



COUNTY OF MENDOCINO

Executive Office

TOM MITCHELL
CHIEF EXECUTIVE OFFICER

ALISON GLASSEY
ASST CHIEF EXECUTIVE OFFICER

501 Low Gap Road, Room 1010
Ukiah, CA 95482-3734

Email: ceo@co.mendocino.ca.us
Website: www.co.mendocino.ca.us

Office: (707) 463-4441
Facsimile: (707) 463-5649

July 23, 2009

The Honorable Cindee Mayfield, Presiding Judge
Superior Court of California
County of Mendocino
Mendocino County Courthouse
Ukiah, CA 95482

Re: Response to the 2008/2009 Grand Jury's Final Report:
Abdication of Leadership and Disciplinary Breakdowns in Leggett Valley Unified School
District

Dear Judge Mayfield:

Enclosed are the original signed Mendocino County District Attorney's responses, and a copy of the Mendocino County Sheriff's official responses, to the findings and recommendations, as specified within the above mentioned report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Hunter Alexander".

Hunter Alexander

Enclosures

cc: Grand Jury



Grand Jury Report Transmittal (with Instructions and Response Form)

Meredith Lintott
Mendocino County District Attorney
lintottm@co.mendocino.ca.us

Date: June 5, 2009

RE: Report Titled: *Abdication of Leadership and Disciplinary Breakdowns in Leggett Valley Unified School District*

Dated: (Release Date) May 21, 2009

Your response to the attached report by the 2008/2009 Mendocino County Civil Grand Jury is required pursuant to Penal Code §933.05 (enclosed). Penal Code §933.05 also requires that your response to the Findings and Recommendations contained in the report be in writing and be submitted within **60 days for individual responses from elected officials** or within **90 days for appointed officials and governing bodies** (including such entities as school boards and the Board of Supervisors).

Penal Code §933.05(f) specifically prohibits disclosure of the contents of this report by a public agency or its officers or governing body prior to the release to the public. The report will be released to the public and posted on the grand jury website two (2) or more days after the date of this letter.

The Penal Code is specific as to the format of responses. Complete and sign the enclosed Response Form and attach any additional comments as required.

Should you have any questions after reviewing the enclosures, please contact me at grandjury@co.mendocino.ca.us or at the address above.

Sincerely,

Finley Williams
2008/2009 Foreperson
Mendocino County Grand Jury

**Grand Jury Report
RESPONSE FORM**

**Grand Jury Report Title : Abdication of Leadership and Disciplinary Breakdowns
in Leggett Valley Unified School District**

Report Dated : May 21, 2009

Response Form Submitted By:

Meredith Lintott
Mendocino County District Attorney
Ukiah, CA 95482
lintottm@co.mendocino.ca.us

**Response MUST be submitted, per Penal Code §933.05, no later than: July 20,
2009**

Required Responses (see final section of attached report):

Mendocino County District Attorney
(Findings 30-34; and Recommendation 13)

**I have reviewed the report and submit my responses to the FINDINGS portion of
the report as follows:**

- X I (we) agree with the Findings numbered:
 31, 32
- X I (we) disagree wholly or partially with the Findings numbered below,
and have **attached, as required**, a statement specifying any portion of
the Finding that are disputed with an explanation of the reasons therefore.
 34

**I have reviewed the report and submit my responses to the RECOMMENDATIONS
portion of the report as follows:**

- X The following Recommendation(s) have been implemented and **attached, as
required**, is a summary describing the implemented actions:
 14

The following Recommendation(s) have not yet been implemented, but will
be implemented in the future, **attached, as required** is a time frame for
implementation:

GRAND JURY REPORT
RESPONSE FORM
PAGE TWO

The following Recommendation(s) require further analysis, and **attached as required**, is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)

X The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable, **attached, as required** is an explanation therefore:

13

I have completed the above responses, and have attached, as required the following number of pages to this response form:

Number of Pages attached: _____

I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: www.co.mendocino.ca.us/grandjury. The clerk of the responding agency is required to maintain a copy of the response.

I understand that I must submit this signed response form and any attachments as follows:

First Step: E-mail (word documents) to the County's Executive Office:
alexandr@co.mendocino.ca.us

Second Step: Mail all originals to Mendocino County Executive Office for deliver to the Mendocino County Courts and Mendocino County Grand Jury

Printed Name: Meredith J. Lintott

Title: Mendocino County District Attorney

Signed: _____



Date: 7/14/09



**OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF MENDOCINO**

COURTHOUSE
P.O. Box 1000
Ukiah, CA 95482
(707) 463-4211 Fax (707)468-4687

WILLITS OFFICE
125 E. Commercial St., Ste 230
Willits, CA 95490
(707) 459-6128 Fax (707)459-7747

COAST OFFICE
700 S. Franklin St.
Ft. Bragg, CA 95437
(707) 964-5624 Fax (707)961-2429

TO: MENDOCINO COUNTY GRAND JURY

FROM: MEREDITH J. LINTOTT, DISTRICT ATTORNEY OF MENDOCINO COUNTY

RE: GRAND JURY RESPONSE TO "Abdication of Leadership" – Dated May 21, 2009
REQUIRED RESPONSES

GRAND JURY FINDING NO. 34. STATES:

When questioned about missing and incomplete Incident Reports and his repeated failure to promptly contact law enforcement, the incumbent administrator responded, "Talk to my attorney about that. The Civility Policy is interpretive." In response to several other questions, the incumbent administrator also repeatedly advised the Grand Jury to "...talk to my attorney."

DISTRICT ATTORNEY RESPONSE TO FINDING NO. 34.

I have no knowledge upon which to form an opinion of whether I agree or disagree with Finding No. 34. The District Attorney does not know whether the incumbent administrator failed to complete Incident Reports, failed to contact law enforcement, or made certain statements directing the Grand Jury to speak to his attorney, or whether he claimed the Civility Policy is interpretive.

GRAND JURY RECOMMENDATION NO. 13 STATES:

The Mendocino county Sheriff's Office require that deputies assigned to the North County familiarize themselves with the Leggett Valley Unified School District civility Policy and that they respond promptly to calls and arrest all violators of the Education and Penal Code Sections included in the District Civility Policy. (Findings 20, 30-34)

DISTRICT ATTORNEY RESPONSE TO RECOMMENDATION NO. 13.

The Required Responses in the Grand Jury Report includes Recommendation No. 13. It is the opinion of the District Attorney that the Grand Jury expected the District Attorney to respond to Recommendation No. 14 because No. 13 pertains to the authority of the Mendocino County Sheriff. The District Attorney does not respond to assault calls or arrest violators of the Education and Penal Code; our office prosecutes the crimes.

GRAND JURY RECOMMENDATION NO. 14 STATES:

The Mendocino County District Attorney's Office prosecute all violations of the Leggett Valley Unified School District Civility Policy to the full extent of the law. (Findings 30-34)

DISTRICT ATTORNEY RESPONSE TO RECOMMENDATION NO. 14.

Although the Grand Jury did not require the District Attorney to respond to No. 14; the District Attorney's Office will prosecute violations of the Education and Penal Code sections referred to in the Civility Policy so long as the evidence submitted to the Office is sufficient to prove a crime has been committed.

THOMAS D. ALLMAN
Sheriff-Coroner



Undersheriff Gary Hudson

Captain Kurt O Smallcomb

Field Services

Captain Tim Pearce

Corrections

County of Mendocino Office Of The Sheriff-Coroner

June 2, 2009

Honorable Cindee Mayfield, Presiding Judge
Superior Court of California
County of Mendocino
County Courthouse
Ukiah, Ca 95482

RECEIVED
COUNTY OF MENDOCINO
EXECUTIVE OFFICE
2009 JUN -9 AM 11:10

RE: Response to Report of the May 21, 2009 Grand Jury

Dear Judge Mayfield:

Attached and enclosed please find my responses to the Grand Jury's report entitled:

Abdication of Leadership and Disciplinary Breakdowns in Leggett Valley Unified School District

The Grand Jury requires me to respond to Findings #20 and #30-34 along with Recommendation #13.

Findings

20. In several interviews, respondents openly discussed the robust local marijuana industry. Some observed that it creates a general disrespect for authority on the part of students and adults. Jurors were told that students are sometimes used by their families as sentries and informants. Involvement in production of illegal drugs was also cited as undermining academic motivation and working at cross-purposes with the public school mandate to maintain a drug free environment.

Sheriffs Response: I agree with this finding.

30. Education Code 32211(a) authorizes the school principal or the designee of the principal to request any person whose presence the principal believes will be disruptive or interfere with classes of the public school program to leave the grounds. The person who is

589-A Low Gap Road
Ukiah, California 95482-3734

707-463-4411
Fax 707-468-3404

requested to leave has the right to appeal the determination to the superintendent. That appeal shall be made no later than the second succeeding school day and a reply shall be given within 24 hours.

Sheriffs Response: I agree with this finding.

31. Education Code 44810(a) states that "Every minor over 16 years of age or adult who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school, who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct or administration of any school class or activity of the school, with intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor". This section further sets forth penalties including fines of up to \$1,000 and imprisonment for up to 90 days in the county jail.

Sheriffs Response: I agree with this finding.

32. Education Code 44811 states that "Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts class work or extracurricular activities or involves substantial disorder is guilty of a misdemeanor."

Sheriffs Response: I agree with this finding.

33. The LVUSD Civility Policy specifies that "when violence is directed against an employee or theft against property, employees shall promptly report the occurrence to their principal or supervisor and complete an Incident Report. Employees and supervisors should complete an Incident Report and report to law enforcement, any attack, assault, or threat made against them on School/District premises.

Sheriffs Response: After reviewing the Civility Policy I agree with this finding.

34. When questioned about missing and incomplete Incident Reports and his repeated failure to promptly contact law enforcement, the incumbent administrator responded, "Talk to my attorney about that. The Civility Policy is interpretive. "In response to several other questions, the incumbent administrator also repeatedly advised the Grand Jury to "Talk to my attorney."

Sheriffs Response: Without knowing the specific act or inactions I am unable to either agree nor disagree with this finding.

RECOMMENDATIONS:

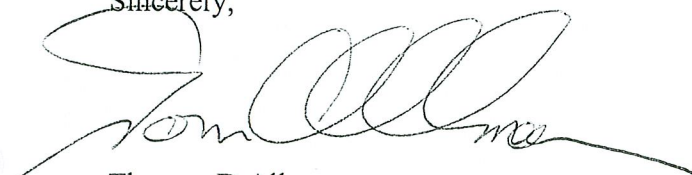
13. The Mendocino County Sheriffs Office require that deputies assigned to the North County familiarize themselves with the Leggett Valley Unified School District Civility Policy and that they respond promptly to calls and arrest all violators of the Education Code and Penal Code Sections included in the District Civility Policy. (Findings 20, 30-34)

Sheriff's Response: Sheriff's deputies will continue to follow the law as set by State and Federal guidelines. Sheriff's deputies will try and maintain knowledge as to local school district guidelines and policies as well as contact with school administrators.

We recommend the beginning of each school year the Leggett Valley Unified School District Superintendent meet with the Mendocino County Sheriff's Office North Area Commander to review the Leggett Valley Unified School District Civility Policy and discuss any revisions.

Should you or the Grand Jury have questions about any of my responses, please do not hesitate to contact me or Captain Kurt Smallcomb at the address and phone number listed below.

Sincerely,



Thomas D. Allman
Sheriff-Coroner

cc: Finley Williams, Grand Jury Foreman
John Pinchess, Chair-Board of Supervisors
Tom Mitchell, County CEO
Jeanine Nadel, County Counsel
Lt. Ronald Welch, MCSO
Lt. Timothy Marsh, MCSO



**LEGGETT VALLEY UNIFIED
SCHOOL DISTRICT**

PO. BOX 186, 1 SCHOOL WAY, LEGGETT, CA 95585
VOICE: (707) 925-6285 FAX: (707) 925-6396
BILL RAEBE, SUPERINTENDENT



Community Relations

BP 1314(a)

Civility Policy

Members of LVUSD staff will treat parents and other members of the public with respect and expect the same in return. The District is committed to maintaining orderly educational and administrative processes in keeping schools and administrative offices free from disruptions and preventing unauthorized persons for entering school/district grounds.

This policy promotes mutual respect, civility and orderly conduct among District employees, parents, volunteers, students, and the public. This policy is not intended to deprive any person of his/her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, harassment-free workplace for our students, volunteers and staff. In the interest of presenting District employees as positive role models to the children of this District, as well as the community, LVUSD **encourages** positive communication, and **discourages** volatile, hostile or aggressive actions. The District seeks public cooperation with this endeavor.

Disruptions

1. Any individual who disrupts or threatens to disrupt school/office operations; threatens the health and safety of students, volunteers or staff; willfully causes property damage; uses loud and/or offensive language; or who has otherwise established a continued pattern of unauthorized entry on school district property, will be directed to leave school or school district property promptly by the Chief Administrative Officer or designee.

2. If any member of the public uses obscenities or speaks in a demanding, loud, insulting and/or demeaning manner, the administrator or employee to whom the remarks are directed will calmly and politely admonish the speaker to communicate civilly. If corrective action is not taken by the abusing party, the District employee will verbally notify the abusing party that the meeting, conference or telephone conversation is terminated and, if the meeting or conference is on District premises, the offending person will be directed to leave promptly.

3. When an individual is directed to leave under such Paragraph 1 or 2 circumstances, the Chief Administrative Officer or designee shall inform the person that he/she will be guilty of a misdemeanor in accordance with California Education Code 44811 and Penal Codes 415.5 and 525.7, if he/she reenters any district facility within 30 days after being directed to leave, or within seven days if the person is a parent/guardian of a student attending that school. If an individual refuses to leave upon request or returns before the applicable period of time, the Chief Administrative Officer or designee may notify law enforcement officials. An Incident Report should be completed for the situations as set forth in paragraphs 1 and 2.

Safety and Security

4. When violence is directed against an employee, or theft against property, employees shall promptly report the occurrence to their principal or supervisor and complete an Incident Report. Employees and supervisors should complete an Incident Report and report to law enforcement, any attack, assault or threat made against them on School/District premises



LEGGETT VALLEY UNIFIED
SCHOOL DISTRICT

P.O. Box 186, 1 SCHOOL WAY, LEGGETT, CA 95585
VOICE: (707) 925-6285 FAX: (707) 925-6396
BILL RAEBE, SUPERINTENDENT



WHALE GULCH SCHOOLS
(707) 986-7131

or at School/District sponsored activities.

5. An employee whose person or property is injured or damaged by willful misconduct of a student, may ask the District to pursue legal action against the student or the student's parent/guardian.

Documentation

6. When it is determined by staff that a member of the public is in the process of violating the provisions of this policy, an effort should be made by staff to provide a written copy of this policy, including applicable code provisions, at the time of occurrence. The employee will immediately notify his/her supervisor and provide a written report of the incident on the attached form.

Legal Reference:

EDUCATION CODE

- 32210 DISTURBING SCHOOL
- 44014 ASSAULT ON PERSONNEL
- 44810 PERSON ON SCHOOL GROUNDS
- 44811 INSULTS AND ABUSES

PENAL CODE

- 243.5 ARREST ON SCHOOL GROUNDS
- 415.5 FIGHTING ON SCHOOL GROUNDS
- 626.8 ENTRY OF SCHOOL BY PERSON NOT ON LAWFUL BUSINESS
- 627.7 REFUSAL TO LEAVE SCHOOL GROUNDS

POLICY ADOPTED:

LVUSD Board Meeting on May 16, 2001



LEGGETT VALLEY UNIFIED SCHOOL DISTRICT
PO. Box 186, 1 SCHOOL WAY, LEGGETT, CA 95585
VOICE: (707) 925-6285 FAX: (707) 925-6396
BILL RAEBE, SUPERINTENDENT



LEGGETT VALLEY UNIFIED SCHOOL DISTRICT

INCIDENT REPORT

Name: _____ Site: _____

Today's Date: _____ Date and time (approximate) of incident: _____

Location of Incident (office classroom, hallway, etc.): _____

Name of Person you are reporting (if known): _____

Is this person a parent/guardian or relative to a student at LVUSD? _____ Yes _____ No

Did you feel your well-being / safety was threatened? _____ Yes _____ No

Were there any witnesses to this incident? _____ Yes _____ No

Names of Witness(es) _____

Were the police contacted? _____ Yes _____ No

Below, please describe what happened: (If you need additional space, please use the back of this sheet.)

Signature of Person Completing Form

A copy of this Incident Report should be sent to the appropriate Administrator.

LVUSD Incident Report May 99 Policies