



NEVADA COUNTY GRAND JURY

**2016 - 2017
Final Report**

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INTRODUCTION

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June 30, 2017

The Honorable Thomas M. Anderson
Presiding Judge of the Nevada County Grand Jury
Superior Court of Nevada County
201 Church Street
Nevada City, California 95959

To Judge Anderson and the citizens of Nevada County:

In compliance with the California Constitution and in accordance with California Penal Code Section 933(a), the 2016-2017 Nevada County Grand Jury is honored to present its Final Report to you and the citizens of Nevada County.

The Grand Jury is responsible for overseeing the legislative and administrative departments that make up county and city governments and special districts in Nevada County. We investigate those organizations to evaluate their efficiency, honesty, fairness, and dedication to serving the public. The Grand Jury extends its sincere appreciation to each of those organizations for their cooperation, patience, and prompt responses to all requested information.

The Grand Jury receives formal complaints from citizens who allege government inefficiencies, mistreatment by officials, or who voice suspicions of misconduct. Anyone may ask that the Grand Jury conduct an investigation on agencies or departments within the Grand Jury's jurisdiction. Of the 22 citizen complaints received this year, five were investigated, 15 were closed with no action taken, and two were forwarded to the next Jury because they were received too late to investigate. Reasons for taking no action on a citizen complaint included: no jurisdiction, not rational, not legible, and not a complaint.

In addition, the Grand Jury conducted 61 preliminary inquiries and formally investigated nine issues. Three investigations were closed without action and six resulted in reports.

Our Final Report contains six investigative reports covering such diverse subjects as:

- poll worker training,
- law enforcement officer training,
- coordination among school districts,
- The Higgins Area Fire Protection District,
- homeless services in Nevada County, and
- bark beetle infestation.

The Grand Jury also reviewed the responses received for reports issued by the Grand Jury that served the previous year. We reviewed available documents and conducted interviews and site visits where appropriate to determine if the recommendations of the prior Grand Jury had been implemented. The purpose of this review is to let the residents of Nevada County know the extent to which each of the responding agencies did what they said they would. Three *Reports on Responses* are included in the Final Report.

As required by the Penal Code (§919(b)), the Grand Jury inspected the detention facilities in the County to “inquire into the conditions and management of the public prisons within the county.” The *2016-2017 Detention Facility Inspection Report* is included in the Final Report.

The Final Report is the result of dedicated work performed by the nineteen members of the Grand Jury. Our members volunteered a year of their lives for public service to help improve local government, law and justice, health and social services, education, and administration throughout Nevada County on behalf of its citizens. The members applied their extensive and diverse experience to this challenge.

The Grand Jury could not have done its work without the assistance of our advisors:

- Presiding Judge of the Grand Jury Thomas M. Anderson,
- Deputy Jury Commissioner Audrey Golden, and
- Counsel to the Grand Jury Amanda Uhrhammer and other members of the County Counsel staff.

The ultimate goal of the Grand Jury is to make a positive difference in the lives of the citizens of Nevada County and the agencies that provide services to them. The Grand Jury is the “watchdog” for county residents in an attempt to ensure good government and make all agencies accountable for their actions and decisions. I believe that goal has been achieved. Nevada County and its citizens are well served by the work performed by this Grand Jury.

Respectfully submitted,


Thomas Achter, Foreperson

2016-2017 Nevada County Grand Jury

About the Grand Jury

The Nevada County Grand Jury is a judicial body sanctioned by the Superior Court to act as an extension of the Court and the conscience of the community. The Jury is an investigative body created for the protection of society and enforcement of its laws. The conduct of the Jury is defined in California Penal Code Sections 888 through 945. Jurors operate under the jurisdiction of the Superior Court but function as an independent body.

A Grand Jury's function is to inquire into and review the conduct of county and city governments and special districts. It is also authorized to inspect and audit the books, records, and financial expenditures of all agencies and departments under its jurisdiction to ensure funds are properly accounted for and legally spent. Jurors are citizens of all ages and different walks of life bringing their unique experiences, personalities, and abilities. All jurors are volunteers who must apply in writing and be interviewed. They are then picked by a panel of Superior Court Judges. Jurors spend many hours researching, reading, and attending meetings to monitor county and city government and special districts and overseeing appointed and elected officials.

The Grand Jury receives formal complaints from citizens who allege government inefficiencies, mistreatment by officials, or who voice suspicions of misconduct. Anyone may ask that the Jury conduct an investigation on agencies or departments within the Jury's jurisdiction. The Jury cannot be forced to undertake an inquiry it deems unnecessary or frivolous. The Jury may also investigate an issue or condition without receiving a formal complaint.

Members of the Grand Jury are sworn to secrecy and all Jury proceedings are secret. This secrecy guards the public interest and protects the confidentiality of sources. The minutes and records of Jury meetings cannot be subpoenaed or inspected by anyone.

Each juror must keep secret all evidence presented before the Grand Jury, anything said within the Jury, and the manner in which any juror may have voted on a matter. *The juror's oath of secrecy is binding for life.* It is a misdemeanor to violate the secrecy of the Jury room. Successful performance of Jury duties depends upon the secrecy of all proceedings. A juror must not divulge any information concerning the testimony of witnesses or comments made by other jurors. The confidentiality of witnesses and complainants is critical.

A report may be written after many hours of fact-finding investigation conducted by the Grand Jury. A report can disclose inefficiency, unfairness, wrongdoing, and violations of public law and regulations by local governments and special districts. A report can also recognize positive aspects or provide information to the public. A report provides the mechanism for the Jury to make recommendations for change and request responses to ensure more efficient and lawful operation of government.

Reports and the responses to them may be found on the Grand Jury Reports website at <http://nccourt.net>. Click on **Grand Jury** in the left frame then on **Grand Jury Reports**.

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Members of the 2016-2017 Nevada County Grand Jury

<u>Administrative Board:</u>	Foreperson Foreperson Pro-Tem Business Manager Sergeant at Arms Secretary	Thomas Achter David Anderson William Wasil Gordon Mangel Gary Davis
<u>Committee Chairs:</u>	City Governments County Government Cyber Security Editorial Finance and Management Health and Environment Law Enforcement Schools and Libraries Special Districts	Diana Beer William Wasil Terry Young Gary Davis Doug Wight Gary Morgan Terry Young William Del Bonta David Anderson
<u>Members:</u>		Don Branson Mark Brown Sharon Collins Alice Erickson JoAnn Marie Charlotte Hill Mary Jepson Marilee Mullin Philip Reinheimer
<u>Members Unable to Complete Term:</u>		James Abbott Judith Cowles Dan Gentile
<u>Legal Advisors to the Grand Jury:</u>	Presiding Judge of the Grand Jury Deputy Jury Commissioner County Counsel Counsel to the Grand Jury	Thomas M. Anderson Audrey Golden Alison Barrett-Green Amanda Uhrhammer

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Standing Committees on the Grand Jury

State law does not refer to Grand Jury committees. However, the Jury cannot be effective if everything is handled by the Jury as a whole so the Jury ordinarily establishes committees. The Nevada County Grand Jury is divided into standing committees to handle investigative and administrative work. Other ad hoc committees may be formed as needed.

The functions of an investigative committee include the following.

1. Conduct the investigations assigned to the committee by the Jury. The assignments may be the result of citizen complaints or topics the committee believes is important and has requested authorization to proceed from the Jury.
2. Draft reports of the committee's completed investigations.
3. Prepare a summary, year-end report of its activities, including recommended avenues of investigation or follow up to be presented at the first committee meeting of the following year.
4. Keep the Jury informed of all committee activities.

The following standing committees have been established.

The **City Governments** committee examines the operations and functions of the city governments and departments in the county, including the administrative branches of city government, transportation departments, parks and recreation departments, planning and zoning departments, utility departments, and any other departments or agencies.

The **County Government** committee concerns itself with investigation of the offices, departments, and functions of county government that do not fall under the jurisdiction of any other committee. This would include the administrative branches of county government, the county airport, county service areas, the county Planning Department, and the Public Works Department.

The **Editorial** committee acts as editor for all drafts of committee reports, making changes for ease of reading, uniformity of style and organization, grammar and punctuation, and coordination of the report as a whole but without changing the overall content of the reports. Editorial is also responsible for compiling the Final Report for publication at the end of the Jury year.

The **Finance and Management** committee investigates the activities of the County Assessor, Treasurer-Tax Collector, Auditor-Controller, and the financial departments and officers of cities and special districts.

The **Health and Environment** committee investigates programs and services operated directly by or under contract with the County Health and Human Services Agency. Health and Human Services deals with public assistance to adults and children, child protective services, and various programs that provide training and job placement assistance. The committee may also investigate issues relating to public health, environmental health, mental health, and substance abuse.

The **Law Enforcement** committee inquires into the condition and management of correctional and prisoner holding facilities within the county. The committee also investigates all matters concerning criminal justice and penal institutions, including the District Attorney, County Counsel, Bailiff, Probation Office, Public Defender, Sheriff/Coroner, Police Departments, jails, and other detention centers.

The **Schools and Libraries** committee may review and investigate non-curricular issues in school districts, public schools, and charter schools. While the Jury cannot discuss the merits of curriculum, it can investigate how curriculum is implemented. The committee may also review and investigate the county library system.

The **Special Districts** committee covers the special agencies, boards, commissions, and joint power agencies, including but not limited to park districts, fire departments, and other tax-supported public organizations.

This year, an ad hoc committee was formed to examine the security of our online presence. The goal of the **Cyber Security** committee was to satisfy itself that the online systems used for communication (email), digital document storage, and online form generation (complaints and applications) met the requirements for confidentiality and online security.

Complaints Received

The Grand Jury receives numerous citizen complaints throughout the year. Every complaint is carefully reviewed by the Jury and a determination is made regarding jurisdiction. If jurisdiction is confirmed and the complaint warrants investigation, it is assigned to the appropriate committee. The committee will investigate the complaint with oversight by the Jury. At times, ad hoc committees may be formed to investigate specific complaints. The Jury is kept informed by the committee of the progress of the investigation. A written report regarding a specific complaint may be published and included in the Final Report.

The 2016-2017 Grand Jury received 22 new citizen complaints. Of those, five complaints were assigned to investigative committees for review. Of those assigned, one investigation resulted in a report included in this Final Report. Six complaints were deemed not within the jurisdiction of the Jury and nine were rejected for various reasons other than jurisdiction. Two complaints were received too late in the year to complete an investigation and so were referred to the 2017-2018 Jury.

In addition to citizen complaints, the Grand Jury investigated ten issues brought forward by committee members and approved by the Jury for further investigation. Seven resulted in reports.

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Bark Beetle Infestation in Nevada County

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Bark Beetle Infestation in Nevada County

Summary

The Nevada County Grand Jury (Jury), acting on the authority granted by California Penal Code Section 925, undertook an investigation into the issue of bark beetle infestation and the impact of that infestation on the pine trees and tree mortality within Nevada County. Although there is no one local entity solely responsible for solutions to the problem, its resolution is critical to the way of life that we all enjoy.

The drought has exacerbated the bark beetle infestation to the extent that over 100,000,000 trees are dead and still standing in the state of California. During the course of this investigation, the Jury was cautioned that the problem is not over and that citizens have a number of misconceptions. Chief among them is that the intense rain received this winter will cure the problem. No matter how much rain we get, nothing can make dead trees come back to life. They will continue to pose a threat until they are felled and safely removed.

The Jury also heard from a number of sources that decades of improper forest management and the recent drought have created a perfect environment for the beetles. In other words, we are loving our forests to death.

This report is an effort to inform Nevada County citizens of the issues and consolidate a list of resources available for their use. At the conclusion of the discussion portion of the report, the reader can find a list of agencies that may be able to help.

Glossary

Cal Fire	California Department of Forestry and Fire Protection
Fire Safe	Fire Safe Council of Nevada County
Jury	Nevada County Grand Jury
PG&E	Pacific Gas & Electric Company
SPI	Sierra Pacific Industries
USFS	United States Forest Service

Background

California Penal Code Section 925 states, in part: “The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county ...” Pursuant to that authority, the Jury undertook an investigation into the issue of bark beetle infestation, and the impact of that infestation on the pine trees and tree mortality within Nevada

County. Although there is no one local entity solely responsible for solutions to the problem, its resolution is critical to the way of life that we all enjoy. This report is an effort to inform Nevada County citizens of the problem and to consolidate a list of resources available for their use.

Approach

As part of its investigation, the Jury interviewed staff and representatives from:

- the cities of Grass Valley and Nevada City,
- the Nevada County Board of Supervisors,
- the Nevada County Information and General Services Agency, and
- the Nevada County Community Development Agency.

The Jury also interviewed staff and a former board member from the Fire Safe Council of Nevada County (Fire Safe), a representative from Pacific Gas & Electric Company (PG&E), and a member of the Sierra Club. Members of the Jury attended a meeting of the Tree Mortality Working Group and reviewed numerous Internet websites which describe the problem and offer suggestions.

Discussion

The problem with bark beetle infestation began about five years ago in Southern California and has slowly moved north. During the course of the investigation into the bark beetle infestation, the Jury learned that there were two main issues that contributed to the critical condition of our forests. The first is the severe drought experienced over a period of several years. The second is the lack of prudent forest management.

In multiple interviews, the Jury was told emphatically that our forests are now very sick. Prompted by the drought, the bark beetle is killing an untold number of trees. The latest count is over 100 million dead trees still standing within the forests of California.

There are many varieties of bark beetles, and each requires a unique remedy. Bark beetles, a type of pine beetle, are prolific due to a perfect storm caused by the lengthy drought. Because of the drought, trees have lost their ability to process nutrients in the soil. This stresses the trees and makes them vulnerable to the increased reproductive cycles of the bark beetle.

Throughout many interviews the Jury was cautioned that the bark beetle infestation is an ongoing problem that cannot be solved by any amount of rain. Once a tree is dying from the infestation, it will not recover. Furthermore, during the winter healthy trees are dormant and will not absorb any of the ground water available to them. The perfect time for tree removal is fall and winter.

During spring and summer pheromones can be released, attracting other beetles, thus furthering the infestation.

Jurisdictional issues between Federal, State, and Nevada County agencies have prevented coordinated and effective action. The standing dead trees are being removed but far too slowly to make any substantial difference. There is no cohesive plan to deal with the amount of felled logs that will be necessary to be removed from the bark beetle's proximity. This must be done if we are to stop the forest's death spiral.

The county is responsible only for clearing dead trees from Nevada County rights-of-way and from county-owned properties. They had a plan for accomplishing this, and were giving the downed trees to a private company for disposal. Some of the cut timbers from the local infestations were being sent to China. For a variety of reasons, these options are no longer available. Nevada City cleans up small infestations on city owned property and rights-of-way and stockpiles downed trees at the old airport.

A tree mortality task force has been established to, among other objectives, facilitate emerging funding. Various task forces are suggesting that we do nothing, i.e., "let it all burn." In five to ten years we could see a sizable piece of our state "up in smoke."

In October 2016 Governor Brown declared a state of emergency in reference to the severe tree mortality in California. Information gathered and shared during a Tree Mortality Task Force meeting was instrumental in the creation of the Governor's Proclamation. Governor Brown has directed cooperation among state departments to expedite the removal of dead and dying trees and has sought help from the U.S. Secretary of Agriculture. He has asked for assistance in mobilizing additional resources to address public lands, particularly where they pose a threat to nearby communities. At the time of this report there had been no results.

During a meeting of the Nevada County Tree Mortality Working Group in December 2016, a representative from the California Department of Forestry and Fire Protection (Cal Fire) gave a presentation with many photos of hundreds of acres of dead trees with no green in sight. A ten-county swath of affected areas in the Sierra Nevada running from Kern County north to Placer County has been classified an extreme emergency area with huge tree mortality rates. Nevada County is not quite in that classification yet, but the presentation clearly showed that during the last few years the tree mortality rate has jumped in our county with some severe pockets.

Bark beetles have increased their life cycle penetration in the affected areas from once per year to between two to four times per year following the severe drought. The areas running north from Nevada County to the Oregon border have extreme pockets of dead trees, but not to the extent of the ten counties south of Nevada County.

Following the presentation, there was a round table opportunity for various representatives to speak to the problem.

- A State Park representative stated that the recent fire in the area between Empire Mine State Park and South Auburn Street in Grass Valley was in an area that included a large group of dead trees.
- A PG&E representative indicated that they have removed over 8,900 dead trees from areas affecting their transmission lines during the last year. He stated that typically the annual tree removals along their transmission lines had been approximately 2,000 per year.

Removal of the downed trees was discussed. Storing the felled trees is problematic due to unavailability of land to stack them without posing a fire danger. A biomass plant to dispose of the infected trees is in the planning process. This plant is in the environmental approval phase. Completion is estimated to take four to five years at a cost of approximately \$100 million. The United States Forest Service (USFS), using the California Environmental Quality Act, has a new process wherein anyone objecting to any submission must have their objections stated up front. This should reduce the time required for processing, but it is still a lengthy process.

We have too many trees, of the wrong varieties, in the wrong places. Lumber harvests formerly thinned the forest and provided ample light, moisture, and nutrient support. Forest fires provided the remainder of the thinning. With the movement of people into areas that were largely uninhabited, fire suppression is now mandatory. An interviewee stated, "Forestry is not rocket science; it's much more difficult."

There is a need for sun and soil nutrients to produce and sustain large trees, but undergrowth is out of control, competing with native plants and creating fuel. Some demand that no trees be cut because they are needed to support forest creatures. Our vision of a healthy forest has too many trees and attendant underbrush. All of this creates a huge amount of fuel for wild fires. Several interviewees said that we are loving our forests to death.

Due to decades of systemic mismanagement of our forests, we have depleted their gene pool, creating an overstocked forest. It's a disservice to the Sierra and a super-market for the beetles. The devastation may be too late to stop.

One interviewee related a story about the simplest example of proper forest management. Centuries ago, a large portion of the local Native American population resided at what is now Lake Wildwood. During the spring/summer they hunted and foraged in the upper foothills and returned in late fall. When they came down the hills, they set fires behind them and let them burn out naturally. This reduced the brush/vegetation and created easier access to the deer population in the succeeding spring. More light was provided to the forest vegetation and more nutrients and moisture were available. The forest was healthy and alive and entirely usable.

Our fire support resources are placing themselves in the extreme position of having to protect inhabited areas which are largely unreachable by large fire equipment. Air tankers have done a remarkable job of knocking down unreachable fires, but they cannot be counted on to put out every fire. We are reaching a situation where the only defense will be to attempt to guide a wild fire around as many structures as possible and let the fire burn itself out. There were recent examples of this tactic around Yosemite and Monterey.

According to several of those interviewed, forest management education is sorely needed. Restrictions placed because of environmentalist concerns have contributed to putting the forest in severe danger. Sometimes clear cutting is a solution. There are too many trees, some of them the wrong kind, not enough loggers, and no place to put all the logs. Landowners also create a problem when they don't want their trees removed or cannot afford to do so.

The Jury asked interviewees what can be done? Their responses included the following:

- We need to start harvesting again. We need to grow millions of seedlings of the right variety.
- There is no funding mechanism to help the private citizen and to contribute to the removal of infected trees. We need grants developed to address this.
- State Prison Realignment removed many inmates from the Cal Fire inmate teams and we need to plug this gap to make the teams available again for prescribed burning and underbrush clearing.
- We have to rethink our way to recover a method of forest management that is workable. What we have now is a disaster.

Grass Valley has developed a reforestation program. Tree seedlings will come from a USFS nursery in Placerville and also from the Sierra Pacific Industry (SPI) nursery. SPI has been collecting the best species of seeds for the last 35 years. The USFS has a similar program. Grass Valley hopes to use Condon Park as a model of a healthy forest. The seedlings to be used are tailored to the local environment and will be planted to ensure proper diversity and density. There will be an education component to the program so that the community can understand the proper planting procedures.

PG&E currently has a program which identifies and removes potential hazards to their lines, as required by California Public Resource Code Section 4293, which follows:

Except as otherwise provided in Sections 4294 to 4296, inclusive, any person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land, or in forest-covered land, brush-covered land, or grass-covered land shall, during such times and in such areas as are determined to be necessary by the director or the agency which has primary responsibility for the fire protection of such areas, maintain a clearance of the respective distances which are specified in this section in all directions between all vegetation and all conductors which are carrying electric current:

- (a) For any line which is operating at 2,400 or more volts, but less than 72,000 volts, four feet.
- (b) For any line which is operating at 72,000 or more volts, but less than 110,000 volts, six feet.
- (c) For any line which is operating at 110,000 or more volts, 10 feet.

In every case, such distance shall be sufficiently great to furnish the required clearance at any position of the wire, or conductor when the adjacent air temperature is 120 degrees Fahrenheit, or less. Dead trees, old decadent or rotten trees, trees weakened by decay or disease, and trees or portions thereof that are leaning toward the line which may contact the line from the side or may fall on the line shall be felled, cut, or trimmed so as to remove such hazard. The director or the agency which has primary responsibility for the fire protection of such areas may permit exceptions from the requirements of this section which are based upon the specific circumstances involved.

PG&E contracts with a company to patrol the lines and determine whether a dead or dying tree poses a risk to power lines. If it does, the tree is marked and referred back to PG&E, which then negotiates with the property owner to get permission to remove the tree. The removal is done by an outside contractor. From start to finish, the process can take as many as seven months.

Fire Safe has provided an annual information guide to help the public prepare for the upcoming fire season. The guide may be delayed waiting for the USFS and Cal Fire to provide articles that are still in process. The release date will probably be in June 2017.

The Jury was repeatedly told that involvement of the citizens of Nevada County is crucial. Things that homeowners can (and should) do include the following:

- Remove the stress under trees by clearing and limbing up.
- Contact PG&E if they have a tree that poses a hazard to power lines or transformers.
- Welcome woodpeckers and spiders because they eat beetles.
- Educate themselves.

Fire Safe has special programs for seniors and low-income families, and maintains a list of available companies to assist with removal.

Additional information can be found at the following:

- Fire Safe – <http://www.areyoufiresafe.com>
 - Click on any of the links for Bark Beetle Information or call 530-272-3232.
- Nevada County – <https://www.mynevadacounty.com/nc/cda/Pages/Bark-Beetle-Infestation-Outreach.aspx>
- Cal Fire – <http://www.readyforwildfire.org/Bark-Beetles-Dead-Trees/>
 - Click on the link for Bark Beetle Epidemic.

- Nevada County Resource Conservation District – <http://ncrcd.org/>
 - Click the link for Bark Beetle Infestation or call 530-272-3417.
- PG&E – <https://pge.com>
 - Click the Safety box, click Digging and Yard Safety, click Power Line Safety or call 1-800-743-5000.

Findings

- F1.** Although tree mortality in Nevada County is not yet at the catastrophic rate experienced by the ten counties to the south, it is up to the citizens of our county to be watchful and promptly deal with any observed infestations.
- F2.** Numerous agencies are providing information and resources to ameliorate the bark beetle problem.
- F3.** There is no coordinated effort underway to get all of the stakeholders to participate, review and recommend changes to forest management practices currently in place.

Recommendations

- R1.** Residents of Nevada County are encouraged to take advantage of the services described herein.

Request for Responses

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

None required

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Cooperation and Coordination Among School Districts in Nevada County – Can We Talk?

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Cooperation and Coordination Among the School Districts in Nevada County “Can We Talk?”

Summary

There are approximately 7,000 students in Nevada County (County) spread among eight independent elementary school districts and one high school district. The Tahoe Truckee Unified School District operates under the auspices of the Placer County Board of Education. Those elementary schools feed into the two public comprehensive high schools that serve the vast majority of County high school students. The eight elementary districts vary widely in empowering students to meet or exceed the California Common Core State Standards (State Standards) promulgated by the California State Board of Education. Some elementary students in the County are better prepared than others for high school due only to the quality of elementary instruction they have received.

Elementary students' differences in preparation is exacerbated in mathematics by the use of different mathematics pathways in Nevada Union and Bear River High Schools. Some may find themselves at a high school that uses a different pathway in mathematics than the one used in their elementary school. These differences pose a challenge for the affected students and act as a drain on the educational resources at the comprehensive high schools. A process to more clearly communicate the expectations of the high schools in all academic areas for entering ninth graders should be established and followed.

The time is right for more cooperation and coordination among the teachers in the County's school districts to better prepare students to move from kindergarten through high school. With the existing State Standards in English Language Arts and Mathematics, and the looming adoption of additional standards in Science and the Social Sciences, the timing is perfect for a broader and more assertive plan for cooperation and communication. School districts should assist teachers to develop better ways to prepare students to meet all the State Standards.

Research indicates that when teachers communicate with their peers to create a unified approach to education, students are more successful in meeting the standards set for them. Such communication should be directed by administration and led by teachers.

The nine school districts in the County should find ways to encourage teachers to work in Professional Learning Communities (PLCs) within their own schools and between schools from different districts. This will ensure that all students are provided the educational experiences to prepare them for each transition as they move from kindergarten through twelfth grade. Along with the training offered by the Nevada County Office of Education (NCOE), instruction should be provided to teachers to establish functioning PLCs to better meet the needs of all of the students in the County.

The Nevada Joint Union High School District should adopt a unified approach to the teaching of mathematics in the two comprehensive high schools. This will allow the elementary districts to better prepare their students in mathematics. These actions would result in Nevada County students being better prepared, better able to master the standards, and more successful in their preparation for college and career. The Jury recommends that the district choose one pathway as a better practice to implement the adopted curriculum and policies of the district.

Glossary

BRHS	Bear River High School
CDE	The California Department of Education
County	Nevada County
DBCIP	Data Based Continuous Improvement Protocol
Jury	Nevada County Grand Jury
NCOE	Nevada County Office of Education
NCSOS	Nevada County Superintendent of Schools
NUHS	Nevada Union High School
PLC	Professional Learning Community
Smarter Balanced	Smarter Balanced Assessment System
State Standards	California Common Core State Standards

Background

California Penal Code section 925 provides, in part: “The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county...” The Nevada County Office of Education (NCOE) and the nine Nevada County (County) school districts all are entities within the County which fall within the jurisdiction of the Nevada County Grand Jury (Jury). The Tahoe Truckee Unified School District operates under the auspices of the Placer County Board of Education.

There are nine separately administered school districts in the County serving the approximately 7,000 students in kindergarten through twelfth grade, each with an elected Board. There also is a centralized office in the County, the NCOE, that is managed by the Nevada County Superintendent of Schools (NCSOS), with extensive responsibilities but limited administrative powers related to those districts. The Jury has proposed in the past that some of these districts be consolidated to increase efficiency and reduce cost. In this report the Jury looks instead at the existing level of coordination and cooperation that exists among the nine districts to determine whether all of the County’s students are being provided the same opportunities for success as they proceed from district to district in the course of their education. Research indicates that students are more successful when teachers communicate and collaborate in their planning for instruction both within grade clusters and between grades as the student goes through school from kindergarten through middle school. It also indicates that students are more successful in a

seamless and logical transition in instruction when teachers at all levels communicate the expectations for preparation at each grade level. (Appendix A)

The adoption of the California Common Core State Standards (State Standards) by the California State Board of Education poses a challenge for county boards of education and their school districts to adopt new curriculum materials and teaching methodologies. It also creates the opportunities for teachers to find new ways to assess students' levels of achievement and to collaborate in planning to help students achieve new levels of mastery of the State Standards. The opportunity to develop protocols for cooperation and communication in the areas of English Language Arts and Mathematics at the present time could also serve as the protocols to follow as the State of California adopts standards in the areas of History-Social Science and Science in the near future.

The separate State Standards for English Language Arts and State Standards for Mathematics were adopted by the California State Board of Education in August 2010 and modified in January 2013. The 2013 modification of the Mathematics State Standards permitted districts to choose from different pathways for instruction in the ninth through twelfth grades, including either the traditional or the integrated pathway. "The traditional pathway consists of the higher mathematics standards organized along more traditional lines into Algebra I, Geometry, and Algebra II courses. The integrated pathway consists of the courses Mathematics I, II, and III. The integrated pathway presents higher mathematics as a connected subject, in that each course contains standards from all six of the conceptual categories."¹ The traditional pathway also meets the new State Standards by modifying past practice to include all of the previous standards in the areas of number and quantity, algebra, functions, modeling, geometry, and statistics and probability.

While both pathways are designed to result in a student being taught everything necessary to master the Mathematics State Standards by the time of graduation, the pathways differ in the timing of instruction. This can lead to problems, for example, in the many instances when seventh or eighth grade students are ready to begin the transition to high school level courses. When such students enter ninth grade having completed either one-third or two-thirds of required subject matter through the courses required by one pathway and their high school is using the other pathway, a discontinuity of instruction occurs. School districts can ensure continuity in a specific pathway by making those schools that share students as they matriculate from elementary to middle school and then high school coordinate and cooperate on curricular planning.

¹ *California Common Core State Standards: Mathematics, Electronic Edition*, California State Board of Education 2013, page 4.

Approach

The Jury being aware of the provisions in the Penal Code precluding them from dealing with curriculum or policy when investigating public school districts concentrated on looking at practice as it relates to implementing said curriculum and policies. This investigation, therefore, looked at the practice found in the various schools and districts as it relates to what is considered best practice in educational research.

The Jury interviewed administrators and staff from these public agencies:

- Nevada County Office of Education
- Nevada County Superintendent of Schools
- Clear Creek Elementary School District
- Chicago Park Elementary School District
- Grass Valley Elementary School District
- Nevada City Elementary School District
- Nevada Joint Union High School District
- Pleasant Ridge Union School District
- Penn Valley Union Elementary School District
- Twin Ridges Elementary School District
- Union Hill Elementary School District

In doing so, the Jury examined the extent to which the County school districts engage in planning, coordination, and cooperation to provide County students with a seamless and logical transition in instruction from elementary through secondary schools, a process referred to as vertical program articulation.

The Jury also examined the extent to which County school districts engaged in cooperation and coordination by teachers in the same grade levels, called horizontal program articulation, designed to ensure that teachers at the same grade levels are providing their students with the same learning opportunities.

The Jury examined research on the educational benefits to the formation of PLCs and the protocols that are a part of Data Based Continuous Improvement Protocol (DBCIP) as they help students reach their full potential in the mastery of the State Standards. These protocols are part of PLCs and function in both horizontal and vertical articulation. Research papers and briefs of such studies are plentiful in the literature and are published in educational periodicals such as *Educational Leadership* and the *Center for High Performing Schools at the Southwest Development Laboratory*. Both descriptions and reports of such systems are even part of *Taking Center Stage – ACT II TCSII*, a publication of the California Department of Education. A bibliography of examples of such research is attached as Appendix A.

Finally, the Jury reviewed school district performance results reflected in student scores on the Smarter Balanced Assessment System (Smarter Balanced), a testing system mandated by the California Department of Education that “utilizes computer-adaptive tests and performance tasks that allow students to show what they know and are able to do.”² Using the published Smarter Balanced results administered in the spring of 2016 for each district within the County, the Jury compared test results with the extent to which the teachers in those schools had worked collaboratively with the goal of achieving better results for their students through horizontal and vertical articulation.

The goal of the Jury’s investigation was to develop a list of suggestions to help all students in the County have equal opportunities to meet their full potential and matriculate through our schools successfully.

Discussion

With the adoption of the State Standards, the time is right for the school districts in the County to come together and develop a mechanism for cooperation and communication to benefit students in the County preparing them for college and career. Research shows that the use of a DBCIP would help students better meet the standards set for them by the state.

Educational research (Appendix A) suggests that students are more successful in mastering subject matter when teachers share planning and results with each other. Such planning groups have come to be called PLCs. Such PLCs can coordinate educational offerings and approaches both within a grade level (horizontal articulation) and between grade levels in cooperation with feeder schools (vertical articulation). These PLCs can concentrate on communicating and coordinating in the areas of English Language Arts and Mathematics State Standards to begin with, and then be established in the areas of History-Social Science and Science as those standards are adopted by the State Board of Education. Teacher leaders need to be identified by administrators and trained to establish and develop functioning PLCs within all schools in the County.

The adoption of the State Standards in California creates the opportunity for teachers to find ways to collaborate in assessing students’ levels of mastery of the State Standards and in planning to increase mastery. The Smarter Balanced results vary widely among the individual districts in the County (Appendix B), inviting the question of why certain districts were more successful than others and, in particular, whether levels of horizontal and vertical articulation within and between districts varied as widely. In seeking to explain these differences, the Jury examined opportunities for articulation by grade level and between grade levels as well as differing opportunities for teachers to work together with teachers from surrounding districts in PLCs (Appendix C). The Jury also reviewed the Smarter Balanced results for the two

² California Department of Education, <http://www.cde.ca.gov/ta/tg/sa/> (accessed December 22, 2016).

comprehensive high schools in Nevada Joint Union High School District, Nevada Union High School (NUHS) and Bear River High School (BRHS). The results varied between the two schools with one performing at a higher level in English Language Arts and the two showing similar results in the area of Mathematics (Appendix D). While the Jury found no direct correlation between the levels of collaboration and communication and the Smarter Balanced results, research indicates a strong correlation between the development of PLCs and the use of DBCIP and higher test results.

The results of interviews to determine the levels of cooperation and communication were striking. All but one of the districts within the County provide time for their teachers to meet within their school/grade level to prepare for instruction. However, very few districts provide time for teachers from different grade levels to consult. Moreover, there was no evidence of the existence of any PLCs. Even fewer districts provide time for teachers to meet with teachers from other schools within the same district. For example, while three districts provide time weekly, two others only provide time bi-weekly. Two other districts only schedule once-a-month time for teachers to articulate within their school. Time provided to articulate with teachers from other schools within the district varies more widely: one district schedules such contacts once every six weeks; two others schedule bi-weekly meetings; another schedules for once a year; and four others, not at all.

There is little articulation with neighboring elementary districts in six of the eight elementary districts other than a once-a-year day of workshops organized by the NCSOS. These workshops include training in areas such as: Positive Behavior Intervention and Support Programs; workshops in Science, Technology, Engineering, Arts, and Math; and textbook adoption.

In two districts, seventh and eighth grade teachers meet weekly with their peers from another district. Two other districts indicated that their teachers met to plan adoption of mathematics curricular materials during the recent adoption of the State Standards.

Another important area of articulation is between eighth grade teachers and ninth grade teachers in County high schools. The lack of evidence of communication and collaboration between the elementary teachers and the high school teachers suggests a lack of clarity on expectations for student competence as they matriculate from eighth grade to ninth. Such articulation is complicated for County eighth graders because the primary comprehensive high schools, NUHS and BRHS, have adopted different pathways for mathematics instruction. While one middle school coordinates with its neighboring high school in this area, other schools with seventh and eighth graders in the County do not. Taking this into account, a student who has taken Algebra I in middle school may find him or herself trying to integrate Algebra I with Mathematics II in high school. This anomaly is somewhat reduced since many middle schools feed primarily into a single comprehensive high school. But even in those instances, the reported consultation and cooperation was reported to be “none” or “minimal.” Only one district responded that the relationship allowed “a lot” of articulation because its high school is located right next to its feeder middle school. There appears to be little or no articulation in the area of English Language Arts or the other core subjects.

Moreover, there appears to be little communication at all between middle schools and the comprehensive high schools. Of the eight elementary districts, four indicated there was no relationship other than scheduling their eighth graders for classes as they transitioned to high school. One district reported an “Eighth Grade Day” and another was proud of articulating well in certain electives. One high school provided a “Futures Program” to help middle school students get excited about the transition to high school.

The two comprehensive high schools in Nevada County showed varying degrees of collaboration and articulation. Different afternoons are set aside for teachers to meet and work at the two high schools in the areas of site-based and departmental initiatives. While there is some articulation within each high school, there was little collaboration between teachers from the two schools. No evidence was found of protocols used to communicate with feeder schools.

While the State Standards allow for different pathways, the lack of articulation in the area of mathematics in a small district with only two comprehensive high schools should be an area of concern to students, parents, and teachers in the elementary districts in the County. One school delivers its mathematics instruction through the integrated pathway. The other delivers its instruction through the traditional pathway. This poses problems not only for the feeder schools with students who are accelerated in mathematics, but also for students who transfer between the two high schools.

Findings

- F1.** The failure of the school districts within the County to identify teacher leaders and coordinate teacher collaboration and articulation negatively impacts student opportunity.
- F2.** There is an apparent lack of Professional Learning Communities in the areas of English Language Arts and Mathematics in the nine school districts in the County.
- F3.** The failure of NCOE to train and support teachers in the nine school districts within the County in teacher leadership and the formation of functioning Professional Learning Communities negatively impacts student opportunity.
- F4.** There is a lack of communication and collaboration between the two comprehensive high schools and their feeder elementary districts concerning expectations for entering ninth graders.
- F5.** Having two comprehensive high schools using different mathematics pathways may negatively impact the ability for students to transfer between the schools.

- F6.** Having two comprehensive high schools using different mathematics pathways may negatively impact students in the feeder schools in their ability to master the State Standards.
- F7.** While the State allows different pathways in the teaching of mathematics, students in the County would be better served by the adoption of a common pathway.

Recommendations

- R1.** The superintendents from each district should come together and set communication and collaboration guidelines for teachers including the coordination of time for this communication and collaboration. (F1 and F4)
- R2.** The individual school districts should select teachers to act as leaders in the process of forming Professional Learning Communities in the areas of English Language Arts and Mathematics. (F1 and F2)
- R3.** The Nevada County Superintendent of Schools and staff should provide training to these leaders. (F3)
- R4.** These leaders should establish working relationships with their peers allowing them to freely share their ideas, plans, and the results of their instruction. (F1, F2 and F4)
- R5.** The Nevada Joint Union High School District should develop a process in collaboration with the elementary districts to more clearly identify the expectations for entering ninth graders. (F4)
- R6.** The Nevada Joint Union High School District should adopt one mathematics pathway to be used by both of the comprehensive high schools in the district. (F5, 6, and 7)

Request for Responses

Pursuant to Penal Code Section 933.05, the Nevada County Civil Grand Jury requests responses from the following:

- Nevada County Superintendent of Schools (F3 & R3) by July 24, 2017
- Nevada County Board of Education (F3 & R3) by August 23, 2017

- Clear Creek Elementary School District Board of Trustees (F1, F2 and F4 & R1, R2, R4 and R5) by August 23, 2017
- Chicago Park Elementary School District Board of Trustees (F1, F2 and F4 & R1, R2, R4 and R5) by August 23, 2017
- Grass Valley School District Board of Trustees (F1, F2 and F4 & R1, R2, and R4 R5) by August 23, 2017
- Nevada City Elementary School District Board of Trustees (F1, F2 and F4 & R1, R2, R4 and R5) by August 23, 2017
- Nevada Joint Union High School District Board of Trustees (F1, F2, F4, F5, F6 and F7 & R1, R2, R4, R5 and R6) by August 23, 2017
- Pleasant Ridge Union School District Board of Trustees (F1, F2 and F4, F3, & R1, R2, R4 and R5) by August 23, 2017
- The Governing Board of the Penn Valley Union Elementary School District (F1, F2 and F4 & R1, R2, R4 and R5) by August 23, 2017
- Twin Ridges Elementary School District Board of Trustees (F1, F2 and F4 & R1, R2, R4 and R5) by August 23, 2017
- Union Hill School District Board of Trustees (F1, F2 and F4 & R1, R2, R4 and R5) by August 23, 2017

Appendix A

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Appendix B

Smarter Balanced Results Spring 2016

English Language Arts

District	Number of Students	Number Tested	Standard Exceeded	Standard Met	Standard Nearly Met	Standard Not Met
Chicago Park Elementary	122	115	11%	39%	21%	29%
Clear Creek Elementary	101	98	36%	41%	17%	6%
Grass Valley Elementary	1126	1041	17%	29%	27%	27%
Nevada City Elementary	639	599	25%	35%	25%	16%
Penn Valley Union Elementary*	422	408	13%	34%	31%	21%
Pleasant Ridge Union Elementary	817	789	20%	36%	26%	19%
Twin Ridges Elementary	63	62	5%	19%	27%	48%
Union Hill Elementary	373	367	13%	33%	25%	30%
Total/Average	3663	3479	18%	33%	25%	25%
Nevada Joint Union High SD	685	622	37%	33%	15%	15%
*includes 14 11th graders	14	14	7%	43%	36%	14%

Mathematics

Chicago Park Elementary	122	115	11%	28%	29%	32%
Clear Creek Elementary	101	98	36%	30%	31%	4%
Grass Valley Elementary	1126	1047	14%	23%	31%	32%
Nevada City Elementary	638	594	19%	24%	30%	26%
Penn Valley Union Elementary*	422	408	14%	22%	36%	29%
Pleasant Ridge Union Elementary	817	789	20%	28%	35%	17%
Twin Ridges Elementary	63	63	8%	13%	37%	43%
Union Hill Elementary	373	367	11%	24%	38%	27%
Total/Average	3662	3481	17%	24%	33%	26%
Nevada Joint Union High SD	686	619	19%	24%	27%	30%

Source: caaspp.cde.ca.gov

Appendix C

Results from Interviews with Staff Members

District in Nevada County	Number of Schools, Configuration, and Number of Classes at Each Grade	Common Time for Teachers	Teachers Meet by Grade Level/Subject (Horizontal Articulation)	Teachers Meet with Colleagues at Other Grade Levels (Vertical Articulation)	Teachers Meet with Teachers from Other Schools Within the Same District (Horizontal and Vertical Articulation)	Teachers Meet with Teachers from Other Schools Outside the District (Horizontal and Vertical Articulation)	Teachers Meet with Teachers from the High Schools (or visa versa) (Vertical Articulation)	High School Branding
District 1 NJU	4 High Schools 2 Traditional 2 Specialized	Not asked	Not asked	Not asked	Not asked	Not asked	<p>One high school articulates with the middle school next to it in mathematics.</p> <p>Attempts to get all feeder districts to give a math placement test.</p>	<p>One high school has a “futures” program with its middle school and gives faculty at the feeder elementary district tickets to games.</p> <p>Both comprehensive HSs have days wherein they bring 8th graders for orientations.</p>
Two HS NU & BR	N/A	Yes	Yes	Bi-Weekly	Varying degrees with ELA further along and Math not at all	No	No meeting with elementary teachers	BR yes; NU no

Appendix C

Results from Interviews with Staff Members

District in Nevada County	Number of Schools, Configuration, and Number of Classes at Each Grade	Common Time for Teachers	Teachers Meet by Grade Level/Subject (Horizontal Articulation)	Teachers Meet with Colleagues at Other Grade Levels (Vertical Articulation)	Teachers Meet with Teachers from Other Schools Within the Same District (Horizontal and Vertical Articulation)	Teachers Meet with Teachers from Other Schools Outside the District (Horizontal and Vertical Articulation)	Teachers Meet with Teachers from the High Schools (or visa versa) (Vertical Articulation)	High School Branding
District 2 PR	3 Schools 2 K-5 1 6-8	Weekly Meeting Time	Teachers meet together by grade.	ELA teachers adopted the same curriculum and meet together.	Teachers meet once every six weeks.	Some articulation in math with a neighboring district as both adopted Go Math. Once in the year sponsored by County Superintendent.	Math teachers articulate well with the high school.	Students are “branded” in a “futures” program. Staff are brought to first football game at the feeder high school.
District 3 TR	2 Schools Both K-8	N/A	None as only one teacher at each grade.	Does not occur.	Does not occur.	Superintendents collaborate between the smaller districts.	Told that the two high schools are too inconsistent.	
District 4 CP	1 school 1 teacher per grade 6/7/8 offered electives	monthly	monthly	monthly	N/A	Different schedules preclude this from happening. Once in the year sponsored by County Superintendent.	No relationship with any high school.	No relationship with any high school.

Appendix C

Results from Interviews with Staff Members

District in Nevada County	Number of Schools, Configuration, and Number of Classes at Each Grade	Common Time for Teachers	Teachers Meet by Grade Level/Subject (Horizontal Articulation)	Teachers Meet with Colleagues at Other Grade Levels (Vertical Articulation)	Teachers Meet with Teachers from Other Schools Within the Same District (Horizontal and Vertical Articulation)	Teachers Meet with Teachers from Other Schools Outside the District (Horizontal and Vertical Articulation)	Teachers Meet with Teachers from the High Schools (or visa versa) (Vertical Articulation)	High School Branding
District 5 PV	4 Schools in 3 buildings Will drop to 2 One K-5 and One TK-8	Once a month all teachers in the District	Every other week	Unclear	Every other week	Once in the year sponsored by County Superintendent.	Minimal at best.	Minimal at best.
District 6 GV	2 Schools One K-4 One 5-8 And a charter school K8 Five or six classes at each grade K-3 rd and five or six at each grade 5-8	Yes	Professional Development once a month. Teachers CAN meet on the other Wednesdays	Unanswered	Yes, but no elaboration	Once in the year sponsored by County Superintendent. Also said one principal communicates with another in a nearby district.	Says there is no articulation. Participated in a CTE grant but the high school has all but excluded them.	None
District 7 UH	3 Schools One Charter K-6 One Middle 7-8 One for toddlers and PreK. One T-K 4-K; 3 at each 1 st and 2 nd ; 4 at 3 rd ; 2 and ½ at both 4 th and 5 th . 6 th graders are with 7 th and 8 th in single subjects	Every other week.	Every other week.	Every other week.	Every other week.	Unofficially between friends. Jointly adopted math curriculum with another district. Once in the year sponsored by County Superintendent.	Math teachers jointly trained with their high school counterparts. Gets any information requested on former students.	Not referenced in interview.

Appendix C

Results from Interviews with Staff Members

District in Nevada County	Number of Schools, Configuration, and Number of Classes at Each Grade	Common Time for Teachers	Teachers Meet by Grade Level/Subject (Horizontal Articulation)	Teachers Meet with Colleagues at Other Grade Levels (Vertical Articulation)	Teachers Meet with Teachers from Other Schools Within the Same District (Horizontal and Vertical Articulation)	Teachers Meet with Teachers from Other Schools Outside the District (Horizontal and Vertical Articulation)	Teachers Meet with Teachers from the High Schools (or visa versa) (Vertical Articulation)	High School Branding
District 8 CC	One school TK-8 TK with Kinder One each 1 st through 6 th 7 th and 8 th combined	Every Week.	Every Week.	Every Week.	N/A	Every Week with 7 th and 8 th teachers in a neighboring district.	Mostly in math with multiple high schools but some others though the superintendents.	8 th grade day at the high school
District 9 NC	Three schools One TK-4 One 5-8 One charterTK-8	Early release once a month	Once a month	Once a month possibly	Once a year	Once in the year sponsored by County Superintendent.	This is not happening.	Articulation in choir and band.
Results		All but one TR 3 Weekly 1 Biweekly 3 Monthly	All but one TR 3 Weekly 2 Biweekly 2 Monthly	1 ELA adoption 1 Weekly 1 Biweekly 2 Monthly	1 every 6 wks 2 Biweekly 1 Yearly	6 Yearly 1 Weekly 7/8 2 Math Adoption	1 Math a lot 2 Math min 3 None 1 Minimal 1 Too inconsistent (math)	1 8 th grade day 4 None 1 Choir/Band 1 “Futures” Program

Interviews with the principals of BR and former principal of Nu told the story of the high schools adopting two different pathways for mathematics. Principals wanted a single pathway and chose the integrated pathway and were backed by the district curriculum committee but the superintendent chose to overrule those bodies and allowed the math department at NU to vote to keep the traditional approach and was backed by the Board of Trustees. Both principals verified this as well as a few superintendent of elementary districts spoke to the difficulty of preparing students for mathematics due to this situation

Appendix D

RESULTS 2016 - Two comprehensive high schools in NJUHSD

English Language Arts Literacy	NUHS	BRHS	Mathematics	NUHS	BRHS
Number of Students	356	176	Number of Students	356	176
Number Tested	324	166	Number Tested	324	163
Number Scored	324	166	Number Scored	323	161
Overall			Overall		
Standard Exceeded	33%	48%	Standard Exceeded	21%	11%
Standard Met	37%	37%	Standard Met	25%	29%
Standard Nearly Met	18%	11%	Standard Nearly Met	28%	37%
Standard Not Met	11%	5%	Standard Not Met	26%	24%
Reading			Concepts & Procedures		
Above Standard	44%	52%	Above Standard	31%	19%
Near Standard	43%	41%	Near Standard	36%	45%
Below Standard	13%	7%	Below Standard	33%	36%
Writing			Problem Solving and Modeling & Data Analysis		
Above Standard	39%	55%	Above Standard	27%	20%
Near Standard	47%	36%	Near Standard	51%	60%
Below Standard	14%	9%	Below Standard	22%	20%
Listening			Communicating Reasoning		
Above Standard	31%	36%	Above Standard	24%	17%
Near Standard	57%	58%	Near Standard	57%	65%
Below Standard	12%	5%	Below Standard	19%	19%
Research/Inquiry					
Above Standard	41%	59%			
Near Standard	48%	36%			
Below Standard	11%	5%			

Source: caaspp.cde.ca.gov

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Coordinating Homeless Services in Nevada County

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Coordinating Homeless Services in Nevada County

Summary

Nevada County (County) Government is charged with the duty of meeting the needs of the citizens. The Nevada County Grand Jury (Jury) is charged to maintain the role of watchdog of County service delivery systems to ensure these needs are met. One of these needs, the plight of people who are homeless, has emerged as a growing concern to the citizens of the County.

Many agencies and individuals throughout the County provide support and services to persons who are homeless. These supports and services take many forms, both through funded programs and from volunteer groups. Although the number of homeless persons is difficult to accurately count, those who perform the counts estimate the numbers to vary between 300 and 600 people from year to year. A bi-annual Point-in-Time count attempts to verify this number but the rural and wooded nature of much of the County creates difficulties. Individuals who are homeless tend to be mobile and their location changes throughout the year depending upon the seasonal weather patterns.

The Jury interviewed individuals knowledgeable about homelessness in the County from both public and private organizations (non-profits). They found that many service providers affirmed the need for a single point of contact coordinator to facilitate collaboration among the agencies that provide services to people who are homeless and to help avoid duplication of services. In addition to housing, other wraparound needs include medical care, food, clothing, employment, job training, and education on the financial, social, and psychological requirements to maintain a household.

A Continuum of Care organization currently attempts to marshal these services, agencies, and individuals, through regular consultative meetings and communications. While it provides a venue for service providers to collaborate and exchange information, more extensive coordination is needed. Coordination is especially needed when service programs seek out and apply for grant funding from State and Federal projects that address homelessness.

While conducting this investigation, the Jury learned that the County is moving to recruit and hire a Housing Resource Manager. This position will provide a single point of contact to support the ongoing efforts to provide the multiple services required by people who are homeless. This report, in part, supports the need and justification for such a coordinator by asking the service providers what they need to augment their efforts to alleviate homelessness in the County.

Glossary

Behavioral Health County	Nevada County Behavioral Health and Human Services Nevada County
Jury	Nevada County Grand Jury
HMIS	Homeless Management Information System
non-profits	Non-profit private organizations

Background

The Jury had an interest in learning more about the homeless situation in our County. It was aware that a large number of organizations, both public and non-profits, are committed to mitigating the multiple issues that place people in the difficult circumstance of being homeless. Representatives of these organizations meet monthly as participants in the Continuum of Care¹ committee established by the Homeless Resource Council of the Sierras representing Placer and Nevada Counties, to discuss common issues, share resources and collaborate in ad hoc committees to develop proposals for grant opportunities. Many Federal and State grants require collaboration and endorsements from multiple service providers serving large numbers of people in order to qualify for funding. These requirements were one of the reasons that the Continuum of Care committee was established.

A review of information available on City, County, and Federal websites indicates the recognition of the immediate need for housing and related services for the homeless.

The Nevada City Homeless Directory lists opportunities for shelter in the city.

MyNevadaCounty.com contains a section on Housing and Shelter Needs that includes a listing of Hospitality House and the Salvation Army Grass Valley Corps as primary resources and includes phone numbers for the Red Cross, the Tahoe Safe Alliance, and the Nevada County Eligibility Services.

Nevada County Housing Services provides a current list of housing services that include the Booth Family Center, Quality Housing Development Corporation in Auburn, and assorted Placer County services along with the aforementioned Hospitality House and Salvation Army Grass Valley Corps. This listing describes the availability of day shelters, emergency homeless shelters, halfway housing, permanent affordable housing, drug and alcohol rehabilitation, supportive housing, shared housing, rooming/boarding houses, and transitional housing.

Even more information is found at Nevada County Shelter Listings adding the FREED Center for Independent Living and the Booth Family Center as housing resources and a link to Financial Help for the Needy.

¹ An underlined organization name represents a link to that organization's website. When reading the report online, click on the organization name to open the website. See the Appendix for a complete list of the organizations and their website addresses.

Nevada County Veterans Services lists services including claims assistance, online veterans' benefits, college fee waivers, and other benefits available to veterans. Additional veterans' services are listed including the availability of HUD Veterans Affairs Supportive Housing Vouchers for veterans.

Nevada County 211 consists of multiple pages on homeless matters. It is a free 24/7 information hub that connects people with community programs and services through a local call center and searchable web page. It is operated by Connecting Point, a community-based organization with funding from a variety of sources, including grants and Nevada County resources. Most recently it has developed a pocket sized resource guide focused on county resources for the homeless.

The Federal Government publishes useful information to those interested in the homeless issue through the Department of Housing and Urban Development for California. Clicking on the Find Homeless Resources link brings the County visitor to a page indicating the website and phone number of the coordinator of the Placer and Nevada county's Continuum of Care.

A variety of non-profits in the County have been working on the various aspects of homelessness and many of them have websites and work in the area of fundraising to provide the funds necessary to deal with the issue in the County. These websites include: Hospitality House; Salvation Army Grass Valley Corps (Booth Family Center); Sierra Roots; Divine Sparks/Streicher House; and Spirit Peer Empowerment Center.

In a presentation to the Nevada City Council in October, 2016 the Director of Nevada County Health and Human Services shared the data on who was homeless according to official counts and also estimated the *real* numbers as there are homeless people who do not want to be counted. Counts are taken every two years under HUD regulations and are referred to as "point-in-time" counts.

The number of homeless persons recorded in the County was:

- 345 in 2009,
- 190 in 2011,
- 314 in 2013, and
- 279 in 2015.

Of the 279 in 2015:

- 39% were chronically homeless,
- 9% were under 25 years old,
- 8% were veterans,
- 51% had mental health conditions or disorders,
- 28% had substance abuse problems,
- 11% had developmental disabilities, and
- 19% had physical disabilities.

The Director went on to estimate the actual number of homeless at that time to be between 250 and 600.

Approach

The Jury interviewed a variety of persons from agencies and programs with missions related to the various aspects of the homeless issue. These included:

- Continuum of Care,
- Divine Sparks/Streicher House,
- Grass Valley City Council,
- Homeless Resource Council of the Sierras,
- Hospitality House,
- Nevada County Behavioral Health & Human Services,
- Nevada County Board of Supervisors,
- Nevada County Health and Human Services,
- Nevada County Sheriff's Office,
- Nevada County Social Services,
- Nevada County Veterans Services,
- Salvation Army Grass Valley Corps, and
- Sierra Roots.

The Jury also attended a Continuum of Care meeting, reviewed websites, and also reviewed previous Grand Jury reports on homelessness concerns. Specifically, the Grand Jury Report of 2014-2015 addressed safety concerns with regard to fire in outdoor camps of people who are homeless.

Discussion

Like many people in the various communities in the County the Jury looked at homelessness as a single issue and was interested in identifying a solution to it. What the Jury discovered through its investigation is that homelessness is not a simple problem with a simple solution. To compare a middle aged man who has been chronically homeless for two decades to a homeless family with children is impossible since the causes, symptoms, and needs are completely different.

During the investigation the Jury identified a number of issues pertinent to the conversation regarding homelessness and some solutions. Ordinances designed to keep the homeless off our streets are not effective in making people who are homeless less visible, and more importantly they have no positive effect on them. There is a need to design and implement a multifaceted approach to effectively meet the needs of a diverse homeless population. Finally, there is also a need for better coordination of the efforts exerted by the various County departments, the non-profits in the County, and Federal programs if we want to make a difference in people's lives and make our communities safer. This coordination not only includes services but also funding. While these stakeholders have collaborated through the Continuum of Care, it is felt that more coordination can dramatically increase the effectiveness of service delivery.

The Jury interviewed a representative from the Health and Human Services Department of the County about the Nevada County Mental Health Urgent Care Center's Crisis Stabilization Unit, commonly known as CSU, which opened in January 2016. It has helped alleviate hospital stays, law enforcement involvement, and emergency room visits because it services patients with mental illness. There is a significant number of homeless people in the County who have mental health disabilities. This interview revealed the issues regarding poor communication and coordination of homeless services between County departments and non-profits that work with homeless people. It also emphasized the paucity of affordable housing in the County exacerbating the problem of homelessness. This early interview led the Jury to explore the creation of a County position to facilitate coordinated services to people who are homeless, and to coordinate efforts to provide more affordable housing.

A member of the Grass Valley City Council added to an understanding of the complexity of developing housing and meeting the different needs of homeless persons. People may find themselves homeless due to varying causes ranging from mental illness, alcohol and drug dependency, criminal records, economic problems, or by choice. The majority of homeless persons in the County is made up of people who were raised in the County and not of those coming from other areas.

While housing, both temporary and permanent, may be available to some, such as families with children, some people are barred from available housing by a variety of issues. People with companion animals or those with medications have difficulty securing housing due to rules for admission to housing facilities. Similarly, people with criminal records have difficulty obtaining housing as do those who have alcohol or drug dependency.

Affordable housing is currently in high demand in the County and there is an acute shortage of rental housing within the County overall. While organizations such as Sierra Roots and the City of Grass Valley have plans on paper for seeking funding and incentives from local governments for development, the barriers to such development are many. This led to the suggestion shared by most of the witnesses to develop county-wide plans with a housing coordinator. For example, state funded programs exist such as the No Place Like Home grants (a state funded program through California Department of Housing and Community Development). These grants guarantee funding of at least \$500,000 to rural counties including ours. These monies along with those secured through HUD, County and private funds could conceivably provide substantial funding for alleviating the affordable housing deficit in the County.

Witnesses suggested that the coordinator should be a permanent county position as those funded by grants are vulnerable to specific requirements of the grants and to the uncertainties associated with time limits. It was felt that a Housing Resource Manager position would free up personnel in Behavioral Health, Social Services, and Public Health to more efficiently fulfill their missions in the County.

A designated County position should provide the leadership and coordination to:

- identify and develop funding sources,
- provide skilled grant writing,

- work to overcome the culture of homelessness,
- serve youth under eighteen,
- help in the development of day shelters,
- provide post jail placement,
- coordinate placement of homeless persons after medical treatment,
- provide veteran services referrals,
- find housing for persons on medications,
- find appropriate housing for individuals with companion or service animals,
- find housing for ex-offenders and sex offenders,
- provide emergency placement services, and
- seek out funding for alcohol and drug addiction rehabilitation services for individuals who have no insurance to cover these expenses.

As the majority of identified homeless individuals live within city limits there is a need for coordination among the various agencies and organizations within our communities. It is felt that the County is in the best position to provide leadership in efforts to address the economic, social, and environmental problems associated with the homeless issue. A new committee has been formed, the Public Agency Collaboration Committee, that includes representatives from the various county and city agencies in order to work together between different jurisdictions seamlessly.

While there exists a conduit to discussion between all the agencies dealing with providing services to the homeless through the Continuum of Care, the level of cooperation is limited with the process being one of sharing information rather than coordination of efforts and services. Coordination is essential to ensure that both permanent and temporary shelter is provided but emphasis must also be put on developing wraparound services to meet the individuals' needs. History has shown that just placing a person in housing does not ensure that the fundamental problems of being homeless are completely resolved.

A multi-disciplinary coordinated approach would provide the most promise for successful results in meeting the multiple needs of homeless persons.

While conducting this investigation, the Jury learned that the County is moving to recruit and hire a Housing Resource Manager. This position will provide a single point of contact to support the ongoing efforts to provide the multiple services required by people who are homeless. This report, in part, supports the need and justification for such a coordinator by asking the service providers what they need to augment their efforts to alleviate homelessness in the County.

Findings

- F1.** There are many different reasons for people to be homeless including mental illness, substance abuse, unemployment, under-employment, physical disabilities and sometimes, choice.

- F2.** There is a need for coordination of County departmental efforts with those of non-profit organizations within the County to provide assistance to people who are homeless.
- F3.** There is a need for more affordable housing in the County.
- F4.** There is a need for wraparound services that meet the needs of people who are homeless.

Recommendations

- R1.** The County should complete the selection of a Housing Resource Manager to coordinate efforts to provide housing and services for homeless people in the County. (F1, F2, F3, and F4)
- R2.** The Housing Resource Manager should be given the task of working with all stakeholders in finding ways to allow for the creation of more affordable housing in the County. (F3)
- R3.** The Housing Resource Manager should be given the task of working with all stakeholders to provide a seamless delivery of services to homeless people. (F2 and F4)

Request for Responses

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

From the following:

None required

Appendix A

Nevada County Agencies and Departments Working on Homeless Issues

American Red Cross Gold Country Region

<http://www.redcross.org/local/california/gold-country>

Booth Family Center

http://grassvalley.salvationarmy.org/grass_valley/booth-family-center/

California Department of Housing and Community Development

<http://www.hcd.ca.gov/>

City of Grass Valley

<http://www.cityofgrassvalley.com/home>

Connecting Point

<http://connectingpoint.org/>

Continuum of Care

<https://portal.hud.gov/hudportal/HUD?src=/states/california/homeless/continuumcare/nca/lcoc>

Department of Housing and Urban Development for California

<https://portal.hud.gov/hudportal/HUD?src=/states/california>

Divine Sparks/Streicher House

<https://www.divinespark.us/>

Financial Help for the Needy

http://www.financialhelpresources.com/details/nevada_county_social_services.html

FREED Center for Independent Living

<http://www.freed.org/>

Grand Jury Report of 2014-2015, Illegal Campfires

<http://nccourt.net/documents/gjreports/1415-CIG-IllegalCampfires.pdf>

Grass Valley City Council

<http://www.nevadacityca.gov/pview.aspx?id=20690&catid=0>

Homeless Resource Council of the Sierras

<http://www.hrcscoc.org/>

Hospitality House

<https://hhshelter.org/>

Hospitality House Rapid Rehousing Program

<https://hhshelter.org/programs-services/homeless-prevention-rapid-rehousing/>

HUD for California Find Homeless Resources

<https://portal.hud.gov/hudportal/HUD?src=/states/california/homeless>

HUD Veterans Affairs Supportive Housing Vouchers

https://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/vash

MyNevadaCounty.com

<http://www.mynevadacounty.com/Pages/home.aspx>

Nevada City Homeless Directory

<http://www.homelessshelterdirectory.org/cgi-bin/id/city.cgi?city=nevada+city&state=CA>

Nevada City Housing Services

http://www.shelterlistings.org/city/nevada_city-ca.html

Nevada County Behavioral Health & Human Services

<https://www.mynevadacounty.com/nc/hhsa/bh/Pages/Home.aspx>

Nevada County Board of Supervisors

<https://www.mynevadacounty.com/nc/bos/Pages/Home.aspx>

Nevada County Eligibility Services

<http://www.mynevadacounty.com/nc/hhsa/dss/Pages/Home.aspx>

Nevada County Health and Human Services

<https://www.mynevadacounty.com/nc/hhsa/Pages/Home.aspx>

Nevada County Homeless Immediate Needs

<https://www.mynevadacounty.com/nc/hhsa/dss/pa/Pages/Immediate-Needs.aspx>

Nevada County Mental Health Urgent Care Center

<https://www.mynevadacounty.com/nc/hhsa/bh/Pages/Crisis-Services.aspx>

Nevada County Public Health

<http://www.mynevadacounty.com/nc/hhsa/ph/Pages/Home.aspx>

Nevada County Shelter Listings

<http://shelterlistings.org/county/ca-nevada-county.html>

Nevada County Sheriff's Office

<https://www.mynevadacounty.com/nc/sheriff/Pages/Home.aspx>

Nevada County Social Services

<http://www.mynevadacounty.com/nc/hhsa/dss/Pages/Home.aspx>

Nevada County 211

<http://211nevadacounty.org>

Nevada County Veterans Services

<https://www.mynevadacounty.com/nc/hhsa/dss/vets/Pages/Home.aspx>

No Place Like Home Program

<http://www.hcd.ca.gov/grants-funding/active-funding/nplh.shtml>

Quality Housing Development Corporation Auburn

<http://www.shelterlistings.org/details/23357/>

Salvation Army Grass Valley Corps

<http://grassvalley.salvationarmy.org/>

Sierra Roots

<http://www.sierraroots.org/>

Spirit Peer Empowerment Center

<http://www.spiritpeerempowermentcenter.org/>

Tahoe Safe Alliance

<https://tahoesafealliance.org/>

Higgins Area Fire Protection District

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Higgins Area Fire Protection District

Summary

The Higgins Area Fire Protection District (Higgins District) is an independent special district which provides fire protection and emergency service response to an estimated 12,000 permanent residents in a 90 square mile area in southern Nevada County. The Higgins District is governed by a five-member Board of Directors.

The Nevada County Grand Jury (Jury) was concerned about the three failed tax measures proposed by the Higgins District over the past five years and the budget difficulties that have had a negative impact on the citizens within Higgins District. Budget shortfalls have resulted in firefighter layoffs, increased response times for fire and medical services, and a station closure.

It appears that Higgins District staff was forced to make recommendations to address the budget shortfalls that were approved by the Higgins District Board of Directors (Board). With the help of a California Department of Forestry and Fire Protection (Cal Fire) Amador Contract, a Federal Emergency Management Agency Staffing for Adequate Fire and Emergency Response Grant (SAFER Grant), and employee layoffs, the Higgins District had been able to continue to address the fire fighting and medical service needs of the area although with a reduction in overall services. However, the recent loss of the SAFER Grant, increasing costs and slow increase in tax revenues have stretched Higgins District resources. Budget shortfalls and employee layoffs necessitated the closing of one of three stations resulting in slower response times to emergency calls.

Problems were noted with the 2016 Board. One was the lack of civility and unprofessional behavior of some of the Board members. Another was disrespect for Higgins District staff and Cal Fire staff. The Board had not taken action to develop a strategy or a long-term plan to overcome the ongoing financial issues of the district. Board members lacked an understanding of the Higgins District financial situation.

Effective January 2017 two new members joined the Board. The new Board will need to focus on its responsibilities as a Board that oversees public funds, and the needs of the district community. It should also provide the Higgins District with direction and the tools necessary to effectively carry out its mission.

Glossary

Ad valorem Board	Nevada County 1% Secured Property Tax allocation Board of Directors, Higgins Area Fire Protection District
Brown Act	Ralph M. Brown Act Government Code sections 54950-54963
Cal Fire	California Department of Forestry and Fire Protection
Combie	Main Station 21
Dog Bar	Station 22
Higgins District	Higgins Area Fire Protection District
Jury	Nevada County Grand Jury
Local 3800	Nevada County Fire Fighters Union Local 3800
McCourtney	Station 23
Measure B	Higgins Special Fire Protection Parcel Tax 2012
Measure O	Higgins Special Fire Protection Parcel Tax 2013
Measure V	Higgins Special Fire Protection Parcel Tax 2015
SAFER Grant	Staffing for Adequate Fire and Emergency Response Grant from the Federal Emergency Management Agency
SRA	California Fire Prevention, State Responsibility Area

Reason for Investigation

The Jury has the responsibility to investigate the functions of special districts within the County pursuant to California Penal Code Section 925 which provides, in part: “The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other districts in the county ...” As a result, the Jury chose to investigate the three failed tax measures requested by the Higgins District over the past five years and the budget difficulties that have had a negative impact on the citizens within Higgins District.

Background

Special districts are forms of local government created by a community to meet a specific need. Most of California’s special districts perform a single function such as sewage, water, fire protection, pest management, or cemetery management. There are approximately 2,300 independent special districts in California, each governed by an independent board of directors elected by the district’s voters or appointed to a fixed term of office by either a city council or a county board of supervisors. There are twenty-four independent special districts in Nevada County.

The Higgins District is an independent special district supported by public funds and governed by a five-member Board elected by Higgins District voters. It was established as a special district on November 8, 1977 staffed by Cal Fire staff and 15 volunteers. The first full time employee, a fire apparatus engineer, was hired in 1986.

The mission of the Higgins District is to provide fire protection and emergency medical service response to an estimated 12,000 residents in southern Nevada County. The Higgins District's 90 square mile area is primarily rural zoning, including Lake of the Pines, a gated community, and was served by three fire stations located geographically at six-mile intervals. Currently Station 21 (Combie) and Station 23 (McCourtney) are open. Station 22 (Dog Bar) closed at the end of June 2016 due to budget constraints.

The Higgins District staff is comprised of a Battalion Chief, a Business Manager, and, as of January 2017, six full time firefighters, paid call firefighters, and volunteers. Additionally the Cal Fire Ranger Unit Chief is appointed to the position of Higgins District Fire Chief.

The Board is responsible for the overall management and direction of the district for policy, finance, and planning. The directors serve a four-year term and are elected by the voters of the Higgins District unless there is only one candidate for each vacant board position, whereupon the Nevada County Board of Supervisors appoints the candidate to the vacant position.

It came to the attention of the Jury that the Higgins District had not succeeded in getting multiple special tax increases passed. Accordingly, the Jury decided to look into the viability of the Higgins District. As the Jury began its investigation of these special tax measures, the Jury became aware of contentious issues involving the Board.

Approach

The Jury interviewed:

- members of the Higgins District staff,
- members of the Board,
- Cal Fire staff,
- staff from the Nevada County Elections Office, and
- union representatives from Nevada County Firefighters Local 3800 (Local 3800).

The Jury also attended several Higgins District Board meetings.

The Jury also reviewed documents including:

- board meeting agendas and minutes;
- content and material from the Higgins District website;
- Higgins District By-laws dated 04/21/1993;
- Higgins District Policies and Standard Operating Guidelines;
- Higgins District financial information including Final Budget for 2016-2017;
- Higgins Area Fire Protection District audited financial statements, fiscal years 2012-2013, 2013-2014, and 2014-2015;
- Higgins District Special Election Measures B, O and V;
- Cal Fire Amador Contract;

- California Fire Prevention State Responsibility Area (SRA) fee requirements;
- Nevada County election procedures for special district boards;
- Resolution No. 12-083 of the Board of Supervisors County of Nevada;
- Resolution No. 13-075 of the Board of Supervisors County of Nevada;
- Resolution No. 15-232 of the Board of Supervisors County of Nevada;
- California Elections Code Section 1051(a);
- California Government Code Section 1 780;
- Nevada County Board of Supervisors Resolutions in Lieu of Elections for several election cycles beginning with 2006 thru 2016; and
- background information, public information, and public announcements regarding the three failed tax measures.

Discussion

The Higgins District is governed by a five-member Board and consists of a Chair, Vice-Chair, Treasurer, and two additional members. Individual Board members serve a four-year term based on a calendar year. The Higgins District Business Manager is responsible for distribution of the agendas and taking the minutes. The board meets in regular session at 7:00 pm on the third Wednesday of each month, except for December.

The Board members are elected by district voters. There has not been a general election of the Board members since 2006. For the past ten years, the Nevada County Board of Supervisors has appointed members to all vacant Board positions because there was only one qualified candidate for each vacancy. In 2016 there were only two candidates for the two vacating positions so there was no requirement for an election.

The Higgins District is a combination department consisting of career staff and paid call firefighters. Additionally, the Higgins District contracts with Cal Fire to provide 24-hour engine staffing during non-fire season. Cal Fire response is not, however, limited to the contract period as the two agencies are co-located at Combie. The District also maintains mutual and automatic aid agreements with surrounding fire districts and other fire agencies in Nevada and Placer Counties.

Cal Fire has a special relationship with the Higgins District through an Amador Contract, a state contract designed to help rural fire districts with an existing Cal Fire station in their territory. The contract provides fire protection and medical services at Combie. The employees are paid by Cal Fire and the state does not charge base salaries to the district. Cal Fire leases the facilities during the fire season for \$5,500 per month. Cal Fire also provides a majority of training for the Higgins District.

Through the Amador Contract and by Board resolution, the Cal Fire Ranger Unit Chief is appointed to the position of Higgins District Fire Chief. The Fire Chief is the Chief Executive Officer, responsible for the functions of the Higgins District.

The Higgins District Battalion Chief has been delegated the responsibility to oversee the operations and day-to-day management of administration, operations, and all Higgins District

staff. The Battalion Chief also prepares all budgets, financial reports, and oversees all purchasing. The reports are submitted to the Board at the monthly Board meetings, along with monthly payment requests for approval.

Under the Amador Contract Cal Fire provides major resources for the Higgins District worth approximately \$650,000 a year. There are very few Amador Contracts in California. If the Board chose not to sign a new contract, it could not be reinstated. Currently Cal Fire and Higgins District firefighters staff Combie. Only Higgins District firefighters staff McCourtney. The dispersion of responsibilities and segregation of staffing creates opportunities for dissention between Cal Fire and Higgins District personnel.

The Higgins District receives funding from several sources. Its funding comes from:

- its portion of the Nevada County 1% ad valorem property tax,
- approximately 10% from a special tax of \$25 per residential parcel, and
- mitigation fees plus income received from special firefighting services.

In fiscal year 2007-2008 the Higgins District received \$2,016,104 from the ad valorem tax and the special tax to fund its operations. When the recession began in 2008 and the housing market began to drop, funding for Higgins District decreased to \$1,409,462 (a reduction of approximately 30%) in ad valorem tax and special tax revenue for fiscal year 2008-2009. This budget shortfall resulted in the reduction of Higgins District staff at Combie during the summer season, changes in staffing patterns for all stations, and 28% in staff negotiated pay cuts and benefits. Additionally, reserve funds were used to continue operations.

The Battalion Chief obtained a two-year SAFER Grant in the amount of \$966,000 in 2014 which helped maintain the staffing levels of the previous two years. The grant was to end in March 2016 and was subsequently extended to May of 2016 as the funds had not been fully expended. When the SAFER Grant expired, one of the three stations, Dog Bar, had to be closed, and six firefighters were laid off. These measures allowed the Higgins District to continue operations.

Higgins District received about \$1,170,000 in fiscal year 2015-2016 from the ad valorem tax. The 2016-2017 budget approved by the Board in November 2016 had projected revenues of \$1,634,000 to fund the General Operations Budget. Ad valorem tax revenues for the Higgins District have been slowly increasing over the past five years, and are projected to increase by 3-5% per year, dependent on economic growth. The \$25 special tax revenue remains relatively static at approximately \$140,000 per year.

To offset the budget deficit, the Higgins District attempted to pass new special tax measures in 2012, 2013, and 2015. The calculations for the tax measure amounts were based on the budget requirements for full staffing of one station.

Tax Measure B in 2012 required a two-thirds supermajority vote and was defeated. In 2013 Tax Measure O also required a two-thirds supermajority vote and was defeated by just 27 votes. In 2015, Higgins District tried a third time to pass Tax Measure V, a new special tax. They hired a

professional consulting firm to oversee the ballot measure. Measure V did not receive the required two-thirds supermajority vote and it was also defeated.

There were several issues that affected the voting outcome in 2015. There was a strong local opposition group and the deadline to file a rebuttal was missed. There was confusion over the California Fire Prevention, State Responsibility Area fee (SRA) of \$117 per year for each assessor's parcel. The SRA fee became effective July 1, 2014 and provides funds for fire prevention services, not fire-fighting or medical services.

In response to the failed tax Measure V and the loss of the SAFER Grant, the Board made a public announcement in January 2016 of the proposed staffing plan to address the ongoing budgetary constraints which was documented in the Board minutes of January 20, 2016. Those minutes contained the following:

The Strategic Planning Committee endorsed and recommended Managements' (sic) Staffing Plan. The recommended plan is to Staff Station 21 year round. The staffing in the summer will be with two CalFire (sic) resources and in the winter (non-fire season) the staffing will be one engine with a CalFire (sic) Operator and a Higgins Fire Fighter as well as a Higgins engine staffed by a Higgins Operator and a Higgins Fire Fighter. Station 23 will be staffed by Higgins resources full time during the summer fire season only. During winter (non-fire season) Station 23 will only be staffed by volunteers or residents if available. Station 22 will no longer be staffed by permanent personnel and will rely on volunteers as well as residents if available. This staffing change will take place by June 30, 2016 but could begin transitioning as early as March 6th depending on staffing availability.

During the October 16, 2016 Board meeting, the minutes contained the following:

As an ongoing evaluation of the change in staffing since the loss of Measure V, Management has seen an increase in response time and an increase in insurance cost to the homeowners within the District. At this time Management is looking at possibly keeping Station 23 open during Amador in an attempt to mitigate this. There was opposition from board members who felt that the District should not change the original staffing plan to lessen the impact to the constituents as they are to (sic) ones who chose not to pass the ballot measure and this was their choice. Director (name deleted) also didn't believe that the increased insurance costs were really as bad as they were made out to be.

Problems were noted with the 2016 Board. One was the lack of civility and unprofessional behavior of some of the Board members. Another was disrespect for Higgins District staff and Cal Fire staff. Additionally Board members lacked an understanding of the Higgins District financial situation.

There is no current five-year plan, fiscal plan, or strategic plan. Updating the by-laws has been an ongoing project but has yet to be accomplished.

A Local 3800 representative sat on the Board's ad hoc Fiscal Committee and then participated in Local 3800 contract negotiations.

The Board failed to make an effective effort to engage the local community. This contributed to the failed tax measures, the lack of new Board candidates, and the lack of public attendance at Board meetings. Notification of Board meetings was marginal and the website was not current or maintained on a regular basis. It also lacked relevant information that citizens need, such as listing of agendas, public notices and meeting minutes. There have been recent improvements in the website.

Currently Higgins District has six firefighters. If Dog Bar and McCourtney closed and Cal Fire left, the entire district would be at risk. Optimum staffing without Cal Fire would take about 25 people, an increase of up to 19 firefighters.

The Board had three ad hoc committees: a Strategic Planning Committee, a Fiscal Committee, and a Policy Committee. A review of the 2016 monthly board minutes indicates the committees had not met on a regular basis and rarely had anything to report at board meetings. The committees had been in existence as ad hoc committees for many years, however there is no five-year strategic plan, long range financial plan, and the by-laws have not been updated in more than ten years. At a recent board meeting, one board member admitted they had been avoiding having a standing committee for Strategic Planning by periodically disbanding for 48 hours to meet the requirements as an ad hoc committee. Standing committees are subject to the notice and posting requirements of the Ralph M. Brown Act Government Code sections 54950-54963 (Brown Act) and must be open to the public.

During the January and February 2017 Board meetings attended by members of the Jury, it was observed that the meetings were well run. During those two meetings several positive actions were identified to take place, including the formation of a standing committee with representatives from the public to be invited to serve.

The Higgins District Facebook page included a notice posted on February 28, 2017 which cited the following:

*Higgins Fire District Announces Formation of a Strategic Planning Committee
LOP/South Nevada County Area –*

Are you concerned about the future of the Higgins Fire District? Would you like your voice heard? Then we are looking for YOU on our Strategic Planning Committee.

The Board of Directors voted to create a standing committee for strategic planning comprised of two board members, three members of the public, and various staff members. The goal is to solicit one person from each of our three zones; the Lake of the Pines area, Dog Bar Road area and the McCourtney/Perimeter road areas. The commitment will be for one year.

If interested please email Business Manager, [name deleted].

Requirements: must be over the age of 18, show proof of residency, and attend monthly meetings to be held the 4th Thursday of every month at Higgins Fire Station 21 located at the intersection of Hwy 49 and Combie Road in the Lake of The Pines Area. The meetings will begin at 7:00 pm. The first meeting will be April 27. The deadline to apply will be April 18, and selection to be made at the regular scheduled Board of Directors meeting Wednesday April 19 at 7:00pm.

Thank you and we are looking forward to your participation and input.

During the period of this investigation the Jury has observed some recent improvements in the conduct and the procedures used by the Board.

Findings

- F1.** As a result of the 2008 recession the Higgins District suffered an approximate 30% loss of revenue which severely hampered operations of the Higgins District.
- F2.** The failure of the three tax measures, for a variety of reasons, resulted in reduction of staffing and services for the Higgins District. Contributing to those failures were the lack of sufficient information given to the public and the public's confusion as to the purpose of the SRA fee. Also contributing was the failure of the hired consultant to meet the deadline to file a rebuttal to a strong local opposition group that published misinformation about some of the facts of the tax measure.
- F3.** The Board demonstrated that they did not understand their fiscal responsibilities or fully understand Higgins District financial reports.
- F4.** The lack of strategic planning affected the Board's ability to meet its responsibilities.
- F5.** The Amador Contract is a vital element in the operations of the Higgins District.
- F6.** The Board's failure to create standing committees resulted in the formation of ad hoc committees not open to the public. Committee results were not documented.
- F7.** Ineffective communication to the community, including the outdated website and other community outreach, contributed to the failure of the tax measures and lack of candidates for the Board.

Recommendations

The Nevada County Grand Jury recommends the Higgins Area Fire Protection District Board of Directors implement the following:

- R1.** Educate the district as to the purpose of the Cal Fire SRA fee. (F2)

- R2.** Develop an understanding of all financial responsibilities including all reports and budgets. (F2 and F3)
- R3.** Revisit the need for an increase in the existing special tax. (F2)
- R4.** Develop long-range strategic plans to address budgeting and provision of adequate fire services to the district. (F4)
- R5.** Form standing committees to replace outdated ad hoc committees. (F6)
- R6.** Continue efforts to improve their community outreach, professionalism, and fiscal responsibility. (F7)

Request for Responses

Pursuant to Penal Code Section 933.05, the Nevada County Grand Jury requests responses to all findings and recommendations from the Higgins Area Fire Protection District Board of Directors by August 23, 2017.

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Inadequate Poll Worker Training ... Again

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Inadequate Poll Worker Training ... Again

Summary

During the June 2016 Primary Election (Primary) a number of problems were experienced by poll workers at many precincts throughout Nevada County. In a complaint received after the Primary, the Nevada County Grand Jury (Jury) was informed that the Electronic Poll Books (ePB) did not function correctly at most locations, causing delays for the voters. (The ePB is an electronic tablet used to verify a voter's registration information.)

The complaint also stated poll workers were ill prepared because of a lack of adequate training on the equipment and the voting process overall. This lack of training was experienced at all levels of participating workers. Previous Jury reports, in 2012 and 2014, also revealed that the lack of in-depth training is an ongoing problem. The Jury wanted to verify that the Registrar of Voters (Registrar) had complied with the commitments made in response to those reports.

The ePB problems were addressed prior to the November 2016 General Election and they performed better. However, the lack of quality training once again became an issue. All poll workers were expected to attend a four-hour training session to prepare them for the election. However, the training was found to be seriously deficient. Poll workers questioned by the Jury during and after the training stated that they did not feel adequately prepared. During the election, this lack of training was evident with many workers unsure of how to set up or operate the equipment.

The Registrar should make a serious effort to have a meaningful training program developed and given by training professionals. Reading aloud from the *Poll Worker Reference Guide* (Guide) does not constitute actual training. A newly defined program needs to be established to

- provide quality training specific to the role of the poll worker,
- reduce class size to increase the number of sessions and allow more individual hands-on training, and
- enable mock setup and breakdown of a precinct to give all trainees the hands-on experience recommended by California's *2016 Poll Worker Training Standards*.

Changes in the California election process in 2018 will require that future training sessions for poll workers be greatly enhanced. In August 2016 the VoteCal Voter Registration Database Project (VoteCal) project was deployed to develop and implement a statewide uniform, centralized, interactive, and computerized voter registration database. Nevada County's participation in VoteCal will require a secure Internet connection from each ePB to either VoteCal directly or a database at the County Registrar of Voter's office. Poll workers must be trained to understand the process and to securely interact with this connection.

The passage of the *California Voter's Choice Act (SB450)* in September 2016 will also have an impact on poll worker training. SB450 changes the voting process as described below:

- Every registered voter will receive a ballot in the mail 28 days before the election.
- Registered voters may return their ballots by mail, at “drop-off” locations, or at five or more “vote centers” set up throughout the County.
- Voters may also go to a vote center to cast their ballots or even register to vote and immediately cast a conditional ballot.

Because there will be fewer vote centers than the current number of precincts, fewer poll workers will be needed. They will, however, have to be more expert in the operation of the vote centers and their equipment. The operation of vote centers will be more complex and they will be in operation for a longer period, some for as many as ten days before the election.

Poll worker training will be even more important in the next election. Although the General Election in November 2016 was successful it was not without its problems. The addition of new technology and the requirements of recent legislation will increase the impact of poor training. The Jury recommends that the Registrar evaluate and improve the poll worker training program.

Glossary

County	Nevada County
ePB	Electronic Poll Book
eScan	Electronic scanner
eSlate	Electronic voting device
Guide	Poll Worker Reference Guide
Jury	Nevada County Grand Jury
Primary	June 2016 Primary Election
Registrar	Nevada County Registrar of Voters
SB450	California's Voter's Choice Act, Senate Bill 450
Training Standards	Poll Worker Training Standards
VoteCal	VoteCal Voter Registration Database Project

Background

The Jury received a complaint regarding problems with polling equipment employed during the June 2016 Primary Election and with poll worker training in preparation for that election. Specifically, the complaint alleged problems with the functioning of the ePBs - electronic tablets containing the names and addresses of all registered voters that were used to check in voters at all polling places. Some voter information was missing from some or all of the ePBs.

On the issue of training, the complainant alleged that training on the operation of the ePBs and other voting equipment was poor and did not prepare the poll workers to operate the equipment properly. The complainant asserted that the main focus of the training session was a verbal

presentation and that little time was devoted to hands-on instruction with the equipment in a real-time setting.

The inadequacy of poll worker training in the County has been an issue raised in at least two Jury reports in the recent past. Both found deficiencies in the training of poll workers and, specifically, in the amount of hands-on training provided. In reports by the 2012-2013 and 2014-2015 Juries, poll worker training was found to be inadequate. The training sessions included little hands-on exposure to the devices that are used at the precincts during the election. (See Attachments A and B)

Changes in the California election process in 2018 will require that future training sessions for poll workers be greatly enhanced. In August 2016 the VoteCal project was deployed to develop and implement a statewide uniform, centralized, interactive, and computerized voter registration database. Nevada County's participation in VoteCal will require a secure Internet connection from each ePB to either VoteCal directly or a database at the County Registrar of Voter's office. Poll workers must be trained to understand the process and to securely interact with this connection.

The passage of the *California Voter's Choice Act* (SB450) in September 2016 will also have an impact on poll worker training. SB450 changes the voting process as described below:

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Because there will be fewer vote centers than the current number of precincts, fewer poll workers will be needed. They will, however, have to be more expert in the operation of the vote center and its equipment. The operation of vote centers will be more complex and they will be in operation for a longer period, some for as many as ten days before the election.

The Jury concluded that an investigation into the problems with the ePBs and the current poll worker training program was necessary.

Approach

The Jury initiated its investigation by interviewing the complainant and several volunteer poll workers who had worked in recent elections. The interviews focused on the training the poll workers had received in the few weeks before the elections.

Following the initial interviews, the Jury looked specifically at the problems that had occurred in the June 2016 Primary Election with the ePBs. The Jury did a hands-on review of the operation of the ePBs and investigated possible reasons for the malfunctions that had been experienced by poll workers and by the Jury in its review.

The Jury thereafter interviewed County elections personnel regarding the training offered to the poll workers. As the November 2016 General Election neared, Jury members attended a number of training sessions along with poll worker trainees that would be responsible for the setting up, operation, and closing of the precincts within the County. These sessions were held throughout the County in the weeks before the election. In some instances there were as many as 40 trainees in attendance.

At the end of the summer, the Jury attended a presentation by the ePB vendor and employees of the Registrar's office that was intended to show that the problems with the ePBs had been corrected.

Jury members then visited polling places during the election and observed poll workers during the voting process at several precincts throughout the County. The Jury members observed the opening, voter processing, and closing of several precincts on Election Day. On these visits, the Jury was able to see the types of problems that arose and how such problems were solved.

Jury reports from other counties that discussed poll worker training were also reviewed. The Ventura County Grand Jury, for example, recommended "that the Training Course include additional hands-on training to improve setup and usage of electronic voting machines." The Orange County Grand Jury likewise found "the class sessions did not allow enough hands-on experience with the electronic voting machines ...". The poll workers in Santa Cruz County recognized the need, as they "indicated they wanted more 'hands on training' ...".

In addition, the Jury reviewed the Poll Worker Training Standards (Attachment C) (Training Standards) revised by California in 2016 in which the importance of hands-on training is stressed: "Hands-on training will reduce the number of problems on Election Day ... [P]oll workers should have hands-on training on each piece of equipment." (Attachment C, Section 5) The County's training fell far short of these Training Standards.

Finally, the Jury reviewed the Registrar's post-election questionnaires filled out by poll workers from both the June 2016 and November 2016 elections.

Discussion

Electronic Poll Books

The problems reported by the complainant concerning the operation of the ePBs were acknowledged by the Registrar's office even before the June election had ended. The ePBs were supposed to provide listings of all registered voters in the precinct in which they were used. Moreover, they were supposed to have, in a separate searchable file, listings of all registered voters in the County. In theory, a poll worker would ask for a voter's name and/or address. Inputting that information allowed the poll worker to confirm that the voter was registered and was at the correct precinct. If the voter's name did not appear on the precinct's list, the poll worker could search the entire list of registered voters on the ePB and direct the voter to the correct precinct. If no registration appeared, the poll worker would allow the voter to cast a

provisional ballot. Early on Election Day, it was discovered that there were gaps in the data on the ePBs. Names were missing. In other cases, addresses were missing. In short, the data on the ePBs was not an accurate reflection of what appeared in the Registrar's database.

Fortunately, each precinct had a paper backup listing of all registered voters. When a name did not appear on the ePB, the poll workers could consult the paper master list. Thus, the missing data created some inconvenience and delays but did not affect the integrity of the voting process.

On hearing of the problem, the Registrar acted quickly, issuing a press release on the afternoon of the day of the election acknowledging the problem and explaining that it could be solved by using the master back-up list. As the Jury began its investigation, the Registrar already had demanded the ePB vendor demonstrate that the problems had been corrected or the ePBs would not be used in the November election.

The Jury's hands-on exposure to ePBs that had been used in the June election confirmed the problems. Several jurors' registration information was missing or difficult to access. Some ePBs simply did not work.

At the presentation by the ePB vendor, it appeared that the vendor had committed significant assets to solving the problems and had been successful. The Registrar decided to employ the ePBs again in the November election and it was apparent that the problems from June had been solved.

Poll Worker Training

The second aspect of the Jury's investigation, poll worker training, was not as easily explained.

All poll workers are provided a 50-page booklet entitled *Poll Worker Reference Guide*. The Guide describes the expectations, duties, processes and rules of being a poll worker. For example, the Guide describes the different types of voter, security seals and how they are to be identified and logged. In addition, the Guide describes the placement of outdoor signage, the posting of the precinct voter manifest, ADA requirements, and the voter check-in process. However, the Guide contains minimal information regarding the various devices to be used at a polling location. The ePB is referred to but there is no information on how to operate it. Nor is it mentioned in the "Appendex [sic] 1: Troubleshooting Equipment" section of the Guide. A separate user guide for the ePBs was developed but the information offered was minimal.

A copy of the Guide was provided to each poll worker at their training session and also was available on the Registrar's website. Poll workers were expected to take the time to read and understand the Guide. In addition, they were required to attend a training session.

The training sessions were scheduled to be four hours long and were held at several locations throughout the County. In the sessions attended by members of the Jury, approximately 80% of the instructional time was devoted to a verbal presentation of the contents of the Guide. In many instances the trainers, who were experienced poll workers, simply read the Guide to the trainees. The trainers did not appear to have any training experience and, moreover, appeared not to have any lesson plan to follow to ensure that all-important aspects of the training requirements were

covered. In some instances, the trainers disagreed with one another and argued about how to interpret subject matter in the Guide.

The remaining 20% of the training sessions involved instruction on how to operate the voting devices the trainees would be using – known as the ePB, eSlate, and eScan. Given the number of trainees attending, only a few were able to actually operate the devices and ask questions. For example, a demonstration of setting up an eSlate was performed by the instructor with no participation by the trainees. Likewise, the actual setting up of a precinct was briefly demonstrated by one of the trainers, again with no hands-on participation by the trainees. In many of the sessions, there were just a few ePBs, eScans, and eSlates available for the 30 to 40 trainees to see or operate. Many of the poll workers stated that they did not have any time at all with the equipment. Trainees questioned during and after the training reported that there was not enough time to allow them to learn how to operate and troubleshoot the equipment.

Thirty percent of poll workers who completed a post-election questionnaire reported that the training was too short. They also would have liked more hands-on time to learn how to operate the polling equipment. A significant number of the inspectors, experienced poll workers who completed the questionnaires, also felt the training fell short on time spent on the equipment.

The Jury found that the poll worker training offered to both new and experienced poll workers was not adequate to train the workers in the functionality of the equipment they were responsible for operating and maintaining on Election Day. Given that not all poll workers are technically skilled, more hands-on training is needed to ensure they can perform their duties on the day of the election.

Changes in the Election Process Requires Changes in Training

An improvement in training is especially important because of fundamental changes in the voting process that will be in place with the next election.

Starting in 2018 with the implementation of VoteCal¹ and SB450 (see Attachment E), all registered voters in the County will receive vote by mail ballots. Such ballots may be returned by mail. In addition, ballot dropoff locations and vote centers will be established throughout the County for completed ballots to be returned. SB450 provides for the number of ballot dropoff locations and vote centers based on the number of registered voters in the County. It also designates the length of time before the day of the election that the ballot dropoff locations and vote centers are required to be open. Vote centers will be open for as much as ten days before the election. The Registrar's Office plans to open seven vote centers.

At the vote centers, a voter may

- return a vote by mail ballot,
- vote on a provisional or replacement ballot,

¹ VoteCal Voter Registration Database Project(see Attachment D), designed to develop and implement the requirements of the federal Help America Vote Act (HAVA) of 2002 (Public Law 107-22, 107th Congress)

- vote electronically,
- register to vote, or
- update a voter registration through the day of the election.

Each vote center also will have at least three voting machines and at least one ePB. The poll workers will be directly responsible for the transfer of all registration and voter data in real-time with the ePB. Each ePB will be electronically linked to the County’s election management system.

Well trained, knowledgeable poll workers will be required to be present at all vote centers for the time that the vote centers are open. They must be trained to set up, operate, and close each vote center and to help voters operate the voting machines. This would include the unpacking and setting up of the voting equipment as required at an actual vote center, demonstration of the setting up of each table as required, practicing interaction with the various types of voters with role playing, and performance of the steps required to close the vote center. In short, it is imperative that the training offered to poll workers meet VoteCal requirements. The ePBs will have a much more important role in the 2018 election and training must improve to ensure that poll workers understand their use. The longer hours involved in keeping seven vote centers open for ten days and additional technical expertise required at each vote center creates the need for a more effective training program.

Guidance for the County is available in the Training Standards, designed to “provide elections officials with the information needed to provide training and written materials to their poll workers.” The Training Standards state “The most effective training for poll workers comes out of discussion between the trainers and the trainees.” To promote discussion, training sessions should include:

- role-playing,
- setting up mock polling places,
- hands-on exercises with voting equipment,
- team exercises, and
- questioning the poll worker trainees.

Hands-on training is stressed throughout the Training Standards and should be implemented by the Registrar to make poll worker training effective.

Findings

- F1.** The training did not require demonstrated competence and capability by each poll worker in the use of equipment and the sessions were too large.
- F2.** Training material and verbal instructions were incomplete, inconsistent, and contradictory.
- F3.** The training did not include demonstrated hands-on competence or the capability of each poll worker to apply proper procedures.
- F4.** The Guide does not include any ePB operating instructions or troubleshooting information. A separate simplified user guide covered the ePB in the most general of terms.
- F5.** Too much class time was spent reading the Guide aloud and not enough on the setup and operation of the equipment.
- F6.** The training was hosted by experienced poll workers but they apparently had no lesson plan to follow.
- F7.** An actual mock setup and breakdown of a precinct was not performed by the trainees.
- F8.** Many post-election critiques filled out by poll workers indicated they thought the training they received was not adequate.
- F9.** The training offered by the Registrar for the June and November 2016 elections did not correct the problems identified and published in the 2012-2013 and the 2014-2015 Jury reports.
- F10.** The training offered by the Registrar was disorganized and did not meet the recommendations outlined in the State's 2016 *Poll Worker Training Standards*.
- F11.** The Internet connectivity requirements established by VoteCal dictate a more comprehensive and effective training program for poll workers.

Recommendations

The Nevada County Grand Jury recommends the Registrar of Voters implement the following recommendations.

- R1.** Training sessions should have fewer trainees to allow them the time to become proficient with all aspects of the process.

- R2.** The training sessions would better serve trainees by beginning each session with a mock polling place setup.
- R3.** The training for setup and closing of the mock polling place should be organized so that new poll workers do most of the work under the supervision of trainers and more experienced poll workers.
- R4.** The Guide should be a reference for the poll worker, not a training aid. Important points should be summarized with slides or other visual aids.
- R5.** The Registrar should consider hiring a professional training expert to organize and develop an effective training course including a comprehensive lesson plan.
- R6.** Future poll worker training should include the additional requirements that will be in effect for the 2018 election due to changes resulting from VoteCal and SB450.
- R7.** Training on the web-connected ePB for the 2018 election should, in particular, be comprehensive.
- R8.** The County's poll worker training should meet the recommendations included in the *2016 Poll Worker Training Standards*.

Request for Responses

Pursuant to Penal Code section 933.05, the Nevada County Grand Jury requests responses from the following:

Nevada County Registrar of Voters by July 24, 2017.

Attachment A

Previous Report Findings and Recommendations by the 2012-2013 Nevada County Grand Jury

November 2012 Presidential General Election in Nevada County

Summary

The Nevada County Grand Jury is pleased to report to the citizens of Nevada County that the November 6, 2012 Presidential General Election in Nevada County ran smoothly, problems were minor, and the election was conducted effectively.

Members of the Jury visited most of the 56 precincts in Nevada County on Election Day. During interviews conducted with poll workers it was determined that some precincts had difficulty in setting up the voting equipment, some precincts had voting equipment failures and some precincts were crowded. In most cases poll workers who had difficulty with setting up their voting equipment were able to shut them down and re-start the set-up process with assistance from the Field Elections Deputy or the Elections Office. In cases of voting equipment failures the Field Elections Deputy was able to replace the equipment which failed.

Several members of the Jury and poll workers commented that the classroom at the Rood Center is too crowded. The Grand Jury recommends the training sessions be conducted in a larger venue.

Findings that relate to this report

- F1** The Jury found the crowded conditions of the room used for training resulted in ineffective training outcomes.
- F2** The Jury found not all instructors ensured that every attendee received hands-on equipment training.
- F4** The Jury found that failure on the part of some poll workers to refer to check lists and the *Opening Flip Books* resulted in some equipment apparently not functioning properly.

Recommendations that relate to this report

- R1** The Nevada County Clerk Recorder should direct staff to:
 - identify a larger venue to more efficiently accommodate the number of trainees per training session,
 - increase the number of training classes given to the poll workers with fewer numbers of trainees in each class,
 - require the instructors to verify with each precinct team that they can demonstrate their competence in setting up the equipment before leaving the training class

Summary of Responses

F1 The Jury found the crowded conditions of the room used for training resulted in ineffective training outcomes.

Partially Agree:

The space that was available resulted in crowded conditions; however, the training outcome was successful as reflected in Election Day performance.

F2 The Jury found not all instructors ensured that every attendee received hands-on equipment training.

Agree

F4 The Jury found that failure on the part of some poll workers to refer to check lists and the Opening Flip Books resulted in some equipment apparently not functioning properly.

Agree

Recommendations that relate to this report

R1 The Nevada County Clerk Recorder Should Direct Staff to:

- Identify a larger venue to more efficiently accommodate the number of trainees per training session.

The recommendation will be implemented, beginning with the June 2014 Poll Worker Training.

- Increase the number of training classes given to the poll workers with fewer Numbers of trainees in each class.

The recommendation will not be implemented because it is not warranted or is not reasonable. By securing a larger facility to accommodate our training needs we hope to decrease the number of classes and increase the number of trainers at each class to ensure effective training.

- Require the instructors to verify with each precinct team that they can demonstrate their competence in setting up the equipment before leaving the training class.

The recommendation will be implemented, beginning with the June 2014 Poll Worker Training.

Attachment B

Previous Report Findings and Recommendations by the 2014-2015 Nevada County Grand Jury

November 2014 General Election in Nevada County

Summary

The Nevada County Grand Jury has monitored General Elections since 2008 and has subsequently issued reports on those elections. Primary Elections in those years were not monitored.

The Jury attended the poll worker training, provided by the Nevada County Elections Office, prior to the November 2014 General Election. The Nevada County Grand Jury also reviewed training documents, including the Poll Worker Training Manual provided to poll workers, procedures and processes of the Nevada County Elections Office and the applicable sections of the California Elections Code.

The Jury observed the Nevada County General Election on November 4, 2014, by visiting most of the 52 precincts in Nevada County. The Jury also interviewed poll workers and staff of the Nevada County Elections Office.

The Jury received a complaint from a citizen subsequent to the General Election. The complaint alleged mismanagement of the election process in Nevada County, inadequate training for potential poll workers prior to the election and a lack of consistency in the application of policies, processes, rules and laws by poll workers during the election.

The Nevada County Elections Office has the responsibility of selecting polling places in accordance with the California Elections Code. Each polling place contains one or more precincts. Each precinct is staffed by poll workers consisting of an Inspector and two or more Judges. The Inspector has overall responsibility for the activities of that precinct. All poll workers are volunteers.

During interviews conducted with poll workers, it was determined that some Inspectors and Judges did not receive adequate training. This resulted in some problems with check-in procedures and equipment. Overall, Election Day could be improved with additional training, updating the Poll Worker Training Manual to correct inconsistencies, and providing additional directional signage to direct voters to the polling places.

Findings that relate to this report

- F1** The training did not require demonstrated competence and capability by each poll worker in the use of equipment.
- F2** Mock-board demonstrations were ineffective for some poll workers.

- F3 Training material and some verbal instructions provided inconsistent and contradictory information.
- F4 The training did not require demonstrated competence and capability of each poll worker to understand and consistently apply proper procedures.

Recommendations that relate to this report

- R1 Provide additional and effective training for all poll workers to personally demonstrate their ability to perform their duties on Election Day.
- R2 Review, edit, and implement changes to the *Poll Worker Training Manual* to ensure consistency in instructions given to poll workers.

Summary of Responses from the Elections Office

- F1 The training did not require demonstrated competence and capability by each poll worker in the use of equipment.
Partially Agree:
It is true that we cannot verify that all 300 poll workers demonstrated competence and capability in the use of equipment. The inspector of each precinct was provided with one hour of in-depth training on the new electronic poll book equipment. They were asked to be the operators of the e-poll books on Election Day and provide hands-on training to the judge whom they chose to be their backup worker. The inspector handles assigning their board members to their particular positions for the day. Due to position assignments, not all poll workers need to demonstrate competence and capability of all the equipment.
- F2 Mock-board demonstrations were ineffective for some poll workers.
Partially Agree:
The Elections Office found the mock board demonstrations to be beneficial for training our inspectors involved in the November 2014 election. These mock election exercises allowed our department to evaluate the inspectors and gain insight as to what extra support would be required on Election Day.
- F3 Training material and some verbal instructions provided inconsistent and contradictory information.
Partially Agree:
The one inconsistency found in our training material dealt with issuing an e-Slate ballot vs. paper ballot for provisional voters. We ask that provisional voters use an e-slate ballot because reconciling the provisional vote, during canvas, is more efficient and accurate with the e-slate ballot. A provisional voter can always ask for a paper ballot. Our verbiage on this issue will be much clearer in subsequent elections. The Nevada County Elections office is always striving to make our training materials easy to understand. We review and make changes to the materials after each election based on feedback.

F4 The training did not require demonstrated competence and capability of each poll worker to understand and consistently apply proper procedures.

Partially Agree:

The required procedures for checking in a voter are stated on the e-poll books. The new equipment is programmed with prompts that poll workers are required to follow on Election Day. It is challenging to ensure that in excess of 300 poll workers follow the procedure at all times. Thus, this is a solid example of why we request the inspectors to place their most competent poll workers in the areas that require the most attention to detail.

R1 Provide additional and effective training for all poll workers to personally demonstrate their ability to perform their duties on Election Day.

The recommendation has not yet been implemented, but will be implemented in the future:

The poll worker training project will include additional training for the June 2016 Presidential Primary Election Poll Worker Training program.

R2 Review, edit, and implement changes to the *Poll Worker Training Manual* to ensure consistency in instructions given to poll workers.

The recommendation has not yet been implemented, but will be implemented in the future:

The project will be completed in the new Poll Worker Training Manual for the June 2016 Presidential Primary Election.

Attachment C

Excerpts from 2016 Poll Worker Training Standards State of California Secretary of State Alex Padilla

(<http://elections.cdn.sos.ca.gov/poll-worker-training-standards/poll-worker-training-standards.pdf>)

...

Section 4: Assuring Security of and Troubleshooting Problems with Voting Systems Set-Up

Training should include clear descriptions of security mechanisms used to ensure materials and equipment are in proper condition. Training for poll workers responsible for operating voting equipment on Election Day should also include hands-on setup of voting equipment, stressing the importance of using all required security measures for a given system.

...

Section 5: Operation of Voting Systems Hands-On Training

- Hands-on training will reduce the number of problems on Election Day. The county elections official should determine which poll workers receive hands-on training with the voting system they will use on Election Day and how long the training should last, much of which will depend on the voting system's complexities and how long the system has been used in the county.
- If a voting system has more than one piece of equipment, poll workers should have hands-on training on each piece of equipment. Some voting systems may not require significant training time, and many returning poll workers may already be proficient in the operation of the system. Poll workers at locations using a different voting system for the first time should be given hands-on training.
- Role-playing is often an effective way to teach ways to correct common misunderstandings such as whether a battery is running low or the paper is jammed in a machine.
- Poll workers should receive hands-on training on how to set the machines up on Election Day and how to activate any special features for voters with disabilities. Poll workers should be familiar with common errors and receive hands-on training in how to correct those errors.

...

Section 7: Poll Worker Training Methods and Materials

The goal of training is to ensure poll workers are prepared to correctly perform their duties on Election Day to best serve the voters. Training sessions aim to help poll workers retain as much information as possible for later use on Election Day. Studies have shown that poll workers – like all adult learners – learn best during short, interactive training sessions and hands-on instruction.

Trainers should be aware that the poll worker need for instruction will differ and, where possible, trainers should provide learning opportunities to meet all poll workers' needs. Keep in mind the amount of information the poll workers need to learn and the limited time elections officials have to convey that information to their poll workers.

Training for Election Day

Training sessions about Election Day rules and procedures should be based on specific learning objectives. Training blocks of time can be tailored around objectives and activities like lectures, demonstrations, or small-group breakout sessions. If the overall time for training requires breaks, carefully monitor break time to help poll workers stay focused throughout the session.

In addition to training poll workers on the laws, rules, and regulations they need to follow, there should also be a training session specific to the voting equipment that will be used on Election Day. Training should occur as close as possible to Election Day in order to increase the ability of poll workers to retain the information. Ideally, training should not happen more than six weeks before the election.

Training should be offered during evenings and weekends so a variety of people have opportunities to be poll workers.

The most effective training for poll workers comes out of discussion between the trainers and the trainees. To promote discussion, training sessions should include:

- Role-playing
- Setting up mock polling places
- Hands-on exercises with voting equipment
- Team exercises
- Questioning the poll worker trainees

Guest speakers who have experience with unusual situations at the polling place can sensitize poll workers to the needs of certain voters. Videos that show different situations (such as accommodating voters with different disabilities) provide good visual information in a short period of time.

Studies indicate that lecture formats and multiple-choice tests are the least effective methods for training adults. If a county elections official relies on lectures, those lectures should be supplemented with hands-on exercises or role-playing in order to be more valuable.

Trainers should start each session by providing an overview of what will be covered in the training. The goal and purpose of each lesson should be clearly stated before it is taught and should be summarized at the end. Adults tend to retain information when they understand why it is being taught to them, so trainers should attempt to offer explanations whenever possible.

Soliciting comments from the poll worker trainees during exercises can reinforce the material being taught. Trainers should use positive feedback when responding to questions. Rather than saying that an answer is wrong, it is best to identify an accurate piece of the answer and use that to provide a fully correct answer.

It may be beneficial to partner with local continuing-education professionals who can "train the trainers," since these professionals are familiar with the most effective adult learning techniques.

Roving polling place inspectors should also receive ongoing training to enhance their skills. The training sessions should be interactive as well, engaging the roving inspectors in role-playing, hands-on exercises, and question-and-answer sessions.

Use Materials That Will Be Used on Election Day

Election Day materials should be used during training sessions. Poll workers should be asked to find certain sections in the documents or conduct exercises that require them to use the materials. Handouts should be easy to read, be as short as possible, and be presented in the order that they will be used on Election Day. Materials should include graphics and have the most important information in the most visible places (e.g., diagrams and bulleted tips on effective polling place setups). Poll workers should receive these materials at the training sessions and then be allowed to take them home. Poll workers should be directed to bring along the same materials when they report to work on Election Day.

A flipbook format can be used to consolidate information such as detailed step-by-step instructions for opening and closing polls, and "what to do if ..." scenarios. Tabbed flip pages make finding information easy and reduce the risk that poll workers will misplace various sheets of paper.

Additional Workshops or Clinics

Counties may also wish to consider providing poll worker training workshops or clinics in the days leading up to Election Day. A clinic can be housed at the county elections office. Clinics allow poll workers to test their ability to use voting systems and test their knowledge of common issues they could face on Election Day. Counties might even consider offering an additional small stipend for poll workers who attend for refresher training or for people who are willing to be available as back-up poll workers in case scheduled workers have to cancel at the last minute.

At-Home Training Options

Online poll worker training courses can be used effectively to supplement hands-on instruction, but not to replace it. If possible, training and reference materials should be made available in both online and hard copy formats.

Even experienced poll workers can learn from take-home videos or other media, especially if changes or additions to past practices are highlighted in the training materials. Training videos that show poll workers dealing with voters with disabilities can provide a greater understanding of how people with disabilities actually use voting equipment.

A take-home or online self-testing process may be used to evaluate how effective poll worker training efforts have been. This approach enables poll workers to assess their skills, helps identify people who may no longer be able to perform the job adequately, and highlights training that need to be improved.

Measuring Success

Finally, it is important to measure the effectiveness of training programs. After each training session, poll workers should be asked to fill out forms that assess the quality of the training.

Counties can also improve future training by having poll workers complete post-election response forms to evaluate the complete experience.

Performance Review of Poll Workers and Training

Counties should establish methods and/or improve existing methods for reviewing poll workers' performance and their own performance. Poll workers should be evaluated based on key duties with the goal of continuous improvement, while the county may learn how to improve its training methods or how it can reallocate the best workers to busier precincts and troubleshooter duties.

County elections officials may also want to establish ways for poll workers to provide feedback on additional topics that should be covered in future training, based on their Election Day experiences.

Attachment D



(<http://www.sos.ca.gov/elections/voter-registration/votecal-project/about-votecal/votecal-overview/>)

VoteCal Overview

When completed in 2016, VoteCal will provide a single, centralized voter registration database that will provide five major benefits to California's voters:

Publicly Available Website

Voters will be able to access certain public portions of VoteCal to:

- Apply to register to vote or update their voter registration record.
- Find their polling place.
- See if their vote-by-mail or provisional ballot was counted by their county elections official and, if it wasn't, the reason why it wasn't.

A Complete Index of Voter Registration Records

VoteCal will maintain all of the voter registration information for all voters in all 58 counties. County elections officials will be able to research a voter's registration and voting history, store voters signature records, and much more.

A Single Place for List Maintenance Functions

"List maintenance" is the process county elections officials use to ensure their voter registration lists are up to date and accurate. County elections officials will use VoteCal to check for duplicate registrations, move a voter's record from one county to another when the voter moves, check registration records to ensure voters have not been convicted of a crime that would preclude them from voting, and much more.

Assist Local Officials in Setting Up Elections

VoteCal will be used by county elections officials to help set up their elections. This will include placing voters into election precincts, determining which local, state, and congressional districts the voters fall into, keeping track of the political party preferences of each voter, and ensuring voters receive the state voter information guide for statewide elections and sample ballot pamphlets for all elections.

Reports

California law requires county elections officials and the Secretary of State to produce a number of reports, including the Report of Registration that breaks down California's registered voters

into various categories, and the Statement of the Vote issued after each state election. All of these public reports and many others will be produced through VoteCal.

How VoteCal Will Operate

To perform its many functions, VoteCal will have to interact and exchange information with many other state and county information systems:

County Election Management Systems (EMS)

County elections officials use their EMSs to register voters and update voter information. Once VoteCal is in place, that information will be fed into VoteCal. Right now, that information is uploaded nightly to the existing CalVoter system, but under VoteCal, the goal is to process the information as close to real-time as possible.

California Department of Corrections and Rehabilitation (CDCR)

Voter registration applications and existing voter records are run against the CDCR database. Any applicant who is confirmed to be a felon will not be registered to vote and any existing registrant who is confirmed to be a felon will have his or her voter registration canceled.

California Department of Public Health (CDPH)

Voter registration applications and existing voter records are also run against the CDPH database. Any applicant who is confirmed to be deceased will not be registered to vote and any existing registrant who is confirmed to be deceased will have his or her voter registration cancelled.

California Employment Development Department (EDD)

VoteCal will exchange information with the EDD to get address change information for voter registration records. If a voter's address has changed, his or her information will be updated in VoteCal and the voter's registration record and voting history will be transferred to the voter's new county.

California Department of Motor Vehicles (DMV)

VoteCal will interact with the DMV for two main reasons:

- When a voter updates his or her address with the DMV and wants to update his or her voter registration record at the same time, that information will flow from the DMV to VoteCal and then to the county elections officials.
- When a voter applies to register to vote online, he or she has the option of using his or her signature on file with the DMV to "sign" the application. VoteCal will retrieve signatures from the DMV, append them to the voter's application, and store them for access by county elections officials.

Attachment E

... Senate Bill 450 (in part)

(http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB450)

This bill, the *California Voter's Choice Act*, would, on or after January 1, 2018, authorize specified counties, and on or after January 1, 2020, authorize any county except the County of Los Angeles, to conduct any election as an all-mailed ballot election if certain conditions are satisfied, including conditions related to ballot drop-off locations, vote centers, and plans for the administration of all-mailed ballot elections.

(E) (i) The vote centers provided under this section have an electronic mechanism for the county elections official to immediately access, at a minimum, all of the following voter registration data:

- (I)** Name.
- (II)** Address.
- (III)** Date of birth.
- (IV)** Language preference.
- (V)** Party preference.
- (VI)** Precinct.
- (VII)** Whether or not the voter has been issued a vote by mail ballot and whether or not a ballot has been received by the county elections official.

(7) (A) Beginning 10 days before the election, the county elections official maintains, in an electronic format, an index of voters who have done any of the following at one of the voter centers established pursuant to this section:

- (i)** Registered to vote or updated his or her voter registration.
- (ii)** Received and voted a provisional ballot or replacement ballot.
- (iii)** Voted a ballot using equipment at the vote center.

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Law Enforcement Officer Training

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Law Enforcement Officer Training

Summary

Well-trained law enforcement officers are essential for our security and safety. Well designed and up-to-date training helps maintain officer skills and competence. California recognized the need for clear training standards in 1959 with the establishment of the California Commission on Peace Officers Standards and Training (POST) to set minimum selection and training standards for law enforcement officers and to provide and oversee appropriate training opportunities for them. All Nevada County (County) law enforcement agencies have opted to participate in POST and thereby make themselves subject to its requirements.

POST sets minimum standards for the Continuing Professional Training (CPT) of member personnel. The basic POST CPT requirement is 24 or more hours of POST-qualifying training during every two-year CPT cycle. Those 24 hours of training must include 14 hours of training in perishable skills such as driver training, firearms, arrest and communications.

At the end of the CPT training cycle from January 1, 2013 to December 31, 2014 (2013-2014 Cycle) all of the County's law enforcement agencies were out of compliance with POST training requirements. Learning this caused the Nevada County Grand Jury (Jury) to investigate the reasons for non-compliance and to determine whether local agencies would improve compliance during the next cycle.

In the CPT cycle from January 1, 2015 through December 31, 2016 (2015-2016 Cycle), two local agencies had come into substantial compliance and the other two had good reasons for being out of compliance. Each agency presented plans to bring all training up to date within the 2017 calendar year.

Although County law enforcement did not meet POST training requirements, they are now taking training requirements seriously and should be commended for making the training of County peace officers a priority.

Glossary

CPT	Continuing Professional Training
County	Nevada County
GVPD	Grass Valley Police Department
Jury	Nevada County Grand Jury
NCPD	Nevada City Police Department
NCSO	Nevada County Sheriff's Office
POST	California Commission on Peace Officers Standards and Training
TPD	Truckee Police Department
2013-2014 Cycle	The CPT cycle from January 1, 2013 to December 31, 2014
2015-2016 Cycle	The CPT cycle from January 1, 2015 through December 31, 2016

Background

It came to the attention of the Jury that all of the County's law enforcement agencies had failed to ensure that their personnel complete training mandated by POST for the compliance period ending on December 31, 2014. Based on that information, the Jury undertook to investigate the requirements incident to such agencies' membership in POST and to determine if the mandated training had been completed for the more recent compliance period ending on December 31, 2016.

Approach

The Jury reviewed the POST program and requirements mandated thereby through interviews and review of material found online on the POST website. It reviewed training data for the Nevada City Police Department (NCPD), the Truckee Police Department (TPD), the Grass Valley Police Department (GVPD), and the Nevada County Sheriff's Office (NCSO). It also interviewed personnel and reviewed compliance records maintained by POST and the County law enforcement agencies to determine the extent to which said agencies were in compliance with POST training requirements at the end of 2016.

Discussion

Well-trained law enforcement officers are essential for our security and safety. Well designed and up-to-date training helps maintain officer skills and competence. California has recognized the need for training standards for over 50 years.

POST was established in 1959 in order to set minimum selection and training standards for law enforcement officers and to provide and oversee appropriate training opportunities for them. Participation in POST is not required but the vast majority of California law enforcement agencies have chosen to participate. All County law enforcement agencies have opted to participate in POST and thereby make themselves subject to its requirements.

A central function of POST is to set minimum standards for the CPT of member personnel. Regulation 1005 of the *POST Administrative Manual*, reads “The purpose of CPT is to maintain, update, expand, and/or enhance an individual’s knowledge and/or skills.” The basic CPT requirement set by POST is “24 or more hours of POST-qualifying training during every two-year CPT cycle.” The two most recent CPT cycles were the 2013-2014 Cycle and the 2015-2016 Cycle. Those 24 hours of training must include 14 hours of training in perishable skills: driver training/awareness or driving simulator (4 hours), tactical firearms or force options simulator (4 hours), arrest and control (4 hours) and communications (2 hours). The subject of the other ten hours of mandatory training is at the discretion of the member department. It should be noted that the vast majority of officers receive additional specialized training to hone and add to their skill sets.

POST is not an enforcement agency. It does not actively enforce its training requirements nor does it apply sanctions to a member agency that is out of compliance. However, it conducts periodic compliance reviews and requires each member agency to maintain an up-to-date record of all training that has been completed on POST’s electronic information system.

An incentive for officers and member agencies to comply is the potential for civil liability in the event that an out-of-compliance officer is involved in an incident that leads to a civil lawsuit. For example, if an officer is out of compliance on required firearms training and is sued for an incident involving the discharge of a firearm, the failure to comply with training requirements is admissible in court on the issue of liability. The possibility of civil liability is a powerful incentive inasmuch as a failure to comply can lead to personal liability on the part of an officer who is out of compliance and constitutes a potentially large financial risk to their city or county.

The POST system is not without its faults. Significantly, the compliance periods have set beginning and ending dates rather than being based on rolling dates where an officer would be required to have designated training within the last two years rather than a strictly defined two-year period.

An additional problem arises due to reduced budgets and chronic understaffing of law enforcement agencies in the County. A four-hour training course on a required subject may only be offered, for example, in Sacramento at a time chosen by the agency offering the training. Thus, a County peace officer will be unavailable for regular duties for upwards of a day to get four hours of training. Even if the timing of the training fits with the officer’s schedule, that time away has to be covered by overtime. Hence, getting officers trained in POST certified courses is not an easy process.

Moreover, the ability of a non-POST agency to provide internal training is hampered by rigorous POST requirements for certification of subject matter and instructors. It can be a time-consuming process.

Further, there is training available that is not POST certified and such opportunities are used by County law enforcement to supplement their officers’ training. Thus, being out of compliance with POST requirements does not necessarily mean that an officer has not done additional

supplemental training. It only means that he or she has not completed 24 hours of POST-certified training during the two-year compliance cycle.

At the end of the 2013-2014 Cycle all of the County's law enforcement agencies were out of compliance with POST training requirements, as follows:

- NCPD: 5 of its 15 officers were out of compliance.
- TPD: 2 of its 26 officers were out of compliance.
- GVPD: 15 of its 29 officers were out of compliance.
- NCSO: 22 of its 78 officers and 2 dispatchers were out of compliance.

At the end of the 2015-2016 Cycle, the compliance data was as follows:

- NCPD: 8 of 10 officers were out of compliance. 2 of 2 reserve officers were out of compliance.
- TPD 2 of 22 officers were out of compliance. The only reserve officer was out of compliance.
- GVPD 17 of 23 officers were out of compliance. All three reserve officers were out of compliance.
- NCSO 2 of 63 officers were out of compliance.

In both the TPD and the NCSO, last-minute scheduling problems and illness resulted in two officers missing a single class. As a result, they were out of compliance for the 2015-2016 Cycle. Both agencies should be commended for their hard work in bringing their agencies into substantial compliance.

Both the GVPD and the NCPD have plans to bring all training up to date by the end of the year. The new Chief of Police of the GVPD has created a schedule to bring all of the GVPD officers into compliance with POST requirements by the end of 2017. Moreover, some of the officers who were out of compliance with POST requirements had completed training that is not POST certified.

Nevada City suffered a very difficult 2015-2016 Cycle, with as much 60% of its staff unavailable for duty during some periods due to injury or disability. When there are only ten officers to provide protection to an area as large as Nevada City, there is little scheduling flexibility available. It is worth noting that all of the NCPD officers had significant amounts of non-POST certified training during the 2015-2016 Cycle. The department is expected to be in full POST compliance by the end of 2017.

Finding

- F1.** Although County law enforcement did not meet POST training requirements, they are now taking training requirements seriously and should be commended for making the training of County peace officers a priority.

Recommendations

None.

Request for Responses

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

None required

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2016-2017 DETENTION FACILITY INSPECTION REPORT

2016-2017 Detention Facility Inspection Report

Summary

The 2016-2017 Nevada County Grand Jury (Jury) has conducted an inspection of the detention facilities in the County of Nevada (County) to “inquire into the conditions and management of the public prisons within the county” as required by Penal Code Section 919(b). The Jury toured and inspected the Wayne Brown Correctional Facility (Wayne Brown), the Carl F. Bryan II Juvenile Hall (Juvenile Hall), the Washington Ridge Conservation Camp (Washington Ridge), and two holding facilities: the Nevada County Sheriff’s Office’s Truckee Sub-Station (Truckee Jail), and the Nevada County Superior Court Holding Facility (Holding Facility).

The Jury recommends several changes in the security system at the Holding Facility: 1) a larger monitor to view output from security cameras and 2) a new security camera to monitor the exterior at the main entrance to the courthouse. In addition, the Jury recommends that the Nevada County Sheriff’s Office (NCSO) bring its staffing up to authorized levels at all facilities that it administers.

Other than those issues and in general, the Jury found the public prisons in the County to be well managed and in good condition except for problems related to the age of the facilities at the Courthouse and at the Truckee Jail.

Glossary

AB109	California Public Safety Realignment Act of 2011
Cal Fire	California Department of Forestry and Fire Protection
CDC	California Department of Corrections and Rehabilitation
CO	Correctional Officer
County	County of Nevada
Holding Facility	Nevada County Superior Court Holding Facility
Jury	Nevada County Grand Jury
Juvenile Hall	Carl F. Bryan II Juvenile Hall
NCSO	Nevada County Sheriff’s Office
Truckee Jail	Nevada County Sheriff’s Office’s Truckee Sub-Station
TYDP	Transitional Youth Diversion Program
Washington Ridge	Washington Ridge Conservation Camp
Wayne Brown	Wayne Brown Correctional Facility

Background

The California Constitution of 1849 provides in Section 23 of Article 1 that a grand jury “be drawn and summoned at least once a year in each county.” Accordingly, each of the 58 counties in the State yearly impanels a grand jury whose civil function is to investigate the operation of

the various officers, departments, and agencies of local government. A grand jury may examine all aspects of county and city government, special districts, and other tax-supported organizations to ensure that the best interests of the citizens of the county are being served. The grand jury reviews and evaluates procedures, operations, and systems utilized by local agencies to determine whether more effective methods may be employed.

In addition, California Penal Code Section 919(b) requires each county's grand jury to inquire annually into the condition and management of public prisons within the county.

Approach

The Jury inspected each of the public prisons in the County as follows:

Courthouse	August 18, 2016
Truckee Jail	October 13, 2016
Wayne Brown	November 10, 2016
Washington Ridge	November 17, 2016
Juvenile Hall	December 1, 2016

These inspections included a walk-through of the facility, interviews, and a review of procedures and documents related to each facility. In addition, the Jury reviewed previous Jury reports on the facilities.

The Jury observed the condition of each building and discussed the management of each facility with its staff. Where appropriate, the infirmary was inspected for any insufficiencies and/or hazardous conditions. The kitchen in each facility was inspected. Educational and vocational programs as well as discipline and inmate grievance procedures were reviewed. Policies for inmate classification, orientation, and visitation were also reviewed.

The following describes the current condition of each facility.

Wayne Brown Correctional Facility

The NCSO manages Wayne Brown. The facility has a maximum capacity of 283 beds. There are an additional six beds available in the infirmary. At the time of the Jury's inspection there were 210 inmates in custody. Inmates are segregated by gender and by individual classifications based in part on the seriousness of each inmate's offense. In addition to inmates from the County, the facility houses inmates from the State of California Department of Corrections and Rehabilitation (CDC) assigned under the California *Public Safety Realignment Act of 2011* (AB109), federal inmates pursuant to a contract with the Federal Bureau of Prisons and other California county inmates pursuant to agreements with those counties.

At the time of the Jury's inspection there were 48 correctional officers (COs) assigned to Wayne Brown, half male and half female. Staffing currently is at three fewer COs than budgeted.

Additionally, three more COs may soon be transferred to patrol duty with the NCSO. As a result, overtime is frequently required. Staffing levels are mandated by law and all positions must be filled daily, causing shift extensions and utilizing staff who are off duty. Ongoing in-service training for the COs is done in-house by other officers and administrators and covers all training required by the California Board of State and Community Corrections.

The Jury visited the infirmary where two medical personnel handle sick call and minor medical situations. Inmates with serious medical problems are transferred to Sierra Nevada Memorial Hospital. There are also professionals on call who can evaluate mentally disordered or mentally incompetent inmates to determine if they should be transferred to a state hospital or other secure treatment facility for their care and treatment.

The Wayne Brown kitchen was clean and appeared to be well supplied with necessary equipment. Food preparation is managed by a full time cook with inmate assistants. Inmates also staff the laundry.

The Jury visited the holding cells at the dormitories, the recreation room and the intake area where new inmates arrive at a sally port and go through the booking process.

Wayne Brown appears to be exceptionally well managed and maintained. The Jury has no recommendations for change at this time.

Carl F. Bryan II Juvenile Hall

Pursuant to California law, only persons under 18 years of age at the time of his or her violation can be held in juvenile detention facilities. For a variety of reasons discussed in detail in the Jury's 2015-2016 report entitled *Carl F. Bryan II Regional Juvenile Hall - Is It Worth the Cost?* (2015-2016 Report), there is an ongoing national and local trend away from incarceration of juveniles and in favor of alternatives to detention, including release on recognizance, release on bond, community support, and formal evidence-based monitoring programs. At the time of the Jury's inspection of Juvenile Hall, there were four detainees resident in a facility configured to hold 30 detainees. Two of the detainees were from Nevada County and two were from Tuolumne County pursuant to an agreement with that county. Housing of detainees from other counties will likely be significantly reduced upon the completion of a new juvenile facility in Tuolumne County.

As discussed in the 2015-2016 Report, one result of the decrease in juvenile detention and state-mandated staffing levels has been a steadily rising cost per detainee. A new California program, the Transitional Youth Diversion Program (TYDP), may help reduce the financial problems discussed in the 2015-2016 Report. This program relates to detainees who are 18 years of age or older, but under 21 years of age on the date their offense was committed. It permits incarceration of such detainees outside of county jails in facilities such as Juvenile Hall that offer programs for rehabilitation. Modifications are being made to Juvenile Hall so that detainees in the program can be detained there but not co-mingled with the 17 and under detainees. The

program has the potential to reduce the per-detainee costs of detention that were discussed in the 2015-2016 Report.

At the time of the Jury's visit, the facility was clean and well maintained. Recreational facilities and educational programs are provided. Detainees may also acquire work skills in gardening and the culinary arts.

The interaction between inmates and COs appeared to be cordial and respectful. The staff appears to be forward thinking and firm but respectful of their charges. There are numerous programs and incentives for the detainees to get a fresh start. For example, one detainee had recently earned a high school diploma through the Sugar Loaf Mountain Juvenile School at the facility.

In summary, it appears that Juvenile Hall continues to be a well-run and maintained facility. While the financial issues discussed in the 2015-2016 Report continue to be a concern, the TYDP may mitigate some of those issues and reduce the cost per detainee of the facility. The Jury has no further recommendations for change at this time.

Washington Ridge Conservation Camp

Washington Ridge, located in the County, is one of 39 conservation camps administered jointly by the CDC and California Department of Forestry and Fire Protection (Cal Fire). The cooperation between CDC and Cal Fire is impressive. While in the camp the inmates are under the supervision of CDC but when working as firefighters or performing community service projects they are under the jurisdiction of Cal Fire. There are 13 CDC officers at this camp with a shift of seven on duty at all times.

Washington Ridge has a resident inmate capacity of 100 but can handle up to 300 additional fire fighters when necessary to respond to major disasters. During last year's Jury visit there were 87 inmates assigned to Washington Ridge including support inmates assigned to do the cooking, cleaning, yard maintenance, and equipment maintenance. This year the number dropped to 73. The primary cause of this decline is the reassignment of non-violent offenders from State prisons to county jails as mandated by the California Public Safety Realignment Act of 2011 (AB109). As a consequence of AB109, the eligible pool of inmates available for assignment to conservation camps decreased from 1800 last year to 1400 this year. In response, the CDC and Cal Fire have started to broaden the prerequisites for eligibility to serve time in the conservation camps.

The camp is self-sufficient. It has its own well and a back-up generator that can run the entire camp. It maintains five fire trucks, each having a crew of 13-17 inmates. The trucks are equipped to be self-sustaining for days if necessary. The inmates do the maintenance on the trucks and on the other fire-fighting equipment including chainsaws and hand tools.

The fire-fighting inmates are carefully trained to perform their dangerous duty. Even though over 150,000 man-hours of service is provided yearly fighting fires within the State the number

of accidents is very low. In addition to fire-fighting, the crews perform needed work in the community. Local projects have included cutting firewood, working in public parks, and performing needed work for non-profit programs such as maintenance for parks and sports fields. Crews are available for \$225.00 per day for a full crew to counties, cities, and certain nonprofit organizations.

Washington Ridge continues to be a well-run and maintained facility. The Jury has no recommendations for changes at this time.

Nevada County Sheriff's Office's Truckee Sub-Station

The Truckee Jail is used to temporarily hold inmates arrested in eastern Nevada County until they can be transferred to Wayne Brown and to house inmates transferred from Wayne Brown to stand trial at the Truckee Branch Courthouse. The Truckee Jail also serves as a holding facility for the Truckee Police Department, Sierra County, Placer County and the California Department of Parks and Recreation. There is 24-hour staffing with a minimum of two COs including one female CO and two trustees. One trustee is on site full time and one part time. Transportation to and from Wayne Brown is the responsibility of NCSO deputies. In addition to staff on duty, first response medical personnel and the local fire department serve the facility as needed.

The Truckee Jail was built in the early 1960s and it is showing its age. Nevertheless, it appears to be adequate for its limited use.

Nevada County Superior Court Holding Facility

The Holding Facility is used for temporary detention of inmates who are appearing for hearings in the Superior Court. Inmates are transferred from Wayne Brown on the morning of their court appearance and returned to Wayne Brown by the end of the day. The Holding Facility includes holding cells and rooms where inmates can confer with their attorneys.

After an inmate arrives, he or she waits in a holding cell until his or her appearance is scheduled. Inmates are then escorted by COs through the courthouse building to the department in which the appearance is to take place. The Holding Facility includes a control room where multiple cameras allow the COs to monitor the movements of inmates from the cells to the courtrooms. There also are cameras directed at entrances and exits to the courthouse and some on the exterior of the building to help control access. There is no camera outside the main entrance to the courthouse. The first security protection at that location is a metal detector and guards inside the courthouse door. The guards at the main door and the COs in the control room could benefit from being able to view anyone approaching the main entrance.

The images from the various cameras are displayed on a monitor in the control room in a tile format so that multiple images can be viewed at the same time. However, the monitor is small, making it difficult for the CO monitoring the video to discern much detail in any of the images.

A larger monitor would clarify the images and increase a CO's ability to see detail, likely reducing operator fatigue.

The facility is experiencing some challenges in maintaining sufficient staffing. Staffing has recently been reduced, with reserve COs covering for absentees.

Overall, the Jury found the Holding Facility to be well managed and operated.

Findings

- F1.** The video monitor in the control room currently being used to monitor the numerous camera sources at the Holding Facility is too small. This makes the job of monitoring all of the video sources unnecessarily difficult.
- F2.** A camera monitoring the outside of the main entrance to the courthouse would increase security. It would allow COs in the control room and the guards at the main entrance to observe potential problems.
- F3.** All detention facilities administered by the NCSO are understaffed. This results in excessive overtime.

Recommendations

The Nevada County Grand Jury recommends:

- R1.** The Nevada County Sheriff's Office should make an investment in a larger monitor for the control center of the Nevada County Superior Court Holding Facility.
- R2.** The Nevada County Sheriff's Office should install a camera to allow observation of the exterior area approaching the main entrance to the courthouse.
- R3.** Video from this exterior camera should be fed to both the control center and a monitor observable by the screening guard.
- R4.** The Nevada County Sheriff's Office should increase staffing to authorized levels.

Request for Responses

Pursuant to Penal Code section 933.05, the Nevada County Grand Jury requests responses from the following:

Nevada County Sheriff for all findings and all recommendations by July 24, 2017.

REPORT ON RESPONSES TO THE 2015-2016 GRAND JURY REPORTS

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REPORTS ON RESPONSES TO 2015-2016 GRAND JURY REPORTS

The Grand Jury (Jury) usually releases its reports late in the Jury year (July-June). Most if not all of the responses are received after the new Jury has been empaneled and therefore the responses become the responsibility of the new Jury. The Nevada County Jury allows holdovers to continue their service for another year to assist the new Jury in the way it conducts business and to aid in the analysis of responses. To assure continuity, it is important to carefully track and evaluate responses.

Responses are tracked to inform the public, ensure follow up, and promote solutions. Public scrutiny of the responses can improve the impact of the Jury's reports and recommendations as well as increase the credibility of the elected officials and department heads whose areas were investigated.

The new Jury reviews the findings and recommendations of the prior year's Jury and the ensuing responses. If it is determined that more information is needed, Jury committees may meet with the respondents.

Pursuant to California Penal Code Sections 933(c) and 933.05, there are time limits for responses and each Finding and Recommendation may either require or request a response from the party addressed. The governing body of an agency that is the subject of the report has 90 days to submit a response, while elected officials and department heads are allowed 60 days to respond. Responses may include additional information for clarification.

The full reports and responses may be found on the Grand Jury Reports website:
<http://nccourt.net/divisions/gj-reports.shtml>.

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Body Worn Cameras

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Body Worn Cameras

A Report on Responses to the 2015-2016 Grand Jury Report

Summary

The 2016-2017 Nevada County Grand Jury (Jury) has reviewed the responses to the report entitled *Body Worn Cameras* issued by the 2015-2016 Jury (2015-2016 Report) and inquired into the bases for those responses. This report contains the results of follow-up interviews and information gathered to determine if the responses by the Nevada County Sheriff's Office (NCSO) could be substantiated.

The NCSO is the only law enforcement agency in Nevada County (County) not to adopt body worn cameras (BWCs) for use by its law enforcement officers. In all other agencies, the use of BWCs has resulted in positive outcomes, notwithstanding that those cities do not bear the problems of large urban areas. Moreover, the current cost of BWC systems is not prohibitive. The NCSO could likely provide one for each of its deputies for as little as \$500/deputy/year. If a recently announced offer by Axon (formerly Taser International, Inc.) remains in effect, the NCSO would have an opportunity to evaluate a BWC system for one year at no cost or obligation.

Approach

The Jury reviewed the Responses to the 2015-2016 Report by the NCSO and the Nevada County Board of Supervisors (BOS), did factual research, and conducted interviews to determine the accuracy of assertions made in such Responses. The Jury also reviewed the contracts entered into by the three County police agencies with Axon, a BWC supplier.

Findings and Recommendations of the 2015-2016 *Body Worn Cameras* Report and Responses Thereto

Findings

In the 2015-2016 Report, the Jury made the following findings:

F1. Body Worn Cameras have been shown to improve officer-to-citizen interactions and safety.

F2. Body Worn Cameras have been shown to reduce citizen complaints.

F3. Body Worn Cameras provide more clarification of contested incidents between officer and civilian.

F4. Body Worn Cameras appear to provide some measure of crowd control and mitigation.

F5. Body Worn Cameras reduce time and legal expense in investigating complaints against officers.

F8. The Nevada County Sheriff's Office has expressed a desire not to deploy Body Worn Cameras at this time.

F9. Interagency communication concerning Body Worn Camera deployment, techniques, policies, and operating procedures has been shown to improve overall results.

Response to Findings F1 through F9 by the NCSO

The NCSO agreed with all nine of the above findings.

Recommendations

In the 2015-2016 Report, the Grand Jury made the following recommendations:

Recommendation R1 from the 2015-2016 Report

The Nevada County Sheriff's Office should deploy and use Body Worn Cameras.

Response to Recommendation R1 by NCSO

The recommendation will not be implemented.

While Body Worn Camera's (BWC's) can provide many potential benefits, they come at considerable financial cost. There is the initial purchase as well as the ongoing costs of infrastructure, i.e., ongoing program administration, long-term maintenance and replacement costs, data storage technical support staff positions, data storage, backup and security costs, increased records staffing to process data requests as well as initial/continuing staff training. The Sheriff's Office has not received any funding for Body Worn Cameras for Fiscal Year 16-17.

There are no official guidelines in California regarding the use and data storage of BWC's. Of the almost 18,000 law enforcement agencies in the United States only a fraction currently use BWC's; most of those in urban or high crime areas. As a fledgling technology, the negative impacts of these programs has not been fully explored. While many of the agencies that have BWC programs report success, there has been little attention paid to possible drawbacks or legal ramifications.

Until legislation is in place that addresses data disclosure, privacy and general law enforcement policy questions, embarking on such a program would be a premature expenditure of public funds, staff time and resources. The Nevada County Sheriff's Office does use in-car video and audio recording and are satisfied with this equipment.

Additionally, the Nevada County Sheriff's Office has relatively few complaints regarding the interactions of our officers with the public. Complaints that are received are investigated and overwhelmingly determined to be unfounded.

Current Status

The Cost of Body Worn Cameras

All County law enforcement agencies, other than the NCSO, have adopted BWCs.

Grass Valley

The Grass Valley Police Department (GVPD) adopted BWCs in the fourth quarter of 2016. The camera system was purchased from Axon under a five-year contract and included data storage through Evidence.com. The five year contract includes:

- 25 cameras including wall chargers, mounting brackets, and cables for 22 sworn officers, one individual attending the academy, and one vacancy;
- data storage based on estimates of use;
- complete replacement of the cameras with any upgrades at year 2 ½ and at year five; and
- the Taser (now Axon) Assurance Plan (TAP) guarantee for software and hardware.

The total cost of the GVPD system, including all of the above, comes to approximately \$704/officer/year. The GVPD developed policies for camera use and for data storage based on advice from Axon, the Police Officers' Association, other law enforcement agencies, the District Attorney, and Lexipol.

Implementation of the BWC program was smooth and all reservations were quickly overcome. Benefits included a reduction in complaints, reduced staff time needed for preparing information for the District Attorney and defense attorneys, faster resolution of complaints, and better behavior from all involved in officer/public encounters.

Two minor technical problems have arisen to date and both were solved with software changes not requiring return of the cameras.

Town of Truckee

The Truckee Police Department (TPD) adopted BWCs for its 28 peace officers in 2013. The camera system was purchased from Axon under a five-year contract and included data storage through Evidence.com. The five-year contract delivers the same types of services as the GVPD contract but includes cameras for 28 officers.

The total cost of the TPD system, which was adopted before prices started to come down, is approximately \$930/officer/year. Implementation of the BWC program was smooth and all reservations were quickly overcome. Benefits included a reduction in complaints, reduced staff

time needed for preparing information for police reports, faster resolution of complaints, and better behavior from all involved in officer/public encounters.

Nevada City

The Nevada City Police Department (NCPD) adopted BWCs for its 13 peace officers in 2015. The camera systems were purchased from Axon under a five-year contract and included data storage through Evidence.com. The five-year contract is similar to the GVPD contract but includes cameras for 13 officers and one spare.

The total cost of the NCPD system is approximately \$529/officer/year. Benefits of BWC use again included a reduction in complaints, faster resolution of complaints and better behavior from all involved in officer/public encounters. Following the adoption of BWCs, citizen complaints dropped by 90%.

Latest Development

Axon has recently announced that it will make its BWC systems available to any law enforcement agency for a one year free trial, including its hardware, and software and with data storage through Evidence.com.¹

Adoption of Body Worn Cameras in California

The use of BWCs in California is not limited to urban and high-crime jurisdictions. Of the thirty California counties with population under 200,000, nine Sheriff's Offices have adopted BWCs. A partial list of other small jurisdictions in California using BWCs includes:

- Allan Hancock Joint Community College District Police
- Auburn Police
- California State University Fullerton Police
- Citrus Heights Police
- Claremont Police
- Crescent City Police
- Davis Police
- Del Rey Oaks Police
- Ferndale Police
- Galt City Police
- Gonzales Police
- Greenfield Police
- Hanford Police
- Hollister Police
- King City Police
- La Jolla Tribal Police

¹ <https://www.bloomberg.com/news/articles/2017-04-05/taser-is-giving-body-cameras-to-any-cops-who-want-them>

Manteca Police
Modesto Police
Monrovia Police
Monterey Police
Monterey Regional Airport Police
Orland Police
Placerville Police
Redding Police
Rio Dell Police
Rocklin Police
Round Lake Park Police
Sacramento Police
Salinas Police
San Diego Metropolitan Transit System
Soledad Police
Sonora Police
Stockton Police
Weed Police
Willows Police
Yuba City Police

Written Citizen Complaints Against the NCSO

There have been only 22 formal written Citizen Complaints against NCSO deputies in the three years from January 2014 through November 2016. It does not appear that any of those complaints resulted in lawsuits being filed against the NCSO. However, of those 22 complaints, seven were the type of complaint involving citizen interactions with deputies that might have benefitted from the availability of BWC information.

Recommendation R2 from the 2015-2016 Report

The Nevada County Sheriff's Office should request funds from the Board of Supervisors for Body Worn Cameras and pursue other funds, grants and the like.

Response to Recommendation R2 by the BOS

This recommendation will not be implemented.

The Nevada County Sheriff's Office budget for Fiscal Year 16-17 has already been approved and no request for appropriations for body worn cameras was made. If a request is made it will be considered through the normal budget process.

Response to Recommendation R2 by NCSO

The recommendation will not be implemented.

The Nevada County Sheriff's Office budget for Fiscal Year 16-17 has already been approved. We feel it prudent to wait for state guidelines, analyze the experiences of similar law enforcement agencies regarding the benefits and drawbacks associated with the use of Body Worn Cameras before we make this a budget priority.

Current Status

There is no evidence that the NCSO has ever requested funding from the BOS for the purchase of BWCs. In its response, the BOS confirms that the NCSO has not requested such funding; "... no request for appropriations for body worn cameras was made." Moreover, the NCSO has not conducted any analysis of available systems or of the financial feasibility of acquiring BWCs. BWCs are not in the budget because the NCSO has not requested them.

There is ample available information on the available systems and the costs associated with each. See, for example:

- *A Market Survey on Body Worn Camera Technologies*, National Institute of Justice, Department of Justice, November 2016, <https://www.ncjrs.gov/pdffiles1/nij/grants/250381.pdf> (accessed February 20, 2017);
- *Implementing a Body-Worn Camera Program, Recommendations and Lessons Learned*, Miller, Lindsay, Jessica Toliver, and Police Executive Research Forum, September 2014, Washington, DC: Office of Community Oriented Policing Services, <https://www.justice.gov/iso/opa/resources/472014912134715246869.pdf> (accessed February 20, 2017);
- *Police Officer Body-Worn Cameras: Assessing the Evidence*, Michael D. White, Office of Justice Programs Diagnostic Center, produced for the Office of Community Oriented Policing Services, July 2014, <https://www.ojpdagnosticcenter.org/sites/default/files/spotlight/download/Police%20Officer%20Body-Worn%20Cameras.pdf> (accessed February 20, 2017); and
- *Primer on Body-Worn Cameras for Law Enforcement*, ManTech Advanced Systems International, Inc., Fairmont, WV, 2012, <https://www.justnet.org/pdf/00-Body-Worn-Cameras-508.pdf> (accessed February 20, 2017).

Conclusion

The NCSO is the only County law enforcement agency not to adopt BWCs for use by its law enforcement officers. In all other agencies, the use of BWCs resulted in positive outcomes, notwithstanding that those cities do not share the problems of large urban areas. Moreover, the current cost of BWC systems is not prohibitive. The NCSO could likely provide one for each of its deputies for as little as \$500/deputy/year. If Axon's offer remains in effect, the NCSO would have an opportunity to evaluate a BWC system for one year at no cost.

Law Enforcement Evidence Handling Units

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Law Enforcement Evidence Handling Units

A Report on Responses to the 2015-2016 Grand Jury Report

Summary

The 2016-2017 Nevada County Grand Jury (Jury) has reviewed the responses to the report entitled *Law Enforcement Evidence Handling Units* issued by the 2015-2016 Jury (2015-2016 Report) and inquired about progress toward implementation of those responses where appropriate. This report contains the results of follow-up interviews and information gathered to determine if the agencies are following through with the recommendations and responses given to that prior report.

Approach

The 2015-2016 Report examined the condition, operation, staffing, training, policies, and procedures of all law enforcement evidence handling units (EHUs) within Nevada County (County). The purpose of the review and this report was to determine if the law enforcement agencies implemented the actions they agreed to take in their responses to the 2015-2016 Report.

During the Jury's review they referred to the best practices and policies provided by Police Officer Standards and Training (POST) and Lexipol. POST is a state agency established in 1959 to set minimum selection and training standards for California law enforcement agencies. Lexipol is a service providing policy manuals including those for EHUs, with ongoing amendments to reflect changes in the law and best practices.

The Jury reviewed the responses to the 2015-2016 Report by the Nevada County Sheriff's Office (NCSO), the Grass Valley Police Department (GVPD), the Truckee Police Department (TPD), and the Nevada City Police Department (NCPD). The EHU of each agency was re-inspected by the Jury and the staff of each EHU was interviewed.

Responses to Recommendations of the 2015-2016 Report

Recommendation R1

Consolidation of the Grass Valley Police Department and the Nevada City Police Department evidence handling units should be considered again.

NCPD Response to Recommendation R1

The recommendation will not be implemented at this time. The NCPD and GVPD will continue to explore the possibility consolidating the Evidence Handling Unit to determine if consolidation is beneficial.

Current Status

The GVPD and the NCPD continue to operate separate EHUs.

Recommendation R2

Alternatively, the Nevada City Police Department should expedite its efforts to obtain and train a non-sworn evidence technician to reduce personnel costs and to free sworn officers for their primary duties.

Response to Recommendation R2

This recommendation is in the process of being implemented. The NCPD has hired and is currently training a part-time civilian CSO [Community Services Officer] to be assigned to the Evidence Handling Unit.

Current Status

The NCPD EHU staff consists of a CSO and a sworn officer. The sworn officer fills the EHU position as a collateral duty and is fully certified. The CSO completed training with the Commission on Peace Officers Standards and Training (POST) and became a certified evidence handling technician on November 9, 2016.

Recommendation R3

The Nevada County Sheriff's Department should draft and adopt written policies and procedures for its Sheriff's Property Unit that accurately reflect the current actual practice of its evidence technicians and that are in compliance with the current state of the law and best practices as recommended by POST and Lexipol.

Response to Recommendation R3

This recommendation has been partially implemented. The Sheriff's Office is in the process of updating and adopting updated policies and procedures regarding the processing of evidence into the Sheriff's Property Unit and expect to have this completed by September 1, 2016.

Current Status

The only written operating policies and procedures in place are a Sheriff's Office General Order dated August 1, 1993 and a POST Property and Evidence Manual dated 2008. It does not appear that the 2008 manual is used. The Jury has been informed that the Sheriff's Property Unit (SPU) technicians are creating a "Desk Manual" to document the actual procedures of the SPU but it was not complete as of January 5, 2017.

Recommendation R4

The Nevada County Sheriff's Department should immediately arrange for a complete external audit of its Sheriff's Property Unit.

Response to Recommendation R4

This recommendation has been partially implemented. The Sheriff's Office has requested an external audit to be done by POST but was told that they do not have sufficient staffing and cannot accommodate our request. We are currently researching the availability and cost of a third party vendor to conduct an audit prior to the end of 2016.

Current Status

The most recent written audit of the SPU was a POST Management Study dated July 30, 2007. It included numerous recommendations for change, only some of which have been adopted. No records of any subsequent inspections were found even though POST and the SPU's Property and Evidence Manual recommend external audits every two to three years. POST has no record of a request for an external audit from the NCSO since 2007.

Recommendation R5

The Nevada County Sheriff's Department should conduct a complete inventory of its Sheriff's Property Unit upon the retirement of its senior evidence technician.

Response to Recommendation R5

This recommendation has been partially implemented. The Sheriff's Office began a complete inventory upon the retirement of one of our evidence technicians and is still in the process of the inventory. The inventory should be complete by the end of 2016.

Current Status

The complete inventory was not done. Instead, the NCSO has adopted a policy of "Continual Inventory" whereby one day each week is devoted to inventorying a section of the facility. By the end of a year the entire facility is expected to have been inventoried. This process is described in guideline 5.2 of the POST *Law Enforcement Evidence & Property Management Guide* as a perpetual inventory. Guideline 5.2 requires that the inventory of the entire facility be completed at the end of one year.

Recommendation R6

The Nevada County Sheriff's Department should require that there be periodic spot inventories of its Sheriff's Property Unit and should require that written records of those spot inventories be maintained.

Response to Recommendation R6

This recommendation has been partially implemented. The Sheriff's Office has conducted periodic spot inventories but has not maintained a record. Updated policies will require written record of the spot inventories to be maintained. The updated policies will be in place by September 1, 2016.

Current Status

The supervising sergeant has been conducting and documenting quarterly random spot audits. However, as noted in the status of Recommendation 3, above, written policies are not yet complete.

Recommendation R7

All agencies should rigorously adhere to the requirement for a complete inventory upon a change of evidence technician or supervisor. Additionally, random spot inventories need to be performed and documented. Inventories of firearms, narcotics, and money must be conducted on at least a quarterly basis. Finally, external audits must be conducted on a biennial basis at a minimum.

Response to Recommendation R7 by NCSO

This recommendation will be partially implemented.

To my knowledge the Nevada County Sheriff's Property Unit has never lost an item of evidence. Every time an item of evidence is requested for court, or to be returned to an individual, the item has been located. Each and every one of these instances acts as a spot inventory. This is not to say that scheduled inventories and audits are not needed, just that the urgency is not apparent. Supervisors have and will continue to make spot inventories of the inventory at the Property Unit. Additionally, we will update our policy to require the spot inventory results to be documented. We expect the updated policies to be in place by September 1, 2016. We will request an outside audit be performed prior to the end of 2016. We are currently in the process of completing a complete inventory, a process that was begun right after the retirement of one of our evidence technicians. It is not reasonable to conduct a complete inventory upon change of every supervisor, as the supervisors do not perform the function of the evidence technicians.

Current NCSO Status

The complete inventory was not done. Instead, the NCSO has adopted a policy of "Continual Inventory" whereby one day each week is devoted to inventorying a section of the facility. By the end of a year the entire facility is expected to have been inventoried. This process is described in guideline 5.2 of the POST *Law Enforcement Evidence & Property Management Guide* as a perpetual inventory. Guideline 5.2 requires that the inventory of the entire facility be completed at the end of one year.

The supervising sergeant has been conducting and documenting quarterly random spot audits. However, written policies are not yet complete.

The most recent written audit of the SPU was the *Report of the POST Management Study for the Nevada County Sheriff's Department* dated July 30, 2007. It included numerous recommendations for change, only some of which have been adopted. No records of any subsequent inspections were found even though POST and the SPU's *Property and Evidence Manual* recommend external audits every two to three years. POST has no record of a request for an external audit from the NCSO since 2007.

Response to Recommendation R7 by NCPD

The recommendation is in the process of being implemented. The NCPD currently conducts monthly Audit Spot Checks which are recorded. Inventory policies are followed and records are maintained. Evidence purging is conducted as necessary to ensure that space is available for new arrivals. There is a need for a biennial external audit which will be scheduled before the end of the year.

Current NCPD Status

NCPD submitted a request to POST for an external audit in October 2016. However, an audit has not been scheduled due to lack of available POST personnel. Audit spot checks are conducted monthly and recorded. Inventory policies are followed and records are maintained.

Response to Recommendation R7 by GVPD

The recommendation has been *implemented*.

There are 4 components to recommendation 7. The following describes our implemented actions related to each of them:

1. Adherence to the requirement for a complete inventory upon a change of evidence technician or supervisor:
The Grass Valley Police Department has and will continue to adhere to this requirement. Audits will be diligently scheduled upon the change of an evidence technician or evidence supervisor. These audits will include a 100% inventory of all firearms, money, and narcotics. These audits were performed in 2012 and 2015 upon the change of evidence technicians, and again in 2016 upon the appointment of a new Chief of Police.
2. Random spot inventories need to be performed and documented:
Although random “spot inventories” are performed on a regular basis by the evidence sergeant and Captain, they have not been consistently documented. GVPD has initiated a protocol for capturing and documenting these spot inventories. The evidence sergeant will keep and maintain the records of his audit and inventory activity and it will be available to the Captain, Chief of Police, or an independent auditor upon request.
3. Inventories of firearms, narcotics, and money must be conducted on at least a quarterly basis:
The random spot inventories conducted by the evidence sergeant and captain have and will continue to include checking of firearms, narcotics, and money. These random spot inventories will be conducted quarterly at a minimum.
4. External audits must be conducted on a biennial basis at a minimum:
External audits have been and will continue to be conducted on a biennial basis.

Current GVPD Status

GVPD has fully complied with recommendation R7. A complete inventory was conducted in April of 2016. Documentation of random spot inventories and quarterly firearm, narcotics, and money inventories is being maintained in digital format. An external audit was conducted in April of 2016.

Response to Recommendation R7 by TPD

The recommendation has been partially implemented but will not be fully implemented. As indicated in Finding #6, the Truckee Police Department currently complies with the recommendation to conduct complete inventories when there is a change in evidence personnel or agency head as well as the recommended random spot inventories and inventories of firearms, narcotics, and money on a regular basis. To that extent, this recommendation was implemented prior to the Grand Jury’s review. However, as stated above, the recommendation to conduct biennial external audits will not be implemented. Pursuant to California Penal Code Section 933.05(b)(4), this aspect of the Grand Jury’s recommendation “is not warranted ... [and] is not reasonable ...” Biennial audits are not required by the POST Law Enforcement Evidence & Property Management Guide. POST is part of the government of the State of California, and the POST Guide is considered to represent best practices for evidence handling and property

management. As such, biennial audits would represent an additional expense and administrative burden without a corresponding benefit, and the Town of Truckee declines to implement this aspect of the Grand Jury's recommendation.

Current TPD Status

Lexipol procedures have been adopted and are in use. Moreover, inspection and inventory policies are adhered to and accurate records are maintained on the PS.Net/RMS system. Random checks and mini-audits are conducted and logged. A protocol for purging unneeded evidence is in place.

The last external audit was conducted in 2012 when the new Chief of Police assumed command. External audits are considered a best practice and are beneficial because reviews by experienced auditors frequently lead to improved operations. The Jury learned that TPD has asked for a proposal from an independent auditor for an external audit.

Recommendation R8

The Nevada County District Attorney should continue to develop and improve its process for authorizing the disposal of evidence.

Response to Recommendation R8

The recommendation has been implemented. On January 6, 2016, District Attorney changed the internal policy as it relates to evidence disposition forms in completed cases. Previously, staff would wait until the appellate period in an individual case had run then would route the file back to the Deputy District Attorney (DDA) handling the case who would then determine if appeal had been filed, then fill out the form and reroute it back to the agency through their secretary. Upon review of this process it was determined to be inefficient and cumbersome, in few cases review was not being done at all due to misrouted or non-existing release form. In January this year the process was modified to require the DDA handling the case at sentencing to fill in the evidence disposition form, calculate the appellate period, add 30 days, and route it back to the agency with directions to check with court and, if no appeal has been filed, dispose of the evidence per agency policy. This process reduces the amount of times DA staff handle the file and promptly puts the agency in control of the evidence.

Current Status

The District Attorney was immediately responsive to the Grand Jury recommendation when informed of the issue, taking action even before the report was issued. Discussion with each evidence unit's personnel showed that the process is significantly better and that they were grateful for the change.

Conclusion

With a few exceptions the Nevada County law enforcement agencies have been responsive to the recommendations contained in the 2015-2016 Report on EHUs.

The more significant exceptions are the failure of the NCSO to achieve the goal of having updated written policies and procedures in place by September 1, 2016 and the failure to schedule and have an external audit conducted prior to the end of 2016.

TPD declined to accept the recommendation to conduct an external audit, however the Jury has learned that the TPD is preparing a contract for an external audit.

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The Value of Transparency in the Nevada County Board of Supervisors

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The Value of Transparency in the Nevada County Board of Supervisors

A Report on Responses to the 2015-2016 Grand Jury Report

Introduction

The 2016-2017 Nevada County Grand Jury (Jury) has reviewed the responses to the report entitled *The Value of Transparency in the Nevada County Board of Supervisors* issued by the 2015-2016 Jury (2015-2016 Report) and inquired about progress toward implementation of those responses where appropriate. This report contains the results of follow-up interviews and information gathered to determine if the Board of Supervisors followed through with the responses given to that prior report.

Approach

The 2015-2016 Report examined the issue of ethical transparency in the Nevada County Board of Supervisors (Board), specifically regarding conflict of interest and abstention. The Report asked the question “Is there a difference between a legal conflict and an ethical conflict?” It found that while the Supervisors are certainly ethical people there have been occasions when their conduct could have been interpreted otherwise by the public.

The purpose of the review and this report was to determine if the Board implemented the actions they agreed to take in their responses to the 2015-2016 Report.

Responses to Findings and Recommendations of the 2015-2016 Report

Finding F5

Most of the Supervisors believe ethics refers to the *Form 700* filings required from elected officials each year by the FPPC.

Response to Finding F5

Disagree. The annual Form 700 filing is required by the California Government Code Section 87200 as a means for judicial, elected and appointed officials to publicly disclose certain economic interests. The Board understands that ethics laws extend beyond the Form 700 to encompass a comprehensive and complex array of issues ranging from Open Meetings Law (the “Brown Act”), public contracting, due process, perquisites and other official acts to codes of conduct when we are off-duty as well.

Current Status Regarding Finding F5

The Jury recognizes that the ethics training the Supervisors receive does cover much more than just the Form 700 requirements and accepts their statement.

Recommendation R1

Seek additional training and information to understand the difference between legal requirements and ethical considerations.

Recommendation R4

Increase personal awareness of the need for public transparency between the Supervisors and parties with business before the Nevada County Board of Supervisors.

Response to Recommendations R1 and R4

The recommendation is being implemented. These matters are covered comprehensively in the Ethics training the Supervisors receive that meets the requirements of AB 1234, and in the New Supervisor orientation every Supervisor receives through the California State Association of Counties. This training must meet requirements of State law and therefore is provided separately by a qualified legal expert. In addition, the Board members are regularly advised by County Counsel as issues arise, and members are encouraged to seek assistance from County Counsel if there is ever a question on how to proceed.

Current Status Regarding Recommendations R1 and R4

The Jury hopes the Supervisors gain enough understanding in their training that “meets the requirements” and that they heed the advice of County Counsel.

Finding F7

The *Order and Decorum* lacks sufficient guidance to Supervisors in assisting them in their personal decision making on questions of recusal.

Response to Finding F7

Partially agree. Because the Board members receive focused ethics training that meets the legal requirements of AB 1234, the Order and Decorum is not intended for that purpose. Instead, it is designed to provide general guidance on the conduct of meetings. However, item #13 of the Order and Decorum does seek to address the matter of abstention and recusal. As indicated in Responses R2 and R3 below, the Board will consider revisions to this document during its annual workshop in January 2017.

Recommendation R2

Develop and implement guidelines to assist the Nevada County Board of Supervisors in its decisions as to whether recusal is appropriate on a particular issue.

Recommendation R3

Augment the *Order and Decorum* document, particularly in the area of public transparency of relationships between a Supervisor and parties with business before the Nevada County Board of Supervisors.

Response to Recommendations R2 and R3

The recommendation has not yet been implemented, but will be implemented by March 1, 2017. Although such guidelines are covered comprehensively in the AB 1234 Ethics training and in the New Supervisor orientation every Supervisor receives through the California State Association of Counties, the Board will consider revisions to strengthen and clarify the Order and Decorum document at its annual workshop in January 2017. Whatever amendments are agreed to at the workshop will be implemented at a subsequent Board meeting in February, 2017.

Current Status Regarding Finding F7, and Recommendations R2 and R3

Examination of the revised document, approved at the Board of Supervisors meeting on February 14, 2017 showed revisions only in the first section, titled “Public Participation in Board Meetings,” and did not address the subject of the Recommendations.

Item #13, “Disqualification/Abstention” was not changed from the previous wording:

Any Supervisor may abstain from voting on any matter. If it is determined, in consultation with the County Counsel or the FPPC, that a Supervisor has a legal conflict on any matter, then the Supervisor shall be disqualified from discussing or voting on that matter. A disqualification/abstention from voting on the merits of any matter shall be announced by the Supervisor audibly. The Supervisor may state the reason for disqualification/abstention. However, any Supervisor disqualifying him/herself due to a legal conflict of interest shall state the reason, shall completely abstain from participating in discussion on the matter and shall leave the room until the Board has completed its discussion and action on that matter.

Abstention/Disqualification shall not count as a vote for or against a matter for which a vote is taken. This section applies to all elected and appointed officials serving on any board, committee or commission of the County of Nevada. (Ord. 1558, 2/14/89)

Conclusion

The Jury's goal in these Recommendations was to direct the Supervisors' attention to the issue of transparency and recusal. The Jury could not verify Item #13 was discussed at the Board's January meeting. The Jury believes the wording of Item #13 is sufficient if it is discussed in depth at the January workshop and considered often throughout the year.

APPENDIX

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CITIZEN COMPLAINT GUIDELINES

The Grand Jury receives complaints from Nevada County citizens concerning a variety of grievances. These complaints are assigned to one of the standing committees for action.

The Grand Jury may refuse to act on a complaint, particularly if the matter is under judicial review, appears to be more appropriate for action by another agency, or is out of the Jury's jurisdiction. Some complaints may remain open for action by the following Jury as deemed appropriate.

Submission of a Complaint

Complaints must be in writing and legible. All normal attempts to resolve the problem should have been taken prior to the submission of a complaint. When these efforts have been proven unsuccessful, a complaint form should be prepared and submitted.

Content of a Complaint

The complaint form is designed to help an individual supply pertinent data regarding the reason for the complaint.

1. Identify yourself with your full name, correct mailing address, and a phone number where you can be contacted during office hours.
2. Identify the nature of your complaint.
3. Identify all of the people involved and how they might be contacted.
4. Furnish copies of documents that may support your allegations. **According to California Evidence Code 140 all submitted documents are evidence and will not be returned.**
5. Be specific reporting the reasons for your claim. Avoid making broad statements.

Confidentiality

The *complainant's identity is rigorously guarded* and the Grand Jury is forbidden, by law, to release any information about investigations.

You will receive written acknowledgment of your complaint after it is received. The acknowledgment will be mailed to the address on the complaint form. You may not receive any other communication from the Grand Jury.

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PLEASE LIST OTHER PERSONS OR AGENCIES YOU HAVE CONTACTED ABOUT THIS COMPLAINT.

DESCRIBE THE ACTION YOU WISH THE GRAND JURY TO TAKE.

PROVIDE ADDITIONAL INFORMATION YOU BELIEVE MAY BE HELPFUL IN AN INVESTIGATION.

COMPLAINANT:

The information in this form is true, correct, and complete to the best of my knowledge.

Date: _____

Name (please print): _____

Telephone: _____

Address: _____

Signature: _____

*Your confidentiality will be rigorously protected.
All complaints addressed to the Grand Jury will be acknowledged promptly.*

CONSIDER BECOMING A GRAND JUROR ARE YOU UP TO THE CHALLENGE?

Have you ever seen a newspaper article that outlined a study and a report done by our Nevada County Grand Jury? Have you wondered about what this “thing called Grand Jury” is all about? Indictment proceedings behind closed doors and the power to subpoena citizens and documents in the course of an investigation ... the activities of grand juries have always been shrouded in a bit of mystery.

The grand jury is one of the oldest civil institutions in America. Its roots can be traced as far back as the Norman conquest of England in 1066, where a body of notable citizens was chosen to protect the community. In 1635, the first American grand jury was empaneled in the Massachusetts Bay Colony and by 1683, grand juries were present in all of the colonies.

Today, although 42 states have some form of grand jury, only California and Nevada mandate that County Grand Juries be empaneled every year to conduct civil investigations of county government and to hear evidence to decide whether to return indictments.

The functions of a County Grand Jury include indictment, accusation, and, by far the most frequently exercised function, civil investigation and reporting (also known as the “watchdog function”).

Investigations by a grand jury may be undertaken as a result of a complaint of a private citizen or as a result of data analysis, inspections, or interviews conducted by jurors. Over the past decade, Nevada County Grand Jury investigations have resulted in reports that include topics such as:

1. *Alternative Education: NUHS Telecommunications Partnership Academy: 2006-2007*
2. *Compensation and Benefits Review of the County Board of Supervisors: 2007-2008*
3. *Child Protection and Welfare: 2010-2011*
4. *Vagrancy in Nevada County – Illegal Campfires: 2014-2015*
5. *Body Worn Cameras: 2015-2016*

This short sample of report titles is taken from the 72 reports issued by the Nevada County Grand Jury over the past 10 years. “The Superior Court – County of Nevada” web site (<http://nccourt.net>) has all of these reports available for access to the general public.

In Nevada County, citizens volunteer to serve as members of the grand jury. The application period closes each year on May 1st. From this pool of volunteers, 19 are selected by the Superior Court and they serve for a period of one year, beginning in July.

What kinds of people serve as grand jurors? Jurors come from all walks of life. We have retired lawyers, engineers, school principals, building contractors, medical professionals, military officers, business owners, homemakers, government employees ... and the list goes on.

What kinds of attributes and skills are necessary? You need to be able to take an unbiased look at the way government works and, when necessary, offer solutions or suggest more efficient management of operations. You also need to possess strong personal ethics, curiosity, some computer literacy, and high energy to face the workload. Grand jurors operate under a strict code of behavior and confidentiality. Grand jurors lawfully function only as a body, so you need to be a team player. Expect to be in session for up to 3 days each week. “Homework” is a necessary part of the job as well. A juror will “put in” between 15 to 20 hours a week.

Do not expect much group or individual publicity ... all panel sessions are conducted in secret. In July, at the beginning of the Jury Year, you are sworn in by the Presiding Judge of the Grand Jury and instructed that you are expected to maintain complete secrecy of jury proceedings both during and after the year has concluded. There is some remuneration.

The grand jury recruitment process begins in February. The hours are not incidental, the pay is almost non-existent, there is pressure and no public recognition, but it is incredibly interesting, mind expanding, and vitally important.

To borrow a phrase from a credit commercial, ”WHAT’S IN YOUR WALLET ... WOULD YOU LIKE IT TO BE A NEVADA COUNTY GRAND JURY BUSINESS CARD?”

Are you up to the challenge?

For further information on the Grand Jury, to peruse any of the reports written within the past 20 years, or to obtain an application for the Grand Jury, access <http://nccourt.net>.

GRAND JURY APPLICATION

Name: _____

Address: _____

Telephone (Home): _____ (Business): _____

The California Penal Code (Section 893) sets forth the qualifications of Grand Jurors. The following eight questions are included to determine that you meet the Penal Code requirements.

Are You:	Yes	NO	Are You:	Yes	NO
1) A United States citizen?			5) Currently serving as a trial juror?		
2) Eighteen years of age or older?			6) Within one year of having been discharged as a Grand Juror?		
3) A resident of the County and State for one year?			7) Convicted of malfeasance in office or any felony?		
4) English speaking?			8) Serving as an elected public official or an elected member of a public agency board?		

PLEASE COMPLETE:

- How many miles (round trip) is it from your residence to the Eric Rood Center? _____ miles.
- Are you now, or have you ever been, involved in litigation against Nevada County, its special districts or any public agency? Yes No
- Do you have any typing and/or computer or word processing skills? Yes No
- Number of years in the community: _____ years.
- Age Range: 18-25 ___ 26-34 ___ 35-44 ___ 45-54 ___ 55-64 ___ 65-74 ___ 75 and over ___
- Gender: Male Female
- Race or Ethnicity [may select more than one]:
 - White ___
 - Asian ___
 - Black or African American ___
 - Hispanic or Latino ___
 - Native Hawaiian or other Pacific Islander ___
 - American Indian or Alaskan Native ___
 - Other race or ethnicity [please state] _____
 - Decline to answer ___
- Years, if any, served on a regular Grand Jury ___
- Occupation _____

PLEASE EXPLAIN:

- 1) Your experience within community organizations, public agencies and the length and nature of your job experience(s): _____
- 2) Past trial or Grand Jury experience: _____
- 3) Any research experience, or investigative skills you have: _____
- 4) Describe any problems you might have investigating any local county or city governmental department, private or non-profit agencies, and how you would deal with them: _____
- 5) What do you think are some of the major problems facing city and county government? _____
- 6) How many hours a month would you have available for participating on the Grand Jury? _____

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GRAND JURY
COUNTY OF NEVADA
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Nevada City, California 95959
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