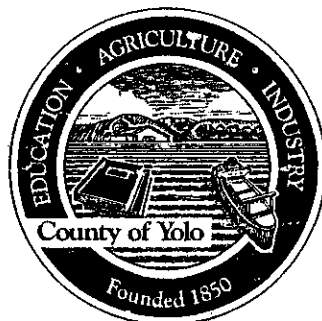


**2003-2004
YOLO COUNTY
GRAND JURY**

FINAL REPORT

A report for the citizens of Yolo County, California

**June 30, 2004
Woodland, California**



GRAND JURY

County of Yolo

P.O. Box 2142
Woodland, CA 95776

June 30, 2004

The Honorable Stephen L. Mock
Advisory Judge to the Yolo County Grand Jury
Yolo County Superior Court
725 Court Street
Woodland, CA 95695

Dear Judge Mock:

On behalf of the Yolo County Grand Jury, it is my distinct honor to present to you and to our fellow citizens of Yolo County our Final Report for 2003-2004.

Shortly after you swore-in this Grand Jury and presented the court's charge in July 2003, we quickly organized ourselves and set about on a course that would enable us to conduct our business professionally and efficiently. We conducted four full-scale investigations and 30 in-depth reviews of local agencies, including all of Yolo County's jails, police departments, and all fire departments and fire districts. In addition, we processed and issued 16 subpoenas and heard and signed six criminal indictments.

Also in the course of our term, we received 29 citizen's complaints on a variety of matters. Each was carefully reviewed, evaluated and an action decided upon. Those not acted upon were generally out of our purview or had more appropriate avenues for remedy. Others do not merit reporting. However, the matters selected for further review and investigation were warranted by the seriousness of the issues involved.

The complexity of managing government presents a challenge for administrators and elected officials. Certainly for the most part, these dedicated public servants are doing an admirable job carrying out their duties, as is expected by the citizens. However, in some cases the Grand Jury found areas of concern and made recommendations that should appropriately address and remedy those matters.

This Grand Jury has given itself unselfishly to its civic responsibility. The culmination of our work is this Final Report, a product of thousands of hours in meetings, interviews, tours, inspections, research, investigations, hearings, and evaluating, decision-making and writing.

We proudly speak with one voice as we submit to you our Final Report.

Sincerely,



Craig Travis
Foreperson

2003-2004 Yolo County Grand Jury Final Report

A Report for the Citizens of Yolo County

Grand Jury, P.O. Box 2142, Woodland, California 95776 • (530) 666-8225

The 2003-2004 Yolo County Grand Jury

Elizabeth Amaral, <i>West Sacramento</i>	Marlyn Knudson, <i>Woodland</i>
Charles Beauchamp, <i>Davis</i>	Kathleen Luna, <i>Woodland</i>
William Blodgett, <i>Davis</i>	George Sommers, <i>Davis</i>
R.A. Bo Bohannon, <i>West Sacramento</i>	Greg Stovall, <i>Davis</i>
Frances Cervantes, <i>West Sacramento</i>	Thomas Torres, <i>Woodland</i>
Patricia Dearborn, <i>Davis</i>	Craig Travis, <i>Davis, Foreperson</i>
Sherman Finch, <i>Davis</i>	Wendy Twichell-O'Neal, <i>Davis</i>
Anne Hawke, <i>Davis</i>	Suey Wong, <i>El Macero</i>
Frank S. Joule, <i>Woodland</i>	Michael York, <i>Esparto</i>

The following were sworn-in as grand jurors but were unable to complete their terms: Suisan Weinheimer-Boyle and Joan Wright.

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Introduction

The California Constitution requires each county to appoint a Grand Jury to guard the public interest by monitoring local government. The Yolo County Superior Court appoints 19 Grand Jurors each year from a pool of volunteers. The Yolo County Grand Jury is an official, independent body of the Court, not answerable to administrators or the Board of Supervisors.

Unlike grand juries in other states, a California Grand Jury's primary responsibility is to promote honesty and efficiency in government by reviewing the operations and performance of county and city governments, school districts, and special districts. Based on these reviews, the Grand Jury issues a report that may state its findings and recommend changes in the way government conducts its business. Copies are distributed to public officials, county libraries, and the news media. The governing body of any public agency must respond to Grand Jury findings and recommendations within 90 days. An Elective Officer or Agency Head must respond to Grand Jury findings and recommendation within 60 days. (See appendix for responses to the 2002-2003 Grand Jury report.)

The Grand Jury also investigates complaints from private citizens, local government officials, or government employees. Complaints must be submitted in writing and should include any supporting evidence available (you can request a complaint form at your local library or from the Grand Jury at P.O. Box 2142, Woodland, CA 95776). Grand Jurors are sworn to secrecy and, except in rare circumstances, records of their 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 to report its findings on citizen complaints. Any juror who has a personal interest in a particular investigation is recused from discussion and voting regarding that matter.

The findings in this document report the conclusions reached by the 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 this document have been approved by at least 12 jurors.

The Grand Jury's final responsibility is to consider criminal indictments, usually based on evidence presented by the District Attorney. On its own initiative, however, 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.

To be eligible for the Grand Jury, a citizen must be at least 18 years old, have resided in Yolo County for at least one year, exhibit ordinary intelligence and good character, and possess a working knowledge of English.

Following a screening process by the Court, Grand Jurors are selected by lottery. If you are interested in becoming a Grand Juror, submit your name to the Jury Commissioner, 725 Court Street, Room 303, Woodland, California, 95695, or telephone (530) 666-8600.

Investigations

Yolo County Assessor's Office

REASON FOR REVIEW

In response to a complaint alleging that a county appraiser was performing property appraisals on a private-pay basis during county work hours, the Grand Jury interviewed the Yolo County Assessor.

BACKGROUND

The Office of County Assessor is an elected position. The County Assessor oversees a staff of six property appraisers. County appraisers are forbidden from performing appraisals of property on a private basis during work hours. Appraisers maintain a record of the appraisals they make as individual activities rather than hourly units.

All county appraisers are required to sign a Form 700 Conflict of Interest Statement. The statement is kept on file in the County Recorder's office. The Assessor reported receiving a complaint from a member of the community alleging that an appraiser was performing appraisals on a private basis during county work hours. The allegation could not be proven for two reasons: 1) the complainant did not cite a specific time the alleged infraction was to have occurred and 2) appraisers report their work in bulk report rather than with a breakdown of hourly units per assignment. The Assessor maintains that no alleged problems with appraisers have been substantiated regarding private appraisals. As a preventive measure, the Assessor has reminded staff of the conflict of interest requirement.

FINDINGS

1. A Conflict of Interest form is required by state law.
2. All appraisers sign a Conflict of Interest Statement.
3. Conflict of Interest Statements are filed in the Recorder's Office.
4. Appraisers' work is not recorded in an hourly format.
5. The present procedure for tracking work will not identify problems should appraisers engage in conflict of interest activity.

RECOMMENDATIONS

- 04-01** The Yolo County Assessor should develop a time sheet that reflects the appraisers' hours.

RESPONDENTS

Yolo County Assessor

SOURCES

Persons Interviewed
Yolo County Assessor

Documents Examined

Form 700 Conflict of Interest Statement

Yolo County Flood Control & Water Conservation District

REASON FOR REVIEW

In response to two complaints, the Grand Jury interviewed members of the Board of Directors for the Yolo County Flood Control and Water Conservation District, the General Manager and Assistant General Manager. The complaints alleged a lack of supervision, abuse of overtime, abuse of sick leave, lack of training, lack of fairness in promotional opportunity, inequitable pay increases, water regulation problems, "fudging numbers" in favor of farmers, water canal construction problems, gate maintenance problems, chemical safety problems and poor morale. Additionally, the 2001-02 Grand Jury recommended that subsequent grand juries review the district's operations for the next two years. This is year two of that recommendation. Finally, the 2003-04 Grand Jury is following up on the 2002-03 recommendation that the District be reviewed to "monitor progress toward improved staff morale."

BACKGROUND

Two interviews were conducted. In September 2003, the Grand Jury interviewed the General Manager and the Assistant General Manager. A follow-up interview was conducted in January 2004 with the General Manager and the Board of Directors.

The Board of Directors serves as the governing body for the Yolo County Flood Control & Water Conservation District (YCFC&WCD). The Board is a voluntary body, appointed by the Board of Supervisors. Each Board member serves a four year term. The Board of Directors oversees its own budget, setting water rates, hiring management, determining salary rates and other expenses. The Board works closely with management to set policy and approve actions, such as contracts.

The General Manager was hired by the YCFC &WCD in

(INVESTIGATIONS: Yolo County Flood Control & Water Conservation District—continued on next page)

July 2003. Prior to working for the Water District he worked with the Kings River Water Association overseeing 28 water districts in Fresno, Tulare and Kings Counties. He was named Conservationist of the Year, holds a degree in engineering, and is experienced in using electronic databases for water-related records, including accounting. Upon taking the position of General Manager he began holding regular meetings to clarify expectations and establish procedures that will best serve the water district and employees. He now meets regularly with upper management and has an open door policy for all employees.

The District has an in-house safety officer and plans to update the safety plan. Safety meetings are held periodically and the Joint Powers Insurance Authority (JPIA) provides a newsletter for all employees, which contains safety information. Employee injuries are reported to supervisors or to the office.

The District has implemented a training program that allows reimbursement for education and/or training that is job related. Job opportunities are posted both internally and externally. The District plans to implement an education requirement for entry level employment. The District is auditing job positions to insure better uniformity and improve accountability. By formalizing the employment process, the District seeks to make the process for employment and promotion more fair. The four supervisors, the Assistant Manager and General Manager are qualified for management by seniority, experience, training or education. Salary differences are based on years of service and job title.

A laptop computer system is used to document water usage and record billings. The District bills users for the water. The system has been phased in and all reports indicate satisfaction from users and overall improvement in the system.

The Board tours the facilities annually. The Board has an in-house engineer and an outside analyst to help identify infrastructure problems and solutions. Among the challenges facing the District is funding for general maintenance of canals and equipment and the District is looking into applying for grants.

A supervisor is assigned the responsibility for developing the maintenance program for weed abatement and the use of herbicides is controlled by the County Agriculture Office. The District has two licensed weed abatement applicators on staff and they attend on-going training to maintain licensing.

The General Manager is aware of past morale problems but there is no documented evidence that poor morale is producing high employee turnover. He believes improved communication and fair treatment of employees will improve morale. The Board has opportunity to speak with employees because several members of the Board are farmers and have occasion to speak with YCFC&WCD employees in the

course of farming. The Board believes that the General Manager's expertise and professionalism as a manager has improved the morale situation. The General Manager updated operations, gives employees more responsibility and provides consistent treatment among employees. The Board wants their process of dealing with issues to be transparent and they invite feedback from users of the District's water services.

FINDINGS

6. There exists a hierarchy of supervision beginning from supervisors to upper management to the Board of Directors.
7. Promotions have been given to employees with experience and/or expertise and the Grand Jury did not find a lack of fairness in job promotions or salary.
8. Training is available and sometimes required.
9. Improvement of morale is being addressed through management practices and review of policies.
10. The Ditchtender's Handbook governs water regulation and the computer system records water usage.
11. The District Board of Directors selected a new General Manager who has both skill and demonstrated success in supervision and team building.
12. None of the allegations involving "fudging of numbers," abuse of overtime, abuse of sick leave, or safety issues was substantiated.

RECOMMENDATIONS

- 04-02 Set a schedule for regular, on-going safety training.

RESPONDENTS

Board of Directors, Yolo County Flood Control and Water Conservation District:
Recommendation 04-02

SOURCES

Persons Interviewed

The General Manager
The Assistant General Manager
The Board of Directors

Documents Examined

Confidential Employee Data
- Years of employment
- Job title
- Salary
Ditchtenders Handbook
Employee Handbook
Water Management Plan (Draft) 1999
Yolo County Flood Control & Water Conservation District

(INVESTIGATIONS: Yolo County Flood Control & Water Conservation District--continued on next page)

newsletter, "Watermark: News for Water Users", Summer 2003
 Yolo County Flood Control & Water Conservation District
 Rules and Regulations (amended 1999)

Yolo County Housing Authority

REASON FOR REVIEW

In response to repeated citizen complaints regarding the Yolo County Housing Authority (Housing Authority) Executive Director's personnel and management practices, as well as Housing Authority residents' complaints of intimidation and verbal abuse, the Grand Jury initiated an investigation. Similar complaints were submitted to the Yolo County Board of Supervisors (BOS), the Housing Authority Commissioners, the Teamsters Union and others. The complaints culminated in citizens voicing their complaints to the BOS during the public comment portion of mid-year meetings. In view of the BOS's February 17, 2004 adoption of a resolution to fully address the issues raised and their adoption of a number of recommendations (see below), the Grand Jury elected not to investigate further.

BACKGROUND

The Yolo County Housing Authority was established in 1950 by the Board of Supervisors to administer public housing for low-income residents. Currently the Housing Authority owns low-income housing in Woodland, Winters, West Sacramento, Knights Landing, Esparto and Yolo; administers migrant labor camps in Madison, Dixon and Davis, as well as the federal Section-8 Housing Program.

Yolo County does not fund any Housing Authority programs but has statutory responsibility for the Housing Authority, which it exercises through the Housing Authority Commissioners who are appointed by the Board of Supervisors. The Housing Authority Commissioners sets policy for the Housing Authority, appoints and evaluates the Executive Director and approves the annual budget.

The current Executive Director was appointed in 1998.

In 1999, the Housing Authority Commissioners established the Yolo Housing Foundation, a non-profit corporation to fund permanent low-income housing in Yolo County.

In early 2003, the Housing Authority employees joined the Teamsters Union.

FINDINGS

13. The Housing Authority and its Executive Director have been the subjects of repeated Grand Jury reviews and/or investigations over the past five years.
14. The nature and scope of the complaints have varied little

over the past five years.

15. In February 2004, the Yolo County Board of Supervisors, at the request of petitioning complainants resolved (with the avowed cooperation of the Executive Director) to fully and decisively address the issues raised by Housing Authority personnel and residents. The following are among the actions recommended by the County Administration Officer, submitted to and approved by the Board of Supervisors:

- A. That the Board refer the allegations of intimidation, manipulation, and verbal abuse by the Housing Authority Executive Director back to the Housing Authority Commission for reconciliation and resolution.
- B. That the Board recommend the Housing Authority adopt the County Value of "Doing Right By People."
- C. That the Board recommend the Housing Authority consider hiring a mediator to resolve the uncertainties, confusion, and conflict between residents and also between residents and the Executive Director.
- D. That the Board recommend the Housing Authority and Executive Director consider filling the vacant Resident Initiative Coordinator position(s) as soon as feasible.
- E. That the Board recommend the Housing Authority and Executive Director support the resident organization called "Hopes and Dreams" in updating and clarifying the organization's by-laws so there is improved understanding about the responsibilities and the authorities of the "Hopes of Dreams" organization, as well as its relationship to the Housing Authority.
- F. That the Board recommend the Housing Authority Executive Director and the Chair of the Housing Authority Commission return to the Board in 1-2 months with a progress report on resolving the current issues and allegations and continue to provide monthly reports until the issues are resolved.

16. It was also recommended that the Board of Supervisors consider strengthening the organizational links between the Yolo County Board of Supervisors and the Housing Authority Commission. Steps suggested that the Board might consider included:

- A. Review the 1950 Resolution establishing the Yolo County Housing Authority and consider Amendments relating to Housing Authority Commission Performance and Reporting Standards and any other updating necessary.
- B. Create a Board of Supervisors' liaison to the Housing Authority.
- C. Set up a regular series of meetings via 2x2s between the Board of Supervisors and the Housing Commissioners.

(INVESTIGATIONS: Yolo County Housing Authority-
 continued on next page)

- D. That the Board recommend the Housing Authority Commission and Executive Director provide an annual report and presentation to the Board of Supervisors.
- E. That the Board consider an annual joint meeting between the Housing Authority Commission and the Yolo County Board of Supervisors.

Board of Supervisors meetings: 2003-2004
Board of Supervisor meetings: minutes: 2003- 2004

Yolo County Office of Education

RECOMMENDATIONS

- 04-03 The Board of Supervisors, the Yolo County Housing Authority Board of Commissioners and the Executive Director of the Yolo County Housing Authority should review their initial authorizing statutes and subsequent amendments to properly delineate their level of authority, scope of responsibility and oversight functions.
- 04-04 The Board of Supervisors, the Yolo County Housing Authority Board of Commissioners and the Executive Director of Yolo County Housing Authority should decisively address all unresolved issues.
- 04-05 The Board of Supervisors should schedule progress reports as a quarterly "agenda item" of the Board of Supervisors meetings
- 04-06 Failing timely and significant resolution of these issues, the Board of Supervisors should consider contracting for an independent consultant's "performance audit" and/or contacting Housing and Urban Development (HUD) to provide training, model operating plans and program reviews for the Housing Authority.

REASON FOR REVIEW

This matter came to the Grand Jury's attention through citizen complaints following a series of investigative articles appearing in the *Sacramento Bee* beginning September 2003, (available at www.sacbee.com). The Bee's on-going series identifies alleged improprieties and/or misconduct in the formation and operation of the California Administrative Services Authority (CASA), a joint powers authority, formed by the Sacramento City Unified School District (SCUSD) and the Yolo County Office of Education (YCOE). A Grand Jury's term of office is fixed at one year and this report reflects work through the publication deadline of April 30, 2004. The consequences of ongoing work by the California Public Employees' Retirement System (CalPERS), Social Security Administration (SSA), SCUSD and YCOE are not included in this report because the results are not yet available.

RESPONDENTS

- Yolo County Board of Supervisors:
 - Finding 13, 14, 15, 16;
 - Recommendation 04-03, 04-04, 04-05, 04-06
- Yolo County Housing Authority Board of Commissioners:
 - Finding 13, 14, 15, 16;
 - Recommendation 04-03, 04-04
- Yolo County Housing Authority, Executive Director:
 - Finding 13, 15;
 - Recommendation 04-03, 04-04

SOURCES

- Grand Jury Reports: 1999-2003
- YCHA responses to Grand Jury Reports: 1999-2003
- Articles from Daily Democrat: 2003-2004
- Articles from Davis Enterprise: 2003-2004
- Letters of complaint from employees concerning management practices/personnel issues.
- Letters of complaint from residents and/or tenant organizations.
- Letters from residents and/or tenant organizations supporting the YCHA Executive Director.

BACKGROUND

CASA is a governmental joint powers authority (JPA) formed in June 2000 to provide administrative services to school districts and to establish a cost neutral, alternative benefits system for nonrepresented classified employees of SCUSD and YCOE. YCOE was recruited by CASA promoters and joined primarily for the CASA benefits program.

The CASA program was designed to provide enhanced benefits to its employees at the same cost that SCUSD and YCOE would otherwise incur if the participating employees were covered under the CalPERS program. The stated purpose of the enhanced benefits was to attract and retain high quality administrators for the member agencies. To participate in CASA, an employee takes an unpaid leave of absence from his or her member agency and simultaneously CASA hires the employee and contracts the employee's services back to his/her former employer. YCOE has 14 contract employees participating in CASA compared with 101 CASA participants who are current or former employees of SCUSD.

Many issues of improprieties and/or misconduct were raised before the SCUSD Board of Education. As a result they commissioned MGT of America (MGT) to conduct a performance audit of CASA. MGT reported its findings to the SCUSD Board of Education in December 2003. The MGT report, containing recommendations and responses are available at www.scusd.edu.

(INVESTIGATIONS: Yolo County Office of Education—
continued on next page)

The MGT report raises some serious issues and doubts that the CASA program is indeed "cost neutral." MGT contends that the CASA JPA members, including YCOE, may have additional liabilities to CalPERS and SSA. The MGT audit focused on the impact to SCUSD as it was commissioned by SCUSD. As such, there were few direct findings relating to YCOE. However, the MGT report provides information on processes that are otherwise not readily visible to the public.

CalPERS has, as reported in the Sacramento Bee on March 24, 2004, concluded that CASA employees were de facto employees of the SCUSD, and thus, required to participate in CalPERS. Whether the SSA has, as of the time of the writing of this report, weighed in its determination is unknown. The Sacramento Bee reported on April 2, 2004, that SCUSD elected to withdraw from CASA. This withdrawal will cause the dissolution of the JPA. The fiscal and legal consequences of the withdrawal are, at present, indeterminate.

The Grand Jury investigation consists of interviews, documentation reviews and attending meetings. The Grand Jury also requested a copy of the legal review commissioned by the SCUSD. However, the SCUSD did not make it available to the Grand Jury, citing attorney-client privilege.

FINDINGS

Although the CASA matter before the YCOE was not concluded by press time, this Grand Jury investigation has found patterns of practice that are disturbing.

17. YCOE Board and Superintendent did not perform a due diligence investigation when YCOE joined CASA.

The YCOE Board and the Superintendent relied entirely on the CASA presentation without independent due diligence. On June 5, 2000 a Special Meeting of the YCOE Board was held where the Chief Business Officer from SCUSD gave a presentation on the CASA proposal. At the next regular meeting on June 22, 2000, the YCOE Board approved CASA with little or no discussion. The Superintendent stated that YCOE simply followed SCUSD footsteps as they are a larger school district with more resources and at that time enjoyed a highly favorable public opinion. This is especially troubling to the Grand Jury as the opinions relied upon were rendered by a group listed in documentation as "CASA's Professional Team" that had a financial interest in the formation of CASA.

CASA employees contracted to YCOE are covered under YCOE workers' compensation insurance and health care policies and CASA reimburses YCOE for its share of premium costs for CASA employees. The insurance premium reimbursement structure should have triggered questions as to whether these 14 staff members were really YCOE employees in substance and CASA employ-

ees only in form. The Grand Jury found no evidence that the Superintendent or the YCOE Board had questioned this arrangement.

The Superintendent stated that he was surprised to discover that SCUSD and YCOE were the only participants following CASA's formation in June 2000. Neither the Superintendent nor the YCOE Board seemed concerned by the fact that no other school district, despite vigorous promotion and recruitment efforts, elected to join the CASA JPA.

18. There is a lack of oversight accountability at YCOE Board and Superintendent levels.

No evidence of any oversight exercised by the YCOE Board was found. As late as December 2003, a quorum could not be convened to meet a critical deadline to consider and decide whether to stay in CASA or withdraw in accordance to CASA bylaws. This deadline passed and YCOE remained in CASA by default.

There are no reporting policies/procedures, no systems to determine actual cost neutrality, nor any written reviews to determine that CASA operated as represented to the YCOE Board and to the Superintendent. The Grand Jury found no evidence that the YCOE Board or the Superintendent has ever received reports, analysis nor other information relative to YCOE's interests in CASA.

The Grand Jury interviewed a YCOE Board member who disavows Board responsibility of CASA. The member explained that employment issues are within the purview of the YCOE Superintendent and that the Board of a County Office of Education, as compared with a regular school district, has very limited power in these matters. This same position was taken by the Superintendent and the Deputy Superintendent. The Grand Jury notes that the Board's approval was required to authorize the YCOE's participation in CASA, and was necessary for the formation of CASA. Once a JPA is formed, the Grand Jury believes there is a corresponding and continuing duty to periodically review the contractual benefits and obligations of the JPA. That a JPA such as CASA could be legally formed under the auspices of a governmental agency and then pass out of public oversight and control is disturbing.

19. Delegated responsibility is concentrated in the YCOE Deputy Superintendent resulting in a conflict of interest.

The YCOE Superintendent delegated all responsibility regarding CASA to the Deputy Superintendent, who was one of four founding members of CASA that received a ten-years' "spiked" service credit as part of retirement benefits not available to any other CASA participant. The decision to move forward on participation in CASA was

(INVESTIGATIONS: Yolo County Office of Education—continued on next page)

based on the recommendation of the Deputy Superintendent.

The Deputy Superintendent is the person with the most beneficial CASA package yet also serves as the Chief Business Officer of the YCOE and in that capacity, is in charge of approving payments for CASA employees. Most recently the Deputy Superintendent was appointed temporary YCOE designated representative to CASA following the resignation of the previous representative. Multiple hats worn by the same person creates inherent conflicts of interests that should not be dismissed.

20. The YCOE lacks fiscal procedures and safeguards.

The YCOE Board and the Superintendent approved YCOE's participation in CASA based on representations that CASA's structure was acceptable to CalPERS and the SSA, and that participation would be cost neutral, yet the Grand Jury found no records of any periodic review of program performance.

In their written response to the Grand Jury inquiry regarding YCOE operational procedures and internal controls for the payment of invoices, the YCOE stated that there are no current written desk procedures governing the payment of accounts payable. The Deputy Superintendent further explained that YCOE is currently in the process of developing an accounts payable manual.

The MGT report stated that YCOE paid \$121,000 in "indirect charges." The Deputy Superintendent explained that these funds were incorrectly booked as "indirect charges" rather than a cash advance to pre-pay up to three months of payroll costs, and that those funds have since been returned to YCOE. These cash advances benefitted CASA by giving it funds to use for its general operations. The Grand Jury believes the prepayment of payroll is an unsound business practice and constitutes a breach of fiduciary duty because it denied YCOE the opportunity to generate interest income for YCOE's benefit.

21. The YCOE designated representative on the CASA Board did not represent YCOE interests.

The CASA Bylaws provides that YCOE has the right to designate one of the three CASA Board members, referred to as "designated representatives." SCUSD had the right to designate the other two. The YCOE Superintendent admits never having met the first YCOE designated representative and only met the second representative after he resigned. As noted previously, the Deputy Superintendent is temporarily filling the position of the YCOE designated representative.

There is no written job description, minimum qualifications, duties or responsibilities prescribed or required by YCOE to serve as the designated representative. In fact, the Superintendent considered the selection and appointment of the designated representative as ministerial and

delegated the responsibility to the Deputy Superintendent. The Grand Jury was surprised when the second representative, selected by the Deputy Superintendent, in defense of CASA at the Special Meeting of the SCUSD Board of Education on December 16, 2003 stated that, "We have an obligation when I sit on the CASA Board as a representative of the Yolo County Office; I have an obligation not to protect the interests of the Yolo County Office, although that's the temptation, the law is very clear that my obligation is to protect the interests of the people that are retired." The YCOE Board and the Superintendent should have required its CASA representative to protect YCOE's interests as a condition to appointment to the position.

During an interview in February 2004, the Deputy Superintendent explained her responsibilities as the temporary designated representative, and concurred with the prior representative, stating that although YCOE has a representative on the CASA board, once you agree to become a CASA board member you are "required to represent the participants of the CASA plan and what is in their best interest," basing this priority duty to CASA to a legal opinion from a CASA pension attorney. The Deputy Superintendent acknowledges that there may be times when the interests of CASA and its participants, and the interests of YCOE may be in conflict. It does not appear to the Grand Jury that anyone is watching out for YCOE's interests.

YCOE's participation in the CASA JPA caused governmental functions normally subject to public scrutiny and accountability to be hidden. CASA and its management do not answer to the public and the former YCOE designated representative stated that the duty of the designated representative is given to CASA, not YCOE.

22. YCOE Board and Superintendent delayed taking necessary actions when the press revealed problems with CASA.

As late as December 30, 2003, the YCOE Board was unable to convene a quorum to consider CASA related issues. As of March 2004, the YCOE had not engaged independent counsel. According to an April 6, 2004 article in the Woodland Daily Democrat the Superintendent engaged a pension litigation attorney to begin dismantling the pension plan. The consequences of these delays are yet to be determined.

As late as February 2004, YCOE had not determined how much YCOE potentially owed to CalPERS and SSA. MGT had calculated that SCUSD might be liable for approximately \$6.4 million. Based on its 14 to 101 ratio of participants, the Superintendent guessed that the

(INVESTIGATIONS: Yolo County Office of Education—
continued on next page)

YCOE's potential liability would be about 1/12th, making YCOE's potential amount to be over \$500,000.

RECOMMENDATIONS

- 04-07** The Yolo County Board of Supervisors should immediately authorize resources and personnel to the Yolo County Auditor-Controller to perform a review of financial and administrative controls and practices at the YCOE. This review should be coordinated with other agencies who may institute similar audits so as not to be duplicative. Once completed, the Board of Supervisors should consider recommendations, take appropriate action, monitor implementation of recommended action and make this information public.
- 04-08** The YCOE Superintendent should submit a written status report by September 30, 2004 to the YCOE Board of Education detailing all inquiries or communications with CalPERS, the SSA, and/or any other governmental authorities, including the State Superintendent of Public Instruction, regarding YCOE's involvement in CASA. Subsequently, a status report should be made no less frequently than every calendar quarter, advising of all developments, changes in personnel or operations, and/or remedies taken related to this matter. The YCOE Superintendent should also include in this quarterly status report all costs, charges, penalties, or claims incurred or settlements reached relating to this matter.
- 04-09** The YCOE Superintendent should also assess and report to the Board of Education how these additional costs, if any, may impact the YCOE's budget, identifying programs and/or staffing positions affected thereby and include this information in the quarterly report recommended in above item 04-08. These reports should be made available to the public by the YCOE Board of Education and a copy mailed to the Yolo County Grand Jury.
- 04-10** The YCOE Board should develop, and make public, policies to monitor on-going contractual obligations to assure compliance with objectives established at the time the contract is entered. The YCOE Board should review all YCOE current contracts wherein the Board's concurrence or approval was required to assess whether the contract objectives are being met.
- 04-11** The YCOE should, without delay, seek appropriate legal advice relative to their CASA obligations, options and liability.
- 04-12** The 2004-2005 Grand Jury should monitor this matter to its conclusion and investigate further as it deems advisable.

RESPONDENTS

- Yolo County Board of Supervisors: Recommendation 04-07
- YCOE Board:
Finding 17, 18, 20, 21, and 22; Recommendation 04-10, 04-11
- YCOE Superintendent:
Finding 17, 18, 19, 20, 21, and 22;
Recommendation 04-08, 04-09, 04-10, 04-11

SOURCES

Persons Interviewed

- YCOE Superintendent
- Deputy Superintendent
- Member of the YCOE Board
- A former YCOE designated representative to CASA

Documents Examined

- Newspaper coverage
- MGT report
- CASA promotion materials
- CASA formation documents including:
The Joint Powers Agreement and by-laws
Operating Agreement between CASA and YCOE
- CASA audit reports
- CASA employee handbook
- CASA minutes
- YCOE Board minutes

Meetings Attended

- December 16, 2003 Special Meeting of the SCUSD when the MGT report was presented.

Reviews

Yolo County Animal Control

REASON FOR REVIEW

The California Penal Code instructs the Grand Jury to review and inspect the jails and all related facilities annually.

BACKGROUND

The Grand Jury conducted a tour of the Animal Services Section on March 19, 2004. The Animal Services Section, under the supervision of the Chief Animal Control Officer, operates the county's animal shelter and provides animal control services. Animal Services falls under the direction of the sheriff's office and consists of one Chief Animal Control Officer, nine field officers and two veterinary technicians. The program is supported primarily through service contracts with the incorporated cities, dog license fees and private donations.

Animal Services Section operates at a small facility located on Gibson Road in Woodland. The recent addition of the T.S. and K.D. Glide Annex, funded through a private donation from the Glide Foundation, increased the facility's capacity and included medical facilities for housed felines and other small animals.

Approximately eight to ten thousand animals are handled annually by Animal Services. Animals may come to the facility either through voluntary surrender, seizure or as a stray capture. The night deposit may be used during non-business hours for surrender of an animal and is a secure area, which provides the animal with shelter, food, water and blankets. Upon arrival animals are bathed, vaccinated, treated for worms and/or fleas, and provided with veterinary care if necessary. If Animal Services has difficulty finding a home for an animal, staff will consider other alternatives such as service training e.g. law enforcement canine, guide dogs, etc. In addition, rescue societies and foster homes are contacted to help alleviate overcrowding.

The shelter has separate and distinct areas to accommodate cats, dogs, farm animals and wildlife. Dogs are housed in two separate areas: the main area is open for public to view animals eligible for adoption and a separate area is used to house both stray and quarantined animals. Quarantined animals are either ill or have demonstrated aggressive behavior. Stray pets may be claimed by the owner within eight days upon arrival; if unclaimed the animal becomes county property. Strays will be kept as long as there is room and on occasion, adoptive quarters may be used for stray overflow in which case the cages will indicate the animal is not adoptable. All cages are cleaned daily, including week-

ends, and are maintained throughout the day. In addition to the kennel area, there are animal runs and interview rooms. Both areas allow prospective owners to interact with the animals prior to adoption to ensure proper placement in a home. There is a representative from the Society for the Prevention of Cruelty to Animals (SPCA) on location to assist both staff and families with the adoption process as well as update the agency's website.

Animal Services currently contracts with a local veterinarian; however, the addition of a veterinarian on staff is being considered. This would allow for immediate care and on-sight monitoring of the animals; but additional staffing is subject to budget constraints. At this time, Animal Services has two veterinary technicians on staff and are in the process of modifying an area to serve as a recovery room which will allow the animals a quiet, secluded area to recover from surgery.

Animal control officers have the power to search, seize and arrest and are required to complete training at the Humane Academy as well as to obtain firearm certification. In addition, officers may respond to requests to provide emergency services and transport from other agencies such as the Fire Department, that may not be equipped to move animals. The Animal Services Section not only provides shelter for stray and neglected animals, it facilitates pet adoptions, inspects kennels, picks up loose, stray or contained animals, responds to animal bites and attacks, rents traps, and provides welfare checks on animals.

FINDINGS

23. The facility was clean and the animals were well cared for.
24. The staff demonstrates concern for the well being of all the animals and exhausts all possible avenues to ensure animals are placed in the appropriate home or work environment to avoid euthanasia.
25. Overpopulation, limited space and inadequate funding prove to be an on-going problem for Animal Services.

RECOMMENDATIONS:

None

SOURCES:

Chief Animal Control Officer
On-duty Sergeant
On-duty Officer

*(REVIEWS-
continued on next page)*

Yolo County Coroner

REASON FOR REVIEW

The California Penal Code authorizes the Grand Jury to review and inspect the jails and all related facilities annually.

BACKGROUND

A tour of the Coroner's Office was conducted on March 8, 2004. The office, under the supervision of the Supervising Deputy Coroner, investigates all sudden, violent or suspicious deaths.

FINDINGS

26. The office currently has a staff of 10 employees consisting of four investigators, four interns, one supervisor and one clerical support. Two staff members are certified: one, a Registered Diplomat and one, a Board Certified Fellow with the American Board of Medicolegal Death Investigators. The four interns rotate shifts so that only one intern is working each day. The duration of the student internships is one year; however, the office has the option of offering an invitation for qualified interns to extend their tenure to two years.
27. Although staffing levels have remained fixed and workload has steadily increased, the turnover rate is very low. Vacancies are infrequent and the hiring process for both staff and interns is very competitive. The most recent opening yielded approximately 180 applications.
28. All investigators are peace officers and receive training in PC 832 (Arrests, Search & Seizure and Firearms), Coroner's Academy, Homicide Investigation, Fingerprint Identification and Blood Spatter Analysis.
29. The total number of coroner death investigations in the past 10 years has increased from 456 to 736 annually which represents a 61% increase. Although this is a substantial increase in workload, it should be noted that requisite forensic procedures declined by 36% during this same time period. Staff attributes the decline to thorough and detailed investigations as well as advanced training.
30. This year it is estimated that the caseload will approach 800 investigations and approximately 12.5% will require a forensic autopsy.
31. All forensic examinations are performed by board certified forensic pathologists.
32. There are 12 certified pathologists in the state of California and four work with the county.
33. The Coroner's Office, faced with the challenge of an escalating workload with static staffing levels, has proven resourceful and efficient in their daily operations.

RECOMMENDATION

- 04-13 The Coroner's Office displays consummate professionalism and should be commended for its efforts.

RESPONDENTS

The Board of Supervisors

SOURCES

Supervising Deputy Coroner
Deputy Coroner

Yolo County Fire Departments and Districts

REASON FOR REVIEW

As part of our duty as Grand Jurors, a review of the following local city fire departments and rural fire protection districts was conducted: Capay Fire Protection District, Clarksburg Fire Protection District, Davis City Fire Department, Dunnigan Fire Protection District, Elkhorn Fire Protection District, Esparto Fire Protection District, Knights Landing Fire Protection District, Madison Fire Protection District, No-Mans Land Fire Protection District, West Plainfield Fire Protection District, West Sacramento City Fire Department, Willow Oak Fire Protection District, Winters Fire Protection District, Woodland City Fire Department, Yolo Fire Protection District and Zamora Fire Protection District.

BACKGROUND

The differences among fire departments/districts stem from precedent and available resources to meet the needs of their respective communities. Most of the fire districts are classified as "dependent districts," meaning that the Fire District Commissioners are appointed by the Board of Supervisors. In No-Mans Land Fire Protection District, the Board of Supervisors serves as the Fire District Commissioners. The Yolo Fire Protection District is not a dependent district and their commissioners are chosen through the election process. In most of the fire districts in Yolo County, the fire chief is elected by the volunteer firefighters except in Yolo, where the fire chief is appointed by the commissioners. In Madison, the volunteer firefighters submit their choice for fire chief to the commissioners. In the cities of Davis and West Sacramento, the fire chief is chosen by the City Manager.

None of the fire districts interviewed reported any concerns or complaints about the response time to fires and

(REVIEWS: Yolo County Fire Departments and Districts—continued on next page)

emergencies. The average response time for fire departments ranged from 4 to 10 minutes. Firefighting activities include answering calls for structural fires, medical calls, automobile accidents, and various hazardous conditions, such as chemical spills. All of the fire departments and districts have formed agreements, either a Mutual Aid Pact or Automatic Agreement with other cities to provide mutual assistance. In addition, there is a state wide mutual aid pact.

Recruitment and retention of rural fire fighters varies by fire district. While all districts continue to provide excellent fire protection in large part due to the ingenuity and resourcefulness of the volunteer firefighters, it is becoming more difficult to maintain volunteer levels in many of the rural communities. Some fire districts have third generation fire fighters serving their local fire district but other districts, such as West Plainfield, must recruit volunteers who live outside the district. The No-Mans Land Rural Fire Protection District was disbanded in June 2002 and the Yolo County Board of Supervisors serve as the Board of Directors for the District. The Davis Fire Department provides fire protection services for No-Mans land.

Funding issues are a common concern among fire districts. Worker's Compensation and other insurance costs continue to rise, taking a bigger chunk of the districts' annual budget, which in turn takes away from needed capitol improvements. Fire districts bear the costs resulting from service calls for accidents or grass and vegetation fires unless the cost can be billed to the individual or the individual's insurer. Maintaining and updating of equipment is costly though the fire districts defray the costs by providing basic maintenance themselves. The fire districts are seeking grants to help pay for the costs of replacing equipment, but writing grants is time-consuming and the districts do not have full time grant writers.

Rural fire districts receive a portion of property tax assessment funds and some receive additional allocations from special assessments or other sources. City fire departments are funded mainly from the general fund. Fire departments and districts are audited regularly. Beyond the value of having fire districts protect property and provide emergency aid, fire districts serve their communities in other ways as well. Fund raisers for various community needs are a common thread of social service provided by local fire districts. Steak fries, pancake breakfasts, and bean feeds, have all been hosted by fire districts. "Filling the Boot" for community needs is another way fire districts give back for the betterment of Yolo County. Yolo County is fortunate to have the dedicated citizen volunteers and professional fire fighters that provide the needed service to all citizens of the County.

FINDINGS

34. All but three fire districts are comprised of volunteer firefighters.

- 35. Willow Oak Fire Protection District has two fulltime firefighters, along with volunteer firefighters.
- 36. Davis, West Sacramento and Woodland Fire Departments employ fulltime firefighters.
- 37. All fire districts have the necessary equipment to fight fires and provide emergency services.
- 38. Fire fighting equipment is replaced either by the purchase of new equipment, the purchase of used equipment or volunteers build the equipment, such as outfitting trucks for firefighting.
- 39. 911 calls from cell phones present an inherent problem because cell phone calls do not provide the location of the call.

RECOMMENDATION

- 04-14 The Yolo County Board of Supervisors should support the use of Development Impact Fees to maintain fire services.
- 04-15 The Yolo County Board of Supervisors should provide additional resources as needed to all fire districts for grant writing assistance.

RESPONDENTS

The Board of Supervisors

SOURCES

Persons Interviewed

Fire Chief for Capay Fire Protection District
 Fire Chief for City of Davis Fire Department
 Fire Chief for Clarksburg Fire Protection District
 Fire Chief for Dunnigan Fire Protection District
 Fire Chief for Elkhorn Fire Protection District
 Assistant Fire Chief for Elkhorn Fire Protection District
 Fire Chief for Esparto Fire Protection District
 Secretary for the Esparto Fire Department
 Fire Chief for Knights Landing Fire Protection District
 Fire Chief for Madison Fire Protection District
 Fire Chief for West Plainfield Fire Protection District
 Lieutenant for the West Plainfield Fire Department
 West Plainfield Board of Commissioners
 West Plainfield Volunteer Firefighter
 Division Chief for West Sacramento Fire Department
 Fire Chief for Willow Oak Fire Protection District
 Two fulltime Firefighters from Willow Oak Fire District
 Volunteers from Willow Oak Fire District
 Fire Chief for Winters Fire Protection District
 Fire Chief for Woodland Fire Department
 Fire Chief for Yolo Fire Protection District
 Fire Chief for Zamora Fire Protection District
 Fire Marshall for City of Davis Fire Department
 Numerous other volunteers

(REVIEWS-
 continued on next page)

Yolo County Jails

REASON FOR REVIEW

California Penal Code 919(b) mandates that each year members of the Grand Jury will investigate the conditions and management of public detention facilities and report on its findings. This annual review was conducted to comply with the mandate.

BACKGROUND

The Grand Jury visited this facility in September 2003 and was escorted by a Sheriff's department captain and a correctional officer lieutenant. The facility was built in 1991 and has become overcrowded since then. The jail is used for the detention of persons pending arraignment, during trial and post sentencing. Jail management expressed the need for a new facility to be built because the present jail is overcrowded.

All inmates are evaluated mentally and physically upon arrival. Inmates are clothed, housed, fed and provided medical care as needed. Inmates have access to telephones (collect calls only). The telephone service providers contract with the jail through the bidding process to provide this service. Overcrowding of the facility has continued since 2002. The facility is understaffed due to budget cuts and difficulty hiring new correctional officers. Both of these situations have caused considerable stress on the officers due to the resulting, sometimes mandatory overtime. The overcrowding has resulted in two different remedies:

1. Transferring inmates to neighboring county jails. Some inmates go to Glenn County Jail at a cost to Yolo County of \$30 per day or to Colusa County at \$47 per day. Other participating counties charge varying rates.
2. Due to a Federal Consent Decree which mandates that inmates not be housed in overcrowded and unsafe conditions, once the county exceeds capacity inmates must be released or transferred to another facility. The decision for early release of prisoners is dictated by the seriousness of the misdemeanor. A lengthy, time-consuming process occupies the jail staff in categorizing inmates for possible release or transfer.

The decision whether to release or transfer inmates is at the sole discretion of the Yolo County Sheriff.

A separate structure, the Cameron Building, is an educational resource center provided for inmates to improve themselves through self study and computer skills. The facility is well run with the available personnel.

FINDINGS

40. At the time of the Grand Jury's visit there were 135 employees at the jail and 82 are correctional officers

that work 12 hour shifts.

41. At the time of interviews Yolo County Board of Supervisors had imposed a hiring freeze due to budget limitations. The result was overtime that in some cases was mandatory. In some cases if no correctional officers are available deputies from the Sheriff's department are called to fill in. A deputy sheriff is paid approximately 20% more to do the work of a correctional officer.
42. As a result of Finding #41, morale has been a problem at times.
43. When the jail was constructed, it was located away from other community development, sitting by itself. Today, much development has grown next to it including homes and schools. The development in the area makes the prospect of expanding the jail in its current location less likely to meet with widespread approval.

RECOMMENDATIONS

04-16 Currently, an assessment is being conducted to determine the feasibility of conducting a full-scale study about relocating or expanding the current jail. This assessment should be completed as quickly as possible.

RESPONDENTS

Yolo County Sheriff:

Finding 40, 42

Yolo County Administrative Officer:

Finding 41, 43;

Recommendation 04-16

SOURCES

Yolo County Sheriff

Assistant Sheriff

Correctional Lieutenant

Yolo County Correctional Captain

Yolo County Correctional Sergeant

Correctional Officer

Union Steward

Yolo County Juvenile Hall

REASON FOR REVIEW

The California Penal Code instructs grand juries to conduct annual inspections of the county detention facilities, including Juvenile Hall.

BACKGROUND

A division of the Probation Department, Juvenile Hall is the temporary detention and treatment facility in and for Yolo

*(REVIEWS: Yolo County Juvenile Hall—
continued on next page)*

County for minors who are charged with violation of the law or who have violated conditions of probation.

Members of the Grand Jury toured Yolo County Juvenile Hall on November 11, 2003. The tour was conducted by a supervising detention officer who readily responded to all inquiries concerning current policies and procedures, and provided requested copies of forms currently in use (including Parental Authorization, Intake Health Screening, and a recently revised Rules Infraction Sheet). The tour included all sections of Juvenile Hall with particular attention paid to intake procedures, court appearances, and the practices relative to housing, health care, nutrition, sanitation, education and recreational activities. On-duty staff members and nursing personnel were observed and interviewed. Educational and health care issues were discussed. Three juveniles were privately interviewed.

Additionally, the Grand Jury was provided with copies of the report of the September 2003 Board of Corrections inspection, and information from the County Administrative Office.

Opened in 1976, Juvenile Hall was expanded in 1996. The facility has a Board of Corrections Bed Rated Capacity of 30, however, in consideration of the measures taken to mitigate the crowded living conditions, the Board of Corrections has, since January 2000 deemed "...the facility to be a suitable place for the confinement of minors while crowded." A new 90-bed facility has been in the planning stages for years.

FINDINGS

44. The supervisors and observed staff seemed very knowledgeable, capable, attentive, and caring despite the somber tone and strict discipline imposed on the residents.
45. The members of the Grand Jury were impressed with the demonstrated professionalism.
46. The facility is old and not well designed for its current needs; however, it was very clean and efforts to keep it in reasonable repair were apparent.
47. The facility is overcrowded, with occupancy regularly exceeding 40. A classroom is converted to a futon-furnished sleeping facility each night.
48. Other than concerns about overcrowding, the Board of Corrections' September inspection found the facility in compliance with all applicable codes.
49. Acknowledgedly needed since the late 1990's a new, podular 90-bed Juvenile Hall is well on the way to becoming a reality. Inquiry to the County Administrative Office provided the following information relative to the construction of the new Juvenile Hall (JH):
 - A. The Central Services Division of the County Administrative Office has the primary responsibility for all Juvenile Hall construction.
 - B. The Manager, Facilities Services and Capital Programs

has the responsibility for the project.

- C. The new Juvenile Hall will be constructed in Woodland at the corner of County Road 102 and Gibson Road.
- D. The cost is estimated to be \$12.6 million of which, \$7.5 million is funded by a grant from the Board of Corrections. The remainder will be funded through the Development Impact Fees.
- E. Lionakis Beaumont Design Group is the architect.
- F. The general contractor is Broward & Sons.
- G. A public ground breaking ceremony was held on March 16, 2004.
- H. The anticipated completion and date of occupancy is July 2005.

RECOMMENDATIONS

- 04-17 The supervisors and staff should be commended for maintaining a high degree of professionalism and perceived efficiency despite the antiquated and overcrowded conditions.
- 04-18 All agencies, departments, and involved personnel should exert every effort to assure that the anticipated Juvenile Hall completion and occupancy date is realized, that appropriate facility-specific policies and procedures are developed prior to occupancy, and that a smooth transition is made.
- 04-19 Juvenile Hall administrators and staff should pay particular attention to maintaining a high degree of facility and equipment maintenance during the final months of occupancy of the present Juvenile Hall.

RESPONDENTS

Yolo County Juvenile Hall Superintendent:

Finding 46, 47, 48;

Recommendation 04-17, 04-18, 04-19

Chief Probation Officer:

Recommendation 04-17, 04-18, 04-19

Manager, County Administrative Office, Central Services Division:

Recommendation 04-18, 04-19

Yolo County Administrative Officer:

Finding 46, 49;

Recommendation 04-18, 04-19

Yolo County Board of Supervisors:

Recommendation 04-17, 04-18, 04-19

SOURCES

Persons Interviewed

Supervising Officer, Juvenile Hall

(REVIEWS: Yolo County Juvenile Hall—
continued on next page)

Randomly selected Juvenile Hall staff
Three juvenile residents

Documents Examined

Juvenile Hall forms and information sheets
Policy and procedure directives
Board of Corrections' October 2003 Juvenile Hall inspection report
Memo from Manager, County Administrative Services, Central Services Division

Yolo County Police Departments

REASON FOR REVIEW

The Penal code instructs grand juries to inquire annually into the conditions and management of public jails and related functions. The Winters, Woodland, Davis, and West Sacramento Police Departments provide law enforcement services; they also maintain facilities for temporary custody of arrested persons.

Davis Police Department

A tour of the Davis Police Department was conducted on February 4, 2004. The building is 2½ years old with five adult detaining cells and a juvenile cell. The Police Chief was appointed in September 2003. The department has 57 sworn officers including captains and four lieutenants. Davis Police Department deploys and authorizes the use of tasers and batons. Suspects are booked and fingerprinted at the station, then transported to the Yolo County Jail. Booking costs in fiscal year 2002-2003 were \$93,349 and as of March 2004, the cost was \$71,378.

The Davis Police Department is the only city in Yolo County that operates its own emergency 911 center. A Youth Intervention Specialist works with families on truancy issues and distributes bicycle helmets to children who have no bicycle helmet.

Davis Police Department participates in the Court Liaison Program. The liaisons work with the courts to ensure officers are not called to court unless truly needed. The use of liaisons saved the department \$9,954 of on-duty time and \$18,396 of overtime during this one year.

West Sacramento Police Department

The West Sacramento Police station is approximately 24,000 square feet. The department is housed in a large building renovated for that use. It has outgrown the original needs due to the growth of the city. Its shared office and parking space make for a crowded environment.

The Chief of Police is on extended medical leave and

the department is supervised by the acting chief pending appointment of an interim chief. There are 65 full time sworn officers, including the chief, deputy chief, three lieutenants and eight sergeants. West Sacramento shares two half-time Court Liaison officers.

West Sacramento booking fees were \$150,464.80 for 2000-2001. The Acting Chief acknowledged that while, in the past, the State of California reimbursed cities for booking fees, reimbursement of booking fees in the future is a topic of much discussion and uncertainty.

West Sacramento Police Department patrols 23.2 square miles. West Sacramento police will use tasers if necessary. Sometimes the taser is used in conjunction with a baton or pepper spray or with a K-9 unit. According to the Acting Chief, the increased use of the taser corresponds to a decrease in use of the baton and pepper spray. Additionally, the use of the taser corresponds to a lower incidence of injuries related to use of force situations. During 2003, there was significant decrease in the need to obtain medical clearance for suspects that were booked at the Yolo County Jail as well as a decrease in claims against the city relating to injuries suffered during an arrest. All uses of force situations were reviewed and deemed justified by the department.

Winters Police Department

The station for the Winters Police Department is housed in a former part of the city hall. The station occupies approximately 2,480 square feet. The building is old and a new public safety facility is the city's #1 priority. A public safety facility will be built as funds become available.

The Winters Police Department patrols about 2 ½ square miles. The outlying area is patrolled by the Yolo County Sheriff and the California Highway Patrol. All Winters police officers are issued tasers and batons but there were no incidents involving the taser or baton in 2003.

Winters Police Department pays approximately \$10,000 for booking fees per year. The department does not have a court liaison. Winters Police Department has a chief of police, currently on medical leave, two sergeants, five patrol officers, one school resource officer and one civilian employee. The Department is in the process of hiring an officer to fill a vacancy created by the promotion of a patrol officer to sergeant in November 2003.

Woodland Police Department

The Woodland Police Department opened a new facility in March 2004. The new facility has approximately 43,000 square feet for the main building and 11,000 square feet for the service building which serves as a shooting range. Four

*(REVIEWS: Yolo County Police Departments-
continued on next page)*

holding cells in the new facility serve as a temporary holding facility and are used to book and fingerprint the suspects prior to being taken to the county jail.

Woodland Police Department pays approximately \$160,000 in booking fees per year to Yolo County. The State of California reimburses cities for all booking fees paid to the county in the prior year. However, the current proposal in Sacramento for the next year would eliminate the reimbursement.

Woodland police officers patrol approximately 12.2 square miles. Woodland Police Department has 64 sworn officers, including all ranks and currently 63 positions are filled. The Chief of Police was appointed 18 months ago. There are 23 non-sworn positions in the classifications of community service officers, crime prevention specialists, crime analysts, management analysts and administrative secretary.

Woodland Police Department uses part-time retired police officers as court liaisons. The use of court liaisons instead of fulltime officers results in substantial savings to the department. The court liaisons are not paid by Woodland Police Department. West Sacramento coordinates the program and bills the participating cities. Current figures indicate that during the 2003 fiscal year, using retired police officers saved the city approximately \$77,733.

FINDINGS

50. The city police departments are dedicated law enforcement agencies.
51. City police department personnel who were interviewed were cooperative, eager to discuss their jobs and responsibilities and appeared to have a high level of morale.
52. The use of Court Liaison Officers saves money by limiting the amount of overtime required of officers to appear in court.
53. After booking, suspects are transported to the Yolo County Jail.
54. With the exception of the Winters and Woodland Police Departments there still appears to be concern over the time and cost of transporting suspects from the city jail to the county jail.
55. It appears that the method of transporting of suspects to the county jail still needs to be improved because taking an officer off the streets to transport a suspect reduces the effectiveness of that agency during that time period.
56. Though the 2002-03 Grand Jury made a recommendation that a study be made about a shuttle service to transport suspects to the county jail, no written report or study has been produced.
57. If the suspect requires emergency medical care he/she is brought to Woodland Memorial Hospital, Sutter Davis Hospital or in the case of West Sacramento, to the UCD Medical Center in Sacramento.
58. Officers accompanying suspects to the hospital emer-

gency rooms are given admittance priority by hospital staff.

59. There are few complaints about response time to emergency calls.

RECOMMENDATIONS

- 04-20 A formal and written study about a shuttle service to transport suspects to the Yolo County Jail should be undertaken by the Sheriff's office and County Administration Office and submitted to the Board of Supervisors.
- 04-21 The study recommended above should result in a report available to the public by the end of fiscal year 2004-2005.
- 04-22 Invite all Yolo County law enforcement departments to participate in the study.

RESPONDENTS

Yolo County Sheriff:

Finding 52, 55;

Recommendation 04-20, 04-21, 04-22

Yolo County Administrative Officer:

Finding 52, 56;

Recommendation 04-20, 4-21, 04-22

Board of Supervisors:

Recommendation 04-22, 04-22

Davis Chief of Police:

Finding 52, 53, 54, 55, 58, 59

West Sacramento Chief of Police:

Finding 52, 53, 54, 55, 58, 59

Winters Chief of Police:

Finding 52, 53, 55, 57, 58, 59

Woodland Chief of Police:

Finding 52, 53, 55, 57, 58, 59

Appendix

Responses to the 2002-2003 Grand Jury Report

In accordance with §933 (c) of the California Penal Code, the governing body of a public agency or its designated administrator must respond to Grand Jury recommendations within 90 days. Other named respondents must comment within 60 days.

Each recommendation below is followed by an extract of the official response. The complete report is available at public libraries in Yolo County. The complete set of responses is available for public view at the office of the Clerk of the Yolo County Board of Supervisors.

Yolo County Sheriff's Department

03-01 The County should establish clear, definitive procedures for evaluating requests for disbursements from this Fund to eliminate improper use.

Auditor-Controller's Response: The recommendation has been implemented. My office has documented the criteria used by the Auditor-Controller staff to review and approve claims submitted by County departments, provided a copy to the Sheriff, and met with him to discuss how the criteria apply to the special funds controlled by him. We also recommended to the Sheriff that the funds designated by the Board of Supervisors be accounted for in a separate budget unit to provide greater visibility. The Sheriff decided not to implement it.

BOS Response: The Board of Supervisors supports the Auditor-Controller's efforts to strengthen internal controls, and will continue to collaborate with the Auditor-Controller and county departments to implement policies and procedures to improve internal controls including criteria for the review and approval of claims for expenditures.

03-02 The Office of the Yolo County Auditor-Controller shall audit the Fund and its records quarterly.

Auditor-Controller's Response: The recommendation has been implemented. We have recommended and the Sheriff has agreed to submit vouchers supporting the expenditures made from previously disbursed funds for audit prior to requesting another disbursement from the special appropriations. We expect to audit the expended funds every three to six months and issue a report on the result of our audit.

03-03 The Yolo county Auditor-Controller shall arrange for an audit of the Fund and its records from January 1999 to the present time and an annual audit of the Fund thereafter by an external independent auditor or by an appropriate agency of the State of California.

Auditor-Controller's Response: The recommendation is not being implemented. Because there is no supporting case law and due to the relatively minor amount of the Sheriff's special appropriation, no state agency would be willing to audit the

fund. Additional audit work for the period July 1, 2001 to January 31, 2003 would not add value; the internal control and audit work described in the above responses are adequate to ensure accountability of the Special Fund. We will audit the expenditures for the period January 1, 1999 to June 30, 2001 and from February 1, 2003 to June 30, 2003 and issue a separate report on the results of our audit. We are nearing completion of the audit for the period 2/1/03-6/30/03, but have yet to audit the prior period 1/1/99-6/30/01.

03-04 The Sheriff shall make restitution to the County General Fund of all amounts expended for purposes not consistent with the spirit of Government Code Sections 29430-29440. They include but are not limited to:

- Political events
- Contributions to political and charitable groups
- Expenditures for flower arrangements, greeting cards, retirements and non-law enforcement-related activities that constitute a gift of public funds (California Constitution of 1879, Article 16, Section 6).

Sheriff's Response: Recommendation partially implemented. Guidelines for expenditures of these funds is subject to interpretation; after careful scrutiny of the records, restitution was made for \$345.04 for Truman Club meetings, the Democratic Bean Feed, the Rosenberg September Fest, and flowers for the Sheriff's wife. No other restitutions will be made.

03-05 The Sheriff shall make restitution by 12/31/03 in an amount to be determined by the external independent auditor or appropriate agency of the State of California.

Sheriff's Response: After meeting with Deputy Attorney General Tanaka, County Auditor-Controller Newens and representatives from the Auditor's staff, it was determined that an independent audit would not be conducted.

(APPENDIX: Responses to the 2002-2003 Grand Jury Report—continued on next page)

Yolo County Housing Authority

- 03-06 The YCHA should contract with a reputable facilitator to provide training in the next six months on:
- Conflict management and team building for the Executive Director and key management staff, and
 - Appropriate work place behavior for the entire management and staff.

YCHA Board Response: Recommendations will be implemented during the 2003-2004 fiscal year.

- 03-07 YCHA employees should use their union representation rather than the Grand Jury to deal with personnel issues.

YCHA Board Response: This recommendation is not addressed to YCHA but to its employees represented by a union. Therefore, it is not appropriate for YCHA to respond. However, if the recommendation is implemented by the employees and their union, there will be more timely resolution of employees' concerns. Employees working through their Union will be more efficient and effective in resolving personnel problems than complaining to an outside agency.

- 03-08 The YCHA Board of Commissioners should require the Executive Director to set human resource goals for the next year (e.g., reducing the number of employee complaints, reducing/eliminating the use of provisional hiring, increasing the number of personnel problems handled satisfactorily by middle management). A report should be submitted to the Board at the end of Fiscal Year 2003-2004 documenting the extent to which the goals have been met.

YCHA Board Response: The general thrust of this recommendation will be implemented by its annual evaluation of the Executive Director's performance.

- 03-09 The YCHA Board of Commissioners should present a report to the Yolo County Board of Supervisors at the beginning of FY 2004-2005 on the status of human relations within the agency, as well as evidence of accomplishments in its program-related mission and goals, citing ways in which those accomplishments carry out the stated goals of the Board of Supervisors (see BOS Minutes, 4/15/03).

YCHA Board Response: This recommendation requires further analysis, and will be a topic of discussion during consultations with the BOS during FY 2003-2004.

Davis Joint Unified School District

- 03-10 The DJUSD should require each school within the District to review and revise its existing Safe School Plan to comply with the requirements of §35294.2 of the Education Code, including a public adoption process, before December 31, 2003.

DJUSD Response: the District will review and revise all site safety plans, and school site councils will adopt these plans, before 12/31/03.

- 03-11 The DJUSD should continue to play an active role in community efforts and programs that will discourage unacceptable behavior by students.

DJUSD Response: The District will continue to enforce its disciplinary code of conduct for unacceptable behavior as defined in the Standards for Student Behavior handbook, and will continue internal and community efforts to further promote self-respect and respect toward others. The School Board has adopted a policy to create a School Climate Committee at each school; these committees will first meet in October, 2003.

GRAND JURY Response: The School District's efforts to encourage respect for others and the acceptance of responsibility have been broadly publicized in the local newspapers, school newsletters and public forums. The District's initiation of corrective measures as well as the Board's establishing a half-time position for a coordinator of "school climate activities" are acknowledged and commended. A timely report, following completion of this school year, to the School Board as to each school site's compliance with the review, revision, and adoption of its site-specific Safe School Plan is strongly encouraged.

City of Woodland Department of Public Works

- 03-12 The City of Woodland should be more aggressive in its monitoring of contractors to ensure that the work is performed in a timely manner, minimizing inconvenience to the public.

City Response: The City of Woodland concurs.

- 03-13 The City of Woodland should post signs and notices in the local newspaper informing the public of start and completion dates for all construction projects that exceed two months in length.

City Response: the City of Woodland has reevaluated its policy regarding communication of project status to the public and is publishing notices and posting signs as recommended at construction sites with significant public impact or interest.

Yolo County Jails

- 03-14 The Board of Supervisors should authorize and the Sheriff's Department should conduct in-house studies to determine:

- Whether it is more cost-effective to house inmates (including foreseeable increases in jail population)

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in other counties' jails or to increase the capacity of the present facility.

- The merits of providing a secure courtroom and/or a closed-circuit video link between Monroe Center and the courthouse for arraignments.
- Whether waiving the \$150 home detention fee for qualified indigent inmates and making home detention to qualified prisoners attending drug treatment programs would pay for itself by reducing the need to pay other counties to house prisoners.
- Whether part-time provisional appointments to fill staff vacancies (e.g. a cook) would be cost-effective compared to paying overtime.

Sheriff's Response: The Sheriff's Department has been and is currently working closely with the County Administrator's Office to determine the most cost efficient method of housing inmates either in county, out of county or home detention. Also being investigated is the need to increase the capacity of the Monroe Center and when the appropriate time for expansion will be. Video arraignment is also being researched to determine the possible impacts on other County departments. Once these impacts are identified, the Sheriff is prepared to move forward with video arraignment. The Sheriff's Department has recently hired three provisional employees and has used extra help employees to reduce vacancies.

BOS Response: The Board concurs with the Sheriff's response in investigating alternatives for managing the jail facility and operations. Staff is currently studying alternatives for housing an increasing jail population, including the construction of an additional jail pod.

03-15 The Sheriff's Department should replace the carpeting and repair the cracks in the cement flooring.

Sheriff's Response: There is a plan for carpet replacement in the Monroe Center. Central Services Division has been actively making improvements to the facility. Both main line housing units have received carpeting during August, 2003.

03-16 The Sheriff's Department should expand or relocate the laundry room and purchase an additional washer and dryer to accommodate the anticipated increase in the use of those services.

Sheriff's Response: As part of the planning for the County's new Juvenile Hall, upgrades of the Sheriff's laundry equipment will be made to keep up with the increase.

Yolo County Juvenile Hall

03-17 The Board of Supervisors should do what is necessary to assure that the new facility is completed in 2004.

BOS Response: The Board concurs with the Grand Jury belief that the new juvenile hall should be opened as quickly as possible. Due to the lengthy period of time needed for

environmental review, design, and working with other jurisdictions, it is expected that the new juvenile hall will be open in Spring of 2005. While this delay is unfortunate, it has been beyond the control of the County. The State Board of Corrections has approved the revised opening date.

03-18 A physician should be on call at all times. If a newly admitted youngster is known to be taking medication, the contract physician should be contacted immediately to assure that medications are not interrupted and are properly administered.

Probation Department Response: California Forensic Medical Group provides a licensed physician to be on call twenty-four hours a day. In the event that medication is received for a minor and there is no medical staff on site, the medication will be forwarded to the on-going nurse to be evaluated and dispensed on his/her next visit to the Juvenile Hall. If the minor is in need of his/her medication prior to the return of medical staff, a call will be placed to the Monroe Detention Facility's Medical Unit where they will send a nurse to the Juvenile Hall to evaluate and administer the medication. If they are not able to send a nurse, a call will be placed to the on-call licensed physician.

Supervising Detention Officer's Response: Same as Probation Department response.

Yolo County Coroner

03-19 The Supervising Deputy Coroner and her staff should be commended for the excellence of their management capabilities and public service.

BOS Response: The Board commends and recognizes the outstanding professionalism, consummate expertise and compassion of the Supervising Deputy Coroner and her staff in providing coroner services. The Board would also like to thank the Sheriff and his management team for their leadership in supporting this vital community service.

Sheriff's Response: The Supervising Deputy Coroner and her staff have been praised verbally and in written form by the Sheriff-Coroner.

City Police Departments

03-20 The Sheriff should study the feasibility of creating and operating a shuttle service that would take custody of prisoners on request from any participating community in Yolo County, and transport them to the Monroe Detention Center, or, if necessary, to a local hospital and then to the Center. The study's conclusions and recommendations should be based on what is most efficient and economical from the perspective of the residents and taxpayers of the

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entire county rather than just the Sheriff's Department or other single agency.

Sheriff's Response: A 2002 study conducted by the County Administrator's Office and the Yolo County Probation Department, with involvement of the Sheriff's Department, concluded that it would not be cost effective to provide such a service.

03-21 The Sheriff's Department should modify the county's computer-based information/ communication system as needed to make it interoperable with the systems installed and operated by the cities of Winters, Woodland, Davis and West Sacramento.

Sheriff's Response: The Sheriff's Department does not currently have a computer-based information/communication system. The Sheriff is currently negotiating purchase of a Records Management System and Correction Management System that will interface with the above described systems and the Sheriff's systems.

03-22 The Sheriff's Department should consult with the administrator of the courts and other appropriate persons to identify proper courses of action needed to extend interoperability to the courts.

Sheriff's Response: Same as response to Recommendation 03-21.

03-23 The Sheriff's Department should also explore interoperability with the state Office of Emergency Services and Yolo County Communications Emergency Service Agency.

Sheriff's Response: Same as response to Recommendation 03-21.

Yolo County Communications Emergency Service Agency

03-24 The county should engage in flood prevention and mitigation efforts of all reasonable kinds, including obtaining needed permits for and participating actively in local and regional flood control programs.

BOS Response: The Board agrees the county and all other public agencies within Yolo County should engage in flood prevention and mitigation efforts of all reasonable kinds, and has directed the County Administrative Officer and the appropriate county department heads to keep the Board informed and to represent the county accordingly.

YCCESA Response: The Executive Director and the JPA Board agree that flood protection is a matter for all public agencies within the County, and YCCESA stands ready to assist and respond to all Yolo County flood issues.

03-25 Color-coded vests should be provided to identify the presence and position of each level of the Incident Command System at emergency scenes.

YCCESA Response: The Executive Director and the JPA Board agree that the use of color-coded vests, used in the County's Emergency Operations Center, helps identify the presence and position of functions in the Incident Command System. We encourage all jurisdictions and disciplines to adopt this practice.

03-26 The county's emergency communications systems should be modified and/or enhanced to achieve interoperability among all emergency services including Sheriff's Department, city police departments, fire departments, health department, and YCCESA.

YCCESA Response: The Executive Director, the JPA Board and the OES Manager agree that interoperability between communications systems enhances response and safety. While various frequencies are used by multiple jurisdictions, interoperability is available and utilized in our central dispatch center in conjunction with established field command systems (e.g. Incident Command System). The Agency will continue to monitor and remain abreast of any evolving radio communication technology which may enhance our current system.

03-27 As a short-term protection from flooding, the earthen berm that now protects YCCESA on three sides should be extended around the fourth side and completed before the next flood season.

YCCESA Response: The Executive Director and the JPA Board agree that the safety of the facility is critical. Sandbags, plastic, water pumps and other protective measures are readily available for use should the need arise. Additionally, an alternate site for 9-1-1 telephone answering is located and maintained in the City of Davis.

03-28 The County should consider the longer-term measure of moving YCCESA's communications systems to higher ground, e.g. the new Woodland Police Department communications complex or the Sheriff's Department communications complex.

BOS Response: The Board disagrees. The Board supports the current YCCESA facilities master planning effort, which is not based on a perceived threat of severe flooding. In April 2002 FEMA designated the area around the YCCESA facility a special flood hazard (AE) area; until a land survey is funded and completed, there is no accurate method of estimating the potential depth of floodwaters in the YCCESA area.

Yolo County Flood Control and Water Conservation District

03-29 The District Board of Directors, in selecting a new

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General Manager, should apply criteria that emphasize skills and demonstrated success in supervision and team building.

District Response: The background of the General Manager newly hired by the District demonstrated strong supervisory skills and the ability to bring diverse groups together for common purposes. He is already implementing changes with the employees.

03-30 The District Board of Directors should identify appropriate personnel management training, requiring

supervisors and management to attend.

District Response: The new General Manager supports opportunities for appropriate employee training, and expectations for staff to take advantage of those opportunities. In August, 2003 two supervisors and a senior staff member attended a two-day Human Resources Management Seminar.

03-31 The 2003-04 Grand Jury should review the District to monitor progress toward improved staff morale. [See report in this document (2003-04 Final Report).]

