

BOARD OF SUPERVISORS

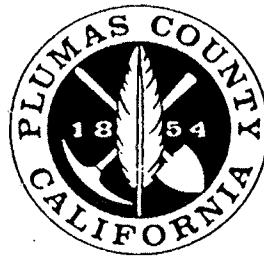
MICHAEL SANCHEZ, DISTRICT 1

KEVIN GOSS, DISTRICT 2

SHARON THRALL, DISTRICT 3

LORI SIMPSON, DISTRICT 4

JEFF ENGEL, DISTRICT 5



September 20, 2017

The Honorable Janet Hilde
Presiding Judge
Superior Court of California, County of Plumas
520 Main Street, Room 104
Quincy, CA 95971

Re: RESPONSE TO 2016-2017 PLUMAS COUNTY GRAND JURY FINAL REPORT

Dear Judge Hilde:

Please find the Plumas County Board of Supervisors response and comments to the 2016-2017 Plumas County Grand Jury final report written below.

Probation Section:

Findings:

F1: The Grand Jury finds that the Board of Supervisors, in assuming the oversight role of a County Administrative Officer, is ultimately responsible for the Probation Department's success or failure.

Response: The Board of Supervisors agrees that in the absence of a County Administrative Officer, the Board of Supervisors is responsible for oversight of the chief probation officer and the Probation Department. However, the Board disagrees with the finding to the extent it implies that the Board of Supervisors is solely responsible for the success or failure of the Probation Department. The degree of cooperation, or lack of cooperation, from other components of the criminal justice system, such as the Courts, the District Attorney, Sheriff, and Public Defender attorneys, greatly contribute to the success or failure of the Probation Department. When it comes to their criminal justice function, the Courts, District Attorney, and Sheriff (who are elected officials), as well as Public Defenders, have independent responsibilities that are not subject to the control of the Board of Supervisors.

F2: The Grand Jury finds that Plumas County currently does not have a formal review policy for newly hired Department Heads.

Response: The Board of Supervisors disagrees with this finding since it is not supported by any facts in the Grand Jury's report. The Board conducts periodic performance evaluations of new department heads as required by appointed department head contracts.

F3: The Grand Jury finds that court reports that have significant deficiencies will negatively impact the judicial system.

| Response: The Board of Supervisors agree.

F4: The Grand Jury finds that the Drug Court is a critical part of the Plumas County Judicial system.

Response: The Board of Supervisors generally agrees that a drug court program can be an important part of the local criminal justice system. However, it is the Board's understanding that drug court is not a mandated program and is subject to the discretion of the Superior Court.

F5: The Grand Jury finds that having a Board of Supervisors member on the Community Corrections Partnership would provide help to resolve differences.

Response: The Board of Supervisors agrees with this finding to the extent that Penal Code section 1230(b) (2) (B) provides that a member of the board of supervisors, county administrative officer, or designee is a member of the county Community Corrections Partnership. The Board disagrees that Board membership on the general community corrections partnership would resolve differences, since the differences are occurring on the Executive Committee of the Community Corrections Partnership, whose composition is defined by Penal Code section 1230.1(b) and the Executive Committee excludes the Board of Supervisors. In any event, most meetings of the Executive Committee of the Community Corrections Partnership have been attended by one or more members of the Board of Supervisors.

F6: The Grand Jury finds that the current status of the Daily Reporting Center and Alternative Sentencing Program within the District Attorney's office is working.

Response: The Board of Supervisors disagrees with this finding since as of the date of this response; the District Attorney has closed the physical location of the Day Reporting Center. The Board agrees that reports by the District Attorney assert that the Alternative Sentencing program has been effective.

F7: The Grand Jury finds that there have been five Probation Chiefs over a six-year period which has contributed to the disruption of the Judicial system.

Response: Agree.

Recommendations:

R1: The Grand Jury recommends, in the absence of a County Administrative Officer, the Board of Supervisors take a more active role in the training and support of the Chief Probation Officer.

Response: This recommendation has been implemented. Members of the Board of Supervisors have met frequently with the Chief Probation Officer on many matters. The Board has encouraged the Chief Probation Officer to take advantage of training opportunities, and the Chief Probation Officer has done so.

R2: The Grand Jury recommends the Board of Supervisors establish a formal performance review policy for newly hired department heads.

Response: This recommendation has been implemented. Rule 15 of the Personnel Rules provide that there are to be annual evaluations of all employees. Also, department head employment contracts require annual performance evaluations.

R3: The Grand Jury recommends the Board of Supervisors see that the Probation Department staff receives report writing training to the satisfaction of the court.

Response: This recommendation has been implemented to the extent that “. . . Probation Department staff receives report writing training . . .” since all deputy probation officers are required to obtain minimum training, including report writing. To the extent this recommendation requires “report writing training to the satisfaction of the court” it is not reasonable to implement this recommendation since the Board cannot require the participation of the court in evaluating training. Nevertheless, the Board and the Chief Probation Officer welcome the court’s observations and recommendations on how report writing may be improved.

R4: The Grand Jury recommends that the members of the PCCCP reconcile their differences and rewrite a new Memorandum of Understanding (MOU) for the Drug Court.

Response: The Board of Supervisors agrees with this recommendation but cannot implement it. The Board of Supervisors does not exercise control over all the members of the CCP. As mentioned in response to F1, when it comes to their criminal justice function, the Courts, District Attorney, and Sheriff (who are elected officials), as well as the Public Defenders, have independent responsibilities that are not subject to the control of the Board of Supervisors.

R5: The Grand Jury recommends the Board of Supervisors select a Board member to be the seventh member of the Plumas County Community Corrections Partnership.

Response: The Board of Supervisors will not implement this recommendation. The Board disagrees that Board membership on the general community corrections partnership would resolve differences, since the differences are occurring on the Executive Committee of the Community Corrections Partnership, whose composition is defined by Penal Code section 1230.1(b) and the Executive Committee excludes the Board of Supervisors. The Board of Supervisors does not exercise control over all the members of the Community Corrections Partnership. As mentioned in response to F1, when it comes to their criminal justice function, the Courts, District Attorney, and Sheriff (who are elected officials), as well as Public Defenders, have independent responsibilities that are not subject to the control of the Board of Supervisors.

R6: The Grand Jury recommends that the Board of Supervisors keep the Daily Reporting Center and Alternative Sentencing Program within the District Attorney's office for the next fiscal year.

Response: The Board of Supervisors disagrees with this recommendation. The Day Reporting Center has been closed by the District Attorney. The Board believes that the Day Reporting Center and Alternative Sentencing programs should be administered by Probation as is the case in other counties in the State of California.

Jobs:

FINDINGS

F1: The Grand Jury finds there is no up to date or accurate County Organizational Chart of department heads.

Response: Disagree. It was completed and is posted on the County website (www.countyofplumas.com).

F2: The Grand Jury finds the Board of Supervisor's refusal to supply accurate up to date job descriptions of all elected officials is a decision not based in law, statute or county ordinance.

Response: Disagree. The law does not require the Board of Supervisors to provide job descriptions for elected officials.

F3: The Grand Jury finds the current job description information available to the public is misleading and inaccurate.

Response: Disagree. It is not clear what job descriptions are referred to. The Human Resources Department is engaged in an ongoing process of reviewing and updating job descriptions. For example, 115 descriptions have been updated over the last year. As they are updated and approved by the Board, they are posted to the County's website.

F4: The Grand Jury finds the current lack of accurate job descriptions hinders the public from having success in seeking action and redress from Plumas County government.

Response: Disagree. Please see the response to F3

RECOMMENDATIONS

R1: The Grand Jury recommends the Board of Supervisors direct the Human Resources Director to establish and maintain an accurate County Organizational Chart and post it on the County website.

Response: Agree. This recommendation has been implemented.

R2. The Grand Jury recommends the Board of Supervisors create, maintain and publish accurate job descriptions and responsibilities for all Plumas County officials, including all elected and appointed positions.

Response: This has been implemented in part: Human Resources Director will continue to create, maintain, and publish accurate job descriptions for appointed employees. The Board of Supervisors will not implement with regard to elected officials for the reasons stated in response to F2.

Prior Grand Jury Reports:

FINDINGS

F1. The Grand Jury finds that some of the members of the Board of Supervisors were not presented with all the facts prior to voting on their letter to the Court.

Response: Disagree. The entire Board was provided with a summary of the discussion with a sub-committee of the Grand Jury and discussed the matter in open session before voting on the matter.

F2. The Grand Jury finds the Board of Supervisors do not have knowledge of the responsibilities of the Grand Jury or Penal Codes 933 and 933.05.

Response: Disagree. Board members are knowledgeable of the provisions of Penal Code Sections 933 and 933.05.

F3. The Grand Jury finds the Board of Supervisors did not legally respond to the recommendations listed in 2015/2016 Report.

Response: Disagree. The Board of Supervisors responded twice to the presiding judge. Taken together, the two responses are legally sufficient. “By the end of the fiscal year” is the equivalent of stating June 30. That the Board “expects” is the equivalent stating that the Board directs.

RECOMMENDATIONS

R1: The Grand Jury recommends the sitting Board of Supervisors becomes knowledgeable in the responsibilities and duties of the Grand Jury.

Response: Agree. This recommendation will be implemented by each supervisor reviewing the Grand Juror's Training Manual within the next six months.

R2: The Grand Jury recommends that prior to voting on any issue all documents, codes, and laws concerning that issue be presented to the full Board.

Response: Agreed. This recommendation has been implemented.

R3: The Grand Jury recommends that the Board of Supervisors legally respond to the recommendations in the 2015/2016 Report.

Response: Agreed. This has been implemented. We have responded twice to the presiding judge. As stated in the response to F3, the responses are legally sufficient.

R4: The Grand Jury recommends that the Board of Supervisors follow Penal Code 933 and 933.05 prior to responding to all future Grand Jury recommendations.

Response: Agree. This recommendation has been implemented.

Respectfully submitted,

PLUMAS COUNTY BOARD OF
SUPERVISORS

By: Lori Simpson
Lori Simpson, Chair

Cc: Plumas County Clerk
2016-2017 Plumas County Grand Jury