

OFFICE OF THE
LAKE COUNTY DISTRICT ATTORNEY



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August 28, 2014

Honorable Stephen O. Hedstrom
Judge of the Superior Court
255 North Forbes Street
Lakeport, CA 95453

RE: 2013-2014 Grand Jury Report
District Attorney's Response to Findings and Recommendations

Honorable Stephen O Hedstrom:

Pursuant to California Penal Code Section 933.05, the Lake County District Attorney's Office makes the following responses to findings and recommendation in the 2013-2014 Lake County Civil Grand Jury Final Report:

LAKE COUNTY CODE ENFORCEMENT

Findings:

F-1 The respondent does not have sufficient information to respond to this finding.

F-2 The respondent agrees with this finding.

F-3 The respondent disagrees partially with this finding. Ordinance number 2997 Section 72.7(e) provides that the Sheriff's Department has the primary responsibility for enforcement of this marijuana ordinance. As an elected constitutional officer the Sheriff's "Responsibilities" are set forth in the California Government Code and the California Constitution, and not by County Ordinance. The Sheriff may elect to take on

the responsibility of being the primary enforcement agency, but can not be mandated to do so by the County Ordinance.

F-4 The respondent disagrees partially with this finding. California Health and Safety Code Section 11489 provides for a distribution of asset forfeiture funds. As set by statute, after paying off bona fide or innocent purchasers, vendors or mortgagees and costs, 65% goes to the seizing law enforcement agency; 24% the State General Fund; 1% to the California District Attorney Association; and 10% to the District Attorney's Office.

F-5 The respondent agrees with this finding.

F-6 The respondent does not have sufficient information to respond to this finding.

F-7 The respondent agrees with this finding.

F-8 The respondent agrees with this finding.

F-9 The respondent does not have sufficient information to respond to this finding.

Recommendations:

R-1 The respondent does not have sufficient information to respond to this recommendation.

R-2 The respondent does not have sufficient information to respond to this recommendation.

R-3 The respondent does not have sufficient information to respond to this recommendation.

R-4 The respondent does not have sufficient information to respond to this recommendation.

R-5 The respondent does not have sufficient information to respond to this recommendation.

R-6 The recommendation has not yet been implemented, but will be implemented in the near future before January 1, 2015

OVERSIGHT OF IN-HOME SUPPORT SERVICES

Findings:

F-1 The respondent does not have sufficient information to respond to this finding.

F-2 The respondent does not have sufficient information to respond to this finding.

F-3 The respondent does not have sufficient information to respond to this finding.

F-4 The respondent does not have sufficient information to respond to this finding.

F-5 The respondent agrees with this finding.

Recommendations:

R-1 The respondent does not have sufficient information to respond to this finding.

R-2 The recommendation has been implemented. The Department of Social Services and the District Attorney's Office have signed a Memorandum of Understanding whereby the Department of Social Services will pay for a half-time prosecution to prosecute welfare and IHSS cases.

HILL ROAD JAIL

Findings:

F-1 The respondent agrees with this finding.

F-2 The respondent agrees with this finding.

F-3 The respondent agrees with this finding.

Recommendations:

R-1 The recommendation has been implemented. The District Attorney's Office, with staff at the jail, the courts and other government offices have actively been addressing this issue.

DISTRICT ATTORNEY

Findings:

F-1 The respondent agrees with this finding.

F-2 The respondent agrees with this finding.

F-3 The respondent agrees with this finding.

F-4 The respondent agrees with the finding.

F-5 The respondent agrees with the finding.

Recommendations:

R-1 The recommendation requires further analysis and discussion with the Board of Supervisors. The District Attorney's Office continues to lobby and request funding from the Board for an environmental prosecutor and investigator; however, such funding has not as of yet been approved.

R-2 The recommendation has been implemented. A procedure for impaneling a criminal Grand Jury has been implemented with the cooperation of the Superior Court. Criminal Grand Juries have been impaneled for five separate cases. As of this time no environmental crimes have been taken to a grand jury, largely do to the fact there are no resources to do sufficient investigations into environmental crimes.

R-3 The recommendation will not be implemented because it is not warranted or reasonable. There is not a sufficient consumer crime case load to warrant a separate unit within the District Attorney's Office. Additionally, it is difficult to prosecute major and more traditional crimes with the available staffing. It is not feasible or a good use of available resources to create a specialized consumer crimes unit.


Don A. Anderson
Lake County District Attorney