

Lassen County Grand Jury

2022-2023



FINAL REPORT

LASSEN SUPERIOR COURT

Mark Nareau
Presiding
Superior Court Judge



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

June 23, 2023

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

To the Clerk of the Court:

As Presiding Judge of the Lassen County Superior Court, I hereby instruct the Clerk to accept for filing the 2022-2023 Lassen County Grand Jury Final Report as presented to me the 23th day of June, 2023.

Sincerely,

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

Mark Nareau
Presiding Judge
Lassen County Superior Court

FILED

Clerk of the Superior Court
County of Lassen

JUN 23 2023

By L. NIEMEYER
DEPUTY CLERK

A handwritten signature in blue ink that reads "L. Niemeier".

Table of Contents

Page 1.....	Grand Jury Foreperson’s Letter
Page 4.....	Members of the 2022 – 2023 Lassen County Grand Jury
Page 5.....	Lassen County Grand Jury Members’ Disclaimer and Signatures
Page 6.....	California Grand Juries
Page 7.....	Distribution List
Page 8.....	Responses to the Grand Jury Reports
Page 9.....	Response Procedure to Grand Jury Reports
Page 10.....	Introduction
Page 11.....	Individual Education Plan and Special Education Compliance
Page 14.....	Detention Facilities: High Desert State Prison/Lassen County Adult Detention Facility

County of Lassen, State of California
Civil Grand Jury

Lassen County Hall of Justice
2610 Riverside Drive, mailbox no. 48
Susanville, California 96130

Foreperson: Richard Rados
Foreperson Pro Tem: Richard Grentzer
Secretary: Marshel Couso
Financial Officer: Deana Bovee
Sergeant At Arms: Matthew Urquizu

June 30, 2023

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

Re: Civil Grand Jury

Dear Judge Nareau:

On behalf of the members of the 2022-23 Lassen County Civil Grand Jury, I submit our Final Report to you and, with its publication, to the residents of Lassen County. The materials that follow represent an extraordinary amount of work done by an extraordinary group of jurors.

The 2022-2023 term marked the first grand jury year in which the COVID pandemic cannot be blamed for making it impossible for a quorum of jurors to meet and conduct business. We were fortunate in that regard.

Still, this term was not without challenges. The grand jury saw only two people returning to serve a second year (and, as alluded to above, COVID had prevented that prior grand jury from experiencing much of what grand jurors do: meet as a full body, conduct investigations, write reports, et cetera).

This year's grand jury also saw losses of members (and alternates), early on, to the point of requiring that an additional member and an alternate juror be recruited, mid-term, to keep the number of members at 19. Bringing new jurors in, once the term is well underway, presents additional challenges (having people get up to speed, recreating cohesion with new participants, ensuring that training occurs, et cetera). We believe that all obstacles we faced were overcome.

This year's grand jury received and reviewed a half dozen complaints submitted by members of the public. The members acted on each complaint in the manner that the jury determined to be

most appropriate. The jury gave similar consideration to issues and concerns that emanated from within the jury's member group.

This year's grand jury also – in satisfaction of requirements set forth in Penal Code – toured the two detention facilities operating in Lassen County: High Desert State Prison and the Lassen County Jail. While a more complete expression of the jury's gratitude, for the help it received from many people, is set forth below, I'll pause to note that personnel at High Desert State Prison and the Lassen County Jail were exceedingly generous with their time in welcoming the jury, to tour the facilities, and in discussions with the jury members various aspects of (and challenges to) the operation of the facilities.

On behalf of the full jury, I especially thank HDSP Warden Rob St. Andre and Lassen County Jail Custody Division Commander John McGarva (as well as Lassen County Sheriff Dean Growden and Sheriff's Department Lieutenant Amy Foster). To the very last person, the jurors were impressed with the employees they met (and observed) at both facilities, in terms of their professionalism and dedication to fulfilling their duties.

Inasmuch as Penal Code section 933(a) requires that each term's grand jury submit a report to the Court's presiding judge of the jury's "findings and recommendations that pertain to county government matters..." you will find a report herein entitled "Individual Education Plans and Special Education Compliance" flowing from the investigation the grand jury conducted. The jury's recommendations and findings in regard to that investigation are set forth therein.

The jury noted that two Penal Code sections set forth language authorizing both "investigations" and "inquiries" by the grand jury. Penal Code section 888 states that the grand jury "shall be charged and sworn to investigate or inquire into county matters of civil concern..."; and Penal Code section 914.1 governs the process of the Court giving "instruction" and the like to the grand jury at the time of it being "impaneled, for purposes which include the investigation of, or inquiry into, county matters of civil concern..."

Preliminary to conducting a possible investigation, the grand jury undertook to "inquire into county matters of civil concern" with respect to the existence of an unhoused population in Lassen County, including within the city limits of the City of Susanville. In November of 2022, the jury sent a preliminary inquiry to both the Susanville City Council and the Lassen County Board of Supervisors.

The City of Susanville furnished a timely, comprehensive, and informative response. Conversely, as of the mid-June drafting of this letter to you, the jury has received no response from the Lassen County Board of Supervisors. This is true despite a follow-up letter having also been sent to the Board via certified mail, on February 8th; a visit having been made to the county offices by the undersigned, on March 10th, to verify proper addressing of the letters; and a third follow-up letter having been hand-delivered to the verified address for the Board by the undersigned, in May.

The seriousness with which the grand jury took its role as a "watchdog," on behalf of Lassen County's residents, compels me to point out this situation in which a preliminary inquiry by the

grand jury, intended to allow the narrowing of focus for an investigation, was met with no response. In the absence of my reporting this to you, and the dissemination of this report to Lassen County's residents, the public would not otherwise know of this situation.

On a positive note, I know that I speak on behalf of the entire grand jury in expressing gratitude for the assistance that we received from the following individuals: Lucy Niemeyer, the Court's Jury Commissioner, who was tasked with assisting the grand jury and did so terrifically; Jennifer Zarlengo with the Lassen County Auditor's Office who assisted with all things financial; Samantha McMullen, also with Lassen County (Assistant to the County Administrative Officer/Budget Analyst), who also assisted with financial inquiries that arose for the grand jury; Amanda Uhrhammer of the Prentice Long firm in Redding who, serving as County Counsel, provided legal advice to the grand jury; and the Honorable Melyssah Rios, Lassen County's District Attorney, who also provided legal counsel to the grand jury when necessary.

I wish to thank all of the members of the grand jury for their dedication, hard work, and civic-mindedness, but I especially must thank the grand jury's officers: Marshel Couso, the grand jury's Secretary, put in an unimaginable number of hours, between regular meeting duties and the work required to pull this Final Report together; Rick Grentzer, our Foreperson Pro Tem, ably stepped in during my absences; Deana Bovee, our Financial Officer, put in many hours associated with the financial aspects of the grand jury's operations; and Matt Urquizu, our Sergeant at Arms, ensured that civility and decorum prevailed in those times when it was clear that more than a dozen and a half wide-ranging personalities were gathering and making their views known.

Finally, I thank you for allowing me the opportunity to serve on the civil grand jury and in the position of foreperson.

A handwritten signature in blue ink, appearing to read 'Richard Rados', with a stylized flourish at the end.

Richard Rados

MEMBERS OF THE 2022 - 2023 LASSEN COUNTY GRAND JURY

Richard Rados, Foreperson
Richard Grentzer, Foreperson Pro-Tem *
Marshel Couso, Secretary
Deana Bovee, Financial Officer
Matt Urquizu, Sergeant at Arms
Curtis Bortle
Michael Gray Jr.
Jaime A. Guzman
Harold Kimbriel
Kathleen McIntyre
Todd Murray
Fred Ngotel
Robert Peery
Eric Perry
Alicia Presswood
Leighton Ratkey
Mark Solomon
James Wolcott *
Glen Yonan


Daniel Paez - Alternate

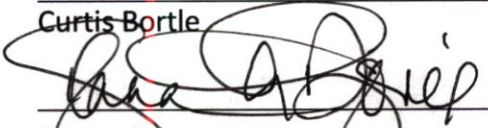
**Returning members from 2021-2022 Lassen County Grand Jury*

**LASSEN COUNTY GRAND JURY MEMBERS'
DISCLAIMER AND SIGNATURES**

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

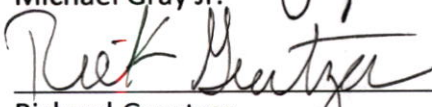
There, whenever the perception of a conflict of interest existed on the part of a member of the 2022-2023 Lassen County Grand Jury, that member abstained from any investigation involving such a conflict and from voting on the acceptance or rejection of any related subject. By signing this final report, I approve it even though I may have recused myself from, or voted against, certain individual reports, which the majority approved.


Curtis Bortle


Deana Bovee


Marshal Couso


Michael Gray Jr.


Richard Grentzer


Jaime A. Guzman

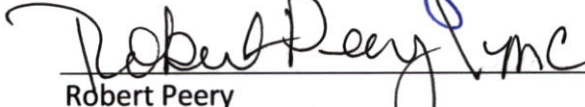

Harold Kimbriel


Kathleen McIntyre


Todd Murray


Fred Ngotel


Daniel Paez (Alternate)

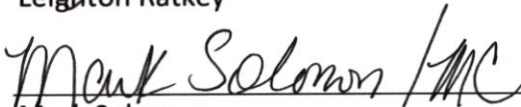

Robert Peery


Eric Perry


Alicia Presswood

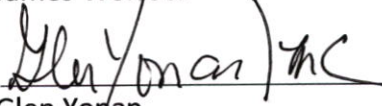

Richard Rados


Leighton Ratkey


Mark Solomon


Matt Urquiza


James Wolcott


Glen Yonan

CALIFORNIA GRAND JURIES

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

The major function of a Civil Grand Jury is to oversee all aspects of the legislative and administrative departments that make up county, city, and special district governments. It has the power to examine and guarantee that those who are given the responsibility of managing these offices are: truthful, dedicated, and sincere in their efforts to serve the public. There are 42 states that have some form of Grand Jury, but California and Nevada mandate the impaneling of a Grand Jury each year. The Lassen County Grand Jury is a judicial body of 19 citizens impaneled to watch over the citizens of Lassen County.

Grand Jurors are forbidden by law to disclose any evidence acquired during investigations or disclose the names of complainants or witnesses.

After investigations are completed, it is the responsibility of the Grand Jury to recommend changes that should be made in order to increase efficiency and improve services to the general public. Special commendations may also be made to departments or agencies for excellence in management. The reports that are released have been collected, voted on by at least 12 members, and the results carefully edited by the editing committee for a Final Report to be released to the public.

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

DISTRIBUTION LIST

Lassen County:

Superior Court Judge Mark Nareau

Board of Supervisors (5)

Treasurer/Tax Collector

District Attorney

Chief Executive Officer

County Counsel

Personnel and Risk Management

Lassen County Office of Education

City of Susanville:

City Council (5)

City Administrative Officer

Corrections Facilities:

High Desert State Prison

Lassen County Adult Detention Facility

Others:

State of California Attorney General's Office

California Grand Jurors' Association

Susanville District Library

Lassen News.com

Sierra Radio Network

SusanvilleStuff.com

Modoc County Record

RESPONSES TO GRAND JURY REPORTS

SUMMARY OF PC §933.05

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

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

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

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

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

RESPONSE PROCEDURE TO GRAND JURY REPORTS

SUMMARY OF PC §933.05

The governance of responses to Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within 60 days, governing bodies (for example: the Board of Supervisors) must respond within 90 days. Please submit all responses in writing and digital format to the Presiding Judge, the Grand Jury Foreperson, and the CEO's office.

Report Title: _____ **Report Date** _____

Response by: _____ **Title:** _____

Findings

I (we) agree with the findings numbered:

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

Recommendations

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

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

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

Date: _____ **Signed:** _____

Total number of pages attached: _____

INTRODUCTION

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

The civil grand jury’s responsibilities include investigating issues regarding city and county government, as well as public agencies funded by the government, and issuing reports with findings and recommendations when appropriate.

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

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

Each year, the grand jury is required by law to inquire into the condition and management of all public prisons within the county. Accordingly, the 2022-2023 grand jury toured High Desert State Prison and the Lassen County Jail.

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

The 2022-23 grand jury received six written complaints during its term. The grand jury members gave careful consideration to each complaint. Each was inspected and acted upon in a professional and conscientious manner.

The following grand jury report is based on interviews and other information brought forth in the course of the grand jury’s investigation.

Individual Educational Plan and Special Education Compliance

2022/2023 Lassen County Grand Jury

Reason for Inquiry:

Citizens Complaint

Summary:

The Lassen County Grand Jury's - GJ decision to conduct this investigation into all of the Lassen County schools and Education districts was prompted by a complaint submitted to the GJ by a Lassen County resident.

During our investigation, we discovered that all school districts within Lassen County were challenged with the implementation of all Individual Education Plans - IEP and Special Education Programs - SEP. All school districts and the Lassen County Office of Education were found to have adequately adopted the SEP duties and responsibilities; however, it was discovered that due to lack of funding many school districts were unable to fully implement SEPs.

We recommend that all Lassen County school districts, the Lassen County Office of Education and their elected school boards take immediate action to fully implement all standards, policies and procedures and to establish a mechanism to ensure compliance.

Background Information:

During the 2022-2023 GJ cycle, the GJ received a complaint against a specific school district within Lassen County. The complaint outlined several concerns with the school districts' elected board and their superintendent involving an incident regarding a student who met the criteria for Special Education and the implementation of an IEP.

The complaint alleged that the school district named in the complaint refused to follow its adopted SEP policies and procedures. The GJ reviewed the documents submitted with the citizen complaint, as well as the named school districts policies and procedures regarding Special Education and IEPs. Numerous interviews with various members of the Lassen County Education Department and parents were conducted.

Inquiry Procedures:

A committee of the Lassen County Grand Jury:

- Interviewed several individuals associated with the Lassen County Office of Education.
- Interviewed parents.
- Reviewed and evaluated the Policies and Procedures used by the Lassen County Office of Education and local district schools. Documents are listed below.

Government Code 7570-7588

Lassen County Office of Education Policy Document 6159

Lassen County SELPA Policy and Procedural Manual

Westwood Unified School District Policy Document 2110, 2111, 2120 and 6159

Richmond School District Policy Document 6159

Big Valley Unified School District Policy Document 6159

Discussion:

The State of California has adopted several statutes that govern Special Education for students with disabilities. The current statutes require that educators and superintendents successfully implement a program, dictated by policy, which performs assessments, recommends IEPs tailor made to students, and provides teacher aides for students with IEPs.

The purpose is that students with any variety of learning challenges and disabilities be able to fully integrate into the classroom with their peers; assisted by a teachers' aide with an IEP.

The School Board of any named school district is responsible for hiring the school superintendent. The school superintendent is responsible for the implementation of the SEPs, ensuring properly trained teacher aides are available, and that the IEPs for each student are being executed.

School districts receive funding based on a per capita attendance of students as well as additional funding for Special Education students that is designed to accommodate the student's transportation and education needs.

During our interviews and document review, we learned that due to failure of implementation, parents have taken their students out of Lassen County school districts' which has resulted in a loss of funding. The funding shortfall caused by lack of implementation and oversight by each individual school board and its respective superintendent has led to a degradation of all Lassen County School Districts ability to maintain attendance, funding, and implementation of SEPs mandated by statute.

Findings:

The Grand Jury concluded:

F1.

The Grand Jury found that due to partial implementation of policy for Special Education and IEPs throughout Lassen County, parents have transferred students to school districts who will more thoroughly execute policies for their students. This action results in a loss of funding for Lassen County School Districts, making implementation of policies more difficult due to loss of

funding. It is likely that if policy is correctly implemented and followed these issues would be resolved.

F2.

The Grand Jury found that the following school districts do not have policy for IEPs and SEPs readily available for the public or listed online:

- Janesville Union School District
- Johnstonville Elementary School District
- Ravendale/Termo Elementary School District
- Richmond School District
- Schaffer Elementary School District

Recommendations:

R1.

The Grand Jury recommends that all school districts within Lassen County conduct an audit to review, develop standard operating procedures for, and implement all Special Education policies and procedures. Furthermore, the Grand Jury recommends that all school districts and the Lassen County Office of Education develop an oversight committee to oversee the implementation of existing policies for Special Education and IEPs.

R2.

The Grand Jury recommends that any school districts who do not have Special Education and IEP policies readily available to the public post their policies online and retain copies of such policies readily available for public distribution.

DETENTION FACILITIES

California Penal Code 919(b) mandates the Grand Jury “inquire into the conditions and management of all detention facilities within their county.” The following is a summary of those inquiries.

LASSEN COUNTY ADULT DETENTION FACILITY

On February 17, 2023, a seven members of the civil grand jury met at the Lassen County Sheriff’s offices. After a meeting with Sheriff Dean Growden and a brief tour of aspects of the Sheriff’s Department offices, the group undertook its statutorily-required inquiry into the condition and management of the Lassen County Jail. Captain John McGarva, the Custody Division Commander, and Lieutenant Amy Foster, both of the Sheriff’s Department, led the grand jurors on a tour of the jail facility.

HIGH DESERT STATE PRISON

On March 20, 2023, a half dozen members of the civil grand jury met at High Desert State Prison to fulfill its obligation, under the Penal Code, to inquire into the condition and management of the prison. After a brief meeting with Warden Rob St. Andre and many of the facility’s department heads and other employees, the Warden, along with Public Information Officer Jon Sieberg, led the grand jurors on a tour of the prison facility.