

GOVERNMENT & ADMINISTRATION COMMITTEE

Mobile Homes/Senior Abuse

Citizen Complaint #C12-02/03

Reason for the Report

A citizen's complaint alleged that the El Dorado County District Attorney did not respond in a timely manner to complaints regarding senior abuse in mobile home parks.

Scope of the Investigation

The Grand Jury interviewed the following persons:

- President of the Homeowners Coalition for Mobile Home Parks in El Dorado County and other witnesses;
- District Attorney;
- Chief Assistant District Attorney;
- Deputy District Attorney;
- Investigator with the District Attorney's Office;
- Senior Administrative Analyst, District Attorney's Office.

The Grand Jury also reviewed the following items:

- The citizen's complaint;
- The files of the Homeowners Coalition for Mobile Home Parks, which set forth 26 complaints against El Dorado County mobile home park owners;
- A criminal complaint against a mobile home park owner;
- The District Attorney's office procedures;
- The case management system used by the District Attorney (DAMION);
- All of the minutes of the Mobile Home Task Force meetings;
- Mobile Home Task Force Report to the Board of Supervisors, dated February 2003;
- Relevant California Code sections relating to mobile homes and senior abuse.

Background

On or about April 2001, the complainant delivered twenty-six separate complaints regarding mobile home parks and senior abuse to the District Attorney. The complaints alleged among other things; sewage leakage, abundance of rats, propane overcharges, and unlawful increases in rent.

Fifteen months later a complaint was received by this Grand Jury regarding the excessive delay by the District Attorney in connection with this matter.

The Grand Jury eventually learned the complaints had been languishing on a Deputy District Attorney's office floor during that fifteen-month period.

Thereafter, one of the complaints was assigned to the Chief Assistant District Attorney for prosecution. He successfully prosecuted the case and obtained a written stipulation creating a \$50,000 trust fund for future issues involving seniors in mobile homes.

During his testimony before the Grand Jury, the District Attorney said he did not prosecute the other 25 complaints because of "insufficient evidence" or they were "outside his purview."

The Grand Jury requested that the District Attorney's Office provide a copy of their written "office procedures." We received 17 internal memos dated from 1993 to 2002. The majority of these memos appear to relate to incidences that came up on that particular date. The memos were brief with some being no longer than a paragraph in length. The District Attorney also delivered a State of California "guidelines" manual that offered suggestions in operating a District Attorney's Office. From our review, it is apparent the District Attorney does not have an adequate internal policy and procedures handbook for his office.

The District Attorney, the Chief Assistant District Attorney, and the Deputy District Attorney informed the Grand Jury they are understaffed. According to the information received, attorneys type their own pleadings, file their own paperwork, answer telephones, and perform other clerical duties. Notwithstanding, the District Attorney's Office has 10.5 legal secretaries, 10 investigators, and 18.5 attorneys.

A DAMION case management system was purchased for over \$120,000. In addition, the purchase allowed for further consulting, training, customization, and implementation services from the vendor at an annual cost of \$100,000. The system was installed in June 2001. According to a September 17, 2002 internal memo, the District Attorney and his staff had not yet discussed or determined the elements to be entered into DAMION (convictions, cases dismissed, diversions, acquittals, mistrials, etc.). As of this report staff is still not fully trained on the use of the program.

It should be noted that the Board of Supervisors created a Mobile Home Task Force in May 2002 for a six-month period. Their purpose was to attempt to resolve issues relating to mobile home parks.

Findings

- F1. A complaint languished in the District Attorney's Office for 15 months before being investigated.

