



2010

2011

PLUMAS COUNTY GRAND JURY REPORT

2010-2011 Plumas County Grand Jury

Table of Contents

<u>Subject</u>	<u>Page</u>
Table of Contents	1
Members of the 2010-2011 Grand Jury	2
Focus of the Plumas County 2010-2011 Grand Jury	3

Investigations

Probation Department Report	5
Sheriff's Department and Jail Report	7
Federal Stimulus Funding Report.....	9
Office of Education and Unified School District Report	11
Specific Issue #1	11
Specific Issue #2	13
Specific Issue #3	14
Specific Issue #4	15

Plumas County Grand Jury Members 2010-2011

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Grand Jury Committees

**Audit
Education
Sheriff and Correctional Facilities
Federal Stimulus Funding
Probation Department**

The Focus of the Plumas County 2010-2011 Grand Jury

In July of 2010, a group of Plumas County Citizens were brought together at the Plumas County Courthouse. Within a few minutes they were sworn in and given a manual as well as information on when and where to meet. The adventure as the Plumas Grand Jury 2010-2011 had begun.

After some assistance from the previous grand jury members, the new Grand Jury set out to find out exactly what they were to do. They reviewed complaint letters addressed to the Grand Jury, reviewed previous Grand Juries' history of investigations, and had discussions about what each new juror thought should be examined. They also examined areas concerning the changes in the economy, population characteristics, and department heads of Plumas County.

After a period of in-depth deliberation, the Grand Jury decided the areas of investigation should cover the following:

1. County Probation Department.
2. Sheriff's Department and Jail.
3. County Stimulus Funding.
4. County Education – Plumas Unified School District/Plumas County Office of Education.

Four committees were formed within the Grand Jury to gather information and take testimonies from individuals with specific knowledge of these areas and departments. Committee chairpersons and officers of the jury were elected to serve on said committees.

Top management and other individuals within the areas and departments were interviewed. The Grand Jury also made tours of the Probation Department and County Jail facilities. The different committees also attended meetings such as: County Audit Department, the Stimulus Director's meeting, the School Board meetings, and the County election processes. Members of the Grand Jury also visited various facilities with alternate forms of education. The committees made it a priority to choose individuals to interview with variant opinions in order to get a balanced view.

This is when the Grand Jury started to discover the real importance of their mission and the impact it would have. Discussions among members of the Grand Jury included reviewing of prior Grand Jury reports, department policies, internet research, and personal interviews. Examinations of all this information resulted in this 2010-2011 Grand Jury report.

The Grand Jury's requests for interviews and information were greeted with a high level of cooperation and openness from all concerned. We thank those who were involved in our investigations. All can be assured that the recommendations and conclusions were arrived at in an unbiased and thorough manner.

This Grand Jury recommends the following areas for consideration for future investigations:

1. Auditor/Controller/Risk Management Department.
2. Plumas Corporation and its relationship with various County agencies.
3. Veterans Services.
4. Drug and Alcohol Abuse program funding.

It has turned out to be a highly educational experience for the members of the Grand Jury. We started as strangers and ended as a cohesive group with respect for our fellow jurors.

Probation Department Report

Specific Issues

The Plumas County Probation Department was investigated by the 2003-2004 Grand Jury. Over the last few years, citizen complaints have been received concerning issues with the handling of juveniles by the Probation Department. The 2010-2011 Plumas County Grand Jury's investigation focused on both the adult and juvenile aspects of the Probation Department.

Purpose Statement

The Probation Department's stated goal is reduction in crime and its impact on the community.

Summary of Investigation

The Plumas County Grand Jury interviewed the head of the Probation Department. We toured the Probation facilities and talked to employees working there. We interviewed the Probation Services Coordinator of Plumas Rural Services Alcohol and Drug Program. We talked with a Superior Court Judge, the District Attorney, and the Sheriff.

Findings

The Plumas County Probation Department currently has sixteen employees, eight of whom are administration and clerical, and eight of whom are probation officers. Their responsibilities include four types of adult cases:

1. Administrative – non-supervised except for fines, fees or restrictions.
2. Out-of-County/Low Risk – minimal supervision, may report by mail or phone, some supervised by other jurisdictions.
3. Intensive Drug Supervision – at a minimum, defendants must have both drug testing and search and seizure as conditions of probation.
4. Drug Court – all defendants that have been placed in a Drug Court program.

The Probation Department's responsibilities include:

- a. Home visits and/or searches.
- b. Creating pre-trial reports.
- c. Pre-sentencing reports.
- d. Drug testing.

The department also works with at-risk juveniles and has created a Girls Circle program. It is currently developing a program for boys. The department has approximately 380 individuals on court-ordered probation at any given time. Drugs and/or alcohol abuse account for 80% to 85% of the people on probation.

Federal and State funding reserves for Plumas County consist of \$509,467 to fund drug and alcohol programs. At the time of this report, the County was not taking

advantage of this funding. (On March 15, 2011, the Board of Supervisors initiated discussions on how to acquire these funds. They have until June 30, 2011 to decide.)

Recommendations

The Plumas County Probation Department is doing a very good job despite being understaffed and under funded. The County should fill the vacancies at the Department and increase funding whenever possible.

The Probation Department should continue to expand its outreach programs to help at-risk juveniles. These programs can help change risky behavior and keep juveniles out of the court system.

The County should continue to make every effort to acquire available Federal and State funding for drug and alcohol treatment programs. These programs could reduce the workload of both law enforcement and the courts.

Sheriff's Department and Jail Report

Specific Issues

It is mandatory that the Grand Jury tour prisons and jails within its jurisdiction to ascertain prisoner welfare and the condition of the facilities.

Function

The Plumas County Sheriff's Department provides public safety, emergency service, and law enforcement along with security for the courts and the citizens of Plumas County. The County Jail is run by the Sheriff and houses people being detained while awaiting trial. It includes those who have been sentenced to a jail term and those who have been sentenced to prison, but have yet to be transferred to the State penal system.

Purpose Statement

To comply with the California Penal Code.

Summary of Investigation

The annual Grand Jury tour took place on September 22, 2010. The tour was conducted by Sheriff Hagwood and the on-duty jail officers and was presented in a professional manner. The Sheriff was also interviewed by the Grand Jury at another time.

Findings

The jail housed thirty-five inmates at the time of the tour. Sixty percent of them were there on drug-related charges and thirteen percent were there for DUI's. The jail has poor-to-zero radio and/or cell phone communication in different areas due to the concrete block construction of the building. This jail is one of the very few remaining linear style jails in the State. The outside jail yard borders a public road. The jail kitchen was found to be clean along with the rest of the jail. The jail is clearly understaffed with a total of seventeen employees and as few as two officers on night duty. The Sheriff is actively seeking grants and other funding for a new jail and additional staff. The Grand Jury recognized that the jail staff is performing well under difficult circumstances. In September 2010, Sheriff Hagwood had no under sheriff or secretary and therefore routinely worked twelve to fourteen hours a day. In the spring of 2011, the Sheriff reorganized the department and added two Assistant Sheriffs, one over Operations and the other over Administration. The Sheriff eliminated one departmental position and was able to make this reorganization change at no additional departmental cost, but even with these changes, the time demands on the Sheriff are large. The new relationship between the City of Portola and the Sheriff's Department is in good standing. There is a problem due to a lack of funding, and no patrol deputies are on duty between 3:00 a.m. and 7:00 a.m. Those hours are covered by "on call" deputies. The Grand Jury considers this to be above and beyond their normal call of duty.

Recommendations

Funding should be made available to alleviate the dangerous lack of communication in the jail. A fix should be found so the public does not have direct access to the fence surrounding the outside jail yard. The Board of Supervisors should strongly push for funding in order to build a new jail within the new courthouse. Also, they should tour the jail and substations, do ride alongs, and meet the deputies in their districts to better understand the restrictions faced by lack of funding.

Federal Stimulus Funding

Specific Issues

When the Grand Jury 2010-2011 was first formed, many were not aware that the County was receiving any of the funds provided by the American Recovery and Reinvestment Act of 2009 or the Stimulus Program. After investigation and interviewing County officials, we have found that millions of dollars were being spent in our area.

Purpose Statement

Obtain knowledge about County Ad Hoc Stimulus Task Force group regarding funding various County projects stimulating the economy and job growth.

Summary of Investigation

During our investigation, we interviewed staff from several County agencies as well as the Chief Administrative Officer (CAO); the County Auditor; the Executive Director of the Plumas Corporation; the Chairperson of the Plumas County Board of Supervisors; the Stimulus Task Force of Plumas County; and the Sheriff of Plumas County.

Findings

1. Lack of communication and inaccurate information between agencies regarding stimulus funds.
2. State funding available for drug and alcohol programs in the County currently not being used.
3. Hospital funding has been restricted due to the recent loss of Measure A in the recent special election in November 2010.
4. The Sheriff has attempted to obtain more staff, but his request was denied due to funding restrictions.

During our investigation, the committee found the following projects that were funded by stimulus dollars:

- a. The US Forest Service Beckworth Airport Project received funding to expand runways and build firefighter barracks in the amount of 2.2 million dollars.
- b. The new Spanish Creek Bridge construction run by Caltrans for 28 million dollars.
- c. Private agencies working with County agencies such as Broadband communications for 13.8 million dollars.
- d. County agencies acquiring money for weatherization improvements for low-income housing.

Throughout our investigation, obtaining stimulus funding required various regulated restrictions. For example, federal road repairs (in the Bucks Lake area) required improvements only to Federal highway routes and no soil was to be disturbed aligning these routes.

Recommendations

1. Federal agencies open bids for local businesses and work with local agencies rather than provide “no-bid” contracts to large national companies.
2. County officials keep the public up-to-date on County stimulus projects with consistent and easily understood information about the status of stimulus projects as well as funding for projects from other income sources.
3. More accounting and project details be made available to the public.
4. Continuation of the County Ad Hoc Stimulus Task Force to work cooperatively with other agencies to find other sources of funding.
5. County Auditor should attend meetings appropriate to their position including County Board of Supervisors meetings.
6. Continue to search for funding for Plumas District Hospital in order to comply with State-mandated seismic-retrofit regulations.

Plumas County Office of Education and Plumas Unified School District Report

Opening Statement

As members of the Plumas County Grand Jury, one of our duties is to investigate citizen complaints. One of the complaints was from a guardian whose ward had been suspended from his school. Investigation of this event opened several other areas of concern regarding Plumas County school policies. At the same time, there was much media attention on the school budget and how it was being managed. We found four areas of specific concerns.

Specific Issue #1

PCOE/PUSD are maintaining a reserve of 45%. Why? Is this an appropriate amount?

After conducting many interviews, reading many school financial documents and attending several board meetings, the Grand Jury understands that the 45% reserve is a reasonable goal in the current unstable economic climate, coupled with complicated financial issues.

1. Factors Decreasing District Revenue

Currently, the Plumas County School District is in Basic Aid Status and may in the near future return to revenue limit status. This change would create a revenue collapse; and according to School Services of California, Inc., the change in status would result in a decrease in revenue of about 3.5 to 4 million dollars per year. Since 80% to 85% of the reserve is invested in staff, School Services Inc.

recommended a re-entry plan that consisted of a high reserve amount to cushion the blow to the staff in the event the District does change to a revenue limit status. This cushion would provide three years to allow natural attrition and retirement to downsize the staff rather than have sudden massive layoffs.

Forest Reserve dollars, also known as the Secure Rural Schools and Communities Act (SRSCA), to the District will be gone in another year. These monies are right now being used to help fund the reserves as they are a one-time fund and need to be used for one-time purposes. Recently, the Feather River Bulletin (March 2, 2011) reported that President Obama's budget proposal includes renewing the SRSCA and continuing to provide funds to rural schools. The president's budget calls for a five-year reauthorization of the Secure Rural Schools and Community Act, with the 2012 year funded at \$328 million and decreasing to \$0 over five years. However, what the federal budget will actually include when it passes is still uncertain.

State dollars to the District have been decreasing and will most likely continue to decrease under the new State budget. The 2009/2010 money due to the District from the State took a "fair share hit". Revenue limit districts had a hit to their funding; so in a way to pass the hit to basic aid districts, the Basic Aid Districts agreed to help offset the hit by not taking some State money. For example, PUSD

normally gets \$700,000 for transportation. This year the State took \$500,000 right off the top as PUSD's portion of helping revenue districts. The \$500,000 represents PUSD's fair share hit that amounts to 5.83% of the expected state revenue. In other words, 5.83% of what the District would normally receive will not come to the District at all.

On the County side (PCOE), the revenue limit deficit is currently 18.75%. This means that for every dollar that PCOE is entitled to receive from the State, the State will actually only pay 81.25 cents. At the March school board meeting, the second interim report from the County Office of Education was presented. This report showed the revenue limit deficit is expected to increase to 19.82%, which means for every dollar the County expects from the State, the State will only pay 80.18 cents.

The interim report also showed that for the PCOE, the payroll is \$240,000 per month and the reserve is equal to four months of payroll. Deficit spending is projected for this year and two subsequent years. The reserve amounts on the District side are expected to fall to 39% for 2011-2012 and below 35% for the 2012-2013 school year. This represents less than eight months of payroll for the school district. Tax revenue is also declining as the property values in the County have dropped over the last year.

2. Auditor's Report at 1-11-11 Board Meeting

Paul Messner of Messner & Hadley (school auditors) presented his audit findings for 2009/2010. Mr. Messner reported on the overall financial health of the district. In response to questions from the Board, Mr. Messner indicated that the reserve for Plumas County School District was higher than any other district, but Plumas County was facing different challenges than other districts. He stated that he thought the reserve amount was prudent and that, unlike many other school districts, Plumas County was not yet practicing deficit spending. However, the interim report presented at the March 8th school board meeting indicated that deficit spending is projected for PCOE for this and the next two school years.

During the school year 2009/2010, the District fell below the required 55% directly spent on students. For this they were penalized and assessed a fine. In the March 2011 financial report to the school board, the business manager reported that the fine had been miscalculated and was actually higher than originally determined.

No layoff notices were mailed to teachers for the 2011/2012 school year. This was the first time in several years that no layoff notices had to be sent.

Conclusion and Recommendations

The financial picture for PCOE and PUSD is complicated and grim due to current economic times and is a constant state of flux due to the uncertainty of State and Federal funding. Signs point to maintaining the current budget course. The Grand Jury recommends that the citizens of Plumas County continue to monitor the District financial picture by regularly attending school board meetings and staying apprised of the constant changes in the budget.

Specific Issue #2

Clarification of School District Expulsion/Suspension Guidelines

Purpose Statement

The District has expulsion/suspension guidelines in place to discipline students with parental involvement.

Summary of Investigation

The Grand Jury investigation began with a very detailed written complaint from a concerned parent/guardian of a minor child in reference to the expulsion of the student from a District high school. Her complaints were as follows:

1. **Illegal and improper:** Plumas Unified School District (and the Plumas County Office of Education) has failed to adhere to the California Education Code and State Assembly Bills.
2. **Improper, dishonest, illegal, inefficient:** In Particular, PUSD is using expulsion as a first resort punitive measure, rather than seeking alternative correction or modification of behaviors.
3. **Unfair:** In addition, the Plumas County Sheriff's Office is party to school officials' regimen of "Zero Tolerance" and maximum consequences which are "custodial interrogation" and a violation of Miranda Rights.

The Grand Jury took the information received from the parent/guardian and performed further investigations, not limited to but including discussions and interviews with school officials in regard to the complaint. Grand Jury members also attended the December 14, 2010 school board meeting, where the guardian brought the complaint before the Board during the open session. The Grand Jury was aware that the school's administration has been short-staffed and took this factor into account.

Findings

1. After review and discussion of the suspension and expulsion procedures as well as the California Education Code 48911, it appeared that school officials did not have a full understanding of the procedures or the purpose of the "Zero Tolerance" ruling.
2. The time frames made clear in the California Education Code 48911 were not in compliance.
3. The alleged events took place September 28, 2010, and it wasn't until two days later that an informal hearing was held by the principal and two Plumas County Sheriff deputies. A hearing is to be within one day of violation. The parent/guardian was not informed nor was she present until she was called by the school, and the student was released to her custody by the principal.
4. The student was suspended from school until a meeting of the School Board had made a decision. This meeting was not held until December 14, 2010.
5. The pupil was active in school activities, held a good grade point average, and had a high SAT score for college acceptance. According to several letters from teachers, the pupil was well liked and a good student. There were no actions taken against the student by the Plumas County authorities. This was the student's senior year. This was a first-time violation by the student.

6. The California Education Code 48911 recommendation for expulsion is as follows:
 - a. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
 - b. That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
7. Unfortunately, this was not an isolated incident of improper expulsions. According to public school board records, other expulsions were addressed at closed school board sessions, and according to concerned community members, were not in the time frame set down by the PCUSD and the State of California.

Recommendations

1. The PCUSD/PCOE should make sure that the Suspension & Expulsion Policies set down are readily available to the public, are adhered to by the administration and the Governing Board, and are clarified. All codes, policies, and procedures must be enforced in a fair and timely manner.
2. Even with a “Zero Tolerance” plan a student should be judged on an individual basis and not have to wait several months for a judgment, in accordance with the written procedures.
3. Keep the public informed. Update the PCUSD website to ensure all forms, documents, policies, etc. are available, accessible and easy to understand.

Dennis Wiseman, Ph.D. and Gilbert Hunt, Ph.D. wrote in the “Best Practice in Motivation and Management in the Classroom” (2nd edition):

“If used at all, expulsion should be a last resort to solve student management problems. Expulsion should be used only when educators are certain that the impact of a student’s negative behavior on the learning environment and safety of the school and other students outweighs the fact the behavior of the student being expelled may deteriorate beyond help in the future after the expulsion.”

Specific Issue #3 – School Safety Policy Reform

Summary of Investigation

On April 20, 2010, according to school officials, two students reported seeing a man standing in the entrance hallway of Quincy Elementary School, near the cafeteria entrance with what one of them said was a pistol stuck in his waistband. The students reported this to the noon duty supervisor, who sent them to the office. The school secretary tried to contact the principal at the District office, but the switchboard was closed as the receptionist was at lunch. The school secretary drove to the District office and alerted the principal, and he went to Quincy Elementary with the superintendent, who directed all Quincy schools be placed on lockdown and law enforcement be contacted immediately. Law enforcement searched the school and surrounding neighborhood thoroughly, did not find the man described by the students, and lifted the lockdown.

Findings

According to the principal at Quincy Elementary, as of December 10, 2010, all Plumas Unified Schools have done the following to improve preparedness:

1. Standardized a lockdown bell signal for every school.
2. Conducted at least one lockdown drill.
3. Painted highly visible numbers on the outside of all classrooms (to facilitate law enforcement access).
4. Issued picture ID badges to employees.
5. Trained all principals in SEMS (Standardized Emergency Management System).
6. Reviewed PCUSD emergency procedures with teachers.
7. Consulted with an emergency preparedness consultant retained by the County Office of Education.
8. Formed Crisis Response Teams.
9. At Quincy Elementary School, the school secretary and administrative designee (teacher in charge) have been trained to implement a lockdown using the lockdown bell signal whenever a report involving a gun is received on days when the principal is not on campus.
10. The schedule of the office staff has also been rearranged so that there is always someone at the switchboard during the lunch hour.

Conclusion

School officials have acted in a responsible manner to improve school safety.

Specific Issue #4 – An atmosphere of intolerance exists at the District level.

Purpose Statement

Examples of intolerance were directly observed by Grand Jury members from interviews, local media, and testimony at public school board meetings.

Findings

- 1) In the fall of 2010, students were exposed to a vehicle with hate language on school property. The vehicle is still, as of spring 2011, present near a local elementary school. It is now on the street but off school property. Even if the truck was present one time instead of many, once showed poor judgment by the school employee. During the December board meeting it was decided to place the issue on the January School Board meeting agenda, but it never was put on any school agenda. Little else was done except that a memo from the school employee was sent to District employees with a response from the Superintendent as well. The Superintendent's initial response was slow and inadequate.
- 2) Some of the teaching staff feel they are working in an environment of intimidation, harassment, and retribution if there is any questioning or dissent.

- 3) They also feel that concerns about students are not being addressed by the Administration. They report instances of intimidation of principals to be quiet when parents show up at meetings, and to discourage parents from attending meetings. There were also several reports from witnesses of the intimidation of teachers who speak out. These teachers received poor reviews when not warranted. They were evaluated two-three times a week. They were put into positions which made them uncomfortable. They were given assignments or demands that were excessive. No guidelines were set for what exactly is a “bad teacher”.
- 3) Students’ needs are not met equally. For example, students with behavioral problems were denied behavioral consultations because they were too expensive. As required by Article 7 of the Federal law, if a student’s behavior affects the learning of other students as well as themselves to a marked degree and over a period of time, the student is required to be tested.

Conclusion:

The public perception of the school District Board and its policies is controversial and needs to be addressed.

Recommendations

1. That the District follow through on their Mission Statement about tolerance as printed on the first page of the website.
2. That vehicles with hate speech be kept several yards from the school even if not on school property. Hate language should not be visible on school property or from school property.
3. Develop an ongoing school-wide program of teaching tolerance to all employees whether teachers, administration, students, or support staff.
4. In the current national atmosphere of holding teachers accountable and not relying on tenure to keep a job safe, we would like to see more specific guidelines and communication for teachers who are not performing as the District expects.

We commend the Plumas County School District for developing policies that address the hate speech of the vehicle mentioned earlier.