Superior Court
State of California
COUNTY OF KERN

JUDITH K. DULCICH
Judge

1415 Truxtun Avenue
Bakersfield, CA 93301
(661) 868-4934

Dear Members of the 2020-2021 Kern County Grand Jury:

You have been duly impaneled, sworn and now constitute the 2020-2021 Kern County Grand Jury. In accordance with Penal Code section 914, it is my duty to instruct and charge you concerning the functions and laws that apply to your work. It is your duty to follow these instructions. You will be provided with a procedures manual and training courses to assist you in carrying out your duties.

Your responsibilities are chiefly investigatory. There are two broad components.

- First, to examine the functioning and performance of public offices and officers. You will report on your examinations and you may make recommendations for changes to the operations and structure of public offices or agencies. This is sometimes called the civil or "housekeeping" function.

- Second, to inquire into possible public offenses and, more rarely, allegations of misconduct in office of public officers and then determine whether to return indictments charging the commission of public offenses, or accusations in the case of public office misconduct. This responsibility is sometimes called the criminal function.

Most grand juries have found their various functions are more easily accomplished by dividing into committees. There is no hard and fast rule as to what or how many committees you should organize. In the past, grand juries have functioned through committees such as administrative, criminal justice, health & welfare, and various other special committees. The foreperson makes committee appointments after having had an opportunity to become acquainted with all members of the grand jury, including the background, occupation, and general qualifications of each member. Each committee will take part in selecting its' own chairperson.

The 19 of you are expected to work as a body of one. You will need to determine a specific day and time for a regular weekly group meeting as well as set the operating schedule for your committee. Depending upon the work you do, there may be additional days requiring your participation and attendance with the entire Grand Jury. Further, you shall hold sessions when requested by the District Attorney for the presentation of criminal cases; or when requested by the Presiding Judge; and when directed by the Attorney General.

The Grand Jury is required by law to inquire into or investigate & report certain agencies or institutions. The majority of these required reporting fall under the Law and Justice Committee. To ensure that all other committees are functioning at a standardized pace, the Court, by this charge, will require all committees to investigate and report on a minimum of 2 entities under that committees' jurisdiction.

When an investigation on a specific criminal charge is being conducted the services of a court reporter are available to take and transcribe testimony. The court reporter is not available for recording your ordinary business. When a court reporter is needed, the Foreperson must give reasonable notice to the Superior Court Liaison and District Attorney's Office, to ensure the reporter's presence; which is a statutory requirement. The Foreperson must administer an oath to the reporter before the reporter undertakes his or her reporting duties. An oath form is provided in the manual.

Through your Foreperson you may ask the advice of the Presiding Judge, the County Counsel, or the District Attorney. Unless advice is requested, only members of the Grand Jury can be present during your sessions. The District Attorney may appear before you for the limited purpose of giving information or advice as to matters within their authority. Only Grand Jury members may be present during the expression of the opinions of the Grand Jurors or when the Jury votes.

You may seek advice from the County Counsel on civil matters. As to administrative and organizational matters, the issuing of reports or other similar matters, the Foreperson may contact the Presiding Judge for advice.

Grand Jury proceedings are confidential and are not to be discussed outside of the Grand Jury. Unauthorized disclosure of Grand Jury matters is a criminal offense. No grand juror has any authority to act individually. All visits made on behalf of the Grand Jury are to be made with two or more Grand Jurors present. Action may be taken only after a majority of grand jurors has authorized the action.

Monday, October 5, 2020, you are to report to the 6th floor, Grand Jury Office for your training session. This will mark your first official day of duty.

The public rightfully expects you will diligently and impartially perform your duties, dedicating yourselves to the furtherance of the general good. I have confidence in each of you and I am equally confident your term will prove to be rewarding for you and the citizens of the County whom you have chosen to serve.

Judith K. Dulcich

Judith K. Dulcich, Presiding Judge
Superior Court of California, County of Kern

STATEMENT OF THE 2020-2021 KERN COUNTY GRAND JURY

In 1849, the California State Constitution was adopted mandating that no one "be held to answer for a capital or otherwise infamous crime…unless on presentment or indictment of a grand jury." Later amendments to the constitution in 1879 require that a grand jury "be drawn and summoned at least once a year in each county." The first Kern County Grand Jury was appointed by the Kern County Board of Supervisors in 1866.

As it operates today, the grand jury is a part of the judicial branch of government – *an arm of the court*. It does not have the functions of either the legislative or administrative branches and it is not a police agency; it is an inquisitorial and investigative body. The primary function of the grand jury, and the most important reason for its existence, is the examination of all aspects of county government, special districts, cities, and citizen complaints to insure that these bodies are being effectively governed and that public funds are being judiciously handled – in general, assuring that honest, efficient government is carried out in the best interest of the people. Additionally, the law mandates the grand jury inquire into the condition and management of public prisons within the county. For over 154 years, the Kern County Grand Jury's mandate has not changed – it is a *watchdog* for the public.

All 58 counties in the State of California are required by law to seat a grand jury each year. Grand jury recruitment occurs annually, typically starting early January through mid-April. Each year the Kern County Superior Court solicits applications for citizens to serve on the Grand Jury.

Pursuant to Penal Code sections 888 et seq., the Superior Court is charged with nominating qualified citizens to serve as members of the grand jury. To accomplish this, the court follows set procedures. The objective is to obtain a pool representative of the ethnic and cultural diversity of our county at large. The recruitment and selection of qualified jurors is the most critical factor in determining how effective any grand jury will become.

Citizens interested in grand jury service must submit an Application for Nomination. A background check is then made to determine if the applicant is qualified. A committee of Superior Court Judges interviews each qualified applicant to discuss their interests, qualifications, and the duties they will be expected to undertake. The Superior Court Judges make their nominations to the Presiding Judge.

In the Spring of each year, a drawing is held by the Clerk of the Court that reduces the list of prospective jurors to the 30 people who will be in the final drawing. The final random drawing

occurs the third week of June. Before the drawing begins, the Presiding Judge identifies members from the previous grand jury to be held over as members of the new Grand Jury. The Presiding Judge may hold over as many as ten members from the previous grand jury. Once this is done, a drawing is held to select the rest of the 19-member jury, plus up to ten alternates. The purpose of selecting alternates is so that they may replace any juror unable to complete a full term. The new grand jury is sworn in and instructed as to their responsibilities. **Grand jurors are sworn to a lifetime of secrecy. Grand jury proceedings are confidential and are not discussed outside of the grand jury offices.** The Kern County Grand Jury is housed in the Superior Court building in downtown Bakersfield and meets four days a week, five hours per day during the fiscal year of July through June.

The Grand Jury exercises powers in three ways:

(1) Issues reports that contain findings and recommendations to identify and help solve problems revealed during investigations.

(2) Hears criminal matters brought before it by the District Attorney or Attorney General seeking an indictment for a criminal offense.

(3) The District Attorney may bring before the Grand Jury a case against a public officer for misconduct and seeking a formal accusation to remove them from office.

In order to more efficiently conduct investigations, standing committees have been established:

- Administration, Audit, and County Services oversees and reviews county departments in their management, performance, and fiscal responsibilities to the taxpayers of Kern County.

- Cities and Joint Powers oversees and reviews all incorporated cities and Joint Powers Agreements within Kern County. This committee also investigates records, accounts, officers, departments and functions of the cities.

- Health, Education, and Social Services is responsible for reviewing and overseeing the operations of all schools, and county departments dealing with health and social services.

- Law and Justice conducts inquiries into the condition and management of all state public prisons within the county. Additionally, the committee is responsible for reviewing and investigating all law enforcement agencies, jails, and various county justice departments.

- Special Districts oversees and reviews the management, performance, and the execution of fiscal responsibilities of special districts within the county.

Ad Hoc committees are formed to assist other committees as needed.

The Grand Jury is charged with reviewing complaints received from citizens and determining if an inquiry or investigation is warranted.

In order to effectively fulfill its' responsibilities, the Grand Jury may subpoena persons and/or documents to obtain information on entities or subjects under investigation.

All 19 grand jurors take part in the review of and are responsible for the content of all reports. Upon completion of each report, after a review by County Counsel, a copy is provided to the Presiding Judge and upon approval is released to the public. Each report indicates to which entity or entities the report is addressed and provides a date for them to respond, specifically addressing each finding and recommendation. Each report and response is placed on the Kern County Grand Jury website. At the end of the year, all reports and responses received to date are consolidated into a Final Report, given to the Presiding Judge, and entered on the Grand Jury website.

In order for the Grand Jury to operate effectively, five internal (non-investigative) committees have been created:

- Continuity (monitors Board of Supervisor meetings)
- Public Relations
- Grand Jury Library
- Budget
- Edit and Final Report

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Grand Juror's Oath

> "I do solemnly swear (affirm) that I will support the Constitution of the United States and of the State of California, and all laws made pursuant to and in conformity therewith, will diligently inquire into, and true presentment make, of all public offenses against the people of this state, committed or triable within this county, of which the grand jury shall have or can obtain legal evidence. Further, I will not disclose any evidence brought before the grand jury, nor anything which I or any other grand juror may say, nor the manner in which I or any other grand juror may have voted on any matter before the grand jury. I will keep the charge that will be given to me by the court." (Penal Code § 911.)

KERN COUNTY

GRAND JURY MEMBERS

NAME	TERMS SERVED	CITY	NOMINATING JUDGE
Aguilu, Bradley	2016-2017, 2017-2018, 2019-2020 2020-2021	Tehachapi	Hon. J. K. Dulcich
Amstead, Robert R.	2016-2017, 2017-2018, 2020-2021	Tehachapi	Hon. J. D. Oglesby
Brakebill, Dale S.	2020-2021	Bakersfield	Hon. C. M. Humphrey
Bryant, Michael	2018-2019, 2020-2021	Bakersfield	Hon. C. M. Humphrey
Callison, Christine L.	2020-2021	Arvin	Hon. J. D. Oglesby
Casey, Linda S.	2018-2019, 2020-2021	Bakersfield	Hon. J. W. Lua
Elliott, Dennis M.	2013-2014, 2014-2015, 2016-2017, 2017-2018, 2019-2020, 2020-2021	Bakersfield	Hon. J. K. Dulcich
French, Ellen J.	2019-2020, 2020-2021	Bakersfield	Hon. J. K. Dulcich
Gaeta, Fernando N.	2020-2021	Bakersfield	Hon. J. W. Lua
Garcia, Fredrick F.	2015-2016, 2016-2017, 2019-2020, 2020-2021	Bakersfield	Hon. J. K. Dulcich
Gentile-Royal, Gayle	2018-2019, 2020-2021	Pine Mountain Club	Hon. J. D. Oglesby
Grissom, Ray W.	2014-2015, 2015-2016, 2017-2018, 2020-2021	Bakersfield	Hon. R. W. Wyatt
Hall, Ernest L.	2020-2021	Bakersfield	Hon. R. W. Wyatt
House, Judith K.	2013-2014, 2014-2015, 2016-2017, 2017-2018, 2020-2021	Bakersfield	Hon. R. W. Wyatt
Jackson, Kathy J.	2019-2020, 2020-2021	Bakersfield	Hon. J. K. Dulcich
Lyday, Bonnie M.	2018-2019, 2020-2021	Bakersfield	Hon. R. W. Wyatt
Mankoff, Rose M.T.	2019-2020, 2020-2021	Tehachapi	Hon. J. K. Dulcich
Rodriguez, Marcia A.	2020-2021	Bakersfield	Hon. G. A. Pulskamp
Schaffel, Donna L.	2014-2015, 2015-2016, 2017-2018, 2018-2019, 2020-2021	Frazier Park	Hon. G. A. Pulskamp

2020-2021 KERN COUNTY GRAND JURY

GRAND JURY SUMMARY OF ACTIVITIES

REPORTS WRITTEN

City of Arvin
City of Maricopa
City of McFarland
Fairfax School District
Kern County Employees Retirement Association
Kern County Sheriff's Office Property & Evidence Facility
Westside Water Authority

WHITE PAPER

Kern County Homeless

COMPLAINTS RECEIVED

Twenty-five

VISITS and INTERVIEWS BY GRAND JURY INCLUDE:

Alliance Against Family Violence and Sexual Assault
Bakersfield City Fire Department
Bakersfield Homeless Center
Bakersfield Kern Regional Homeless Collaborative
Belridge Water Storage District
Berrenda Mesa Water District
California City Correctional Facility
California Correctional Institution
City of Arvin
City of Bakersfield
City of Maricopa
City of McFarland
Fairfax School District
In-Home Support Services of Kern County
James G. Bowles Juvenile Hall
Kern County Administrative Office
Kern County Board of Supervisors
Kern County Department of Human Services
Kern County District Attorney's Office
Kern County Employees Retirement Association
Kern County Fire Department
Kern County General Services
Kern County Human Services
Kern County Sheriff's Office Central Receiving Facility
Kern County Sheriff's Office Property/Evidence Facility
Kern County Sheriff's Office Lerdo Facilities
Kern County Sheriff's Office – Air Support, Bomb Squad, K9 Unit, Crisis Response
Kern County Superintendent of Schools
Kern County Superintendent of Schools – Schools Legal Services
Kern Regional Crime Laboratory
Kern Valley State Prison
Larry J. Rhoades – Kern Crossroads Facility
North Kern State Prison
Taft Modified Community Correctional Facility
The Mission
Unified Way of Kern County
Wasco State Prison
Westside District Water Authority
Westside Water Authority

INDICTMENTS

The Grand Jury hears indictment proceedings as requested by the District Attorney's office
The Grand Jury completed by publication date: Case No. BF 185018A-G Insurance Fraud

INQUIRIES

Kern County State Prisons – per Pen. Code § 919(b)

INMATE COMPLAINT INTERVIEW

Kern Valley State Prison

Foreman Message

The Grand Juries of 2019-2020 and 2020-2021 have had unique struggles during the Covid-19 pandemic. Six of the above listed 2020-2021 Grand Jurors also served during the 2019-2020 term; two came on as alternates after the pandemic struck. When the Grand Jury was shut down from mid-March to May 2020, as the State and Kern County took a step back to figure out how best to conduct business, the Grand Jury's future was uncertain. Covid-19 office safety measures were developed with the help of the Health Department and County Human Resources. The 2019-2020 Grand Jury extended their commitment until mid-September to hear additional cases and evidence presented by the District Attorney's Office.

Only six of the current members of the 2020-2021 Grand Jury are new to grand jury service. The above listed jurors range in age from 49 to 83, most over the age of 65 – a high risk group that is encouraged to limit contacts. This is important to recognize during this pandemic because it highlights a strong work ethic and dedication to serving their community. While others were avoiding contact with the public and staying in their homes, these 19 individuals came together day after day, four days a week, conducting investigations while observing Covid-19 guidelines.

Challenges abound. Twice the Grand Jury shut down due to positive tests. To the best of our knowledge, no juror has passed Covid-19 to a colleague. Undaunted, the Grand Jury continued to conduct investigations recognizing the process was slowed, not only by shutdowns, but Covid-19 issues affecting individuals, offices, organizations, etc., that were the subject of their inquiries.

In these trying times, there has been no public event to acknowledge the service and dedication of this Grand Jury and none is needed. The members of the Grand Jury serve to make a difference, to make a positive change in their community, and that is the ultimate reward. It has been my honor and privilege to serve with this dedicated group of people.

Rose M.T. Mankoff, Foreman
2020-2021 Kern County Grand Jury

JURY MEMBERS AND SUPPORT STAFF

ROSE M.T. MANKOFF, Foreman

BRAD AGUILU	Pro Tempore, Information & Technology
RENN AMSTEAD	Fee Manager
SHAWN BRAKEBILL	
MICHAEL BRYANT	Sergeant-at-Arms, Information & Technology
C.C. CALLISON	Information & Technology
LINDA CASEY	
MIKE ELLIOTT	
ELLEN FRENCH	
FERNANDO GAETA	Parliamentarian, Sergeant-at-Arms
ERNEST HALL	
FRED GARCIA	Sergeant-at-Arms
GAYLE GENTILE-ROYAL	Fee Manager
RAY GRISSOM	
JUDI HOUSE	Recording Secretary
KATHY JACKSON	
BONNIE LYDAY	
MARCIA RODRIGUEZ	
DONNA SCHAFFEL	

Honorable Mention **"Lady Bug" -** Licensed Service Alert Dog

ALSO SERVED:

KACEY POWERS
REGINA VELASQUEZ

Kern County Office Support Personnel

PAT CHAMPLIN, Office Service Technician

ELEANOR LARA, Senior Office Service Technician

2020-2021 Kern County Grand Jury Presiding Judges:

Honorable Judith K. Dulcich (2020)

H**onorable Colette M. Humphrey** (2021)