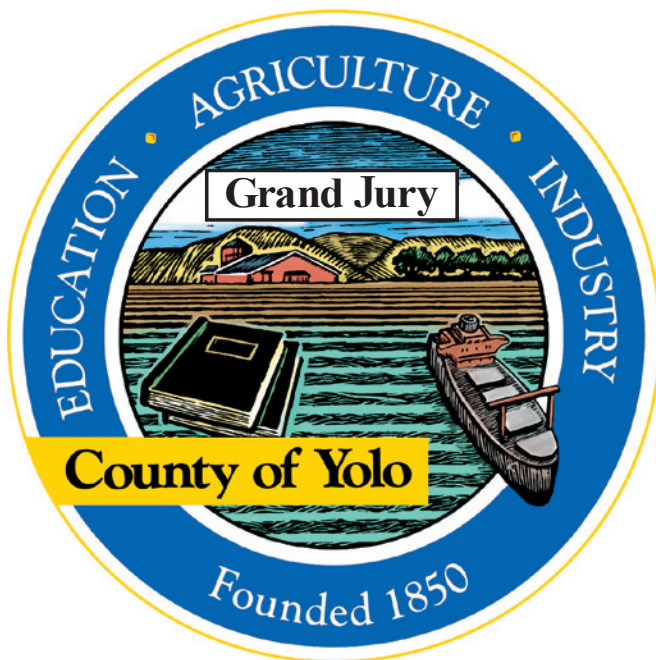


# **2012 – 2013 YOLO COUNTY GRAND JURY**

## **FINAL REPORT**

**A Report for the Citizens of Yolo County, California**



**June 28, 2013  
Woodland, California**



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## GRAND JURY

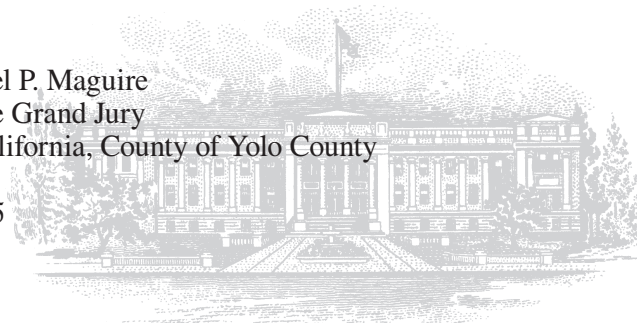
County of Yolo

P.O. Box 2142

Woodland, CA 95776

June 28, 2013

The Honorable Daniel P. Maguire  
Advising Judge to the Grand Jury  
Superior Court of California, County of Yolo County  
725 Court Street  
Woodland, CA 95695



Dear Judge Maguire,

The 2012-2013 Yolo County Grand Jury is pleased to present to you and the citizens of Yolo County our Comprehensive Final Report.

The Grand Jury received 18 complaints, a slight increase over the ten complaints received in 2011-2012. One complaint was a carry-over from the previous Grand Jury, and it resulted in an early report release in October.

The Grand Jury produced seven reports: one on the County Detention Facilities as mandated by the California Penal code, three based on complaints, and three on Grand Jury initiated investigations. Two departments have already responded.

Not all the investigations resulted in reports. Some complaints were received too late to investigate this year and will be referred to next year's Grand Jury for consideration. In addition to the civil investigations, the Grand Jury participated in four criminal indictment hearings at the request of the District Attorney.

This year's panel represented a cross section of Yolo County citizens in geographic, economic and educational diversity. It was my honor to serve as Foreperson of such an intelligent, hardworking, challenging and congenial group of nineteen. The extra efforts and long hours of several jurors resulted in the completion of the Grand Jury's charge.

The Grand Jury also acknowledges the employees and officials throughout Yolo County whose support, cooperation and assistance aid in the completion of our work. It has been our privilege to serve the citizens of Yolo County this year.

*Mari Perla*

Mari Perla, Foreperson  
2012-2013 Yolo County Grand Jury

**The 2012-2013  
Yolo County Grand Jury**

**Mari Perla, *Foreperson, Woodland***

**Charlotte Beal, *Woodland***

**Laura Caruso-Kofoid, *Woodland***

**Rebecca Challenger, *Woodland***

**Alea German, *Winters***

**Gloria Harrington, *West Sacramento***

**Ted Holtry, *Woodland***

**Paul Jacobs, *Davis***

**Robert Jennings, *Davis***

**Julia McMichael, *West Sacramento***

**Jane E. Naekel, *Woodland***

**Iris Newton, *West Sacramento***

**Roberta Paul, *Woodland***

**John Sexton, *Winters***

**Eteica Spencer, *Davis***

**Dennis Turnipseed, *Davis***

**Audrey Vaughn, *Davis***

**Jeanine Weeks, *Woodland***

**Enas Wilson, *Woodland***



## ABOUT THE GRAND JURY

The United States Constitution’s Fifth Amendment and the California Constitution require that each county appoint a Grand Jury to guard the public interest by monitoring local government. Per California Penal Code Section 888, the Yolo County Superior Court appoints 19 Grand Jurors each year from a pool of volunteers. These Yolo County citizens, with diverse and varied backgrounds, serve their community as Grand Jurors from July 1st to June 30th. The Yolo County Grand Jury is an official, independent body of the court, not answerable to administrators or to the Board of Supervisors.

### FUNCTION

The California Grand Jury has three basic functions: to weigh criminal charges and determine whether indictments should be returned (*Pen. Code, § 917*); to weigh allegations of misconduct against public officials and determine whether to present formal accusations requesting their removal from office (*Pen. Code, § 992*); and to act as the public’s “watchdog” by investigating and reporting on the affairs of local government (e.g., *Pen. Code, §§ 919, 925 et seq.*). The purposes of any Grand Jury civil investigation are to identify organizational strengths and weaknesses and to make recommendations aimed at improving the services of county and city governments, school districts, and special districts under study. Based on these assessments, the Grand Jury publishes its findings and may recommend constructive action to improve the quality and effectiveness of local government.

Recommendations from the Grand Jury are not binding on the organization investigated. The governing body of any public agency must respond to the Grand Jury findings and recommendations within 90 days. An elected county officer or agency head must respond to the Grand Jury findings and recommendations within 60 days. The following year’s Grand Jury will then evaluate and report on the required responses.

The findings in this document report the conclusions reached by this year’s Grand Jury. Although all the findings are based upon evidence, they are the product of the Grand Jury’s independent judgment. Some

findings are the opinion of the Grand Jury rather than indisputable statements of fact. All reports included in the document have been approved by at least 12 jurors. Any juror who has a personal interest, or might be perceived to have a personal interest, in a particular investigation is recused from discussion and voting regarding that matter. All reports are reviewed by the Grand Jury’s legal advisors to ensure conformance with prevailing laws.

While the Yolo County Grand Jury’s primary function is civil review of government agencies, it is also called upon to participate in criminal indictments, usually based on evidence presented by the District Attorney. On its own initiative, the Grand Jury may investigate charges of malfeasance (wrongdoing), misfeasance (a lawful act performed in an unlawful manner), or nonfeasance (failure to perform required duties) by public officials.

The Grand Jury investigates complaints from private citizens, local government officials, or government employees; initiates investigations based on ideas generated from the jury; and follows California Penal Code that requires it to inspect the county’s jails.

Copies of the Grand Jury’s comprehensive final report, consisting of each year’s individual reports on departments and agencies and responses to the prior year’s report, are available in hard copy at the courthouse, in all public libraries, and on the Grand Jury’s website, <http://www.yolocounty.org/Index.aspx?page=780>. The report may also be obtained by

*(continued on next page)*

## ABOUT THE GRAND JURY

contacting the Yolo County Grand Jury at 530-406-5088 or at P.O. Box 2142 in Woodland, CA 95776.

Grand Jurors and all witnesses are sworn to secrecy and, except in rare circumstances, records of meetings may not be subpoenaed. This secrecy ensures that neither the identity of the complainant nor the testimony offered to the Grand Jury during its investigations will be revealed. The Grand Jury exercises its own discretion in deciding whether to conduct an investigation or report its findings on citizens' complaints.

### HOW TO SUBMIT A COMPLAINT

Complaints must be submitted in writing and should include any supporting evidence available. A person can pick up a complaint form at the county courthouse, the jail, or any local library; can request a form be mailed by calling 530-406-5088 or by writing to the Grand Jury at P.O. Box 2142, Woodland, CA 95776; or by accessing the Grand Jury's website at [www.yolocountygrandjury.org](http://www.yolocountygrandjury.org). Complaints should be mailed to P.O. Box 2142 in Woodland or sent to the Grand Jury's e-mail address, [grand-jury@sbcglobal.net](mailto:grand-jury@sbcglobal.net). It is not necessary to use the printed form as long as the essential information is included in the complaint. Complaints received after February, when the Grand Jury's work is coming to a close, may be referred to the next year's Grand Jury for consideration.

### REQUIREMENTS AND SELECTION OF GRAND JURORS

To be eligible for the Grand Jury you must meet the following criteria:

- You must be a citizen of the United States.
- You must be 18 years of age or older.
- You must have been a resident of Yolo County for at least one year before selection.
- You must be in possession of your natural faculties, of ordinary intelligence, of sound judgment and fair character.

- You must possess sufficient knowledge of the English language.
- You are not currently serving as a trial juror in any court of this state during the time of your Grand Jury term.
- You have not been discharged as a Grand Juror in any court of this state within one year.
- You have not been convicted of malfeasance in office or any felony.
- You are not serving as an elected public officer.

In addition to the requirements prescribed by California law, applicants for the Grand Jury should be aware of the following requirements:

- Service on the Grand Jury requires a minimum of 25 hours per month at various times during the day, evening and weekend. During peak months, 40 hours a month is typical, with more hours for those in leadership positions.
- Jurors must maintain electronic communications to participate in meeting planning, report distribution, and other essential jury functions. Such communications can be supported by computers at local libraries or personal electronic devices.

Each spring, the Yolo County Superior Court solicits applicants for the upcoming year's Grand Jury. Anyone interested in becoming a Grand Juror can submit his or her application to the Court in the spring, usually in April. Application forms are available at the courthouse or from the Grand Jury's website at <http://www.yolocounty.org/Index.aspx?page=786>. Applications are managed by the Jury Services Supervisor, Yolo County Courthouse, 725 Court Street, Room 303, Woodland, CA 95695, telephone 530-406-6828. The Court evaluates written applications and, from these, identifies and interviews potential jurors to comprise the panel of nineteen citizens. Following a screening process by the Court, Grand Jurors are selected by lottery as prescribed by California law.

**INVESTIGATIONS & REVIEWS**

**2012-2013  
YOLO COUNTY GRAND JURY  
FINAL REPORT**





## **Yolo County Probation Department: A Troubling Contract, Questionable Ethics**

### **SUMMARY**

The 2012-2013 Grand Jury investigated the Yolo County Probation Department (YCPD) in response to a citizen's complaint. The YCPD has a contract for risk assessment software and training to use in determining the risk of re-offense by clients. The contract is with Assessments.com (ADC). The Grand Jury found that a high level YCPD manager was the sole contract administrator for the contract and had a personal relationship with the Chief Executive Officer (CEO) of ADC.

The Grand Jury determined that a dual relationship existed between the high level manager and the CEO of ADC. This relationship made it difficult for the manager to be impartial in the administration of the ADC contract and created, at a minimum, an ethical conflict of interest. As the administrator of the ADC contract, the manager was the sole receiver of invoices and had sole approval for payment. This relationship could impair professional judgment in the administration of the ADC contract and the interests of Yolo County. The Grand Jury recommends an audit of the ADC contract be performed to ensure no improper invoice payments occurred.

The YCPD management authorized a compensation package for a select group of probation officers who had been trained by ADC to be considered subject matter experts in Motivational Interviewing Technique (MIT). This compensation deviates from the normal compensation for YCPD trainers and is contrary to the Memorandum of Understanding (MOU) between the County of Yolo and Yolo County Probation Association, the probation officers' union. The Grand Jury questions the legality of the compensation package and the authority of YCPD management to authorize this compensation.

It is important to note that the Chief Probation Officer resigned near the conclusion of this investigation.

### **REASON FOR THE INVESTIGATION**

The 2011-2012 Grand Jury conducted an investigation of the YCPD and issued a report on the Department's training protocols and other administrative policies and procedures. Subsequently, the 2011-2012 Grand Jury received a second complaint alleging conflict of interest in the administration of a consultant contract.

The 2012-2013 Grand Jury investigated the second complaint. The investigation identified the following concerns and irregularities:

- Administration of the Assessments.com (ADC) contract and other contract issues
- Inappropriate relationship between a high level YCPD manager and the ADC CEO
- Irregular compensation package for MIT trainers
- MIT trainers' payroll time sheet irregularities

## **YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**

California Penal Code Section 925 provides, “The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county, including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts.”

### **ACTIONS TAKEN**

The 2012-2013 Grand Jury subpoenaed YCPD employees, supervisors, managers and Yolo County managers and staff. The Grand Jury reviewed the following documents, many of which were subpoenaed:

- Yolo County Administrative Manual
- YCPD Policies and Procedures Manual
- ADC CEO arrest records
- YCPD correspondence
- YCPD Memorandum of Understanding with the Yolo County Probation Association
- YCPD ADC contracts
- YCPD emails
- Employee payroll time sheets
- Employee travel expense claims
- Employee training records

### **WHAT THE GRAND JURY DETERMINED**

#### **Overview of the YCPD**

The YCPD is responsible for supervision, case management and correctional treatment of delinquent youth and their families as well as adult felons on probation. The Chief Probation Officer of the YCPD reports directly to the Chief Administrative Officer (CAO) of Yolo County.

#### **Assessments.com Contracts**

According to the Chief Probation Officers of California (CPOC), 310,000 adults are on formal probation in California. The large majority (79%) have committed felonies. It is estimated that approximately 1,420 probation officers are available for supervising these offenders. A fundamental principle of supervision, according to the CPOC, is assessing both the offender’s level of risk for re-offense and the risk posed to public safety. “Evidence Based Practice” is used to determine the type and level of supervision provided to the offender in the community. It is estimated that over one-half of the California probation departments use a formal risk assessment tool.



**YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**

The Grand Jury determined that in 2009, YCPD participated with other counties to create the CPOC's Adult Probation Business Plan Model. In 2009, the Department entered into a contract with Allvest Information Services, Inc., dba Assessment.com (ADC), to establish the juvenile risk, needs and detention assessment tools. The contract also established the adult needs assessment and sex offender risk assessment.

The Grand Jury found that the Yolo County Board of Supervisors (BOS) approved three Non-Competitive Bid contracts (NCB) with Utah-based ADC for a total amount of \$325,000 at the May 11, 2010 meeting. The Grand Jury determined that a high level YCPD manager submitted the contract to the BOS for approval and also wrote the NCB justification. The contracts provide software, enhancements, case plan and reporting features associated with risk/needs assessment of adult probation clients. Additionally, the contracts provide training for risk/needs assessments. The NCB justification statement reads, in part, that "Assessments.com broad based clientele and their ongoing relationship with leading researchers in the criminal justice field, the Yolo County Probation Department believes they have the necessary qualifications to successfully implement an adult risk/needs tool." The statement further noted that YCPD had a high probation failure rate.

**YCPD Management Conduct**

The CEO of ADC conducted training for a select group of YCPD employees to become trainers in the Motivational Interviewing Technique in November and December 2010; and January, February and March 2011. The Grand Jury learned that the CEO often arrived late, lacked focus, and appeared jittery and edgy.

The ADC CEO's role at one of the training sessions held in San Francisco was to coach and supervise several Yolo County Probation Officers in delivering the training to probation staff in other counties. The Grand Jury learned that the CEO arrived very late to one session and was bruised, beat up, and smelled of alcohol. Another incident occurred at a session in another county when Yolo staff inadvertently forgot some materials. The Grand Jury learned that the CEO became verbally abusive to Yolo staff when this mistake was brought to his attention. These two incidents were reported to the YCPD manager. The CEO eventually apologized; however, he was allowed to continue training Yolo staff. No further action was taken.

The Grand Jury learned that the CEO's behavior was considered to be consistent with drug use. Although Yolo County has a no-tolerance drug policy and protocols to follow if an employee is suspected of being under the influence of drugs while on the job, neither the county policy nor the ADC contract addresses consultants or other persons performing work for the County.

The Grand Jury determined that although at the time of this investigation no convictions were found, the CEO of ADC has a history of arrests for drug use and alcohol abuse. Additionally, the Grand Jury found that in April 2011 the YCPD manager was with the CEO in Sacramento when he was stopped for a DUI violation. The CEO was arrested and the manager, who was also under the influence of alcohol and unable to drive, was directed by law enforcement to sleep in the car. The next day, the manager transported the CEO from jail to the airport for his return flight to Utah. This event was not reported to any official within YCPD or Yolo County.

The Grand Jury learned that during the summer of 2011, the YCPD manager was in near daily contact with the CEO of ADC either by text, phone or email inquiring about his sobriety and illegal drug use. During this time, the manager was trying to get the CEO into a rehabilitation

**YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**

facility. The Grand Jury found and police records confirmed that he was arrested in Las Vegas, Nevada in December 2011 for unlawful possession of drug paraphernalia, possession of cocaine and driving with a suspended license.

This information regarding the CEO's drug and alcohol abuse was fully known by a high level YCPD manager. The Grand Jury determined that the high level YCPD manager continued to breach the boundaries of what is considered to be an acceptable distance in a business relationship. The Grand Jury found that in February 2012, the high level manager traveled from Sacramento to Utah to personally assess his condition. The Grand Jury was unable to confirm the CEO's use of a controlled substance during the time the YCPD manager was with him in his Utah apartment.

No disclosure of suspicious or harmful activity, such as suspected use of a controlled substance, was made by the YCPD manager to the manager's superior, legal counsel or any jurisdictional authority. The Grand Jury determined that this non-disclosure of illegal activities to the manager's superior was a violation of professional duty.

The Grand Jury learned that during this time period, the YCPD manager traveled with the CEO from Utah to Arizona, then back to Utah in an unsuccessful attempt to get the CEO into a rehabilitation program. Another attempt at rehabilitation was arranged in March 2012, by the high level manager. The Grand Jury learned that the YCPD manager flew from Sacramento to Utah, and drove the CEO back to Sacramento in the CEO's truck. The vehicle remained in the YCPD parking lot until someone from Utah came to pick it up. The manager used airline credits earned during business travel for Yolo County to pay for the numerous trips taken to Utah and other states to interact with the CEO of ADC.

**Conflict of Interest**

An ethical conflict of interest can exist even if there are no improper or illegal acts as a result. The fact that a high level YCPD manager had a close personal and business relationship with the CEO created a dual relationship. Dual relationships create an ethical conflict of interest, make it difficult to be impartial and create the appearance of impropriety. This conflict could impair professional judgment as it relates to the administration of the ADC contract and the interests of Yolo County.

Yolo County high level management employees are required to take the Attorney General's on-line ethics training within 30 days of hire. The focus of this training is on monetary conflicts of interest. The Grand Jury determined that Yolo County has no written Code of Conduct, Code of Practice, Code of Ethics or any written guidelines for high level management employees to identify what is acceptable professional behavior and what is not. In many jurisdictions, it is suggested that management employees ask themselves: How would I feel if what I am doing were to be on the news tomorrow? This could resolve questionable areas before they become an issue. Yolo County has no established framework for evaluating the professional behavior or conduct of individuals in high level management positions. Common sense professional ethics would dictate that any known or suspected use of a controlled substance by a consultant who is receiving large sums of money from the County and interacting with YCPD staff, should be reported to one's superior. There is nothing in place to require management employees to report suspicious or harmful activity by persons providing services to Yolo County.

**YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**

**YCPD Administration of Assessments.com Contract**

The Grand Jury determined that the high level YCPD manager was the Department's sole administrator for the ADC contract, which the manager secured as an NCB contract. That responsibility is very broad and includes:

- Monitoring the CEO and others responsible for providing the services
- Independently receiving invoices from ADC
- Independently verifying services that are performed satisfactorily
- Independently reviewing and approving invoices for payment
- Independently requesting services

The standard procedure for YCPD contract administration is for the consultant to remit invoices to the fiscal staff for review and analysis. The invoice is then sent to the appropriate program manager for verification of services and signature approval. The submittal of invoices from ADC directly to the manager deviates from standard practice and lacks any type of check against possible abuse.

The Grand Jury obtained copies of emails that showed the YCPD manager often instructed ADC on how to complete invoices, what services to invoice, and the amount to bill. This lack of separation of power in the administration of the ADC contract created an opportunity for abuse and misuse of Yolo County funds. The duties of invoice payment for this contract should follow standard accounting protocol.

The Grand Jury determined that the dual relationship dated back at least to 2010; however, the manager did not disclose the relationship to the Yolo County Administrative Officer and the County Counsel until April 2012, after the start of the Grand Jury's investigation. At that time, the manager volunteered to transfer the contract oversight to someone else in the department. The "oversight" of the contract was verbally transferred to another high level YCPD employee in April 2012.

The Grand Jury learned that under order of the Second District Court of Utah, ADC was placed under the protection of a receiver in January 2012. This was a result of the CEO testing positive for use of a controlled substance on January 8 and January 20, 2012. On March 30, 2012, an email from the court-appointed receiver to the YCPD manager stated that no further payments should be made directly to ADC. Additionally, the California Corrections Standards Authority Board (CSA) indicated that the CEO had been on personal leave for many months prior to ADC going into receivership. CSA indicated that on or about March 29, 2012, CSA was advised that ADC was experiencing cash flow problems and staff reductions.

In April 2012, the YCPD manager returned to Utah and accompanied the CEO to meet with the receivership attorneys. An email dated April 19, 2012 from the YCPD manager to the CEO stated that an invoice of \$33,000 had been approved and the manager volunteered to wire-transfer the funds into the CEO's bank account. The email reads, "It's unusual, but there is nothing wrong doing it, if it will help. Please let me know how I can best help." The email followed the manager's verbal transfer of oversight of the contract to another management employee. The Grand Jury learned that the YCPD manager approved an invoice of \$33,000 from Assessments.com, and on April 19, 2012

## **YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**

offered to wire-transfer the funds into the CEO's bank account. This action took place after the manager's verbal transfer of oversight of the contract to another management employee.

The Grand Jury determined that administration of the ADC contract continued to remain with the same manager although a "verbal" transfer occurred. This employee retained authority over the contract and invoices. The ADC contract expires in January 2013; the decision to renew the contract remains under the authority of YCPD management.

### **Status of the ADC Contract**

YCPD has invested extensive time and money integrating the assessment tools provided, maintained and supported by ADC. The contract expires in January 2013 and currently the contractor is having financial and staffing difficulties which have prompted some counties to explore other consultants. The ADC software and other products in use by YCPD reside on YCPD servers and could remain in use for a short period of time if the company were no longer able to provide services. There are also other firms providing such services.

### **Motivational Interviewing Technique**

ADC trained select YCPD Probation Officers in Motivational Interviewing Technique (MIT). This technique of interviewing clients is based on a clinical model of motivating clients to want to change their behavior. The training for MIT is very intense and expensive. The cost for one trainer is \$2,500 per day. The county used two trainers over a period of 10 to 12 months, and one of the trainers was the CEO of ADC. The MIT training consists of several stages, one of which is a Train the Trainer (T4T) module. This training was conducted by the CEO and his sub-consultant. The goal was to train YCPD Probation Officers to become "experts" in MIT and subsequently qualified to train other Yolo staff and other counties' probation staff in MIT. The manager states in a memo: "We put staff through that, but more importantly, we used this opportunity for our newly trained staff to become trainers under a mentor-trainer model..." The Grand Jury determined that the YCPD manager looked upon MIT training as potential "profit" opportunity for the County, which is currently not authorized by the Yolo Board of Supervisors.

Several staff selected by the YCPD manager participated in the T4T and became MIT trainers. Under this "learning collaborative or community of practice," YCPD would share costs with other counties for this training. The YCPD manager devised a method by which YCPD trainers travel to the counties of Santa Cruz, Yuba, Butte and San Francisco to train staff. YCPD management has "verbal" agreements with some of the other counties to be reimbursed for this training. The rationale for developing in-house trainers was to save money by avoiding consultant trainer rates of \$2,500. However, at the time of this investigation, no signed agreements were in place, no invoices have been submitted and no payments have been made to YCPD.

### **Motivational Training Compensation**

The Memorandum of Understanding (MOU) Section 7.11 for Probation Officers states: "Employees whose job classifications or regularly-assigned duties do not include training of new employees and who are assigned primary responsibility for a training program, in writing, by the Department Head or his/her designee, shall receive a five percent (5%) differential above their base salary during the hours engaged in providing such training."

**YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**

The MOU pay provision applies to all trainers. However, as an incentive for MIT trainers to travel approximately 2-3 days every other week to another county and conduct training, the YCPD manager authorized a strategically complex compensation package. MIT trainers work an alternate work shift by which they work a 9/80 or 4/10 workweek and earn a Regular Day Off (RDO). Per MOU and Yolo County Policy and Procedures, employees who are required to work their RDO receive an overtime rate of time and a half. Employees also earn compensation time (comp time) off for working extra hours, and they are able to use or take the comp time off at a later date.

The Grand Jury determined through testimony, reviewing timesheets and other documents, that as an incentive to earn additional pay, MIT trainers must conduct training on a day that they are “off work” (RDO or using comp time). The YCPD manager implemented a compensation package, which was not negotiated with the employee union or authorized by Yolo County Human Resources. That package required trainers to conduct training on a day they are “off work” thereby eligible to earn overtime for working on a “non-work day.” This day off is reflected on the timesheet as RDO or as comp time. The package also includes:

- A 5% training differential as outlined in the MOU
- Travel hours for MIT training paid at an overtime rate
- Pre-preparation hours: every four hours of training earns two hours of comp time
- Post-preparation hours: every four hours of training earns one hour of comp time

The document that outlines this compensation also states: “I understand that the Chief has the sole discretion to determine eligibility, participation in and implementation of any such schedule and compensation agreements.” Although this document had not been signed by the YCPD manager, it has been circulated to YCPD management, supervisors and MIT trainers and the requirements are being followed. It is estimated that trainers received between \$200 and \$400 additional pay each two-week pay period. This did not include per-diem and expenses paid by the County for travel.

The Grand Jury determined that some trainers were instructed by the manager to falsify their time sheets. Some trainers who do not have a RDO were told by the YCPD manager to claim an RDO in order to receive overtime. Although most YCPD trainers submitted correct timesheets, some trainers were told by management to claim hours worked on a Saturday when they did not work on a Saturday. These falsifications allowed some trainers to be compensated overtime for training conducted during the regular work week. Some YCPD supervisors and managers have questioned the legality and potential violation of MOU Section 7.11.

Many Yolo County MIT trainers, supervisors and program managers have expressed concerns about the impact that training personnel from other counties has on YCPD’s regular workload. During this time of reduced budgets and staff reductions that Yolo County is experiencing, this is not the most cost-effective use of county funds or staff time. As of this investigation, YCPD has not responded to these concerns.

**YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**

**FINDINGS**

- F1.** YCPD is supportive of “Evidence Based Practice” through the use of ADC’s assessment tools.
- F2.** ADC is the sole provider of assessment tools used by YCPD.
- F3.** The YCPD manager was the sole contract administrator for ADC.
- F4.** The YCPD manager had a dual relationship with the CEO of ADC.
- F5.** ADC invoices were received and approved solely by the YCPD manager.
- F6.** YCPD management exhibited questionable ethical conduct.
- F7.** The YCPD manager did not disclose a personal relationship with the CEO of ADC in a timely manner.
- F8.** The YCPD manager traveled from Sacramento to other states to intervene in the CEO’s substance abuse.
- F9.** The YCPD manager used airline credits earned as a Yolo County employee to travel from Sacramento to Utah and Arizona on non-county business.
- F10.** The YCPD manager did not disclose the CEO’s substance abuse to Yolo County administrators in a timely manner.
- F11.** The YCPD manager guided ADC in completing invoices for payment despite having a dual relationship with the CEO.
- F12.** The YCPD manager authorized a strategically complex pay package for MIT trainers.
- F13.** The method of compensation for MIT trainers was not approved by Yolo County Human Resources (YCHR).
- F14.** Some trainers were directed to falsify timesheets.
- F15.** Timecards were submitted improperly.
- F16.** There are no agreements for other counties to reimburse Yolo County for MIT training conducted by the Yolo County staff.
- F17.** No invoices have been submitted by YCPD to other counties for training reimbursement and no reimbursements have been received by Yolo County.
- F18.** Yolo County has no code of conduct or professional code of ethics for high level management employees to follow.
- F19.** At the time of this investigation, ADC was in receivership.



**YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**

**RECOMMENDATIONS**

- R1.** The ADC contract should be reviewed by Yolo County Counsel and the County Administrative Officer to determine by December 28, 2012 the operational fitness and financial viability of ADC.
- R2.** Yolo County should develop and implement a code of conduct, clarifying professional protocol for high level management employees to avoid dual relationships, conflicts of interest, improprieties or the appearance of impropriety by December 28, 2012.
- R3.** The MIT compensation package should be reviewed by December 28, 2012 to determine if YCPD management has the authority to authorize a compensation package.
- R4.** The scheduling of MIT training on days not at work should be reviewed by December 28, 2012 to determine if this is a violation of the MOU.
- R5.** No single Yolo County manager should have sole authority over the development and implementation of a contract or vendor.
- R6.** The timesheets for MIT trainers should be audited and overpayments should be recovered by December 28, 2012.
- R7.** Yolo County should closely monitor YCPD to ensure no dual relationships exist between employees and outside contractors.
- R8.** Yolo County should perform an audit of payments to ADC and determine if any payment irregularities occurred and recoup funds as necessary by December 28, 2012.
- R9.** Any agreements and/or payments for reimbursement for MIT training from other counties should be reviewed for compliance with Yolo County’s financial policies and procedures.

**REQUEST FOR RESPONSES**

Pursuant to California Penal Code Sections 933(c) and 933.05, the Grand Jury requests a response as follows:

**From the following governing bodies:**

- *Yolo County Board of Supervisors:* Recommendations R1 through R9

**From the following individuals:**

- *Yolo County Administrator’s Office:* Findings F2 through F18; Recommendations R1 through R9
- *Yolo County Counsel:* Findings F4 through F18; Recommendations R1 through R9

**YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**

- *Yolo County Auditor-Controller and Treasurer:* Findings F2 through F5, F9, and F11 through F18; Recommendations R1, and R3 through R9
- *Yolo County Human Resources Department:* Findings F6 through F18; Recommendations R2 through R9
- *Chief Probation Officer:* Findings F1 through F18; Recommendations R1 through R9
- *Assistant Chief Probation Officer:* Findings F1 through F18; Recommendations R1 through R9

**DISCLAIMER**

This report was issued by the Grand Jury with the exception of one member who may have had a perceived conflict of interest. That juror was excluded from all parts of the investigation, including interviews, deliberations and the preparation and acceptance of this report.



## **Yolo County Finance: Tracking Changes**

### **OVERVIEW**

Yolo County’s government is the fifth largest employer in the county, with over 1,200 employees and an annual budget of more than \$300 million. It is a large, complex operation with numerous departments, each given considerable autonomy but under many legal, contractual and internal restraints on how it may use its resources. As part of its “watchdog” function, the Grand Jury reviewed the Yolo County budget, investment and financial operations, focusing on the controls in place to assure that taxpayers’ dollars are used as intended.

### **SUMMARY**

The Grand Jury determined that there has been considerable change in the function of Yolo County’s Finance Department over the past few years and more change is expected. Yolo County residents approved Measure H to create a Finance Manager to replace the independent Auditor-Controller which will take effect in 2014. In 2012 responsibility for payroll functions was transferred to Human Resources (HR). Along with assuming responsibilities for payroll, HR continues to be responsible for overseeing hiring, terminations, and benefits.

External audits have shown that bank reconciliations and financial statements are not being completed in a timely manner. New accounting software has created a need for staff training. A recent Human Resources’ audit of financial staff showed a need for finance training and staff certification in accounting.

The Grand Jury conducted extensive interviews that revealed widespread problems in staff morale, resulting from supervisory demands, staff cuts, lack of communication, dismissal of complaints and favoritism in many departments.

The Grand Jury learned Yolo County has an unfunded liability of \$141.7 million for retiree healthcare.

### **REASONS FOR THE INVESTIGATION**

California Penal Code allows the Grand Jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county, including special districts and any incorporated city or joint powers agency located in the county (California Penal Code 925 and 925a).

### **ACTIONS TAKEN**

The Grand Jury was briefed by the Yolo County Auditor-Controller and the Deputy County Administrator about the financial operations and challenges within Yolo County. In addition, the grand jury interviewed appropriate Yolo County personnel and reviewed:

- 2009/10 Independent Auditor’s Report

**YOLO COUNTY FINANCE: TRACKING CHANGES**

- 2010/11 Independent Auditor’s Report
- 2011/12 Independent Auditor’s Report
- 2011/12 County Budget
- 2012/13 Proposed Budget
- American Institute of Certified Public Accountants (AICPA), “Benefits of Audit Committees and Audit Committee Charters for Government Entities”
- Auditor-Controller Organization Chart
- Board Audit Committee Charter (9/19/2011) and Minutes
- Board of Supervisor’s Committee Assignments
- Budget Process Planning Calendar
- Budget Unit Reports
- Cash Accounting Manual
- Financial Statement Ending June 30, 2011
- Fiscal Staff Skills Upgrade Plan of 8/16/2012
- Labor Distribution Reports
- Payroll Internal Control Questionnaire
- Relevant Emails
- Timesheets
- Yolo County Investment Reports
- Yolo County Payroll Contacts

*Note: The Grand Jury completed its interviews for this report on January 22, 2013.*

**WHAT THE GRAND JURY DETERMINED**

**Payroll: Dual Systems**

Yolo County departments have specialized functions and grant funding that give them autonomy. When grant funds flow into the departments, reporting requirements are the responsibility of the granting agency and are not subject to finance department review.

Payroll in Yolo County departments is a distributed system: personnel within the individual departments collect payroll data and ensure it has the proper supervisor authorization. The data is entered into standard forms and transferred to the Human Resources Department. Human Resources has functional responsibility for the payroll process and generates pay checks and appropriate financial data from these submissions. HR also provides the system support for department clerical staff responsible for payroll in each department.

The collection of payroll data is done on an “exception” basis. This method assumes that employees work a 40-hour week unless an “exception” is reported, such as earned or unearned sick leave, jury duty, overtime, etc. Payroll clerical staff is located in individual departments and is supervised by department managers, but Human Resources has overall responsibility. Many payroll personnel do not have accounting/bookkeeping backgrounds.

## YOLO COUNTY FINANCE: TRACKING CHANGES

The Grand Jury found that in addition to this payroll system, departments have individual systems to collect hours actually worked. These procedures are necessary to collect payroll data for billing to grants or projects with other agencies, where the departments are required to bill their time. These systems are maintained by administrative staff handling financial and budget related activities and not necessarily payroll.

The Grand Jury learned that in some cases payroll personnel who record time also distribute paychecks in violation of Yolo County internal controls.

### **Finance and Audit: Staff Cuts, Late Reporting**

Currently general ledger systems are “homegrown,” developed as needs arose beginning in the 1980s. The Auditor-Controller will issue a Request for Proposal (RFP) to upgrade these financial systems. New systems and software have been introduced to streamline financial reporting operations, and Yolo County continues long term financial planning.

One-third of the finance operations staff has been cut, and more cuts may be made. Requisite financial reporting is late, and bank reconciliations have been from three to six months late. “The scope of change within Yolo County’s financial system will require a capable staff with sound foundational competencies to effect the changes” (Human Resources’ Fiscal Staff Upgrade Report).

One person is doing off-line adjustments to the general ledger without formal sign-offs by the supervisor. The external auditor describes grant non-compliance that continues from year to year without correction. The two internal auditors, who currently report to the Auditor-Controller, have additional assignments. Internal audits have not been done for two years.

Measure H will consolidate financial functions under a Finance Manager and create a Financial Oversight Committee. A position description for the new Finance Manager has not yet been written.

### **Retiree Healthcare Liability: Funds Lacking**

Yolo County has an unfunded liability for retiree healthcare in the amount of \$141.7 million and growing. The County has created an irrevocable trust; but with \$1.1 million set aside, it is not fully funded.

### **Employee Concerns: Unaddressed**

Employees expressed concerns with the demands for change in Yolo County and recent staff cuts. Employees complain that they do not feel that they are heard and that their concerns are dismissed as “trouble-making.” A Human Resources report found “perceived disparate treatment of non-degreed fiscal employees” (Human Resources’ Fiscal Staff Upgrade Report). The Grand Jury learned that employees believed that management has not addressed their expressed concerns and this failure may lead to major problems.

Human Resources has crafted a staff competency audit and training program to correct any deficiencies. In the interim, department supervisors have placed unrealistic demands on undertrained staff.

**YOLO COUNTY FINANCE: TRACKING CHANGES**

**Board Audit Committee: No Independent Fiscal Expertise**

The Board of Supervisors (BOS) has an Audit Committee of three people, consisting of two Supervisors and a private individual. The County Administrator and Auditor-Controller act in an advisory capacity. The committee has no independent financial expertise. The Supervisors have many committee and advisory board assignments. For example, one member of the BOS has 55 committee assignments, including the Board Audit Committee.

According to the American Institute of Certified Public Accountants (AICPA), a government entity audit committee should meet at least four times per year, and both the internal auditors and the external auditors should report to the Audit Committee. “One of the Audit Committee’s main missions is to assess risks within the government unit.” The AICPA goes on to say, “A key element in the corporate government process of any organization is its audit committee.”

The Board Audit Committee (BAC) is relatively new and has not yet fully established its duties. The Grand Jury was informed, for example, that the BAC has no prescribed role in selecting the new external independent auditors. An RFP for a new external auditor has not been issued.

The Grand Jury was informed that there are no plans for the Yolo County internal auditors to report to the BAC.

**FINDINGS**

- F1.** Department staff preparing payroll can pick up and distribute checks in violation of Yolo County internal controls.
- F2.** The Finance Manager will replace the Auditor-Controller, but it is not yet clear what the job description for the new position will be.
- F3.** Requisite financial reporting is late and bank reconciliations have been from three to six months late because finance operations are understaffed.
- F4.** The County uses multiple systems to collect “hours worked.”
- F5.** Some finance personnel lack requisite accounting, finance or software backgrounds.
- F6.** Departments in Yolo County tend to function autonomously, which could lead to lack of management accountability.
- F7.** The external auditor has found repeated, uncorrected conditions of noncompliance in grant reporting.
- F8.** A Request for Proposal (RFP) for a new external auditor has not been issued in a timely manner.

**YOLO COUNTY FINANCE: TRACKING CHANGES**

- F9.** Internal audits need to be performed regularly in all departments. The last internal audit was two years ago.
- F10.** Financial off-line adjustments are made without formal supervisory sign-off, as required by good business practice.
- F11.** Yolo County management has taken steps to assure fiscal staff competency.
- F12.** The Board Audit Committee does not initiate financial review or internal audits in Yolo County departments as recommended by the AICPA.
- F13.** Employees report favoritism and disparate treatment from managers and supervisors, some of whom have made unprofessional remarks regarding staff deficiencies.

**RECOMMENDATIONS**

- R1.** Internal controls for payroll should be reviewed and regulated.
- R2.** Human Resources and Finance should review the multiple systems currently used by departments to collect “hours worked” related to task, funding source and/or project to determine if a single or integrated system may be more efficient to collect payroll and cost accounting data.
- R3.** Deadlines for closing bank reconciliations and financial statements should be established and met.
- R4.** A job description for the new Finance Manager position should be written and approved by September 30, 2013.
- R5.** As a priority, financial staff should be strengthened through recruitment, training, career path planning and motivation.
- R6.** The finance department should assign a staff member to assist departmental finance employees with training, coaching and motivation.
- R7.** Financial off-line adjustments should be approved and signed by the Auditor-Controller.
- R8.** The Board Audit Committee should review external audits and Grand Jury reports and ensure that they are addressed in a timely manner and reported to the BOS.
- R9.** The Board Audit Committee should be responsible for recommending external auditors to the BOS.
- R10.** The Board Audit Committee should request internal audits when financial problems are brought forward.
- R11.** The Board Audit Committee should recruit an independent private financial expert to serve on that committee, which should meet at least quarterly.

**YOLO COUNTY FINANCE: TRACKING CHANGES**

- R12.** Department supervisors should be trained to be sensitive to employee issues created by staff reductions and changes to organization and operating systems to avoid creating hostile work environments.
- R13.** Employees should be allowed to voice complaints and should receive timely responses, addressed in an open and professional manner.
- R14.** All HR recommendations for remedial action should be addressed with transparency and due diligence.

**REQUEST FOR RESPONSES**

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

**From the following individuals and agencies:**

- **County Administrator:** Findings F1, F6, and F13; Recommendations R12 through R14
- **Human Resources:** Findings F1 through F5, F7, and F13; Recommendations R1, R2, R4, R5, R12, and R13
- **Auditor-Controller:** Findings F2 through F5, F7 through F10; Recommendations R1 through R3, and R5 through R7

**From the following governing bodies:**

- **Board of Supervisors:** Finding F12; Recommendations R9 and R11
- **Board Audit Committee:** Findings F7 through F9, and F12; Recommendations R8 through R11

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

# Yolo County Detention Center: Facing Challenges

## SUMMARY

The Yolo County Detention Center is well maintained and well managed for an outdated facility. The Detention Center includes the Monroe Detention Center and Leinberger Memorial Center (hereafter, this report will frequently use “Center” in place of Yolo County Detention Center).

The implementation of Assembly Bill 109 (AB 109) has led to major changes in the make-up of the inmate population. Temporary holding cells are being used to house prisoners needing close supervision, causing the Center to be out of compliance with state regulations.

Staff has been creative in developing and implementing programs that adapt to inmates with longer sentences, more serious convictions, and unique problems. The Center is staffed by long term employees who function together as an efficient unit to ensure the Center is run in a manner that benefits both the employees and the detainees.

## REASON FOR VISIT

Pursuant to Penal Code Section 919(b), “The Grand Jury shall inquire into the conditions and management of the public prisons within the county.”

## ACTIONS TAKEN

The Grand Jury toured the Yolo County Monroe and Leinberger facilities in Woodland in November 2012. The Grand Jury met with the members of the Correctional Command Staff. The tour included the following locations in the Monroe facility:

- Sally port and intake area
- Records department
- Clothing exchange and property storage areas
- Control center
- Detention pods (male and female) and visiting areas
- Medical and dental facility
- Kitchen
- Laundry

The tour of the Leinberger facility included the control center, day room, and dorm area in the medium security area.

The Grand Jury reviewed the Corrections Standards Authority (CSA) report dated December 11, 2012. This is a biennial report required by Penal Code Section 6031. The Grand Jury met again with members of the Correctional Command Team in February 2013 for clarification on several

## YOLO COUNTY DETENTION CENTER: FACING CHALLENGES

points. The Grand Jury also reviewed the Yolo County Administrative Policies and Procedures Manual for Contracting and Purchasing regarding contracts and the Contract Amendment for California Forensics Medical Group (CFMG), June 2011.

### WHAT THE GRAND JURY DETERMINED

#### Consent Decree

In 1990, a consent decree capped the inmate population at the detention facility at 267. This number was legally amended in 2002 to a maximum population of 303 inmates. When the 2002 modification was made, each cell was designed to hold a single inmate. Yolo County consulted with the State Board of Corrections to see if the County could increase the number of beds by making some cells “doubles” and comply with the consent decree. The result was a total of 455 beds, with inmate releases to begin when the total reaches 90% of that figure, or 409. The consent decree also determines the order under which inmates are to be released to avoid overpopulation.

#### Impact of AB 109 on Detention Center Population

California Law AB 109 went into effect in October 2011. The state law aims to reduce overcrowding and decrease recidivism rates for state prisons. County detention facilities may receive AB 109 inmates in three ways: parole violators who are sent to the county of their last known residence, violators of mandatory supervision, and prisoners who are convicted of one of the three “nons” (non-violent, non-sexual, and non-serious offenses). As of November 2012, 147 beds of the 455-bed facility were being used by AB 109 inmates.

The Grand Jury was told that this new population has changed the dynamics of detention management in several ways:

- Sentences in county facilities used to be one year or less. Monroe now serves inmates with much longer sentences, including one prisoner with multiple sentences totaling 18 years, thereby increasing the medical and dental care that needs to be provided to long term inmates. The Grand Jury was told that one inmate has cost \$44,000 in medical treatment.
- The inmates no longer rotate in and out as often because of extended sentences, so the Center reaches the maximum population more often and sooner than prior to AB 109.
- State prison “politics” and culture have followed the inmates to the county facility, meaning there is a difference in inmate attitudes and a more hardened, criminal mentality.
- Due to the nature of current detainees, some inmates need a two officer escort instead of just one officer, resulting in the use of more manpower.
- In some cases, inmates must be housed separately; for example, when they have different gang affiliations. Thus, valuable bed space is lost.
- More inmates need to be released before their sentences are completed to avoid overcrowding.



## YOLO COUNTY DETENTION CENTER: FACING CHALLENGES

- Records provided to the Grand Jury show the Center operating at or near capacity in 2010 (before AB 109) and in 2012 (after AB 109). In November 2012, AB 109 inmates made up 32% of the detention facility population, leaving less bed space available for the type of inmate that used to be incarcerated at the county level.

### Staff Response

The staff has responded to these challenges of AB 109 in several ways. The inmate court holding area has been moved to an underutilized hallway to prevent certain inmates from mingling. Records staff has adapted software for better tracking and reporting. The staff developed and instituted a color-coded system to identify gang members, inmates with mental health issues, and gang dropouts, making it easier to isolate some inmates from others to avoid conflict. Staff receives gang awareness training for better coordination with other agencies. They have expanded and improved communications between the Center and Sheriff's patrol personnel.

In-home custody is also encouraged where appropriate. Well-screened inmates can live at home with ankle monitors and a home check every day by an officer. Being in the community allows inmates to maintain their employment or deal with medical issues.

### Buildings

There are 313 available beds in the Monroe Center, sixty-two of which are reserved for females. There are an additional 142 beds for men in the Leinberger section.

During the Grand Jury visit, hallways in both facilities were clear of debris and doors were closed and locked electronically. All areas were clean and well maintained, well lighted and kept at a comfortable temperature. Some areas, particularly those slated for expansion or improvements, are past their prime and need updating due to the age of the facility, increasing inmate population, and constant use.

The Monroe Center opened in 1988 and has been in continuous use since then. In many areas the floors need to be resurfaced. The plumbing in the kitchen, which also services the nearby Juvenile Detention Facility, was meant to last only 20 years.

Yolo County has requested a \$40 million state grant to renovate the kitchen, property room, and laundry facilities. Additional medical beds and an expanded booking area are in the expansion plans. Meanwhile, temporary holding cells are used to house prisoners needing close supervision. As set forth in the CSA 2012 report, this use of temporary holding cells is out of compliance with California Code of Regulations, Title 24, and Section 1231.2.2 (Title 24). The proposed improvements would bring the facility into compliance. Unless the grant is funded, there will not be sufficient funds to complete the renovation necessary to comply with Title 24.

Leinberger acts as an overflow facility and is a medium security building set up in a dormitory configuration. This building was completed in 1991 with a 20-year life expectancy. In the last three years, \$100,000 in security enhancements have been installed, including razor wire, barred windows, and lighting. Kitchen workers, inmates who have gained trust and privileges, are housed here with lighter security.

**YOLO COUNTY DETENTION CENTER: FACING CHALLENGES**

**Medical**

Because some inmates now have longer incarceration times, under California Code of Regulations, Title 15, the Center is responsible for annual exams as well as mental health and dental assistance. Longer incarceration at county facilities produces more serious and expensive health issues that must be treated at county expense. Some AB 109 funds have been directed to the facility, but most of those funds have been focused on the expansion of rehabilitation and home custody programs.

The medical contractor, California Forensics Medical Group (CFMG), is the vendor for 32 counties in the state. The Center has been pleased with the service provided by CFMG. Medical services are available 24/7. Because the Monroe Center now houses inmates with longer terms, there is a need to deal with more serious medical ailments. This need has been adequately met by CFMG. It is less expensive to have CFMG treat inmates at the facility rather than transport them to the emergency room at the local hospital. The CFMG medical contract was renewed as a sole source provider upon advice of the County Counsel.

Dental services are outsourced with a dentist visiting one day per week. Psychological exams are performed by remote TV.

The three medical cells were clean, well maintained, and well monitored by medical and detention staff.

**CFMG Medical Contract**

The 2011-2012 Grand Jury noted that CFMG has held a contract for providing medical services at the detention facility since 1990. The last competitive bid for these services was in 2005. In 2011, the County Board of Supervisors approved a five-year extension of the medical services contract without a competitive bid. The most recent five-year contract is for over \$3 million. The 2011-2012 Grand Jury recommended that the contracting practice be reviewed to determine if contracting requirements had been met.

The current Grand Jury reviewed the Yolo County Administrative Policies and Procedures Manual for Contracting and Purchasing. The document states: “Medical services contracts shall not extend for more than a total period of five (5) years, either by original contract or by renewals or amendments, unless a competitive selection process has been used or unless exempted elsewhere in this Policy.” One exemption would be the determination that “there is but a single source from which the goods or services may be acquired.” The policy fails to define the terms “single source” and “sole provider.” The justification from the Health Department is that CFMG is the only provider of Detention Center care in Yolo County, making it a sole source provider. If satisfaction with current service is the requisite for bypassing a competitive bidding process, the CFMG contract could then be extended in perpetuity.

**Personnel**

Due to budgetary constraints, sixteen correctional officers have been laid off and the positions have not been refilled. Furloughs have been in place and the impact on staff has been approximately a seven-percent cut in pay. Due to the reduction in staff, there has been some mandatory overtime, which has been disruptive to employees’ family and personal lives and day care needs.

**YOLO COUNTY DETENTION CENTER: FACING CHALLENGES**

The Center is operating at a minimum staffing level. This means that supervisors are stepping in to cover breaks, days off and sick days. Because the number of sheriff personnel on the streets has decreased, Center staff is often needed to assist in the transport of prisoners. Sometimes a female officer is needed to assist with a female detainee outside the detention center, a situation which unexpectedly depletes the staff available at the detention center. Situations like these leave gaps in the shifts at the Center, making it difficult to operate fully staffed.

The Center staff is experienced and dedicated to finding ways to creatively solve problems with decreased funding and personnel. Everyone we spoke with was eager to continue to find ways to solve the problems facing the Center.

The Center has saved money with a “train the trainer” program in which some staff receive formal training and then go on to train the remaining staff.

The staff tries to implement new programs when they feel there is a positive impact for the inmates and a potential decrease in recidivism. Sessions in substance abuse, anger management, and parenting are offered. Vocational programs, such as GED classes, counseling, construction skills, and job placement are in place with the support and assistance of other agencies and community resource organizations. Members of these agencies meet to discuss how to prepare inmates scheduled to be released in the next 90 days.

**FINDINGS**

- F1.** Detention Center officials and staff are working creatively to deal with changes made by AB 109 and the resulting changes in inmate population and cost.
- F2.** The Center’s buildings and grounds are as well-kept and maintained as possible, considering the age and condition of this much used facility.
- F3.** Portions of the facility scheduled for upgrades or expansion, including the kitchen, laundry facility, medical section, and the booking area, are in immediate need of improvement. The facility is currently out of compliance with Title 24 because of the way the temporary holding cells are used.
- F4.** The “single source” exception to the County’s general policy of obtaining competitive bids for contracts to provide County services is unclear. The policy fails to clarify what constitutes a “sole provider” or “single source.”
- F5.** The staff of the Center are dedicated, experienced personnel, who have been vital in making the system work regardless of budget and staff cuts, while always keeping the well being of the detainee population in mind.

**RECOMMENDATIONS**

- R1.** The plans for facility upgrades and expansion should be implemented as a first priority as funds become available. The Center should be brought into compliance with Title 24.

**YOLO COUNTY DETENTION CENTER: FACING CHALLENGES**

- R2.** As the final entity in determining the Detention Center budget, the Yolo County Board of Supervisors should tour the facility by December 1, 2013 to review the need for structural updates to meet existing code and to determine the need for additional staff to ensure the Center is fully staffed for each shift at all times.
- R3.** The Yolo County Administrator’s Office should review the “single source” exception contained in its Contracting and Purchasing policy and more clearly define the standards under which a contract for services may be approved without a competitive bid.

**REQUEST FOR RESPONSES**

Pursuant to Penal Code 933(c) and 933.05, the Grand Jury requests responses as follows:

**From the following individual:**

- *Yolo County Administrator:* Recommendation R3

**From the following government body:**

- *Yolo County Board of Supervisors:* Recommendations R1 and R2

The governing body indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

## **Yolo County Probation Department: Evaluating the Risks of Recidivism**

### **SUMMARY**

The Grand Jury investigated how the Yolo County Probation Department (YCPD) measures the effectiveness of its evidence-based tools for evaluating the risk that probationers may violate the terms of their probation or commit new offenses.

The Grand Jury determined that the County has received millions of dollars in incentive money to effect policy changes that sharply reduced the number of adult probationers sent back to prison. The county has also followed a statewide trend that encourages juvenile detainees to be kept with their families rather than confining them in the Juvenile Detention Facility or placing them in group homes.

These changes require a local validation of the impact of the risk assessment tools, which use such factors as severity of past crimes, age, and history of drug or alcohol abuse to determine the level of supervision required to ensure public safety.

The Grand Jury found that there are severe limitations in the Department's data systems that make it difficult to assess whether these tools are minimizing the risks of probationers' committing new crimes and compromising public safety.

The Department is aware of these difficulties and is working to improve its tracking systems, but the investment needed to make its various databases and case files mesh has not been a high priority.

### **REASON FOR INVESTIGATION**

The investigation was prompted by Probation Department statistics showing a reduction in the number of adult offenders returned to state prison for probation violations and a substantial reduction in the population in the county's Juvenile Detention Facility.

### **California Penal Code Section 925 provides:**

"The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers and districts."

### **ACTIONS TAKEN**

The Grand Jury interviewed Probation Department management and consultants. It also reviewed:

- Statistics on recidivism and the impact of AB 109 and SB 678, presented by the YCPD

## YOLO COUNTY PROBATION DEPARTMENT: EVALUATING THE RISKS OF RECIDIVISM

to the Board of Supervisors and others

- Juvenile Detention Facility population statistics
- Yolo County Sheriff's Department crime statistics, [http://www.yolocountysheriff.com.com/pdf/artonecrimes\(2\).pdf](http://www.yolocountysheriff.com.com/pdf/artonecrimes(2).pdf)
- City of Woodland's Public Safety 2012 End of Year Report, [http://cityofwoodland.granicus.com/MetaViewer.php?meta\\_id=12499&view=&showpdf=1](http://cityofwoodland.granicus.com/MetaViewer.php?meta_id=12499&view=&showpdf=1)
- City of West Sacramento news release, Correct Crime Statistics (02-06-13) <http://cityofwestsacramento.org/civica/filebank/blobdload.asp?BlobID=8901>
- City of Davis, 5-Year Davis Crime Trend (2008-2012)
- FBI Uniform Crime Reporting for Yolo County cities (2009-2011)
- Community Corrections Partnership website, <http://www.yolocounty.org/Index.aspx?page=2401>

## WHAT THE GRAND JURY DETERMINED

### Context: Assessing Risk

In following up on complaints from staff of the Yolo County Probation Department, the Grand Jury learned that the Department continues to embrace evidence-based practices for managing offenders in its charge. These practices use risk and need assessment tools to determine which probationers should have minimal supervision or should be placed in more intensive programs. Such programs could include electronic monitoring or work requirements. Less than a third of the 3000 adult probationers in the county are actively supervised; the others have minimal reporting requirements.

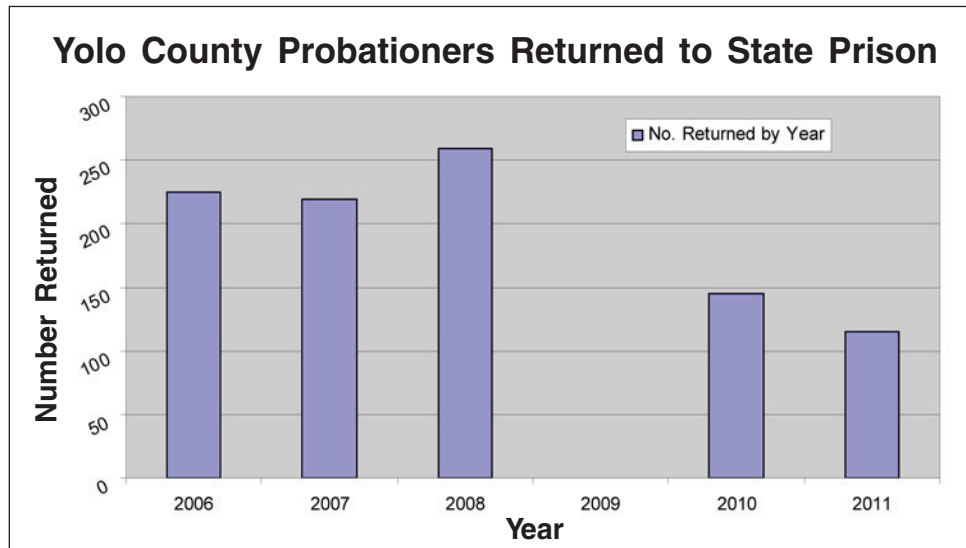
The evidence-based tools attempt to measure the possibility that a probationer will reoffend. These tools have become crucial, because of changes in state laws that provide cash incentives to the County for reducing the number of probationers returned to state prison. The new laws also send state prisoners, convicted of non-sexual, non-violent and non-serious offenses, to the County for incarceration and parole supervision. The increase in probationers in Yolo County that might be expected from these changes has been managed by shifting responsibility for hundreds of probationers to their home counties, so the overall number has stayed about the same

A change in policy has reduced the population of the Yolo County Juvenile Detention Center and placed a large majority of juvenile detainees in their own homes, permitting them to continue to attend school and live in their communities.

### New Laws

One of the new laws, SB 678, which went into effect in 2010, promised cash incentives to counties throughout the state for reducing the number of offenders sent back to overcrowded state prisons for new crimes and probation violations. In its first two years, the incentive program brought almost \$3 million in revenue to Yolo County.

## YOLO COUNTY PROBATION DEPARTMENT: EVALUATING THE RISKS OF RECIDIVISM



(Note: The state formula for measuring return rates used an average for the years 2006-8 as a baseline for comparison to 2010 and subsequent years. Due to program implementation, statistics for calendar year 2009 are not included in the calculation.)

Another new law, AB 109, shifts offenders convicted of non-serious, non-sexual, non-violent offenses to the counties for confinement in the county jails. Those prisoners covered by the statute become the responsibility of local probation departments when they are released on parole.

### Crime Rates: Effects Still Uncertain

Whether these recent changes in state law have had an impact on public safety is yet to be determined. There are some indications that crime rates in Yolo County are rising after years of decline. For example, the Yolo County Sheriff's Department reports an increase of 27 percent in major crimes reported in its jurisdiction from 2009 to 2011.

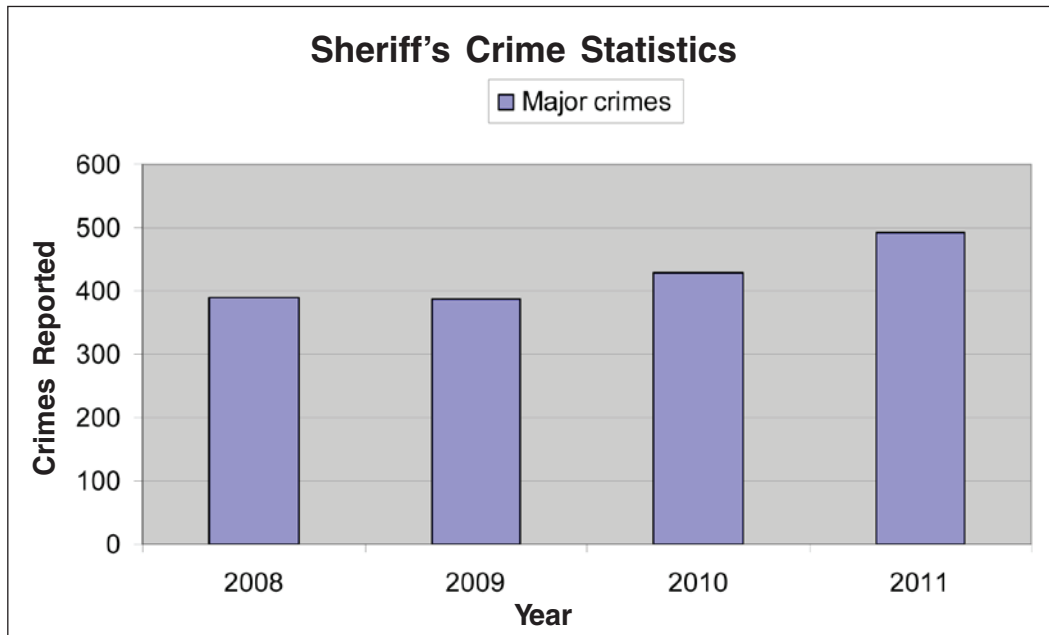
Yolo County cities have reported a general decline in crimes over the same period. However, this may be changing. Woodland reported a 28 percent increase in major crimes in 2012 compared to 2011; West Sacramento reported an increase of 8 percent. Only Davis, among Yolo County's three largest cities, showed no increase at all in 2012—after a drop of 37 percent since 2008.

Whether these increases are the result of the new state laws or other factors, or are simply a temporary spike, is unknown.

### Local Validation of Risk Assessments Lacking

YCPD management agrees it needs to improve its tracking systems for measuring how effective it has been in assessing probationers released to the community in alternative probation supervision programs. The Department is unable, for example, to compare its risk assessments with the overall long-term behavior of probationers placed in these programs. The Grand Jury was told that the information stored in its systems does not allow this "local validation" of its risk assessments. The Department's databases do not mesh. An improved tracking system would allow the Department to determine the overall usefulness of the tools in predicting probation violations and likelihood of new offenses.



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(Source: Sheriff's Department report of Part I crimes<sup>1</sup> for areas outside of cities in Yolo County.)

The Department has taken some steps to improve its decision-making. In March, for example, the Board of Supervisors approved an \$82,500 study to evaluate the short-term and long-term cost-effectiveness of programs intended to change the behavior of probationers after their release from prison or jail.

The Grand Jury also learned that the Department is working with local law enforcement through the executive committee of the Community Corrections Partnership (CCP), which is mandated by AB 109 to come up with improved ways to measure and reduce recidivism.<sup>2</sup> These issues have a direct effect on public safety. The CCP page on the Department's website is difficult to find. As of the end of March, the page provided minimal agendas, but no backup materials or minutes of previous meetings. The CCP site is not highlighted as a "Hot Topic" on the main County website.

### **Juvenile Detainees: Fewer in Custody**

The Department also enacted policies that dramatically reduced the number of local youths held in the Yolo County Juvenile Detention Facility (JDF), which is operated by the Probation Department. The current facility was built in 2005 with a maximum capacity of 90 juveniles, but has never reached that number.

<sup>1</sup> Part I crimes, as defined by the FBI for its Uniform Crimes Report include homicide, forcible rape, robbery, aggravated assault, burglary, larceny, vehicle theft, and arson. Together these provide an index of major crime in a community.

<sup>2</sup> The CCP is headed by the Chief Probation Officer and includes the District Attorney, the Sheriff, the Public Defender, a local police chief, the court executive officer, and the Director of Alcohol, Drug, and Mental Health. The panel makes recommendations on allocation of AB 109 funds.

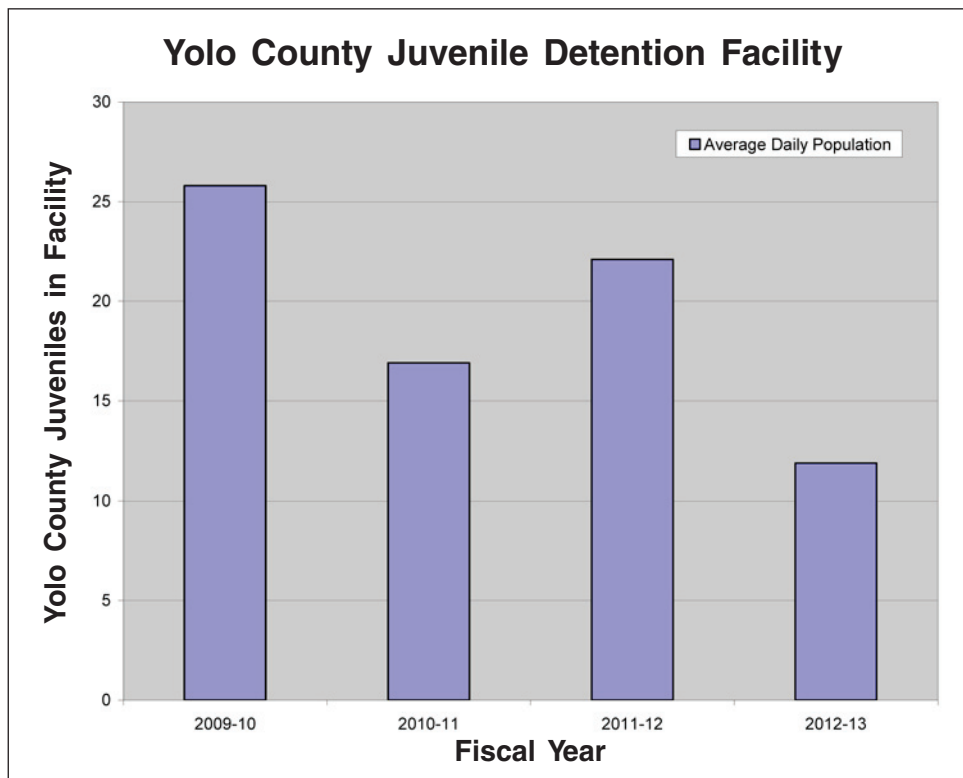


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In 2007, there were as many as 45 local juveniles in the facility, Department officials told the Grand Jury. In November 2012, the average daily number of local young detainees in the facility dropped to just seven. The County has entered into a contract with the federal government to house up to 25 juvenile federal detainees. The Detention Facility also houses a small number of juveniles from Tuolumne County. JDF is staffed to supervise a maximum of 50 juveniles.

The sharp reduction in Yolo County juveniles in the facility is the result of probation department policies that promote keeping juveniles with their families while under Department supervision. In implementing this policy, probation officers were required to get approval from their supervisors before sending those who violated the terms of their release to the JDF. The local population dropped so much that the County has studied the possibility of shutting down the facility and contracting with a neighboring county for the small number of youths remaining. Probation officials told the Grand Jury that contractual obligations and a state statute preclude closing the facility.

The impact of a larger number of juveniles released into the community in home-based supervision programs has not been measured.



According to department officials, in recent months, the average population in the JDF has begun to rise slowly, at least partly the result of changes in how the Department deals with probation violations. On a day in March when grand jurors arrived at the JDF for an interview, there were 16 local juveniles in custody.

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**FINDINGS**

- F1.** The makeup of the adult probation population in Yolo County is changing as a result of new state laws that shift responsibilities to the counties for some state prisoners and parolees. The impact on public safety is still uncertain.
- F2.** Risk assessment tools continue to play an important role in determining the degree of local supervision and program placement for adult probationers to minimize impacts on public safety. The use of “evidenced-based” risk assessment tools creates more opportunities for probationers to serve their terms in programs with alternative supervision models, including daily reporting and electronic monitoring.
- F3.** Changes in Department policy have placed more juvenile detainees in their own homes rather than in the county’s Juvenile Detention Facility. But the impact on the community and juvenile offender rehabilitation has not been determined. A recent rise in the number of youth incarcerated in the county may be the result of a change in policy by the Probation Department.
- F4.** The Probation Department has not allocated adequate resources to evaluate the impact of its risk-assessment tools and policies for adults or juveniles.
- F5.** The Community Corrections Partnership is well positioned to help determine the impact of Probation Department policies and recent changes in state law. It is important for the public to be aware of the information considered and actions taken by the CCP, however, its County webpage is difficult to find and provides incomplete information.

**RECOMMENDATIONS**

- R1.** The YCPD should continue to coordinate its cooperation with local law enforcement agencies to assess its policies in supervising probationers and in establishing standards for sending those who violate the terms of their release back to prison or jail.
- R2.** The effectiveness of risk assessment in assigning probationers to programs and aiding their successful reentry into the community should be validated. The YCPD should develop a proposal by December 31, 2013 to fund an outside consultant specifically for this purpose.
- R3.** The YCPD needs to invest increased funding to upgrade its computerized systems to provide “local validation” of its risk and need assessment tools. As part of this effort, it must provide the public with statistics updated quarterly showing the impacts of AB 109 and SB 678, including county-wide crime statistics.
- R4.** The YCPD’s Community Corrections Partnership website should be regularly updated to include agendas, meeting minutes and backup materials so that interested public can gain an understanding of the issues facing the probation department and law enforcement community.

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**REQUEST FOR RESPONSES**

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

**From the following individual:**

- *Chief Probation Officer:* Recommendations R1 through R4

**From the following advisory body:**

- *The Community Corrections Partnership Executive Committee:* Recommendation R4

The advisory body indicated above should be aware that the comment or response of the advisory body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

**YOLO COUNTY PROBATION DEPARTMENT: EVALUATING THE RISKS OF RECIDIVISM**

## **Yolo County Probation Department: Slow Response to Needed Change**

### **SUMMARY**

The 2012-2013 Grand Jury's investigation into the Yolo County Probation Department (YCPD) focused on Yolo County promotional and hiring practices, YCPD discipline issues and YCPD staff morale.

The Grand Jury found that there is insufficient interaction between the Human Resources Department (HR) and hiring authorities to ensure that a hiring or promotional selection from a long list of eligible candidates can be justified and effectively communicated to employees. This has resulted in a potential for abuse by the hiring authority and, at YCPD, a perception that promotions are based on favoritism rather than on qualifications.

The Grand Jury found that YCPD's Policies and Procedures Manual still has not been revised. The inadequacy and vagueness of the existing policy has created issues for management in discipline and a perception by employees that discipline is unfairly applied.

The Grand Jury found that Yolo County administration has taken little action to implement the findings and recommendations contained in a series of reports pertaining to personnel and morale issues within YCPD.

### **REASON FOR INVESTIGATION**

This investigation was initiated in response to complaints alleging favoritism in promotions and unfairness in disciplinary practices at YCPD. The complaints further alleged failure of Yolo County (YC) administration and YCPD management to address longstanding issues involving hostile work environment and low employee morale.

California Penal Code Section 925 provides: "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers and districts."

### **ACTIONS TAKEN**

The 2012-13 Grand Jury reviewed the following documents:

- Letters and emails pertaining to YCPD issues;
- Yolo County Personnel Rules and Regulations (proposed);
- YCPD Issues and Action Chart;

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- Yolo County Oral Interview Panel Exam and Outline;
- Memorandum of Understanding, Articles 8 (Transfers and Promotions) and 13 (Disciplinary Procedures);
- HR Investigative Report, November, 2010;
- Independent Consultant Report, August, 2012;
- YCPD Policies and Procedure Manual;
- Promotion Recruitment spreadsheets from 2009 through 2012;
- YC Administration Chart regarding Probation Issues;
- Random selection of hiring/promotion files from four county departments.

In addition, the Grand Jury interviewed complainants, Yolo County managers, Human Resources (HR) managers, YCPD managers and staff, and an independent consultant.

*Note: The last interviews for this report were completed on March 12, 2013.*

## **WHAT THE GRAND JURY DETERMINED**

### **Promotional Practices: Justifications Needed**

The Grand Jury learned that Yolo County HR has a well-developed plan for initial recruitment, screening, and testing, when necessary, of promotional and new hire candidates. After the initial steps, HR establishes and certifies to the hiring authority a list of eligible candidates for the open positions. A candidate is placed on the eligible list if he or she meets the minimum requirements for the position. At this time, HR provides the hiring authority with a written guideline for conducting oral interviews. This guideline contains information regarding the types of questions that may or may not be asked and explains how the panelists are to rank the candidates after the interview process. HR oversight of the hiring and promotional process ends at this point. The guideline does not instruct the hiring authority how to select a candidate for promotion or new hire from the final, ranked list.

The hiring authority is required to contact each eligible candidate on the list to offer an opportunity to participate in an oral interview conducted by a panel. The number of eligible candidates on the list varies. The Grand Jury reviewed certified lists containing as few as three and as many as 85 eligible candidates. The panelists conduct an oral interview and assign a score to each candidate. The panelists' interview notes and rankings are contained in a "selection file" maintained by each department. The selection file, containing the ranked list, is sent to the department's hiring authority to make the ultimate decision on which candidate will receive an offer of employment or promotion. Under current County policy, the hiring authority is free to choose from any candidate on the eligible list, regardless of ranking. The hiring authority is not required to prepare any record explaining the selection.

In order to better understand the process, the Grand Jury reviewed three hiring and promotional

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files from YCPD and two each from the following departments: Sheriff’s Department, Department of Employment and Social Services, and Department of Alcohol, Drug and Mental Health. The Grand Jury looked at the total number of eligible candidates on each list; the number of candidates hired or promoted; the ranking of the selected candidate by the interview panel; and whether the files contained an explanation when a lower-ranked candidate was hired or promoted over a higher-ranked candidate.

In all but one of the selection files reviewed, candidates ranked higher by the selection panels were passed over for lower ranked candidates. This was the case in two of the three Probation Department selections. None of the files reviewed contained a written explanation for the selections.

**YCPD Policies and Procedures Manual: Overdue Revisions**

The 2011-2012 Grand Jury found that the Policies and Procedures Manual for Probation has not been revised since 1995. The Grand Jury recommended the Manual be completely revised by July 1, 2013. The County, HR and Probation filed a Response to the Grand Jury report on July 17, 2012 stating it foresaw no difficulties with developing and distributing a newly revised policy manual by July 1, 2013.

The Grand Jury learned that YCPD management has begun the process of revising its Policies and Procedures Manual. It has been working with Lexipol, a company that provides policies and procedures templates for law enforcement agencies. Once policy language is drafted, YCPD managers must “meet and confer” with the four bargaining units representing all levels of YCPD employees, supervisors and managers. As of late February 2013, only eight out of approximately 85 policies were in the process of revision. The Grand Jury has learned that the Policies and Procedure Manual will not be complete by July 1, 2013. The Grand Jury recently has been advised that the due date was ambitious and, at best, a draft manual might be complete by that time.

The YCPD manager assigned to the revision project was hired as extra help (no more than 1,000 hours per fiscal year). It is unknown how much longer he will be working at YCPD or whether anyone will be assigned to complete the revision if he leaves before it is finished.

**YCPD Policies and Procedures Manual: Fairness in Discipline**

The Grand Jury learned that YCPD management believes a good, comprehensive Policies and Procedures Manual sets the standards of expected behavior in the workplace. It tells employees and managers what to do and how to conduct themselves in a variety of circumstances. It gives management the ability to identify and correct employee and supervisory behavior. It provides clear standards for performance evaluations or, if necessary, disciplinary action.

The Grand Jury learned that YCPD management sometimes has had difficulty pursuing formal discipline for unacceptable conduct because the outdated Policies and Procedures Manual does not set clear and enforceable standards. No witness identified any other source of standards for employee conduct. The Grand Jury learned that what some employees may perceive as an unfair application of discipline actually may be the result of management’s inability to enforce vague and outdated policies.

To better understand the relation between disciplinary decisions and the Policies and Procedures Manual (P&PM), the Grand Jury reviewed portions of the existing P&PM addressing employee

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“Conduct/Conflict of Interest” (Section 107) and compared it to a draft revision addressing “Employee Conduct On/Off Duty” (Section 340; draft 12/6/2012).

Section 107 of the existing P&PM provides that employees should conduct themselves in a professional manner and avoid endeavors which are “inappropriate or which may lead to a conflict of interest.” The Grand Jury learned that management believes this language to be too vague to put employees on notice as to expected or prohibited conduct.

In contrast, section 340 of the draft revision contains a comprehensive list of conduct that is prohibited and may result in discipline. It covers issues of attendance, on and off duty conduct, work performance, discrimination, use of intoxicants, safety and security. It sets forth responsibilities for employees, supervisors and managers regarding reporting, investigation and discipline.

**Staff Morale: An On-going Problem**

In March 2010, HR commenced an investigation into claims of management bullying by a supervisor and unprofessional conduct by a high level YCPD manager. HR sustained several of the claims and issued a report in November 2010 containing specific recommendations for HR and YCPD to implement. YC administration was aware of the findings of the HR investigation. The Grand Jury learned that HR’s normal practice, after issuing such a report, would have been to meet with YCPD management to develop a plan to address the problems identified in the investigation. Instead, the YCPD Department Manager complained about the findings to a high level County Department Head who was not her supervisor. Nothing further was done to implement the findings of the report by HR, YCPD or YC administration. The employees whose complaints were, in part, sustained were never told why the report was ignored and none of its recommendations implemented.

In late 2010, throughout 2011 and early 2012, YCPD employees watched events unfold with the former Department Head involving the ADC contract and the ADC CEO. These events are set forth in a Grand Jury report dated October 12, 2012. Despite the expressed concerns of employees, the Board of Supervisors (BOS) adopted a resolution honoring the Department Head following her resignation. Their action sent a message to employees that their concerns were being ignored.

In June 2012, after the YCPD Department Head announced her resignation, YC administration hired an outside consultant to “take the temperature” of the YCPD and to assist in developing a vision for the next Chief Probation Officer (CPO). In July and August 2012, the independent consultant interviewed YCPD employees and managers and heard details behind the personnel and morale issues which had plagued YCPD since 2010. On August 6, 2012, the consultant prepared a report for YC administration with his findings. The consultant concluded there existed a sharp division among YCPD employees and managers that was negatively affecting the functioning and “vitality” of the Department. The consultant provided YC administration and YCPD management with strategies to raise morale that included a follow-up of personnel issues raised by staff. The Grand Jury could not find that any of these strategies were implemented and none were communicated to YCPD employees.

On June 30, 2012, the 2011-2012 Grand Jury published its report which focused on training needs at YCPD. In that same report, the Grand Jury also reported serious staff morale and workplace concerns and noted that the recommendations from HR in the 2010 report had never been implemented.



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In December 2012, HR prepared a comprehensive YCPD Issues and Action Chart, which listed all the YCPD personnel issues raised by prior investigations, including prior Grand Jury reports. HR met with YC administration and YCPD management to review the chart, to develop an action plan, which included sharing information with employees, and to assign areas of responsibility and accountability. The action plan has not been fully developed or implemented, and no information has been shared with employees.

The Grand Jury also reviewed a chart prepared by YC administration intended to address the Probation Department issues raised by prior Grand Jury reports. With respect to employee morale, the chart notes that HR will be asked to develop a standardized employee morale survey to gather information and “report back.” The chart lacks specificity on when the survey will be developed, who will receive the information gathered and how it will be used to improve employee morale.

Recently, YCPD has taken steps to provide teambuilding and ethics training for staff and managers. HR also provided training on how to conduct performance evaluations and internal affairs investigations. The Grand Jury also has learned that the majority of performance evaluations were up to date through December 31, 2012. However, as of early March 2013, one high level employee had not received a performance evaluation since 2009.

The Grand Jury recognizes that YCPD management is in a state of flux right now due to the resignation last summer of the former Department Head and because a new, permanent Chief Probation Officer has not been hired.

**Changes Needed: A “Lack of Urgency” Culture**

Between early 2010 and the summer of 2012, there have been multiple investigations into YCPD and its personnel issues by the Grand Jury, by HR and by an independent consultant. In each case, complaints of low morale have been substantiated and recommendations made to address the problem. No substantial plan addressing these findings of the various investigations has been fully developed or implemented.

YCPD is in the beginning stages of revising its Policies and Procedures Manual. It is unlikely that the revision will be completed and distributed by July 1, 2013, as earlier predicted by YCPD.

In its report of October 12, 2012, the Grand Jury reported that “a dual relationship” existed between a top YCPD manager and the CEO of the company under contract to provide computerized risk assessment tools to YCPD. The Grand Jury recommended that YC evaluate dual relationships in County employment and, if appropriate, adopt a policy to address them. The Grand Jury has learned that additional dual relationships exist at YCPD between some supervisors and providers of services. YCPD management sent a notice to managers advising against referrals to contractors with whom a referring employee has a personal relationship. The notice has not been communicated more widely throughout the YCPD as recommended by HR. To date, no policy has been adopted defining or prohibiting “dual relationships.”

In its report of October 12, 2012, the Grand Jury also recommended that YC develop a general ethics/conflict of interest policy for YC managers. The Grand Jury learned a general ethics policy was drafted five years ago, in May 2008, but was never completed. This draft of a general ethics policy was presented to the Board of Supervisors in December 2012. At that time, a subcommittee was formed to work on developing the policy. As of March 19, 2013, the subcommittee had not met.

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**FINDINGS**

- F1.** While HR has a well-developed system for initial recruitment and testing of candidates for promotion or hire, its current policies do not include any oversight of the process after a list of eligible candidates is established and sent to the hiring department.
- F2.** The hiring authority may hire or offer promotions to anyone on the list of eligible candidates, regardless of ranking.
- F3.** While the ability of the hiring authority to offer promotions or to hire anyone on the list of eligible candidates gives needed flexibility, it also gives rise to the potential for abuse and the perception of favoritism.
- F4.** There is no requirement that the hiring authority document any justifications for its selections.
- F5.** Yolo County Personnel policies and practices do not provide feedback to affected employees or to candidates not selected.
- F6.** YCPD has been slow to revise its Policies and Procedures. Based on the progress thus far, it is unlikely that the manual will be revised and distributed by July 1, 2013.
- F7.** The vagueness and inadequacy of provisions of the existing YCPD Policies and Procedures Manual have created difficulties for management to address unacceptable conduct through appropriate discipline, which has resulted in a perception of unfairness.
- F8.** The recommendations contained in the 2010 HR report and those set forth by the independent consultant hired in summer 2012, have not been implemented by YCPD or YC administration.
- F9.** The YC administration has in recent months produced “action charts” to propel change forward. The Grand Jury believes that this should have happened months or, in some cases, years earlier.
- F10.** The “action charts” presented to the Grand Jury in most cases fail to break down larger objectives into smaller, well defined tasks, each with a deadline and responsible party, in order to ensure accountability and timely completion.
- F11.** The ongoing problem of low morale at YCPD is, in part, a result of a continuing failure by YCPD management and YC administration to communicate to employees a serious intention and plan to resolve it.
- F12.** There appears to be a general “lack of urgency” culture in YC administration regarding YCPD morale issues.
- F13.** As of April 2013, YC administration and the Board of Supervisors have failed to adopt an ethics policy that addresses general ethical conduct and dual relationships, beyond prohibiting financial conflicts of interest.

**RECOMMENDATIONS**

- R1.** HR should include in its Policies and Procedures Manual provisions to ensure the hiring department can articulate justification for hiring and promotional selections. This would

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allow the hiring department to communicate the basis for its selections to staff and management in a reasoned and transparent manner.

- R2.** Within 30 days of this report, YCPD should develop a specific plan for the completion of its Policies and Procedures Manual revision. This plan should include project milestones and staff assignments for completing and distributing the revision no later than December 31, 2013.
- R3.** As the Policies and Procedures Manual is revised, YCPD managers should continue to receive training on internal affairs investigations and performance evaluations to ensure all employees and managers understand what is expected of them and what conduct is prohibited.
- R4.** YC administration, YCPD management and HR should meet regularly to fully develop and implement a plan to address the staff morale issues raised in the 2010 HR report, 2012 independent consultant's report and prior reports from the Grand Jury pertaining to YCPD. The plan should include actions required to address each recommendation, timeline for completion, resources required and responsible departments. These results should be reported to the Board of Supervisors 30 days following the issuance of this report.
- R5.** The Board of Supervisors should ensure the plan developed pursuant to R4 is implemented.
- R6.** By September 1, 2013, the Board of Supervisors should finalize and adopt a Code of Ethics as a part of its Administrative Policies and Procedures Manual. The Code should address general ethical conduct for all levels of YC employees and managers and include provisions defining dual relationships.

**REQUEST FOR RESPONSES**

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

**From the following individuals and departments:**

- *Human Resources Director:* Recommendations R1, R3, and R4
- *Chief Probation Officer:* Recommendations R2, R3 and R4
- *County Administrator:* Recommendation R4

**From the following governing bodies:**

- *Board of Supervisors:* Recommendations R5 and R6

The governing body indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

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# Yolo County Adult Services Protecting Seniors and Dependent Adults

## SUMMARY

The senior population in Yolo County has increased over the past decade and is expected to triple by 2040. Reports of abuse or neglect of the senior and dependent adult population have almost doubled over the past four years. The Adult Services division within Yolo County’s Department of Employment and Social Services (DESS) serves an essential function by providing much needed services to senior and dependent adults.

Through interviews and document review, the Grand Jury found that Adult Services workers exhibit an excellent work ethic and that the programs they administer are highly effective. However, employees complain of low morale caused by inadequate oversight by management, poor communication between management and staff, and abrupt staffing changes. Specifically the Grand Jury found:

- Some individuals in management lack direct experience in overseeing adult services.
- Recent resignations at the executive level in DESS have left the department without adequate leadership.
- The organization lacks clear lines of authority which creates confusion for employees.

The Grand Jury also found that the department lacks necessary safety procedures to protect employees who may deal with unstable, sometimes hostile individuals in their field work.

The Grand Jury recommends enhanced internal communications, redrafting of organizational charts, a thorough review of management’s qualifications, and broadening employee participation in the budgeting process. The Grand Jury also calls on the Department to develop guidelines to help ensure the safety of Adult Services staff in the field.

## ACRONYMS

<p><b>APS:</b> Adult Protective Services</p> <p><b>DESS:</b> Department of Employment &amp; Social Services</p> <p><b>IHSS:</b> In-Home Supportive Services</p> <p><b>IIPP:</b> Injury Illness and Prevention Program</p> <p><b>NASW:</b> National Association of Social Workers</p>
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## BACKGROUND

The senior population in Yolo County has increased over the past decade and will increase at a heightened rate as those born between 1946 and 1967 reach retirement age. According to the 2010

## YOLO COUNTY ADULT SERVICES PROTECTING SENIORS AND DEPENDENT ADULTS

United States census, senior citizens aged 65 years and older, comprise about 10 percent of the population in Yolo County, equating to roughly 20,000 individuals. This was a 23 percent increase from the 2000 census. The Grand Jury learned that the senior population is expected to more than triple by 2040. Reports of abuse or neglect of the senior and dependent adult population have almost doubled over the past four years. Given the high demand and population trends, the Grand Jury was interested in understanding how well seniors and dependent adults are served in Yolo County.

### REASON FOR THE INVESTIGATION

The Grand Jury proposed to:

- Identify the publicly funded county services available for seniors and dependent adults
- Determine how well those services designed specifically for the adult population are administered
- Review the efficiency of operations within Adult Services as well as the Department of Employment and Social Services
- Make appropriate recommendations

California Penal Code Sections 925 provides, “The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant of state law for which the officers of the county are serving in their ex officio capacity as officers of the districts.”

### ACTIONS TAKEN

The Grand Jury interviewed Department of Employment and Social Services (DESS) employees and reviewed documents, including the following:

- DESS safety policy and procedures
- Employee organization charts
- Yolo County class specifications
- Board of Supervisor annual reports
- Yolo County websites
- Resources from other experts in the field

### DISCUSSION

#### Overview of Program: Supporting Seniors and Dependent Adults

The Adult Services program is under the Children and Adult Services Division within the Yolo County Department of Employment and Social Services. Adult Services provides social programs to

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support elder adults (65 years and older) and dependent adults (adults age 18-64 who are disabled) to live as safely and independently as possible. Two primary programs within Adult Services provide these services: 1) Adult Protective Services (APS) and 2) In-Home Supportive Services (IHSS). In addition, Yolo County collaborates with the cities within the county to fund and operate the Homeless Coordination Project.

### **Adult Protective Services (APS)**

APS, a state mandated program, provides assessment and case management services to elderly and dependent adults who are at risk of abuse, neglect or exploitation by themselves or by others. APS caseworkers respond to and investigate the public's reports of abuse or potential abuse.

In fiscal year 2011-2012, APS investigated and managed 845 cases of alleged abuse or neglect of seniors or dependent adults. This is a substantial increase from 498 in the 2008-2009 fiscal years.<sup>1</sup> This program has historically been staffed by one Social Worker Supervisor and only two Social Worker Practitioners, along with interdepartmental support staff. Even with this low level of staffing, 100 percent of cases have been closed in a timely manner since fiscal year 2008-2009. In early 2013, Adult Services hired a third Social Worker Practitioner.

### **In-Home Supportive Services (IHSS)**

IHSS provides assessment, case management, and financial assistance through a combination of federal, state, and local funds to elderly and dependent adults who are unable to remain safely in their own homes without assistance. IHSS caseworkers evaluate eligibility of individuals who request assistance and determine the number of hours of support to be provided through the program for eligible participants.

In fiscal year 2009-2010 services were provided to 1,933 eligible seniors and dependent adults.<sup>2</sup> Since fiscal year 2008-2009, over 90 percent of IHSS cases have been reassessed on a timely basis. As of March 2013, this program is staffed by one Social Worker Supervisor and nine Adult Services Workers, along with interdepartmental support staff.

## **Employee Morale: Poor Leadership and Communication**

Interviewees reported to the Grand Jury that employee morale is low. They cited the following reasons:

- Inadequate oversight by management
- Poor communication lines between management and staff
- Abrupt staffing changes

Ideally, within organizations, supervisors, division managers and assistant directors have experience with and an understanding of any programs they oversee. The Grand Jury discovered that in DESS this is not always the case. This situation is most acute in Adult Services where the majority of resources

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<sup>1</sup> Similar data for the 2009-2010 and 2010-2011 fiscal years was not available.

<sup>2</sup> Similar data for the 2008-2009, 2010-2011, and 2011-2012 fiscal years was not available.



## **YOLO COUNTY ADULT SERVICES PROTECTING SENIORS AND DEPENDENT ADULTS**

within the Children and Adult Services Division are directed toward child programs. The Grand Jury has learned that managers with experience exclusively with child services may be positioned to oversee adult services divisions, whether directly or indirectly. Employees report a loss of confidence and respect toward their leadership as well as poor communication throughout the department resulting from the current management situation.

Recent resignations among the executive branch of DESS have left the department without experienced leadership. These vacancies have affected employees who feel they have not been kept adequately informed about change within the organization.

The Grand Jury learned that Human Resources do not have current or past organizational charts for DESS. While DESS does maintain organizational charts, the Grand Jury found them difficult to interpret, primarily because of inconsistency in formatting. The Grand Jury learned that employees are not always aware of the supervisory hierarchy as it relates to their positions. Employees have been asked to report or have been made to feel they must report to more than one supervisor. Employees testified that at times they receive instructions from multiple levels of management, bypassing supervisors to whom they directly report. Without distinct lines of authority, morale has suffered.

### **Budgeting: Involving the Staff**

Supervisors' involvement and awareness of the budgeting process for the programs they oversee is very limited. Although much of the budget for Adult Services may be fixed as it relates to state, federal funds and mandated programs, financial efficiency can be potentially gained from involving employees who are close to or are performing the delivery of services. Communication of this information also may increase employee morale.

### **Safety Guidelines: Keeping Caseworkers Safe**

All employees within DESS are subject to the Yolo County Workplace Security and Safety Policy and the Injury Illness and Prevention Program (IIPP). These documents outline safety policy and procedures with the goal of promoting a safe work environment for employees. The focus of the IIPP is the office environment and industrial safety. Other safety policies within DESS are targeted at specific departments; however, no safety plans exist specific to Adult Services. Caseworkers experience unique safety concerns outside of the office as they deal with individuals who may be unstable. They may also encounter abusers of their clients. Most often site visits are conducted by a single caseworker who arrives in a marked government vehicle. Although the educational background social workers possess prepares them to handle critical situations, it is important that formal procedures ensure the status and safety of all caseworkers in the field.

The National Association of Social Workers (NASW) is the largest membership organization of professional social workers in the world. The NASW creates and maintains professional standards and works to advance sound social policies. The association reports that 51 percent of social workers report feeling unsafe in their jobs. The NASW recommends that organizations establish specific safety policies for social workers in the field and office, establish a safety committee to oversee implementation of the procedures, and develop data management and reporting activities.



**YOLO COUNTY ADULT SERVICES PROTECTING SENIORS AND DEPENDENT ADULTS**

**FINDINGS**

- F1.** An excellent work ethic exists among workers in Adult Services, who support seniors and dependent adults in Yolo County.
- F2.** High quantity and quality of work is being conducted by staff despite limited resources.
- F3.** High personnel turnover and changes to the organizational structure contribute to confusion and uncertainty throughout the organization.
- F4.** Poor leadership by management, poor communication between management and line staff, and frequent and abrupt changes in personnel contribute to low employee morale.
- F5.** Management may lack the experience and expertise required to successfully oversee the departments and positions they supervise.
- F6.** Managers and supervisors are insufficiently involved in the budgeting process, thus staff are not aware of budgeting resources.
- F7.** There are no safety guidelines or procedures specific to social workers engaged in field work.

**RECOMMENDATIONS**

- R1.** Improve lines of communication from management to line staff by establishing a newsletter or some form of regular messaging that is distributed to all DESS employees by September 1, 2013. Routine communications should provide a unifying department vision and news of staff and organization changes.
- R2.** By September 1, 2013, establish a protocol for all DESS Adult Services managers and supervisors periodically to accompany staff on routine field visits. This collaboration would serve as training both for field staff and management and encourage dialogue between both parties.
- R3.** By September 1, 2013, review qualifications of and training regimens for all management to ensure that individuals with necessary experience and expertise are overseeing all programs.
- R4.** Revise DESS organizational charts to establish clear lines of authority by September 1, 2013. These should be available and accessible to all employees and the public.
- R5.** Maintain copies of all current and archived organization charts.
- R6.** Involve supervisors and managers in the budgeting process. At a minimum, allow them to sit in on budget meetings and include them in all pertinent correspondence.
- R7.** By December 1, 2013, develop safety guidelines specific to Adult Services with the goal of maintaining the safety of all personnel in the field:
  - a.** Review safety guidelines recommended by the National Association of Social Workers.

## YOLO COUNTY ADULT SERVICES PROTECTING SENIORS AND DEPENDENT ADULTS

- b. Identify what specific safety training Adult Services workers should have for field work.
- c. Develop protocols to document caseworkers' locations when they are in the field. This may include alerting local law enforcement when visits are made to residences with potentially volatile situations and/or carrying county provided portable radios to communicate emergency situations quickly.
- d. Develop protocols that routinely confirm and document the safety of caseworkers during and after onsite visits.

### REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

#### From the following individuals:

- *Director, Department of Employment and Social Services:* Recommendations R1 through R4, R6, and R7.
- *Director, Department of Human Resources:* Recommendations R3 and R5.

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# Putting Students First: Oversight of Yolo County Charter Schools

## SUMMARY

Charter schools offer alternative programs with specialized curriculums with varying degrees of regulation. The 2012-2013 Grand Jury looked at six charter secondary schools that have operated in Yolo County, four authorized by school districts, one by the Yolo County Office of Education and one by the State Department of Education.

The first four were authorized to be dependent with direct fiscal oversight from their school districts; the others were approved as independent with little oversight from their authorizers.

In 2011, an independent charter in West Sacramento, the California College, Career and Technical Center, which was approved at the state level, closed suddenly, surprising the enrolled students and their parents. Educators and the press have cited the closing of that school as a case for more fiscal oversight of independent charters.

To provide information to the public, the Grand Jury narrowed its focus to the three currently operating charter high schools because education at the secondary level has the most direct effect on post-secondary opportunities, and these schools plan to graduate students in 2013.

During the investigation, the Grand Jury found a need for improved communication between schools and their authorizers.

## GLOSSARY

**Academic Performance Index (API):** a score between 200 and 1000, which represents the school's performance on mandated California standardized tests

**Average Daily Attendance (ADA):** serves as the basis of receiving apportioned state funds per pupil

**Charter Authorizer:** the organization that approves the charter

**Comprehensive High School:** offers a complete core curriculum of math, science, language arts, social studies, fine arts, and physical education, without specializing in any one discipline. Supplemental courses and extra-curricular activities usually are also offered.

**Dependent Charter:** a school authorized to operate with fiscal oversight by the district or county board that approved the charter

**Free and Reduced Lunch:** an indication of financial need, given as a percentage of students qualified for government-subsidized lunches

**Independent Charter:** a school authorized to operate with limited fiscal oversight by the district, county board, or state Department of Education, which approved the charter

**Parent Education:** the average level of parent education completed, where 1 represents not a high school graduate and 5 indicates the parent has a graduate school education

## **PUTTING STUDENTS FIRST: OVERSIGHT OF YOLO COUNTY CHARTER SCHOOLS**

**Western Association of Schools and Colleges (WASC):** sends teams of educators to schools; evaluates the program, faculty, administration and facilities, and accredits the school for one-, three-, or six-year terms or denies accreditation

### **BACKGROUND**

The charter school or “schools of choice” movement in the United States has existed for twenty-five years. Charters were meant to be legally and financially autonomous public schools focused on educating students with best practices and outcomes while invigorating public education by competing with existing public schools. California was the second state in the nation to pass a charter school law in 1992. Charter schools receive tax dollars for each pupil, based on average daily attendance (ADA) and also have access to one-time start up funds and school sites, and are eligible to apply for grants.

Historically, the Grand Jury has concerned itself with oversight of the local school boards and welfare of the 29,000-plus students attending public schools within the county. Because many students are educated in Yolo County’s publicly funded charter schools, the Grand Jury decided to produce a baseline report to provide data for subsequent years’ juries and the public. Because public funds are at stake, the Grand Jury sought to learn how charter schools function and how they relate to local school districts.

California is one of three states with the highest proportion of charter schools and has among the strongest laws in the nation governing their implementation. When this report was compiled, Yolo County had five publicly funded charter schools: four dependent charters approved by the local school boards in the Washington, Woodland and Davis districts, which oversee the schools’ finances, and a fifth approved by the Yolo County Office of Education as an independent charter.

In the case of a dependent charter, the authorizer has control over the school’s budget. An independent charter oversees its own budget with school-initiated oversight by its chartering agency, in this case the Yolo County Office of Education.

In September of 2011, a sixth charter, California College, Career and Technical Center (CCCTEC) in West Sacramento entered bankruptcy and closed after a single year of operation. It had been chartered by the State Board of Education on appeal after having been rejected by the local and county school board trustees. The school had been funded through a federal startup grant, a state loan, and standard payments awarded on the basis of average daily attendance (ADA), approximately \$6,000 per student per year. Overpayments of ADA in excess of \$200,000 had been made because enrollment did not meet expectations.

### **REASON FOR INVESTIGATION**

California Penal Code allows the Grand Jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county, including special districts and any incorporated city or joint powers agency located in the county (California Penal Code 925 and 925a).

**PUTTING STUDENTS FIRST: OVERSIGHT OF YOLO COUNTY CHARTER SCHOOLS**

**ACTIONS TAKEN**

The Grand Jury conducted informational interviews with personnel from each of the charter high schools in the county, educators, former district trustees, and Yolo County Office of Education (YCOE) personnel.

**The Jury also reviewed:**

- Chartering documents of the representative schools
- News articles and other public information
- California Charter Schools Association (CCSA) website
- California Department of Education website
- Western Association of Schools and Colleges (WASC) Accreditation website
- Data Quest demographic and test data
- Yolo County Board of Education 2012 Annual Report
- School district board meeting agendas and minutes

*Note: The Grand Jury interviewed its last witness for this report on March 26, 2013.*

**WHAT THE GRAND JURY DETERMINED**

**Academics and demographics**

Yolo County has five charter schools, relatively new programs, never before examined by the Yolo County Grand Jury. It is beyond the Grand Jury’s mandate to make judgments about degrees of academic success. Further the Grand Jury cannot compare and draw conclusions based on dissimilar populations and differing academic objectives.

**The charters operating in Yolo County are:**

- West Sacramento Early College Prep Charter (grades six through high school)
- Science & Technology Academy in Knights Landing (elementary and middle school)
- DaVinci Charter Academy in Davis (junior high and high school)
- Sacramento Valley Charter in West Sacramento (elementary school)
- Woodland Polytechnic Academy, located on the Yolo County Fairgrounds in Woodland (high school)

The Grand Jury focused on the three secondary charter schools.

The Grand Jury gathered data as background information on the student population of the charter secondary schools and the comprehensive high schools in the same communities. The data is presented in the chart below (see page 58).

**PUTTING STUDENTS FIRST: OVERSIGHT OF YOLO COUNTY CHARTER SCHOOLS**

**How do charter schools differ from other public schools?**

Charter schools are primary or secondary schools that receive public money. They are subject to some of the same rules, regulations, and statutes that apply to traditional public schools administered by local school boards, but have more flexibility than other public schools. They may be started by teachers, parents, or non-profit businesses ready to provide a specialized curriculum. For example, one charter may emphasize science and mathematics; another vocational training; and yet another, the arts or a language. The students must take standardized, mandated exams and cannot be charged tuition. Students may attend from outside district boundaries. In California charters, teachers must be credentialed in the core subject areas they teach, and students may not be excluded because they require special programs.

Ideally, charters encourage innovation and competition and provide a population of students with an alternative that is equal or better than their local district schools.

**Yolo County Secondary Schools: Comparisons**

Name of School	Location	API Score (2012)	Student Ethnicity	Average Parent Education (1=HS Graduate, 5=Graduate School)	Eligibility for Free/Reduced Lunch	English Learners
Da Vinci Charter Academy	Davis	863	White: 78% Hispanic/Latino: 13% Asian/Pac Islander: 5% African American: 2% Filipino: 2% American Indian: 1%	4.46	12%	3%
Davis Senior High School	Davis	863	White: 59% Asian/Pac Islander: 21% Hispanic/Latino: 15% African American: 3% American Indian: 1% Filipino: 1%	4.29	16%	9%
West Sacramento Early College Prep Charter	West Sacramento	638	Hispanic/Latino: 63% White: 18% Asian/Pac Islander: 7% African American: 5% American Indian: 2% Filipino: 1%	2.03	77%	20%
River City High School	West Sacramento	738	Hispanic/Latino: 41% White: 36% Asian/Pac. Islander: 12% African American: 7% Filipino: 3% Am. Ind./Alaska Native: 2%	Data Not Available	70%	26%
Pioneer High School	Woodland	742	Hispanic/Latino: 59% White: 28% Asian/Pac islander: 8% American Indian: 1% African American: 1%	2.65	54%	19%
Woodland Polytechnic Academy Charter	Woodland	626	Data Not Available	Data Not Available	74%	11%
Woodland High School	Woodland	730	Hispanic/Latino: 57% White: 37% Asian/Pac Islander: 3% American Indian: 3% African American: 1%	2.73	53%	17%

## PUTTING STUDENTS FIRST: OVERSIGHT OF YOLO COUNTY CHARTER SCHOOLS

### How are charter schools authorized?

Charter schools in California may be authorized by local district school boards. If denied a charter by the local board, they may appeal and be approved by county school boards. If approval is denied locally, they may appeal to the State Department of Education and be approved at that level.

Charters that are dependent are fiscally controlled and monitored on an ongoing basis by local boards like other public schools. Although publicly funded, independent charters have more fiscal autonomy than dependent charters and are not monitored in an ongoing fashion. By state law, the authorizer does not provide unsolicited oversight; however, the independently chartered school may seek guidance.

Independent charter schools, those without authorizer oversight, are accountable to the communities they serve: parents, teachers, and the school's administration. Every five years, the authorizer (school district, county office, or state agency) must review the school's academic progress and standards and fiscal and administrative management before renewing the charter.

After years of having easily approved charters, the State Department of Education currently looks for measurable outcomes, substantiating superior opportunity for students before approving charters. Before petitioning to be chartered, a school must be able to show teacher and parent interest. A local board has thirty days for hearings and thirty to make a decision. New schools receive substantial start-up funds in addition to the ADA funding per student.

If a charter is denied by a local school board, the charter may appeal to the county office which has sixty days to decide the appeal. The state Department of Education has a longer, unspecified, appeals process. The state provides this appeals process and can authorize schools denied at the local level because it believes that some locally based trustees or administrators may be antagonistic to independent charters. Local entities may fear losing control of oversight, including finances. If the state turns down a charter, the school can seek a judicial appeal—a very rare step.

### Where are charter schools housed?

Proposition 39 was written to ensure charter schools that meet eligibility requirements have equal access to a school district's physical facilities that are equal or better than those provided to other students in the district. The property must be contiguous, furnished and equipped like other public sites, and located in a desirable area as designated by the charter. It is in the best interest of the charter school to have a publicly provided site to contain costs. A nominal charge is paid by the charter school to the district that is providing the site.

Requests for Proposition 39 district facilities must be made by November 1 each year. At least 80 in-district students must be projected to enroll in the school. These are students who would otherwise attend a conventional public school in the district if they had not elected to attend a charter.

### History of charters in Yolo County

Authorized in 2008 by the Davis Joint Unified School District, Leonardo Da Vinci Charter Academy is located on public property, under Proposition 39, with financial oversight by the district



## PUTTING STUDENTS FIRST: OVERSIGHT OF YOLO COUNTY CHARTER SCHOOLS

trustees. Da Vinci shares extra-curricular and some academic programs with the Davis schools. The school offers a project-based curriculum that integrates learning across disciplines. Da Vinci teachers are unionized and work on continuing contracts with tenure. The school has both a junior high facility and a high school.

In early 2011, the Yolo County Office of Education approved the original charter school petition for Woodland Polytechnic Academy after it had been denied by the Woodland School Board. Although it has not met its original projected enrollment, Woodland Polytechnic will have its first graduating class in 2013. Teachers are credentialed in their core subject areas and the school has received WASC accreditation for three years before its second review. It has competitive sports teams, a Future Farmers of America chapter, and volunteer support.

In late 2012, both the Woodland School Board and the YCOE denied the Woodland Polytechnic Academy's proposal to expand to the elementary and middle grades. The school has not appealed this decision to the State Department of Public Education and has not expressed plans to do so as of late March. While housed at the Yolo County Fairgrounds, the school has applied to the Woodland Board for a new site under Proposition 39. A decision is pending.

West Sacramento Early College Prep Charter, now in its sixth year, is sited on the grounds of a former elementary school campus. The Washington School District has upgraded the facilities, especially the science laboratories, and provides the school lunch program. The school received a \$400,000 start up grant from the Woodrow Wilson National Fellowship Foundation awarded and administrated through UC Davis School of Education, which had the original vision for the school. West Sacramento Prep teachers are not unionized. They work on year-to-year contracts as "employees at will."

Interns from UC Davis work on West Sacramento Prep campus. Parents of students who attend the school must commit to good student attendance and agree to allow the school to dismiss a student whose grades drops below an acceptable average or whose behavior warrants four suspensions. The school currently serves 170 students in grades six through twelve and will graduate its first class in 2013.

The Science and Technology Academy of Knights Landing, DaVinci Charter Academy and West Sacramento Early College Prep Charter were begun by professional educators and supported from their inception by the local school boards that provide fiscal oversight. Local boards were motivated to approve charters to keep under-enrolled schools open or to obviate the need to build additional campuses in other locations.

### **A charter that failed: California College, Career and Technical Center**

The California College, Career and Technical Center in West Sacramento had problems with attendance, admission, faculty teaching outside of their credentials, and fiscal oversight. Teachers had not been paid. The school was shut down without warning in the fall of 2011.

Both the Washington Unified School District and the Yolo County Office of Education denied a charter to CCCTEC. But the state Department of Education approved the school's charter on appeal. The lead petitioner and executive director/superintendent for CCCTEC was also the lead petitioner for Woodland Polytechnic; however, at the time of this report, that individual was no longer connected with the Woodland charter.



## PUTTING STUDENTS FIRST: OVERSIGHT OF YOLO COUNTY CHARTER SCHOOLS

### FINDINGS

- F1.** The Grand Jury found insufficient oversight of CCCTEC, a school authorized to serve students in West Sacramento. When the school closed abruptly, its students were left stranded.
- F2.** Charter schools started with support from local educators and districts who perceive a mutual benefit and without adversarial opposition have the easiest paths to success.
- F3.** Good communication between any charter school and the authorizer is essential to the success of the school.

### RECOMMENDATIONS

- R1.** When a charter school receives independent status, the school should immediately set up a regular monthly or bi-monthly meeting with the authorizer’s administration. An independent charter school’s best interest will be served by fostering this interaction and mentoring. The authorizing agency should have a path to intervene with advice before circumstances become dire.
- R2.** When the state authorizes an independent charter school in Yolo County, the local County Office of Education should petition the State Board of Education to play an advisory role to help ensure that tax dollars are spent lawfully and protect the best interests of the students. In petitioning the state board, the YCOE should cite the failure of CCCTEC and this report of the Yolo County 2012-2013 Grand Jury.

### REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

**From the following individuals:**

- *Yolo County Superintendent of Schools:* Recommendations R1 and R2.
- *Woodland Polytech Academy principal:* Recommendation R1

**PUTTING STUDENTS FIRST: OVERSIGHT OF YOLO COUNTY CHARTER SCHOOLS**

APPENDIX: RESPONSES TO THE 2011-2012 FINAL REPORT

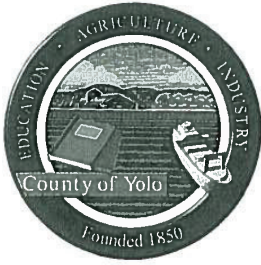
**APPENDIX**

**RESPONSES TO THE  
2011-2012  
YOLO COUNTY GRAND JURY  
FINAL REPORT**



**APPENDIX: RESPONSES TO THE 2011-2012 FINAL REPORT**

YOLO COUNTY JAIL



# COUNTY OF YOLO

Office of the County Administrator

*Patrick S. Blacklock*  
County Administrator

625 Court Street, Room 202 Woodland, CA 95695  
(530) 666-8150 FAX (530) 668-4029  
www.yolocounty.org

\* Mailed on  
July 17, 2012

July 10, 2012

Honorable David W. Reed  
Judge of the Yolo Superior Court  
725 Court Street, Department 6  
Woodland, CA 95695

RE: 2011/2012 Grand Jury Report re: Yolo County Jail

Dear Judge Reed:

The following is the response to the 2011/2012 Grand Jury Report concerning the Yolo County Jail from the Yolo County Board of Supervisors and the Yolo County Health Department.

For purposes of readability, we have included the Grand Jury's recommendations in italics.

R1 *The contracting practice of Yolo County Health Department with CFMG should be reviewed to determine if contracting requirements have been met.*

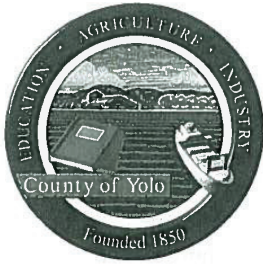
County Response: The Health Department followed the legal advice of County Counsel regarding the ability to extend the contract for five years without a competitive bid process. Termination provisions remain. The decision of the Sheriff's Office and Health Department to renew the contract was based on excellent service the contractor has been providing the inmates. Public entities are granted more leeway in selecting specialized professional services such as medical care, legal services and accounting services. The past history with the contractor has been very good, justifying continued faith in future performance in this important area. Changing the medical provider in the jail is a complicated and risky proposition. The potential for liability to the County is high if there is poor performance by the medical contractor.

R2 *Plans for remodeling/expansion of the laundry room, kitchen and medical beds should be implemented when funds become available.*

County Response: The recommendation requires further analysis. While the County does not have sufficient local funding available to construct these improvements, the Legislature has initiated policy discussions focused on providing funds for jail renovation. It is expected that legislation will be considered on this topic by September 2012. The County is advocating that funds be made available for jail renovation and intends to submit a grant application if the program is authorized.

**YOLO COUNTY JAIL**

YOLO COUNTY PROBATION DEPARTMENT ADMINISTRATION & TRAINING



# COUNTY OF YOLO

Office of the County Administrator

**Patrick S. Blacklock**  
County Administrator

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\* Mailed on  
July 17, 2012

Honorable David W. Reed  
Judge of the Yolo Superior Court  
725 Court Street, Department 6  
Woodland, CA 95695

July 17, 2012

RE: 2011/2012 Grand Jury Report re: Yolo County Probation Department

Dear Judge Reed:

The following is the response to the 2011/2012 Grand Jury Report concerning the Yolo County Probation Department (YCPD) from the Yolo County Administrator, Probation and Human Resources. For purposes of readability, we have included the Grand Jury's recommendations in italics.

R1 *The YCPD Policy Manual should be completely revised and distributed to all employees by July 1, 2013.*

Probation Response: The YCPD has already begun a process of developing Post Orders for revised adult probation procedures, reviewing the existing policy manual and division/unit manuals, and compiling existing protocols and other informal memo/email directives to revise and update the departmental policy manual. The YCPD does not foresee any difficulties with developing and distributing a newly revised policy manual by July 1, 2013.

R2 *The Probation Department should designate a position to be in charge of the training program to ensure that employees have the necessary skills to properly perform the duties of their job in compliance with the Mission Statement and to meet the goals of the YCPD.*

Probation Response: The Department is in the process of working with Human Resources to review the existing departmental organizational structure to determine which position(s) may be required to fulfill this requirement. Since there are no additional financial resources available specifically to accomplish this task, it may be that other positions in the department have to be reclassified or eliminated to address this recommendation.

R3 *All employees in the Probation Department need to be evaluated on an annual basis. A follow up system needs to confirm that the reviews are completed.*

YOLO COUNTY PROBATION DEPARTMENT ADMINISTRATION & TRAINING

Probation Response: The YCPD recognizes the added value of timely employee evaluations. To that end, a process for ensuring that supervisors and managers adhere to appropriate evaluation timelines is being developed. As the department continues with its change in management and its efforts related to correctional practices, it is hoped that employee evaluations will further assist in identification of training needs and existing gaps.

Human Resources Response: PeopleSoft, the software used for employee data, has the ability to generate reports indicating the due date of evaluations. Human Resources will work with the department to ensure they are trained on generating these reports and that follow-up occurs.

- R4 *The format and purpose of employee reviews should be made clear to all employees.*

Probation Response: This will be integrated into the process of regular evaluations.

Human Resources Response: Human Resources consistently trains supervisors on the format and purpose of evaluations. Human Resources will ensure that supervisors relay this information to their employees as part of the evaluation process

- R5 *The Human Resources Department should implement periodic interviews with staff and supervisors to determine the employee morale and their concerns about the office environment in the Probation Department. This information should be shared with the CAO, Chief and Assistant Chief Probation Officers.*

County Administrator Response: The County is in the process of implementing a 360 degree evaluation system for leadership positions. The 360 process includes a process to seek direct employee feedback on the topics mentioned in this recommendation.

Human Resources Response: While Human Resources agrees with the concept of department check-ins and will continue to monitor and offer assistance with employee relations within the Probation Department, the Human Resources division lacks the staff time necessary to complete this request as it is a labor intensive process.

- R6 *YCPD management should conduct follow-up interviews with YCPD staff to determine if the workplace environment and morale have been improved.*

Probation Response: Continuous staff interviews take place between probation managers of all levels to assess the morale of the department. Consistent with YCPD values, the management team employs an open-door policy and supports regular unit, division and all-staff meetings that serve as opportunities for two-way communication.

County Administrator Response: In addition to the communication strategies described in the Probation Department's response; the aforementioned 360 evaluation process will also facilitate ongoing employee feedback.



DUNNIGAN FIRE PROTECTION DISTRICT



**COUNTY OF YOLO**  
Board of Supervisors

District 1, **Michael H. McGowan**  
District 2, **Don Saylor**  
District 3, **Matt Rexroad**  
District 4, **Jim Provenza**  
District 5, **Duane Chamberlain**

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County Administrator, **Patrick S. Blacklock**  
Deputy Clerk of the Board, **Julie Dachtler**

April 10, 2012

Honorable David W. Reed  
Judge of the Yolo Superior Court  
725 Court Street, Department 6  
Woodland, CA 95695

The Yolo County Board of Supervisors has received the report of the Yolo County Grand Jury on the Dunnigan Fire Protection District and the Grand Jury's request for comment on finding F8 of the report that "no violations of Ralph M. Brown Act open meeting procedures were found."

The District is an independent political entity with its own Board of Commissioners that is responsible for the conduct of its regular meetings. Nevertheless, the Yolo County Board of Supervisors appreciates receiving this information from the Grand Jury and is gratified that the Grand Jury found no violations of the Brown Act by the District's Board of Commissioners.

Sincerely,

Jim Provenza, Chair  
Yolo County Board of Supervisors

**DUNNIGAN FIRE PROTECTION DISTRICT**

YOLO COUNTY ADULT LITERACY PROGRAM

AGENCY'S RESPONSE PROCEDURE

RESPONSE TO GRAND JURY REPORT

The governance of responses to the Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within sixty (60) days, governing bodies (for example, the Board of Supervisors) must respond within ninety (90) days. Please submit all responses in writing and digital format to the Presiding Judge and the Grand Jury Foreperson.

Report Title: Yolo County Adult Literacy Program  
Report Date: June 4, 2012

Response by: Yolo County Controller

FINDINGS

I (we) agree with the findings numbered:

\_\_\_\_\_ N/A \_\_\_\_\_

I (we) disagree wholly or partially with the findings numbered:

\_\_\_\_\_

RECOMMENDATIONS

Recommendations numbered: RI  
have been implemented (attach a summary describing the implemented actions).

Recommendations numbered: \_\_\_\_\_  
require further analysis (attach an explanation of the analysis or study, and the time frame for the matter to be prepared by the officer or director of the agency or department being investigated or reviewed; including the governing body where applicable. The time frame shall not exceed six (6) months from the date of the Grand Jury Report).

Recommendations numbered: \_\_\_\_\_  
will not be implemented because they are not warranted and/or are not reasonable (attach an explanation).

Date: 7/11/12 Signed: Howard Stevens

Total number of pages attached 1

YOLO COUNTY ADULT LITERACY PROGRAM



County of Yolo

www.yolocounty.org

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HOWARD H. NEWENS, CIA, CPA  
AUDITOR-CONTROLLER and  
TREASURER-TAX COLLECTOR

TREASURER-TAX COLLECTOR  
PO BOX 1995  
WOODLAND, CA 95776  
PHONE: (530) 666-8625  
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July 11, 2012

Honorable David W. Reed  
Judge of the Yolo Superior Court  
725 Court Street, Department 14  
Woodland, CA 95695

Dear Judge Reed:

***Response to the 2011-12 Grand Jury Final Report  
Yolo County Adult Literacy Program***

In its final report of June 4, 2012, the Grand Jury has requested that the Yolo County Auditor-Controller respond to recommendation R1 pertaining to the Yolo County Adult Literacy Program.

**Recommendation R1: YCL administrators need to follow proper budgeting procedures and prepare a clear, accurate budget for Yolo Reads at the beginning of each fiscal year.**

Auditor-Controller's Response: This recommendation has been implemented. I have met with the County Librarian and her finance staff to review their budget procedures and have found them generally satisfactory. I understood that the information provided to the Grand Jury was somewhat piecemeal as an attempt to focus on specific information. I have recommended, and the County Librarian concurred, that the finance staff refine certain expenditure categorization which would clarify the presentation of financial information.

We appreciate the opportunity to respond to the Grand Jury Final Report.

Sincerely,

Howard Newens  
Auditor-Controller &  
Treasurer-Tax Collector

Cc: Yolo County Board of Supervisors via Clerk of the Board

ASSURANCE OF ACCOUNTABILITY



YOLO COUNTY ADULT LITERACY PROGRAM



## Yolo County Library

Patricia M. Wong, County Librarian  
226 Buckeye Street  
Woodland, CA 95695-2600  
(530) 666-8005 FAX (530) 666-8006

Honorable David W. Reed  
Judge of the Yolo Superior Court  
725 Court Street, Department 6  
Woodland, CA 95695

July 25, 2012

**Re: Response to 2011/2012 Yolo County Grand Jury Final Report concerning the Yolo County Adult Literacy Program**

Dear Judge Reed:

The following is the response to the 2011/2012 Yolo County Grand Jury Report of June 4, 2012, concerning the Yolo County Adult Literacy Program.

**Recommendation R1: YCL administrators need to follow proper budgeting procedures and prepare a clear, accurate budget for Yolo Reads at the beginning of each fiscal year.**

County Librarian Response: In consultation with the Yolo County Auditor-Controller, this recommendation has been implemented. I have met with the Auditor-Controller and Library budget staff to refine and clearly articulate expenditure categorization which will clarify the presentation of financial information.

Auditor-Controller Response under separate cover on July 11, 2012: Auditor-Controller's Response: This recommendation has been implemented. I have met with the County Librarian and her finance staff to review their budget procedures and have found them generally satisfactory. I understood that the information provided to the Grand Jury was somewhat piecemeal as an attempt to focus on specific information. I have recommended, and the County Librarian concurred, that the finance staff refine certain expenditure categorization which would clarify the presentation of financial information.

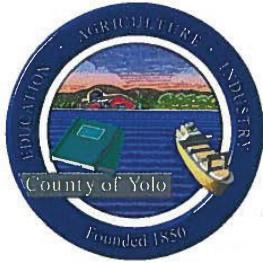
Thank you for the opportunity to respond to Grand Jury's report on the Yolo County Adult Literacy Program.

Sincerely,

Patricia M. Wong  
Yolo County Librarian

**YOLO COUNTY ADULT LITERACY PROGRAM**

YOLO COUNTY WORKFORCE INVESTMENT BOARD



# COUNTY OF YOLO

Office of the County Administrator

**Patrick S. Blacklock**  
County Administrator

625 Court Street, Room 202 Woodland, CA 95695  
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- Mailed on  
8/16/12

Honorable David W. Reed  
Judge of the Yolo Superior Court  
725 Court Street, Department 6  
Woodland, CA 95695

August 7, 2012

RE: 2011/2012 Grand Jury Report re: Yolo County Workforce Investment Board

Dear Judge Reed:

The following is the response to the 2011/2012 Grand Jury Report concerning the Yolo County Workforce Investment Board (WIB) from the Yolo County Board of Supervisors and the Yolo County Department of Employment & Social Services (DESS) Director, as well as Ken Garrett, WIB Vice-Chair. Please note: Ann Gennuso-Newton, former WIB Chair, resigned April 1, 2012. To date, a new WIB Chair has not been elected therefore Vice-Chair Garrett is acting WIB Chair.

For purposes of readability, we have included the Grand Jury's recommendations in italics.

- R1 *The WIB should create linkages with the business community and enlist aid from cities, Chambers of Commerce and the Yolo County Board of Supervisors to support their marketing efforts to increase public and business awareness of the WIB while increasing the WIB's connection to the business community.*

County Response: The recommendation has partially been implemented. The current WIB membership includes representatives from Los Rios Community College, Woodland Community College, West Sacramento Chamber of Commerce and the Yolo County Board of Supervisors representative to the WIB, Supervisor Don Saylor. In 2012, eight new private sector members were added to the roster. The DESS staff member that conducts marketing and recruitment has provided presentations to the Davis, West Sacramento, Woodland and Winters Chambers of Commerce. We concur, however, that additional linkages should be created and we are evaluating alternative strategies to strengthen business participation in all economic development activities, including the WIB.

WIB Vice-Chair Response: Same as County response.



YOLO COUNTY WORKFORCE INVESTMENT BOARD

- R2 *WIB members should actively recruit members from businesses, including agribusiness.*

WIB Vice-Chair Response: The recommendation has partially been implemented. As of May 29, 2012, the WIB includes a representative from Cruickshank Farms. The County will continue to evaluate the WIB structure and research strategies to strengthen business community participation, including agribusiness, in all economic development activities, including the WIB.

- R3 *The WIB application for business membership should be revised to screen for “optimum policy making or hiring authority”.*

WIB Vice-Chair Response: The recommendation requires further analysis. Prior to December 31, 2012, the WIB Executive Committee will revise the WIB application to include a question regarding “optimum policy making or hiring authority”. This amended application will then be presented to the WIB for approval.

- R4 *WIB members should tour and receive an orientation to the One Stops in both Woodland and West Sacramento by December 31, 2012.*

County Response: The first part of this recommendation requires further analysis. Prior to December 31, 2012, the Workforce Investment Board and DESS, the One-Stop operator, will arrange tours at both the Woodland and West Sacramento One-Stops for WIB members.

The second part of this recommendation has been implemented. During the January 11, 2012 WIB meeting, members received an orientation binder that included information regarding mission and responsibilities, Bylaws, governance and the Brown Act, rosters, OneStop Partners, Youth Council information, as well as the WIB calendars. Since then, new members have been presented the binder in person following their appointment by Board of Supervisors and prior to their first attendance of a WIB meeting as a member.

WIB Vice-Chair Response: Same as County response.

- R5 *The WIB should provide the State with a timeline for recruiting business members by December 31, 2012.*

WIB Vice-Chair Response: This recommendation has been implemented. On May 15, 2012, DESS, the One-Stop operator, provided the California Workforce Investment Board a timeline regarding approval and appointment of five new business member applicants. As of June 19, 2012, all five business members have been approved and appointed.

YOLO COUNTY WORKFORCE INVESTMENT BOARD

- R6 *Member absences from WIB meetings should be reviewed. Absent members should be contacted to determine their interest in continuing with the WIB.*

County Response: This recommendation requires further analysis. Prior to December 31, 2012, the WIB Executive Committee will review attendance records to determine which members will be contacted to determine their interest in continuing with the WIB.

WIB Vice-Chair Response: Same as County response.

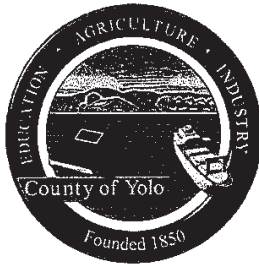
- R7 *WIB should provide services to unemployed individuals of any economic status by marketing the on-line career services of the One Stop.*

WIB Vice-Chair Response: This recommendation has been implemented. Starting in May 2012, a media marketing campaign was initiated by DESS, the One-Stop operator, that included the Virtual One Stop (<https://www.yoloworks.org>) which is the online career service geared toward unemployed individuals. Additionally, in late June 2012, the State of California Employment Development Department will be conducting a media campaign introducing the California Workforce Services Network system. This state-of-the-art system will provide universal access to online services for individuals seeking jobs and employers seeking employees. Note: Section 661.310(a) of the Code of Federal Regulations states, in part, a Local Board may not directly provide core services, or intensive services, or be designated or certified as the One-Stop Operator, unless agreed to by the chief elected official and the Governor.

- R8 *The WIB should circulate informational minutes to keep WIB members informed and interested.*

WIB Vice-Chair Response: This recommendation has been implemented. Beginning in late 2011, informational minutes were posted to the website as well as provided as appropriate to the WIB, WIB Executive Committee and Yolo Youth Opportunity Council members.

YOLO COUNTY WORKFORCE INVESTMENT BOARD



# COUNTY OF YOLO

Office of the County Administrator

*Patrick S. Blacklock*  
County Administrator

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www.yolocounty.org

To: Yolo County Grand Jury  
✓ P.O. Box 2142  
Woodland, CA 95776

April 8, 2013

To: Honorable Judge Daniel P. Maguire  
Judge of the Yolo Superior Court  
725 Court Street, Department 16  
Woodland, CA 95695

Cc: Department of Employment & Social Services  
Ken Garret, Chair, Workforce Investment Board

From: Patrick S. Blacklock, Yolo County Administrator

Re: 2011/2012 Grand Jury Report re: Yolo County Workforce Investment Board

The following is in response to your letter, dated March 11, 2013 requesting additional information to our response (dated August 7, 2012) to recommendations in the 2011-2012 Yolo County Grand Jury Report concerning the Workforce Investment Board (WIB). For purposes of readability, we have included the Grand Jury's requests in italics.

R1 *What additional strategies have you employed to "strengthen business participation" in the WIB and what, if any, are your long term plans to continue this?*

The Yolo County Department of Employment & Social Services (DESS), on behalf of the WIB, conducts targeted recruitments based on the mandated representatives; private sector, labor, education, community-based organizations and partners. Recruitments are conducted in a timely manner, i.e., when it is identified that a new member is needed. Recruitment efforts are reported to the Executive Committee on a monthly basis and to the WIB on a bi-monthly basis.

*Please name the eight new private sector members on your roster and their terms of services.*

1. Carrie Garcia; 9/11/2012 – 9/11/2015
2. Juan Guardado Jr.; 9/11/2012- 9/11/2015
3. Brett Sanders; 9/25/2012 – 9/25/2015

YOLO COUNTY WORKFORCE INVESTMENT BOARD

4. Katie Stille; 9/25/2012 – 9/25/2015
5. Sharon Krutt; 9/25/2012 – 9/25/2015
6. Alberto Aldrete; 1/15/2013 – 1/15/2016
7. Angelina Veal; 1/15/2013 – 1/15/2016
8. David Decker; 1/15/2013 – 1/15/2016

R2 *The Grand Jury is pleased to hear that as of May, 2012 there is an agribusiness representative on the WIB. Have you added additional agribusiness to your WIB roster? Please provide their names if you have.*

Brett Sanders, Seminis-Monsanto

*Please describe WIB plans to actively recruit agribusiness participation on the Board.*

DESS, on behalf of the WIB, is including agribusiness when recruiting private industry representatives.

R3 *Has the Executive Committee amended and approved the WIB application for business membership to include a question involving the applicant's policy making and hiring authority? Please provide a copy of the revised application.*

On January 23, 2013, the Executive Committee finalized their review of the WIB application process and concluded that changes to the WIB application were not warranted. Specifically, the Executive Committee deemed the current recruitment process sufficient since recruitment efforts are targeted and applicants pre-screened to determine appropriateness prior to the application process.

R4 *Have WIB members and the DESS operator toured both the West Sacramento and Woodland One-Stops? Please supply the dates of the visit and their findings.*

On August 11, 2012, the WIB agenda included a tour of the Woodland One-Stop and on July 25, 2012, the members of the WIB were invited to an open house event at the West Sacramento One-Stop. No findings were noted.

*Please provide a copy of the orientation binder noted in your response to R4, which includes your calendar.*

See Attachment

R5 *Thank you for your response.*

YOLO COUNTY WORKFORCE INVESTMENT BOARD

- R6 *Have you reviewed attendance records and contacted absentee members about their desire to continue serving on the WIB? Is a formal procedure in place to follow-up with members after extended absences?*

Yes. DESS provides the WIB Chair with a list of those members that have missed three consecutive regular meetings at the Executive Committee meeting that follows the bi-monthly WIB meeting. The WIB Chair then personally contacts those members to determine the appropriate action which may include recommendation for removal of the member.

- R7 *The Grand Jury is pleased that two marketing campaigns were undertaken in 2012. What are the WIB's long terms plans to ensure countywide awareness of county services and continued marketing of the Virtual One Stop?*

On September 12, 2012, the WIB adopted two strategic goals. The first, to ensure Yolo County jobseekers (adult, dislocated workers and youth) are aware of the education, skills upgrade and occupational skills services available locally via the WIB through the One-Stop System. The second, to ensure Yolo County employers are aware of the business services offered locally via the WIB through the One-Stop System. Both goals include an initiative to continuously improve and market the One-Stop System which DESS did in 2012 and continues to do in 2013. Thus far, in 2013, DESS has conducted various multimedia marketing campaigns including radio, movie theater and bus bill boards. It is the intention of DESS to continue marketing the One-Stop services to both jobseekers and employers as funding allows.

- R8 *Thank you for your response.*

YOLO COUNTY WORKFORCE INVESTMENT BOARD

March 11, 2013

Mr. Patrick Blacklock, County Administrator  
625 Court Street, Room 202  
Woodland, CA 95695

Dear Mr. Blacklock,

Grand Juries serve for a term of one year and release a report at the end of their term. The Yolo County Grand Jury 2011-2012 published the Workforce Investment Board (WIB) report to which you responded. Each Grand Jury has the mandate to ensure continuity by following up on responses and reviewing the work of its predecessors.

In this capacity, the Yolo County Grand Jury 2012-2013 requests additional information to your responses to recommendations in the WIB report. At your earliest opportunity, please answer the following questions, which are numerically tied to your responses, and supply materials noted.

R1. What additional strategies have you employed to "strengthen business participation" in the WIB and what, if any, are your long term plans to continue this?

Please name the eight new private sector members on your roster and their terms of service.

R2. The Grand Jury is pleased to hear that as of May, 2012 there is an agribusiness representative on the WIB. Have you added additional agribusinesses to your WIB roster? Please provide their names if you have.

Please describe WIB plans to actively recruit agribusiness participation on the Board.

R3. Has the Executive Committee amended and approved the WIB application for business membership to include a question involving the applicant's policy making and hiring authority? Please provide a copy of the revised application.

R4. Have WIB members and the DESS operator toured both the West Sacramento and Woodland One-Stops? Please supply the dates of the visit and their findings.

Please provide a copy of the orientation binder noted in your response to R4, which includes your calendar. We will review it and return it.

R5. Thank you for your response.

R6. Have you reviewed attendance records and contacted absentee members about their desire to continue serving on the WIB? Is a formal procedure in place to follow up with members after extended absences?

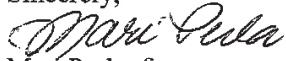
R7. The Grand Jury is pleased that two marketing campaigns were undertaken in 2012. What are the WIB's long terms plans to ensure countywide awareness of county services and continued marketing of the Virtual One Stop?

R8. Thank you for your response.

**YOLO COUNTY WORKFORCE INVESTMENT BOARD**

Thank you for your cooperation. We hope that this requested information in addition to your previous responses will obviate the need for follow-up interviews.

Sincerely,



Mari Perla, foreperson  
Yolo County Grand Jury 2012-2013

cc:

Workforce Investment Board  
Ken Garret, Chair  
25 North Cottonwood St  
Woodland, CA 95695

Board of Supervisors:  
Julie Dachtler, Deputy Clerk of the Board  
625 Court Street, Room 204  
Woodland, CA 95695

Department of Employment & Social Services  
25 North Cottonwood St  
Woodland, CA 95695

# RESPONSES TO THE 2012-2013 YOLO COUNTY GRAND JURY FINAL REPORT





**APPENDIX: RESPONSES TO THE 2012-2013 FINAL REPORT**

YOLO COUNTY PROBATION DEPARTMENT



County of Yolo

www.yolocounty.org

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HOWARD H. NEWENS, CIA, CPA

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TREASURER-TAX COLLECTOR  
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FAX: (530) 666-8708

November 8, 2012

Honorable Daniel P. Maguire  
Judge of the Yolo Superior Court  
725 Court Street, Department 16  
Woodland, CA 95695

REVISED WITH  
ADDITIONAL  
INFORMATION  
FOR F-17

Dear Judge Maguire:

***Response to the 2012-13 Grand Jury Report on  
Yolo County Probation Department***

The 2012-13 Grand Jury issued a report on the Yolo County Probation Department on October 15, 2012 and has requested the Yolo County Auditor-Controller to respond to certain findings and recommendations contained therein. Our responses are stated below, under each of the Grand Jury findings and recommendations.

**F-2: ADC is the sole provider of assessment tools used by YCPD.**

Auditor-Controller's Response: We agree partially. ADC is the sole paid provider of assessment tools used by YCPD. The Interim Probation Chief Officer informs that the department has also used Ohio Pre-Trial Risk Assessment Tool which was available at no cost. Our upcoming audit of contract practices at the Probation Department will clarify this finding.

**F-3: The YCPD manager was the sole contract administrator for ADC.**

Auditor-Controller's Response: We agree partially. The YCPD manager in question was a department head who had overall authority and responsibility on the contract; however, our preliminary review indicates that contract payments were processed in the normal manner, involving approval of finance staff in the Probation Department as well as staff in the Auditor-Controller Department.

**F-4: The YCPD manager had a dual relationship with the CEO of ADC.**

Auditor-Controller's Response: We agree with the finding, based on information obtained from the County Administrator's office.

**F-5: ADC invoices were received and approved solely by the YCPD manager.**

ASSURANCE OF ACCOUNTABILITY

YOLO COUNTY PROBATION DEPARTMENT

Honorable Daniel P. Maguire  
November 8, 2012  
Page 2 of 4

Auditor-Controller's Response: We do not agree with the finding. Our preliminary review indicates that some invoices were received and approved by other finance staff in accordance with countywide procedures.

**F-9: The YCPD manager used airline credits earned as a Yolo County employee to travel from Sacramento to Utah and Arizona on non-county business.**

Auditor-Controller's Response: We cannot confirm this finding since we have no access to the manager's private travel records. We note that there is no county policy prohibiting such usage of airline credit.

**F-11: The YCPD manager guided ADC in completing invoices for payment despite having a dual relationship with the CEO.**

Auditor-Controller's Response: We cannot confirm this finding at this time, but note that it is not an unusual business practice for a contract administrator to guide a vendor in the completion of invoices to be submitted to the county to ensure that they comply with the county requirements. Our upcoming audit will clarify this finding.

**F-12: The YCPD manager authorized a strategically complex pay package for MIT trainers.**

Auditor-Controller's Response: We do not agree with the finding. The YCPD manager might have instructed trainers to improperly record time in such a way as to increase their pay, but would not be able to "authorize a strategically complex pay package" due to established internal control in the payroll and HR system. Our upcoming audit will clarify this finding.

**F-13: The method of compensation for MIT trainers was not approved by Yolo County Human Resources (YCHR).**

Auditor-Controller's Response: We agree with the finding. Our preliminary review indicates that the enhanced compensation to MIT trainers was not specifically authorized by the Human Resources Division.

**F-14: Some trainers were directed to falsify timesheets.**

Auditor-Controller's Response: We cannot confirm this finding until our upcoming audit is completed.

**F-15: Timecards were submitted improperly.**

ASSURANCE OF ACCOUNTABILITY



**YOLO COUNTY PROBATION DEPARTMENT**

*Honorable Daniel P. Maguire*

*November 8, 2012*

*Page 3 of 4*

**F-16: There are no agreements for other counties to reimburse Yolo County for MIT training conducted by the Yolo County staff.**

Auditor-Controller's Response: We do not agree with this finding. Our preliminary review indicates that there were agreements with Alameda, Santa Cruz and Yuba counties to reimburse Yolo County for MIT training costs. Our upcoming audit of contracting process will clarify this finding.

**F-17: No invoices have been submitted by YCPD to other counties for training reimbursement and no reimbursements have been received by Yolo County.**

Auditor-Controller's Response: We do not agree with this finding. Our preliminary review indicates that some reimbursements have been received from the partner counties: as of 10/31/12, \$4,116.04 paid by Alameda County was recorded on 9/20/12 and \$8,584.67 paid by Santa Cruz County was recorded on 10/12/12; a further \$10,114.32 are receivable from these two counties. Our upcoming audit of contracting process will clarify this finding.

**F-18: Yolo County has no code of conduct or professional code of ethics for high level management employees to follow.**

Auditor-Controller's Response: We partially agree with this finding. While the Yolo County Administrative Policy Manual contains a Code of Ethics for Procurement that is relevant to this case, the County does not have a general code of ethics applicable to upper management employees.

**R-1: The ADC contract should be reviewed by Yolo County Counsel and the County Administrative Officer to determine by December 28, 2012 the operational fitness and financial viability of ADC.**

Auditor-Controller's Response: The County Administrator and the County Counsel have informed that this recommendation will be implemented.

**R-3: The MIT compensation package should be reviewed by December 28, 2012 to determine if YCPD management has the authority to authorize a compensation package.**

Auditor-Controller's Response: This recommendation will be implemented in conjunction with our upcoming audit of payroll practices at the Probation Department by the end of December 2012.

**R-4: The scheduling of MIT training on days not at work should be reviewed by December 28, 2012 to determine if this is a violation of the MOU.**

**ASSURANCE OF ACCOUNTABILITY**

YOLO COUNTY PROBATION DEPARTMENT

Honorable Daniel P. Maguire  
November 8, 2012  
Page 4 of 4

Auditor-Controller's Response: This recommendation will be implemented in conjunction with our upcoming audit of payroll practices at the Probation Department by the end of December 2012.

**R-5: No single Yolo County manager should have singular authority over the development and implementation of a contract or vendor.**

Auditor-Controller's Response: This recommendation requires further analysis and will be fully considered after completion of the upcoming audit of contract practices at the Probation Department by the end of December 2012.

**R-6: The timesheets for MIT trainers should be audited and overpayments should be recovered by December 28, 2012.**

Auditor-Controller's Response: This recommendation will be partially implemented: the audit will be completed by the end of December but recovery of overpayments may extend into 2013.

**R-7: Yolo County should closely monitor YCPD to ensure no dual relationship exist between employees and outside contractors.**

Auditor-Controller's Response: This recommendation will be fully considered after completion of the upcoming audit of contract practices by the end of December 2012.

**R-8: Yolo County should perform an audit of payments to ADC and determine if any payment irregularities occurred and recoup funds as necessary by December 28, 2012.**

Auditor-Controller's Response: This recommendation will be implemented.

**R-9: Any agreements and/or payments for reimbursement for MIT training from other counties should be reviewed for compliance with Yolo County's financial policies and procedures.**

Auditor-Controller's Response: This recommendation will be implemented.

We appreciate the opportunity to respond to the Grand Jury Report.

Sincerely,



Howard Newens  
Auditor-Controller &  
Treasurer-Tax Collector

Cc: Yolo County Board of Supervisors via Clerk of the Board

ASSURANCE OF ACCOUNTABILITY

YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS



# COUNTY OF YOLO

Office of the County Administrator

*Patrick S. Blacklock*  
County Administrator

625 Court Street, Room 202 Woodland, CA 95695  
(530) 666-8150 FAX (530) 668-4029  
www.yolocounty.org

To: Honorable Judge Daniel P. Maguire  
Superior Court of California, County of Yolo  
725 Court Street, Department 16  
Woodland, CA 95695

December 11, 2012

To: Yolo County Grand Jury via e-mail: grand-jury@sbcglobal.net

RE: Yolo County Grand Jury Report  
Yolo County Probation Department: A Troubling Contract, Questionable Ethics

Honorably Judge Maguire:

The following is the response to the 2012/2013 Grand Jury Report entitled "Yolo County Probation Department: A Troubling Contract, Questionable Ethics" from the Yolo County Board of Supervisors, County Administrator, County Counsel, Human Resources and the Interim Chief Probation Officer. The Yolo County Auditor-Controller's response came under separate cover on November 8, 2012. For purposes of readability, we have included the Grand Jury's findings recommendations in **bold**.

**F1 YCPD is supportive of "Evidence Based Practice" through the use of ADC's assessment tools.**

Interim Chief Probation Officer response: The respondent agrees with the finding.

**F2 ADC is the sole provider of assessment tools used by YCPD.**

County response: The respondents disagree with the finding. YCPD has also made use of the Ohio Pre-Trial Risk Assessment Tool for several years, which is available to the Probation community without the requirement of a contract and at no cost.

Auditor-Controller response sent under separate cover on November 8, 2012: We agree partially. ADC is the sole paid provider of assessment tools used by YCPD. The Interim Probation Chief Officer informs that the department has also used Ohio Pre-Trial Risk Assessment Tool which was available at no cost. Our upcoming audit of contract practices at the Probation Department will clarify this finding.



**YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**

**F3 The YCPD manager was the sole contract administrator of ADC.**

County response: The respondents partially agree with the finding. The YCPD manager, as the Department Head, was ultimately responsible for the administration of contracts within the Probation Department. With respect to the ADC contract, the YCPD manager assured implementation of contract performance, approved invoices for payment which were then processed through department fiscal and County Auditor-Controller staff per normal County practice.

In April 2012, the YCPD manager transferred administration of the ADC contract to the Assistant Chief Probation Officer. No invoices were received between April 2012 and the resignation of the YCPD manager.

Auditor-Controller response sent under separate cover on November 8, 2012: We agree partially. The YCPD manager in question was a department head who had overall authority and responsibility on the contract; however, our preliminary review indicates that contract payments were processed in the normal manner, involving approval of finance staff in the Probation Department as well as staff in the Auditor-Controller Department.

**F4 The YCPD manager had a dual relationship with the CEO of ADC.**

County response: The respondents agree there was a relationship between the YCPD manager and the CEO of ADC beyond a typical business relationship with a contractor. The County currently has no evidence of a financial conflict of interest, but an audit of procurement practices is underway.

Auditor-Controller response sent under separate cover on November 8, 2012: We agree with the finding, based on information obtained from the County Administrator's office.

**F5 ADC invoices were received and approved solely by the YCPD manager.**

County response: The respondents partially agree with the finding as described in the County's response to F3.

Auditor-Controller response sent under separate cover on November 8, 2012: We do not agree with the finding. Our preliminary review indicates that some invoices were received and approved by other finance staff in accordance with countywide procedures.

**YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**

**F6 YCPD management exhibited questionable ethical conduct.**

County response: The County agrees that the YCPD manager's relationship with the ADC CEO created the perception of a possible conflict and breach of ethical standards. The County currently has no evidence of a financial conflict of interest or related unethical conduct, but an audit of procurement practices is underway. Further, there is no evidence that any other YCPD management engaged in questionable ethical conduct related to this contract.

**F7 The YCPD manager did not disclose a personal relationship with the CEO of ADC in a timely manner.**

County response: The County partially agrees with this finding. The YCPD manager disclosed at the time of her original hiring with the YCPD, and later when she was appointed as the Chief Probation Officer, that she had a personal acquaintance with the CEO of ADC, and had worked with him in the past. It was not until April of 2012, that the YCPD manager disclosed that she had a greater involvement including efforts to get the CEO of ADC to obtain treatment for substance abuse issues.

**F8 The YCPD manager traveled from Sacramento to other states to intervene in the CEO's substance abuse.**

County response: The respondents agree with the finding.

**F9 The YCPD manager used airline credits earned as a Yolo County employee to travel from Sacramento to Utah and Arizona on non-county business.**

County response: The respondents agree with the finding. The County also notes that there is no State law or County policy that prohibits the personal use of airline credits earned on County business travel. The issue of reward bonus programs has been examined by the State and many local public entities and the complexities involved in instituting and enforcing any such prohibition have generally argued against such a prohibition.

Auditor-Controller response sent under separate cover on November 8, 2012: We cannot confirm this finding since we have no access to the manager's private travel records. We note that there is no county policy prohibiting such usage of airline credit.



**YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**

**F10 The YCPD manager did not disclose the CEO's substance abuse to Yolo County administrators in a timely manner.**

County response: The respondents partially agree with the finding. The duty to disclose personal medical information of non-County personnel only arises if there is an impact on the provision of services or other performance under the contract. The County is continuing its investigation and the audit of procurement practices to determine the extent to which services or performance due to the County may have been impacted.

**F11 The YCPD manager guided ADC in completing invoices for payment despite having a dual relationship with the CEO.**

County response: The respondents agree that the YCPD manager provided advice to ADC in completing invoices for payment. It is not uncommon for County personnel to assist vendors in the preparation of invoices to ensure proper payment is made for services that are actually made under a contract. The procurement practices audit will assist the County in confirming whether payments made to ADC were for services or product actually received. The County currently has no evidence of a financial conflict of interest.

Auditor-Controller response sent under separate cover on November 8, 2012: We cannot confirm this finding at this time, but note that it is not an unusual business practice for a contract administrator to guide a vendor in the completion of invoices to be submitted to the county to ensure that they comply with the county requirements. Our upcoming audit will clarify this finding.

**F12 The YCPD manager authorized a strategically complex pay package for MIT trainers.**

County response: The respondents disagree with the finding. The YCPD manager agreed to a complex procedure for MIT trainers to record their working hours for training which included payment for preparation time and post-training session time.

Auditor-Controller response sent under separate cover on November 8, 2012: We do not agree with the finding. The YCPD manager might have instructed trainers to improperly record time in such a way as to increase their pay, but would not be able to "authorize a strategically complex pay package" due to established internal control in the payroll and HR system. Our upcoming audit will clarify this finding.

**YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**

**F13 The method of compensation for MIT trainers was not approved by Yolo County Human Resources (YCHR).**

County response: The respondents partially agree with the finding. The “method of compensation” was payment of work hours, the management of which is within the discretion of a Department Head subject to any requirements of a labor collective bargaining agreement. Yolo County Human Resources did not specifically approve the arrangements the YCPD manager made with the MIT trainers.

Auditor-Controller response sent under separate cover on November 8, 2012: We agree with the finding. Our preliminary review indicates that the enhanced compensation to MIT trainers was not specifically authorized by the Human Resources Division.

**F14 Some trainers were directed to falsify timesheets.**

County response: The County is unable to substantiate this finding prior to completion of a payroll audit. A payroll audit has been initiated and is expected to be completed by December 28, 2012. The audit could, however, continue into 2013 depending on the Yolo County Auditor-Controller’s findings. There are circumstances in which County employees are paid for hours not actually worked pursuant to agreements reached in labor collective bargaining agreements, for example, a guarantee of minimum paid hours for call-back or other special duties.

Auditor-Controller response sent under separate cover on November 8, 2012: We cannot confirm this finding until our upcoming audit is completed.

**F15 Timecards were submitted improperly.**

County response: The County is unable to substantiate this finding prior to completion of a payroll audit. A payroll audit has been initiated and is expected to be completed by December 28, 2012. The audit could, however, continue into 2013 depending on the Yolo County Auditor-Controller’s findings. There are circumstances in which County employees are paid for hours not actually worked pursuant to agreements reached in labor collective bargaining agreements, for example, a guarantee of minimum paid hours for call-back or other special duties.

Auditor-Controller response sent under separate cover on November 8, 2012: We cannot confirm this finding until our upcoming audit is completed.

**YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**

**F16 There are no agreements for other counties to reimburse Yolo County for MIT training conducted by the Yolo County staff.**

County response: The respondents wholly disagree with the finding. Agreements are in place with Santa Cruz, Yuba and Alameda counties.

Auditor-Controller response sent under separate cover on November 8, 2012: We do not agree with this finding. Our preliminary review indicates that there were agreements with Alameda, Santa Cruz and Yuba counties to reimburse Yolo County for MIT training costs. Our upcoming audit of contracting process will clarify this finding.

**F17 No invoices have been submitted by YCPD to other counties for training reimbursement and no reimbursements have been received by Yolo County.**

County response: The respondents wholly disagree with the finding. Payment for training has been received from Santa Cruz and Alameda counties. Reciprocal training has been provided by Yuba County for Yolo County Probation Department employees in exchange for training provided to Yuba County probation employees.

Auditor-Controller response sent under separate cover on November 8, 2012: We do not agree with this finding. Our preliminary review indicates that some reimbursements have been received from the partner counties: as of 10/31/12, \$4,116.04 paid by Alameda County was recorded on 9/20/12 and \$8,584.67 paid by Santa Cruz County was recorded on 10/12/12; a further \$10,114.32 are receivable from these two counties. Our upcoming audit of contracting process will clarify this finding.

**F18 Yolo County has no code of conduct or professional code of ethics for high level management employees to follow.**

County response: The respondents disagree with the finding. A Code of Ethics for Procurement has been part of the County's Policies and Procedures Manual since June 18, 2002. County elected and management employees are required to take the AB 1234 ethics training bi-annually. In addition to the County's Code of Ethics for Procurement and general State conflict of interest laws, many individual departments have departmental and professional codes of ethics that govern individual employees in those areas. Areas to further strengthen the County's Policies and Procedures Manual will be considered including the development of a general ethics policy directed at high level management employees. A draft code of ethics policy was considered during the December 11, 2012 Board of Supervisors meeting and an ad hoc Board subcommittee was formed work further on the policy.

**YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**

Auditor-Controller response sent under separate cover on November 8, 2012: We partially agree with this finding. While the Yolo County Administrative Policy Manual contains a Code of Ethics for Procurement that is relevant to this case, the County does not have a general code of ethics applicable to upper management employees.

- R1 The ADC contract should be reviewed by Yolo County Counsel and the County Administrative Officer to determine by December 28, 2012 the operational fitness and financial viability of ADC.**

County response: This recommendation will be implemented by December 28, 2012. The last active contract between the County and ADC expires January 1, 2013.

Auditor-Controller response sent under separate cover on November 8, 2012: The County Administrator and the County Counsel have informed that this recommendation will be implemented.

- R2 Yolo County should develop and implement a code of conduct, clarifying professional protocol for high level management employees to avoid dual relationships, conflicts of interest, improprieties or the appearance of impropriety by December 28, 2012**

County response: The County will develop a general code of conduct for high level management employees to be considered by the Board of Supervisors by the end of fiscal year 2012-13. The additional time is required to allow for employee participation in development of such a policy.

- R3 The MIT compensation package should be reviewed by December 28, 2012 to determine if YCPD management has the authority to authorize a compensation package.**

County response: An audit of payroll practices is expected to be completed by December 28, 2012, but could take longer depending on the Yolo County Auditor-Controller's findings.

Auditor-Controller response sent under separate cover on November 8, 2012: This recommendation will be implemented in conjunction with our upcoming audit of payroll practices at the Probation Department by the end of December 2012.

**YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**

- R4 The scheduling of MIT training on days not at work should be reviewed by December 28, 2012 to determine if this is a violation of the MOU.**

County response: This recommendation will be implemented by December 28, 2012 as part of the audit of payroll practices.

Auditor-Controller response sent under separate cover on November 8, 2012: This recommendation will be implemented in conjunction with our upcoming audit of payroll practices at the Probation Department by the end of December 2012.

- R5 No single Yolo County manager should have singular authority over the development and implementation of a contract or vendor.**

County response: Under current County policies and procedures, although Department Heads have ultimate responsibility for selection of vendors and the award of contracts within their department, the contracting process usually involves fiscal staff in the department, the County Purchasing Officer, and in many cases, Board of Supervisors approval. Larger contracts usually involve an RFP or bidding process with many individuals in the decision process. Similarly, the payment approval process, in addition to authorization from the Department Head or his or her designee, passes through the County Auditor-Controller's Office for verification of the existence of a contract or other payment obligation to ensure funds are available to be encumbered for the payment. The Grand Jury's findings raise the question whether additional procedures can be put in place to ensure services or products are actually received prior to payment authorization. With guidance from the County Auditor-Controller, based on the findings from the procurement practices audit, scheduled to be completed by December 28, 2012, the County will develop enhancements to internal control standards to address any weaknesses disclosed in the audit, particularly with respect to situations in which a single individual may be primarily responsible for the administration of a contract with an outside provider.

Auditor-Controller response sent under separate cover on November 8, 2012: This recommendation requires further analysis and will be fully considered after completion of the upcoming audit of contract practices at the Probation Department by the end of December 2012.

- R6 The timesheets for MIT trainers should be audited and overpayments should be recovered by December 28, 2012.**

County response: This recommendation will be implemented by December 28, 2012 as part of the audit of payroll practices.

**YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**

Auditor-Controller response sent under separate cover on November 8, 2012: This recommendation will be partially implemented: the audit will be completed by the end of December but recovery of overpayments may extend into 2013.

**R7 Yolo County should closely monitor YCPD to ensure no dual relationship exist between employees and outside contractors.**

County response: The existing Code of Ethics for Procurement Policy already prohibits relationships or circumstances, such as dual relationships, that cause a breach of confidence in the acquisition (contracting) process. The County will review the policy for possible improvements following the procurement practices audit.

Auditor-Controller response sent under separate cover on November 8, 2012: This recommendation will be fully considered after completion of the upcoming audit of contract practices by the end of December 2012.

**R8 Yolo County should perform an audit of payments to ADC and determine if any payment irregularities occurred and recoup funds as necessary by December 28, 2012.**

County response: This recommendation will be implemented by the Interim Chief Probation Officer and Director of **General Services** by December 28, 2012.

Auditor-Controller response sent under separate cover on November 8, 2012: This recommendation will be implemented.

**R9 Any agreements and/or payments for reimbursement for MIT training from other counties should be reviewed for compliance with Yolo County's financial policies and procedures.**

County response: This recommendation will be implemented by the Interim Chief Probation Officer by December 28, 2012.

Auditor-Controller response sent under separate cover on November 8, 2012: This recommendation will be implemented.

Note: Following the audits conducted by the Auditor-Controller, Interim Chief Probation Officer and Director of **General Services** as referenced above, a report of findings will be provided to the Board of Supervisors in early 2013.

**YOLO COUNTY PROBATION DEPARTMENT: A TROUBLING CONTRACT, QUESTIONABLE ETHICS**



YOLO COUNTY FINANCE: TRACKING CHANGES

RESPONSE PROCEDURE

RESPONSE TO GRAND JURY REPORT

The governance of responses to the Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within sixty (60) days, governing bodies (for example, the Board of Supervisors) must respond within ninety (90) days. Please submit all responses in writing and digital format to the Advising Judge and the Grand Jury Foreperson.

Report Title: YOLO COUNTY FINANCE Report Date: 4-26-2013  
-TRACKING CHANGES

Response by: HOWARD NEWENS Title: AUDITOR-CONTROLLER

FINDINGS

I (we) agree with the findings numbered:

F-2, F-3, F-4

I (we) disagree wholly or partially with the findings numbered:

F-5, F-7, F-8, F-9, F-10

RECOMMENDATIONS

Recommendations numbered: R-1, R-2, R-3, R-5, R-6, R-7  
have been implemented (attach a summary describing the implemented actions).

Recommendations numbered: 6  
require further analysis (attach an explanation of the analysis or study, and the time frame for the matter to be prepared by the officer or director of the agency or department being investigated or reviewed; including the governing body where applicable. The time frame shall not exceed six (6) months from the date of the Grand Jury Report).

Recommendations numbered: 6  
will not be implemented because they are not warranted and/or are not reasonable (attach an explanation).

Date: 5/31/13 Signed: Howard Newens

Total number of pages attached 4



YOLO COUNTY FINANCE: TRACKING CHANGES



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HOWARD H. NEWENS, CIA, CPA

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May 31, 2013

Honorable Daniel P. Maguire  
Judge of the Yolo Superior Court  
725 Court Street, Department 16  
Woodland, CA 95695

Yolo County Grand Jury  
P.O. Box 2142  
Woodland, CA 95776

via e-mail: grand-jury@sbcglobal.net

Dear Judge Maguire and members of the Grand Jury:

***Response to the 2012-13 Grand Jury Report on  
Yolo County Finance: Tracking Changes***

The 2012-13 Grand Jury issued a report on the Yolo County Finance – Tracking Changes on April 30, 2013 and has requested the Yolo County Auditor-Controller to respond to certain findings and recommendations contained therein. Our responses are stated below, under each of the Grand Jury findings and recommendations.

**F-2: The Finance Manager will replace the Auditor-Controller, but it is not yet clear what the job description for the new position will be.**

Auditor-Controller's Response: We agree that the job description for the new Director of Finance is not yet available. However, this position will not become effective until my term ends on December 31, 2014. A team of finance managers is currently designing the new financial management structure and will make a recommendation to the Board of Supervisors in September 2013. Once the Board approves the structure, the job description for the head of finance will be developed.

**F-3: Requisite financial reporting is late and bank reconciliations have been from three to six months late because finance operations are understaffed.**

Auditor-Controller's Response: We agree that the issuance of the county annual financial report has taken more than six months from the end of the fiscal year and that bank reconciliations were also performed late. It should be noted that all

ASSURANCE OF ACCOUNTABILITY

**YOLO COUNTY FINANCE: TRACKING CHANGES**

*Honorable Daniel P. Maguire  
May 31, 2013  
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financial reports complied with statutes and that there were other compensating controls that mitigate the late bank reconciliations. We have reorganized resources where possible and requested additional resources to improve timeliness in the future.

**F-4: The County uses multiple systems to collect “hours worked.”**

Auditor-Controller’s Response: We agree. Of the 20 county departments, 16 use the countywide E-Schedule to track absences and 4 use their own systems. In addition, some departments use time sheets to certify time worked. The County realizes the need for a more uniform and robust timekeeping system and is preparing request for proposals for a payroll/HR system that includes automated timekeeping.

**F-5: Some finance personnel lack requisite accounting, finance or software backgrounds.**

Auditor-Controller’s Response: We disagree partially. Most finance and accounting personnel in the County possess the basic skills and abilities required by their respective job classifications. What has gradually happened over time is that the nature of the work has evolved while the skill sets contained in the job classifications have not been updated. The Human Resources Division is presently engaged in the tasks of reviewing fiscal classifications countywide, as well as enhancing the training program for fiscal skills.

**F-7: The external auditor has found repeated, uncorrected conditions of non-compliance in grant reporting.**

Auditor-Controller’s Response: We disagree partially. The independent auditors found uncorrected conditions related to the untimely verification of eligibility in the In Home Support Services program, not related to grant reporting. It should be noted that although the findings represent a non-compliance issue, they were within the exception rate allowed by the California Department of Social Services.

**F-8: A Request for Proposal (RFP) for a new external auditor has not been issued in a timely manner.**

Auditor-Controller’s Response: We disagree. The contract with the current audit firm does not expire until 6/30/13. A request for proposal for audit services was issued on 3/7/13 and an independent audit firm was approved by the Board of Supervisors on 5/7/13. The new audit firm will begin fieldwork on 6/18/13.

**F-9: Internal audits need to be performed regularly in all departments. The last internal audit was two years ago.**

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Auditor-Controller's Response: We agree partially. The Internal Audit staff have been conducting small audit projects in various departments (such as cash and equipment audits) while also being pulled away to help out in other understaffed areas in the Auditor-Controller department. The last major audit project was a countywide payroll audit that was completed two years ago. The Internal Audit division does not have a manager who can regularly lead the charge on these large countywide projects. We have requested additional resources to remedy this gap.

**F-10: Financial off-line adjustments are made without formal supervisory sign-off, as required by good business practice.**

Auditor-Controller's Response: We disagree partially. Although we agree with the nature of the finding it should be noted that this deficiency was corrected in the FY 2011-12 financial audit.

**R-1: Internal controls for payroll should be reviewed and regulated.**

Auditor-Controller's Response: This recommendation has been implemented. We have scheduled audits of payroll timekeeping at various departments in 2013-14.

**R-2: Human Resources and Finance should review the multiple systems currently used by departments to collect "hours worked" related to task, funding source and/or project to determine if a single or integrated system may be more efficient to collect payroll and cost accounting data.**

Auditor-Controller's Response: This recommendation is being implemented. County staff is developing the specifications for a new payroll/HR system that includes uniform timekeeping component. We expect the request for proposal to be issued in the summer of 2013.

**R-3: Deadlines for closing bank reconciliations and financial statements should be established and met.**

Auditor-Controller's Response: This recommendation has been implemented. The deadline for the monthly bank reconciliations has been set as the end of the following month; and the deadline for issuing financial statements has been set as December 31.

**R-5: As a priority, financial staff should be strengthened through recruitment, training, career path planning and motivation.**

Auditor-Controller's Response: This recommendation is being implemented. The Human Resources Division is working with our office on a countywide fiscal staff upgrade project that includes analyses of classifications, career path

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**YOLO COUNTY FINANCE: TRACKING CHANGES**

*Honorable Daniel P. Maguire  
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and training standards. We are confident that the results of this project will increase staff motivation.

**R-6: The finance department should assign a staff member to assist departmental finance employees with training, coaching and motivation.**

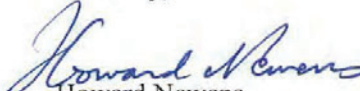
Auditor-Controller's Response: This recommendation has been implemented. It has been standard practice for the three managers of the Auditor-Controller's office to stay in touch with finance staff at the departments to answer their questions and provide necessary training. Increased workload had caused us to temporarily discontinue this practice. However, we have requested additional resources to allow us to resume this activity. Furthermore, the change management activity that is taking place with regard to the transition to a new financial system will have a positive effect on staff motivation.

**R-7: Financial off-line adjustments should be approved and signed by the Auditor-Controller.**

Auditor-Controller's Response: This recommendation has been implemented. All off-line adjustments to the financial statements are being approved by the Auditor-Controller or his designee, depending on the nature of the adjustments.

We appreciate the opportunity to respond and thank the Grand Jury for highlighting some long-term issues that need to be addressed during our transition to a new financial infrastructure.

Sincerely,

  
Howard Newens  
Auditor-Controller &  
Treasurer-Tax Collector

Cc: Yolo County Board of Supervisors via Clerk of the Board

ASSURANCE OF ACCOUNTABILITY