

Grand Jury Final Report 2017/2018



March 21, 2018

As reviewed by the Honorable Judges Nathan Tod Young & Thomas Gregory

Table of Contents:

Introduction..... i

Acknowledgments iii

Recommendations for the Future v

Grand Jury Generated Reviews 1

 Jails/China Spring Youth Camp Committee 1

 911 Emergency Services Committee 5

 East Fork Fire Protection District Committee 8

 North County Redevelopment Agency Committee 10

 Schools Committee 12

 Fraud and Theft in the Vehicle Maintenance Department Committee 16

 County Commissioner Non-Meetings and Appointments Committee 28

Community Generated Complaints..... 30

 Complaint #1 - Concerning Douglas County Hiring Practice 30

 Complaints #2 and #3 - Concerning Transparency in Douglas County 31

 Complaint #4 – Concerning Douglas County Parks Topaz Lake Cash Handling 33

 Complaint #5 – Concerning Douglas County Sheriff’s Department “Performance Standards”
 36

 Complaint #6 - Concerning Former Douglas County Sewer Improvement District #1 40

 Complaint #7 - Concerning Violations of Several Nevada Revised Statutes 41

 Complaints #8a and #8b – Concerning Attorney-Client Privilege Practices in the Douglas
 County District Attorney's Office 42

 Complaint #9 - Concerning Review of Douglas County General Improvement Districts 44

 Complaint #10 - Concerning the Current System for Code Enforcement 45

Grand Jury Indictments 46

 Summary of Criminal Indictment: 46

 First Criminal Complaint and Indictment: 47

 Second Criminal Complaint and Indictment: 48

 Third Criminal Complaint and Indictment: 51

Conclusion 52

Introduction

On Wednesday, January 25, 2017, a 17-member Douglas County Grand Jury was impaneled by the Honorable Nathan Tod Young and the Honorable Thomas Gregory, 9th Judicial District Court Judges for Douglas County, Nevada. Twelve alternates were also selected. The 2017/2018 Grand Jury was impaneled in response to the substantial period of time since the Grand Jury reviewed the operation of Douglas County government in 2007/2008.

The Grand Jury is an autonomous group of citizens empowered by the District Court and the State of Nevada to investigate the workings of county government operations and to make recommendations for corrective actions when warranted.

The Grand Jury has the power of subpoena, may compel testimony, hears all evidence in secret, and can indict to initiate criminal prosecutions of crimes within the county. These characteristics make the Grand Jury uniquely suited to inquire into official corruption, the wrongful performance of a lawful act, and criminal activity on behalf of the citizens of Douglas County. Members of the Grand Jury were selected as specified in the Nevada Revised Statutes Section 6.120. The statute requires that 36 people be able and willing to serve. Questionnaires were sent to all potential jurors to determine their ability and willingness to serve. The qualified individuals were summoned and briefly interviewed by Judges Young and Gregory.

The charges for a general Grand Jury are set forth in Nevada Revised Statutes 172.175. This statute specifically provides that each Grand Jury that is not impaneled for a specific limited purpose shall inquire into:

- 1) The case of every person imprisoned in the jail of the county, on a criminal charge, concerning whom an indictment has not been found or an information or complaint not filed.
- 2) The condition and management of any public prison located within the county.
- 3) The misconduct in office of public officers of every description within the county, which may constitute a violation of a provision of Chapter 197 of NRS. (Chapter 197 addresses Crimes concerning the Executive Power.)

A Grand Jury that is not impaneled for another specific limited purpose may inquire into all matters affecting the morals, health and general welfare of the inhabitants of the county, any administrative division thereof and any township, unincorporated towns, or irrigation districts therein.

A Grand Jury term of empanelment is one year and community members selected serve voluntarily.

The 2017/2018 Grand Jury began its investigations by inviting members from previous Grand Juries to discuss their experience and offer their guidance as to organization and process. Their insight was most helpful to the newly formed jury and provided the basis for timely organization, committee assignment and election of officers.

Officers elected: Foreperson, Vice-Foreperson, Secretary, Assistant Secretary. Constable Paul Gilbert served as Sergeant-at-Arms and his deputies served as security during meetings. Meeting times were scheduled weekly.

We also reviewed the final reports of the 2000/2001 and the 2007/2008 Grand Juries to see what recommendations were made. The results of this survey, whether these recommendations were implemented or not and how effectively, will be covered in subsequent sections of this report:

- 1) Grand Jury Generated Reviews
- 2) Community Generated Complaints with Recommendations.

The 2017/2018 Grand Jury dedicated themselves to producing a quality final report. Commitment, perseverance, and hard work remained constant throughout the Jury's term. In gathering information to answer the complaints or investigate issues, we were alert and sensitive to the importance of avoiding any personal bias and maintaining impartiality. At the beginning of the term, one Grand Jury member was unable to commit to the one-year term after selection and an alternate was called to replace him. All other Grand Jury members were able to attend and participate regularly.

Acknowledgments

The members of the 2017/2018 Grand Jury considered it an honor and privilege to have served the citizens of Douglas County. We made every effort to thoroughly review the complaints we received; analyze the data we were presented; listen carefully to the testimony; and prepare accurate, informative reports. Every member participated with unwavering dedication and commitment to conduct an honest review of our county government.

The members of the Grand Jury wish to thank the citizens who submitted complaints. We realize it took time and effort and we appreciate your involvement in helping to improve the operations of Douglas County government. Your role in the Grand Jury process was critical. We thank you for caring.

There was a group of individuals that assisted us behind the scenes who provided invaluable and greatly appreciated service to us during our tenure. We cannot express our gratitude enough for the hours, the patience and the information they provided.

- The Honorable Judge Nathan Tod Young and the Honorable Judge Thomas W. Gregory for your clear concise instructions and for patiently answering our many questions and concerns. (and Christmas pizza)
- Constable Paul Gilbert greeted us every meeting and tour with a smile and sense of humor. The hours Constable Gilbert volunteered to assist us (most after working a full day) were beyond appreciation. Your guidance and understanding were valued at the highest level. (and Valentine Day's candy)
- Deputy Constables Dennis Slater and Rick Souza provided us with security during our meetings and tours; always with professionalism and respect. Your presence lent us a comfort level, so we could perform our tasks without concern.
- Officer Jim Kuehn was at the main door providing security every meeting, staying until we adjourned, often after 9:00 p.m. You were always professional and pleasant, and made certain we were all safe as we got into our cars and on our way home after every meeting.
- Attorney Alice Campos Mercado for your service to us. You always responded quickly and efficiently to our requests. Your professionalism and integrity during all the proceedings were respected. We are grateful for all the times you kept us focused and out-of-trouble. It was a pleasure working with you and getting to know you.
- Capitol Reporters, Nicole Hansen and Christy Joyce, for your proficient and dedicated service. The long, and sometimes tedious hours of recording and transcribing you did for us was amazing; always with a smile and never a complaint.
- District Attorney Mark Jackson for your professionalism and sensitivity while presenting some very difficult material during the indictment procedures.
- District Court Administrator/Clerk of Court Bobbie R. Williams and Court Operations Specialist Kristin Wilfert for your many long hours of patiently and professionally clerking court hearings and meetings.

- Nevada Division of Investigation team for the professional and informative presentations. The information was of great assistance and saved us an incredible amount of time.
- Every current and former elected county officer, department head and employee that appeared before us, for your honest and sincere testimony. Many questions asked were difficult, but you conducted yourselves professionally and truthfully. We respect your positions, the duties for which you are responsible and the testimony you provided to us.
- The many locations and facilities we toured. Every door was opened with pride for your facility and every level of staff was professional, helpful, and pleasant. We truly enjoyed seeing (and eating at one location) the inner workings and challenges faced. We left with a deep and better appreciation for the “on-line” staff, the tasks, and regulations you face every day. You take pride in your work and sincerely want to do a good job for the citizens of Douglas County. We admire your dedication and thank you for your service.

Recommendations for the Future

Ten (10) years have elapsed since the previous Grand Jury review and report. The Grand Jury process provides an avenue for review of citizen complaints and suspicion or knowledge of misdoing. Frequent wellness checks on government are in the best interests of its citizens. Although the Grand Jury process comes at a cost to taxpayers, the lack of a timely Grand Jury review over the past ten years has proven to be far costlier.

The 2017/2018 Grand Jury members encourage the 9th Judicial District Court Judges to impanel a new Grand Jury within the next five (5) years and at a minimum of every five-year interval thereafter.

The 2017/2018 Grand Jury members request the county commissioners, elected officers, department heads and county employees to read the 2017/2018 Grand Jury Report. We believe the contents of this report contain pertinent information that will provide guidance in improving county government and the service provided to the citizens of Douglas County. Most of the testimony we heard indicated that few of our leaders and/or county staff had read previous Grand Jury Reports. This is unfortunate and indicates a lack of commitment to enhance the quality of our county government.

Recommendations to the Future Grand Jury:

Participating in the Grand Jury is an honor, a responsibility and is time-consuming. You will learn a great deal about county government and how it functions. Your role is critical and essential. You will gain a deeper respect and understanding of the government process. You personally will gain a great sense of contribution and accomplishment.

There were some areas the 2017/2018 Grand Jury truly wanted to address but were unable to do so because of time restraints. There are also some areas in which we continue to have concern. Whatever your role and whatever you choose to investigate we wish you the best in all your endeavors.

The 2017/2018 Grand Jury members respectfully ask you to consider the following recommendations in no specific order of priority:

- Don't hesitate to request consultation with former Grand Jury members throughout your process.
- The County Cost Allocation procedure – why, what departments, justification.
- Continued review of the cash collection procedures at Topaz Lake.
- Compliance with former Grand Jury recommendations.
- Review of county budget process.
- Roads Maintenance Department (county road maintenance and schedule).
- Tour and have presentation from (Geographic Information Systems) GIS Division.
- Continued review of active shooter/lockdown drill education for schools.

Grand Jury Generated Reviews

Jails/China Spring Youth Camp Committee

Summary:

No complaints were received by the Grand Jury regarding the Jails, Juvenile Detention facilities or China Spring Youth Camp. Concerns and findings of the last two Grand Juries were reviewed and discussed.

Description of Investigative Findings:

Tours were conducted of the main detention facility in Minden, the Lake Tahoe Jail and Juvenile Detention Center and the China Spring Youth Camp. A subsequent visit to the Minden facility focusing on the recreation area, nurse's office and library was also conducted.

Main Detention Facility in Minden:

The Grand Jury, accompanied by a sergeant and deputy sheriff, toured the main detention center in Minden. The tour was very informative. All questions were answered thoroughly, and clarifications provided when requested.

Resulting from the visit, along with discussions with department personnel a few areas of concern were identified:

- 1) Emergency egress;
- 2) Emergency lighting;
- 3) Emergency power;
- 4) Every inmate paired with a scheduled court date;
- 5) Vehicle equipment room in sally port (a secured, controlled entryway) utilized as record storage;
- 6) Tools and other objects stored on the inside perimeter of the sally port could be utilized by inmate workers as weapons;
- 7) Improved software in booking to streamline the process and eliminate replication of data entry.

Questionnaires were sent to the proper department personnel and responses received in a timely manner regarding emergency egress, lighting and power. Those systems were found to be in place and functioning properly.

The Jury reviewed the inmate roster along with assigned court dates and found no discrepancies.

One of the highlights of the tours was the kitchen facilities at the main jail. The organization of all types of cooking and preparation stations, food storage, the raised platform for observing operations and numerous manuals related to food preparation and safety were in compliance. Knives and other implements that needed to be accounted for were stored in such a way that

anything not returned to its place would be immediately noticeable. The facility was extremely organized.

Recommendations:

The Grand Jury makes the following recommendations in no specific order of priority:

- 1) Secure objects in the Sally Port that could be used as weapons
- 2) Records stored in the Vehicle Equipment room should be relocated and that room utilized for its intended purpose
- 3) Updating of software used to process inmates should be considered

Lake Tahoe Jail/Juvenile Detention Center:

The Jail/Detention committee made a visit to the Lake Tahoe Jail/Juvenile Detention Center. Both institutions are in the same building. Passage between facilities is controlled by a secured portal. Measures are in place, so Juveniles never encounter or are viewed by adult inmates. One area of concern was the limited number of staff typically on duty. Additional deputies are brought in for the movement of inmates; however, there are possible events that could conceivably endanger the staff or inmates.

The Grand Jury found all the staff encountered to be courteous, very knowledgeable and extremely professional. Numerous questions were fielded by the staff and answered in as much detail as was required.

The visit with personnel at Juvenile detention was very enjoyable. In addition to the extensive knowledge and professionalism they portray, the passion for their work and the concern they held for those they supervised were beyond exceptional.

Recommendations:

No Recommendations for this area.

China Spring Youth Camp:

China Spring Youth camp was the last facility visited. The camp separately houses male and female mid-level offenders between 12 and 18 years of age. During the visit members of the Grand Jury were treated to an exceedingly enjoyable lunch prepared and served by residents. The camp appears to be expertly run and well maintained. Encounters with county employees and residents were all notably exceptional. The residents were respectful and courteous. All questions were answered thoroughly. The tour was very enjoyable and provided great insight into the operation and purpose for the facility. The Grand Jury was exceedingly impressed with the camp and commends the employees.

Also noted was the state budget cycle compared to the county budget cycle. The state prepares and operates on a two-year cycle while the county has a one-year cycle. This creates a higher level of challenge when adjustments are required. Residents from out-of-county are housed at this facility and add to the budgetary complexity.

The information below was obtained from the China Spring Youth Camp website. No inconsistencies were identified regarding that information during our visit.

Mission Statement:

The China Spring Youth Camp is dedicated to helping male and female, mid-level offenders between the ages of 12 and 18 develop skills, knowledge and experience to promote health and resiliency, arrest progression of problems caused by delinquent behavior. Camp provides behavioral healthcare services, including services for co-occurring issues, to youth and their families.

Residents are placed in China Spring Youth Camp by Court Order. At this time, we do not accept private placements.

We have no bars on the windows or locks on the doors. We do have alarms and security policies, but our philosophy is one of honor, trust and accountability. We are dedicated to helping children define their values using the least restrictive means necessary. We provide structure and programs to help children become a productive member of their family and community.

Camp Staff:

The camp employs forty-three staff, twenty-eight of which are youth counselors/mentors directly responsible for helping residents make positive behavioral changes. Three are case managers who oversee the residents' treatment and programs. The case managers and mentors give residents an opportunity to work through problems and assist them in doing so. Counselors help residents with day-to-day activities, assignments and advancement preparations. The staff at our facility have a genuine concern for the welfare of residents. Their job is to teach residents to become more responsible people. We expect residents to act responsibly and will not accept excuses for irresponsible behavior. The China Spring Youth Camp uses the Youth Development System based upon psychological principles of adolescent growth. The Youth Development System is designed to help residents learn, grow, and experience progress.

Resident Life:

Residents live in a dormitory setting, learning to live with those who are dealing with circumstances much like their own. Problems may develop with troubled youth living together so China Spring Youth Camp has established policies and rules to minimize the difficulties residents may encounter, and to assist them in learning tolerances they did not know they had. China Spring Youth Camp has a zero-tolerance policy to protect the residents and employees from all forms of sexual harassment and sexual abuse. All youth receive free meals as part of the National School Lunch and School Breakfast Program.

Recommendations:

The Grand Jury makes the following recommendations in no specific order of priority.

- 1) Better communication between the facility and the county regarding budget changes and cost allocation.
- 2) The county adopt a two-year budget cycle to match the state's budget regarding China Spring.

911 Emergency Services Committee

General Information:

The 2017 Grand Jury read reports about 911 from the 2000/2001 and 2007/2008 Grand Jury Reports, which were based on Community Generated Complaints. The Grand Jury was aware that many changes have taken place in 911 Emergency Services since 2008 and the Grand Jury did not have a Community complaint but chose to tour the 911 office to see the changes made since 2008. The visit was sufficient to generate this report.

About 911 Emergency Services:

Ron Sagen is Emergency Communications Director since 2009 and has been with Douglas County for 25 years in the Emergency Services Department. 911 uses state-of-the-art telephone and radio dispatch equipment and presently has a staff of 19 personnel.

911 is an Accredited Center of Excellence from the International Academy of Emergency Dispatch (IAED) since April 2015. They and Reno Emergency Medical Services Agency are the only centers with Medical accreditation in Nevada. The Academy has asked permission to use Douglas County, Nevada as the “template” for other agencies to use. They are the only Fire accredited center in the state and are working on the Law Enforcement accreditation. The accreditation is maintained by all staff, including Director Sagen. (*See next section on accreditation particulars)

911 Emergency Services is the Public Safety Answering Point (PSAP) for Douglas County Nevada and Alpine County California. The department is a direct reporting unit to the Douglas County Manager. They are a consolidated regional Emergency Communications Center responsible for answering and processing emergency and non-emergency calls for service for eight primary agencies which are: Alpine County Sheriff’s Office, Bear Valley Public Safety, Eastern Alpine Fire/Rescue, East Fork Fire and Paramedic Districts, Douglas County Sheriff’s Office, Kirkwood Public Utility District (fire), Tahoe Douglas Fire Protection District and Washoe Tribe Police Department. These agencies pay for this service in proportion to their size and use of 911. 911 Emergency Services are also the after-hours contact for all county residents reporting a water or sewer emergency.

*Information on accreditation and protocols each 911 Communications Specialist must earn to become a certified EMD/EFD/EPD call taker: (medical/fire or law enforcement response)

- 1) There are protocols that provide scripted questions for the 911 communications specialist (C.S.) to ask of all callers that have a need for a medical/fire or law enforcement response.
- 2) This provides continuity between C.S. as well as between shifts. Always the same level of service.
- 3) The scripted questions allow for the calls to be reviewed and graded against an established baseline.

- 4) There are scripted instructions to help callers with life or death situations before the other responders arrive. They are:
 - a. CPR –Adult, infant, newborn
 - b. Choking
 - c. Childbirth
 - d. How to control bleeding
 - e. Overdose – instructions on how to give Narcan
 - f. Allergies – instructions on how to give an Epi-Pen
 - g. Person on fire
 - h. Person trapped in burning building
 - i. Person trapped in a trench
 - j. Sinking vehicle – trapped inside
 - k. Vehicle in flood water
 - l. Water rescue situation
 - m. Active shooter safety instructions.

How to initially become a certified EMD/EFD/EPD call taker:

- 1) High school or GED graduate
- 2) Attend a 24-hour course for all three disciplines, taught by certified IAED instructor (new hires must go to a class outside the area to get certified)
- 3) CPR certification
- 4) Complete a 50-question test (per discipline, so 3 total) with a score of at least 80%.
- 5) In-house training on how to utilize the actual protocol software (ProQA)

RE-CERTIFICATION IS EVERY TWO YEARS FOR ALL C.S. BEING ACCREDITED REQUIRES ADDITIONAL DUTIES AND CERTIFICATIONS FOR THE 911 CENTER

The Communication Specialists that are assigned to the Quality Assurance team and review the call for EMD/EFD and EPD compliance, in addition to attending Continuing Dispatch Education courses and re-certification, must also:

- 1) Attend the Ed-Q (Quality) course taught by an approved IAED instructor, which is a 16-hour class per discipline. A total of 3 separate 2-day courses
- 2) Re-certification exam with a score of at least 80% (All 3 disciplines separately)
- 3) 50 hours of Continuing Dispatch Education (CDE) for all disciplines
- 4) Verification that the ED-Q (Quality) completed case reviews on at least 50 cases

Summary of Visit:

The Director showed the Grand Jury the main area in the 911 building, which is in Minden, where the workstations are located. At the time of the Grand Jury's visit there were only two communication specialists (C.S.) taking calls. The rest of the day shift were in a closed meeting with new hires but could have been alerted to come immediately if needed. The Director can also operate a workstation.

The Grand Jury observed C.S. at their work stations actively handling calls. The stations and equipment were clean and orderly. Each station had a series of lights to indicate the activity at

the station on a moment-to-moment basis. New hires are partnered with a C.S. for one year for further on-the-job training. The Grand Jury also visited the 911 mobile dispatch center, which is used for emergencies or at special events. The Grand Jury was a scheduled visit during standard operating hours. The Grand Jury found no irregularities or problems. The center appeared to be operating effectively. The Grand Jury would like to thank Mr. Sagan and staff for being cooperative and informative during the Grand Jury visit to the 911 center and answering many questions.

Recommendations:

The Grand Jury does not find any issues and does not have any recommendations

East Fork Fire Protection District Committee

General Information:

The Grand Jury did not receive any complaints regarding the Douglas County East Fork Fire Protection District (EFFPD). However, it is the duty of the Grand Jury to investigate the workings of county government operations and to make recommendations for corrective actions when warranted.

The EFFPD is one of Nevada's Emergency Medical Service providers, as well as a provider for fire protection. Their staffing consists of one District Chief, three Deputy Chiefs, three Training Captains, one Fire Inspector, three Battalion Chiefs, twelve Fire Captains, twelve Engineers, twenty Firefighter/Paramedics, seven Firefighter/Advanced Emergency Medical Technician (AEMT), and 50 volunteer fire and medical personnel.

Summary:

The Grand Jury visited a sampling of the East Fork Fire Protection District Stations including Station 12 at North Sunridge Drive, Station 14 at County Road, and Station 9 at Fish Springs Rd. East Fork Fire Chief Tod Carlini met and discussed with the Grand Jury how operations are improving at the Fire Departments and how training is being administered. There is currently at least one Engineer and one Paramedic/Firefighter staffed at each manned fire department 24 hours a day, seven days a week.

After an interview with administrative fire staff, the Grand Jury found the number of volunteer firefighters in the area have decreased substantially in the last several years. This could have been caused by demographics and due to training requirements. The decrease in volunteers warranted the Douglas County Grand Jury to investigate further into this issue. As of June 2017, the EFFPD has established a new campaign to interest those wanting to become a volunteer firefighter or supporter. The program makes it manageable for anyone to join the volunteer firefighter corps. There are two areas of volunteering including, logistical firefighter and support participant. The logistical firefighter would include roles such as supporting major incidents and driving or operating a water tender. The logistical firefighter could become Tier 3 and become a wildland firefighter. The support firefighters do not have to respond to emergencies. They verify all equipment and stations are in good orderly condition. Support firefighters only need minimal training. By having this new volunteer campaign out the EFFPD is hoping to generate 40 new volunteer firefighters.

The EFFPD installed a new source capture system to prevent inhalation of the exhaust fumes in the bay when the apparatus starts up. This system prevents toxic exhaust fumes from seeping through walls into other rooms in the fire department. It uses a hose system attached to the exhaust tailpipe of the apparatus and ventilates the exhaust outside. Each of the fire stations visited is equipped with the source capture system. The EFFPD has added key pad security locks inside volunteer fire stations on interior doors to separate the public use area from the fire equipment and apparatus areas. The fire departments were clean and organized.

Recommendations:

The Grand Jury does not find any issues and does not have any recommendations.

North County Redevelopment Agency Committee

Summary:

The Grand Jury reviewed the Redevelopment Agency Area 1 (RDA1) in compliance with a recommendation from the 2000/2001 Grand Jury to determine if the RDA1 was of a financial benefit to the county, and that the charges to the Redevelopment Area 1 are still valid from a fiscal standpoint.

Description of Investigative Findings:

It was determined that RDA1 has completed the initial goals and has been a financial benefit to Douglas County and the surrounding area. At the time of the analysis of the 2000/2001 Grand Jury the determination was “the revenues and projected revenues are sufficient to retire the obligations of the RDA1”. The initial obligation of the RDA1 has been met and retired. Since that recommendation, the Board of County Commissioners have expanded the boundaries of the RDA1. It now encompasses nine (9) overlapping entities and ten (10) funds resulting in generating additional revenue. Supplementary projects have been undertaken with some being completed and some under consideration. The Grand Jury found there was great benefit to many of those projects; however, there was also concern of an attitude of looking for ways to spend the revenue in areas and with projects that may not be the best use of that revenue or in the best interest of the public.

Citing a couple sections of the Redevelopment Association of Nevada Code of Ethics:

1) “Redevelopment plans should be adopted only for areas where physical and economic blight are detrimental to the public health, safety and welfare, and redevelopment projects should be geographically limited to only those areas which are necessary for the elimination of blight.” 13) “Redevelopment activity should be undertaken with due regard for its impact on other local public-sector entities and the services they provide.”

During the review of the RDA1 it was noted that several entities are being negatively impacted by the loss of revenue. Those entities include (listed in order of impact): Douglas County, Douglas County School District, East Fork Fire Protection District, State of Nevada, Carson Valley Swimming Pool District, Indian Hills GID, Douglas County Mosquito District, Carson Water Sub-Conservancy District and Town of Genoa. The amount of tax money being generated from these nine (9) overlapping entities and ten (10) funds is a significant amount and increases annually.

Testimony provided by the County Commissioners indicated there is a general agreement that the North County Redevelopment Agency has been of benefit and has completed some very worthwhile projects; however, it has served its purpose and it is time to start the process of

abolishing the district. The Grand Jury concurs with the County Commissioners and believes those revenues could be put to better use within the affected areas resulting in better service to the residents of Douglas County.

Recommendation:

The Grand Jury makes the following recommendation:

- 1) Continue the process of dissolving the North County Redevelopment Agency with the goal of abolishing the district before the beginning of the 2018/19 fiscal year.

Schools Committee

General Information:

The Grand Jury read the School Committee recommendations from the 2007/2008 Grand Jury Final Report. The Douglas County Grand Jury was aware that many changes have taken place in the Douglas County School District (DCSD) since 2008. The Grand Jury first interviewed the superintendent and then later chose to tour a sampling of DCSD schools in the valley and at the lake to see the changes made since 2008 and to evaluate the general environment in the current state. District Director, Brandon Swain, accompanied the Grand Jury as they toured Whittell High School (WHS), Douglas High School (DHS), Carson Valley Middle School (CVMS), and CC Meneley Elementary School (CCMES). The Grand Jury found an atmosphere conducive to learning with teachers and administrators enthusiastic and skilled at their craft. No specific complaints were received from the community regarding education in Douglas County.

Summary:

The Schools Committee identified the following issues for investigation:

- 1) Follow-up on the 2007/2008 Grand Jury concerns about the safety issues in schools including:
 - a) Locks on all doors
 - b) Reliable communication between classrooms and school offices.
 - c) Regular training and drills in various types of emergency procedures.
- 1) Following Nevada's legalization of commercial marijuana in 2017, the Grand Jury had questions about the impact of this new law within the school district.
- 2) Communication between lake and valley schools and the district office during power and/or mobile phone outages.
- 3) Review the Science, Technology, Engineering, and Math (STEM) programs in the new Lisa Noonan STEM Building at DHS and implementation of early STEM programs at the elementary and middle schools. The Grand Jury School committee explored the topic of STEM courses during our investigation. DCSD has outstanding STEM Programs at all grade levels throughout the district. The Grand Jury was impressed and honored to be given the insiders look at the programs during our empanelment.

Topics covered:

 - a) Promotion of STEM to all age groups,
 - b) Promotion of STEM to minorities and women
 - c) Coding classes, Hour of Code
 - d) Participation in STEM competitions
 - e) Professional development in STEM
 - f) Local professionals involved in communicating career options to students
- 4) Inquire about new curriculum and programs offered to high school students.

Description of Investigative Findings:

Previous Grand Jury Concerns:

The Grand Jury interviewed DCSD Superintendent Teri White. The Grand Jury asked questions about the safety and curriculum recommendations of the 2007/2008 Grand Jury Report. She stated the schools are being outfitted with new PA systems for better communication between administrative offices, school rooms and other school buildings. The schools have two-way radios for communication at the school and a radio to communicate directly with the school resource officers. Texting is also utilized as a backup should the power be out at any of the schools. Additionally, the entire school district was rekeyed, and exterior doors are locked during instructional periods. All schools are being reconfigured to utilize a single point of entry. The District has a five-year plan to implement the single point configuration at all district schools. CCMES, Scarselli Elementary (SES), Jacks Valley Elementary (JVES), and CVMS have been converted to the single point entry. Zephyr Cove Elementary and WHS are in the process of being upgraded. DHS presents a unique challenge with the multiple buildings and the various student arrival points around campus. DHS has monitors that roam the campus and halls throughout the school day looking for unwelcomed visitors and directs them to the front office. The other schools without the implementation of the single point of entry have a system in place to channel visitors to the front office.

During a presentation by Douglas County Sheriff's Office (DCSO) Captain Dan Britton, the Grand Jury learned about the active shooter training that took place at DHS in August 2017. He shared tactics and what the law enforcement community has learned based on what occurred at previous school shooting tragedies across the country. The goal of the training was to equip DCSO deputies and DCSD personnel on how to respond during such events to prioritize student and staff safety. The School District has two fulltime School Resource Deputies who collectively serve all schools in the district. The superintendent stated the district staff at all schools were given a training by the DCSO that is more appropriate for educators. By law, all schools are required to participate in fire drills monthly even though all schools are equipped with automatic fire sprinklers. There haven't been any fires or fire related injuries in schools in many years. However, the other drills for active shooter or other threats were previously not practiced on a frequent basis. The 2017 Nevada Legislature passed Assembly Bill 127 requiring schools to practice "lock down" drills in at least half of the regular fire or emergency drills. The lock down drill is utilized when there is somebody in the building that poses a threat. The lock down drill teaches students and staff to lock the doors, cover the classroom windows, hide and be quiet and wait until law enforcement releases the classroom. The district does not use the term "active shooter" with students during the lock down drill. After recent school tragedies involving an active shooter, the Grand Jury has a concern with fire alarm pull stations being used inappropriately by an active shooter or intruder to flush students and educators out of the classroom. Fire, emergency and lock down drill protocols should be reviewed and implemented by the district to momentarily delay the release of students from classrooms until staff deems the exit routes clear of any real threats.

Marijuana Legalization:

The superintendent expressed her concern and concerns of counselors and administrative staff as to the increase in marijuana use among students. The use of difficult-to-detect vaping and edible marijuana products was specifically identified. The superintendent noted the number of incidents of marijuana use discovered during the first three months of the 2017-2018 school year was greater than those over her entire tenure as superintendent.

Communication:

During our tour at WHS, the Grand Jury asked the staff about any concerns at the school. The one safety issue that surfaced was the phone system does not function during a power outage. The Grand Jury contacted the superintendent about communication between the lake schools, valley schools, and district office when there is a power failure and/or a failure of the mobile phone network. The superintendent assured the Grand Jury they have a plan in place that utilizes mobile phones in the event of power failure and district staff will be dispatched to the affected schools if there is an issue with communication.

STEM Programs:

DCSD has worked hard to become a leader in STEM schooling district wide. Programs for students from elementary to high school are geared towards a full emersion in today's world. STEM skills are in high demand by the workforce and the students in our district are well prepared.

We covered six general topics within STEM as directed by the interest of the Grand Jury. The concerns of inclusivity for all age groups, minorities and women, Coding and Hour of Code, STEM competitions, instructor professional development, and post-education careers were discussed. STEAM Night ("A" included the Arts), Elementary Science Lesson Kits for teachers, Project Lead the Way Gateway Programs, and Great Teachers and Leaders Grants are some of the examples provided to us to address the topic of inclusivity for all age groups. Many grants promoting STEM to minorities and women require a system for recruiting and monitoring the type of students entering the programs they fund. DCSD is actively seeking students of all genders and backgrounds to participate in the STEM Programs offered. All Douglas County students, classes, and schools are encouraged to participate in Hour of Code. The Hour of Code started as a one-hour introduction to computer science, designed to demystify "code", to show that anybody can learn the basics and to broaden participation in the field of computer science. Elementary students have the opportunity to learn coding using robots and tablets and the Middle and High Schools offer courses in coding. Douglas County School District is working towards becoming a one-on-one district where every student has access to a tablet. Douglas County students can participate in STEM competitions primarily through club or Project Lead the Way participation.

Douglas County Instructors receive some professional development opportunities through district programs including Elementary Science Lesson Kits and an employee dedicated to the improvement of STEM instruction district wide. The district is moving towards project-based instruction for cross discipline activities. To promote post-education careers or continuing

education in the STEM Fields, some classes are bringing in industry professionals or schools are hosting career fairs.

New Curriculum:

During the interview with the superintendent, the Grand Jury learned about the new programs available to students at DHS. The 2017-2018 school year marks the first year qualified and interested high school juniors and seniors could enroll in the Western Nevada College (WNC) JumpStart program. The dual-credit program allows students to enroll in college classes through WNC and earn both high school and college credits. Students who started the program as a high school junior can earn an associates degree at the same time they graduate from high school. To enter the program, students must meet certain placement requirements in math and English.

Additionally, students can enroll in the Career and Technical Education (CTE) coursework to earn certifications in technology such as mechanics, welding, advanced manufacturing and be ready to enter the workforce after high school graduation.

The Jobs for America's Graduates (JAG) program targets students who may or may not have support at home or have challenges that may inhibit learning. The students have regular coursework and an instructor works with those students one period a day for assistance.

Recommendations:

The Grand Jury makes the following recommendations in no specific order of priority:

- 1) Provide a battery backup system for the voice over IP phone servers and main office workstations at all schools.
- 2) Continued coordination with DCSO for active shooter/lockdown drill training and protocols.
- 3) Institute a youth education and substance abuse prevention program that focuses on student goals and potential, with data points on health effects and consequences of underage marijuana use and provides resources for parents and teachers to discuss marijuana use with children and teens.

Fraud and Theft in the Vehicle Maintenance Department Committee

Summary:

The Grand Jury conducted investigations into issues involving several county departments. It was apparent there was a consistent pattern of poor management. Repeating examples included lack of managerial oversight and written or updated procedures and policies; inadequate and inconsistent training; and lack of transparency for the citizens of Douglas County. During these investigations, evidence of a substantial embezzlement and theft of county property in the Department of Public Works Vehicle Maintenance Division was brought to the attention of the Grand Jury.

A criminal investigation is currently being conducted by the Nevada Division of Investigation (NDI). The Douglas County Sheriff's Department could not handle the investigation because several deputies had purchased tires and/or had their personal vehicles serviced by the Vehicle Maintenance Director Chris Oakden, who is now deceased. The deputies, other county employees, and members of the public believed that Mr. Oakden was operating a private business, when in fact he was using Douglas County funds to purchase tires and supplies while pocketing payments from those individuals. It is expected that an internal investigation will be conducted by the Douglas County District Attorney when the criminal investigation is complete.

The Grand Jury further learned the Board of County Commissioners were not informed of any mismanagement and/or embezzlement, either individually or as a group, until March 2017. The mismanagement/embezzlement issue was brought to the attention of the Grand Jury several months later, after the initiation of NDI's criminal investigation. The Grand Jury was not requested to and did not pursue a criminal investigation or indictment because of NDI's ongoing investigation. However, the Grand Jury believed the issues facing the county were substantial and warranted an investigation to develop recommendations to safeguard taxpayer money and prevent future fraud and embezzlement. NDI's criminal investigation is not complete at this time.

At the outset, the Grand Jury understood that a determined thief will always find a way to steal. At the same time, we must emphasize that during the years that the tire theft occurred, if the existing Whistleblower policy had been followed, and appropriate direction given from management, it is highly possible the theft would have been stopped years sooner.

The first indication of a problem surfaced in 2008. A complaint was made, but not pursued because the complainant did not trust the Whistleblower process. The second notice of the problem was made by a Whistleblower in 2012. The Grand Jury received testimony that an investigation, initiated by Human Resources, was inexplicably stopped by top management almost immediately. Testimony was also received that the District Attorney's office conducted an inquiry with nothing significant being found; therefore, an investigation was not initiated by that office.

The Grand Jury questioned the difference between an "inquiry" and an "investigation" for

purposes of internal or administrative investigations. It was explained to the Grand Jury that the Douglas County District Attorney's Office has internal investigation protocol intended to establish guidelines to ensure the appropriate deployment of investigative resources. The District Attorney's Office protocol is used when an inquiry or investigation is requested by the County Manager, a Department Head or a county official regarding allegations of misconduct on the part of any Douglas County employee. Some allegations may be handled by an informal inquiry, while the majority are handled through a formal investigatory process.

An "inquiry" is an informal process of reviewing a complaint to determine if the allegations, if sustained, are a violation of a policy, personnel regulation or any law, and then whether a formal investigation is warranted based on the information obtained. The initial informal inquiry process is often used initially with anonymous tips.

An "investigation" is a formal process in conformity with the county personnel regulations or the specific articles of the respective labor contracts to obtain facts and information to determine whether the allegation can be substantiated.

Because the District Attorney's Office is requested by the County Manager, a department head or a county official to conduct the inquiry or investigation, the requesting County Manager, department head or county official would commission the District Attorney and/or his Chief Investigator to perform the internal investigation and grant the authority to issue orders to employees within the county or the specific department to compel truthfulness, restrict speaking about the investigation being conducted, and other orders as needed to facilitate the investigation being conducted.

In 2013, Vicki Moore, a county accountant in the Finance Department (who now serves as Douglas County Chief Financial Officer) questioned the excessive expenditures on tires. Her supervisor at that time, Kathy Bradshaw, Accounting Operations Supervisor, directed Ms. Moore to conduct an internal audit. During testimony to the Grand Jury, Ms. Moore stated: "The audit did not occur because there was no time available to do the audit." The same concerns were noted in 2014, 2015 and 2016. Vicki Moore testified: "The audit never happened because the financial department was just too busy and short staffed to complete the audit of fleet services." Hundreds of thousands of dollars would have been saved if that internal audit had been conducted. The Grand Jury believes Steve Mokrohisky, County Manager at the time, Christine Vuletich, Chief Financial Officer at the time, Kathy Bradshaw, Accounting Operations Supervisor at the time and Vicki Moore failed the county and citizens when they chose to not conduct an audit in a department that was consistently, year-after-year, generating excessive and unjustified expenditures.

In early 2017, a Whistleblower came forward with detailed concerns regarding the vehicle maintenance facility. The County Manager and District Attorney were informed, and the embezzlement and mismanagement were finally exposed.

During those critical and expensive years when problems were noticed but not investigated, Chris Oakden was issued a letter of reprimand by the Public Works Director in 2012 after the District Attorney's Office inquiry. That seemingly did not deter Mr. Oakden from his activities.

He used his position to manipulate the computer system in vehicle maintenance and to remove simple inventory controls. He also moved the bulk of his activity to offsite locations. Some of his purchases using county funds never made it to any county vehicle or facility. Instead he used his personal vehicle to drive them as far as Sacramento and then sold them to private individuals. He gained the ability to order, approve, purchase and receive inventory, even when such inventory had no possible use on any county vehicle. This activity certainly violated policy, and it occurred due to total failure of managerial oversight.

The Grand Jury identified the following issues for investigation:

- 1) Fraud and embezzlement allegations within the Public Works Department, Vehicle Maintenance Division
- 2) Overall operation of Vehicle Maintenance
- 3) Guidelines and procedures for Risk Management and Fraud Prevention
- 4) Evaluation of fiscal responsibility and internal audits
- 5) Concern regarding the existing Whistleblower policy and procedures
- 6) Concern regarding the sidelining of the Board of County Commissioners
- 7) Responsibility of elected officers to Douglas County citizens
- 8) Training and orientation, top-to-bottom
- 9) Employee evaluations
- 10) Employee Moonlighting policy

Description of Investigative Findings:

Employees of Douglas County were interviewed including current and former heads of departments (Finance, Public Works, Human Resources), the current and former County Managers, current and former County Commissioners, the current District Attorney and former district attorney office personnel, current and former management and non-management employees (Finance, Public Works, Human Resources), and others. Douglas County policies, procedures, and Nevada Revised Statutes were reviewed. Information from the Douglas County District Attorney's Office and Nevada Department of Investigations was reviewed. The progression of the investigation revealed several main issues which were explored to the extent possible during the time allowed for the Grand Jury's service. A tour of the Vehicle Maintenance Facility was conducted.

Fraud and Embezzlement Allegations within Public Works Department-Vehicle Maintenance Division:

While current Douglas County policies are in place to protect against misuse of public funds, at least one employee was found to have used both Douglas County funds and equipment for personal gain. The County Manager and County Commissioners have indicated they are in the process of developing additional policy to eliminate the likelihood of a re-occurrence in the future. The Grand Jury applauds their efforts; however, we believe there are additional steps that should be taken. The County Commissioners received a presentation on asset management, proposed by the public works department in the spring of 2017. The County

Commissioners determined they did not have the funding, so the proposal was rejected. Asset Management Programs provide the accurate information on location, use, updates/repairs required or completed, improve financial statements, recovery of investment, and efficient operation. Asset Management Programs can also help optimize planning, resource use, and lower the incidents of theft. A properly used Asset Management Program could have red-flagged the embezzlement that occurred. Many of the county's facilities/assets could be included on an existing county GIS (Geographical Information System) program. Neighboring counties/cities have outsourced the asset management of utilities to local firms.

Recommendations from this Section:

- 1) Purchase and implement or outsource an Asset Management Program.

Guidelines and Procedures for Risk Management and Fraud Prevention:

The guidelines and procedures for risk management (defined as the forecasting and evaluation of financial risks together with the identification of procedure to avoid or minimize them) and fraud prevention are critical to preventing the misuse of public funds within the county. Our investigation showed a lack of initial and on-going training for county management positions in topics including: risk management, fraud prevention, and general management skills.

As an example, a Douglas County employee attended an off-site training conference several years ago on risk management and fraud prevention. While there, she contacted the appropriate county personnel with her ongoing concerns of a potential problem within the vehicle maintenance department. Because of the related information she was learning at the conference, she requested an internal audit be conducted. Testimony was heard that request was denied, consequently preventing an investigation. The result of her request, was that she was given a letter of reprimand.

The county policy regarding moonlighting should be reviewed and updated. Department heads and/or elected officers must review permission requests from an employee to moonlight, to determine if there is any possibility of conflict or the incentive and ability to misappropriate county funds, supplies or equipment. Approval to moonlight should be closely monitored and reviewed annually by the department head and human resources. A letter from the appropriate department head or elected officer authorizing the employee to moonlight would be issued and maintained in the employee's personnel file. The employee would be encouraged to present it to anyone with whom they are doing personal business.

Recommendations from this Section:

- 2) Ongoing & annual fraud prevention training for all Douglas County management.
- 3) Ongoing & annual risk management training for all Douglas County management.
- 4) Moonlighting Policy - Review, update and follow.

Evaluations of Fiscal Responsibility and Internal Audits:

During the economic downturn numerous county positions were eliminated. Some of these positions could have prevented the embezzlement of public funds, subsequently eliminating the compounded losses Douglas County incurred. Internal audits were requested by more than one employee during the years in which the fraud and embezzlement occurred. These internal audits did not happen, effectively allowing the alleged fraud and embezzlement to continue.

Consequently, the Grand Jury recommends, in compliance with NRS 244.1507, the county should begin the process to consolidate the current county recorder position back to the County Recorder/Auditor (NRS 251). An advisory question should be submitted to the Douglas County voters in the 2020 general election proposing to combine the County Recorder and county finance into one elected county position thus eliminating the Chief Financial Officer position. The resulting Recorder/Auditor would then be responsible for conducting both random and scheduled internal audits, among other responsibilities. If this combined office had been in place when the Whistleblower came forward and human resources wanted an audit conducted at vehicle maintenance, there is a strong possibility the theft would have been detected in 2012. The human resources department and other department heads do not have an independent officer to contact when concerns regarding financial questions are brought to their attention. Currently, both the finance department and human resources work for the county manager. If the county manager does not determine there is a need to investigate, the issue is stopped. This separation of authority proved to be critical during this embezzlement timeframe. The Grand Jury has confidence that a separation will provide better accountability and transparency for the citizens of Douglas County. The duties of the current finance department will be under the jurisdiction and the responsibility of an elected officer of the county. The current structure is obscured and not easily accessible for close monitoring by the public. Having the position under the authority of an independently elected officer who reports to and is directly responsible to the citizens of Douglas County will make it more accountable and lessen the ability to be manipulated while granting more access for the general public, county commissioners and county departments. This will also provide for a more independent and detailed budget process and monitoring of budgets by line-item throughout the fiscal year. This would provide a significant safeguard to help ensure the scrutiny and safety of taxpayer dollars and county funds.

Previous, there was an internal budget committee. This committee included the elected County Clerk-Treasurer, Recorder/Auditor and an appointee of the county commissioners. The committee served to prepare, review, monitor and make recommendations regarding the budget. All departments of the county presented their line-item budget requests to this committee. Joint meetings were held, with all departments participating, where requests and needs were addressed. The budget process was open and closely monitored. It appears the current process is handled by the county manager and chief financial officer (who works for the county manager). A balanced budget is then presented to the county commissioners where little or no discussion or comparisons are outlined. An internal budget committee would provide an improved process and closer monitoring of the county's numerous budgets and funds.

An internal audit committee would also be beneficial. That committee would be responsible to ensure internal audits are conducted and should also review those audits once completed. A committee comprised of elected officers and appointed department heads would provide a good balance. Any unusual or questionable transactions should then be reported to the district attorney's office.

A policy and procedures resolution should be developed by the County Clerk-Treasurer, in conjunction with the finance department, to establish a check and balance system where no single department head or elected officer can have complete authority over purchasing, receiving, preparing, and submitting claims/invoices and sole inventory control. This policy should identify a clear process where a minimum of three individuals are involved in all aspects of authority regarding the expenditure of county funds. The County Clerk-Treasurer should present the policy/procedures to the Board of County Commissioners for final approval and adoption. Within thirty days after the adoption by the Board every department head, elected officer and senior staff should be required to read and sign-off on the policy. An annual review and sign-off should be required. If there is non-compliance or any concern that the policy is not being adhered to, any individual should be encouraged to report his or her suspicion(s) to the County Clerk-Treasurer, who shall conduct an immediate investigation. In extreme cases with possible legal consequences, the District Attorney should be contacted or an entity outside the county, if possible conflict of interest exists.

Recommendations from this Section:

- 5) Reinstate internal audits.
- 6) Place an advisory question on the 2020 general election ballot to consolidate the elected Recorder/Auditor position. Chief Financial Officer would be eliminated.
- 7) Clerk-Treasurer and finance develop a resolution to separate the duties between purchasing & inventory responsibilities and processing payments.
- 8) Create an internal Budget Committee.
- 9) Create an internal Audit Committee.

Concern Regarding the Existing Whistleblower Procedures:

The procedures regarding Whistleblowers were reviewed. The Grand Jury was disturbed by the lack of anonymity perceived by county employees when reporting a potential problem. Testimony was received that a Douglas County employee contacted the human resources department with concerns regarding the vehicle maintenance department years before the exposure of fraud and embezzlement was revealed. Worry about safeguarding the employee's confidentiality and position was expressed, so the report was never pursued. Two other employees testified that concerns were brought forward at a later date, also involving the vehicle maintenance department, but were stopped prior to a full investigation being conducted into the matter. The Whistleblower policy should be evaluated, updated and stronger protection be assured to protect the Whistleblower. We recommend the chairman and vice chairman of the Board of County Commissioners be informed of reports from a Whistleblower. If the complaint alleges possible embezzlement, the County Clerk-Treasurer should also be

informed. It is also recommended that if the Whistleblower or administrative staff do not feel appropriate action is being taken, they are encouraged to contact one or more elected officers to inform them of their concerns. Elected officers should then take immediate and appropriate action to resolve the complaint.

Recommendations from this Section:

- 10) Update Whistleblower policy to improve anonymity and follow-through in Whistleblower situations.
- 11) Implement a website or phone-based service to protect employees from retaliation.

Employee Evaluations:

The Grand Jury heard testimony regarding the process for employee evaluations. A common practice in the evaluation of the Vehicle Maintenance Manager (Chris Oakden) was to give him some of the highest evaluation marks in the county. These high scores continued even after he was issued a letter of reprimand for wrong-doing. During an investigation conducted by the District Attorney's office the employee's personnel file may be reviewed to help determine if there is an ongoing problem or if a red-flag surfaces. The District Attorney testified that if he had seen Mr. Oakden's personnel file his review would have gone from inquiry to investigation. Anytime an employee appears to be "over-the-top" in performance may signify there is a reason for concern, as that employee may be a true con artist. Honest and accurate appraisal of an employee is significant for many reasons, including assessment of actual job performance, noting areas for improvement, noting strengths, considering merit increases, and determining goals to attain, and is of paramount importance in the follow-up on disciplinary actions.

Management is responsible for providing accurate and honest evaluations of their employees. Biased opinions should never enter into the process of an employee evaluation. Inaccurate evaluations leave the county open to litigation and ongoing problems that are costly and difficult to resolve. Training is critical, and management needs to use the tools they have accurately and honestly.

Recommendations from this Section:

- 12) Reinforce training of all management regarding employee evaluations.
- 13) Appraisal of every employee should be accurate and unbiased.

Concern Regarding the Sidelining of the Board of County Commissioners:

The Grand Jury believes the Board of County Commissioners should have an improved role involving the management of Douglas County. We recognize there is a fine line between managing and micromanaging. We understand a county manager is hired to “manage” a county, but we believe, he/she is not hired to keep the county commissioners in the dark, uninformed or prevent them from interacting with the department heads and employees of the county. Interaction does not mean managing but should be interpreted to be open communication without the department heads or employees fearing retaliation. We do not encourage county commissioners to go directly to staff and give directives or assign tasks, but an employee should feel comfortable enough to contact a county commissioner with concerns when all other available avenues have failed.

One commissioner stated that he was only “a figurehead”. Another statement by a commissioner was “A \$400,000 loss is a drop in the bucket in the scheme of things”. The voters of Douglas County expect and deserve more. The Board, by law, is ultimately responsible for the county budget and expenditure of county funds in conjunction with other statutory mandates. Those roles should be taken seriously, not completely relinquished to county staff. We believe it is in the best interests of the citizens of Douglas County that the Board of County Commissioners participate more through communication and involvement without having to go through the County Manager or the District Attorney.

Testimony was received from both present and past county commissioners that they had to guard against micromanaging county business and employees. This mindset has resulted in the county commissioners being walled off from critical information by top county management and is detrimental to good governance. Knowledge of budget detail and sensitive personnel issues will assist the Board of County Commissioners in making informed decisions and is not micromanaging.

We recommend the Board of County Commissioners develop and implement a more comprehensive and detailed budget process where county departments are required to provide comparisons of substantial line-item expense increases from previous years to their proposed current year budget requests. This will allow the Board of County Commissioners to determine where these increases are occurring and how significant they are. In any area indicating an unusual, considerable, or recurring increase, the county commissioners should immediately demand a detailed and documented explanation. If reasonable justification is not provided, then an investigation and audit should be conducted.

If during the fiscal year a department is making large or frequent transfers of funds or augmentations within their budgets, those transfers and/or augmentations should be brought to the attention of the county commissioners.

The Board of County Commissioners is encouraged to hold annual public meetings with elected officers and department heads to review and discuss key policies regarding financial matters, written policies (i.e. whistleblower, moonlighting, fraud prevention, etc), personnel practices, and changes in law. This will allow the leadership of Douglas County to stay informed, ask questions, and provide direction if changes are needed or have occurred through legislation. Communication and monitoring of county policies and internal activities are essential to maintaining safeguards of county funds and actions.

Recommendations from this Section:

- 14) Board of County Commissioners develop a policy for improved level of management including more involvement in the budget process.
- 15) Board of County Commissioners hold annual joint meetings with elected officers and department heads.

Responsibility of Elected Officers to Douglas County Citizens:

The Grand Jury encourages elected officers of Douglas County to take an active role in the administration of county government. Douglas County citizens vote individuals into office to ensure taxpayer dollars are safe and spent wisely; assist in advising county commissioners of county activities; provide leadership and monitoring of county government, and to fulfilling the responsibilities of their elected positions. Elected officers should function as eyes and ears for their constituents.

Elected officers and department heads should hold monthly meetings to discuss county issues and budgets. It is encouraged to rotate attendance of county commissioners at these meetings to assist them in staying informed. Greater communication between elected officers, county commissioners and department heads are paramount for good government. Well-informed leadership, where concerns, questions, and ideas shared and debated provides for healthy, transparent and productive county government.

Recommendations from this Section:

- 16) Improve leadership role of elected officers in county government.
- 17) Monthly meetings of elected officers and department heads.

Training and Orientation, Top-to-Bottom:

The Grand Jury heard a range of consistent testimony, from entry level employees to county commissioners, that they had not been provided with orientation and had received either minimal or no training to perform their respective jobs. It is recommended that written and online training procedures be created within all departments for all employees. Reviews and updates need to be made on a regular schedule. These materials should be readily available to every employee and new hire. Proper training will reduce costly mistakes and exploitation while increasing transparency.

Recommendations from this Section:

- 18) Create, update, & review training procedures annually.
- 19) Proper orientation and training should be provided to every new hire, including the county commissioners and elected officers.

Operations at the Vehicle Maintenance Facility (Facility & Fleet Department):

The Grand Jury visited the county Vehicle Maintenance Yard (Facility & Fleet) early in 2018. A new permanent full-time Facility & Fleet Manager was appointed in October 2017. He has implemented many efficient and corrective policies during his short time in the position. The parts area is now clean, organized, and secured at all times. Outdated and decades-old materials have been discarded and remaining inventory is usable on vehicles presently in the county fleet. The shop area is clean and free of safety hazards. Computer stations are conveniently located in the shop area, so the mechanics waste no time nor neglect to make necessary entries. The computer system is now functioning as it should, open, and transparent to all users, with permission level safeguards in place. Tires are organized and locked inside storage containers. Effort is being made to return or sell the few remaining tires that do not fit any vehicle in the county fleet. The yard itself has been cleaned-up, organized and inventoried. Effort is being made to liquidate the unused and obsolete property.

The Grand Jury also viewed the facility and fleet accounting process in some detail. At least three county employees are now involved in the process of purchasing and receipt of supplies. This is an improvement that helps insure the funds are spent accurately and inventory is correctly monitored.

The Grand Jury did question how labor charges are assigned to a particular job. Presently, when a mechanic's time is entered on an invoice, a pre-programmed dollar amount automatically appears. Neither the facility & fleet accountant or the manager know how this amount is produced. The dollar amount is not in conformance with the auto industry's standard labor rate and appears to be much higher. The Grand Jury questions whether this is part of the county's cost allocation system, and if it is, how the cost is justified? A clarification of where and how the dollar amount charged for labor is needed.

The Grand Jury commends the new Facility & Fleet Manager and the new Public Works Director. Both these individuals appear to be sincerely dedicated to improving the standards and committed to performing their duties with honesty and with respect for the citizens of Douglas County. Our confidence in the prudent spending of taxpayer dollars is greatly improved.

Recommendations from this Section:

- 20) Clarify and justify dollar amounts charged for labor.
- 21) Standard automotive industry guides should be used when billing labor for vehicle repair.
- 22) Technicians should clock in and out when doing repairs that are not in the standard labor guides so the correct time for labor is being billed. A clock in and out policy on labor fees should be developed.
- 23) Supervisor(s) should monitor weekly the hours of work performed and work billed, to insure proper labor time is correctly allocated to each job.
- 24) Technicians sign-off on labor per job with supervisor approval. Abnormalities would be caught if labor is checked on a regular basis.

Closing Statement:

The theft and embezzlement of Douglas County funds and property and the misuse of county equipment should never have occurred and the failure to detect it was inexcusable. As of this report's writing, the data the Grand Jury has received indicates the minimum loss to the county is in excess of one million dollars (\$1,000,000). This amount only represents the tires; it does not include any other supplies, equipment, or liquids. Although the Vehicle Maintenance Manager (Chris Oakden) was the perpetrator of the unlawful activities, the failure of management was of equal, if not greater significance. A total of four (4) county managers, three (3) financial officers and one (1) public works director held their positions during the time of the theft and embezzlement. A county employee and a human resources director did everything in their scope of authority to convince management to take action on valid red-flag concerns. Management chose to ignore those requests. No internal audits were conducted; policies and procedures were not followed; safeguards were overlooked; significant yearly increases in a line-item budget were not investigated; and obvious exploitations of county guidelines regarding equipment and supplies were ignored.

The citizens of Douglas County have a right to feel confident that their tax dollars are safeguarded, used prudently, and are accounted for accurately. County personnel should be properly trained to perform their jobs with integrity and professionalism. The Grand Jury cannot express strongly enough the need for the county commissioners, county manager and department managers to take immediate corrective action regarding the recommendations we are making.

Recommendations:

The Grand Jury makes the following recommendations in no specific order of priority:

- 1) Purchase and implement or outsource an Asset Management Program.
- 2) Ongoing & annual fraud prevention training for all Douglas County management.
- 3) Ongoing & annual risk management training for all Douglas County management.
- 4) Moonlighting Policy - Review, update and follow.
- 5) Reinstate internal audits.
- 6) Place an advisory question on the 2020 general election ballot to consolidate the elected Recorder/Auditor position. Chief Financial Officer would be eliminated.
- 7) Clerk-Treasurer and finance develop a resolution to separate the duties between purchasing & inventory responsibilities and processing payments.
- 8) Create an internal Budget Committee.
- 9) Create an internal Audit Committee.
- 10) Update Whistleblower policy to improve anonymity and follow-through in Whistleblower situations.
- 11) Implement a website or phone-based service to protect employees from retaliation.
- 12) Reinforce training of all management regarding employee evaluations.
- 13) Accurate appraisal of every employee is paramount.
- 14) Board of County Commissioners develop a policy for improved level of management including more involvement in the budget process.
- 15) Board of County Commissioners hold annual joint meetings with elected officers and

department heads.

- 16) Improved leadership role by elected officers in county government.
- 17) Monthly meetings of elected officers and department heads.
- 18) Create, update & review training procedures annually.
- 19) Proper orientation and training needs to be provided to every new hire, including the county commissioners and elected officers.
- 20) Clarify and justify dollar amounts charged for labor.
- 21) Standard automotive industry guides should be used when billing labor for vehicle repair.
- 22) Technicians should clock in and out when doing repairs that are not in the standard labor guides so the correct time for labor is being billed. A clock in and out policy on labor fees should be developed.
- 23) Supervisor(s) should monitor weekly the hours of work performed and work billed, to insure proper labor time is correctly allocated to each job.
- 24) Technicians sign-off on labor per job with supervisor approval. Abnormalities would be caught if labor is checked on a regular basis.

County Commissioner Non-Meetings and Appointments Committee

Summary:

The Grand Jury reviewed and investigated the practice of the Board of County Commissioners to hold “non-meetings” pursuant to a concern that a violation of the Open Meeting Law may be occurring.

The Grand Jury also reviewed the failure of the Board of Commissioners to conduct applicant interviews when making appointments to boards and commissions.

Description of Investigative Findings:

Non-Meetings:

During its investigation, the Grand Jury referred to two (2) chapters of Nevada Revised Statutes: NRS 288.220 - Certain proceedings not required to be open or public; NRS 241.015(3)(b)(2) – Attorney-client conference exception; and the Open Meeting Law Manual prepared by the Attorney General.

These chapters allow open meeting law exceptions for local government boards to discuss labor negotiations and issues regarding attorney/client matters involving pending or existing litigation. The Attorney General Manual provides guidance to assist local governing bodies to meet compliance with the Nevada Open Meeting Law.

The term “non-meeting” was not found in any of our research. Closed sessions, executive sessions and personnel sessions were addressed; however, no section was located that outlined non-meetings. Apparently, the term non-meeting has been adopted by several local governments. There is not a clear understanding of why or where that term was derived. During testimony heard from both the County Commissioners and the District Attorney, it became apparent a quorum of the County Commissioners attended these non-meetings. The District Attorney, or a representative from his office, and the County Manager were also in attendance. The Grand Jury has concluded the term “Non-Meeting” is a meeting organized to circumvent the statutory requirements of the Open Meeting Law.

Reviewing the Attorney General Open Meeting Law Manual several sections were noted. Part 3; 3.01 states: “These statutes create exceptions to the OML (open meeting law) but a public body still must record and keep minutes of closed meetings under statutes allowing for exceptions.” Part 8; 8.06 states: “The closed session must be tape-recorded.”; and “Minutes must be kept of the closed session, and they must be prepared with the same detail as minutes of the open session.” Part 9; 9.02 states: “NRS 241.035 requires that written minutes be kept by all public bodies of each meeting they hold regardless of whether the meeting is open or closed to the public,” and “Verbatim minutes are not required by the Open Meeting Law”.

Testimony was received that the non-meetings held by the Douglas County Board of County Commissioners are neither tape-recorded nor minutes taken. Extensive research of the

statutes or the Attorney General Manual was not conducted; however, the research that was conducted strongly indicated that all meetings, whether open or closed, should be tape-recorded and minutes kept.

Although the Grand Jury did not find substantial evidence of any violations to the open meeting law requirements regarding the non-meetings, it is our opinion that an abundant caution should always be followed during non-meetings, and the open meeting law exceptions be fully respected.

The Grand Jury recognizes the importance of maintaining a high level of confidence and transparency for the citizens of Douglas County by insisting on strict compliance with open meeting law exceptions when protecting confidential topics.

Appointments:

The practice of appointing applicants to a board or commission without interviewing them first is a disservice to Douglas County. Interviews allow both the applicant and the Board of Commissioners to more thoroughly develop the applicant's qualifications and approach to the appointed position beyond those contained in the written application.

Recommendations:

The Grand Jury makes the following recommendations in no specific order of priority:

- 1) All closed meetings, regardless of what they are called, should have an audio recording and written minutes. These recorded tapes and written minutes should be retained in the office of the County Clerk-Treasurer in a secured area for a period of not less than five (5) years.
- 2) The County Clerk-Treasurer should attend all closed meetings.
- 3) The Board of Commissioners should conduct interviews of applicants before making appointments to the respective boards and/or commissions.

Community Generated Complaints

Complaint #1 - Concerning Douglas County Hiring Practice.

Summary:

This complaint alleged age discrimination by the county in the hiring of a full-time position.

The Grand Jury sent a letter signed by the Foreperson to the complainant stating that the complaint was received.

Description of Investigative Findings:

This complaint had been referred to the Nevada Equal Rights Commission (NERC) prior to submission to the Grand Jury. The Grand Jury reviewed the NERC finding and conducted an independent investigation without finding any new facts or issues.

Recommendation:

The Grand Jury does not have any recommendations regarding this complaint.

Complaints #2 and #3 - Concerning Transparency in Douglas County

Complaints 2 and 3 are combined as both are submitted by the same complainant regarding the same issue.

Summary:

The complaints allege violations of the Open Meeting Law by the District Attorney and a member of the Board of Commissioners at several public meetings held in 2016 during which activities of the (former) Douglas County Sewer Improvement District No. 1 (DCSID #1) were discussed.

The Grand Jury sent a letter signed by the Foreperson to the complainant stating that both complaints were received.

Issues Raised by the Complainant:

The complainant alleged that a May 23, 2016 meeting held at the Senior Citizens Center in Minden was held in secrecy; the location of a subsequent meeting held at the Transportation Center in Stateline was too small to accommodate interested members of the public; and questioned how much public money was spent investigating activities of the DCSID #1.

Specific Action Requested:

- 1) Remind District Attorney Mark Jackson and County Commissioner Barry Penzel of Nevada's Open Meeting Law.
- 2) Increase government transparency and assure that the public is notified of public meetings in time to attend and to comment.

Description of Investigative Findings:

The Grand Jury heard testimony from the District Attorney and the members of the Board of Commissioners regarding these complaints. The Grand Jury also examined Nevada's Open Meeting Law (OML) and Nevada's Ethics in Government Law.

The District Attorney discussed the legality of the May 23, 2016 meeting with George Taylor, Deputy Attorney General with the Nevada Attorney General's Office. Formal notification of the meeting was provided the DCSID #1 representatives on May 10, 2016. The May 23, 2016 meeting was an open meeting and the Board of Commissioners was not notified of its intent to avoid a "fixed agenda". So, in that context, the Board may have been surprised, as claimed by the complainant, by the DCSID #1 discussion. Based upon the testimony by District Attorney Mark Jackson and supporting legal documents, the Grand Jury concluded that no violations of the Open Meeting Law occurred.

DCSID #1 representatives filed an ethics complaint against Hope Sullivan who at that time was a Douglas County employee, serving as the Planning Manager of the Division of Community Development. By law, since she requested legal defense within the required time frame, the

District Attorney's Office was mandated to defend her. The ethics complaint against Sullivan was later dismissed by the Nevada Commission on Ethics.

The Grand Jury concluded that it was not possible to accurately determine how much public funding was spent by the District Attorney's office on the investigative activities of DCSID #1.

Descriptions of Nevada's Open Meeting Law (OML) and Nevada's Ethics in Government Law follow, for informational purposes:

NEVADA'S OPEN MEETING LAW (OML)

The OML governs meetings of public bodies. A public body is any administrative, advisory, executive, or legislative body of the state or local government which expends or disburses or is supported in whole or in part by tax revenue, or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including any board, commission, committee, subcommittee or other subsidiary.

The OML requires that a written notice of the meeting be prepared which includes the time, place, and location of the meeting; a list of places where the notice was posted; a statement regarding assistance and accommodations for physically handicapped people; and an agenda of the meeting.

The OML requires that the agenda for the meeting consist of a clear and complete statement of the topics to be considered during the meeting.

NEVADA'S ETHICS IN GOVERNMENT LAW (text from Nevada Commission on Ethics Annual Report FY17)

"The Ethics Law preserves the public's trust in government and ensures that public officers and employees avoid conflicts between their private interests and the interests of the public. The Ethics Law sets forth various standards of conduct to guide public officers and employees to avoid such conflicts and maintain integrity in public service."

Further references:

NRS 241.020 Meetings to be Open and Public; Limitations on Closures of Meetings; Notice of Meetings; Copy of Materials; Exceptions.

NRS TITLE 23 PUBLIC OFFICERS AND EMPLOYEES - Chapter 281A – Ethics in Government

Recommendations:

The Grand Jury does not have any recommendations regarding these complaints.

Complaint #4 – Concerning Douglas County Parks Topaz Lake Cash Handling

Summary:

Complaint 1 and Complaint 4 were submitted by the same complainant. Complaint 4 set forth many allegations that were of concern to the complainant during his years of seasonal employment with the Parks Department. The issue of handling of cash and other forms of payment at Topaz Lake warranted an investigation. An allegation regarding age discrimination by the county in hiring was contained in both this complaint and in Complaint 1. The summary, description of investigative findings, and recommendations of the Grand Jury addressing that allegation are contained in Complaint 1.

The Grand Jury sent a letter signed by the Foreperson to the complainant stating the complaint had been received.

Description of Investigative Findings:

The Grand Jury was aware the Topaz Lake facility had been a subject of concern by the 2000/2001 Grand Jury because receipts for cash transactions were not being issued. The County Clerk-Treasurer, at that time, developed and implemented a policy and checked periodically that it was being followed. We wanted to ensure that policy was still in place, among other concerns.

Employees of Douglas County were interviewed including the Director of the Community Services Department, the County Clerk-Treasurer and her assistant, Parks Division Manager and Supervisor, a Topaz Lake Park Ranger, and the complainant. The Grand Jury requested and received receipts from holiday weekends in 2014, 2015, 2016 and 2017.

The Grand Jury reviewed the receipts and found that cash handling at Topaz Lake is again of concern, and consistency in handling all forms of payment is lacking. The County Clerk-Treasurer and her assistant testified they were not aware of the policy put in place at the recommendations of the 2000/2001 Grand Jury.

The Director of Community Services, Parks Division Manager and Parks Division Supervisor gave conflicting testimony regarding the following two incidents:

The first incident occurred on a Fourth of July weekend when documentation showed that cash collected was hundreds of dollars more than deposited. The deposit form completed by a single Park Ranger matched the actual county deposit, but the accompanying documentation, examined by the Grand Jury, revealed a large discrepancy. Months after our discovery, we received a statement from a Topaz Lake Park Ranger, on duty over the weekend in question, explaining the discrepancy was caused by double entries. He stated the error was detected at a later date. We are dismayed that when the mistake was allegedly corrected, it was not noted on the original material, making a verification of the correction not possible. The error should never have happened and should have been discovered and corrected within days of

occurring. Staff does not appear to be properly trained in correct procedure for preparation of daily deposits, as evidenced by receipts being stuck in a drawer and/or under a tray or entered multiple times into a daily total because of carelessness.

The second incident occurred on a Labor Day weekend when an entire day's cash and check receipts were missing. Because it was a holiday weekend, several days receipts, before and after the missing day, were clipped together and totaled on the cover sheet. The sheet for Monday (which was the holiday) was missing, along with supporting documents. No staff noticed that a day's report was missing. The cover sheet for the weekend would leave the impression that all monies collected, were deposited. The discrepancy was immediately apparent when reviewed by the Grand Jury. The Parks Department Supervisor was asked if he could locate the receipts for that day, but he was unable to find them. The Grand Jury believes that cash receipts from a Monday of a Labor Day weekend would be considerable, being well over \$1,000 based on what was collected on other holidays during four different summer seasons. No satisfactory explanation of how an entire day's receipts could go missing without anyone noticing was ever provided to the Grand Jury.

The Grand Jury sees a failure of management in these errors involving cash collection at Topaz Lake and concludes that the present method of collecting payments at Topaz Lake shows a lack of competence and oversight.

The Grand Jury believes a policy of training employees before they are assigned tasks will create consistency and less liability for the county. A written policy and procedure should be available for reference for the tasks an employee is expected to perform.

During our investigation a private business was contacted for input on how they handled cash and receipts at their RV park location since they had a 24/7 occupancy procedure. The input was extremely valuable in assisting us to understand the dilemma and workable solutions in accepting cash while securing occupancy. If private sector can be successful at safeguarding their cash handling, then we believe the county can equally be successful.

Recommendations:

The Grand Jury makes the following recommendations in no specific order of priority.

- 1) The County Clerk-Treasurer locate the existing policy for handling cash at Topaz Lake, implemented per the recommendation of the 2000/2001 Grand Jury, update it if necessary or develop and implement a new policy, and verify staff is appropriately trained.
- 2) Make written policies and procedures available (hard copy & online) for employees to reference and verify that staff is appropriately trained.
- 3) The County Clerk-Treasurer shall ensure the policy is being followed.
- 4) Conduct an Internal Audit of the Community Services Department.
- 5) Clearly identify personnel responsible for cash reconciliation and maintain double custody in the reconciliation activity.
- 6) Place cash in locked/secured containers throughout the entire process.

- 7) Designate a law enforcement officer to transport cash to the treasurer's office.
- 8) Community Services Director and Parks Department Supervisor contact local private businesses and request their assistance in helping to identify and develop a more secure process for handling cash, checks and credit cards at Topaz Lake.

Complaint #5 – Concerning Douglas County Sheriff's Department “Performance Standards”

Summary:

This complaint alleged “Performance Standards” have been implemented by the Captain of the Patrol and Traffic Division for patrol duties. The “standards” establish that the deputies need to arrest four (4) people and write sixteen (16) citations each month for their performance evaluations.

The Grand Jury sent a letter signed by the Foreperson to the complainant stating that the complaint was received.

Specific Action Requested:

- 1) Investigate the Douglas County Sheriff’s Office (DCSO) for allowing the implementation of “illegal quota” and require the cessation of same.
- 2) Complete a review of previous audits for accuracy and completeness.
- 3) Review the history of merit increases and decreases provided to deputies involved in this situation to determine if a nexus exists between quotas and merit raises.

Description of Investigative Findings:

After reviewing the information, the Grand Jury requested an interview with the complainant to request further information about the complaint. The complainant stated he was approached by a couple deputies while working out at the gym. The deputies told the complainant there was a new requirement for them to have a minimum of four (4) arrests and write sixteen (16) citations each month or face disciplinary action. This “quota” requirement was said to be implemented after Captain Joe Duffy was promoted to Patrol Captain on or around September 2015.

The Grand Jury obtained records from the DCSO Records Department for the number of citations for the calendar years 2014, 2015, 2016 and the first quarter of 2017. The number of citations issued by DCSO deputies was 3638, 3836, 6347, and 4377, respectively. There was a noticeable increase in citations issued in the calendar year 2016 and through the first quarter of 2017. The Grand Jury received a copy of an email originating from Captain Duffy and addressed to the Sheriff, the Undersheriff, and other Captains dated in March 2017 stating there was no quota system in place and “the tickets you generate are one piece of statistical information that helps measure your activity levels used in your performance evaluations.” “Statistics take subjectivity and personalities out of the evaluation process.” The Sergeants are directed to use this statistical information to justify “Exemplary Performance” (EP) or “Requires Improvement” (RI) ratings in employee evaluations to show high levels of activity and above average performance and low activity or poor performance, respectively. After this email was sent out, the number of citations issued for the remainder of the year 2017 were trending toward the years before 2016.

The Grand Jury interviewed five deputies who were currently or previously assigned to the Patrol or Traffic Division under Captain Duffy's command. At the time of the interviews, three of the five deputies were actively employed by the DCSO, one had left to pursue other endeavors and one retired after more than 20 years in service. These deputies were assigned to various teams or special assignments such as SWAT, the K-9 Unit, Coroner, and Field Training Officer (FTO). They all stated there was a new performance standard put into place that measured a deputy's activity over the month by the number of arrests, citations written, and any Field Interviews (FI) conducted.

The Captain reported the month's Patrol Division Statistics in the form of a spreadsheet listing the Time on Duty, On View Time, Busy time, Committed Time, Service Calls, Traffic Stops, Arrests, Citations, FI's and the year-to-date (YTD) totals for Arrests, Citations, Field Interviews, and Traffic Stops. The Grand Jury was provided with copies of the spreadsheet over various months. The spreadsheet totaled and averaged the statistics for all Patrol, Traffic, School Resource, Gang, Training Deputies, and Patrol Sergeants. The spreadsheets were color coded in green or red. The deputy was highlighted in red if Captain Duffy felt the performance was less than the average and highlighted in green if the deputy was above average. This spreadsheet was posted in the Sergeant's office for all to see. Deputies were unsure of the average until the end of the month when the statistics were tabulated. The average was perceived as a "moving target". The statistics are a measure used in the annual performance evaluations and ultimately affect the percentage of the wage increase a deputy receives.

After the Grand Jury reviewed months of Captain Duffy's spreadsheets, there were inconsistencies present in how a deputy was labeled above or below the average. Some were in the red even though they exceeded the average or had other duties that affected their busy time, i.e. coroner duties. This created a morale problem amongst the staff in the Patrol Division. If a deputy was "in the red" for long periods of time, his or her special assignment was taken away and the annual performance was marked as "Requires Improvement" (RI). Additionally, the deputies felt their discretion was taken away since meeting or exceeding the average was always a concern.

One of the active Patrol Deputy's interviewed stated he had given notice that he was leaving the department after eleven years of service. The Grand Jury asked the reason for his resignation. He stated he requested permission to teach at the P.O.S.T (Peace Officers Standards & Training) academy as a representative of the DCSO. Captain Duffy denied the request and made a derogatory statement regarding the deputy's weight even though this deputy was fully qualified. Some deputies stated higher salaries, especially closer to retirement, are a compelling incentive to leave Douglas County for departments in Carson City, Reno or Sparks. Many deputies feel in the past the living and working environment in Douglas County offset financial considerations and they remained with the County. However, since Capt. Duffy instigated new methods and requirements, morale has declined and early retirement or a new place to work has become much more appealing. Quite a few deputies have left Douglas County in the past two years. This trend is alarming. The Grand Jury realizes there is an upfront expense and time to train new deputies. Losing seasoned, dedicated deputies to other counties or municipalities because of low morale, benefits and lower than average regional wages is not acceptable.

As immediate supervisors of the deputies, several patrol Sergeants were interviewed and were asked if there was a quota system in place. They all stated there was no quota system, but Captain Duffy implemented a new performance statistics spreadsheet to measure deputy activity. Of the Sergeants interviewed, we asked each one what the goal of the department was, and they stated the goals were to keep the community safe, provide a service and community-oriented policing. They all agreed the deputies' performance could not be measured equally across the board due to many variables. Deputies assigned to the Traffic division will have more citations than Deputies in the Patrol Division who handle other calls and assignments. Additionally, there are three different work shifts throughout the 24-hour workday that have various levels of activity requiring different levels of staffing. Deputies on day shift or assigned to traffic will have more citations than those on the graveyard shift.

Both Captain Duffy and Undersheriff Paul Howell were interviewed and stated there was no quota either implied or expressed. They stated the DCSO is not primarily concerned with writing a specific number of citations or arrests, but their concern was community-oriented policing and field interviews. The DCSO utilizes software (Spillman Compstat) to track real-time data and trends and keep statistics of individual deputy performance. The Grand Jury asked Captain Duffy if the spreadsheet was utilized before he assumed command. He stated it was, but he incorporated the green and red highlights for the high and low performers. The statistics showed some deputies were not active during their 10-hour shift. Captain Duffy labeled these deputies as "lazy" or "malcontents". Undersheriff Howell stated the directive Captain Duffy passed onto the Patrol/Traffic Sergeants and Deputies after assuming command was interpreted incorrectly and he is working with Captain Duffy on the matter. Undersheriff Howell provided a copy of a memo sent out to the Patrol Sergeants and Captain Duffy in October 2017 clarifying that there are no quotas.

Sheriff Ron Pierini was interviewed and asked if there was a quota. He replied there was no quota at any time. Sheriff Pierini reassured the Grand Jury that changes have been implemented in the department in the way DCSO employees are evaluated, how the department handled the statistical information as it pertained to the evaluations, and who was able to view the data.

The second Specific Action Requested was to review previous audits for accuracy and completeness. After consultation with the Grand Jury's counsel, it was determined the audit was outside the purview of the Grand Jury.

The Grand Jury did not investigate employee merit raises as it related to the performance evaluations.

Recommendations:

The Grand Jury makes the following recommendations in no specific order of priority:

- 1) Deputies should be evaluated on their individual performance, training received and special assignments and not solely on the metrics of a spreadsheet.
- 2) All new management staff in the DCSO, either hired outside or within the department be required to complete training on staff management and ethics.
- 3) A deputy's performance should not be publicly posted for all staff to see. It is recommended all personnel matters related to job performance be handled privately between the Sergeant or Captain and the Deputy.
- 4) The chronic "underperforming" deputies be reevaluated, retrained or reassigned to take advantage of their individual strengths.

Complaint #6 - Concerning Former Douglas County Sewer Improvement District #1

Summary:

The complainant is concerned that the attitudes and actions of the Douglas County Sewer Improvement District #1 (DCSID #1) Board of Directors, General Manager, a contracted engineer, and others engender distrust in the county government. This complaint was made in October of 2016 and references a Board of County Commissioners special meeting held on May 23, 2016.

The Grand Jury sent a letter signed by the Foreperson to the complainant stating that the complaint was received.

Issues Raised by the Complainant:

The complainant alleges violations on the part of the DCSID #1 governing body of NRS law, conspiracy to influence the actions and recommendations of county staff, and collusion to file an unwarranted ethics violation against a county employee.

Specific Action Requested:

Bring to justice by way of indictment the individuals who have violated laws and/or acted unethically in the governance of the DCSID #1.

Description of Investigative Findings:

The Grand Jury has determined that after the filing of this complaint, the following has occurred:

- 1) The Nevada Attorney General's office cited approximately six violations by the DCSID #1 of the NRS Open Meeting Law;
- 2) The Nevada Ethics Commission dismissed the ethics complaint against the county employee;
- 3) The actions of the contracted engineer were referred to the Nevada State Board of Professional Engineers and Land Surveyors and the engineer was disciplined by that board;
- 4) The Nevada State Legislature, in its 2017 session, dissolved the DCSID #1 and repealed the law upon which it was formed.

Recommendation:

The Grand Jury does not have any recommendations regarding this complaint.

Complaint #7 - Concerning Violations of Several Nevada Revised Statutes

Summary:

The two complainants feel several sections of Nevada Revised Statutes (NRS) were violated by the DCSID#1 Board of Directors, its General Manager and Rob Anderson, a contracted engineer, during the Douglas County Sewer Improvement District #1 (DCSID) meeting on May 23, 2016.

The Grand Jury sent a letter signed by the Foreperson to the complainant stating that the complaint was received.

Issues Raised by the Complainant:

The Complainant is concerned that there is a conspiracy to affect County staff actions and recommendations. Complainant feels there was unwarranted collusion to file an ethics complaint/violation against a County Employee.

Specific Action Requested:

Investigate and indict those who violated laws and/or acted unethically at the May 23, 2016 meeting.

Description of Investigative Findings:

The Grand Jury has determined that after the filing of this complaint, the following has occurred:

- 1) The Nevada Attorney General's office cited approximately six violations by the DCSID #1 of the NRS Open Meeting Law.
- 2) The Nevada Ethics Commission dismissed the ethics complaint against the county employee.
- 3) The actions of the contracted engineer were referred to the Nevada State Board of Professional Engineers and Land Surveyors and the engineer was disciplined by that board.
- 4) The Nevada State Legislature, in its 2017 session, dissolved the DCSID #1 and repealed the law upon which it was formed.

Recommendation:

The Grand Jury does not have any recommendations regarding this complaint.

Complaints #8a and #8b – Concerning Attorney-Client Privilege Practices in the Douglas County District Attorney's Office

Complaint 8a

This complaint consists of 45 pages.

Summary:

The complainant alleges abuse of the attorney-client privilege and Freedom of Information Act (FOIA) by the District Attorney's office in representing the County Board of Commissioners.

The Grand Jury sent a letter signed by the Foreperson to the complainant stating that the complaint was received.

Specific Action Requested:

The complainant requests the Grand Jury to "Produce privilege logs, obtain legality/explanation for swapping road maintenance taxes with Special Ad Valorem Capital Projects tax, direct District Attorney and commissioners not to withhold information under attorney-client privilege and Exemption 5 of FOIA, direct them to maintain privilege logs, direct them to release any and all information to current commissioners and public that they have improperly withheld."

Description of Investigative Findings:

The Grand Jury was advised by counsel that this complaint is beyond the purview of the Grand Jury due to its overbroad scope; therefore, the Grand Jury made no investigation of the matters contained in this complaint.

Recommendations:

The Grand Jury does not have any recommendations regarding this complaint.

Complaint 8b

This complaint consists of 35 pages.

Summary:

This is an addendum to Complaint 8a that includes correspondence between the complainant and the District Attorney's office.

Specific Action Requested:

The complainant requests the Grand Jury to "Do an in-camera review of communications referred to 11/29/16 Letter (i.e. May 1, 2, 4, 2012 communications) and direct District Attorney's office to release to the public all portions of these communications that support and justify approval of 2012 20-year \$6.7 million general obligation bond as it is part of its settled law and policy after it was approved."

Description of Investigative Findings:

The Grand Jury was advised by counsel that this complaint is beyond the purview of the Grand Jury due to its overbroad scope; therefore, the Grand Jury made no investigation of the matters contained in this complaint.

Recommendations:

The Grand Jury does not have any recommendations regarding this complaint.

Complaint #9 - Concerning Review of Douglas County General Improvement Districts

Summary:

The complainant contends that county services suffer deficits because of the ineffective and inefficient expenditure of county funds on the administrative overhead of multiple General Improvement Districts (GIDs).

The Grand Jury sent a letter signed by the Foreperson to the complainant stating that the complaint was received.

Issues Raised by Complainant:

The complainant cites deficits in county services – zoning enforcement, road maintenance, and flood control - and states the entire county-wide system of GIDs and consolidations should be evaluated.

Specific Action Requested:

The Grand Jury is asked to study, review, evaluate, and make recommendations regarding the GIDs to Douglas County officials and to the Nevada State Legislature “as needed”.

Description of Investigative Findings:

There are currently seventeen (17) GIDs in Douglas County, authorized and established under NRS Chapter 318.

Senate Bill 462, passed in the 2017 session of the legislature, relates to General Improvement Districts. The bill provides for county commissioners to create a committee to review existing GIDs in the county to determine if any GID district should be continued, modified, consolidated, merged, or dissolved. SB 462 became effective on July 1, 2017 and expires on June 30, 2021.

Enactment of SB 462 provides the mechanism to address the issues raised by the complainant.

The Douglas County Board of Commissioners has not yet created the review committee provided for in SB 462.

Recommendations:

The Grand Jury recommends the Douglas County Board of Commissioners immediately create the GID review committee authorized under SB 462.

Complaint #10 - Concerning the Current System for Code Enforcement

Summary:

The complainant believes the current system for County Code Enforcement is not efficient or effective because county staffing is too thin to investigate complaints.

The Grand Jury sent a letter signed by the Foreperson to the complainant stating that the complaint was received.

Issue Raised by Complainant:

The complainant reports a neighbor is operating a “used car dealership” that has not been shut down and the General Improvement District cannot do enforcement.

Specific Action Requested:

The complainant asks the Grand Jury to recommend Douglas County upgrade its Code Enforcement standards and increase its staffing. If additional funding is necessary, the complainant suggests it be paid by assessing each General Improvement District.

Description of Investigative Findings:

The Grand Jury interviewed both the Director of Community Development, the Building Official, and the County Manager. Testimony was heard that Code Enforcement officers work only four (4) days per week, with no enforcement coverage on Friday, Saturday or Sunday due to the lack of County funding.

The Grand Jury also learned there are ongoing problems with vacation rentals and the county’s failure to address noise, alcohol and drug concerns and enforce violations.

The Grand Jury concludes that failure to enforce county codes is unacceptable. This failure could endanger residents and creates a significant potential legal liability for the County.

Recommendations:

The Grand Jury makes the following recommendations in no specific order of priority:

- 1) Restore funding to the Division of Code Enforcement (DCE).
- 2) Enforce county codes, with violations subject to the appropriate fines and penalties.

Grand Jury Indictments

Summary of Criminal Indictment:

One of the duties of the Grand Jury is to hear and review evidence presented by the District Attorney to determine whether an indictment is justified and should be issued. A quorum of 12 members or more must be present at a criminal indictment.

The Grand Jury should find grounds for the issuance of an indictment when all the legal and best evidence before them, taken together (without considering defenses to the charge, but considering exculpatory evidence) establishes probable cause to believe that an offense has been committed and that the target has committed it.

The primary role of a Grand Jury is investigative and accusatory in nature, rather than adjudicatory. During Grand Jury proceedings, the State must elicit sufficient evidence demonstrating probable cause that a crime was committed and that the accused was likely the perpetrator. The finding of “probable cause” does not involve a determination of the guilt or innocence of the accused. The Nevada Supreme Court has repeatedly held that the finding of “probable cause” may be based on slight or even marginal evidence.

If the Grand Jury finds that the evidence presented satisfies the legal standard, the Grand Jury shall return a True Bill and an indictment will follow. If the Grand Jury finds that the evidence does not satisfy the legal standard, no True Bill is returned and there is no indictment.

CONTENT WARNING:

The following topics presented include explicit content that could be considered offensive for some audiences.

First Criminal Complaint and Indictment:

On May 17, 2017, Douglas County District Attorney Mark Jackson brought a proposal for indictment before the Grand Jury in a criminal investigation against JUAN GABRIEL RAMIREZ-VARGAS, accused of the crimes of SEXUAL ASSAULT OF A CHILD UNDER 14 YEARS OF AGE, a category A felony in violation of NRS 200.366(1)(b) & (3)(c) and LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE, a category A felony in violation of NRS 201.230(1)(a) & (2).

Mr. Ramirez-Vargas and his attorney were invited to appear before the Grand Jury but chose not to attend.

COUNT 1 – SEXUAL ASSAULT OF A CHILD UNDER 14 YEARS OF AGE

District Attorney Mark Jackson, in his presentation, alleged that JUAN GABRIEL RAMIREZ-VARGAS did willfully and unlawfully commit a sexual penetration upon a child under the age of 14 years, a category A felony in violation of NRS 200.366(1)(b).

COUNT 2 – LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE

District Attorney Mark Jackson, in his presentation, alleged that JUAN GABRIEL RAMIREZ-VARGAS, being a person who was 18 years of age or older, did willfully, unlawfully and lewdly commit any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, a category A felony in violation of NRS 201.230(1)(a) & (2).

The Grand Jury heard the testimony of witnesses from the Chief Investigator, Douglas County District Attorney's Office, RN, Northern Nevada CARES/SART Program, Victim Witness Department, Washoe County District Attorney's Office, Bilingual Prevention Coordinator, Partnership of Community Resources and a witness from the private sector. The prosecuting attorney presented legal evidence.

The Grand Jury deliberated with a quorum present and returned a TRUE BILL as to COUNT 1 charging JUAN GABRIEL RAMIREZ-VARGAS with sexual assault of a child under 14 years of age and as to COUNT 2 charging JUAN GABRIEL RAMIREZ-VARGAS with lewdness with a child under 14 years of age. A TRUE BILL on COUNT 1 and on COUNT 2 was presented to the prosecuting attorney.

In the presence of the prosecuting attorney, the Grand Jury Foreperson signed and presented a TRUE BILL on COUNT 1 and on COUNT 2 before the Honorable Judge Thomas W. Gregory of the Ninth Judicial District Court, Department 2 on May 17, 2017, accusing the defendant of sexual assault of a child under 14 years of age and lewdness with a child under 14 years of age.

Arraignment for the defendant was scheduled for May 23, 2017, in the Ninth Judicial District Court, Department 1, before the Honorable Judge Nathan Tod Young.

Second Criminal Complaint and Indictment:

On August 30, 2017, Douglas County District Attorney Mark Jackson brought a proposal for indictment before the Grand Jury in a criminal investigation against CIRO CAMACHO III, accused of the crimes of FIVE (5) COUNTS OF SEXUAL ASSAULT OF A CHILD UNDER 14 YEARS OF AGE (COUNTS 1-5), all category A felonies, in violation of NRS 200.366 (1)(b) & (3)(c) and ONE (1) COUNT OF USE OF A MINOR IN PRODUCING PORNOGRAPHY OR AS A SUBJECT OF A SEXUAL PORTRAYAL IN A PERFORMANCE (COUNT 6), a category A felony, in violation of NRS 200.710 and NRS 200.750, and UMI HONGO, accused of the crimes of FOUR (4) COUNTS OF PRINCIPAL TO SEXUAL ASSAULT OF A CHILD UNDER 14 YEARS OF AGE (COUNTS 7-10), all category A felonies, in violation of NRS 195.020 and NRS 200.366(1)(b) & (3)(c) and ONE (1) COUNT OF USE OF A MINOR IN PRODUCING PORNOGRAPHY OR AS A SUBJECT OF A SEXUAL PORTRAYAL IN A PERFORMANCE (COUNT 11), a category A felony, in violation of NRS 200.710 and NRS 200.750.

Mr. Camacho III and Ms. Hongo and their attorney(s) were invited to appear before the Grand Jury but chose not to attend.

COUNT 1 – SEXUAL ASSAULT OF A CHILD UNDER 14 YEARS OF AGE

District Attorney Mark Jackson, in his presentation, alleged that CIRO CAMACHO III did willfully and unlawfully commit a sexual penetration upon a child under the age of 14 years, in the following manner: the defendant CIRO CAMACHO III inserted his penis into the mouth of a female child
(D.O.B. August 1, 2013).

COUNT 2 – SEXUAL ASSAULT OF A CHILD UNDER 14 YEARS OF AGE

District Attorney Mark Jackson, in his presentation, alleged that CIRO CAMACHO III did willfully and unlawfully commit a sexual penetration upon a child under the age of 14 years, in the following manner: the defendant CIRO CAMACHO III inserted his penis into the mouth of a female child
(D.O.B. August 1, 2013).

COUNT 3 – SEXUAL ASSAULT OF A CHILD UNDER 14 YEARS OF AGE

District Attorney Mark Jackson, in his presentation, alleged that CIRO CAMACHO III did willfully and unlawfully commit a sexual penetration upon a child under the age of 14 years, in the following manner: the defendant CIRO CAMACHO III inserted his penis into the genital opening of a female child
(D.O.B. August 1, 2013).

COUNT 4 – SEXUAL ASSAULT OF A CHILD UNDER 14 YEARS OF AGE

District Attorney Mark Jackson, in his presentation, alleged that CIRO CAMACHO III did willfully and unlawfully commit a sexual penetration upon a child under the age of 14 years, in the following manner: the defendant CIRO CAMACHO III inserted his penis into the genital opening of a female child (D.O.B. August 1, 2013).

COUNT 5 – SEXUAL ASSAULT OF A CHILD UNDER 14 YEARS OF AGE

District Attorney Mark Jackson, in his presentation, alleged that CIRO CAMACHO III did willfully and unlawfully commit a sexual penetration upon a child under the age of 14 years, in the following manner: the defendant CIRO CAMACHO III inserted his penis into the mouth of a female child (D.O.B. August 1, 2013).

COUNT 6 – USE OF A MINOR IN PRODUCING PORNOGRAPHY OR AS A SUBJECT OF A SEXUAL PORTRAYAL IN A PERFORMANCE

District Attorney Mark Jackson, in his presentation, alleged that CIRO CAMACHO III did knowingly use, encourage, entice or permit a minor to engage in sexual conduct to produce a performance and/or did knowingly use, encourage, entice, coerce or permit a minor to be the subject of a sexual portrayal in a performance regardless of whether the minor was aware that the sexual portrayal was part of a performance, in the following manner: did perform a series of sexual acts between Defendant CIRO CAMACHO III and Defendant UNI HONGO and/or a female child (D.O.B. August 1, 2013), including engaging in sexual intercourse, lewd exhibition of genitalia, fellatio and masturbation, and did video record the performances on an iPhone.

COUNT 7 – PRINCIPAL TO SEXUAL ASSAULT OF A CHILD UNDER 14 YEARS OF AGE

District Attorney Mark Jackson, in his presentation, alleged that UMI HONGO did willfully and unlawfully aid or abet, or directly or indirectly counsel, encourage, hire, command, induce or otherwise procure CIRO CAMACHO III, to commit a sexual penetration upon a child under the age of 14 years, in the following manner: did aid or abet, or directly or indirectly counsel, encourage, hire, command, induce or otherwise procure CIRO CAMACHO III to insert his penis into the mouth of a female child (D.O.B. August 1, 2013).

COUNT 8 – PRINCIPAL TO SEXUAL ASSAULT OF A CHILD UNDER 14 YEARS OF AGE

District Attorney Mark Jackson, in his presentation, alleged that UMI HONGO did willfully and unlawfully aid or abet, or directly or indirectly counsel, encourage, hire, command, induce or otherwise procure CIRO CAMACHO III, to commit a sexual penetration upon a child under the age of 14 years, in the following manner: did aid or abet, or directly or indirectly counsel, encourage, hire, command, induce or otherwise procure CIRO CAMACHO III to insert his penis into the mouth of a female child (D.O.B. August 1, 2013).

COUNT 9 – PRINCIPAL TO SEXUAL ASSAULT OF A CHILD UNDER 14 YEARS OF AGE

District Attorney Mark Jackson, in his presentation, alleged that UMI HONGO did willfully and unlawfully aid or abet, or directly or indirectly counsel, encourage, hire, command, induce or otherwise procure CIRO CAMACHO III, to commit a sexual penetration upon a child under the age of 14 years, in the following manner: did aid or abet, or directly or indirectly counsel, encourage, hire, command, induce or otherwise procure CIRO CAMACHO III to insert his penis into the genital opening of a female child (D.O.B. August 1, 2013).

COUNT 10 – PRINCIPAL TO SEXUAL ASSAULT OF A CHILD UNDER 14 YEARS OF AGE
District Attorney Mark Jackson, in his presentation, alleged that UMI HONGO did willfully and unlawfully aid or abet, or directly or indirectly counsel, encourage, hire, command, induce or otherwise procure CIRO CAMACHO III, to commit a sexual penetration upon a child under the age of 14 years, in the following manner: did aid or abet, directly or indirectly counsel, encourage, hire, command, induce or otherwise procure CIRO CAMACHO III to insert his penis into the genital opening of a female child (D.O.B. August 1, 2013).

COUNT 11 – USE OF A MINOR IN PRODUCING PORNOGRAPHY OR AS A SUBJECT OF A SEXUAL PORTRAYAL IN A PERFORMANCE

District Attorney Mark Jackson, in his presentation, alleged that UMI HONGO did knowingly use, encourage, entice or permit a minor to engage in sexual conduct to produce a performance and/or did knowingly use, encourage, entice, coerce or permit a minor to be the subject of a sexual portrayal in a performance regardless of whether the minor was aware that the sexual portrayal was part of a performance, in the following manner: did perform a series of sexual acts between Defendant UMI HONGO and Defendant CIRO CAMACHO III and/or a female child (D.O.B. August 1, 2013), including engaging in sexual intercourse, lewd exhibition of genitalia, fellatio and masturbation, and did encourage, entice, coerce or permit Defendant CIRO CAMACHO III to video record the performances on an iPhone.

The Grand Jury heard the testimony of witnesses from two Investigators, Douglas County Sheriff's Office. The prosecuting attorney presented legal evidence.

The Grand Jury deliberated with a quorum present and returned a TRUE BILL as to FIVE (5) COUNTS (COUNTS 1-5) charging CIRO CAMACHO III of sexual assault of a child under 14 years of age and ONE (1) COUNT of use of a minor in producing pornography or as a subject or a sexual portrayal in a performance (COUNT 6), and returned a TRUE BILL as to FOUR (4) COUNTS charging UMI HONGO of principal to sexual assault of a child under 14 years of age (COUNTS 7-10) and ONE (1) COUNT of use of a minor in producing pornography or as a subject of a sexual portrayal in a performance (COUNT 11). A TRUE BILL on each COUNT (COUNTS 1-11) were presented to the prosecuting attorney.

In the presence of the prosecuting attorney, the Grand Jury Foreperson signed and presented a TRUE BILL on each COUNT (COUNTS 1-11) before the Honorable Judge Thomas W. Gregory of the Ninth Judicial District Court, Department 2 on August 30, 2017, accusing the defendants of the crimes as delineated on each respective TRUE BILL.

Arraignment for CIRO CAMACHO III was scheduled for September 19, 2017 in the Ninth Judicial District Court, Department 1, before the Honorable Judge Nathan Tod Young.

Defendant UMI HONGO is currently incarcerated in the Los Angeles County jail.

Third Criminal Complaint and Indictment:

On January 10, 2018, Douglas County District Attorney Mark Jackson brought a proposal for indictment before the Grand Jury in a criminal investigation against JOSE RODRIGUEZ-QUEZADA aka Jose Rodriguez-Quesada, aka, Jose Quezada-Rodriguez, accused of the crime of OPEN MURDER WITH THE USE OF A DEADLY WEAPON, a category A felony, in violation of NRS 200.010(1) through NRS 200.090, and NRS 193.165.

Mr. Rodriguez-Quezada and his attorney were invited to appear before the Grand Jury but chose not to attend.

COUNT 1 – OPEN MURDER WITH THE USE OF A DEADLY WEAPON

District Attorney Mark Jackson, in his presentation, alleged that JOSE RODRIGUEZ-QUEZADA did willfully, unlawfully and with malice aforethought, kill a human being, Kevin Edwards, with the use of a knife or other sharp object, a deadly weapon, thereby inflicting mortal wounds from which he died, in the following manner: the defendant JOSE RODRIGUEZ-QUEZADA did kill Kevin Edwards by stabbing him multiple times in the neck, torso, and/or other parts of his body.

The Grand Jury heard the testimony of witnesses from the Washoe County Regional Medical Examiner's Office, Washoe County Sheriff's Office, two Deputies, Douglas County Sheriff's Office, two Investigators, Douglas County Sheriff's Office, Surveillance Technician, Hard Rock Hotel & Casino. The prosecuting attorney presented legal evidence.

The Grand Jury deliberated with a quorum present and returned a TRUE BILL as to COUNT 1 charging JOSE RODRIGUEZ-QUEZADA with open murder with the use of a deadly weapon. The TRUE BILL was presented to the prosecuting attorney.

In the presence of the prosecuting attorney, the Grand Jury Foreperson signed and presented a TRUE BILL on COUNT 1 before the Honorable Judge Nathan Tod Young of the Ninth Judicial District Court, Department 1 on January 10, 2018, accusing the defendant of open murder with the use of a deadly weapon.

Arraignment for the defendant was scheduled for January 23, 2018, in the Ninth Judicial District Court, Department 1, before the Honorable Judge Nathan Tod Young. Rodriguez-Quezada, formerly held at the Washoe County Detention Facility on an illegal re-entry hold by Immigration and Customs Enforcement, is being held in the Douglas County Jail.

Conclusion

The 2017/2018 Grand Jury respectively submits this report to the citizens of Douglas County.