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JUN 23 2023

INYO CO. CLERK



2022-2023

Inyo County Grand Jury

Final Report



Inyo County Grand Jury

PO Box 401
Independence, CA 93526

Hon. Stephen M Place
Judge of the Superior Court
For Inyo County CA

Dear Judge Place,

2022-2023 Grand Jury Report

It is our pleasure to present to you the Inyo County Grand Jury report for the fiscal year 2022-2023.

We fulfilled our specific duty to inquire into the management and condition of "public prisons" in the county (PC §919(b)).

In addition to our formal report, we did inquire into other subjects and decided either not to investigate or not to report.

Throughout the year the Grand Jury fluctuated between seven to ten members which made this year especially hard. Without a full Grand Jury we were insufficiently staffed and thus less than fully effective to say the least. The Grand Jury worked well together looking for ways to benefit the citizens of Inyo County but struggled to keep a quorum. The report we present represents the substantial contribution by every member of the Grand Jury.

In addition to our formal report on the Inyo County Sheriff's concealed carry weapon renewal process, the ICGJ undertook an evaluation of responses to previous ICGJ reports. That evaluation revealed improvements in the way the ICGJ creates and distributes reports that we believe would improve their effectiveness. We saw a pattern of poor responses, particularly from special districts and non-county agencies. Our objective was to increase the timeliness and appropriateness of agency responses. The ICGJ identified four causes for insufficient responses: 1) Knowledge, 2) Structure, 3) Consequences, 4) Process.

Knowledge refers to ignorance about the Civil Grand Jury and, in particular, the proper procedures for responding to a report. Structure refers to the academic style of Grand Jury reports. Consequences refers to missed opportunities for improvement and non-compliance to Penal Code 933.05. Process refers to the procedures for distributing Grand Jury reports.

We concluded that improving the Grand Jury report writing process would be more effective than blaming respondents. After we identified causes that likely contributed to a poor response rate we formulated

specific recommendations for future Inyo County Grand Juries. The following recommendations will be incorporated into our Policy and Procedures Manual:

- Clarify the process and expectations for a response in the report introduction
- Conduct exit interviews with agency heads or board members
- Ensure respondents understand both the report and any responses are public
- Remind respondents of their legal obligation to respond
- The foreperson to ensure that the report is delivered to the appropriate recipients
- Write reports with the target audience in mind, using clear and constructive language
- Encourage future Grand Juries to review past reports for sufficient responses and timely implementation of recommendations

Our tasks benefited greatly by the cooperation and generosity of time of many officials of many departments and special districts of the County who will not be individually named to preserve their confidentiality. We appreciate your support and your staff, especially Alyse Caton.

Thank you for the opportunity to serve on the Grand Jury

Many thanks,

Samantha Kline

Samantha Kline
Foreperson

2022-2023 Inyo County Grand Jury Final Report

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2022-2023 Inyo County Grand Jury

Mitchell Cox

Lone Pine
Pro-tem

Daniel Cutshall

Starlite

Samantha Del Giudice

Chipmunk Canyon
Foreperson

Lynette McIntosh

Bishop

Edward Morse

Big Pine

Kristin Ostly

Bishop

Karen Palley

Cartago

Suzanne Roepke

Bishop

John Shepherd

Mustang Mesa

Peter Thomsen

Bishop

Introduction

In California, the Grand Jury system consists of 58 separate grand juries—one in each county—that are convened on an annual (July–June) basis by the Superior Court to serve a “watchdog” function, investigating and reporting on the operations of local government.

With regard to its watchdog authority, the civil Grand Jury is well suited to the effective investigation of local governments because it is an independent body, operationally separate from the entities and officials it investigates. It conducts its investigations under the auspices of the Superior Court and has broad access to public officials, employees, records and information.

The Grand Jury’s fact-finding efforts result in written reports which contain specific recommendations aimed at identifying problems and offering recommendations for improving government operations and enhancing responsiveness. In this way, the Grand Jury acts as a representative of county residents in promoting government accountability.

Serving on the Inyo Grand Jury is a privilege, a duty and an opportunity. A privilege to be trusted with the authority granted to Grand Juries in California, a duty to investigate issues thoroughly with complete objectivity, and the opportunity to serve the citizens of our county by suggesting ways to improve the efficacy and efficiency of local government.

It should be noted that the Grand Jury receives many complaints and referrals during its year of service. Each complaint is carefully reviewed. A confirmation is sent to all complainants that identify themselves explaining their complaint will be evaluated by the Jury for possible investigation. Unfortunately, in addition to its basic merits, the timing of the complaint, the number of on-going investigations, and the number of members available to investigate are also components in the decision to conduct an investigation.

The following reports represent the efforts of the members of the Inyo Grand Jury for the fiscal year 2022-23. We hope our findings and recommendations will lead to some incremental improvements in local government and overall benefits to the citizens of Inyo County.



**Inyo County Grand Jury Report
2022-2023**

Concealed Carry Weapon Renewals

CCW RENEWAL REPORT

2022-2023 Grand Jury REPORT

Summary

Application for renewal of a concealed carry weapon permit (CCW) issued in Inyo County can be done on-line at the Inyo County Sheriff's Office (ICSO) website. Comprehensive instructions and information are provided to enable the renewal but no specific information is provided as to the minimum processing times when the application is submitted with all necessary documentation. Lack of this information creates the potential that a CCW holder may not apply for and receive the renewal before the expiration of their existing permit.

The Inyo County Grand Jury recommends that typical processing times be included on the website, establishing a minimum time needed to renew a CCW permit if all necessary documents are submitted with the application, and resolution of some minor discrepancies on the ICSO CCW website.

Background

A concealed carry - weapon (CCW) permit authorizes a person to carry a concealed (loaded) firearm on their person in California for protection of themselves or their family. In Inyo County, the CCW is issued by the Inyo County Sheriff's Office (ICSO). You may apply for a CCW if:

- You are of good moral character.
- Your primary residence is in Inyo County.
- You have completed a course of training prescribed by the ICSO.
- You haven't been convicted of a felony or certain misdemeanors.
- You aren't addicted to narcotics and haven't been diagnosed as mentally ill.
- You haven't lost your gun rights because of a domestic violence conviction.
- You are at least 21 years of age.

Applying for a CCW in Inyo County is done on-line, requires proof of residency, an 8 hour training course, gun handling proficiency certification, payment of fees, a background and criminal record check and an interview with the ICSO. Granting a CCW is at the discretion of the Inyo County Sheriff.

The CCW is valid for up to three firearms approved by the State of California for 2 years from the date of issue.

Renewing a CCW requires an on-line application, like applying for the original CCW, except that an interview is not required and the training course is 4 rather than 8 hours.

You may not legally carry a concealed weapon with an expired CCW. ICSO will accept a renewal application within 6 months of the expiration date rather than requiring a new CCW application.

Methodology

During this investigation the Inyo County Grand Jury (ICGJ) took the following steps:

- Reviewed California Penal Codes § 25400, 25850, 26205, 26210, 26155 and other related codes.
- Reviewed Inyo County Sheriff's Office website sections on obtaining and renewing a CCW.
- Conducted interviews with CCW holders that have gone through the renewal process.
- Conducted interviews with ICSO personnel involved in processing CCW renewals.
- Reviewed and analyzed information and data provided by ICSO at the request of the ICGJ.

Discussion

The ICGJ received comments from community members concerning the CCW renewal process within Inyo County. The concerns expressed were about the uncertainty of the renewal process, renewals that were not received before the original CCW expired, being notified only a day or so before the expiration date that the permit had been approved or that an inquiry to the ICSO was needed to facilitate a timely renewal.

The ICSO uses an on-line system by a company called Permittium to process and track CCW applications and renewals.

The CCW renewal (general information) section on the ICSO website states that renewal applications may not be submitted more than 90 days prior to the expiration date.¹ While the guidance and instructions for renewing a CCW are comprehensive, there is no guidance on when an application should be submitted to assure a timely renewal.

According to ICSO staff, the typical processing time for CCW renewals is 90 days. There is no established statutory requirement on processing times except that a CCW applicant who is denied a renewal must be notified within 90 days of submitting the application. If an applicant does not provide all the necessary documentation, training certifications, payment of fees, if there are issues with the mandatory California

¹ Changed to 180 days on May 2, 2023

Department of Justice (CDOJ) records and weapons check or other required reviews the process may extend beyond 90 days. However, as a matter of practice, applications are accepted up to 180 days before the CCW expiration date according to ICSO staff.

The number of ICSO personnel trained and authorized to process CCW's is limited. There are few if any backups. Illness, vacations, or other absences of these key individuals can have an impact on processing times.

If a CCW is renewed before the original expiration date the new expiration date will reflect the effective date of the renewal. It is ICSO practice to delay notification of approved applications until near the expiration date of the original permit so as not to reset the renewal date. While reasonable, this practice is not mentioned on the ICSO website and may cause uncertainty about actual renewal process times.

An analysis of CCW renewal data provided by ICSO for the last 4 months of 2022 showed that the average processing time from receipt of application to notification of the applicant of successful renewal was 70 days. The shortest was 25 days and the longest was 107 days. None of the renewals during that period were for previously expired CCW's, based on information provided by ICSO.

Documentation provided by interviewees did show renewal dates after the original CCW permit had expired in previous years. In two cases, the renewal applications were submitted less than 90 days before the expiration date, and in one case there was a significant delay caused by incorrect information in the CDOJ weapon record system. Documentation of inquiries by applicants about processing times showed ICSO responses were rather generic and not specific to the particular application involved.

In one case an applicant received what appeared to be an automated notice from Permitium stating that their CCW was "set to expire" six days after the permit had actually expired and indicating up to 120 business days could be required to process the renewal.

Findings

F1 There are discrepancies between the information for renewing a CCW on the ICSO website and current practice.

F2 No information is presented on the ICSO website as to typical CCW renewal process times nor an indication of the minimum time necessary to receive a renewal before the existing CCW expiration date.

F3 The Permitium CCW expiration notice process is problematic.

Recommendations

R1 The Grand Jury recommends ICSO review and revise the website to eliminate discrepancies between stated and actual CCW renewal practices by Dec 31, 2023. (F1)

R2 The Grand Jury recommends ICSO provide guidance on the website as to typical CCW renewal times by Dec 31, 2023 (F2)

R3 The Grand Jury recommends ICSO clearly indicate the minimum time required to renew a CCW if all documentation is properly submitted by Dec 31, 2023. (F2)

R4 The Grand Jury recommends ICSO assure expiration date notices sent by Permitium are accurate and include guidance for timely renewals by Dec 31, 2023. (F3)

Request For Responses

- 1) Responses to recommendations R1, R2, R3 and R4 are requested from the Inyo County Sheriff's Office, as required by Penal Code §933.05.

HOW TO RESPOND TO A GRAND JURY REPORT

Each respondent must use the formats below for responses to each separate finding and recommendation identified in the report. Incomplete or inadequate responses will likely prompt further investigative inquiries by the Grand Jury and/or the court.

Before preparing an official response, the respondent should carefully review the Penal Code and note the pertinent provisions outlined below. Each respondent must use the formats below for responses to each separate finding and recommendation identified above. Incomplete or inadequate responses will likely prompt further investigative inquiries by the Grand Jury and/or the court.

RESPONSE TO FINDINGS

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

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

Respondents must specify one of three options:

1. Respondent agrees with finding

2. Respondent disagrees wholly with finding or
3. Respondent disagrees partially with finding

If the respondent uses option 2 or 3 then the response must specify the portion of the disputed finding along with a clear explanation.

RESPONSE TO RECOMMENDATION

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

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

Respondents must specify one of four options:

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

TIME TO RESPOND

The California Penal Code section 933(c) specifies response times.

PUBLIC AGENCIES

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

ELECTIVE OFFICERS OR AGENCY HEADS

All elected officers or heads of agencies/departments are required to respond within 60 days of the release of the report to the public.

FAILURE TO RESPOND

Failure to respond as required to a Grand Jury report violates California Penal Code Section 933.05 and is subject to further action that may include additional investigation on the subject matter by a future Grand Jury. As a potential last resort, the Grand Jury may sue the board of a city, county or special district for administrative mandamus (an order by the court that the board respond as required by section 933).

WHERE TO RESPOND

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

Inyo Superior Court
PO Box 1508
Bishop, CA 93515

For more information go to <https://www.inyo.courts.ca.gov/general-information/jury-service/civil-grand-jury>