

Yuba County 2017-2018 Grand Jury Final Report



Table of Contents

Letter from the Foreman.....	iii
Jury List	v
History of the Grand Jury.....	vi
Reports	
The Medical Marijuana Permitting Process in the City of Marysville	1
Yuba-Sutter Counties Veteran Service Office	5
Yuba County Evacuations of 2017	11
Yuba County Jail Report	20
Yuba County Previous Investigations Grid	25
The Grand Jury Process.....	32
The Grand Jury Complaint Form	36

The Honorable Stephen Berrier
Supervising Judge of the Grand Jury
Superior Court of the State of California
County of Yuba
215 Fifth Street
Marysville, CA 95901

Dear Judge Berrier,

On behalf of the entire 2017-2018 Yuba County Grand Jury and in accordance with the provision of Penal Code 933(a), I respectfully submit our Final Report compiled through our year of service.

I have enjoyed serving as Foreperson of our Grand Jury alongside fifteen citizens from various backgrounds and locations within the county. All Grand Jury complaints received were given thorough attention and, when necessary, investigated in a professional manner.

I would especially like to commend the tireless and extraordinary work of fifteen members of this Grand Jury who performed their work with integrity and professionalism. Jury members were divided into six committees: These committees were County and Special Districts, Health and Human Services, Court and Law, Schools, Cities and Editorial. All Grand Jurors served on multiple committees.

I thank you for your insight and help as judicial administrator advisor with the Superior Court. Sincere thanks also to the District Attorney, Yuba County Counsel, Clerk of the Board for Yuba County, Yuba County Administrative Staff, and the entire court staff. The California Grand Jurors Association provided training which was invaluable for us to perform our services for the County.

Lastly, the staff of cities, county offices, and agencies were very much appreciated for their cooperation with members of the Grand Jury.

Once again, I would like to thank you for your faith in me as foreperson.

Sincerely,

A handwritten signature in cursive script, appearing to read "W. Adams".

Wesley Adams
2017-2018 Yuba County Grand Jury Foreperson

2017 – 2018 Grand Jury

Wesley Adams (Foreperson)

Edward Brown (Librarian)

Juan Doig

Pat Flack

Sheila Gee

Trudy Gressley

Jodi Haas

Andrew Haas

Wesley Harringer

Wendi Jellsey (Secretary)

David Mincer

Elishia Oliveria (Treasurer)

Lynn Sharp

Bill Toel (Sergeant at Arms)

Mark Viviano

Norman Wheat (Foreperson Pro Tem)



2017 – 2018 Yuba County Grand Jury

History of the Grand Jury

Before American Development some historians believe that the earliest versions of the grand jury existed in Athens, where the Greeks used citizen groups to develop accusations. Others find traces of the concept in all the Teutonic peoples, including early Anglo-Saxons. For example, the concept was employed in the early Scandinavian countries. Evidence also exists that the early French developed the "King's Audit" involving citizens who were sworn and required to provide fiscal information related to the operation of the kingdom.

However, most commentators believe that the grand jury arose as an institution in England. In the first millennium, English individuals prosecuted criminals, with the king personally involved in the system. Under the Doom Law of Anglo-Saxon King Aethel red (980-1016), a dozen landowners were appointed to investigate alleged crimes. In 1166, King Henry II established a system of local informers (twelve men from every one hundred) to identify those who were "suspected of" various crimes. If the suspects survived their "trials by ordeal" they paid fines to the King. However, the "informers" were fined if they failed to indict enough suspects. After 1188, they became tax collectors as well, and after the reign of Henry III, they were charged with looking into the condition and maintenance of public works.

The Magna Carta, signed by King John in 1215, did not mention the grand jury specifically, but did establish various procedures to ensure fairness in the dispensation of justice. Thereafter, until the mid-1300's, the 12-men juries served both to present indictments and also to rule on the validity of charges. During Edward III's reign, from 1312-1377, the 12 individuals were replaced by 24 knights, called "le grande inquest," and the 12 became a "petit jury" responsible only for declaring innocent or guilty verdicts.

Ultimately, in the 1600's, the English grand jury developed a process to determine whether there was probable cause to believe that an accused individual was guilty of a crime. Grand juries reached their English pinnacle of citizen protectors in 1681 when they refused to indict enemies of King Charles II for alleged crimes. (Ironically, English laws establishing grand juries were repealed in 1933.)

Early American Development

The use of juries in earliest colonial history was limited. In the New Haven Colony, for example, religious beliefs resulted in the residents eliminating trial by jury because there was no reference to juries in the laws of Moses. However, procedures similar to grand juries were used to hear criminal charges of larceny (Boston, 1644), holding a disorderly meeting (Plymouth, 1651), and witchcraft (Pennsylvania, 1683). In the early 1600's, colonial representatives of the English monarchs made laws and prosecuted violators. The first grand juries recommended civil charges against those crown agents, thus establishing themselves as representatives of the governed, similar to grand juries today. The first grand juries also looked into government misconduct or neglect. For example, the first colonial grand jury, established in Massachusetts in 1635, "presented" town officials for neglecting to repair stocks, as well as considering cases of murder, robbery and spousal abuse.

Other early grand juries performed a variety of administrative functions, including audits of county funds (New Jersey), inspections of public buildings (Carolinas), and review of taxes and public works (Virginia). As such, Virginia grand juries also investigated whether each family planted two acres of corn per person. In the Colonies, grand juries were considering criminal accusations and investigating government to officials and activities, but with a populist view. Grand jurors included popular leaders such as Paul Revere and John Hancock's brother. These grand juries played a critical role in the pre-Revolutionary period: for example, three grand juries refused to indict John Peter Zenger, whose newspaper criticized the royal governor's sanctions in New York (he ultimately was prosecuted by the provincial attorney, defended by Alexander Hamilton, and acquitted.) Grand juries also denounced arbitrary royal intrusions on citizens' rights, refused to indict the leaders against the Stamp Act of 1765, and refused to bring libel charges against the editors of the Boston Gazette in 1766.

After the Revolutionary War had ended, the new federal constitution did not include a grand jury. Early American leaders such as John Hancock and James Madison

objected. Thereafter, the grand jury was included in the Bill of Rights, as part of the Fifth Amendment, which states, "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger..."

From then, until today, the federal grand jury remains an integral part of the justice system, used by federal prosecutors for a variety of potential crimes. In 1801, a federal grand jury indicted Colonel Aaron Burr for treason. Most recently, federal grand juries considered allegations related to the Oklahoma City and New York Trade Center bombings, President Clinton's conduct both before and during his term of office and the recent claims of wrong-doing by former California Insurance Commissioner Chuck Quackenbush and some associates.

Adaptation by the States

As the various states were admitted to the Union and adopted their legal and operating procedures, almost everyone initially included some reliance on grand juries for either (or both) review of criminal indictments or inquiries into government activities. Some states' grand juries were very active in administrative affairs, even including recommending new laws. Others carried out investigations of government officials; one Tennessee grand jury indicted the entire state court of appeals, and another opposed a judge's reappointment on the grounds of "mental imbecility." Throughout this state-by-state development, the underlying concept remained the same: ordinary citizens, neighbors, and others on grand juries were a necessary part of the government to ensure that public prosecutors were not swayed by personal or political prejudices, and that government officials efficiently and effectively performed their jobs.

Since the mid-1800's, grand juries have been criticized as ineffective or out-of-date by a number of reformers because they were slow, lacked expertise, and on other grounds. Others criticized the "star chamber" atmosphere of secret hearings without customary due process rights. However, these complaints were offset by effective grand jury investigations, including those of the Boss Tweed ring in New

York City (1871) and racketeering charges brought by a grand jury assisted by Thomas Dewey in the 1930's. Since the nineteenth century, various minor and major changes have been made in grand jury selection, procedures, and qualifications, often resulting in fairer and more efficient jury operations.

Today, all states except Connecticut and Pennsylvania and the District of Columbia may use grand juries to indict and begin criminal trials. Twenty-three states and the District of Columbia require that grand jury indictments be used for certain more serious crimes. California and twenty-four other states make use of grand jury indictments optional. All states and the District of Columbia use grand juries for investigative purposes.



The Medical Marijuana Permitting Process in the City of Marysville

SUMMARY

The 2017-2018 Yuba County Grand Jury accepted for investigation a citizen complaint asserting that the Medical Marijuana Dispensary permit process in the City of Marysville was biased and resulted in unfair advantage to specific applicant(s). Other aspects of this complaint were beyond the purview of the Yuba County Grand Jury.

GLOSSARY

Medical Marijuana Dispensary - a business licensed to sell medical marijuana to registered patients or primary caregivers in compliance with a state's medical code.

BACKGROUND

On December 21, 2015 the Marysville City Council approved Ordinance 1381 allowing two medical marijuana dispensaries to operate within the city limits of Marysville. Operation of such a business would be contingent on obtaining a permit issued by the City of Marysville.

The permitting process, as set-forth in the Ordinance, is a multi-phase process beginning with submission of an application and fee to the Marysville Police Department. Upon receipt of the completed application and non-refundable fee, both applicant and proposed dispensary site are vetted. A preliminary background check is conducted by local law enforcement and the proposed site is evaluated by multiple City agencies including the Marysville Fire Department, the Planning Department and the Zoning Department.

Finally, if not eliminated during preliminary vetting, the applicant will progress to a selection committee comprised of employees of various city departments and an independent firm specializing in cannabis regulatory guidance and advice for local governments. HdL Company is a California consulting firm engaged by the City of Marysville to review medical marijuana dispensary applications. The City Selection

Committee and HdL independently assign a points rating to each applicant. The applicant's total rating is based on ten measures including criteria such as: personal interviews, proposed location, the applicant's business plan, use of local labor, and the applicant's safety and security plan.

Dispensary permits were issued to the two applicants earning the highest ratings based on the combined scores of the City Selection Committee and HdL.

METHODOLOGY

The Grand Jury reviewed the citizen's complaint and spent many hours in interviews and research. Employees in various City of Marysville departments such as Marysville Police Department, the City Planning Commission, the Community Development Department, members of various governing boards and councils, as well as applicants and other individuals intimately involved in the application process, were interviewed and hundreds of pages of primary source documents were reviewed.

DISCUSSION

Based on the interviews conducted and documents reviewed, the Grand Jury did not discern any bias of any city employee during the permitting process, or any unfair advantage derived by any applicant.

FINDINGS

F1. Insofar as the Medical Marijuana Dispensary application and licensing process to date, the Grand Jury finds that applicants and City of Marysville employees adhered to the procedures set forth in Ordinance 1381 of the Marysville city code and finds no evidence to suggest prejudice against, nor preferential treatment of, any applicant.

RECOMMENDATIONS

None.

RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

- City Manager, City of Marysville

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.



Yuba-Sutter Counties Veteran Service Office

SUMMARY

Throughout the United States, County Veterans Service Offices (CVSO) provide assistance to veterans and eligible dependents in obtaining available benefits primarily from the United States Department of Veterans Affairs (VA) and also from state or local government agencies.

The CVSO is also responsible for administering the College Fee Waiver Program for Veterans' Dependents. This program affords benefits to spouses, unmarried surviving spouses and children of service-connected disabled or service-related deceased veterans enrolled at any campus within the University of California, California State University or California Community College systems, who meet eligibility requirements.

The 2017-2018 Yuba County Grand Jury elected to interview the Yuba County Veterans Service Office performs, due to the significant population of military personnel in the Yuba-Sutter area.

BACKGROUND

Although the CVSO model can be traced to post-Civil War years, the first California CVSO was established in 1924. Working under the auspices of the California Department of Veterans Affairs, County Veterans Services Offices perform functions such as identifying benefits for which an applicant may be eligible, assisting veterans in completing necessary forms and gathering information to file claims for those benefits and general advocacy to the veteran population.

In California, County Veterans Service Offices are located in 56 of the 58 counties.

METHODOLOGY

Members of the 2017-2018 Yuba County Grand Jury met with employees of the Yuba County Health and Human Services Department, of which the Yuba County Veteran Service Office is a division, to learn more about the operations and objective of the CVSO.

DISCUSSION:

Who is served by the CVSO

The Yuba Sutter Veterans Service Office was established over 70 years ago to serve local veterans from all branches of the United States military. Certain family members of living, disabled and deceased veterans may also be eligible for assistance.

How services are requested by eligible population and how the Office reaches the eligible population

Depending on the specific need or type of assistance required, the eligible veteran or family member meets with a Veteran Service Representative for a one-on-one interview; needs are assessed and a plan for appropriate service assistance is formulated during that meeting.

The CVSO uses various forms of outreach to educate and inform Veterans about the existence of the Office: Yuba Sutter Veterans Stand Down and the Nevada County Stand Down, various health and senior fairs, Veterans and Memorial Day events.

How many are served by this local Office

Based on statistics from the United States Department of Veterans Affairs, the combined veteran population in Yuba and Sutter Counties was 13,322 as of September, 2015. According to data gathered during the investigation, for the fiscal year (FY) ended June 30, 2017, the Yuba/Sutter Veterans Service Office managed 3,387 office visits and 3,009 telephone calls and filed nearly 3,000 claims or forms for various benefits.

Funding sources and expenses for local Office

Funding for operation of the Yuba/Sutter CVSO is derived from:

- appropriation from the California Department of Health Services under the Medi-Cal Cost Avoidance program - approximately \$36,000 for FY ended June 30, 2017
- appropriation from CalVet and Federal Subvention funding and the Veteran Service Officer fund (sales of Veteran license plates) - approximately \$97,000 in FY ended June 30, 2017

Additional funding is received from each county's General Fund. Allocations from county General Funds for FY ended June 30, 2017:

- Yuba County - \$125,699
- Sutter County - \$125,700

Although all revenue from above sources is received by Yuba County alone, net operating costs for the CVSO are shared equally between Yuba and Sutter Counties.

Operating expenses for the FY ended June 30, 2017 include:

- Payroll and benefits - \$287,000
- Overhead and office supplies - \$57,000
- A87 - \$29,000

(Expenses designated "A87" are county overhead expenses which are allocated across multiple county departments or offices.)

Staffing levels required to meet operational needs

In November, 2017, the Yuba/Sutter CSVO employed one full-time Veteran Service Officer, three full-time Veteran Service Representatives working directly with clients, and one full-time office specialist to support the VSO and Representatives. All Staff of the CVSO are Yuba County employees. One additional FTE (full time equivalent) is required to adequately staff the office.

Specific obstacles or challenges encountered in fulfilling client requests

Access to the Veterans Administration database is vital for all activities performed by the CVSO. As would be expected, access to this database is strictly controlled to ensure privacy. This results in significant delays in obtaining credentials for CVSO employees and therefore, subsequently delays assistance to the client. Interaction with Veterans Administration is complicated and time consuming. Policy, procedure or operational changes within the VA are frequently not imparted to the CVSO in a timely fashion. Such changes may affect claims in progress or claims previously submitted. Again, these issues result in delay of service to the veteran if claims must be resubmitted or if additional information must be obtained due to rules changes.

FINDINGS

F1. Despite the delays the CVSO may experience with the VA in processing claims for clients, the CVSO provides a vital service that allows many veterans and their families to obtain benefits to which they are entitled. Without the help of the CVSO, many veterans and their families would find the process overwhelming because the VA system is difficult to navigate.

F2. According to statistics provided by the CVSO, the services rendered by the CVSO resulted in \$3.6 million of lump sum and retroactive benefits paid to local area veterans and increased monthly benefits annualized to \$6.4 million in FY ended June 30, 2018.

RECOMMENDATIONS

None.

COMMENDATION

The Grand Jury commends the management and staff of the Yuba/Sutter Counties Veterans Service Office for their work on behalf of local veterans which benefits not only the individuals served, but the community at large.

RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

- Yuba County Health and Human Services
- Yuba County Board of Supervisors on Findings 1 and 2

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.
--



Yuba County Evacuations of 2017

During 2017, Yuba County experienced two evacuations, one on February 12, for the Oroville Spillway Event and one on October 8, for the Cascade Fire. During these times, the Yuba County Office of Emergency Services (OES) was called on to provide full assistance and direction for the evacuations that took place. The County and Special Districts Committee of 2017/18 Yuba County Grand Jury decided to inquire into the OES and its process of initiating an evacuation. “Yuba County Office of Emergency Services mission is to provide exceptional public service in coordinating disaster activities with our stakeholders and first response partners, before, during, and following an emergency or event which has impacted the County of Yuba; always striving to protect the safety and property of our citizens.”

EVENTS

On February 12, 2017, an evacuation order was issued due to fear that the main, and emergency spillways of Oroville Dam would fail, leading to over 180,000 people being evacuated from Butte, Sutter and Yuba counties. Yuba County evacuation covered the communities of Linda, Marysville, Olivehurst, Plumas Lake, Wheatland, and unincorporated areas of Yuba County.

On October 8, 2017 approximately 6,000 people were affected by the Cascade Fire Evacuations. Various agencies worked quickly to evacuate many different areas.

METHODOLOGY

Members of the County/Special Districts committee of the Grand Jury of Yuba County wanted to interview the Office of Emergency Services regarding the evacuations and came up with a list of questions for an interview with county staff receiving information regarding both evacuations that occurred in 2017.

MOBILE INCIDENT COMMAND VEHICLE



OROVILLE SPILLWAY EVENT

According to the Department of Homeland Security/Department of Defense, the Oroville Spillway Event evacuation was the largest non-wartime evacuation (at that time) that the United States had ever seen. The OES was already operating at Level 1 (observing/monitoring water levels and situations) prior to the spillway event because of the January/February 2017 storms.

The Yuba County Sheriff's office and the County Administrator determined that an evacuation had to take place for Yuba County. The time of day was 4:00pm pm on February 12, 2017 and the considerations in making the call to evacuate included: time of day; social media - people were not going to wait to evacuate. Butte County was already evacuating, and many people were going south. A question was asked regarding Highway 70 and possibly making it a four-lane highway going southbound; it was determined there was not enough time, or personnel to close off northbound entrances and exits throughout the City of Marysville and the County.

Yuba County OES needed to relocate their operation center to Nevada County. Moving the OES to Nevada County was a decision made due to the potential longevity of this incident. The Yuba County OES was up and running in Nevada County within two hours. A call center was also set up with ten phones with calls forwarded from Yuba County. Staffing of the Emergency Operations Center worked out well. Marysville and Wheatland are responsible for their own emergency operation centers.

NOTIFICATION

Yuba County uses an automated notification system, called Code Red, to notify residents, and provide safe evacuation routes. The county will also issue text alerts to those who have registered on bepreparedyuba.org. The Code Red message includes:

1. reason for evacuation; area to be evacuated
2. safe evacuation routes
3. where evacuated residents can go for assistance
4. how to stay informed and a call back number for additional information
5. evacuation locations and river levels

The OES will continue to work, and coordinate with the appropriate officials when making the decision to release a mass code red notification. The OES will also work with the City to attempt to fill appropriate resource requests and if they do not feel their resource needs are being met that they have appropriate contact information in order to reach OES management staff. The OES is currently working with the American Red Cross to update the list of pre-identified evacuation shelter sites, however given the dynamic nature of disasters, these locations may vary, based upon the affected area.

PUBLIC INFORMATION

The continuity of information presented to the public during the evacuation was extremely important. In the future, training will aid in creating more lines of communication with field personnel as a means of obtaining more timely information. This will also aid in building up the appropriate skill of those who are able to manage the social media sites on all shifts as well as proper briefings between shifts.

Information supplied to the public ensured that the message was not missed. Yuba County will continue to work with other jurisdictions, agencies, and organizations in order to deliver:

1. Unified message
2. Disseminate clean information
3. Build the social media audience
4. Ensure the correct more accurate message is being delivered to residents residing within the County of Yuba
5. Disseminating information out to the field and other pertinent agencies or representatives
6. Social media verifying information obtained and turning it into intelligence, then disseminating updated information back out.

School districts have the responsibility for each schools evacuation. All schools should have an evacuation plan. OES does have keys to the school districts fleet of buses at their disposal.

The Sheriff's office makes the call to evacuate the jail and juvenile hall. The inmates are usually bussed to other facilities outside the county.

Hospitals, and care centers are mandated by the state to have evacuation plans in place. During the incident Rideout Hospital contacted the OES with concerns that staff was being turned around at the roadblocks. The OES pushed information down to the appropriate channels in order to allow hospital personnel to report to work and the issue was ultimately resolved. OES will continue to work with local agencies in order to provide and disseminate incident information in a timely manner.

Yuba County had evacuees at the Wheatland High School, Nevada County Fairgrounds, the Dobbins-Oregon House Community Center and the Ponderosa Center in Brownsville. The Red Cross stepped in to prepare, and service shelters. Shelters are also staffed by volunteers in the county during emergencies. Cots were brought in, along with food, blankets and any other necessities. Clarification on what animals were allowed at the shelter was needed and in th future increased information will be provided to evacuees on the types of animals allowed to be sheltered at the shelter sites. Plans are being worked on that is intended to

address the use of volunteers at the shelters and increasing security of the shelters.

The OES will continue to work and coordinate with the appropriate officials when making the decision to release a mass Code Red notification when safe for the residents of Yuba County. The OES will also work with the City of Marysville to attempt to fill appropriate resource requests and if they do not feel their resource needs are being met, they have appropriate contact information in order to reach the OES management staff.

OES volunteer staff were engaged for the duration of the incident. Limited services were available as early as Wednesday following the incident and were back into full operation by Thursday. Some personnel had difficulty navigating through the roadblocks and often could not get through. The county is currently working to update a transportation resource list to consider other potential resources both within the county and outside the county to expand the list of potential transportation providers. OES will work with the Office of Education in order to provide an appropriate identification for employees to gain access through roadblocks during disasters.

Yuba-Sutter Domestic Animal Disaster Assistance (YSDADA) was used to shelter small domestic animals. In order to effectively track animal intake and release there is a need for inside locations with heat for sheltering and an ability to lock shelters when animal volunteers are not present. YSDADA resource center was located in Live Oak at the staging location. YSDADA noted that they will be determining a more accessible location to gain access to their resource center during an incident and will continue to recruit volunteers. OES will continue to work to notify the public of the various open shelters including the ability to bring domestic animals when able.

According to the After Action Report issued by the California Governor's Office of Emergency Services, Yuba County OES scored satisfactory marks on all issues requested.

CASCADE FIRE EVACUATION – October 8, 2017

On October 8, 2017 approximately 6,000 people were affected by the Cascade Fire Evacuation. The onset of the fire was unprecedented, given the time of the fire start, coupled with the wind speed that was fueling, and driving the fire. The rate that the fire spread quickly overwhelmed staff and it was difficult to drive fast enough to get in front of the fire to make notifications to residents. All other agencies helped make notification in a timely manner.

Conversations with the public made it clear that the primary frustrations were due to a perceived lack of information flow. The County OES consistently pushed out as much information as they had, and OES representatives were consistently checking in with the Cal Fire Command during briefings to provide the best and latest information. All resources were being re-routed to other areas that were experiencing fires, leading to a skeleton crew of Cal Fire personnel being made available. It was clear that Cal Fire had to manage their operations with very little man power.

The meetings in the shelter for press conferences and Q&A sessions served the public and county well. There were four fatalities due to the Cascade Fire. Approximately 6500 animals of all types were rescued and delivered to safe zones. There were problems at roadblocks and also there were folks that did not evacuate, who were moving around in the evacuation area. OES would like to see the Mobile Incident Command Vehicle deployed more quickly. Additional training in the vehicle would also be beneficial. Gaining more staff capable of deploying the vehicle would serve the county well.

Cal Fire had the arduous task of working this fire with about one quarter of the resources they would normally work with on an incident of that size. Firefighters worked that initial shift well into 48 hours straight and when possible, they would bed down for about three hours and were back up to continue to fight the fires. With the help of the Linda Fire department and Marysville Police Department, Cal Fire was able to stand up to the task.

The Yuba-Sutter County Fairgrounds was used as an evacuation area. Organization management was organized right away at the onset of the event, and notifications of needed donations was immediately made on social media, etc. Yuba County OES will review the forms used for Emergency Operations Center

Incident Management and Documentations and will work to create forms that are more user friendly and beneficial to OES operations. Health and Human Services will work to identify a solution for the handling of pharmaceuticals in the shelter setting. Yuba Sutter Domestic Animal Disaster Group and the Field Haven Feline Center were two volunteer organizations that stood up during the disaster to aid in sheltering animals near their owners. The Sheriff's Posse is a group of volunteers that put in over 1400 hours of time to help aid in the rescue and care for animals during the fire.

The American Red Cross helped set up three shelters within four hours in three separate counties. The need for shelters immediately caused concern due to limited resources. (Normal response is to open for 200 evacuees within four hours.) Many signed in but did not stay at the shelter. Overburdened by generosity of community, volunteers/donations took more time to deal with than normal shelter operational duties.

Yuba County Probation provided emotional support to survivors and county personnel. California Hope is a recovery program that provides recovery services for people affected by the fire, from simply being evacuated to experiencing loss to the fire.

Overall the Cascade Fire Response went well, Yuba County Office of Emergency Services is proud of the way that everyone stepped up and is proud of the work that all levels of County Employees put forth during the duration of this incident. Public information function was great as well as the dissemination of information and dealing with media/reporters. The Public Briefings proved to be beneficial with keeping the public informed.

To summarize all agencies worked very well together in both events. They were able to move people very well with little issue.

In the event of an actual emergency, Yuba County uses a telephone notification system to warn residents of impending danger. Take steps to register your home and mobile phones to receive alerts via phone call, text message or both by visiting www.bepreparedyuba.org and clicking on the "Stay Connected" icon.

FINDINGS

F1: While there were some problems noted during both the flood evacuations and the fires evacuation, OES plans worked.

RECOMMENDATIONS

R1: Keep up the good work.

RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

- Yuba County Board of Supervisors on Findings 1 and Recommendations 1.

BIBLIOGRAPHY

- http://yubacourts.org/divisions/grand_jury/reports
- www.beprepared.org
- <http://co.yuba.ca.us/departments/oes>

DISCLAIMER:

Reports issued by the Civil 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 up to the identity of any person who provides information to the Civil Grand Jury.



2017 - 2018 YUBA COUNTY JAIL REPORT

SUMMARY

The Yuba County Jail is under the supervision of the Yuba County Sheriff. California Penal Code Section 919(b) requires that “the grand jury shall inquire into the condition and management of the public prisons within the county.” The members of the Yuba County Grand Jury conducted two inspections of the jail. Several members of the jail staff and a few inmates were questioned. We concluded the jail is operating effectively, while serving the need of the inmates and the public.

BACKGROUND

The Yuba County Jail is located at 215 5th Street in Marysville. There are two city police departments in Yuba County, Marysville and Wheatland, which also use the Yuba County Jail for incarceration. In addition, the jail is one of fourteen detainment centers for Immigration and Customs Enforcement (ICE). The jail is in two parts, the new built in 1995 and the old in 1962.

California Penal Code Section 919(b) requires that, “the grand jury shall inquire into the condition and management of the public prisons within the county.” In 1978, the United States District Court for the Eastern District of California issued a Consent Decree detailing specific areas related to the housing of inmates in the Yuba County Jail. This Consent Decree states that the Grand Jury shall be requested to do an analysis of whether the jail is in compliance with all of the provisions of the decree (Hedrick, et al vs. Grant et al, 1978). The Consent Decree court order, issued in 1978, was agreed upon and signed by the County Counsel of Yuba County and the plaintiffs’ attorneys. It addresses certain aspects in the housing and treatment of inmates in the Yuba County Jail. This decree has not been updated in forty years, some requirements are not compatible with current technology or are lacking in relevance.

METHODOLOGY

Members of the Yuba County Grand Jury interviewed the Yuba County Sheriff personnel, receiving information on the operations inside the jail. Members toured the jail and received information on the history and current conditions within the jail.

Two separate tours were conducted, including the laundry room, kitchen, medical area and the intake/booking areas. While touring the jail, interviews of several staff personnel and inmates were conducted.

DISCUSSION

Members of the Grand Jury toured the jail on the first visit October 19, 2017 and the second visit on February 28, 2018. Upon entering the jail area proper, we passed through the booking area where detainees were processed. All money and personal belongings are collected from detainees. A separate receipt is issued for money collected and personal belongings. Medical screening is then accomplished by trained medical staff to ensure that he or she is in good general health and higher medical attention is not required. If it is determined that the person requires more health care than is available at the jail, then they are taken to Rideout Hospital for treatment before further processing. The jail staff screens for gang affiliation to ensure inmate safety once incarcerated. Once processed at the booking area, they are then placed in a holding cell pending further processing or observance.

Safety cells are used to house detainees/inmates at risk of harming themselves. If placed in a safety cell, detainees/inmates are physically monitored at least every fifteen minutes. While housed in a safety cell, detainees/inmates are regularly assessed by custody staff, medical staff and mental health staff. The cells contain no furniture and the walls have a padded protective covering. These cells were observed to be clean and in good repair. At this time the safety cell protocols are being reviewed by Jail staff and the medical/mental health provider for any possible changes.

The newer portion of the jail built in 1995 houses both ICE detainees and the general jail inmate population. This is both an open barracks and cell area. An enclosed booth above looks over on the inmates in the barracks area and across at the cells ensuring orderly conduct. Normal functioning of these areas is carried out by a minimum of one staff member in each booth. At this time there is only one camera that monitors cell activity in each tower. General inmate population is dressed in orange and the ICE detainees are in red. At the current time ICE detainees number around 166 men and women on any given day with the

maximum of just over 200. The average number of ICE detainees was 180 in 2016, 165 in 2017, and 182 at the time of this writing. Gang affiliation is not a noticeable problem with less than ten percent of all inmates being associated with gangs. In 2017, the total daily average inmate population was 358, with a slight increase for 2018 to 375.

The older portion of the jail built in 1962 consists of small and large cells with bunk beds. Each cell holds between four and twenty people. Two separate areas of this portion of the jail houses male and female inmates. While this section of the jail is noticeably older, it is still just as functional as the newer section.

The kitchen area was observed to be clean and well organized, serving well balanced meals. It was stated more than once that this jail has a reputation for the best food in all of California's correctional system. Approximately 33,930 meals are served every month depending on the jail population; inmates receive three meals every day. While the menu is determined by predetermined guidelines, the jail tries to provide a variety of different ethnic foods as required by the National Detention standards

The law library has a good selection of legal books and materials available to help inmates understand and research their legal matters. Students from the University of California Davis Law School use the library while investigating the Consent Decree and when interviewing inmates for their studies.

The medical area is currently under contract for medical and mental health services with California Forensic Medical Group (CFMG). It is a three year contract that began September 1, 2017. With CFMG, the jail now has 24/7 medical staff and an increased level of mental health staff on duty. Previously, correctional officers were tasked with intake screenings and only referred to on-site medical or mental health staff if the screening process identified a problem. Today, a registered nurse is now primarily responsible for screening newly arriving prisoners. With CFMG, problem areas noted in past Grand Jury reports have been eliminated, a more thorough and comprehensive screening process has resulted. A new medical facility has been authorized and funded, awaiting construction to begin.

FINDINGS

- F1. Not enough cameras in tower areas
- F2. Current medical staffing, and available treatment for inmates has been vastly improved since past grand jury reports.
- F3. The jail staff is doing an outstanding job of maintaining the jail and meeting the needs of the entire jail population

RECOMMENDATIONS

- R1. Installation of more cameras in the tower area would be extremely helpful, should be discussed by Board of Supervisors for addition to the 2018-2019 budget.

RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

- Yuba County Sheriff on Findings 1 and Recommendations 1
- Yuba County Board of Supervisors on Findings 1 and Recommendations 1

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.

BIBLIOGRAPHY

State of California, Board of State and Community Corrections, Title 15 Minimum Standards for Local Detention Facilities, Title 15-Crime Prevention and Corrections, Division I, Chapter 1, Sub-chapter 4, Article 5, Classification and Segregation, Section 1052-1057.



**Yuba County
2017 – 2018 Grand Jury
Previous Investigations Grid**

County Committee	9 7	9 8	9 9	0	1	2	3	4	5	6	7	8	9	1 0	1 1	1 2	1 3	1 4	1 5	1 6	1 7	1 8
Administrative Services		X								X												
Administrative Services - IT											X											
Agriculture																						
Airport Enterprise Zone		X																				
Assessor																						
Auditor / Controller								X	X													
Board of Supervisors	X				X		X		X	X												
BoS -Ordinances						X																
BoS- Yuba County - Office Hours			X																			
Building - Permit Fee																	X	X				
Clerk of the Board																						
Clerk/Recorder/Elections								X			X											
Code Enforcement								X					X									
Community Development												X	X									
County Administrator																						
County Counsel																		X				
Economic Development									X													
General Services - Buildings and Grounds																						
Library																						
Office of Emergency Services																X			X		X	
Personnel Risk Management																						
Print Shop																						
Public Administrator		X																				
Public Works-Road Dept				X	X					X								X				
Treasurer/Tax Collector									X													
Weights & Measures																						
Yuba County Airport					X		X				X			X				X	X			

Special Districts	9 7	9 8	9 9	0	1	2	3	4	5	6	7	8	9	1 0	1 1	1 2	1 3	1 4	1 5	1 6	1 7	1 8
Browns Valley Irrigation Dist		X	X																			
Camp Far West Irrigation																						
Cemetery District - Browns Valley						X												X				
Cemetery Dist- Brownsville						X												X				
Cemetery Dist - Camptonville																		X				
Cemetery Dist - Keystone						X												X				
Cemetery Dist - Marysville														X				X				
Cemetery Dist - Peoria							X											X				
Cemetery Dist - Smartsville																		X				
Cemetery Dist - Strawberry Valley																		X				
Cemetery Dist - Upham																		X				
Cemetery Dist - Wheatland																		X				
Foothill Fire Protection																		X				
Local Agency Formation Commission (LAFCO)									X	X												
Levee District 817																						
Linda Fire District																					X	
Marysville Levee District													X									
Mosquito and Vector Control District																			X			
North Central Counties Consortium (NCCC)										X												
Olivehurst Public Utility District							X		X				X									
Olivehurst PUD - Water																						
Olivehurst PUD - Fire				X																		
Reclamation District 10																						
Reclamation District 2103																						
Reclamation District 817																						
Reclamation District 784	X			X				X		X												
River Highlands Community Service								X				X	X									
Smartsville Fire Dept											X											
Three Rivers Levee Impr Auth															X							
Yuba County Water Agency						X			X	X	X											

Cities Committee	9 7	9 8	9 9	0	1	2	3	4	5	6	7	8	9	1 0	1 1	1 2	1 3	1 4	1 5	1 6	1 7	1 8
Marysville Business Improvement District	X										X											
Marysville City Clerk's Office																						
City Council																					X	
Marysville City Council Meeting Minutes															X							
City of Marysville		X	X				X	X				X				X						
Marysville Fire Dept				X					X												X	
Parks & Recreation - Ellis Lake																		X				
Marysville Public Works									X													
Marysville Red light Camera System										X								X				
Marysville Redevelopment Agency						X																
Marysville Website														X								

Special Reports	9 7	9 8	9 9	0	1	2	3	4	5	6	7	8	9	1 0	1 1	1 2	1 3	1 4	1 5	1 6	1 7	1 8
Sewage Appeals Board	X																					
Youth Project - Runaway youth									X													
Yuba County - 1997 Flood	X																					
Yuba Park	X																					
Yuba River Access																						

Schools	9 7	9 8	9 9	0	1	2	3	4	5	6	7	8	9	1 0	1 1	1 2	1 3	1 4	1 5	1 6	1 7	1 8
Abraham Lincoln (home) School	X																					
Alternative Education Program																						
Anna McKenney Intermediate									X													
Arboga Elementary School																		X				
Browns Valley Elementary									X										X			
Campton Union School Dist																						
Charter School	X																					
Cedar Lane Elementary School																		X				
Citizen Bonds Oversight Com														X								
Covillard Elementary School																		X				
Dobbins Elementary School											X											
Food Service -Sch Meals Program						X																
Foothill Intermediate School																	X	X				
Lindhurst High								X												X		
Loma Rica Elementary													X									
Mary Covilaud Elementary										X												
Marysville High								X														
Marysville Joint Unified Bd			X		X			X	X		X		X				X		X			
Office of Education																						
Olivehurst Elementary									X													
Plumas Elementary																						
Regional Career Center JPTA																						
School Safety-Yuba Cty Schools							X															
Wheatland Elementary																		X				
Wheatland High																						
Wheatland School District									X	X												
Wheatland School District bldg												X										
Yuba College																						
Yuba County of Education																						

Law Enforcement	9 7	9 8	9 9	0	1	2	3	4	5	6	7	8	9	1 0	1 1	1 2	1 3	1 4	1 5	1 6	1 7	1 8
Animal Care Services	X	X	X					X					X		X							
District Attorney																						
DA - Family Support Division			X	X																		
DA - Public Administrator			X																			
Grand Jury - Report Sys						X																
Juvenile Hall	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Juvenile Traffic Court																						
Marysville Police Dept								X				X			X							
Probation								X	X													
Probation-Victim/Witness																						
Public Defender																						
Sheriff	X							X	X												X	
Sheriff - K9 unit														X								
Victim Witness				X																		
Wheatland Police Dept												X						X				
Yuba County Jail	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Health and Human Services	9 7	9 8	9 9	0	1	2	3	4	5	6	7	8	9	1 0	1 1	1 2	1 3	1 4	1 5	1 6	1 7	1 8
Adult Services					X			X			X											
CAL Works																						
Child Protective Services		X	X	X	X		X						X					X				
Day Care																						
Environmental Health									X													
EH - Personnel																						
EH - Onsite Sewage									X													
EH - YSDI																						
First Five Yuba commission														X								
Fraud Investigations									X													
Health and Human Services										X			X									
H&H In Home Safety Visits																X						
Health Department							X															
Mental Health Services																						
Peach Tree Clinic																						
Public Guardian		X	X					X														
Yuba Sutter Veterans Services									X												X	



Yuba County 2017 – 2018 Grand Jury

The Grand Jury Process

Applications for service are received by the Jury Commissioner and reviewed by the Presiding Judge. Effort is made to impanel an ideal jury of qualified men and women of diverse socio-economic, ethnic, educational backgrounds, representative geographical areas of the county, as well as age groups. By court policy, and at the discretion of the Presiding Judge, up to 10 members of the previous year's jury may serve a second term to provide continuity. A total of 19 people serve on the Grand Jury. From the remaining candidates, a drawing is held to provide for alternates.

Yuba County jurors are sworn in and begin the one-year term commencing the first day of July. The Presiding Judge appoints a foreperson to preside at meetings. The jury then chooses the remaining officers and organizes itself into committees. Each committee sets its own program of committees, investigations and interviews. The committee then investigates various departments and functions of local government as it chooses and reviews compliance with previous Civil Grand Jury recommendations. Department heads are interviewed, on-site visits are made and departments strengths and weaknesses are investigated.

Some subjects to be investigated are brought about by letters from citizens regarding complaints of alleged mistreatment by officials, suspicion of misconduct or governmental inefficiencies. Such complaints are kept confidential. If the situation warrants, and after investigation, the Grand Jury may make appropriate recommendations for action.

A large portion of the public mistakenly believes that an individual appearing before the Grand Jury, particularly a public official, suggests malfeasance or misfeasance. It should be clearly understood that it is the constitutional responsibility of the Grand Jury to review the conduct of county government each year. This entails having public officials appear before the jury to provide information to the jury relative to their departments or offices.

While Grand Jurors are a part of the Judicial System and are considered as officers of the court, the Grand Jury is an entirely independent body. The Presiding Judge,

the District Attorney, the County Counsel, and the State Attorney General act as advisors, but cannot limit actions of the jury except for illegality.

Because of the confidential nature of a Grand Jury's work, much of it must be done in closed session. Members of a Grand Jury are sworn to secrecy, thus assuring all who appear that their complaints will be handled in an entirely confidential manner. No one may be present during sessions of the Grand Jury except those specified by law (Penal Code 939), and the minutes of its meetings may not be inspected by anyone, nor can its records be subpoenaed.

The law provides that every Grand Juror must keep secret all evidence adduced before the Grand Jury, anything said by a Grand Juror or the manner in which a grand juror may have voted on a matter. By law it is a misdemeanor to violate the secrecy of the Grand Jury room. A Grand Juror must not confide any information concerning testimony of witnesses or action of the jury even to a spouse or close friend. "Leaks" concerning Grand Jury proceedings inevitably will impair or even destroy the effectiveness of Grand Jury efforts.

Mid-year and final reports may be prepared that describe problems and contain findings and recommendations. Responses are required within 90 days from any public agency, and 60 days from any elective county officer or agency head.

GENERAL INFORMATION

A major function of the Yuba County Grand Jury is to examine local county and city government, special districts, school districts, and any joint powers agency located in the county to ensure their duties are being carried out lawfully.

The Grand Jury:

May review and evaluate procedures used by these entities to determine whether more efficient and economical methods may be employed;

May inspect and audit the books, records and financial expenditures as noted above to ensure that public funds are properly accounted for and legally spent;

May investigate any charges of willful misconduct in office by public officials;

Shall inquire into the condition and management of the public prisons within the county.

Anyone may ask the Grand Jury to conduct an investigation of an issue within its jurisdiction. Whether it chooses to investigate such a complaint is entirely in its discretion

And may be affected by workload, resource limitations or legal restrictions. It is important to note that the Grand Jury may not investigate a matter that is currently being litigated in the court system.

By law, the proceedings of the Grand Jury are confidential. The findings and recommendations and issues it chooses to address are published in its final report.

Yuba County Grand Jury
215 5th Street, Suite 213, Box 5
Marysville, CA 95901
(530) 749-7341
grandjury@co.yuba.ca.us



Yuba County 2017 – 2018 Grand Jury Complaint Process and Complaint Form

COMPLAINT PROCESS

- Present your complaint as soon as possible. The Grand Jury's term of service begins July 1 and ends June 30 of the following year.
- Identify your specific concern and describe the circumstances as clearly and concisely as possible.
- Document your complaint with copies of pertinent information and evidence in your possession.
- You may find the Complaint Form on the internet at:http://www.co.yuba.ca.us/departments/grand%20jury/documents/GJ_Complaint.pdf
- You may also email the Grand Jury at grandjury@co.yuba.ca.us
- Mail or deliver your complaint in a sealed envelope to:

Yuba County Grand
Jury 215 5th Street,
Suite 213, Box 5
Marysville, CA 95901

Among the responsibilities of the Grand Jury is the investigation of the public's complaints to assure that all branches of city and county government are being administered efficiently, honestly and in the best interest of its citizens.

Complaints submitted to the Grand Jury will be treated confidentially whenever possible. However, it may be impossible to conduct an investigation without revealing your name and complaint.

The results of the complaints investigated by the Grand Jury are published in its final report in which the residents of the county are made aware of its

investigations, findings and recommendations and the entities reported on are required by statute to respond.



YUBA COUNTY

GRAND JURY

COMPLAINT FORM

GRAND JURY COMPLAINT FORM

PERSON OR AGENCY ABOUT WHICH COMPLAINT IS MADE

NAME: _____

ADDRESS: _____

TELEPHONENUMBER: _____

GRAND JURY USE ONLY:

Date Received: _____

Number: _____

Subject: _____

Nature of Complaint: Describe events in the order they occurred as clearly and concisely as possible. Use extra sheets, if necessary and attach copies of any correspondence you feel is pertinent. Documentation becomes the property of the Grand Jury and will not be returned. Please note: The Yuba County Grand Jury has no jurisdiction over state or federal agencies, the courts, judicial officers, private companies or most organization.

WHAT PERSONS OR AGENCIES HAVE YOU CONTACTED ABOUT YOUR COMPLAINT?

Person or Agency	Address	Date of Contact	Results

YUBA COUNTY GRAND JURY 2017-2018

WHO SHOULD THE GRAND JURY CONTACT ABOUT THIS MATTER?

Person or Agency	Address	Telephone No.

Your Name: _____

Address: _____

Telephone No: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Complainant's Signature

Date