

FINAL REPORT OF THE 2023-2024 LASSEN COUNTY CIVIL GRAND JURY



Hall of Justice
2610 Riverside Drive
Susanville, CA 96130

June 30, 2024

LASSEN SUPERIOR COURT

Mark Nareau
Presiding
Superior Court Judge



2610 Riverside Drive
Susanville, CA 96130
(530) 251-8205 Ext. 113

July 8, 2024

Clerk of the Court
Lassen County Superior Court
2610 Riverside Drive
Susanville, CA 96130

To the Clerk of the Court:

As Presiding Judge of the Lassen County Superior Court, I hereby instruct the Clerk to accept for filing the 2023-2024 Lassen County Grand Jury Final Report as presented to me the 8th day of July 2024.

Sincerely,

A handwritten signature in blue ink that reads 'Mark Nareau'.

Mark Nareau
Presiding Judge
Lassen County Superior Court

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County of Lassen, State of California
Civil Grand Jury

Lassen County Hall of Justice
2610 Riverside Drive, mailbox # 48
Susanville, California 96130

Foreperson:	Curtis Bortle (Vacated March 2024)
Foreperson Pro Tempore:	Todd Murray
Secretary:	Eugene Ilten
Financial Officer:	Deana Bovee
Sergeant At Arms:	Mathew Urquizu

June 13, 2024

Hon. Mark Nareau, Presiding Judge
Lassen County Superior Court
2610 Riverside Drive
Susanville, California 96130

Re: Lassen County Civil Grand Jury

Dear Presiding Judge Nareau

On behalf of the members of the 2023-2024 Lassen County Civil Grand Jury - LCCGJ, I submit our final report to you, and, with its publication, to the residents of Lassen County. The materials that follow in this report represent an impressive amount of work completed by an exemplary and dedicated group of civil grand jurors.

The 2023-2024 LCCGJ term enjoyed a dedicated turnout from its grand jurors having received a majority and often a supermajority of its members attending bi-monthly scheduled meetings. Our bi-monthly meetings were routinely scheduled on the second and fourth Thursday from 1:00 PM to 3:00 PM. Additional meetings were scheduled based on demand and subcommittee activities. Frequently, subcommittees would branch off and meet on separate days to discuss assigned complaints brought forward to the LCCGJ.

There were eleven returning members from the 2022-2023 LCCGJ term. This term we had a total of nineteen LCCGJ members. Please note, that Curtis Bortle faithfully and honorably served as Foreperson until April 2024 but had to step down upon being sworn in as a Lassen County, City of Susanville elected City Council member following the March 2024 elections.

The 2023-2024 LCCGJ received and reviewed fewer than 10 complaints that were submitted by various members of the public. The 2023-2024 LCCGJ acted on each complaint in the matter that the jury determined to be most appropriate. The jury extended similar considerations to various issues, complaints, and concerns that sprung from within the LCCGJ member's group.

I want to personally thank our LCCGJ members for their dedication, personal sacrifice, hard work, civic mindedness, and their thoughtful and spirited conversations. Much appreciation and gratitude to our 2023-2024 LCCGJ officers: Eugene Ilten, Secretary, spending countless hours keeping us organized and our meetings on task as he captured meeting minutes and updated our agendas; to Deana Bovee, Financial Officer, for the many hours spent tracking members attendance, managing and tracking our expenses as well as taking the lead on a variety of additional activities; and, Mathew Urquizu, our Sergeant At Arms. On behalf of the entire 2023-2024 LCCGJ we want to recognize Jennifer Mossi, our 'editor in chief' for spending an incredible amount of time coordinating with committee team members, compiling committee reports, formatting and editing our findings into this final report.

Thank you for affording me the opportunity to serve on the 2023-2024 LCCGJ and in the capacity of foreperson pro tempore.



Todd Murray
Foreperson Pro Tempore

2023-2024 Civil Grand Jury Members

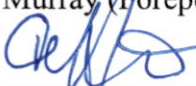
- *Curtis Bortle (Foreperson) (Vacated March 2024)
- *Todd Murray (Foreperson pro-tem)
- *Matthew Urquizu (Sargeant at Arms)
Eugene Ilten (Secretary)
- *Deana M. Bovee (Financial Officer)
Stephen Blakeman
- *Jaime Guzman
- *Harold Kimbriel
- *Kathleen McIntyre
Jennifer M. Mossi
- *Dan Paez
Katherine Pawley
- *Alicia Presswood
- *Leighton Ratkey
Janis Smith
Frank Stevenson
Brent Wellman
Erich Woltjen
- *Glen Yonan
- *Returning members from 2022-2023 Civil Grand Jury

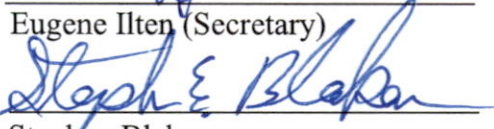
LASSEN COUNTY CIVIL GRAND JURY (LCCGJ) MEMBERS' DISCLAIMER AND SIGNATURES

The Grand Jury recognizes that a conflict may arise in the course of its investigations. In such instances the juror may ask to be recused from all aspects of an investigation. Those members may choose not to investigate, attend interviews and deliberations, or assist in the making and acceptance of a final report that may result from an investigation.

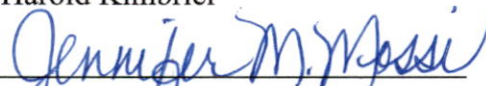
There, whenever the perception of a conflict of interest existed on the part of a member of the 2023-2024 Lassen County Grand Jury, that member abstained from any investigation involving such a conflict and from voting on the acceptance or rejection of any related subject. By signing this final report, I approve it even though I may have recused myself from, or voted against, certain individual reports, which the majority approved.

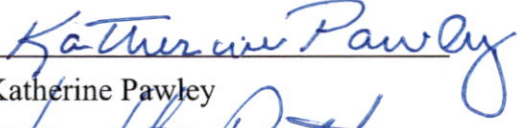

Todd Murray (Foreperson Pro-Tem)

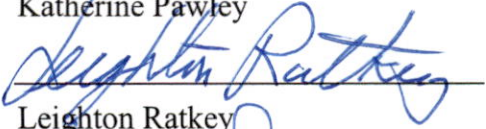

Eugene Ilten (Secretary)

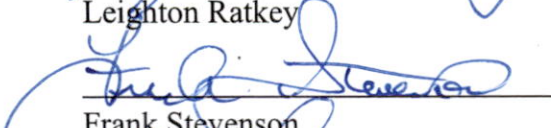

Stephen Blakeman

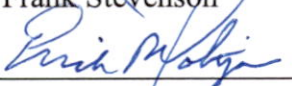

Harold Kimbriel

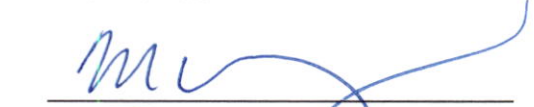

Jennifer M. Mossi

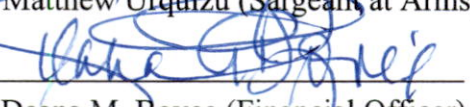

Katherine Pawley

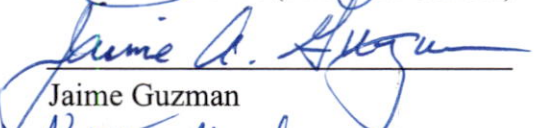

Leighton Ratkey


Frank Stevenson

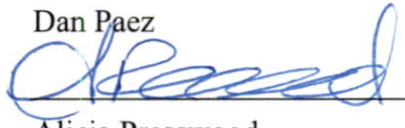

Erich Woltjen

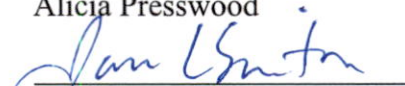

Matthew Urquiza (Sergeant at Arms)

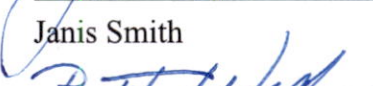

Deana M. Bovee (Financial Officer)


Jaime Guzman


Kathleen McIntyre


Dan Paez


Alicia Presswood


Janis Smith


Brent Wellman


Glen Yonan

CALIFORNIA GRAND JURIES

The California Penal Code describes the organization, powers, duties, and general structure of the Grand Jury. All of California's 58 counties are required to have Grand Juries.

The major function of a Civil Grand Jury is to oversee all aspects of the legislative and administrative departments that make up county, city, and special district governments. It has the power to examine and guarantee that those who are given the responsibility of managing these offices are: truthful, dedicated, and sincere in their efforts to serve the public. There are 42 states that have some form of Grand Jury, but California and Nevada mandate the impaneling of a Grand Jury each year.

The Lassen County Grand Jury is a judicial body of 19 citizens impaneled to watch over the citizens of Lassen County.

Grand Jurors are forbidden by law to disclose any evidence acquired during investigations or disclose the names of complainants or witnesses. After investigations are completed, it is the responsibility of the Grand Jury to recommend changes that should be made in order to increase efficiency and improve services to the general public. Special commendations may also be made to departments or agencies for excellence in management.

The reports that are released have been collected, voted on by at least 12 members, and the results carefully edited by the editorial committee for a Final Report to be released to the public.

The Final Lassen County Grand Jury Report is distributed as the Distribution List indicates on the following page. Both reports and responses are available on the Superior Court website at www.lassen.courts.ca.gov and in the Jury Commissioner's office at Lassen Superior Court, 2610 Riverside Drive, Susanville, California 96130. The telephone number is (530) 251-8205. Lassen County website, www.co.lassen.ca.us also contains a link to the Superior Court and Grand Jury reports.

DISTRIBUTION LIST

Lassen County:

Superior Court Judge Mark Nareau
Board of Supervisors (5)
Auditor-Controller
Treasurer-Tax Collector
District Attorney
Chief Executive Officer
County Counsel
Personnel and Risk Management
Lassen County Office of Education

City of Susanville:

City Council (5)
City Administrative Officer

Corrections Facilities:

High Desert State Prison
Lassen County Adult Detention Facility

Others:

State of California Attorney General's Office
California Grand Jurors' Association
Susanville District Library
Lassen News.com
Sierra Radio Network
SusanvilleStuff.com
Modoc County Record

RESPONSES TO GRAND JURY REPORTS

SUMMARY OF PC §933.05

A compendium of all codes pertaining to Grand Jury was produced by the Governor's Office of Planning and Research. This document is available to Grand Juries through the Superior Court in respective counties. Since the compendium was assembled the following has become law.

Penal Code §933.05 provides for only two acceptable responses with which agencies and/or departments (respondents) may respond with respect to the findings of a Grand Jury report:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the findings, *in which case the respondent shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.*

Penal Code §933.05 provides for only four acceptable responses with which agencies and/or departments (respondents) may respond in respect to the *recommendations* of the Grand Jury.

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be in the future, with a timeframe for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis, with a timeframe for the matter to be prepared for discussion by the officer or head of the agency/department being investigated or reviewed, including the governing body of the public agency when applicable. *This timeframe shall not exceed six months from the date of publication of the Grand Jury Report.*
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with a detailed explanation therefore.

RESPONSE PROCEDURE TO GRAND JURY REPORTS

SUMMARY OF PC §933.05

The governance of responses to Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within 60 days, governing bodies (for example: the Board of Supervisors) must respond within 90 days.

Please submit all responses in writing and digital format to the Presiding Judge, the Grand Jury Foreperson, and the CEO's office.

Report Title: _____ **Report Date:** _____
Response by: _____ **Title:** _____

Findings

I (we) agree with the findings numbered:

I (we) disagree wholly or partially with the findings numbered:

Recommendations

Recommendations numbered: _____ have been implemented.
(Attach a summary describing the implemented actions.)

Recommendations numbered: _____ require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer and/or director of the agency or department being investigated or reviewed; including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the Grand Jury Report).

Recommendations numbered: _____ will not be implemented
because they are not warranted and/or are not reasonable. (Attach an explanation.)

Date: _____ Signed: _____

Total number of pages attached: _____

INTRODUCTION

The Civil Grand Jury is a constitutionally mandated judicial body charged with conducting investigations or inquiries "into county matters of civil concern." It is distinct from the criminal grand jury which may, from time to time, be impaneled to address criminal matters.

The Civil Grand Jury's responsibilities include investigating issues regarding City and the County government, as well as public agencies funded by the government, and issuing reports with findings and recommendations when appropriate.

All communications with the Civil Grand Jury are confidential, as are communications amongst the Grand Jurors themselves. Information provided to the grand jury in support of a complaint is carefully reviewed to determine what further action, if any, is required. If it is determined that the matter is not within the investigative authority of the Civil Grand Jury, no further investigative action is taken.

If the matter is within the legal scope of the Civil Grand Jury's investigative powers and warrants further inquiry, the Civil Grand Jury will contact and interview those individuals who may be able to provide additional information. During an investigation, all information and evidence will be considered; however, an investigation may not necessarily result in action being taken or a report (with findings and recommendations) being made by the Civil Grand Jury.

Each year, the Civil Grand Jury is required by law to inquire into the condition and management of all public prisons within the County. Accordingly, the 2023-2024 Civil Grand Jury toured High Desert State Prison, Lassen County Jail, and the Hall of Justice detention cells.

The tours of these facilities were valuable and informative. The Civil Grand Jury enjoyed meeting with, questioning, and watching presentations by institution leadership and staff who exhibited professionalism, a high degree of knowledge, and pride in and dedication to their roles.

The 2023 – 2024 Civil Grand Jury received five written complaints during its term. The Civil Grand Jury members considered each complaint. Each was inspected and acted upon in a professional and conscientious manner.

The following Civil Grand Jury Final Report is based on interviews and other information brought forth in the course of the Civil Grand Jury's investigations.

Report of the Homeless Committee On the Matter of City of Susanville and Lassen County Homelessness

Reason For Investigation

Civil Grand Jury Follow up from 2022 – 2023 Grand Jury Inquiry

Summary

In response to the homeless population in Lassen County, the Civil Grand Jury has investigated what the City of Susanville's and County of Lassen's plans are to deal with ongoing problems related to homelessness in Lassen County. Some of these problems include vagrancy, panhandling, and shoplifting. Other more serious issues are the problems of crime within homeless encampments and the locations of these camps, which include camps near the Little League Park and the High School, both of which include high volumes of children.

Background

Over the past few years, there have been numerous homeless encampments in Lassen County. The need to establish more beds has been identified by local Missions and recently they have received permits to increase their number of beds. Over the past few years, the number of encampments has grown, as well as the number of residents in the encampments. Most of these encampments are near the Susan River on property owned by private individuals, State of California, City of Susanville, and County of Lassen.

The problems that occur with these unregulated camps include water pollution, hazardous waste (including biohazards, such as human waste and drug paraphernalia), safety of citizens utilizing the river for recreation, crime, and unwanted influence of encampment residents on our children.

The search for property for permanent housing has been complicated by controversy regarding location, for example, "not in my backyard" thinking and fear that housing would attract more homeless to the City and the County. There is lack of media reporting and information to the general public regarding homelessness in the County of Lassen and the City of Susanville. A lack of collaborative discussion and consistent effort addressing homelessness between agencies involved in addressing homelessness issues may be an issue.

Discussion

A letter from the previous grand jury (2022 to 2023) regarding homelessness was sent to City of Susanville and the City responded and implemented policies. Two previous letters were also sent to Lassen County, with no response received either time. The third letter sent resulted in refusal to answer questions because the Grand Jury conducted an inquiry instead of an investigation, so responses were not legally required.

On May 23, 2023, the Civil Grand Jury finally received a letter from Contract County Counsel for Lassen County apologizing for the late response (please note that this was now the next grand jury - See Addendum/References below). The current Civil Grand Jury (2023 to 2024) decided to form a Homelessness Committee to investigate homelessness in Lassen County and City of Susanville.

At the time of an interview during the last grand jury term, a camping policy citing clear hours of permitted camping was being drafted by both the City and the County. Officers could require persons to move on it if they were camping outside of the permitted hours. Examples of this would be that between the hours of 8:00 PM and 7:00 AM the people could sleep in public places but would need to remove their camp by 7:00AM.

The City has the largest section of the Susan River being used by the homeless. This water way is regulated by the California Fish and Game Department (CFGD). So, cleaning of debris from the abandoned camps needs to be coordinated with CFGD. The process could be lengthy and cumbersome, as the CFGD Office is located in Redding. Even with the obstacles involved, the City has been making progress removing trash and debris in and around the water; some of which is hazardous.

The City and County both acknowledge the help provided by Crossroads Ministries in assisting with money for transportation, food, and shelter for those living on the streets. Crossroads Ministries is an integral part in helping solve homelessness in Lassen County.

In addition to the areas responsible by the City and County, there is at least one homeless encampment on private property at the site of the old Sierra Pacific Mill. However, with the lack of camping regulations, neither agency can require the people to leave unless it is requested by the owner of the property. At this time, it does not appear the owner objects to the camp.

The property under the bridge on State Route 36, South of the McDonald's Restaurant, is owned by CalTrans. They coordinate with the CFGD and administer homeless cleanup from their offices in Sacramento. The time required for CalTrans to go into the camps and cleanup is quite lengthy.

In November 2022, the previous Civil Grand Jury (2022-2023) wrote letters to the City and Board of Supervisors asking:

1. "What restrictions or prohibitions are codified and used by law enforcement to address loitering, panhandling, and overnight camping on public lands?"
2. "What additional or alternate restrictions or prohibitions (if any) are considered by our agency for codification so as to provide law enforcement personnel with additional or other measures to address issues (camping, accumulation of trash and/or human waste, damage to property and other crimes) that arise in conjunction with the growing homeless population?"
3. "What is the anticipated timeframe or timeline for adoption of such restrictions or prohibitions associated with the homeless population in your jurisdiction?"
4. "What individuals or committees have responsibility to develop measures address concerns or issues associated with the areas of homeless population?"

Mr. Dan Newton, City Administrator, responded to the letter (see Addendum/References below). He addressed each item and outlined ways the City has started to address these issues, such as regular walking patrol along the river and cleaning up trash and debris. Six of these clean up sessions took place over the Summer and Fall months in 2023. Additionally, the Chief of Police will designate a member of the police force to act as a Homeless Liaison. Some of the officer's duties will be to maintain a list of areas within and near the city's jurisdiction, to meet with social services, and develop training so as not to violate the rights of the homeless people.

In addition to implementing measures to clean up homeless areas around Susanville and Susan River, the City has purchased an ATV vehicle to assist the police department, as well as gathered citizen volunteers in the cleanup process.

This Summer will be challenging for the City, but their plans have already been put in place as demonstrated. They have cleaned up along the Susan River behind the Little League Park, in addition to having an established Volunteer River Patrol.

It was pointed out that closing encampments will push homeless into other areas and that a permanent supportive housing project is of great importance.

Lassen County did not respond to our first of two letters. They did send a letter stating codes can be found by looking at the Lassen County Code.

Timeline: Board Of Supervisors Response To Civil Grand Jury Inquiry

November 11, 2022: Grand Jury sent letter to Lassen County Board of Supervisors requesting information on how the County is dealing with the homeless encampments and crimes being committed by the homeless. Sent via USPS return receipt.

February 8, 2023: Second request from the Board of Supervisors regarding the letter of November 11, 2022. Sent via USPS return receipt.

May 2023: Third request from the Board of Supervisors hand delivered.

May 23, 2023: County Counsel replies to second and third request and acknowledged receipt of both letters.

February 6, 2024: An interview was conducted regarding the unresponsiveness to previous Civil Grand Jury letters. It was forwarded to County Counsel.

April 25, 2024: Letter from County Counsel dated May 30, 2023 is presented to the Civil Grand Jury for the first time. Foreperson pro-tem said they had just received it from the previous foreperson.

Methodology

The methodology used for the investigation for this year's Civil Grand Jury was to use the information obtained from the previous Civil Grand Jury's interviews, as well as to follow up on the letters sent to the City of Susanville and Lassen County Board of Supervisors. Representatives from the Susanville City Police and Sheriff's Office cited the lack of a camping policy by their planning departments as the reason for not enforcing any codes.

The problems learned, as well as jury member observations, were discussed at subsequent meetings. The Civil Grand Jury viewed their role in this investigation as one of assisting Lassen County and City of Susanville in keeping citizens informed about the extent to which the issue of homelessness has been recognized and analyzed. It was the intention of the Civil Grand Jury to work together and to be a part of the solution.

The Civil Grand Jury interviewed a representative from Lassen County H&HS. At the time of the interview in January 2023, there were an average of 180 homeless in the County; with an average of 38 on the streets. 180 people were waiting for placement in housing. Numbers were stable but seemed to be increasing. More staff and administration were needed but hindered by funding and the hiring process. All funding was by grant with no funding provided by the County. The Civil Grand Jury decided they needed to know where grant money was used and felt there was a need for better accountability for how grants were spent.

The Civil Grand Jury discussed and voted to request financial records and the foreperson agreed to seek this information from the Treasurer-Tax Collector's Office. After further discussion, it was decided that a review of the County Auditor-Controller Office was appropriate. This led to formation of another committee to review the County Auditor-Controller Office.

Resources

- Online information at Lassen County Housing and Grants website
- Lassen County Grand Jury Report 2022-2023
- June 2020 Lassen County 10-Year Plan to Address Homelessness
- Addendum letter from County to Civil Grand Jury
- Codes under consideration can be found by reviewing the minutes of the Board of Supervisors and Planning Commission.

Findings

F1. It is clear that the City of Susanville has positioned itself for the challenges of homelessness and is staying ahead of the problems.

Recommendations

R1. Lassen County Board of Supervisors should form a committee and hold quarterly collaborative meetings (if not already occurring), to include Lassen County Housing, Lassen County Health & Human Services representatives, Fish & Game, California Highway Patrol (CHP), Lassen County Sheriff, Susanville Police Department, Susanville Parks & Recreation, County and City Supervisor representatives and concerned / affected citizens, with reports to appropriate local media.

R2. The 2024-2025 Civil Grand Jury should follow up regarding use of grant funds for the homeless.

R3. The County should hire or create a media liaison or Public Information Officer (PIO) to communicate between government agencies and the general public.

R4. The City and the County should continue to establish ordinances to enforce camping regulations on public property.

R5. The City and the County should establish a joint committee with Caltrans, California Fish and Game and other regulatory agencies to monitor the Susan River for camping and protection of the environment of the river and any contaminations.

R6. The City and the County should continue enforcement of ordinances already established.

R7. The 2024 - 2025 Civil Grand Jury should continue to monitor the enforcement of camping along the Susan River.

Addendum/References (on following pages)



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

December 7, 2022

Lassen County Hall of Justice
2610 Riverside Drive
Mailbox No. 48
Susanville, CA 96130

RE: Grand Jury Inquiry Response

Dear members of the Lassen County Civil Grand Jury,

Please accept the below information in response to the letter received from Richard Rados, Grand Jury Foreperson, requesting additional information on preliminary inquiries in its examination of the homeless situation in the City of Susanville and in Lassen County. Attached you will find a current map delineating the city's jurisdiction.

Inquiry: What restrictions or prohibitions (if any) are currently codified and used by the City's law enforcement personnel to address loitering, panhandling, and overnight camping on public property (parks, etc.) and private/commercial property (shopping areas)?

Response: In 2020, the City of Susanville amended its camping ordinance to prohibit camping within 75 feet of high watermark. The city of Susanville Municipal Code 12.32.320 - Unlawful Camping, states: It is unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in the following areas, except as otherwise provided by resolution of the city council:

- A. Any park;
- B. Any street;
- C. Within one hundred (100) feet of the Susanville police department, Susanville fire department and Susanville public works department;
- D. Within seventy-five (75) feet of the highest watermark of any waterway within the city of Susanville. (Ord. 20-1030 § 1, 2020)

In staff's proposal for amending unlawful camping ordinance, the city of Susanville considered an appropriate watermark distance based on the following factors: increased fire danger; inadequate sanitation or receptacles, resulting in accumulations of trash due; proximity to waterways and potential pollution of waterways; increase of potential illegal drug use or drug paraphernalia; proximity to schools and concerns of increased danger; and the presence of rodents and vermin.

As part of the analysis for this ordinance, the city looked closely at whether the enforcement of this ordinance would violate *Martin v. City of Boise*, 902 F.3d 1031, (9th Cir. 2018). The determination in consideration of *Martin v. City of Boise*, and upon city attorney review, determined the city of Susanville's Unlawful Camping ordinance is enforceable. The city cannot limit camping space in discrimination of the homeless and at risk population, but the city can implement limitations on location

Quincy McCourt
Mayor
Thomas Herrera
Mayor pro tem

Councilmembers:
Mendy Schuster
Kevin Stafford
Russ Brown



and hours of allowable camping/sleeping. In light of the beds available at Crossroad's Ministry combined with the city's efforts to designate areas for camping/sleeping within the city, the proposal is compliant with the *Martin v. City of Boise* case, as the homeless or those at risk of experiencing homelessness will have places to sleep. As the Susanville Police Department enforces the ordinance, Officers provide resources to the homeless and those at risk of homelessness, informing them of areas where they can camp or beds they can utilize.

California Penal Code 647(c) makes it illegal to accost people in public to solicit for donations. It is often referred to as a "panhandling" statute. This offense is a misdemeanor punishable by up to one year in county jail. The language of 647(c) PC states, "Every person who willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place or on or in any place open to the public is guilty of a misdemeanor. Nothing in this section affects the power of a county or a city to regulate conduct upon a street, sidewalk, or other public place or on or in a place open to the public." Although panhandling is illegal in California, the practice of accosting people face-to-face in public to beg for money or other handouts – is against California law under PC 647(c). Additionally, Penal Code 647(c) targets aggressive tactics of solicitation. Less aggressive, more passive forms of solicitation tactics may be protected speech. Outlawing them would potentially violate the First Amendment. When Susanville Police Officers are dispatched to these types of calls within the city of Susanville, the department does not normally have a reporting party wishing to make a citizen's arrest for said offense. Officers cannot make a misdemeanor arrest not committed in their presence. If an Officer was to observe the person "accost" a citizen; then some type of enforcement action could be taken.

Enforcement of any type of camping or loitering on private/commercial property requires Susanville Police Officers having a willing land/business owner request that the person in question, be removed from said property. In some cases, business owners have written letters giving permission to law enforcement to "remove" or ask those on the property to leave or risk being cited for trespassing. In most cases, law enforcement will not "physically" remove a person from the property unless a private citizen's arrest has been made and there are special circumstances that the person would continue to be a nuisance if allowed to stay on the property. Physical arrest is a last resort based on the possibility of a "use of force" incident taking place. The use of force for a low-level misdemeanor crime in California could result in allegations and or civil litigation against the peace officer or department.

Inquiry: What additional or alternate restrictions or prohibitions (if any) are being considered by the City for codification so as to provide the City's law enforcement personnel with additional or other measures to address issues believed to arise in conjunction with growing homeless populations (camping, accumulations of trash and/or human waste, property and other crimes, et cetera)?

Response: The Susanville City Council has identified homelessness within the city of Susanville as a top priority and has designated the Chief of Police and City Administrator to work together to provide information, course of action, and present strategies to address the homeless population and those

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experiencing risk of homelessness. Various members of the Susanville Police Department including the Chief of Police, the City Administrator, and various members of the Susanville Public Works Department over the course of spring, summer and fall of 2022 have conducted weekly walks along the Susan River Trail as well as the surrounding areas within city limits of the Susan River, including the area of McDonalds down to the back side of Lassen High School. Such walks were conducted in efforts to determine the number of actual camp sites, interact and survey population. Conducting weekly surveys and patrols resulted in city staff conducted river cleanups. Prior to execution of any city staff cleanups, 72-hour notices were placed in the immediate area(s) where camps had been located, stating, "NOTICE--The City of Susanville will be conducting a River Clean Up day on (day of week), (Month, Day, Year). All trash will be cleaned up and disposed of. Any personal belongings located during the cleanup will be stored at a city facility. Please contact (530) 257-5603 with any questions." Six (6) of these cleanups took place over the summer and fall months. These cleanups resulted in large amounts of discarded property and trash, which was collected by the public works department and properly disposed of. No personnel property was collected by the city for safekeeping during this time frame. During this period, it was determined the highest number of camps found where persons were using the camp as living quarters, was seven (7) sites. As of November 16, 2022, the city is aware of one (1) camp site located in the area near South Ash Street, this camp is located on private property.

In addressing the future progress of these programs, the Chief of Police will designate a member of the Susanville Police Department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer may include the following:

- (a) Maintain and make available to all police employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
 - 1. Proper posting of notices of trespass and clean-up operations.
 - 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by the Susanville Police involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals

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and counseling in lieu of physical arrest. Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate. A lot of the time when we have contact with these people, they refuse any assistance or referrals.

The Chief of Police and City Administrator have contemplated a program, overseen by the Police Department which would utilize citizen volunteers. The volunteers would monitor the river walkway areas within the city limits and report on any new camps, trash, or other miscellaneous violations. The city of Susanville is actively working with Lassen Municipal Utility District (LMUD) in purchasing an EV (Electric) All-Terrain Vehicle for the Police Department to be used by its members and the citizen volunteers to patrol these areas.

Currently during the colder time of season, we have found less people considered "homeless" in our jurisdiction. There are still some which utilize the State of California's right of way access near highways in our area. The city does not have nor has been granted the authority by the State of California to enforce any action on homeless camps that fall under the State of California Property. In California, State Property owned by the state, is overseen by the California Highway Patrol for enforcement issues.

Garbage and debris located in the Susanville River was observed this last summer. Before being able to remove these items, the city of Susanville has to seek permission from the Department of Fish and Wildlife, in official form to make the removal of such items. This city is currently working with Department of Fish and Wildlife to obtain a Routine Maintenance Agreement for the term of five (5) years to reduce vegetation surrounding the Susan River. This Routine Maintenance Agreement proposal is currently under review by the California Department of Fish and Wildlife.

Business owners near the Susan River and its surrounding areas, have been encouraged to report suspicious activity and or damage to their property. Extra patrol can be requested by these businesses, so our department has an idea of what areas need to have more attention given to them. The Susanville police Department has reached out to businesses to upgrade their video surveillance systems in efforts to aid with the successful identification and apprehension of those responsible for crimes seen by these businesses.

To address the accumulations of trash along the Susan River Trail, in spring of 2022, the city of Susanville implemented the Adopt-A-River Trail Program. The program has parceled the river trail into twenty-one (21) sections that could be adopted by volunteers, businesses, organizations, or individuals within the community with the sole responsibility of trash collection along the river trail. This program's materials are provided to the community by the city. To date, fifteen (15) sections have been adopted.

In September 2022 the city of Susanville went live with Susanville Click & Fix. Susanville Click & Fix is a free mobile app and web tool the community can provide city staff with pictures, videos, specific descriptions, and valuable information on non-emergency requests. This platform provides city staff with a centralized issue management system to manage issues from creation to resolution, engaging our

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community throughout the process. The Susanville Click & Fix not only allows citizens to report concerns, but also to view, comment on, and vote to fix problems submitted by their neighbors. Susanville Click & Fix app is a community-driven communication tool and request management system that bridges the gap between constituents and city staff to increase citizen engagement and improve citizen services. Citizens can create their own "watch areas" to receive notifications about all the issues reported in their community, enabling them to follow the progress of all service requests – not just the ones they report. The app has categories to report such as trash and debris, unlawful occupancy, property maintenance concerns, as well as building violations.

Inquiry: What is the anticipated timeframe or timetable for adoption of any such additional or other restrictions or prohibitions (if any) associated with the homeless population in and around the City of Susanville?

Response: Additional restrictions or prohibitions are not needed to address the homeless population in and around the city of Susanville. People in our community are not breaking any laws by the nature of being unsheltered. The issue is that people who are homeless are sometimes homeless because of other behavioral, or substance abuse issues and these individuals are often violating existing laws. There are a number of societal factors, state and federal laws, that dilute the punitive consequences of crimes such as vandalism, shop lifting, illegal burning and the like.

What is needed is to dedicate additional resources to closing encampments, which create safety and environmental hazards within the community. The City Council has placed a priority on closing homeless encampments and cleaning up the Susan River corridor. The consequence of this effort will be pushing homeless individuals to other areas of town. Lassen County is working on a permanent supportive housing project that will be of great importance in the effort to address homelessness in Susanville.

Inquiry: What individual(s) and/or committee(s) within the City of Susanville government have or have had, as their responsibility, developing or implementing measures to address concerns or issues associated with the area's homeless population?

Response: Currently the city does not have an appointed individual and/or committee appointed by the City Council with the responsibility of developing or implementing measures to address concerns or issues associated with the area's homeless population. However, the City Council has delegated staff to prioritize developing measures to address homeless population surrounding the Susan River. The City Administrator along with the Chief of Police have met with Lassen County staff to discuss programs and actions currently being taken by their Social Services Department and has conducted

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several meetings to support their efforts and collaborate in support of in place housing programs and shelter programs. Additionally, City Council approved a project budget to address city staff efforts to clean up camps along the river, develop a Volunteer Patrol to patrol the Susan River, and to provide direction to prioritize these efforts, as previously stated.

The City Administrator, Chief of Police and staff have routinely met with Lassen County Social Service staff members to discuss the needs of our community in relation to homelessness, social service programs, housing needs and to discuss how the city of Susanville can support their efforts. With the help of the county, staff has identified funding that could support efforts to address the needs of our community through the use of Permanent Local Housing Allocation program. Chapter 364, Statutes of 2017 (SB 2, Atkins) was part of a 15-bill housing package aimed at addressing the state's housing shortage and high housing costs. Specifically, it establishes a permanent source of funding intended to increase the affordable housing stock in California. The revenue from SB 2 will vary from year to year, as revenue is dependent on real estate transactions with fluctuating activity. The legislation directs the California Department of Housing and Community Development (Department) to use 70 percent of the revenue collected, beginning in calendar year 2019, to provide financial assistance to local governments for eligible housing-related projects and programs to assist in addressing the unmet housing needs of their local communities. This program is hereafter referred to as the Permanent Local Housing Allocation (PLHA) program. PLHA is a permanent, flexible source of funding available to all incorporated jurisdictions. The funds help address the unmet housing needs of local communities. There are 10 eligible uses of the funds which range from affordable housing developer loans to supportive services reserves to navigation centers to down payment assistance and more. To compliment in place services provided by Lassen County Departments, city staff has identified an eligible activity to acquire a staff person to work under the Susanville Police Department as a Community Service Officer and dedicate their efforts to assist Lassen County in providing supportive services and case management services to address homelessness within our community and provide support to the prevention of homelessness. The non-competitive formula funds are available in five-year cycles. Direction was provided to staff to submit a grant application, and two public hearings were held to gather community input on the grant activity. That application was submitted November 30, 2022. Essentially, if the grant activity of hiring a Community Services Officer is awarded, this individual will address concerns or issues with the area's homeless population and provide the at-risk population with programs and support available through the city and county programs.

Respectfully,

Dan Newton
City Administrator

Quincy McCourt
Mayor
Thomas Herrera
Mayor pro tem

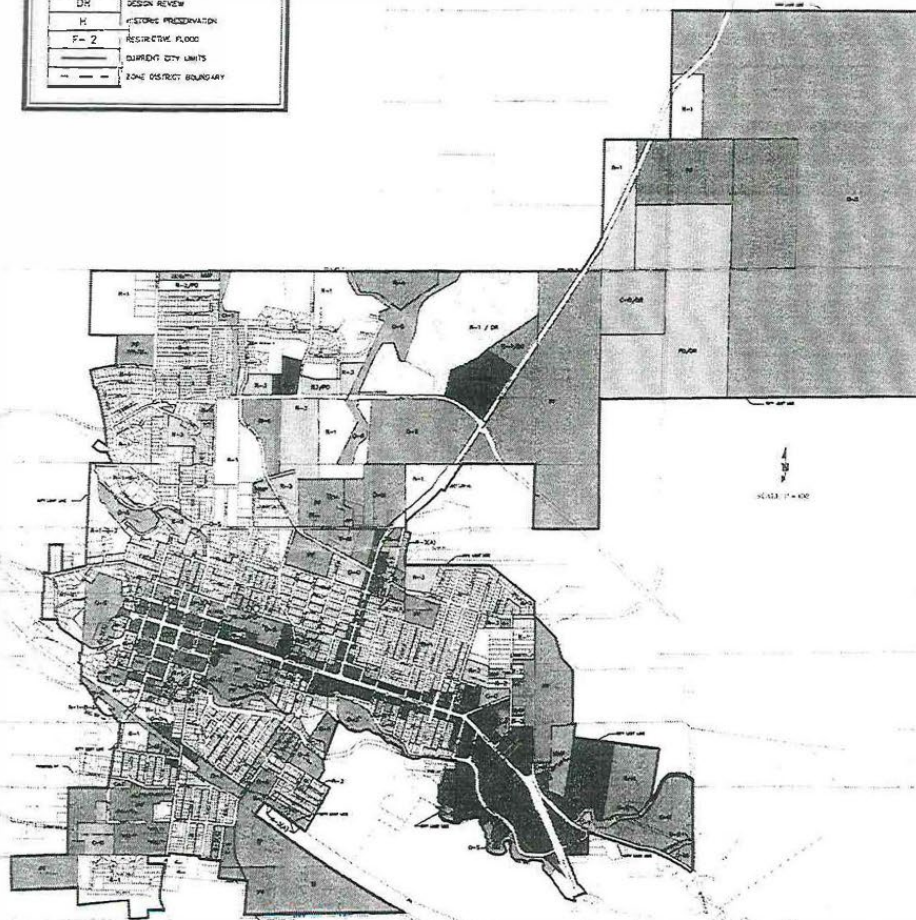
Councilmembers:
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CITY OF SUSANVILLE ZONING MAP

LEGEND

R-1	SINGLE-FAMILY RESIDENTIAL
R-2	DUPLEX RESIDENTIAL
R-3	DUPLEX/TRI-PLEX RESIDENTIAL
R-2A	DUPLEX/TRI-PLEX/FOUR-FAMILY
MFR	MULTIPLE-FAMILY RESIDENTIAL
MHP	MOBILE HOME PARK
C-1	HOODBOURNE COMMERCIAL
CD	GENERAL COMMERCIAL/SHOPPING CENTER
UBD	UPTOWN BUSINESS DISTRICT
C-O	OFFICE COMMERCIAL
C-M	COMMERCIAL-LIGHT INDUSTRIAL
M-L	LIGHT INDUSTRIAL
M	GENERAL INDUSTRIAL
PD	PUBLIC FACILITIES
PD	PLANNED DEVELOPMENT
U	UNGLAZED
AR-1	AGRICULTURAL RESIDENTIAL
AE-20	EXCLUSIVE AGRICULTURE
O-S	OPEN SPACE
B	CONSERVING LOT SIZE
DR	DESIGN REVIEW
H	HISTORIC PRESERVATION
F-2	RESTRICTIVE FLOOD
	CURRENT CITY LIMITS
	ZONE DISTRICT BOUNDARY

MAP - OF 2		
ORIGINAL MAP CREATED IN JAN. 1991		
REVISED	6-26-92	J.S.
REVISED	1-11-93	J.P.
REVISED	1-10-94	J.P.
REVISED	8-12-95	DR
REVISED	12-27-95	DR
REVISED	7-24-00	CCW
REVISED	6-8-06	DN





A LAW FIRM FOUNDED ON THE
PRINCIPLE OF SERVICE

May 30, 2023

Richard Rados
Grand Jury Foreperson
2610 Riverside Drive, Mailbox No. 48
Susanville, CA 96130

RE: Grand Jury Inquiry

Dear Mr. Rados,

The County is in receipt of your letter of May 23, 2023. First, please accept my apologies. I was asked to respond to the letter of February of this year, and while it was prepared, it apparently never went out. I am responsible for this late response. The response follows:

Codes: This information can be found by looking at the Lassen County Code, which is online. There are codes related to nuisances generally in the Lassen County Code which would cover some of what you list. For instance, there are codes, such as Title 9, prohibiting the harassment of people, unlawful assembly, fire hazards and overnight camping in Susanville Ranch. Title 7 addresses Health and Sanitation which has some provisions related to camping and sanitation issues. How these codes are specifically used by law enforcement cannot be quantified. Law enforcement of the County has the code available to them as enforcement tools.

Codes under Consideration: This information can be found by reviewing the minutes of the Board of Supervisors and Planning Commission, and most of their minutes and agendas are in searchable format. We are only able to speak to matters that have come before them, and cannot speculate whether the Board of Supervisors will ultimately adopt said proposed regulations or whether other matters are being considered for proposal to the Board. That being said, there are codes regulating camping that were proposed as amendments to Title 18 of the Lassen County Code. This matter came on to the board in March of 2023 for direction regarding said amendment.

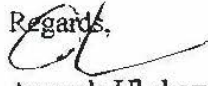
Timeline for Adoption: There is no set timeline for adoption of the camping ordinance. There is no guarantee that it will come back.

Homeless Measures: The Board of Supervisors is the only body legally able to pass any legislation addressing homelessness.

The County has Code Enforcement jurisdiction over matters occurring within the county boundaries, but outside the City of Susanville or other incorporated areas. Those maps are available through the Planning Department, but will likely not be specific as to code enforcement. I suggest contacting the Planning and Building department to provide a more specific request with regard to maps you would like to examine.

Thank you.

Regards,


Amanda Uhrhammer

Contract County Counsel for Lassen County

Report of the Audit and Finance Committee On the Matter of the Office of Lassen County Auditor-Controller

Reason For Investigation

Grand Jury Initiation

Summary

The Office of Lassen County Auditor-Controller has experienced a series of setbacks. First, the transition of Lassen County's Electronic Payroll system was not handled well upon retirement of the incumbent Auditor-Controller, resulting in incorrect employee paychecks, missed Internal Revenue Service (IRS) payroll tax payments, and incorrect deductions of the California State Public Employees' Retirement System (Cal-PERS).

Following this, the countywide election of 2023 left the Office of Auditor-Controller vacant. This left the office in free-fall and caused impulsive actions by the Lassen County Board of Supervisors in an attempt to right the ship. The Board of Supervisors attempted, unsuccessfully, to attract a qualified person to appoint to the office. The Board of Supervisors then acted to combine the Auditor-Controller's Office with the Treasurer's Office, which is currently operating effectively. Ms. Cardenas does plan to retire after her term expires in December 2026.

The Board of Supervisors also placed the question of combining the two offices and of appointing the (previously elected) Auditor-Controller and Treasurer-Tax Collector as a Finance Director. The plan proved very unpopular with Lassen County voters during this past 2024 election held in March, so the Board of Supervisors took the voters' advisory and will mandate the separation of the combined offices in January 2027, after the election in June 2026.

Background

In Lassen County, the Auditor-Controller is an independent, nonpartisan elected office established to provide various accounting and property tax administration services to the county government, special districts, schools, and cities. The Auditor-Controller is also required to conduct an annual external audit of the County and its' special districts. Like most other California *general law* counties (*see Glossary*), Lassen County has combined the Office of the Auditor with the Office of the County Controller. As such, a California County Auditor-Controller serves as a chief accounting officer of the County.

The County Treasurer's Office serves as the depository for all funds belonging to the County, schools, and other special districts within each county. The Treasurer receives, deposits, and manages investments for county funds generated from taxes, fees, grants, and bond proceeds. In addition, the Treasurer is the principal in the issuance of county debt obligations and contracts that support a variety of construction projects and other county financing needs.

In Lassen County, as in most California counties, the Office of Treasurer is combined with the Office of Tax Collector. The Tax Collector's role is to administer the billing, collection, and reporting of property tax revenues levied annually throughout California for not only the County, but also cities, schools, and special districts. As with the Office of Auditor-Controller, the Lassen County Treasurer-Tax Collector is an independent, nonpartisan elected office.

Methodology

A committee of five jurors was formed from the main Civil Grand Jury body of nineteen citizens. The committee was designated to inquire into the Office of Lassen County Auditor-Controller, learn and record facts related to the situation, make findings based on those facts, and make pertinent and actionable recommendations for county government to address the situation.

The Audit and Finance Committee examined Board of Supervisors' actions through meeting minutes, ordinances, and proclamations of the Board of Supervisors, downloaded from the county government website. Additionally, the Civil Grand Jury called several Lassen County representatives to testify before the full Civil Grand Jury and ask clarifying questions.

The Audit and Finance Committee discussed the facts learned from interviews, determined what was needed to cover knowledge gaps, and formulated questions to fill the unknowns for the next interview. The committee gathered and correlated learned facts and built a timeline of events. From these known facts, The Audit and Finance Committee derived its findings numbered F8 to F17 below. Finally, from the derived findings, the committee drew up recommendations numbered R8 to R19 below. Each recommendation (R#) corresponds with the finding (F#) for easier reference.

The findings and recommendations following were adopted by the full Lassen County Civil Grand Jury in special session on May 30, 2024, by unanimous vote.

Discussion

Public office is a public trust; elected officials serve the people. In the course of this investigation, the Civil Grand Jury found it difficult to ascertain the facts needed to reach its findings in a timely manner. This has become quite problematic post-COVID, as our local newspaper, The Lassen County News, did not survive the crisis. Announcements of county government are now submitted to the closest newspaper to the county seat, The Modoc County Record, which is not easily available locally. This situation is a major impediment to free and open government for both Susanville and Lassen County.

If the County had a Public Information Officer (PIO), they could write articles in the online Lassen News or online posts on the County website and on social media sites, as well as do interviews on the local radio station to announce status of current county government business and where else to find information. A PIO could also have a daily or weekly program or podcast for 30 minutes to an hour to discuss topics of interest and allow callers to call in with questions to be answered by the PIO, or to go and find out information on a question if the answer is not known.

In 2020, the Lassen County Auditor-Controller left office prematurely to retire. While unforeseen circumstances can abruptly and legitimately terminate the tenure of an elected official, the Civil Grand Jury finds that a retirement does not fall under that rubric. A planned retirement implies that the County Auditor-Controller ran for a four-year term (each term runs for four years from January to December), knowing that they did not intend to complete that term. A hasty retirement precipitated by personal or professional struggles is as much a violation of trust between the official and The People.

The Civil Grand Jury notes especially, the lack of succession plan for the advancement of the Assistant Auditor-Controller or the Deputy Auditor-Controller to Auditor-Controller in the case of absences or to fill a vacant seat. Among the candidates for appointment in 2020 was a member of the Auditor-Controller's Office. Moreover, the Civil Grand Jury sees no reason these symptoms might not exist in other county offices (elected) and departments (appointed or contracted.)

It is a reality that a large portion of the County's budget is Federally funded, and State administered. While frugality and careful administration of more direct county revenues (property tax, sales taxes, fees, and fines, and now marijuana tax) is still important for county leaders, an added skill is the ability to tap into streams of Federal and State dollars designated for a wide variety of purposes. Roads, policing, social services, and more benefit from this income.

For county financial employees, a necessary skill for good governance in the age of revenue-sharing is the ability to successfully apply for and responsibly spend revenues throughout the County. In keeping with this new order of things, an annual external single audit does not only look at whether the books are honest, balanced, and that nobody has their hands in the till, but also that the external money is spent in the exact manner specified in Washington or Sacramento (U.S. and California State Capitols). There are strings attached.

This sort of accounting is known as "*compliance accounting*," and today it is responsible for 70 percent of all accounting engaged in by the Auditor-Controller's Office and by the independent, external auditor.

Succession Of The Auditor-Controller's Office

Diana Wemple wins election for County Auditor-Controller in June 2014. She wins with 4,199 votes (74.38%) to Jim Chapman's 1,436 votes (25.44%).

In June 2018, as the incumbent, Diana Wemple wins re-election as County Auditor-Controller. She runs unopposed this time. She garners 5,296 votes (out of 5356 votes cast) or 98.88%. In the same election, Treasurer-Tax Collector, Nancy Cardenas, won re-election to the Office of the Treasurer-Tax Collector, also unopposed.

In early 2020, Diana Wemple, with three years remaining on her term in office (from January 2019 to December 2023), announced her retirement (to which she was entitled) effective March 31, 2020. California State Law does not provide for special elections for elected county-level officials, but it does provide county Boards of Supervisors with the authority to appoint a qualified individual to the remainder of an unfilled elected term. So, Chief Administrative Officer (CAO) Richard Egan, and the Lassen County Board of Supervisors acted hastily to fill the vacancy. Lassen County CAO Egan advises the Board of Supervisors to interview three candidates for appointment to County Auditor-Controller. At the March 10, 2020 Board of Supervisors' meeting, Supervisors meet three candidates for County Auditor-Controller. Per the minutes of the March 17, 2020 Board of Supervisors' meeting, during a closed session, Julie Morgan was selected as Lassen County Auditor-Controller-Designate by unanimous vote.

At the 24 March 2020 Lassen County Board of Supervisors' meeting, the Board of Supervisors recognized the service of Diana Wemple on her retirement, effective March 31, 2020. The Board also officially announces the appointment of Julie Morgan as Lassen County Auditor-Controller, effective April 1, 2020.

The Civil Grand Jury notes that the California Government Code does not provide for special elections at the county level to fill a vacancy. Therefore, the only option open to the Board of Supervisors is appointment of a qualified person by resolution. The Board of Supervisors, therefore, acted appropriately in appointing a substitute Auditor-Controller.

As well as the substandard software transition, the crisis became acute when health problems occurred for Auditor-Controller Morgan. She would not run for the office in 2023.

March 2022 was the application deadline for "even-year" statewide primary election to be held June 7, 2022. The County Recorder receives no filings to run for the Office of County -Controller. This office would become vacant once Julie Morgan's appointed term was scheduled to run out in December 2023. The incumbent Auditor-Controller Morgan could not be reappointed and chose not to run. To this news, the CAO and the Board of Supervisors attempted again to find a suitable applicant for the next term, by announcing the job on the County website. Of two applicants for the position, neither was found to have the minimum level of experience and qualifications to serve.

During the June 2022 election, there were 528 write-in votes (out of 6,621 ballots in the election) for County Auditor-Controller. The appointed County Auditor-Controller Morgan continues to serve. Nancy Cardenas wins re-election to the Office of Treasurer-Tax Collector, running unopposed. Cardenas had 5,354 votes (out of 5,409 total ballots) or 98.98%. In the countywide election of 2022, there were eight races for eight offices. These races attracted a total of 12 candidates. 1.5 persons running for any office on average, and the Auditor's race attracting exactly zero. This situation is endemic and persistent over Lassen County history.

In January 2023, newly elected County Officers are sworn in. Auditor Morgan becomes ineligible to serve further and is officially removed from office. So, the Office of Auditor-Controller became vacant once again. There was no means for the people to fill the position (special elections not being possible), and no practical means for the Board of Supervisors to temporarily fill the seat (no current, qualified county employee wanted to be appointed into the position for the rest of the term).

Lassen CAO Egan found a solution by proposing that the Board of Supervisors act to merge the Offices of Auditor-Controller and Treasurer-Tax Collector, and appoint the incumbent Treasurer-Tax Collector, Nancy Cardenas, to be the combined Auditor-Controller-Treasurer-Tax Collector effective April 2023 to December 2026. Lassen Board of Supervisors adopts Resolution 23-026. The resolution sets pay grade for the new position of Treasurer-Tax Collector and Auditor-Controller. The annual budget for the salary was increased by \$20,000 to make up for the additional duties as the Auditor-Controller, but at the same time, saved The County money by not paying a second full time position from 2023 to 2026.

As a follow-on to the plan, CAO Egan placed recommendations for Measures T* and U* before the Board of Supervisors to make the four county offices into a single Finance Department with a

single Board-appointed Director of Finance. All of this is permitted under the statutes studied (see references) by the Audit and Finance Committee.

At the October 10, 2023 Lassen Board of Supervisors' meeting, the Board of Supervisors adopted Resolution 23-053, which placed Measures T & U on the ballot. Nancy Cardenas expresses support for the measures. Supervisors Gallagher, Albaugh, Bridges and Ingram vote for the resolution; Supervisor Neely votes against.

Measures T and U were placed on the March 2024 ballot by the Lassen County Board of Supervisors on advice of the CAO. They were advisory measures only, having not force of law, nor obligation upon Lassen County Government.

*Measure T asked voters whether or not they supported the establishment of an Office of Director of Finance, which would combine the [existing] offices of Lassen County Auditor, Controller, Treasurer, and Tax Collector.

*Measure U sought further advice from the electorate as to whether or not the Office of Director of Finance should be appointed, rather than elected, in the event Measure T is voted up by the electorate.

Both measures, if passed and then implemented by the Board of Supervisors, would be proper arrangements under California Government Code, although no general law county has adopted it. A single California chartered county, namely Santa Clara County, implemented this method of operation. Three other counties, San Diego, Los Angeles, and the City and County of San Francisco, have adopted some combination of this arrangement.

Measures T and U were placed on the ballot and were voted down by the voters in March 2024. Lassen County voters soundly defeated both measures: Measure T had only 1,457 "yes" [22.17%] votes and 5,115 "no" votes [77.83%]; Measure U had only 1,650 "yes" votes [25.98%] and 4,701 "no" votes [74.02%]. The sense of the voters was *no, we don't want this merger* (Measure T*), and *if the offices need be merged, we don't want the Board of Supervisors appointing the officeholder* (Measure U*). They were advisory measures, so the Board of Supervisors was still free to act. As of this writing, The Board of Supervisors has voted to break up the newly combined office in 2027, as Nancy Cardenas retires at the end of her term in December 2026.

The Civil Grand Jury sincerely hopes that there will not be two vacant positions when that election is held in June 2026. In reviewing the election results during preparation of this report, the Civil Grand Jury noted that the number of candidates is alarmingly low for a vigorous democracy.

The impacts are huge without an Auditor! The County cannot run effectively without an Auditor: Every county transaction begins and ends in the Auditor's Office. If this position is not elected, it is not serving The People of the County. If this position is appointed, they would serve the Board of Supervisors or the CAO, with the risk of no transparency on the status of Lassen County funds.

Software Transition Issues

On April 12, 2018, then County Auditor-Controller, Diana Wemple, issues request for proposals (RFP) for “ERP Solution and Implementation Services” to replace obsolete and dilapidated software for financial reporting. Proposals were due by May 31, 2018.

Response proposals were reviewed by the Board of Supervisors, Lassen County Auditor, Diana Wemple, and CAO, Richard Egan, in early June 2018, and did not involve the IT Department in the choosing of the vendor during the contracting portion of the process, nor involve IT in the transition of the new software to replace the old system. The contract for “ERP Solution and Implementation Services” is awarded to Tyler Software Solutions of Plano, Texas. The software offered to the Auditor-Controller’s Office is called “Munis.”

Tyler Software has four other contracts with Lassen County Government: two (2) in the Sheriff’s Office and two (2) others in the Office of the County Clerk. The contract includes license to the software, plus support in the form of training for county employees.

Under the newly appointed Auditor-Controller Morgan, the Munis software package proves to be difficult to use for the Auditor’s Office. At this point, the IT Department had not been involved in the difficult software transition, and the Auditor’s Office was trying to manage this application on their own. Many processes had to be done by hand. Paychecks became inaccurate. IRS tax payments were made late. Cal-PERS retirement contributions were late and/or inaccurate. Late charges reached \$80,000 (however, they were later negotiated down to \$10,200 for Cal-PERS and \$17,927.50 for the IRS). Classes meant to train employees went unattended by office staff and not enforced.

Audit Deficiencies

Lassen County contracts with an external accounting firm to conduct an external audit of its financial activities. This “single audit” is performed annually by the firm Price-Page, of Clovis, CA.

The Civil Grand Jury reviewed the County’s independent audit of its books from 2016 through 2022 (the most recent audit available to the public).

In 2016, Diana Wemple was Lassen County Auditor-Controller. The Civil Grand Jury noted that the report made no reference of material deficiencies, and the County maintained its status as a “low-risk auditee.” Low-risk auditee is a designation earned by a county. A low-risk auditee can successfully pass audit by checking only roughly 20 percent of all transactions that year. A county without this designation requires a check of at least 40 percent of its’ transactions. This involves more attention, more labor, and, presumably, more billable hours charged to the county being audited. So, low-risk auditee status saves a county money.

At the end of Fiscal Year 2015-2016 (FY15-16) – June 30, 2016, the external, independent audit makes no findings or deficiencies. Lassen County has status as a “low-risk auditee.”

At the end of FY16-17 – June 30, 2017, the independent audit finds fault in the Roads Department’s accounting of Federal Roads Maintenance grants (Finding 2017-001). The Roads Department had accounted for a road construction grant as if it were cash. The effect was that the

funds were not recorded when they were awarded (by accrual), but when they were received (like cash). This resulted in an understatement of revenue by \$678,865.00.

The external independent auditor recommended that county bookkeeping be done not on a cash basis, but on the modified accruals basis required by the Federal Government. In response to the deficiency, then-County Auditor-Controller Wemple promises to work with the County Roads Department to ensure proper accounting of Federal Roads grant funding. Completion is promised “for the 2017-2018 Fiscal Year Audit.”

Note: This deficiency does NOT indicate that the \$679,000.00 is stolen, lost, or has been in any way absconded with.

It should be emphasized that this is NOT a finding of any sort of wrongdoing. It is a problem, however, in that it could result in the withholding of further funding by the Federal Government and an eventual loss of that revenue to the County.

Then-Auditor-Controller Wemple replied to the audit by submitting a corrective action plan (CAP) which specified additional staff training in grants accounting for the Roads Department. This action was deemed acceptable, and the single audit for 2018 again showed no material weaknesses. The “low-risk auditee” status was unchanged, and the County lost nothing other than a little staff training.

At the end of FY17-18 – June 30, 2018, the external auditor makes no finding nor finds any deficiencies. The external auditor further notes that the recommended actions in Finding 2017-001 had been implemented. Lassen County retains its status as a “low-risk auditee.”

The next external audit, for FY18-19, revealed the onset of deep problems for the Office of the Auditor-Controller. The external auditor found two material weaknesses in Lassen County’s Financial Statement for that fiscal year.

First, the audit uncovered that leftover previous-year funding for Mental Health Realignment, Social Services Realignment, and Public Health Realignment was used to cover a budget deficit and that the amounts used for this, when added to the amounts used in previous years, was building up. The auditor noted that this material weakness was due to a lack of any mechanism to distinguish which funds were applicable to that purpose, and that this could lead to possible misuse of those funds. (Finding 2019-001).

Note: The Civil Grand Jury wishes to be clear that there was no misuse or loss of funds noted by this finding.

Second, the external independent auditor found that the County had failed to properly account for revenue received after it had been made available, a technical aberrance from Generally Accepted Government Auditing Standards (*GAGAS*) (*see Glossary*). The external auditor faulted the County’s end-of-fiscal-year closing process for failing to pick up the error. The result was an overstatement of \$44,493 Health and Human Services (H&HS) funding and \$1,023,043 Welfare Administration

funding on the County Financial statement. Deferred inflow was understated by the same amount (Finding 2019-002).

Note: The Civil Grand Jury wishes to be clear that there was no misuse or loss of funds noted by this finding.

It must be noted here that any corrective action plan (CAP) to the annual external audit is the responsibility of the County Auditor-Controller. The CAP contained in the publicly available single audit report is signed by Auditor-Controller Julie Morgan, who assumed office on 1 April 2020. This CAP has no date, but for completion date, specifies the “next 12 months.”

The single audit report was therefore a “wake-up call,” but the County retained its status as a “low-risk auditee,” and could still be said to be in good standing. The County was, however, on notice.

The downward spiral continued. In the next external audit for FY19-20 material weaknesses continued to be found and cited by the external independent auditor.

In this audit, the external auditor finds two material weaknesses in the accounting of H&HS “realignment funding” and in the County’s closeout procedure at the end of the fiscal year. In Finding 2019-001, the external auditor cited the lack of a mechanism to separate funds earmarked for one of three categories of realignment spending and recommended a review of five previous years of H&HS records to sort things out, as well as separate the three funding streams going forward. In Finding 2019-002, the external auditor found that late-arriving funds were not properly classified as “unavailable.” This resulted in an overstatement of revenues of \$44,493 in H&HS and \$1,023,043 in the Welfare Administration. Then-Auditor-Controller Wemple does not submit a CAP.

By the end of FY19-20 – June 30, 2020, the County external independent audit becomes a “hot mess.” External auditor notes that Findings 2019-001 and 2019-002 have not been implemented. This resulted in Findings 2020-001 and 2020-002, respectively. Lassen County loses “low-risk auditee” status.

Sometime later, then-Auditor-Controller Morgan submits a CAP in response to findings 2019-001 and 2019-002 of the external auditor. This CAP promises “H&HS staff will be working on this in the next 12 months,” instead of projecting a completion date as required. Morgan also discovers the “hot mess” that is county auditing using the new Munis software. Attempts to deal ineffectively, then-Auditor-Controller Morgan submits a CAP for Finding 2020-001 projecting completion by June 2022, and for Finding 2020-002 with the same “working on it” verbiage.

In their findings, the external auditors recommended creation of a year-end checklist for closing the books and publishing the County Financial Statement, fully staffing the Auditor-Controller Office by hiring more and better trained/educated/experienced staff and providing additional training to staff, with emphasis on accounting specific to governmental entities, to ensure not only competency, but also currency (Finding 2020-001).

Further, the independent external auditors noted the continuation of failure to properly account for realignment of unused funds for the Mental Health, Social Services and Public Health sections of the H&HS Department. Among their recommendations was that Lassen County review at least five years past financial activity within H&HS to determine the value of the cash and investments remaining on the books there (Finding 2020-002).

In her CAP, then-Auditor-Controller Morgan agreed with Finding 2020-001 and indicated she had “brought back our retired auditor to assist and train...” staff. Anticipated completion was estimated to be “June 2022.” In response to Finding 2020-002, Auditor-Controller Morgan referred to discussions with the H&HS Department, cited their own personnel vacancies and issues, then outlined in general terms that H&HS would come up with a plan and implement it. Morgan’s anticipated completion date was given as: “H&HS staff will be working on this in the next 12 months.”

At this point, the Civil Grand Jury would like to note that at the time of these events, the raging COVID-19 pandemic was wreaking havoc among the staffs of ALL county departments, including H&HS. This complicated all aspects of productivity and represented an enormous impediment to getting anything done.

Perhaps the most puzzling aspect of this audit report, however, is that included with the findings were Findings 2019-001 and 2019-002, from the previous year’s audit report. Each finding concluded with: “Status: Not implemented.” Morgan’s corrective action plan is not even mentioned here. It should have at least been noted as *ongoing*, even if it was late (recall that Morgan entered office in the very last quarter of the fiscal year 2020). It is not clear to the Civil Grand Jury whether the earlier-mentioned corrective action plan for FY18-19 was added after the fact or if they merely *crossed in the mail*. It is a detail this jury did not pursue.

By the next year, FY20-21 - June 30, 2021, the audit report showed remarkable improvement. According to that audit, there were no material weaknesses to be found, even though the audit required twice as many accounts and transactions to be inspected this time around, as the County no longer had “low-risk auditee” status. The previous findings were closed out with “Status: Implemented.” Sadly, the County’s status as a “low-risk auditee” was not restored (it takes a minimum of two consecutive audits to reclaim that status).

End of FY21-22 – June 30, 2022, the external auditor found (Finding 2022-001) that employees lacked understanding of revenue recognition rules and were receiving inadequate oversight and guidance from management. Lassen County does not regain status as a low-risk auditee. This audit identified weaknesses in the County’s financial controls which allowed for a mis-reconciliation of accounts between the County’s general ledger and subsidiary ledgers kept by several county departments. Such reconciliations are normally done multiple times each fiscal year in accordance with *GAAP* (see Glossary). Most glaringly, the ledgers were not properly reconciled at the end of the fiscal year prior to compilation of the County Financial Statement. The independent auditor noted a disrupted office with many personnel and managerial changes. These, added to the disruptions brought on by the then-exploding crisis over COVID-19, led to a perfect storm in which the Office of the Auditor-Controller capsized.

Further, the external auditor found (Finding 2022-002) errors in accounting for Federal grants in Schools & Roads, Highway Planning and Construction, Child Support Enforcement, and COVID-19. The last entry amounted to a \$2.76 million understatement in COVID-19 aid to the County. Lassen County still does not regain “low-risk auditee” status.

Finding 2022-001 cites lack of basic accounting knowledge in being unable to recognize revenues and a lack of supervision over staff. Again, the auditor recommended ongoing training and continuous education of accounting staff.

Finally, Finding 2022-002 puts the nail in the coffin: Schools and Roads Grants to Counties (known as Title III) were overstated by \$78,343; Highway Planning and Construction was overstated by \$557,206; Child Support Enforcement was overstated by \$312,528; and COVID-19 State and Local Fiscal Recovery Funds were understated by \$2,760,000.

These are all items that must be reported by Schedule of Expenditures of Federal Assistance (SEFA) to the Federal Government. The net understatement of countywide spending for Federal aid spending of \$1,811,923 would have led to problems if not flagged in this audit.

Failure of a SEFA to reconcile to a simple trial balance is really basic, and very hard to miss, and would have been one of then-Auditor-Controller Morgan’s final duties, as her term ended six months after the end of the fiscal year.

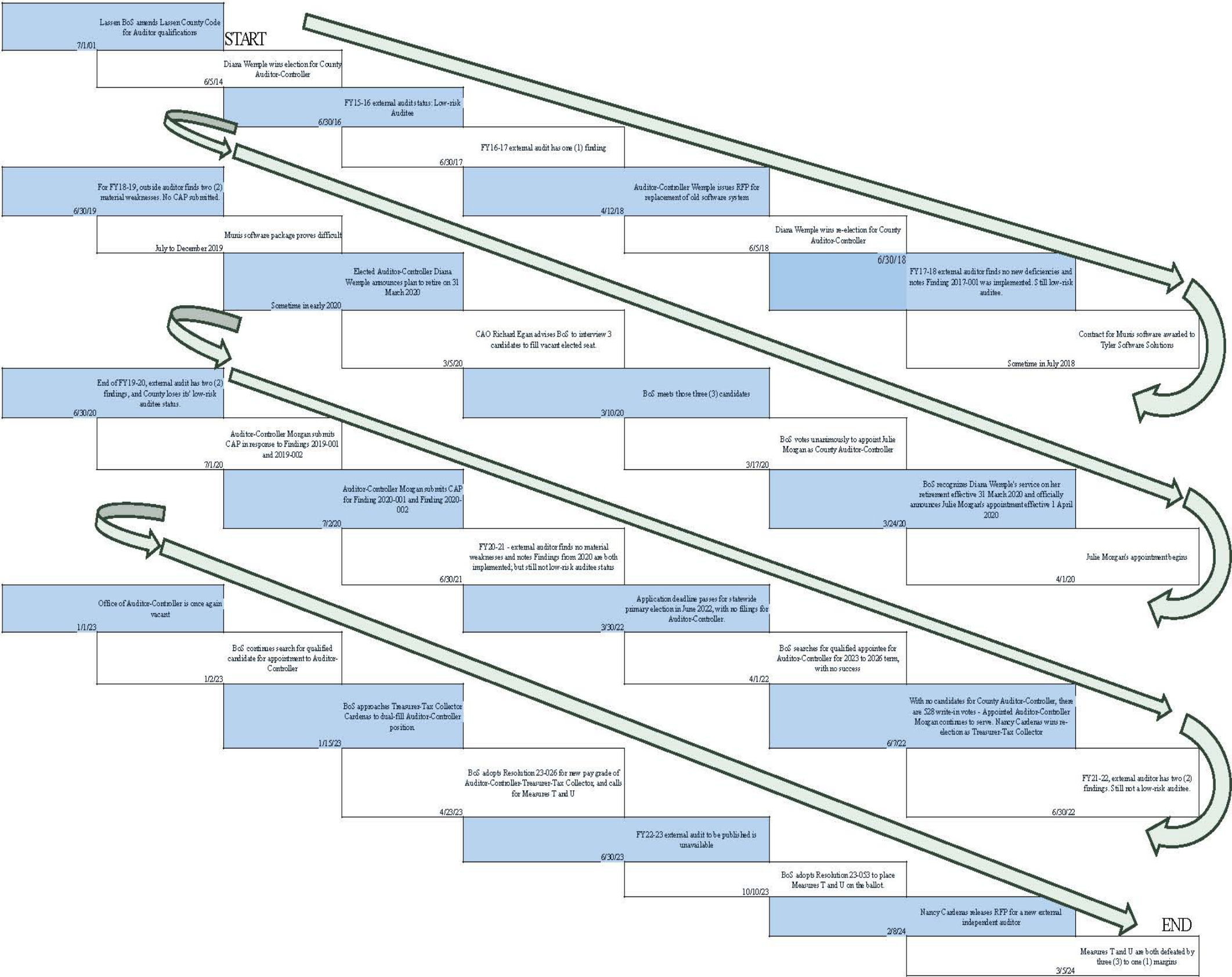
Note: The Grand Jury wishes to be clear that there was no misuse or loss of funds noted by this finding. However, there is something foundationally wrong with the way our county employees are handling our money.

At the end of FY22-23 – June 30, 2023, external single audit is unavailable as of 10 May 2024. Current Auditor-Controller-Treasurer-Tax Collector Nancy Cardenas, in her CAP, pointed to her restructuring of the Auditor-Controller’s Office and staff as well as application of genuine internal controls, along with the obligatory “more staff training,” as an effective remedy.

On 8 February 2024, Cardenas releases RFP for an external independent auditor for Lassen County. Price-Page of Clovis, CA is the current contractor, and is eligible to apply.

As of this report, Lassen County is in negotiations with Clifton Larsen Allen, LLP to initiate a master services agreement for a new external accounting firm. This is something counties normally do, as changing accounting firms periodically prevents overly familiar relationships with a firm which must deliver insightful yet impartial judgments of local government practices.

At this time, the Civil Grand Jury wishes to announce appreciation for the efforts of the current Auditor-Controller-Treasurer-Tax Collector’s Office and the Information Technology (IT) section of the Administration Department in the transfer to new, modern software. Auditor-Controller Cardenas has worked diligently to get current internal controls in place with education and training for all employees in the Auditor-Controller’s Office. Also, the IT Department is working diligently with Tyler and Client First to make the deliverable of the deployment (of which is NOT a minor endeavor) of the software system to be up and running fully by 1 July 2024.



Timeline of Events from 2001 to 2024

Glossary

Accrual-basis accounting: A method of keeping accounts in which amounts of money are recorded at the time they are earned or promised. Many large enterprises use accruals-based accounting under which income and expenses are recognized according to when the enterprise becomes entitled to them, rather than when the funds actually arrive or are spent. The Federal dollars Lassen County receives are required to be accounted for using a modified accruals method.

Audit: An examination of accounting records of financial accounts to check for accuracy. Audits measure an organization's internal controls, accounting processes and corporate governance. There are several types of audits of interest below. In particular:

- *Compliance audits* measure how well financial transactions conform to a particular standard. The increasing portion of the county budget funded by grants from State and Federal sources, which money increasingly comes with strings attached, has increased the use of this type of audit, which is about 70% of Lassen County activity currently.

- *Internal audits* are conducted by the Office of The Auditor-Controller on various departments and special districts within the county; internal audits are not necessarily public and may be used by management to track performance and increase efficiencies.

- *External audits* are more formal audits conducted by an external organization; they are more limited in scope and fulfill statutory requirements. They are public records and freely available. Lassen County contracts with an external organization for an annual audit of the county's books. They may be found on the Lassen County's website at:
<https://www.lassencounty.org/dept/auditor/auditor>.

California Government Code: The set of state laws that dictate the way in which cities and counties in California must operate.

Cash-basis accounting: A method of keeping accounts in which amounts of money are recorded at the actual time they are received or spent.

Corrective Action Plan (CAP): A corrective action plan (CAP) is a set of actions designed to correct an issue, problem, non-compliance, or underperformance. In relation to compliance, CAP is a series of proposed actions to implement or address reported recommendations and audit comments. At the completion of an audit, the auditee must prepare a corrective action plan to address each audit finding included in the current year auditor's reports.

GAAP: Generally Accepted Accounting Principles. A set of standards for the practice of accounting, against which accounting practices may be audited.

GAGAS: Generally Accepted Government Auditing Standards (also known as the "Yellow Book"). Like GAAP, GAGAS is a set of standards against which accounting practices may be measured in an audit. This set of "standards" is more stringent than the "practices" of business accounting (see GAAP) and are appropriate to the expenditure of large sums over a large and diverse array of agencies and authorities with a minimum of waste or loss. Much of the funding for Lassen County comes from such streams, and Lassen County must account for these dollars using GAGAS.

General Law County: A county established by the state legislature, which does not have a county charter. Lassen County, California is a general law county.

Low-Risk Auditee: An audited local government that has met certain accounting standards in the handling of Federal funds for at least two accounting periods. This status allows the auditing agency to use more lax standards, resulting in a more cursory auditing process. As of the publishing of this report, Lassen County does NOT have this status.

SEFA: An acronym meaning “Schedule of Expenditures of Federal Awards.” A format and form used to track and account for money awarded by the Federal Government for use by a local government, such as Lassen County or the City of Susanville, or a special district, such as Milford Fire District or the Clear Creek Community Services District. This federal form uses a modified accruals-based accounting.

Preamble

During our investigations, issues that came to light:

- No plan exists to have a “non” zero number of candidates run in any given race (lack of attracting new candidates to run for office)
- Local civic engagement is at a low ebb and the solution is evasive.
- Attracting potential candidates from outside of Lassen County is difficult due to our rural location and cost of living and relocation expenses.
- The pay may be too low to attract a qualified candidate (\$98k to \$138k); however, the Board of Supervisors could move to increase the pay.

Findings

F8. Lack of local press coverage (i.e., printed newspaper) or news outlet (broadcast news), limits communication to the public regarding current status of county business.

F9. County government has failed to attract sufficient qualified persons and prospective officeholders to both fill the available positions and present a choice for the voters. This is not restricted to the Office of the Auditor-Controller.

F10. The process of appointment by the Board of Supervisors for the Auditor-Controller vacant seat was unsatisfactory given that the Office of the Auditor-Controller is a technically challenging and professionally demanding position. The Civil Grand Jury has found that the appointment process in 2020 resulted in the appointment of a candidate incapable of handling a looming software transition of a vital personnel and payroll system.

F11. In 2022, there were nine months left before the installment of new county officers, yet the Board of Supervisors was slow and ineffective in its effort to recruit a new Auditor-Controller, leading to a hasty decision for appointment.

F12. County employees charged with keeping track of both county funds and State and Federal dollars are sorely in need of training and professional development.

F13. The Civil Grand Jury recognizes that the deficiencies noted in the external single audits for the past eight years, generally involve accounting methods required for Federal grants (accrual basis) being different from the perfectly adequate methods used for decades (cash basis) in the accounting of funds generally, and failures in various county departments to recognize this difference.

F14. While problems with the transition from outdated accounting software to the new Munis software has been bumpy and wasteful, the effort has been stabilized and is on-track to full implementation by July 2024.

F15. The Civil Grand Jury found no written succession plan in the Office of the Auditor-Controller. When the incumbent Wemple left office in 2020 for retirement, there was no one to fill the void. Appointed Auditor-Controller Morgan left in early 2023 for health reasons. Therefore, the statutory remedy of appointing a qualified officeholder was only partly successful, resulting ultimately in a vacant ballot in 2022, followed by a vacant office in 2023.

F16. The results of the advisory votes on County Measures T & U by a margin of three to one, show that the voters want to elect their Auditor, and do not deem to trust that selection to the Lassen County Board of Supervisors. Moreover, the voters desire that the offices of Auditor-Controller and Treasurer-Tax Collector remain vital, separate, and independent parts of county government.

F17. Public office is a public trust. When Auditor-Controller Wemple was re-elected to office in 2018, she had entered a four-year compact with the voters. Wemple let The People of Lassen County down by her early vacating of the trust the voters placed in her to fulfill that oath.

F18. The Civil Grand Jury found it hard to find some information on county websites, especially organizational charts to lead us to certain points of contact for further information.

Recommendations

R8. The Chief Administrative Officer should work with the Lassen County Board of Supervisors to budget for, seek, and hire a Public Information Officer (PIO) to report on a regular basis to the public, so the public is more informed and can elect their representatives with necessary knowledge in hand.

R9. The Board of Supervisors should develop a comprehensive written plan to find and entice qualified persons to run for office.

R10. The obvious option is to recommend conducting a special election, however, that is barred by California Government Code. Short of a legislative remedy, the Civil Grand Jury can find no effective recommendation for improvement.

R11. The Board of Supervisors should engage in contingency planning for this scenario (finding F11), as there is a distinct possibility that this situation will repeat in the near future. The Chief Administrative Officer should work to coordinate Board development of a written planning document.

R12. The Chief Administrative Officer should mandate annual continuing education and training for all county staff that work with or handle funds and/or accounts, to include management of State and

Federal grants. Enforce attendance and test for comprehension. Initiate HR actions as required. The Chief Administrative Officer should routinely assure the Board of Supervisors that this is carried out.

R13. The Board of Supervisors should provide the Auditor-Controller's Office with resources to hire and train a compliance auditor, trained to find compliance issues before they show up in the Annual Single Audit.

R14. The Civil Grand Jury would like to recommend that an award be given to Ms. Cardenas for her unrelenting service to the County of Lassen to get the Auditor-Controller's Office back on track and have a clean slate for the 2027 elected official that takes her place! If this transition is successful, this would call for an award of all IT employees involved in this effort as well!

R15. The Board of Supervisors should direct the Chief Administrative Officer to request each elected county official to come up with a written succession plan as well as written professional development plans. These may be published in employee policies. The Board of Supervisors should consider the question of requiring the Chief Administrative Officer to do a similar process for all non-elected county departments.

R16. Based on the results of Measures T and U in the 2024 election, the Board of Supervisors should respect the decision and will of the voters. The Board of Supervisors should request the County Clerk to hold separate elective races for the Offices of Auditor-Controller and Treasurer-Tax Collector for the June 2026 election. The office staffs should be prepared to separate as directed by the current incumbent Cardenas. The incumbent Auditor-Controller-Treasurer-Tax Collector will leave office in January 2027, which means two separate county elected offices will be up for election.

R17. The Civil Grand Jury has no actionable recommendation for Finding F17.

R18. The Chief Administrative Officer should ensure that detailed organizational charts (with names and titles of each position) for the full County Government, as well as each Department/Office, are developed and published on the County website; as well as ensure they are updated and re-published whenever there are changes.

R19. Future Civil Grand Juries should visit ALL elected and non-elected offices for an assessment of those operations, whether good or bad.

References

- Federal grantee requirements for designation as a "low-risk auditee":
<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-F/subject-group-ECFR73e47c9a286e6/section-200.520>
- Generally Accepted Government Auditing Standards, or "Yellow Book":
<https://www.gao.gov/yellowbook>
- Countywide Election results for Lassen County:
 - 7 June 2022:
https://www.lassencounty.org/sites/default/files/departments/clerk_of_the_board_of_supervisors/June%207%202022%20Final%20Results.pdf

- 5 June 2018:
https://www.lassencounty.org/sites/default/files/departments/clerk_of_the_board_of_supervisors/results-June%202018.htm
- 3 June 2014:
<https://www.lassencounty.org/dept/registrar-voters/election-summary-june-3-2014>
 - California Government Code, Title 3, concerning the general governance of counties:
https://california.public.law/codes/ca_gov't_code_title_3
 - California Government Code, Title 3, Division 2, Part 1, Chapter 7, concerning the consolidation of offices: https://california.public.law/codes/ca_gov't_code_title_3_div_2_part_1_chap_7
 - *Lassen County News*, 27 March 2020, “Supes Appoint New Auditor”:
<https://www.lassennews.com/supes-appoint-new-auditor>
 - *Lassen County News*, 11 March 2022, “Filing deadline extended in District 5 Supervisor and County Auditor races”:
<https://www.lassennews.com/filing-deadline-extended-in-district-5-supervisor-and-county-auditor-races>

Report of Tours of Lassen County Detention Centers

California Penal Code 919(b) The Civil Grand Jury (Jury) shall inquire into the condition and management of the public prisons within the County. The following is a summary of those inquiries:

Tour of the High Desert State Prison

On March 12, 2024, seven (7) Jurors met at High Desert State Prison (HDSP) for the annual inspection and review of the prison operation, condition, and management.

We were met by Warden Rob St. Andre and Department Managers in the conference room. Warden St. Andre gave us an overview of the facility and its' mission. Then each department manager explained their role and answered questions for the Jurors. All staff present were knowledgeable in their areas of responsibility and answered all questions thoroughly and to our satisfaction.

With the closing of the California Correctional Center (CCC), some of the services have been picked up by HDSP. This has created additional staff positions for the Susanville area and softened the job loss.

On the day of the Jury's tour, HDSP was down 40 correctional officers, but all supervisors' positions were filled. The prison population was at 65 percent capacity with 2,469 inmates and increasing. The total capacity at the prison is 3,809 inmates.

HDSP has a partnership with Lassen Community College (LCC) for instruction of inmates. Instructors from the college come in the afternoons and have successfully awarded LCC degrees to inmates. There are currently 322 inmates enrolled in LCC and are receiving face to face instruction. The college also offers opportunities for staff education and credit earnings (CE) for career training.

HDSP was complimented for its community service as a manned fire department assisting local fire districts.

After the meeting, the Jury members were led on a tour of the facility by Warden St. Andre and Lieutenant Jeremy Micone. All areas of HDSP that were requested to be seen by Jurors, was available. The facility was in very good condition and all staff members the Jury spoke to were satisfied with their jobs, as well as the management.

The Correctional Treatment Center (CTC) has been undergoing maintenance improvements. The prison operates a 30-bed licensed CTC, to provide medical and dental services, and mental health crisis bed level of care. They can treat up to 10 patients with Respiratory Isolation. There are 10 Mental Health Crisis Beds available, as well as a total of 20 Medical short to long-term medical beds; (10 of which are negative pressure rooms).

HDSP operation has an annual budget of \$170.67 Million. Additionally, the healthcare annual operating budget is \$36.4 Million.

The annual payroll that contributes to Lassen County's economy is \$134,314,575. In addition, HDSP purchases \$768,700 annually in goods and services from local vendors.

Tour of the Lassen County Adult Detention Facility (LCADF)

The Lassen County Grand Jury conducted the annual inspection of the Lassen County Adult Detention Facility (LCADF) on May 10, 2024. Eight Jurors were met by Sheriff John McGarva to tour the LCADF.

LCADF is a Type II Facility that houses pretrial and sentenced inmates. It is the principal incarceration facility for all public safety agencies within Lassen County, including the US Forest Service, Sheriff's Office, California Highway Patrol (CHP) and the Susanville Police Department (PD).

Jurors received an overview of the Sheriff's Department mission including patrols, investigations, adult detention center, court duties, and carry of concealed weapons (CCW) permitting. The Sheriff's presentation was assisted by Custody Division Commander, Captain Dustin Russell; Lieutenant Amy Foster; and Operations Division Commander, Captain Mike Carney.

The Sheriff told the jurors that LCADF is operating at 40% staffing levels, as it is down 17 positions.

Duties of the highly trained SWAT Team were explained, including the team's use of an aerial drone in operations. The drone in use has the ability to use an infra-red camera. It was recently used to apprehend a subject as they hid under a heavy tree canopy. The drone is also equipped with a loudspeaker of respectable volume.

The Department is currently operating without a K-9 officer, as their previous dog retired the week before the Jury's visit. Sheriff McGarva states he would like to reinstate K-9 capability, but fiscal constraints rule that out for the immediate future. In the meantime, the Sheriff has tactics and the use of the City's K-9 as mutual aid, as well as use of the drone.

The detention center surveillance system uses multiple cameras that watch all inside and outside areas. They are monitored 24 hours a day at the control center within the LCADF.

Jurors were escorted through the intake center where inmates go through the booking process. The center has a safety cell, sobering cell, and holding cells. All areas were clean and sanitized.
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The Jury was then taken to the cell block, property storage area, and medical facility. The Medical facility is operated by Wellpath Medical LLC, a private firm specializing in medical services within a correctional setting. The Wellpath manager on duty briefed the Jury on its' operations. There are currently two sick calls per day at the LCADF, and plans are to extend hours to the weekends. Mental health and dental care are also provided.

The tour then proceeded to the control center where all movement throughout the center is monitored via cameras. The interior surveillance system is up-to-date, fully operational, and the corrections officer on duty has full control of all doors throughout the facility.

The Civil Grand Jury then proceeded to the kitchen area. Food services are contracted to Trinity Services Group, a food and commissary services provider for correctional facilities. The meals are prepared on premises according to menus prepared by dietitians. Use of a private firm for food preparation is relatively new to LCADF. Previously, employees prepared meals for about \$2-\$3 per tray; Trinity does it for \$6 per tray, but Sheriff McGarva informs the Jury that since Trinity handles all the planning, ordering of food, accommodating inmate food allergies and health conditions, and other business that employees used to perform, there is a net savings to the County. This freed up employees who are already short-staffed, to focus on policing duties.

There were 96 inmates housed the day of the inspection.

The annual Sheriff's Department budget is \$25M. The two largest budget categories are detention center: \$6.5M and patrol at \$5.6M.

The Department is operating effectively and serving the citizens of Lassen County despite the understaffing. The Jury would like to express thanks to Sheriff McGarva and his staff for the tough job they do for Lassen County and the time they took to give the Grand Jury a thorough tour of the facility.

Hall Of Justice Detention Cells

On May 23, 2024 a delegation of the Lassen County Civil Grand Jury was accompanied on an inspection of the holding cells for Courtroom B and Courtroom D by Deputy Jason Langslet.

The Lassen County Hall of Justice has type I detention facilities to accommodate the need of sentenced inmates and unsentenced detainees to have access to the Superior Court. Cells are adjacent to each courtroom and are reached through a secure sally port in the basement and secure elevator. Entry and exit is separated from visitor access to courtrooms. There are two blocks of three cells each. The capacity is sufficient to accommodate multiple detained persons to each courtroom.

The three cells inspected had capacity for two, two, and ten inmates at a time, respectively. No accommodation for gender was noted. The cells and hallway were all clean and sanitary, and no graffiti was noted. The elevator car was also spotless. No inspection of the sally port was made due to the limited capacity of the elevator and the number of jurors on tour. Meals are not served on site, but inmates are transported to the Adult Detention Facility for meals when needed. Security cameras abound in the detention space and are monitored in the on-site control room.

Request For Responses

The following responses are required pursuant to Penal Code sections 933 and 933.05:

From the following individuals:

- Chief Administrative Officer: R1, R3, R4, R5, R6, R8, R9, R11, R12, R13, R14, R15, R16, R18
- City of Susanville Chief Administrator: R3, R4, R5, R6
- Auditor-Controller-Treasurer-Tax Collector: R12, R13, R15, R16

From the following governing bodies:

- Lassen County Board of Supervisors: R1, R3, R4, R5, R6, R8, R9, R11, R13, R14, R15, R16.

Invited Responses

- Health & Human Services Department Head: R1, R12
- Roads Department Head: R12
- Department Head of Child Support Services: R12
- State Senator Brian Dahle: R10
- Assembly Member Megan Dahle: R10

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.