

EL DORADO COUNTY
GRAND JURY 2020-2021



FINAL REPORT

Public Release
JUNE 30, 2021



EL DORADO COUNTY GRAND JURY 2020-2021

Final Report

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IN MEMORY OF

Tom Simpson

1947-2020

For his commitment to the El Dorado County Grand Jury

During his 7 years on the Grand Jury, he served the people of El Dorado County well with his leadership, strength of character, wisdom and an untiring desire to improve the County he loved.

- ***2013-14 Juror***
- ***2014-15 Jury Pro Tem***
- ***2015-16 Juror***
- ***2017-18 Jury Foreman***
- ***2018-19 Jury Foreman***
- ***2019-20 Jury Foreman***
- ***2020-21 Jury Pro Tem***



El Dorado County Grand Jury 2020-2021

Jurors

Thomas Murphy- Foreman
David Hulme- Pro-Tem
Lisa Butler
Kelly Carter
Richard Coffin
Jack Cummings
Gael Filgate

Renee Finelli
Bill Knox
Pete Marty
Mary Anne Minnick
Roger Pickler
Jim Pucci
Sue Robbins



STATE OF CALIFORNIA

GRAND JURY
El Dorado County

P.O. Box 472
Placerville, California 95667
(530) 621-7477 Fax:
contact@edcgrandjury.com

2020-2021



June 2021

Honorable Suzanne N. Kingsbury, Presiding Judge
California Superior Court, County of El Dorado

Judge Kingsbury,

The 2020-2021 Civil Grand Jury Final Report is the product of a dedicated panel of El Dorado County citizens. Each juror shares responsibility for the investigations, deliberations and ultimately, the Final Report. It is my privilege to present it to you.

As with the rest of the world, this past year has been a unique challenge due to Covid-19. The jury this year was composed entirely of citizens who had served on the jury previously. At the beginning of a normal jury year, new jurors are required to take a two-day training course. This training was, of course, not an option at this time last year. Acknowledging this dilemma, former jurors (who had already been trained) were recruited to serve again. Because they understood the value of the Grand Jury, these citizens made the time commitment to ensure the continuation of this proud tradition.

Covid-19 also impacted the way the Grand Jury did business. Plenary and committee meetings were conducted via video conferencing. Interviews were done with the interviewee and only two jurors in the Grand Jury room with other jurors joining from their computers at home. At other times, interviews were done entirely remotely. As you might expect, not being able to meet in person was not as productive, and some comradery was lost.

This past October, the jury and El Dorado County suffered a major loss with the unexpected passing of this year's Pro-Tem, Tom Simpson. This was the seventh Grand Jury on which Tom served, and he was Foreperson on three of those juries. Tom's dedication to the grand jury process and our County can be seen in the reports produced during his service. The personal affect he had on those he served with is difficult to put into words. Tom's drive to produce the best product possible and his ability to coax excellent work from his fellow jurors will stand as an inspiration to those of us who had the good fortune to serve with him.

I want to thank Senior Deputy County Counsel Paula Frantz, Amy Miller in the Auditor-Controller's Office and Assistant Court Executive Officer Shelby Wineinger for their valuable and continued support, which is essential to maintaining the operation and integrity of the Grand Jury.

I am honored to have served with a great group of jurors this year. I especially want to thank David Hulme, Pro-Tem, for his selfless assistance. I cannot say enough good things about their commitment to help improve the County for all of its citizens.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Thomas Murphy", written over a horizontal line.

Thomas Murphy, Foreperson – El Dorado County Grand Jury
cc: Honorable Mark A. Ralphs

The Superior Court

STATE OF CALIFORNIA
COUNTY OF EL DORADO
2850 Fairlane Court
Placerville, CA 95667

June 24, 2021

To the Members of the 2020/2021 El Dorado County Grand Jury,

On behalf of the El Dorado County Superior Court, I would like to express my appreciation for all your hard work and dedication. I wish to recognize the extraordinary service rendered by the 2020/2021 civil grand jury. The time and effort involved in grand jury service is significant, even in normal years. Because of the COVID-19 pandemic and the associated restrictions on gathering, you faced and overcame unusual challenges.

During the past year, as members of our civil grand jury, you have provided independent oversight of the operation of various local governmental agencies. You have inspected the adult and juvenile detention facilities operating in El Dorado County. You have reviewed processes and procedures, looking for ways in which government can operate more efficiently, effectively, and with more transparency.

Despite the long hours and the challenges associated with COVID-19 and social distancing requirements, you have worked tirelessly to conduct thorough investigations and provide comprehensive reports and recommendations. Your efforts and those of your predecessor grand jurors, have made El Dorado County a better place.

Thank you for your service.

Very truly yours,



Mark A. Ralphs,
Judge of the Superior Court

RESPONDING TO A GRAND JURY REPORT

The written response of each named respondent will appear in a publication to the citizens of El Dorado County. Each must include the name of the Grand Jury report along with the name and official title of the respondent.

California Penal Code Section 933.05 mandates specific requirements for responding to grand jury reports. Before preparing an official response, carefully review the Penal Code and note the pertinent provisions outlined below. Each respondent must use the formats below for responses to each separate finding and recommendation identified above.

Please pay close attention to required explanations and timeframes. Incomplete or inadequate responses will likely prompt further investigative inquiries by the Grand Jury and/or the court.

RESPONSE TO FINDINGS

Finding F#. [*Retype the text of the finding as written in the Grand Jury report, # is the finding number in the report.*]

Response: *Review California Penal Code section 933.05 (a) (1) and (2).*

Respondents must specify one of three options:

- 1. Respondent agrees with finding,*
- 2. Respondent disagrees wholly with finding or*
- 3. Respondent disagrees partially with finding.*

If respondent uses option 2 or 3, the response must specify the disputed finding and include a clear explanation.

IMPORTANT NOTE ABOUT GRAND JURY FINDINGS

The Grand Jury derives Findings from testimony and evidence. All testimony and evidence given to the Grand Jury remains confidential by law, and it is the Grand Jury's responsibility to maintain it. California Penal Code §929 provides "... the name of any person, or facts that lead to the identity of any person who provided information to the Grand Jury, shall not be released." Further, 86 Ops. Cal. Atty. Gen. 101 (2003) prohibits grand jury witnesses from disclosing anything learned during their appearance including testimony given. This is to ensure the anonymity of witnesses and to encourage open and honest testimony.

RESPONSE TO RECOMMENDATIONS

Response R#. [Retype the text of the recommendation as written in the Grand Jury report, # is the recommendation number in the report.]

Response: Review California Penal Code section 933.05 (b) (1) - (4).

Respondents must specify one of four options:

1. Recommendation has been implemented.
2. Recommendation has not been implemented but will be implemented noting a timeframe.
3. Recommendation requires further analysis or study noting a timeframe not to exceed six months from date Grand Jury Report was issued.
4. Recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

TIME TO RESPOND

The California Penal Code specifies response times.

PUBLIC AGENCIES- The governing body of any public agency (also referring to a department) must respond within 90 days from the release of the report to the public.

ELECTIVE OFFICERS OR AGENCY HEADS- All elected officers or heads of agencies/departments are required to respond within 60 days of the release of the report to the public.

FAILURE TO RESPOND

Failure to respond as required to a Grand Jury report violates California Penal Code Section 933.05 and is subject to further action that may include additional investigation on the subject matter of the report by the Grand Jury.

WHERE TO RESPOND

All responses must be addressed to the Presiding Judge of the El Dorado County Superior Court.

Honorable Suzanne N. Kingsbury
Presiding Judge of the El Dorado County Superior Court
1354 Johnson Blvd, Suite 2
South Lake Tahoe CA 96150

Response via Email to courtadmin@eldoradocourt.org is preferred.

CALIFORNIA PENAL CODE SECTION 933

933.(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

CALIFORNIA PENAL CODE SECTION 933.05

933.05 (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented 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 or study, and a timeframe for the matter to be prepared for discussion by the officer or head 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.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.