board of Supervisors concurs with the recommendation. The County will study the feasibility, cost and efficiency of implementing this recommendation or developing additional controls to ensure that accounts are created and managed in accordance with established procedures.

3. The Grand Jury recommends that each department head using open accounts be required to establish written purchasing policies and procedures specific to that department's open account activity, in accordance with the standardized guidelines established by the county in Recommendations 1 and 2.

Response The Board of Supervisors concurs with the recommendation. The County encourages departments to incorporate county wide policies into their daily operations and believes that appropriate business controls will be in place and standardized by the taking of action on recommendations one and two.

4. The Grand Jury recommends that all county employees involved in the purchasing process receive formal, written and documented training in purchasing procedures.

Page 7

August 18, 2009

The Honorable Stephen H. Baker

Responses: The Board of Supervisors concurs with the recommendation. The county already conducts an annual employee training series that includes a module on purchasing procedures. The county will look to include additional written materials in this training and ensure that the training is documented.

Sincerely,



Glenn Hawes, Chairman
Board of Supervisors
County of Shasta

GH:LL/rbhl

✓ Cc: Members of the Grand Jury

Shasta County Sheriff's Office

Property/Evidence Facility

Shasta County Sheriff's Office, 1525 Court Street, Redding, CA 96001 (530) 245-6075

No room to spare

Background

The Shasta County Sheriff's property/evidence facility shares space with the sheriff's office crime lab at a secure location in the City of Redding. The property/evidence facility consists of various rooms and areas for storing different types of property and evidence, from drugs and guns to blood-stained clothing. The facility holds nearly 100,000 individual items stacked and shelved from the floor to the ceiling in several rooms and hallways.

Besides storing property and evidence for the Shasta County Sheriff's Office, the property/evidence facility is also used by the following six agencies for the storage of property and evidence:

Shasta County Probation Department

Shasta Interagency Narcotics Task Force (SINTF)

California Multi-jurisdictional Methamphetamine Enforcement Team (Cal-MMET)

Shasta County Marshall's Office

Shasta County District Attorney

Shasta County Coroner

The property/evidence facility is staffed by one property/evidence technician, who is supervised by a sheriff's office sergeant. The technician is a member of the California Association of Property and Evidence (C.A.P.E.), a nonprofit organization made up of both civilian and sworn law enforcement officers. C.A.P.E. was formed for the purpose of promoting professionalism in property and evidence processing, gathering and sharing information, and providing training and support.

Findings

1. Personnel assigned to the property/evidence facility estimate that approximately 75 percent of the property and evidence currently stored there could be processed and removed because the cases involved have been fully adjudicated.
2. Sheriff's office personnel told the Grand Jury that with current staffing it would take about 20 years to process and remove the items no longer required to be stored.
3. Property and evidence are stored throughout the property/evidence facility in closets, hallways and rooms not designed for such purposes, and most areas are filled to capacity.
4. Personnel assigned to the property/evidence facility use two separate incompatible software programs to inventory and manage the property and evidence. One software program was in use prior to 2003, and a different software program was put into use at that time. The use and maintenance of these two separate inventory control software programs has exacerbated the complexity of the inventory process. Currently an effort is underway to obtain or write a new software program to improve efficiency by facilitating an interface between the two existing programs.
5. The Shasta County District Attorney's office is working with the Shasta County Superior Court to establish a method for flagging cases when property and evidence can be returned or disposed of at the final adjudication of a case. However, this effort will only assist with recently filed criminal cases and will not reduce the number of stored items which relate to older cases.
6. Cash being held as evidence or for safekeeping is kept in a safe in the property/evidence facility. Currently, five employees of the sheriff's office have access to the safe's combination.
7. For audits the sheriff's office personnel assigned to the property/evidence facility utilize the "Law Enforcement Property & Evidence System Audit Guide (2005)," published by State of California Department of Justice. This guide recommends that annual audits be conducted by a supervisor. According to the guide, these audits, at a minimum, should review cases involving drugs, money and guns. Cal-MMET performs audits with respect to its own case-specific property and evidence.
8. During a tour of the property/evidence facility, the Grand Jury found that there was no place reserved for storing bio-hazardous materials. After the Grand Jury's visit, a place for storing bio-hazardous materials was designated, and written procedures, "Bio-Hazard Protocol," were adopted.
9. There is little or no initial or follow-up training provided by the sheriff's office for personnel assigned to the property/evidence facility. Formal and annual training on the various software programs for inventory control is limited.
10. Property and evidence, except for guns, are destroyed periodically at a local cement company where they are put into an incinerator which burns at 2,500 degrees. Guns are either sold at auction or taken to an incinerator near Oakland where they are melted.

Recommendations

1. A comprehensive annual audit should be performed by sheriff's office personnel not assigned to the property/evidence facility. In addition, quarterly self-audits of guns, drugs and cash by property/evidence facility personnel should be conducted and then reviewed and approved by the sheriff or undersheriff.
2. All sheriff's office property/evidence facility personnel should receive initial and ongoing training on property and evidence handling, including the training available from C.A.P.E.
3. All sheriff's office property/evidence facility personnel should receive initial and ongoing training on the software programs used to inventory and manage stored items.
4. The sheriff's office should develop a plan for disposing of property and evidence that does not need to be stored any longer in the property/evidence facility. Personnel currently assigned to the property/evidence facility and to the co-located sheriff's office crime lab, as well as employees on light duty, volunteers and retired sheriff's office personnel could carry out the plan.
5. The Shasta County District Attorney's office, working with the Shasta County Superior Court, should expedite the establishment of a method to flag adjudicated cases to initiate return or disposal of associated property and evidence.

Responses Required

- Shasta County Sheriff/Coroner as to recommendations 1, 2, 3, 4
- Shasta County District Attorney as to recommendation 5

Method of Inquiry

The Grand Jury visited:

- The Shasta County Sheriff's Office property/evidence facility
- The City of Redding property/evidence facility
- The City of Anderson property/evidence facility
- A local cement company to witness the incineration of confiscated drugs and other bio-hazard properties.

The Grand Jury interviewed:

- The Shasta County District Attorney
- The Shasta County Sheriff/Coroner
- A Shasta County Sheriff's Office captain
- A Shasta County Sheriff's Office sergeant
- A Shasta County Sheriff's Office investigative technician
- A former Shasta County Sheriff's Office property/evidence facility employee
- The City of Redding Chief of Police
- A City of Redding Police Captain
- The City of Anderson Chief of Police
- The Shasta County Integrated Public Safety System Program Administrator

The Grand Jury reviewed:

- The Shasta County Sheriff's Office "Duty Manual"
- The Shasta County Sheriff's Office "Property & Evidence Booking Procedures," August 2006
- California Commission on Peace Officer Standards and Training, "Law Enforcement Property & Evidence System Audit Guide," (2005)
- The Shasta County Sheriff's Office "Crime Lab Training Manual," August 2007
- The Shasta County Sheriff's Office Organization Chart
- State of California Department of Justice, "Audit, Property Evidence"
- The Shasta County Sheriff's Office Web Site www.co.shasta.ca.us/departments/sheriff



SHASTA COUNTY

Office of the Sheriff



July 27, 2009

Response to 2009 Grand Jury Report

Investigation #1: "What happened to my guns?"

Tom Bosenko
SHERIFF - CORONER

The Grand Jury conducted an investigation of a citizen's complaint where an individual turned over firearms, per a court order, to the Burney Unit for safekeeping. These firearms were ultimately transferred to the Sheriff's Evidence Lab for safekeeping, pending return upon removal of the court order.

It was discovered the firearms had been sold at auction by the Evidence Lab under the belief the citizen failed to pick up his firearms, when in fact he could not possess them based upon a standing court order. Ultimately, upon the order being removed, the citizen attempted to obtain his firearms legally, discovering that they had been sold at auction by the Sheriff's Evidence Lab.

The Grand Jury made five recommendations, of which the Sheriff is responsible for responding to the first three.

Recommendation #1

"The Sheriff's Office Property Unit personnel should query the California Law Enforcement Telecommunications System (CLETS) data base prior to mailing firearm release letters. Such an inquiry would ensure a check and balance between the different agencies' data bases and would provide the most current information."

Response:

The Sheriff's Office agrees with recommendation #1. The Sheriff's Office has created policy (attached) directing Lab staff to query the CLETS data base prior to releasing a weapon to determine if a TRO/RO is still in effect. Typically, this was past practice. In regards to this incident, it was either not done or the CLETS query was not interpreted correctly. Additional information has come forward since the writing of the Grand Jury Report. As of January 1, 2005, the Evidence Lab was instructed by both the Department of Justice as well as the Sheriff's Records Unit not to query criminal records of individuals for the release of firearms, as all clearances are to be forwarded to the Department of Justice. However, in this case the query of the CLETS database for the purpose of determining if there is a valid TRO/RO would be acceptable and would still require the individual to contact the Department of Justice for firearm clearance.

Recommendation #2

"The property unit technician should document the CLETS query on the Property Control Report before release letters are sent."

Response:

The Sheriff's Office agrees with recommendation #2. This recommendation will be implemented in policy (attached) for the Evidence Lab and once again was past practice by some individuals but apparently not the situation in this case. Rather than making a note regarding a CLETS query on the property control report, the query itself will be attached to the property control report.

Recommendation #3

"The property unit technician should document on the Property Control Reports all inquiries made by property owners."

Response:

The Sheriff's Office agrees with recommendation #3. The recommendation will be implemented in policy (attached) for the Evidence Lab. To accommodate this practice the Evidence Lab supervisor is presently completing a due diligence form for the purpose of stapling to the Property Control Report. It will allow property personnel to make notations of contact and related information regarding evidence held.

Investigation #2: "No room to spare"

The Grand Jury conducted an inspection and tour of the Property and Evidence facility located at the Breslauer Lane complex belonging to the Shasta County Sheriff's Office. Upon completing their inspection of this facility, recommendations were made related to their concerns and observations. There were five recommendations made by the Grand Jury related to this report of which four recommendations will be responded to by the Shasta County Sheriff's Office.

Recommendation #1

"A comprehensive annual audit should be performed by Sheriff's Office personnel not assigned to the property/evidence facility. In addition, quarterly self-audits of firearms, drugs and cash by property/evidence facility personnel should be conducted and then reviewed and then approved by the Sheriff or Undersheriff."

Response:

The Sheriff's Office disagrees partially with this finding with the following explanation. An audit is an important tool in any facility that holds items of evidence. The Sheriff's Office agrees that an annual or bi-annual audit would be beneficial. Quarterly audits other than individual inquiries by evidence and property personnel to include the supervisor would be too time consuming and too costly.

The Grand Jury recommended in their investigative interviews that other departments in Shasta County, including those that utilize the Evidence Lab, could assist as an audit team. This is definitely an option. There has been no set date or plan for an audit, however the Sheriff will make every effort to research the possibilities and comply with present standards of the California Association of Property and Evidence Officers Association as well as look at what similar agencies are presently doing.

Recommendation #2

"All Sheriff's Office property/evidence facility personnel should receive initial and ongoing training in property and evidence handling, including the training available from C.A.P.E."

Response:

The Sheriff's Office agrees with this recommendation. It has been the Sheriff's Office practice that all personnel assigned to the Property and Evidence Lab attend a Property and Evidence management course and historically all have been members of the California Association of Property & Evidence (C.A.P.E.). Additionally Sheriff's Office Lab personnel attend bimonthly training with Department of Justice personnel under an acronym of F.I.G. referring to Forensic Investigators Group. Information is shared regarding the handling and submittal of evidence. All Sheriff's Evidence Lab personnel also receive additional training in crime scene investigation to include the handling, processing, and management of evidence related to crime scene investigation.

Recommendation #3

"All Sheriff's Office property/evidence facility personnel should receive initial and ongoing training on the software program used to inventory and manage stored items."

Response:

The Sheriff's Office agrees with this recommendation. The Sheriff's Office will forward the Grand Jury's recommendation to the Shasta County Information Technology department. The Sheriff's Office needs to make the Grand Jury aware that training and updates provided by the Information Technology Unit are at an additional cost to the Sheriff's Office and that the Sheriff must work within his budget constraints.

Recommendation #4

"The Sheriff's Office should develop a plan for disposing of property and evidence that no longer needs to be stored at the property/evidence facility. Personnel currently assigned to the property/evidence facility and to the co-located Sheriff's Office crime lab, as well as employees on light duty, volunteers and retired Sheriff personnel could carry out the plan."

Response:

The Sheriff's Office agrees partially with this recommendation. Since this Grand Jury report was made public, the Sheriff's Office has met with the District Attorney's Office and created a policy that all misdemeanor cases where evidence is held prior to 1999 can be destroyed. Additionally, the Sheriff's Office has been in communication with the District Attorney's Office and informed that a program addressing property related to a criminal prosecution will be presented during the prosecution phase. Information related to the disposal/release of the property will be forwarded to the Sheriff's Property and Evidence Lab after the appeal period has taken place.

In the past, research of property related to cases was cumbersome. It was left to the property technician to arbitrarily research cases with no prompt from the courts or District Attorney's Office. Additionally, the property management system implemented by the county's Information Technology Unit does not have adequate query capabilities or flags that would initiate an inquiry.

In the past, the Sheriff's Office has placed employees who are on modified duty at the Evidence Lab for the purpose of research and destruction of evidence. This practice has been ongoing for quite some time and was recommended as a practice by the Grand Jury. The job restrictions for those on light duty have to fit the job requirements of the lab however.

The Sheriff's Office is concerned however regarding volunteers and retired Sheriff's Office employees conducting research related to the disposal of property. Personnel who do not have security clearance to include CLETS clearance are a risk to the integrity of the lab. Additionally, to employ retired Sheriff's Office personnel would require we pay extra help wages which creates an additional budget consideration.

The Sheriff's Office desires to take a proactive approach in clearing evidence from the lab when it is no longer needed. We believe that with the policy of destroying misdemeanor cases ten years and older, as well as the new policy by the District Attorney's Office of relaying court information, this will start the process. Additionally the Sheriff's Office will focus on the research and disposal of other property held in the lab that is no longer needed and consuming storage space.

I wish to thank all of the 2009 Grand Jury members for their service and many hours of diligent work to address these and other issues. Should you have additional questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Tom Bosenko". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

TOM BOSENKO
Sheriff-Coroner

TMB/bw

Attachments

Safekeeping

Property that is being held for safekeeping shall be returned to the legal owners upon request or by legal mandate. Property (excluding firearms) not claimed within 60 days is to be considered intentionally abandoned by the owner and disposed of.

Firearms held under the provisions of 12028.5 shall be held no longer than 72 hours. Firearms held as safekeeping pursuant to a Temporary Restraining Order (TRO) or Restraining Order (RO) shall be held until the expiration of the TRO or RO. The property officer shall do the following upon receiving a firearm taken for safekeeping:

- *Inform the subject requesting to obtain the firearm of the steps that must be taken to conduct a criminal history check through the Department of Justice.*

If the owner is not legally entitled to the weapon under the provisions of 12001.6, 72021.1, 12021.5 and 12560 PC, it will be disposed of per 12028 PC.

- *Conduct a CLETS check on the firearm to determine if it is stolen. If stolen, refer case to the Investigations Division. If the owner cannot be found, the weapon will be disposed of per 12028(F) PC upon court adjudication.*

Prior to releasing weapons relinquished pursuant to a TRO or RO, the property officer shall query CLETS to determine if the restraining order remains in effect. A printed copy of the CLETS entry shall be attached to the PCR. The property officer shall also contact the Sheriff's Office Records Division to ascertain if the restraining order is still in effect or if there has been any recent activity on the case.

The property officer will notify the owner by mail or telephone to schedule an appointment for the release of the weapon. A certified letter is sent to the owner advising the weapon will be disposed of per 12028.5 PC if not claimed. The weapon is then held for 180 days.

If the weapon was relinquished pursuant to a TRO or RO, the owner must bring documentation the TRO or RO has been vacated.

Property that is being held for safekeeping shall be returned to the legal owners upon request or by legal mandate. Property (excluding firearms) not claimed within 60 days is to be considered intentionally abandoned by the owner and disposed of.

Firearms held under the provisions of 12028.5 shall be held no longer than 72 hours. Firearms held as safekeeping pursuant to a Temporary Restraining Order (TRO) or Restraining Order (RO) shall be held until the expiration of the TRO or RO. The property officer shall do the following upon receiving a firearm taken for safekeeping:

- *Inform the subject requesting to obtain the firearm of the steps that must be taken to conduct a criminal history check through the Department of Justice.*

Property Comments Form

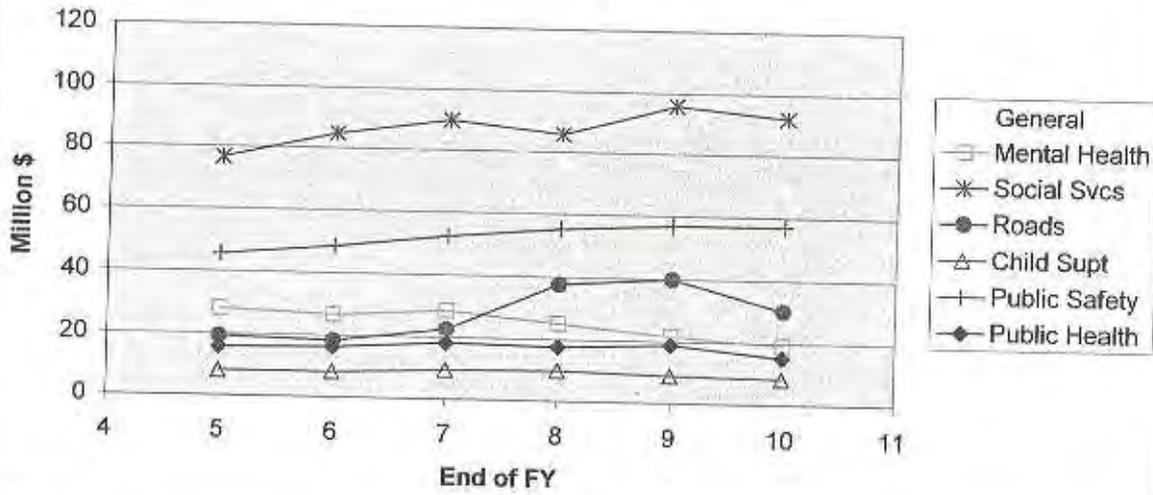
Any inquiries or comments received from, or made to, owners or other interested parties regarding property/evidence held at the Crime Lab shall be documented on the Property Comments Form (PCF). The PCF will then be attached to the PCR to provide a record of activity regarding the affected property/evidence.

COUNTY FUNDS (1)	AVAILABLE FINANCING				FINANCING REQUIREMENTS		
	ESTIMATED FUND BALANCE UNRESERVED/ UNDESIGNATED JUNE 30, 2008 (2)	CANCEL OF PRIOR YEAR RESERVES/ DESIGNATIONS (3)	ESTIMATED ADDITIONAL FINANCING SOURCES (4)	TOTAL AVAILABLE FINANCING (5)	ESTIMATED FINANCING USES (6)	PROVISIONS FOR RESERVES/ DESIGNATIONS (NEW OR INCR) (7)	TOTAL FINANCING REQUIREMENTS (8)
0080 GENERAL	12,416,597	821,977	64,681,073	77,919,647	74,794,799	3,124,848	77,919,647
0081 GENERAL - CMSP	0		8,000,000	8,000,000	8,000,000		8,000,000
0082 GENERAL - CAPITAL PROJECTS	-31,505	31,505	79,451	79,451	79,451		79,451
0084 GENERAL - RESOURCE MGMT	1,110,828		4,725,011	5,835,839	5,167,121	668,718	5,835,839
0085 GENERAL - FED FOREST TITLE III	-178,574	256,275	1,548	79,249	79,249		79,249
0088 MENTAL HEALTH	228,364	392,071	21,125,934	21,746,369	21,736,269	10,100	21,746,369
0081 MENTAL HEALTH SERVICES ACT	148,932		9,654,606	9,803,537	9,156,124	645,413	9,803,537
0100 INTERMOUNTAIN FAIR	13,613		639,708	653,321	592,180	61,141	653,321
0110 LIBRARY	-133,652	138,652	1,416,810	1,421,810	1,421,810		1,421,810
0120 OPPORTUNITY CENTER	310,142		4,539,570	4,849,712	4,497,820	351,892	4,849,712
0140 SOCIAL SERVICES	8,337,410		87,744,460	96,081,870	90,421,901	5,659,969	96,081,870
0150 WILDLIFE	8,371	31,424	8,800	48,595	48,594		48,595
0170 GENERAL RESERVES	303,167		150,000	453,167		453,167	453,167
0186 HOUSING HOME IPP	5,288,877		576,261	5,865,138	576,261	5,288,877	5,865,138
0188 ENDANGERED SPECIES	1,396	20,502	9,800	31,698	30,302	1,396	31,698
0189 SUBSTANCE ABUSE CRIME PREV	-17,060	28,871	613,560	625,371	625,371		625,371
0190 ROADS	1,780,541	4,012,525	34,270,104	40,063,170	39,947,670	115,500	40,063,170
0191 ROADS - DUST MITIGATION	15,200		14,000	29,200	20,500	8,700	29,200
0192 CHILD SUPPORT SERVICES	379,728	133,333	8,508,540	9,021,602	8,795,665	225,937	9,021,602
0193 SHASTA COUNTY TRANSIT	43		149,250	149,293	149,250	43	149,293
0195 PUBLIC SAFETY	1,687,653		55,473,010	57,160,662	56,678,306	482,356	57,160,662
0196 PUBLIC HEALTH	3,982,235	56,408	14,955,275	18,993,918	16,975,951	2,017,967	18,993,918
0197 SHASTA HOUSING REHAB	-316,249	320,987	706,214	711,952	711,952		711,952
SUBTOTAL	35,337,057	6,244,530	318,042,985	359,624,571	340,508,546	19,116,024	359,624,571
0040 ACCUM CAPITAL OUTLAY	487,087	800,000	200,000	1,487,087	800,000	687,087	1,487,087
0041 CAPITAL PROJ CRTHSE REMODEL							
0043 CAPITAL PROJ LIBRARY BUILDING	1,128,164		5,000	1,133,164	49,060	1,084,104	1,133,164
0044 CAPITAL PROJ ADMIN BUILDING	265,856			265,856	171	265,685	265,856
TOTAL	37,218,164	7,044,530	318,247,985	362,510,678	341,357,777	21,152,900	362,510,678
APPROPRIATIONS LIMIT	121,430,955						
APPROPRIATIONS SUBJECT TO LIMIT	40,890,204						
AMOUNT (UNDER) OVER LIMIT	-80,540,751						

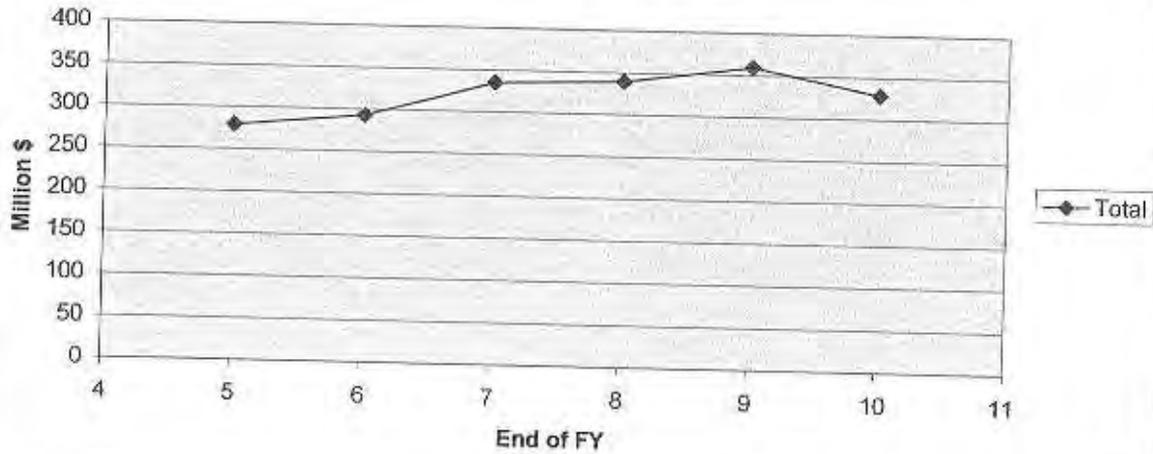
HISTORICAL BUDGETS

Shasta County Budget Highlights										
FY	End FY	General	Mental Health	Social Svcs	Roads	Child Supt	Public Safety	Public Health	Total	
04-05	5	63.5	28.1	76.7	19.3	8.1	45.6	15.8	278.9	
05-06	6	67.8	26.6	85	18.3	8.2	48.6	16.3	292.8	
06-07	7	85.4	28.6	90.1	22.6	9.4	52.5	18.2	335	
07-08	8	76.9	25.1	86	37.7	9.9	55.3	17.6	339.5	
08-09	9	77.9	21.7	96	40	9	57.1	19	359.6	
09-10	10	68.8	19.2	92.3	30.3	8.5	57.2	15.3	328.7	

Shasta County Major Funds



Shasta County Total Budget





OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SHASTA

Gerald C. Benito
District Attorney

Robert J. Maloney
Assistant District Attorney

MEMORANDUM

TO: Presiding Judge Stephen Baker
Superior Court of California in and for Shasta County

Glenn Hawes, Chairman
Shasta County Board of Supervisors

FROM: Gerald C. Benito 
District Attorney

DATE: July 15, 2009

RE: GRAND JURY REPORT ENTITLED "NO ROOM TO SPARE"

.....

I have had an opportunity to review the report of the 2008-2009 Grand Jury regarding the property/evidence facility at the Shasta County Sheriff's office. The report is entitled "No Room to Spare". Although the vast majority of the report is related to the workings of the Sheriff's office property/evidence unit, there is one finding and one recommendation related to the operation of the Shasta County District Attorney's Office. Therefore, pursuant to Penal Code Section 933(e), I am writing this response to the finding and recommendation that pertains to my office.

First, with respect to the following finding number 5:

"The Shasta County District Attorney's office is working with the Shasta County Superior Court to establish a method for flagging cases when property and evidence can be returned or disposed of at the final adjudication of a case. However, this effort will only assist with recently filed criminal cases and will not reduce the number of stored items which relate to older cases."

In response to finding 5 as stated above, I disagree only because the procedure and process for flagging cases or property in evidence that can be returned has already been implemented. That process was implemented in May 2009. The remainder of the finding stating that the new procedure will not address the current backlog, is true. Therefore, I agree with the last sentence of that finding.

As to the recommendation 5 which states:

“The Shasta County District Attorney’s office, working with the Shasta County Superior Court, should expedite the establishment of a method to flag adjudicated cases to initiate return or disposal of associated property and evidence.”

That recommendation has been implemented effective May 2009. A copy of the policy and procedure for my office is enclosed for you information. This change in policy should benefit all law enforcement agencies that retain property or evidence related to criminal cases.

It should be noted, that developing such a policy and procedure which is automated, required much cooperation from the impacted agencies. For example, the automated procedure required computer programming changes by the Integrated Justice System (IJS). Creating an automated process reduces the amount of district attorney and law enforcement support staff needed to accomplish the same task. The process also required the cooperation of law enforcement and the identification of procedures that were compatible with each department’s processes and policies and our own. The process of developing the policy and procedure that is attached reflects nearly a years worth of effort by many at very different levels. I wish to acknowledge all of those individuals who worked so hard to put this procedure into place and make it effective.

Should you require additional clarification or information, please feel free to contact me at my office.

cc: Shasta County Grand Jury ✓



OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SHASTA

Gerald C. Benito
District Attorney

MEMORANDUM

TO: ALL DISTRICT ATTORNEY EMPLOYEES
FROM: GERALD C. BENITO 
DATE: May 06, 2009
RE: **POLICY REGARDING RELEASE OF EVIDENCE AND
DISPOSITION OF FIREARMS AT CONCLUSION OF CASE**

.....

This policy sets forth the procedures for requesting the release of evidence and the disposition of firearms being held by law enforcement upon the conclusion of a criminal case. This policy does not apply to evidence seized pursuant to a search warrant.

RELEASE OF EVIDENCE AND PROPERTY

This new procedure should expedite the return of property to victims and the release of evidence held by law enforcement. The criminal complaint request form now has a box entitled "Property/Evidence" that can be checked upon the filing of a criminal case. The box should be marked anytime there is a property control sheet attached as part of the case for evidence not collected pursuant to a search warrant. The property control sheets list the items of evidence and property that have been collected and retained by law enforcement.

The Property/Evidence box should not be checked in the following cases because of high rates of recidivism, the ability to use prior incidents in future cases, statutory mandates, and because of an indeterminate sentence:

1. Domestic Violence
2. Child Sexual Assault
3. Adult Sexual Assault
4. Cases in which an indeterminate sentence is possible
 - a. 3rd strike cases
 - b. Murder cases
 - c. Other cases

Once the Property/Evidence box is checked on the criminal complaint request form, the intake unit processing the case will enter a code (EVD) in the computer that will "flag" the case. No visual notation will appear on the complaint or on the file. The case will then proceed normally.

Once the case is concluded, the court clerks will enter a final disposition code on the case. After a period of 90 days, if a "Notice of Appeal" has NOT been filed on the "flagged" case, the computer system will automatically generate a list of those "flagged" cases in which the Property/Evidence box has been checked. In cases involving multiple defendants a case will only be included on the list after a final disposition code has been entered as to all defendants and there has not been a "Notice of Appeal" filed as to any defendant. Once we get the list, our support staff will complete the generic release of property form letter and send it to the agency holding the property or evidence. The entire process is only initiated by checking the Property/Evidence box on the criminal complaint request form. Not checking the box means that a release of property letter will only be generated at the request of the attorney handling the case.

To add or remove a Property/Evidence flag for any reason after the filing of a case, the attorney must direct a secretary or intake staff to do so. In cases that involve a superseding complaint or consolidation, the secretary shall transfer the original Property/Evidence designation to the new lead case. In any situation that requires a change in the case number originally assigned such as a case that is dismissed with the intention of re-filing, the attorney must direct the secretary by notation on the dismissed file to remove the property flag from the case so that the evidence is not released automatically after the 90 day period. Upon the re-filing of the case, the attorney must make the property/evidence designation as appropriate.

DISPOSITION OF FIREARMS

The purpose of this policy and procedure is to ensure the prompt disposition of firearms that have been seized by law enforcement at the conclusion of a criminal case.

Upon review of a criminal case for filing, the filing deputy shall take note of any firearm that may have been involved in the criminal case. In some instances, the firearm may be critical evidence in the case and in others it may not. Once the filing deputy identifies a firearm in the criminal case, the filing deputy shall check the box on the criminal complaint request form that is entitled "Firearm Disposition Required". Intake personnel shall stamp the outside of the criminal case file with a red stamp that identifies the case as one with a firearm that needs to be disposed of at the conclusion of the case. Intake shall also place in the file a triplicate form court order that provides for the forfeiture of the firearm.

At either the time of the plea or at sentencing, the attorney shall address the issue of the firearm. The triplicate form should be presented to the court so that the court may make an order related to the firearm. The original should remain in the court file. The first copy is for our file and the second copy is to be forwarded to the law enforcement agency holding the firearm by support staff.

DEPARTMENT
ATTENTION: EVIDENCE OFFICER

RE: People v.

Dear Evidence Officer:

This matter being resolved, the District Attorney's Office has no further use for the property being held in your case no. , DA case no. .

Sincerely,

GERALD C. BENITO
DISTRICT ATTORNEY

Deputy District Attorney

FIREARM
DISPOSITION
REQUIRED

1 GERALD C. BENITO
2 District Attorney (State Bar #124171)
3 County of Shasta
4 1525 Court Street
5 Redding, CA 96001-1632
6 (530)-245-6300
7 Attorney for Plaintiff

8 IN THE SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SHASTA

10 ---oOo---

11 PEOPLE OF THE STATE OF CALIFORNIA,
12
13 vs.
14
15 Defendant

16) No.:
17)
18) ORDER FOR FORFEITURE OF
19) FIREARMS
20)
21)
22)

23 GOOD CAUSE HAVING BEEN SHOWN, the Court orders that the firearm(s) seized
24 pursuant to the case numbers relevant to this action are declared to be a nuisance and are
25 ordered forfeited to the seizing agency for disposal according to law.

26 DATED:

27 JUDGE OF THE SUPERIOR COURT

Shasta County

Shasta County Juvenile Offenders

Shasta County Probation Department, 1525 Court Street, Redding, CA 96001, 530-245-6241

Trying to keep them on the right road

During our annual visit to Shasta County Juvenile Hall the Shasta County Grand Jury was briefed by the probation staff on their efforts to support and assist our at-risk youth. The Grand Jury saw firsthand the processing, placement and positive reinforcement of juvenile offenders.

In the juvenile hall, education, healthcare and counseling are provided in a structured and positive environment. Like many people in the community, the Grand Jury is concerned for our youth and wants to see early intervention to prevent juvenile recidivism and to reduce the possibility of their moving into the adult criminal justice system.

Staff members told the Grand Jury that, in the past, decisions on profiling at-risk youth were made by “gut feeling” and experience. They stated there had been no means to consistently profile young offenders and no way to share this information with other county juvenile probation agencies. The officers would ask questions concerning the juvenile’s past history, seriousness of the offense, home environment, school performance, drug and alcohol history and psychological and emotional issues. How the juvenile answered these questions became the basis for the officers’ recommendation on the next course of action for the juvenile.

Beginning in November 2008 the probation staff implemented a new juvenile assessment program, Positive Achievement Change Tool (P.A.C.T.). It is a tool used to build an information source to evaluate the risks and needs of each juvenile offender. The information also assists officials in their efforts to target potential problem areas, to intervene early, to design education programs to fit the juvenile’s needs and to validate funding priorities.

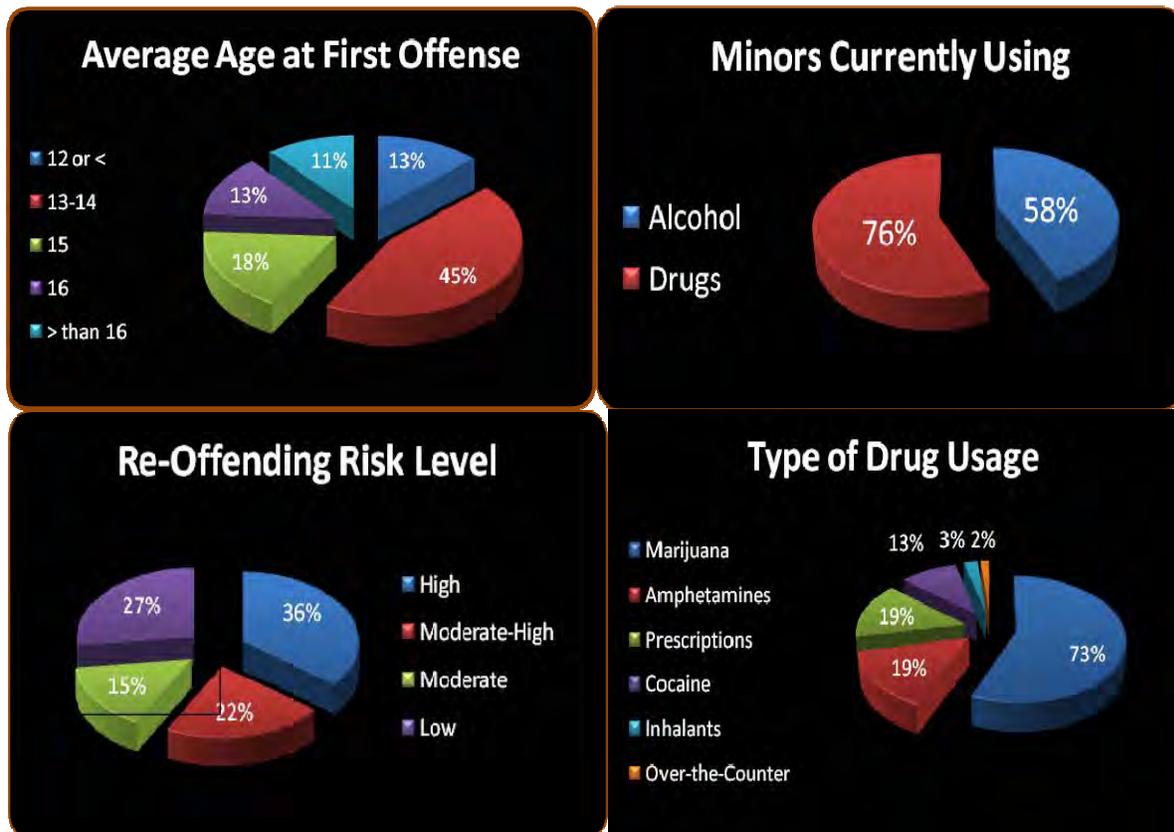
P.A.C.T., a two-step computer based software program, was created in 2005 by Assessments.com, a Bountiful, Utah, company in conjunction with the Florida Department of Juvenile Justice. Shasta County is part of the Northern California Probation Consortium, a group of 15 counties that have begun using this tool. The cost of the program, \$189,400, is funded by a Sexual Assault Felony Enforcement grant.

The first step, the P.A.C.T. pre-screen, is a 46-item multiple-choice assessment questionnaire that produces risk-level scores. Juveniles are rated as low, medium or high risk which allows probation officers different options for each individual. The pre-screen also aids in evaluating whether or not the juvenile should remain in custody throughout the court process.

The juveniles rated as moderate or high risk receive the second step: the P.A.C.T. full assessment, another series of questions that helps determine the appropriate case plan for the youth. Probation officers can also use the information to prepare the programs or services that in-custody minors will need upon release.

The Grand Jury learned that 23 staff members in the juvenile probation department have been trained to use the program. According to the department, juveniles have been reacting positively to the process, which has enhanced the probation officers' ability to connect with the youth and their families. The objective information generated by this program is expected to help the offender, build a database that can be shared with other agencies, and provide solid information for strategic planning and proactive programs to support our youth. Officials estimate it will take a year working with the program before effects and outcomes can be analyzed.

The following charts illustrate some of the initial information provided by the P.A.C.T. questionnaires.



Shasta County

Weights and Measures

Shasta County Department of Agriculture/Weights & Measures
3179 Bechelli Lane, Redding, CA 96001 (530) 224-4949

Just fumes or good measure?



Background

Of the 882 million gallons of gasoline the U.S. consumes daily, half is for the 210 million motor vehicles traveling on our roadways. When the price of gasoline and diesel fuels skyrockets and the cost of each fill-up takes an increasing bite out of our budgets, we become more concerned about the accuracy of the dispensing systems. We have all heard stories about the best time of day to buy fuel. We have heard complaints about the inaccuracy of fuel pumps and octane ratings and about the discrepancies between posted fuel prices and those charged at the pump. The Shasta County Grand Jury decided to act on these public concerns and to investigate.

The agency responsible for monitoring the accuracy of fuel dispensers in our county is the Shasta County Department of Agriculture/Weights and Measures. One of the most important functions of the department is to assure that the measurement of the volume of fuel sold is precise and that the application of the posted price to that measurement is accurate. However, with respect to the actual posted price, it is the manufacturers and distributors of fuels that set pricing. Questions about pricing of fuel may be directed to the California Energy Commission at their website: www.energy.ca.gov.

Shasta County's Agricultural Commissioner, who is also the county sealer of weights and measures, heads the department. A primary mission of the department is to protect both buyers and sellers engaged in any monetary transaction that relies on accurate measurements.

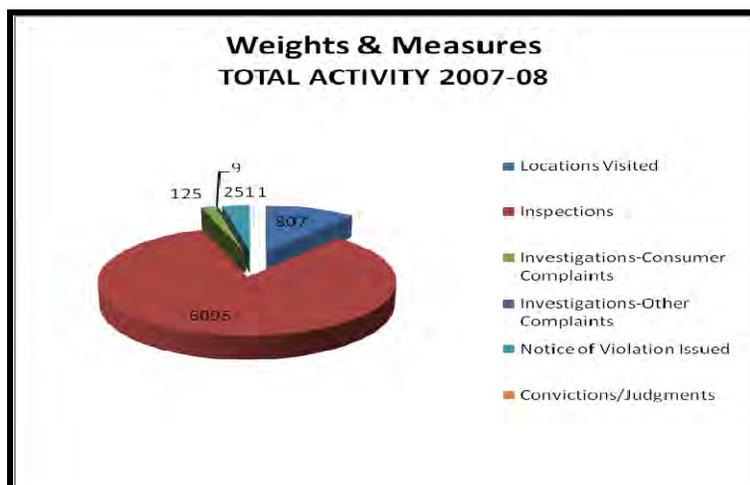
The Shasta County weights and measures department has a strong historical foundation. Following a recommendation from Thomas Jefferson in 1790, our second president, John Adams, signed the first weights and measures law on March 2, 1799. California state legislation passed in 1911 established county departments of weights and measures. There is an interesting history of the weights and measures functions at www.cdfa.ca.gov/DMS/KidsPage/History.htm

The Grand Jury collected a number of documents from the department, interviewed key personnel and made several unannounced random field trips to monitor the department's processes of verifying the accuracy of the dispensing equipment.

From July 1, 2006, to June 30, 2007, the Shasta County weights and measures completed 3,341 fuel pump inspections at 164 locations.

Inspections include:

- Measuring the accuracy of volume dispensed for the three grades of gasoline and the diesel fuels.
- Verifying the signage at the station entrance to assure that it reflects the same price per gallon as indicated on the pump.
- Checking the calculations of the pricing at the pump. The price per gallon must be clearly marked on each pump. The inspector verifies the total sale amount by multiplying the number of gallons pumped by the unit price.
- Evaluating the condition of each pump including the hose and nozzle.



The octane rating must be marked on each pump. Inspectors take samples of the product and forward them to the State of California laboratory in Sacramento for verification of the accuracy of the stated octane level of the gasoline.

Inspectors attempt to examine and test all fuel pumps annually and whenever a public complaint is received. The standard allows for

a minor variation of only one-half of one percent (+/- 6 cubic inches of the 1,155 cubic inches in a certified 5-gallon container. One gallon of gasoline measures 231 cubic inches).

If the pump does not meet the standard, it is found to be in violation, and it is “tagged”:

- A blue tag is issued when the pumping device delivers more fuel than the amount for which the customer is charged. The pump must be corrected by a certified repair vendor. Once the pump is repaired, county weights and measures performs a follow-up inspection. Management has 30 days to correct the violation. A blue tag does not shut down a delivery island unless there are multiple blue tags per island.
- A red tag signifies that a pumping device delivers less fuel than charged. Immediately the inspector shuts down the pump by placing a lead-sealed wire on the pump handle. The wire may not be removed except by a licensed technician. Within one week of the violation department personnel re-inspect the pump for compliance with California laws.

Common Complaints and Misconceptions

Complaints frequently occur because consumers do not realize that to provide for fuel expansion with change of temperature, vehicle fuel tanks and portable gas cans are made to hold up to 10 percent more fuel than the rated amount. For example, an 18-gallon tank might actually hold 19.8 gallons.

Another common misconception is that the time of day and the temperature affect the quantity of fuel received. The reality is that the ambient temperature is unlikely to have a significant effect upon the actual temperature of the fuel pumped. When gasoline is stored in underground tanks, the fuel temperature does not change significantly. The gasoline is usually at about 60 degrees Fahrenheit when it is picked up from the bulk fueling distributor by the transporter and remains at that temperature once stored in the fueling station's underground tanks. However, if the temperature of the gasoline changed significantly, an inaccurate measurement could result. For this reason, Canadian law requires its fuel dispensers to have pumping devices equipped to calibrate the measurements of the fuel pumped by the actual temperature of the fuel. California may follow the Canadian model in future legislation.

Findings

1. On non-computerized pumps incorrect charges may occur if the person fueling does not assure that the pump is set to zero before pumping.
2. The Shasta County Department of Agriculture/Weights and Measures assures that the price posted is the price used in the calculation of the sales. The law requires that gas stations post prices for all vehicle fuels they sell. Prices must be posted on a sign visible from the street and on the fuel pumps. When fuel prices change, management must have the prices updated on the signs and at the pumps.
3. In the past several years inspectors have found no fraudulent alterations of fueling devices in Shasta County.

4. The department promptly has an inspector check complaints from citizens about possible faulty fuel pumps. About 90 percent of all complaints concerning fuel pump accuracy prove to be unfounded.

5. The Grand Jury finds that the weights and measures inspector is not authorized to take home the county-owned truck but leaves it at the office site at the end of the day. In some instances a gas station subject to an inspection is closer to the inspector's residence than to the office. Even when inspecting fuel stations close to his residence, the inspector must travel to the office to obtain the testing vehicle.

6. The Grand Jury also finds that, with all of the equipment and testing samples, the primary testing vehicle, a three-quarter-ton truck, is close to load capacity.

Recommendations

1. The fueling station inspector should be authorized to take home the county testing vehicle when this practice would shorten travel time, save gas and vehicle wear and tear, and allow the inspector more time to inspect fuel pumps.

2. The County should consider increasing the load capacity of the next vehicle used by the Shasta County Department of Agriculture/Weights and Measures for testing fuels and pumps by purchasing a heavy duty one-ton truck during the next vehicle replacement cycle.

Commendation

The Grand Jury thinks that Shasta County Department of Agriculture/Weights and Measures is doing an excellent job of protecting us from unfair retail practices and inadvertent errors.

Responses Required

- Shasta County Board of Supervisors as to Recommendations 1 and 2.

Responses Invited

- Shasta County Department of Agriculture/Weights & Measures, Agricultural Commissioner, Sealer of Weights and Measures as to Recommendations 1 and 2.

Method of Inquiry

The Grand Jury interviewed:

- Shasta County agricultural commissioner
- Shasta County deputy agricultural commissioner
- Shasta County Standards program analyst (inspector)

The Grand Jury reviewed:

- State of California, Division of Measurement Standards, Department of Food and Agriculture Field Reference Manual
- Gasoline and Diesel Fuel Update
- Division of Measurement Complaint Form
- Brief History of Weights & Measures
- Retail Motor Fuel Devices (instructions for Weights & Measures Inspectors (EP O NOP. 26-A-1)
- Weights & Measures Local Administration, Article 2, Shasta County
- U.S. Govt. Energy Administration Brochures
- State of Arizona Weights and Measures
- Shasta County Weights & Measures, “California Monthly Report,” 2006/2007, 2007/2008
- Shasta County’s “Retail Motor Fuel, Questions and Answers for the Motoring Public”
- Report from Santa Clara County Weights & Measures, www.sccgov.org
- Shasta County Department of Agriculture/Weights and Measures, Annual Report 2007/2008
- Proposed 2008/09 Budget for Shasta County Department of Agriculture/Weights and Measures
- Examination Information for Weights and Measure Inspector licensing
- Weights & Measures Time Allocation Guidelines
- Shasta County Weights & Measures Complaint Forms and Procedures, April 2006
- Energy Information Administration, “U.S. Imports by Country of Origin”

Shasta County

Adult Services

Shasta County Adult Services, Locust Street, Redding, CA 96001 (530) 225-5798

Protecting the vulnerable adults of Shasta County

The Shasta County Grand Jury received a citizen's complaint regarding Shasta County Adult Protective Services. The Grand Jury was unable to substantiate the complainant's allegations.

Background

Shasta County Adult Services, a branch of the Shasta County Department of Social Services, is made up of three separate departments:

- Adult Protective Services
- In-Home Supportive Services
- Public Guardian

Adult Protective Services (APS) investigates allegations of abuse, neglect, exploitation and abandonment of elder adults (age 65 and older) and dependent adults (ages 18 to 64). APS also attempts to stop abuse through a program of public education on detecting, preventing, and reporting abuse – and by providing information and referrals for housing, food, clothing and case management.

Currently the APS unit is staffed by four social workers, an extra help social worker, a service aide and a social worker supervisor. Both state and county fund APS.

In-Home Supportive Services (IHSS) is the department assists low-income seniors and mentally or physically disabled adults who are in need of assistance with activities of daily living so that they are able to remain in their homes. IHSS determines eligibility for services and assesses how many hours of assistance can be authorized. IHSS arranges for and oversees caregivers who provide non-medical services such as housekeeping, cooking, laundry, shopping and personal care (e.g. help with bathing, eating, dressing). For those who do not qualify for IHSS, the department provides information and referrals to outside agencies.

The IHSS unit is staffed by 12 social workers and three social worker supervisors. Federal, state and county funds support IHSS.

Public Guardian (PG) aids people through both probate and Lanterman-Petris-Short (LPS) conservatorships. Conservatorships are court-ordered and court-monitored proceedings.

A probate conservatee is typically a person whose mental and physical problems are associated with the aging process. The person often lives alone and sometimes has a sizeable estate. The conservatee has been determined to be unable to resist fraud or undue influence. Referrals come from APS as well as from hospitals, families and community organizations. The probate conservatorship lasts until the conservatee dies or until the court terminates the conservatorship.

LPS serves people gravely disabled as a result of mental disorders or impairment. Referrals come from the mental health system. The LPS conservatorship is terminated automatically after one year but may be renewed annually at a court hearing. Through an LPS conservatorship the PG protects and cares for the conservatee by arranging for housing, hospitalization, medical care or psychiatric treatment. Conservators also manage the conservatee's funds, pay debts, apply for entitlements and keep benefits and entitlements in force.

The Shasta County Chief Public Guardian, a chief deputy public guardian, two deputy public guardians, a service aide, a legal secretary and an office assistant II staff the PG unit. Shasta County Mental Health, conservatorship fees and the Shasta County general fund finance the PG office.

Findings

1. Adult Protective Services (APS) social workers stated that an ideal workload is around 30 cases; however, they currently manage between 40 and 50 cases each.
2. APS social workers told the Grand Jury that they are often concerned for their safety. Cell phone reception is poor in some areas of the cities and non-existent in many outlying communities such as Shingletown, Fall River Mills and Platina. Consequently, a social worker who encounters a personal safety situation may be unable to call for help.
3. A Shasta County Sheriff's deputy or a city police officer may accompany a social worker investigating a case of alleged abuse who is aware of or suspects a threatening situation.
4. Through fiscal year 2007/2008 APS had a contract with the Redding Police Department for \$92,000 to provide a specially trained investigator to assist social workers on cases as needed. APS also had contracts with the Shasta County Sheriff's Office and the Anderson Police Department. However, due to County budget cuts this past fiscal year, the contract with the Redding Police Department was terminated and substantial reductions were made to the Shasta County Sheriff's Office and the Anderson Police Department contracts.
5. Staff interviewed by the Grand Jury stated that in their opinion elder abuse is under-reported. However APS has implemented a media campaign using posters and advertisements to educate the public. APS offers training to report suspicious actions which might indicate abuse.
6. There is no formal sign-out mechanism to indicate the destinations of social workers when they leave the APS office. Consequently, their locations and expected return times are often unknown. If

7. According to staff the Grand Jury interviewed, APS social workers are expected to learn their jobs through unstructured on-the-job training. Social workers' attendance at professional conferences offering knowledge and skill development has been curtailed because of budget restraints. Peace officers provide limited training on safety issues.

8. The Grand Jury learned that although any person is capable of abusing an elder, the typical abuser is a son, 40 to 50 years old, a substance abuser, who moves in with an elderly parent to act as the primary caregiver. Some indicators of abuse are disappearance of money, cars and personal property; irregularities with bank accounts; and isolation from friends and family. Frequently elderly people do not know what is happening or, if they do, they are too embarrassed or humiliated to report the abuse. They also fear causing trouble for their son/caregiver.

Recommendations

1. The Grand Jury recommends that APS purchase two satellite phones for use by social workers traveling to areas of the county where cell phone usage is limited. Satellite phones would provide a much needed measure of safety.
2. The Grand Jury recommends that APS provide a personnel sign-in/sign-out board on which all employees leaving the premises during work hours are required to post their times of departure, their destinations and their expected times of return. In addition, the Grand Jury recommends integrating GPS capabilities into the cell phones used by social workers. In case of an emergency a GPS could pinpoint the location of a social worker.
3. The Grand Jury recommends that APS provide formal, structured on-the-job training, utilizing a learning check list that articulates in detail what the social workers must do to perform the job to expected standards. The training also should prepare social workers to meet and respond to threatening or emergency situations.
4. The Grand Jury recommends that Shasta County Adult Services re-evaluate its budget to make available funds for reinstating law enforcement contracts which would provide specially trained investigators to assist in abuse cases.

Responses Required

- Shasta County Board of Supervisors as to Recommendations 1 through 4.

Method of Inquiry

The Grand Jury interviewed:

- Shasta County Social Services Director
- Shasta County APS/Public Guardian program manager
- Shasta County APS Supervisor
- Shasta County APS Senior Service Staff Analyst
- Shasta County APS social worker
- Shasta County APS former social worker

The Grand Jury visited:

- Shasta County Adult Services office

The Grand Jury reviewed the following:

- APS Web site www.co.shasta.ca.us/Departments/SocialServices/AdultServices
- Shasta County Adult Services brochure dated October 15, 2008
- Shasta County Adult Services customer satisfaction survey dated August 12, 2008
- Shasta County Public Guardian fee schedule



Shasta County

BOARD OF SUPERVISORS

1450 Court Street, Suite 308B
Redding, California 96001-1680
(530) 225-5557
(800) 479-8009
(530) 225-5189-FAX

DAVID A. KEHOE, DISTRICT 1
LEONARD F. MOTY, DISTRICT 2
GLENN HAWES, DISTRICT 3
LINDA HARTMAN, DISTRICT 4
LES BAUGH, DISTRICT 5

August 18, 2009

The Honorable Stephen H. Baker
Presiding Judge, Shasta County Superior Court
1500 Court St., Rm. 205
Redding, CA 96001

Re: Response of Board of Supervisors to Fiscal Year 2008-2009 Grand Jury Report

Dear Judge Baker:

The Shasta County Board of Supervisors appreciates the time and dedication which the 2008-2009 Grand Jurors contributed to their charge. The following findings and recommendations are under serious consideration and discussions are being held regarding solutions to any unresolved problems.

RESPONSES AND FINDINGS

BOARD OF SUPERVISORS:

A. SHASTA MOSQUITO ABATEMENT DISTRICT

RECOMMENDATIONS:

2. The Grand Jury recommends that the City Councils of the City of Redding, the City of Anderson, the City of Shasta Lake and the Shasta County Board of Supervisors adopt a selection process that includes personal interviews for all appointments and reappointments to the board of trustees of the SMVCD.

Response The Shasta County Board of Supervisors disagrees with this recommendation as the Shasta County Board of Supervisors has no statutory

authority to adopt a selection process which would include personal interviews for appointments and reappointments to the SMVCD board of trustees. Further, the Shasta County Board of Supervisors finds the SMVCD selection process currently in place, is adequate to fulfill the requirements and needs of the SMVCD.

BOARD OF SUPERVISORS *(Since issuance of the Grand Jury Report, Risk Management has issued a check to the complainant for the appraised value of his three handguns.)*

B. SHASTA COUNTY SHERIFF'S OFFICE: FIREARMS CONFISCATION

RECOMMENDATIONS:

4. The Grand Jury recommends that the Shasta County Risk Management Office reopen the complainant's claim and review new information discovered by the Grand Jury indicating that the guns should not have been sold.

Response: N/A

5. The Grand Jury recommends that the complainant be reimbursed for the appraised value of his three handguns.

Response: N/A

BOARD OF SUPERVISORS *(The Board previously provided responses on April 14, 2009, but will include them with this response for the convenience of the Court.)*

C. AGRICULTURE - WEIGHTS & MEASURES

RECOMMENDATIONS:

1. The fueling station inspector should be authorized to take home the county testing vehicle when this practice would shorten travel time, save gas and vehicle wear and tear, and allow the inspector more time to inspect fuel pumps.

Response The Board of Supervisors concurs with the recommendation in that this is an allowable authorization by the Department Head per County policy. The Board of Supervisors further finds that the California Business and Professions Code Section 12209 states that, "Every Sealer shall (a) Carefully preserve all copies of the standards of weights and measures in his possession; (b) Keep the copies in a safe and suitable place when not actually in use". All of

the County's weights & measures testing devices (standards) are officially traceable to the state, federal, and international standards. Preserving the integrity of these pieces of equipment is one of a County Sealer's primary duties. Additionally, all testing equipment is very expensive and must be maintained to maximize their useful life spans and minimize costs to the public.

These particular pieces of testing equipment are permanently mounted on a truck bed and are stored in the department's shop garage. They are stored in the garage for security, maintenance, safety, and liability reasons. Garaging them daily minimizes their exposure to potential vandalism and the elements. It also prevents any inspection of this unique truck by children or others who might be curious and might be tempted to touch or climb on the equipment. Glass gauges could be broken or the provers themselves could be dented or damaged. Any damage to the provers will destroy their integrity and immediately terminate their certification as official standards. Additionally interested parties could hurt themselves by climbing on the truck, etc. and expose the County to unnecessary liability.

County policy allows (Section 34.9 B) a department head to authorize an employee to retain a vehicle overnight...for a limited term to enable completion of special or unusual assignments. Retail meter (gas station) inspections typically do not meet this standard. The shop is fairly centrally located (and is even closer to the individual's home generally assigned this duty than the office is). Because of the security, maintenance, safety, and liability concerns the vehicle is garaged in a county facility. Any employee assigned to this job is allowed to start their day from the shop thereby eliminating the need to come into the office at the start of the day. No employee has ever requested to take the vehicle home and if that request is made it would be considered in conformance with County policy, the Grand Jury's recommendation, and the need to store the vehicle properly. The truck would not be allowed to be parked on the street at an employee's home.

2. The County should consider increasing the load capacity of the next vehicle used by the Shasta County Department of Agriculture/Weights & Measures for testing fuels and pumps by purchasing a heavy duty one-ton truck during the next replacement cycle.

Response The Board of Supervisors concurs with this recommendation and finds that this is an excellent recommendation and it is the Department's intent to eventually replace the existing vehicle with a heavy duty one-ton truck. The existing vehicle is an older County fleet vehicle that was retrofitted with the

testing equipment because the department was not able to fund a new vehicle when the equipment was initially purchased. Staff worked with Fleet Management to safely complete the retrofit.

BOARD OF SUPERVISORS

D. ADULT SERVICES

RECOMMENDATIONS:

1. The Grand Jury recommends that APS purchase two satellite phones for use by social workers traveling to areas of the county where cell phone usage is limited. Satellite phones would provide a much needed measure of safety.

Response The Board of Supervisors concurs with the recommendation with a slight modification. Social Services – Adult Protective Services has purchased and is in the process of testing and setting up usage guidelines for the utilization of two Satellite Personal Tracker (SPOT) devices to provide a means of communication for social workers who find themselves in areas without cell phone reception. These devices include a GPS locator feature, and will send pre-programmed messages including an emergency call for assistance to pre-programmed email and cell or other phone numbers as well as 911. Implementation of these devices is to occur in the near future.

2. The Grand Jury recommends that APS provide a personnel sign-in/sign-out board on which all employees leaving the premises during work hours are required to post their times of departure, their destinations and their expected times of return. In addition, the Grand Jury recommends integrating GPS capabilities into the cell phones used by social workers. In case of an emergency a GPS could pinpoint the location of a social worker.

Response The Board of Supervisors concurs with this recommendation and it has been implemented. APS has used an in-out board for many years that included the expected time of return, but have added the physical addresses of the destinations workers are traveling to. The APS duty officer will monitor activity flow and take appropriate action if a worker is not back at the time noted on the board.

As noted in the response to the satellite phone recommendation, the SPOT devices include GPS technology to provide an additional measure of safety for social workers in the field.

APS staff meets every morning as a group to discuss staff assignments and any identified visitation safety concerns. If any safety concern is brought forward two staff will be sent out on the visitation and/or law enforcement will be asked to accompany the social worker. This process acts as an additional safeguard for social workers and was implemented years ago.

3. The Grand Jury recommends that APS provide formal, structured on-the-job training, utilizing a learning check list that articulates in detail what the social workers must do to perform the job to expected standards. The training also should prepare social workers to meet and respond to threatening or emergency situations.

Response The Board of Supervisors concurs with this recommendation, and in addition to its regular training procedures, APS is in the process of implementing a formal structured on-the-job training plan that utilizes a learning checklist and includes prevention tactics and response to threatening or emergency situations.

Annual safety trainings by local law enforcement will continue to be held for all staff to ensure safety while working in the office and out in the field.

4. The Grand Jury recommends that Shasta County Adult Services re-evaluate its budget to make available funds for reinstating law enforcement contracts which would provide specially trained investigators to assist in abuse cases.

Response The Board of Supervisors does not agree with this recommendation as the program does not have the resources to reinstate these contracts. APS will continue to work with all law enforcement agencies toward maintaining collaborative relationships and providing training to allow for more thorough response to and investigation of criminal elder abuse issues.

BOARD OF SUPERVISORS

E. PURCHASING

RECOMMENDATIONS:

1. The Grand Jury recommends that Shasta County Board of Supervisors expand section 2.4 of the Shasta County Contracts manual (contract manual) to include standardized procedural guidelines for establishing open accounts with local vendors and for making purchases and paying invoices on those accounts.

Response The Board of Supervisors concurs with the recommendation. Staff will review section 2.4 and provide recommendations to upgrade the policy where appropriate. Consideration shall include but not be limited to; assessing procedures for how open accounts with local vendors are created, how purchases are approved, and how invoices are paid on those accounts.

2. The Grand Jury recommends that in expanding section 2.4 of the contracts manual the county adopt a policy that requires departments to go through the purchasing division to establish new open accounts so that the county maintains one central control for those accounts.

Response The Board of Supervisors concurs with the recommendation. The County will study the feasibility, cost and efficiency of implementing this recommendation or developing additional controls to ensure that accounts are created and managed in accordance with established procedures.

3. The Grand Jury recommends that each department head using open accounts be required to establish written purchasing policies and procedures specific to that department's open account activity, in accordance with the standardized guidelines established by the county in Recommendations 1 and 2.

Response The Board of Supervisors concurs with the recommendation. The County encourages departments to incorporate county wide policies into their daily operations and believes that appropriate business controls will be in place and standardized by the taking of action on recommendations one and two.

4. The Grand Jury recommends that all county employees involved in the purchasing process receive formal, written and documented training in purchasing procedures.

Page 7

August 18, 2009

The Honorable Stephen H. Baker

Responses: The Board of Supervisors concurs with the recommendation. The county already conducts an annual employee training series that includes a module on purchasing procedures. The county will look to include additional written materials in this training and ensure that the training is documented.

Sincerely,



Glenn Hawes, Chairman
Board of Supervisors
County of Shasta

GH:LL/rbhl

✓ Cc: Members of the Grand Jury

County of Shasta

Understanding Property Taxes

Shasta County Assessor/Recorder, 1450 Court Street, Redding, CA 96001 (530) 225-3600

Go figure!

The Shasta County Grand Jury examined how properties are assessed and taxed. We interviewed the Shasta County Assessor/Recorder and the Deputy Assessor/Recorder to learn how property taxes are assessed and to understand the methods available to the taxpayer if there is disagreement with a property's appraisal. The Grand Jury explored:

- How Proposition 13 is applied to property
- How Proposition 8 affects property taxes
- How different amounts of taxes are levied on two similar adjacent properties
- How personal property, such as boats and aircraft, is taxed and assessed
- How improvements to a property might affect the amount of the tax bill
- How to appeal the amount or calculation of taxes assessed against a property

Proposition 13 In 1978 California voters approved Proposition 13, which instituted major property tax reform. The proposition created a state constitutional amendment that limited tax assessments to 1 percent of the 1978 market value of property, and limited future annual tax increases to 2 percent so long as the property does not change hands.

Proposition 8 a 1978 companion bill to Proposition 13, is a voter-approved constitutional amendment. It was designed to allow county assessors to reduce assessments temporarily when property values as of January 1 of any year are determined to have declined below the value on the assessment roll.

Once a property revaluation is made under Proposition 8, the value of the property must be reviewed as of January 1 of each year to determine whether or not the current fair market value remains lower than its base year value plus the annual 2 percent increases. So long as the property's fair market value remains below the base year valuation, the associated tax assessments may fluctuate from year to year without limitation, to reflect changes in the market. The factored base year value is to be restored once the market value exceeds the property's base year value.

Under Proposition 8 the county assessor may initiate assessment review without a request from the property owner.

Proposition 8 functions as follows: if a person bought a home two years ago and \$400,000 was recorded as the base value, normally the assessed value would increase by 2 percent each year under Proposition 13.

But if the fair market value drops below \$400,000, a property owner qualifies for a Proposition 8 reduction of valuation and pays taxes on the lower amount. When the fair market value again exceeds \$400,000, the Proposition 8 reduction no longer applies.

In addition, the Office of the Assessor reviews Proposition 8 reductions annually on January 1. Property ad valorem taxes (normal property tax) are the major source of revenue for state and municipal governments.

Two adjacent like properties The tax amounts assessed on two adjacent but like properties differ because of the property values at the time of purchase. The taxes levied on a property purchased in 1990 for \$250,000 is different from a similar property sold in 2005 for \$350,000. The 1990 property is taxed at 1 percent of its base value, or \$2,500. The tax assessment is increased by 2 percent (\$50) per year, (\$700 in 14 years). By 2005, the 1990 property taxes rise to \$3,200 annually. The re-assessment on the property bought in 2005 is 1 percent of its sale price of \$350,000, and the taxes for the property are set at \$3,500.

Personal Property Watercraft and aircraft are considered personal property and are assessed every year. Assessment is based on true value of the boat or airplane. The appraiser uses a standard methodology in determining fair market value. Some factors used in determining the value of a particular craft are its length, type, make, model, size of motor and condition. To determine a craft's value, the assessor uses the "NADA" watercraft value book. Aircraft owners are sent a property questionnaire each year that provides the assessor with pertinent information on the craft. The assessor determines the value of the aircraft using several references, one of which is the "Aircraft Price Digest." The Assessor/Recorder provides a user-friendly Web site, and provides person-to-person assistance to taxpayers.

Property Improvements If improvements add real value to a property, the assessor levies additional taxes at a rate of 2 percent of current market value. Improvements such as painting, plumbing replacements, driveway repair and fence replacements are considered routine maintenance and are not factored in the appraisal of the property. While solar panels are excluded from assessments, wind turbines have yet to be included in the exemption from property taxes.

The Appeal Process Taxpayers contesting the amount of levied taxes against their property, whether real or personal, may request a review of the assessments. When determining whether or not an assessment should be changed, the assessor's staff examines all original data on the property in question and any additional information provided.

Requests for assessment reviews should be submitted to the Assessor's Office, 1450 Court Street, Suite 208-A, Redding, CA 96001. If the review of the property's valuation or tax assessment does not result in a satisfactory resolution, the taxpayer may file an appeal with the Assessment Appeals Board (AAB).

The AAB conducts formal hearings to resolve disputes regarding the valuations of property. After considering evidence from both the county assessor and property owner, the AAB then establishes the value of the property in question. Assessment Appeals are to be filed with the Shasta County Office of the Clerk of the Board of Supervisors, 1450 Court Street, Suite 308-B, Redding, CA 96001. For information and an application, call the clerk of board's office at 530-225-5550. Assessment appeals may be filed only between July 2 and November 30 of the current tax year.

Summary

Both propositions 13 and 8 limit increases in property taxes in California. The assessor's office staff assesses newly-purchased real property as mandated by Proposition 13. Proposition 8 provides for temporary reassessment of properties whose values have fallen below the original base value as set pursuant to Proposition 13. Because of various provisions in the law, tax bills for adjacent similar properties may differ one from another.

During business hours the Assessor/Recorder staffs a Public Service Section at 530-225-3600 to assist taxpayers. The office also maintains a Web site at www.co.shasta.ca.us. The link features an assessment appeals pamphlet, a video and an appeal application.

Method of Inquiry:

- "Means Tax Fairness for Property Owners" (Proposition 8) Bill Postmus, San Bernardino County Assessor, August 24, 2007
- California Constitution, § (b) of Article XIII A
- Revenue and Taxation Code, §51
- Redding Record Searchlight, "Officials busy reassessing property values," December 13, 2008

Shasta County

Purchasing

Shasta County Support Services, 1450 Court Street, Redding, CA 530-225-5343

Put it in writing

Background

The Shasta County Grand Jury looked at the policies and procedures of Shasta County for making purchases. The first step was examining the Shasta County Contracts Manual, Administrative Policy 6-101 of the Board of Supervisors, effective March 4, 2008 (contracts manual).

The contracts manual clearly states the county's policies and procedures for making and tracking large purchases. It includes extensive information regarding purchasing computers, computer software, equipment maintenance and repair services, fixed assets, and items or groups of items costing \$1,000 or more. As a general rule, such purchases must be made under the authority of the county's purchasing agent (who is also the county's administrative officer) through the Purchasing Division of the Shasta County Support Services Department (purchasing).

Regarding purchases of less than \$1,000, however, there is little in the contracts manual addressing procedures for making such purchases, and nothing with respect to making such purchases on an open account. An open account in this case is a charge account with a local vendor on which the county makes purchases of less than \$1,000 each on credit and then pays for these purchases per invoice periodically - usually monthly. Section 2.4 of the contracts manual, page 17, states simply:

When there is no blanket purchase order covering a specific item or related groups of items, the department head can purchase the item(s) directly from the vendor without going through the Purchasing Division, so long as the total cost is less than \$1,000 (including tax, delivery, and set-up charges).

Although the percentage of county purchases made using open accounts is minimal, the Grand Jury decided to investigate the actual practices used at the department level for these small purchases because there are no uniform purchasing procedures at the county level.

The Grand Jury visited three of the departments/divisions that make small purchases on open accounts and spoke to department supervisors, accounting personnel and some county employees who make purchases on these accounts.

Findings

1. There are no written county level procedures for the process of establishing open accounts with local vendors or for making purchases on those accounts.
2. All departmental accounting personnel interviewed seem well-acquainted with the department's particular procedures for making open account purchases, but the Grand Jury finds either that the department does not have written procedures, or that procedures, if written, are disorganized and incomplete.
3. Departmental personnel interviewed said that they received training on purchasing informally "on the job" and verbally from co-workers.
4. The county purchasing division is not involved in establishing or monitoring open accounts with local vendors – only in maintaining and distributing the lists of authorized signers for those accounts.

Recommendations

1. The Grand Jury recommends that Shasta County Board of Supervisors expand section 2.4 of the Shasta County Contracts Manual (contract manual) to include standardized procedural guidelines for establishing open accounts with local vendors and for making purchases and paying invoices on those accounts.
2. The Grand Jury recommends that in expanding Section 2.4 of the contracts manual the county adopt a policy that requires departments to go through the purchasing division to establish new open accounts so that the county maintains one central control for those accounts.
3. The Grand Jury recommends that each department head using open accounts be required to establish written purchasing policies and procedures specific to that department's open account activity, in accordance with the standardized guidelines established by the county in Recommendations 1 and 2.
4. The Grand Jury recommends that all county employees involved in the purchasing process receive formal, written and documented training in purchasing procedures.

Responses Required

- Shasta County Board of Supervisors as to Recommendations 1 through 4.

Method of Inquiry:

The Grand Jury interviewed:

- Shasta County Auditor/Controller
- Shasta County Purchasing Division personnel
- Shasta County departmental supervisors, accounting personnel and employees from the following departments:
 - Shasta County Sheriff's Office
 - Shasta County Department of Public Works
 - Shasta County Department of Public Health
- Three local vendors with whom Shasta County has open accounts

The Grand Jury reviewed:

- Shasta County Contracts Manual
- Accounting Policies and Procedures from the following departments:
 - Shasta County Sheriff's Office
 - Shasta County Department of Public Works
 - Shasta County Department of Public Health



Shasta County

BOARD OF SUPERVISORS

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August 18, 2009

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Presiding Judge, Shasta County Superior Court
1500 Court St., Rm. 205
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Re: Response of Board of Supervisors to Fiscal Year 2008-2009 Grand Jury Report

Dear Judge Baker:

The Shasta County Board of Supervisors appreciates the time and dedication which the 2008-2009 Grand Jurors contributed to their charge. The following findings and recommendations are under serious consideration and discussions are being held regarding solutions to any unresolved problems.

RESPONSES AND FINDINGS

BOARD OF SUPERVISORS:

A. SHASTA MOSQUITO ABATEMENT DISTRICT

RECOMMENDATIONS:

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Response The Shasta County Board of Supervisors disagrees with this recommendation as the Shasta County Board of Supervisors has no statutory

authority to adopt a selection process which would include personal interviews for appointments and reappointments to the SMVCD board of trustees. Further, the Shasta County Board of Supervisors finds the SMVCD selection process currently in place, is adequate to fulfill the requirements and needs of the SMVCD.

BOARD OF SUPERVISORS *(Since issuance of the Grand Jury Report, Risk Management has issued a check to the complainant for the appraised value of his three handguns.)*

B. SHASTA COUNTY SHERIFF'S OFFICE: FIREARMS CONFISCATION

RECOMMENDATIONS:

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Response: N/A

5. The Grand Jury recommends that the complainant be reimbursed for the appraised value of his three handguns.

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BOARD OF SUPERVISORS *(The Board previously provided responses on April 14, 2009, but will include them with this response for the convenience of the Court.)*

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Response The Board of Supervisors concurs with the recommendation in that this is an allowable authorization by the Department Head per County policy. The Board of Supervisors further finds that the California Business and Professions Code Section 12209 states that, "Every Sealer shall (a) Carefully preserve all copies of the standards of weights and measures in his possession; (b) Keep the copies in a safe and suitable place when not actually in use". All of

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BOARD OF SUPERVISORS

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RECOMMENDATIONS:

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BOARD OF SUPERVISORS

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1. The Grand Jury recommends that Shasta County Board of Supervisors expand section 2.4 of the Shasta County Contracts manual (contract manual) to include standardized procedural guidelines for establishing open accounts with local vendors and for making purchases and paying invoices on those accounts.

Response The Board of Supervisors concurs with the recommendation. Staff will review section 2.4 and provide recommendations to upgrade the policy where appropriate. Consideration shall include but not be limited to; assessing procedures for how open accounts with local vendors are created, how purchases are approved, and how invoices are paid on those accounts.

2. The Grand Jury recommends that in expanding section 2.4 of the contracts manual the county adopt a policy that requires departments to go through the purchasing division to establish new open accounts so that the county maintains one central control for those accounts.

Response The Board of Supervisors concurs with the recommendation. The County will study the feasibility, cost and efficiency of implementing this recommendation or developing additional controls to ensure that accounts are created and managed in accordance with established procedures.

3. The Grand Jury recommends that each department head using open accounts be required to establish written purchasing policies and procedures specific to that department's open account activity, in accordance with the standardized guidelines established by the county in Recommendations 1 and 2.

Response The Board of Supervisors concurs with the recommendation. The County encourages departments to incorporate county wide policies into their daily operations and believes that appropriate business controls will be in place and standardized by the taking of action on recommendations one and two.

4. The Grand Jury recommends that all county employees involved in the purchasing process receive formal, written and documented training in purchasing procedures.

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August 18, 2009

The Honorable Stephen H. Baker

Responses: The Board of Supervisors concurs with the recommendation. The county already conducts an annual employee training series that includes a module on purchasing procedures. The county will look to include additional written materials in this training and ensure that the training is documented.

Sincerely,



Glenn Hawes, Chairman
Board of Supervisors
County of Shasta

GH:LL/rbhl

✓ Cc: Members of the Grand Jury

County of Shasta

Office of the Auditor-Controller, our elected CFO

County of Shasta, Auditor-Controller, 1450 Court Street, Redding, CA 96001 (530) 225-5771

Watching the county's money

The Shasta County Auditor–Controller (auditor) is the elected chief financial officer for Shasta County. The auditor administers safeguards which require taxpayers' dollars to be used legally and within recognized accounting practices. In other words, the auditor is the “watchdog” of county public funds.

The Shasta County Grand Jury reviewed in detail three areas of the auditor's functions: the internal audit program, the financial statement preparation process and the newly implemented financial system.

The internal audit program

Staffing shortages in the auditor's office have limited the ability to complete internal audits for fiscal year 2008/2009. However, the auditor recently hired a certified public accountant to supervise internal audits and also assigned a staff accountant to that function. Currently the internal audit section is evaluating several county departmental requests for audits.

Overview of the financial statement preparation process

In past years an outside accounting firm often gathered financial transaction data and prepared the financial statements. It is now standard practice for county management to prepare the financial statements and to hire an outside auditor to review them and render an opinion. Every year the Grand Jury and the Shasta County Board of Supervisors retain an outside firm to perform the review.

This year Gallina, LLP, Certified Public Accountants (firm), performed the review. The firm gave an unqualified opinion stating in part:

In our opinion, based on our audit and the reports of the other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund and the aggregate remaining fund information of the County of Shasta, as of June 30, 2008, and the respective changes in financial positions and cash flows, wherein applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

The auditor stated that Shasta County produces only those traditional financial statements required by law which provide financial performance information about a government's fiscal and operational accountability. However, some counties and cities produce an expanded report called a Comprehensive Annual Financial Report (CAFR), a higher level report useful for the dissemination of statistical and performance data. It includes information needed to evaluate the success in maintaining or improving the "service efforts and accomplishments" (S.E.A.) which government provides.

S.E.A. performance information includes data regarding a government's inputs (e.g., number of law enforcement officers, or tons of asphalt used to repair roads), outputs (e.g., the graduation rate at area high schools, or gallons of waste water treated annually), outcomes (e.g., percentage of emergency medical service incidents responded to within five minutes, or the physical condition of public roads), and efficiencies (e.g., cost per ton of trash collection, or cost per child enrolled in an after-school program).

Without S.E.A. one cannot evaluate how government cost effectively paves roads, educates children and controls crime. S.E.A. can also show how the government's performance may have changed over time. The objective of S.E.A. reporting is to provide the public with such information.

The auditor has set as an objective the development of the basic data for the higher level reporting. Obtaining that objective requires the full commitment and support of the County Administrative Officer (CAO), because much of the statistical reporting and development of data start with the budgeting process, which is under the direction of that office. The CAO also provides input related to the budgets and economic factors for future fiscal years.

In addition to the financial audit review an outside accounting firm examines the accounting and controls that the county exercises over governmental grants. This "Single Audit Report" helps determine whether or not the county complies with the requirements of the U.S. Office of Management and Budget.

The financial reports and county budget are available for public review on the auditor's Web site: http://www.co.shasta.ca.us/html/Auditor/audit_financial.htm

Overview of the newly implemented financial system

The auditor provided the Grand Jury an overview of the newly implemented financial system (IFAS 7i), which is a fully integrated Web-based computer system. It provides for the electronic transmission of source documents, pre-determined flow of documents, and electronic signatures for authorizations at multiple levels based upon predetermined criteria. The IFAS 7i system also includes extensive

reporting and incident alert capabilities. The auditor believes that, although the system was a major investment for the county, it has added significantly to the efficiency, with related cost savings, of financial processing, reporting and control.

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