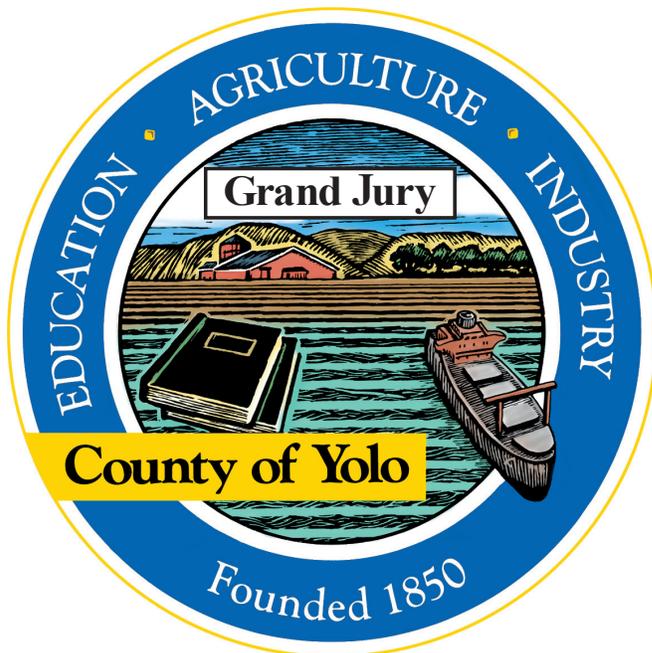


2013 – 2014 YOLO COUNTY GRAND JURY

FINAL REPORT

A Report for the Citizens of Yolo County, California



**June 30, 2014
Woodland, California**

**2013 – 2014
YOLO COUNTY GRAND JURY**

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GRAND JURY

County of Yolo

P. O. Box 2142
Woodland, California 95776

June 30, 2014

The Honorable Daniel P. Maguire
Superior Court of California, County of Yolo
725 Court Street, Woodland, CA 95695

Dear Judge Maguire:

The 2013-14 Yolo County Grand Jury is pleased to present our Consolidated Final Report to you and to the citizens of Yolo County.

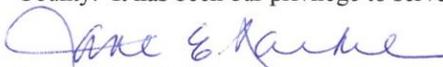
This year the Grand Jury received and reviewed 27 citizens' complaints. Several complaints were duplicative and were combined into two investigations. Two investigations were initiated by the Grand Jury, two were the result of new complaints and one was referred from the 2012-13 Grand Jury. The Grand Jury received many complaints very late in our term and those have been referred to the 2014-15 Grand Jury for consideration. In addition to civil investigations, the Grand Jury participated in one criminal indictment hearing at the request of the District Attorney.

The Grand Jury produced seven reports covering a wide range of important and timely topics affecting the operation and management of a variety of publicly-funded entities within Yolo County. In addition, the Grand Jury reviewed the holding facilities in four city jails as part of its mandated inspection of detention facilities within Yolo County. These inspections produced no significant findings and did not result in a report.

This was a year full of challenges for the 19 dedicated citizens who made up the 2013-14 Grand Jury. We experienced a number of juror resignations throughout the year resulting in an incredible amount of additional work for the remaining, original jurors as well as for the incoming alternate jurors. I want to express my deep appreciation, admiration and thanks to all of the jurors who worked tirelessly to produce seven excellent reports, especially to those jurors who took on leadership roles and, without complaint, shouldered a great deal of extra work.

I also want to express the Grand Jury's profound appreciation to each and every one of the Jury Services personnel and Yolo County employees and officials who provided us with support of every kind during this year. We could not do what we do without you.

We are proud of our work this year. We hope it will be of benefit to the citizens of Yolo County. It has been our privilege to serve together as the 2013-14 Yolo County Grand Jury.



Jane E. Naekel, Foreperson
2013-14 Yolo County Grand Jury

**The 2013-2014
Yolo County Grand Jury**

Jane Naekel, *Foreperson, Woodland*

Maggie Campbell, *West Sacramento*

Tom Carlton, *Davis*

Beth Coehlo, *Woodland*

Richard DeLiberty, *Woodland*

Richard Elmgren, *Davis*

Lois Fitzgerald, *Woodland*

Al Freitas, *Bryte*

Jane Jimenez, *Woodland*

Marie Kearney, *Dunnigan*

Ann Kokalis, *Davis*

Susan Langsdorf, *Woodland*

Roberta Paul, *Woodland*

Chalon Rogers, *West Sacramento*

Marcia Rosenstein, *Davis*

Gregg Roy, *Davis*

Dennis Turnipseed, *Davis*

Enid Williams, *Woodland*

Jim Zuniga, *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/grand-jury>. The report may also be obtained by 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
(continued on next page)

ABOUT THE GRAND JURY

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 <http://www.yolocounty.org/grand-jury>. 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. 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/grand-jury>. 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

**2013-2014
YOLO COUNTY GRAND JURY
FINAL REPORT**



Yolo County Promotion Practices: Need for Standards and Oversight

SUMMARY

The Grand Jury reviewed rules pertaining to department promotions in Yolo County and, specifically, how they are applied at the Department of Planning and Public Works, Roads Division.

The Grand Jury found:

- No countywide policies or procedures exist for departments to follow once Department of Human Resources sends them a list of candidates eligible for a promotion.
- There is little to no oversight of department promotion practices by Human Resources. In this vacuum each department is left to develop its own methods for handling promotions. These methods vary greatly with some departments following a comprehensive, written promotion process and others relying on a past practice that is inconsistently applied.
- While the oral interview is the most important determinant in the promotional process, some departments do not apply any minimum standards for selection or training of oral interview panelists, have no consistent procedure in place for vetting panelists for bias, maintaining confidentiality of interview materials or communicating promotion selections to candidates.

The Grand Jury calls on Yolo County to develop policies and procedures covering department promotions and to require greater oversight, education and guidance in this area from the Department of Human Resources. This will ensure a promotional process countywide that provides greater uniformity, fairness and decreases potential legal risk to the county.

BACKGROUND

The Grand Jury received multiple complaints regarding departmental promotion practices at the Department of Planning and Public Works, Roads Division (Roads Division) alleging:

- Department promotional interviews were conducted in an unfair manner resulting in promotions based on favoritism rather than merit;
- Morale among some employees had deteriorated within the Roads Division due to perceived favoritism and failure of department managers and Human Resources (HR) to address these concerns.

Yolo County Promotion Practices: Need for Standards and Oversight

There are limits to the Grand Jury’s “watchdog” function as set forth in California Penal Code Section 925. The Grand Jury does not review specific personnel decisions. However, these complaints prompted a review of countywide rules and practices pertaining to department promotions and, more specifically, how they are applied at Roads Division. This Grand Jury investigation focused specifically on department promotions.

METHODOLOGY

The Grand Jury interviewed managers and staff from several Yolo County departments including: Department of Public Works, Human Resources, Yolo County Library, Child Support Services and Auditor/Controller. The Grand Jury also reviewed the following documents:

- Yolo County, CA Code of Ordinance, Chapter 6, Personnel Merit System;
- County of Yolo Personnel Rules and Regulations, Draft (Rules and Regulations);
- Yolo County Oral Interview Panel Examination Outline for Panel Members, revised November 2010 (HR Outline)
- Candidate Promotional Files from Roads Division
- Notes and emails from HR regarding: 1) department hiring managers, 2) HR liaisons, 3) Roads Division inquiry;
- Yolo Training Academy Course Description;
- Yolo County Values Statement, adopted July 24, 2012;
- Flyer for “Avenues for Yolo County Employees.”

Note: the last interviews for this report were completed on January 21, 2014.

DISCUSSION

Overview of County Personnel Rules for Department Promotions

The Yolo County “Personnel Director”¹ is responsible for administering the county’s system of recruitment and promotion based on merit and for establishing methods and procedures needed for the merit system to function (County Code, Section 2-6.03). These methods and procedures are found in the Yolo County Personnel Rules and Regulations, Draft (Rules and Regulations).

Yolo County currently operates under Rules and Regulations that have been in draft form for several years. HR has not been able to complete the draft due to staffing shortages and

¹ The job title “Yolo County Personnel Director” no longer exists. The position currently is known as “Director of Human Resources”. Human Resources is a division of the County Administrator’s Office.

Yolo County Promotion Practices: Need for Standards and Oversight

other priorities. Once complete, HR will submit the draft Rules and Regulations to the ten county employee union groups for review and then to the Board of Supervisors for adoption. There is no definite timeline for final adoption of the Rules and Regulations.

The draft Rules and Regulations set forth principles for selection and recruitment by which the county abides. They include the statement that selection for hire and promotion “.....shall be on the basis of job-related skills, knowledge, demonstrated abilities and quality of performance.”

According to the draft Rules and Regulations, when a county department has a position open for promotion, the department notifies HR which posts the opening along with a statement of the Minimum Qualifications (MQ’s) for that position. HR receives the applications, screens them to identify candidates meeting the MQ’s and sends a list of eligible candidates to the department hiring authority. Generally, the department hiring authority is a department head. The department head may designate other managers or supervisors to oversee hiring and promotions in that department.

In some cases, HR works with a department hiring manager to develop and apply what is known as “Best Qualified Screening Criteria” to the list of candidates who meet the MQ’s for the open position. The “Best Qualified Screening” is an undefined process by which HR and department hiring managers identify qualifications most important and apply them to the list of employees who meet the MQ’s to determine those “best qualified” for the open position. There is no definition of “Best Qualified Screening Criteria” in any county rule or regulation. There is no written procedure defining when or how the criteria is developed or used. The Grand Jury learned that some department hiring managers were not aware that such a procedure existed. The Grand Jury also learned that promotion candidates who otherwise met the MQ’s were not advised that the use of Best Qualified Screening Criteria eliminated them from the list of eligible candidates.

HR’s required oversight of the promotion process ends when it sends the list of eligible candidates to a department hiring authority. At that point, a department is required to offer each eligible candidate an opportunity for an oral interview to be conducted by a panel. The Grand Jury learned that the oral interview is the single most important determinant of a promotion. The Rules and Regulations do not contain:

- minimum qualifications for oral interview panelists;
- minimum standards for experience or knowledge regarding the open position;
- requirements or guidelines for recusal or removal of a panelist for bias;
- requirements or guidelines for securing interview materials; or
- standard procedure for notifying candidates of the results of the promotional process.

Yolo County Promotion Practices: Need for Standards and Oversight

A six page written guideline entitled, “Yolo County Oral Interview Panel Examination Outline for Panel Members” (HR Outline) is HR’s only written guidance to department hiring managers and oral interview panelists. The HR Outline is included in a binder of interview materials given to the panelists on the day of interviews. The HR Outline sets forth the responsibilities of the panel members and contains an overview of the candidate rating process. The Grand Jury also learned that department hiring managers do not always review this HR Outline with panel members or verify that they read, understand and apply it to their role as a panelist when interviewing candidates.

Department Promotional Practices Vary

In the absence of countywide policies and HR oversight, each county department has been allowed to develop its own methods and practices for handling department promotions. The Grand Jury conducted an audit of Roads Division and three other county departments to gain an understanding as to how each handled promotions. The Grand Jury learned that the structure and integrity of the promotion process varied widely among these departments.

During the audit, the Grand Jury learned of one department that had developed internal written guidelines for selection and training of oral interview panelists, required panelists to sign confidentiality agreements and routinely met with non-selected candidates in order to provide feedback. Two departments had less formal procedures in place. These department hiring managers participated in the promotion process from beginning to end; selected experienced interview panelists; had procedures for securing interview materials; and, provided feedback to non-selected candidates.

The audit further revealed that the department promotion process at Roads Division was informal, based on past practice and not well understood or communicated among employees and managers. The hiring manager at Roads Division has delegated much of the oversight of the promotion process to other managers or supervisors who have no training in employment matters.

The Grand Jury learned that Roads Division:

- did not apply any minimum standards for selection of oral interview panelists;
- did not provide training to panelists but did provide them with the HR Outline at the time of the interviews;
- did not consistently screen interview panelists for potential personal bias for or against promotion candidates, relying on panelists to bring these issues to the department’s attention; and
- did not follow a consistent practice for notifying non-selected candidates of the outcome of the promotion.

Yolo County Promotion Practices: Need for Standards and Oversight

The Grand Jury learned of an instance where a newly hired probationary road worker was selected to serve on an interview panel for a supervisory position. Additionally, this probationary road worker was a personal friend of one of the candidates for promotion. The Grand Jury also learned of an occurrence in which the non-selected candidates first became aware of the outcome of a promotion during a group safety meeting at which the name of the successful candidate was announced.

Roads Division has not violated any county policy or code in managing its department promotions since none exists. Roads Division's practices, which lack written minimum standards, consistency and transparency, have led to the perception, expressed by some employees, that they do not have a fair opportunity to earn a promotion and that to take any measures to increase chances at future promotions would be futile.

Recently, Roads Division has been working more collaboratively with HR to improve its promotion practices. Roads Division has included HR in the process of selecting and training panelists, drafting interview questions and sitting in on interviews. HR and Roads Division believe this will make the process fairer, both in practice and in perception.

Human Resources: Advisory or Regulatory?

HR sees itself as having an advisory, not a regulatory, role in overseeing department promotions. HR does not routinely monitor or intervene in department promotion practices for two reasons: 1) lack of enforceable countywide policies and procedures and 2) lack of resources and resulting limitations on staff availability.

Lack of Policies and Procedures:

County Code mandates the Director of Human Resources develop policies and procedures to administer the county's promotional system.² As discussed in the previous section, policies and procedures do exist up to the point the list of eligible candidates is sent to the department for interview and promotion selection. The Director of HR has the mandate to adopt policies for departments to follow in the promotional interview and selection process but, thus far, has not done so.

Lack of Resources and Staff:

Even if policies on department promotions were adopted, HR currently does not have the resources or staff to ensure compliance by all county departments. HR has taken steps to

² Yolo County Code Section 2-6.03

Yolo County Promotion Practices: Need for Standards and Oversight

meet the need for more oversight of county promotions within its limited budget and staffing. HR recently developed curriculum for two courses to be offered in February, April and June 2014 through the Yolo Training Academy.³ The courses are entitled: “Coordinating Effective Hiring Interviews” and “Hiring Interview Panel”. The course descriptions cover some of the problem areas identified in this Grand Jury report. Course attendance is not mandatory and it is not known whether the courses will be offered beyond 2014. As of February 2014, six (6) employees were registered for the February class, two (2) for the April class and none for the June class.

Need for Countywide Policies on Department Promotions:

There are compelling reasons for the county to enact minimum standards for department promotion practices and to require HR oversight to ensure:

- **Legal Compliance:** The HR Outline lists nine state and federal anti-discrimination laws that apply to the oral interview process which, if violated, may place the county at legal risk;
- **Fairness:** In the absence of fair and consistent promotional practices, employees may decline to interview at Yolo County believing their chances for promotion or hire are based on factors other than merit;
- **Morale:** Employee morale suffers when the promotion process is not fair, systematic and transparent. Employees may give up on improving skills and education if they do not believe they have a fair chance at earning a promotion. This would be a loss to employees, managers, and to the county. Poor and inconsistent promotion practices may lead to promotion of less qualified individuals which may, in turn, lead to other personnel issues later, such as discipline, demotion, resignation or termination.

Human Resources: Need for prescribed complaint process

During this investigation, the Grand Jury learned that HR assumes departmental promotion practices are fair unless it learns otherwise. What HR does if it learns of a potential problem or receives a complaint is not well defined. Currently, the county has no prescribed process for employees to file a formal or informal complaint regarding personnel issues, for HR to conduct any type of investigation or for HR to bring the issue to closure with affected employees and managers.

Yolo County has shown its intention to create an environment where employee concerns can be raised. The Yolo County Values Statement provides that it is “...committed to doing

³ Yolo Training Academy provides classroom training to county employees and partner agencies in subjects relevant to county employment tasks.

Yolo County Promotion Practices: Need for Standards and Oversight

right by others through public service and maintaining the trust of our residents and peers. Together, we will continue to foster a healthy, supportive and professional environment, striving always for excellence.”

Yolo County also has developed a program called “Avenues” for Yolo County employees to report workplace issues through various resources including supervisors, HR and/or the Employee Assistance Program (EAP). The “Avenues” program opens the door for employees to seek assistance with workplace issues. The Grand Jury could find nothing in the description of the “Avenues” program that would address how an employee issue, such as alleged impropriety in departmental personnel practices, could be investigated and resolved.

The Grand Jury learned that employees of Roads Division met with HR to voice concerns over the promotion practices of Roads Division. HR assured the employees that it would look into the concerns but would not conduct a formal investigation. The Grand Jury learned that the employees believed that HR would inquire into their concerns and report back to them.

After speaking with Roads Division hiring managers and reviewing documents, HR concluded that Roads Division did not violate any county rules in the promotion. The Grand Jury learned that HR’s review raised “red flags” about Roads Division’s promotion practices prompting it to work more closely with Roads Division hiring managers to provide advice in selecting and training interview panelists, draft interview questions and sit in on interviews. None of this was clearly communicated to the affected employees. As a result, they believed their concerns had been ignored.

FINDINGS

- F1:** Yolo County currently operates according to Personnel Rules and Regulations that have been in draft form for a number of years. There is no definite timeline for completion by HR, review by employee union groups or adoption by the Board of Supervisors.
- F2:** Although the oral interview is required and is one of the most important events in a departmental promotion process, Yolo County has no written rules, regulations or guidelines covering the selection or training of oral interview panelists, the confidentiality of interview materials or feedback to selected and non-selected candidates.
- F3:** HR provides no oversight of department promotion practices unless requested to do so by a department. In this area, HR acts in an advisory role and assumes county departments are conducting promotional practices in a fair manner unless it learns otherwise.

Yolo County Promotion Practices: Need for Standards and Oversight

- F4:** Human Resources has failed to adopt rules and regulations addressing departmental promotion processes. As a result, HR's role in the departmental promotional process has been solely advisory.
- F5:** In the absence of countywide rules and HR oversight, department hiring managers develop their own methods for conducting the oral interview and promotion selection process, which vary widely.
- F6:** The department promotion process within Roads Division lacks written minimum standards for selection and training of oral interview panelists, method for recusal for bias, requirements for confidentiality or a process for meaningful feedback to non-selected candidates.
- F7:** Although Roads Division has not violated any policy or code relating to promotions, the lack of standards, consistency and transparency in Roads Division's promotion practices has led to a perception among some employees that the promotion process itself is unfair and biased.
- F8:** Development of countywide policies covering promotion practices, including use of objective screening criteria, along with more HR oversight for policy compliance, would ensure a standardized promotional process, improving uniformity between departments, increasing fairness and decreasing potential legal risk to the county.
- F9:** HR has taken steps to meet the need for more oversight of County promotions by offering elective courses through Yolo Training Academy in 2014.
- F10:** Currently, HR reviews department promotion practices only if a problem is reported. HR has no prescribed complaint process that requires investigation, accountability and communication of investigation results to concerned employees.

RECOMMENDATIONS

- R1.** Within the next 90 days, HR should conduct a survey of each department's current promotion practices to identify problem areas and to learn from departments that have created successful internal models that address promotional processes.
- R2.** By October 1, 2014, HR should use the information obtained from the survey to develop and adopt, as part of its Personnel Rules and Regulations, unified policies that create minimum written standards for department promotion processes. These policies

Yolo County Promotion Practices: Need for Standards and Oversight

should address selection and training of oral interview panelists, confidentiality and feedback to selected and non-selected candidates.

- R3.** HR should work with Roads Division immediately to create comprehensive written guidelines covering department promotion and hiring and to provide training to department hiring managers and oral interview panelists. These guidelines should be shared with Roads Division employees to restore transparency and trust that the department promotion process is operating in a fair manner.
- R4.** HR should ensure that courses recently added to the Yolo Training Academy on how to properly conduct hiring or promotional interviews become part of the Academy's permanent curriculum and that all county staff participating in hiring or promotion interviews be required to attend.
- R5.** Within the next 60 days, HR should develop and publicize a process by which complaints regarding personnel issues can be reviewed, evaluated and acted upon with results reported to complainants.
- R6.** By December 1, 2014, HR should complete the Personnel Rules & Regulations and develop a specific timeline for review by employee union groups and adoption by the Board of Supervisors. HR should report bi-monthly to the Board of Supervisors on its progress until such time as the Rules & Regulations are finally adopted.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following individuals and departments:

- Director, Human Resources Department: Recommendations R1, R2, R3, R4, R5 and R6
- County Administrative Officer: Recommendation R4.
- Director, Department of Planning and Public Works, Roads Division: Recommendation R3

From the following governing bodies:

- Yolo County Board of Supervisors: Recommendation R6

Implementing Major Changes in Education at the Local Level: Building a Plane in Midair

SUMMARY

The Grand Jury reviewed how the Yolo County Office of Education (YCOE) and the five Yolo County school districts are implementing the Common Core State Standards and the new K-12 finance system adopted by the State of California. The Grand Jury discovered:

- Common Core State Standards are being implemented in Yolo County, on schedule, with clear implementation guides and plans as provided by the California Department of Education (CDE).
- School Districts and YCOE are required to implement the new K-12 finance system, which includes the Local Control Funding Formula (LCFF) and the Local Control and Accountability Plan (LCAP) during the current school year for the 2014-2015 school fiscal year. At the same time, the templates and regulations for LCAP and LCFF are still undergoing design and approval at the State level.
- YCOE is responsible for evaluating the LCAP for each Yolo County school district and the independent charter school. The Grand Jury learned that this year YCOE faces challenges in evaluating the LCAPs without assessment tools from the California Department of Education (CDE).
- The Yolo County school districts and YCOE are moving forward to implement as much of the K-12 finance system as possible, as regulations and guidelines become available from CDE.

Because of the ongoing changes and delays in CDE providing information to local education agencies, YCOE and school district employees describe the process of implementing the K-12 finance system as “...*similar to building a plane in midair.*”

The Grand Jury commends YCOE and the five Yolo County school districts for their work in implementing these major changes to the education system while waiting for the completion and adoption of needed regulations and guidelines.

REASON FOR INVESTIGATION

The State of California and the State Board of Education (SBE) have enacted significant changes in educational curriculum and financing. The CDE is the state agency charged with developing regulations and templates for implementing these changes. As the SBE adopts regulations, the CDE informs county offices of education, local school districts, and direct-funded charter schools who are responsible for implementing these changes.

Implementing Major Changes in Education at the Local Level: Building a Plane in Midair

In view of the great public interest in these educational reforms, the Grand Jury decided to review how YCOE along with the five school districts is working to implement them. The 2012-2013 Grand Jury reported on charter schools in Yolo County; therefore charter schools were not considered in this year's review.

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).

METHODOLOGY

The Grand Jury interviewed personnel from YCOE and the following five school districts: Davis Joint Unified School District, Esparto Unified School District, Washington Unified School District (West Sacramento), Winters Joint Unified School District, and Woodland Joint Unified School District. In addition, the Grand Jury reviewed:

- Yolo County Office of Education website: www.ycoe.org
- California Department of Education website: www.cde.ca.gov
- Davis Joint Unified School District website: www.djUSD.net
- Esparto Unified School District website: www.espartok12.org
- Washington Unified School District website: www.wusd.k12.ca.us
- Winters Joint Unified School District website: www.wintersjUSD.org
- Woodland Joint Unified School District website: www.wjUSD.org
- US Legal website: <http://definitions.uslegal.com/l/local-educational-agency/>

Note: the last interviews for this report were completed on February 6, 2014.

DISCUSSION

California has a three-tiered system of public education administration. At the state level, the State Board of Education determines policy for K-12 education in the areas of standards, curriculum, instructional materials, assessment, and accountability. The CDE is the state agency charged with developing regulations and templates for implementing these changes and notifying the local educational agencies. At the local level, the elected school boards of individual school districts are responsible for instruction and operations. YCOE is the liaison that actively links state policy priorities and new initiatives to administrators, teachers, students, and parents in the five school districts in Yolo County.

The Yolo County Office of Education (YCOE) provides the educational services, fiscal oversight, and Special Education Local Plan Area services for the five school districts.

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YCOE also serves as a liaison between the California Department of Education and the school districts and the independent charter schools in Yolo County.

The two primary services provided to school districts by YCOE as they connect with Common Core State Standards and the K-12 finance system include the following major functions:

1) Business Services (K-12 finance system):

- approves annual school district budgets and monitors the school districts' financial stability;
- audits budgets;
- monitors and assists the districts regarding property tax collection;
- provides facilities planning assistance;
- assists with financial planning; and
- provides accounting services that includes student body funds, accounts payable, accounts receivable, and payroll reporting.

2) Educational Services (Common Core State Standards):

- delivers specific direct programs for students in special education;
- delivers services for foster and homeless youth (note: intersects with K-12 finance system); and
- provides instructional support services to the local school districts and YCOE operated programs in the areas of curriculum, assessment, professional development, resources, awards programs, interagency partnerships, resource development, and statewide/regional initiatives.

Educational Reform: Common Core State Standards

The new Common Core State Standards (Common Core) are educational standards adopted by the State of California. Common Core is a state-led effort that started in 2009 at the initiation of governors and state commissioners of education from 48 states, two territories, and the District of Columbia. Developed with input from teachers, parents, school administrators and educational experts on a national, state and local level the California Common Core standards describe what students should know and be able to do in each subject at each grade level. International best practices were also reviewed and incorporated where possible.

The key features of Common Core are:

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- establishes what students need to learn, but does not dictate how teachers should teach;
- aligns with college and work expectations (including standards that incorporate the use of technology);
- builds upon strengths and lessons of current state standards;
- establishes clear and consistent standards so that students, teachers, and parents will have a shared understanding of what students are expected to learn.

In addition to California, forty-five other states have adopted the Common Core in mathematics and English. One important idea behind the adoption of Common Core is that consistency across participating states will allow students to move from one state to another and be able to transition into their new school and still be on track academically.

Implementing Common Core requires substantial professional development for teachers and new testing and assessment measures of students. The new instructional methods in Common Core call for a major shift in teaching techniques with the focus on a student's ability to think critically, to solve problems, and to learn content.

Yolo County school districts, charter schools, and YCOE received \$5.8 million from CDE for the implementation of Common Core. In 2013, funds were apportioned to school districts, county offices of education, and independent charter schools based on the prior year's enrollment at an equal funding rate of \$200.96 per student.

The CDE developed a *Common Core State Standards Systems Implementation Plan for California* and a *Common Core State Standards Systems Implementation Guide* to help school districts, independent charter schools and County Offices of Education, such as YCOE, develop their own local plan based on their specific needs and resources.

School Financing Reform

California school financing reform for K-12 education was enacted on July 1, 2013 as part of the 2013-2014 California Budget Act. The reform consists of 1) the Local Control Funding Formula (LCFF), which determines funding, and 2) the Local Control and Accountability Plan (LCAP), which is the roadmap for how money will be spent.

Local Control Funding Formula

LCFF refers to base funding for all school districts and county offices of education with additional funding based on the number of non-duplicated¹ students who fall into one of the

¹ Non-duplicated means to count only once. For example, a foster youth receiving a free or reduced-price meal that is also an English Language learner would only count as one student.

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following categories:

- students who receive free and reduced-price meals;
- English language learners;
- foster youth.

In the past, schools received what was known as “categorical funding”, meaning schools could only spend money on the specific categories funded. For example, mathematics and reading professional development funds could be used only to provide professional development for mathematics and reading/language arts teachers. Under LCFF, these funds will become part of a general fund that may be used for any educational purpose.

LCFF increases school funding and provides greater flexibility to YCOE and school districts to decide how to allocate funds. The new formula gives them the ability to decide how to best use their funds with input from educators, parents, students, community businesses and other stakeholders.

Local Control and Accountability Plan

The county offices of education, school districts, and charter schools are required to develop, and adopt, a three-year local control and accountability plan (LCAP) which directs how funds are to be spent with input from community members, pupils, local bargaining units, and the public. The LCAP details how funds are to be spent, by each local educational agency², to increase or improve services; establishes annual goals for students; and describes the actions taken to achieve the annual student goals. Local educational agencies complete their own LCAP and address how they will:

- implement Common Core including how English language learners will have access to Common Core and the English language development standards;
- increase Academic Performance Index (API) and student achievement on statewide assessments;
- improve school climate by reducing suspension and expulsion rates, assessing student safety (bullying, safe passage to/from school, gang activity), and students connecting with school (liking their teacher, enjoying physical education or other subjects);
- increase school attendance, high school graduation rates, and reduce dropout rates;
- increase percentage of students who have successfully completed courses for entrance to college and career technical education programs;
- identify the methods used to address the needs of students listed in the Local Control Funding Formula eligible for additional funding;

² Each of the five districts and YCOE are a local educational agency.

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- improve conditions in any school including safe, clean, and adequate school facilities;
- provide equitable access for all students to textbooks, instructional materials, and qualified teachers;
- provide meaningful opportunities for parent involvement.

The plan is an active document that will be updated annually to include a) an analysis of student achievement data for the prior year; b) any revisions for the remaining two years of the original LCAP; and c) a new plan for the third year. For example, in 2013-2014 the school districts and YCOE will write a plan for each of the next three school years. In 2014-2015, they will update the plan to 1) add student achievement data for 2013-2014, 2) make corrections to the 2015-2016 and 2016-2017 plans, and 3) add a plan for 2017-2018.

Building a Plane in Midair: YCOE and Yolo County School Districts Meet the Challenge

Using available guidelines, Yolo County's five school districts and YCOE have developed timelines to complete each of their Local Control and Accountability Plans by June 30, 2014 for the 2015-2018 school years. Meanwhile, SBE approved new templates and regulations on January 16, 2014. Local educational agencies received them at the end of January 2014. With only five months left before the June 30 deadline, and numerous new regulations, the school districts and YCOE are facing an intense push to complete their budgets and LCAPs on time.

In addition to completing the Yolo County Office of Education's LCAP, YCOE is responsible for evaluating the plan for each school district. The Grand Jury learned that YCOE will face a number of challenges in evaluating the LCAPs without assessment tools from the CDE. For example, school districts will self-report the numbers of non-duplicated students who receive free or reduced-priced meals, or who are English language learners or foster youths. Without assessment tools from CDE, YCOE cannot effectively audit the validity of local school district reporting and appropriately determine its effect on school funding

The Grand Jury learned there is a lack of an effective communication system for the new and evolving K-12 finance system. This lack of communication is occurring at the state level and not at the local level. YCOE and school district personnel are doing the best they can to communicate using informal networks to move forward with LCFF and LCAP requirements. The enactment of the new K-12 finance system during the current school year, without the infrastructure already in place, has created an impression of "*...building a plane in midair.*"

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FINDINGS

- F1.** Because the regulations and templates pertaining to LCFF and LCAP are still being developed by the State of California, it is too early to determine if YCOE and the five school districts will successfully implement the new K-12 financial reforms.
- F2.** The five school districts and YCOE are on schedule with implementing the Common Core State Standards.

RECOMMENDATION

- R1.** By December 1, 2014, YCOE should develop and execute a program to keep the residents of Yolo County advised on the progress of implementing the new K-12 financial reforms.

REQUEST FOR RESPONSE

Pursuant to Penal code section 933.05, the Grand Jury requests responses as follows:

- Yolo County Superintendent of Schools: Recommendation R1

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YOLO COUNTY CORONER'S DIVISION

SUMMARY

The Yolo County Grand Jury reviewed the Yolo County Sheriff's Office – Coroner's Division. The Coroner's Division is mandated by the California Government Code to determine the cause and manner of death in specified cases, including violent, sudden or unusual deaths.

Through interviews and document review, the Grand Jury found that the Coroner's Division management and staff provide a competent and highly efficient level of service to the public. They have developed positive and collaborative working relationships with other organizations and law enforcement agencies with which they interact in the course of their investigations.

The Coroner's Division contracts with Forensic Medical Group (FMG) to perform autopsies in Yolo County. The Grand Jury found:

- Yolo County has had a sole source contract with FMG since 1997;
- Yolo County relies on FMG's representation that its physicians are licensed and competent to perform autopsies. The County does not require proof of licensing or board certification in forensic pathology;
- While the Coroner's Division expressed overall satisfaction with the services of FMG, currently, there is an unacceptable backlog in autopsy reports;
- In some cases, Yolo County has paid FMG when billed for autopsy services even though all services (both autopsy and report) have not been provided by FMG.

ACRONYMS

AMR: American Medical Response – an Ambulance company providing emergency services in Yolo County.

POST: Peace Officer Standards and Training – provides training statewide to law enforcement personnel.

FMG: Forensic Medical Group – a group of physicians that contracts with Yolo County to perform forensic pathology services, including autopsies.

DNA: Deoxyribonucleic acid

Yolo County Coroner's Division

BACKGROUND

The Yolo County Grand Jury investigates the functions of city and county governments, tax supported agencies and districts, and any agencies or districts created by State law, within Yolo County. State law mandates certain functions of the Grand Jury, but the jury itself selects additional areas that it wishes to study. This year, the Grand Jury decided to review the operation and management of the Yolo County Coroner's Division.

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 of state law for which the officers of the county are serving in their ex-officio capacity as officers of the districts."

METHODOLOGY

The Grand Jury conducted a tour of the Coroner's Office, including the County's morgue, and interviewed representatives of the Yolo County Coroner's Division, Yolo County Sheriff's Department, American Medical Response, Capay Valley Fire Department, Davis Police and Fire Departments, Kraft Funeral Home, Woodland Healthcare and Woodland Police Department.

In addition, the Grand Jury reviewed:

- Job descriptions for staff of Coroner's Division;
- Training requirements and staffing levels for Coroner's Division;
- Yolo County Coroner Policies and Procedures Manual;
- Medical Waste Inspection Report, 2012 and 2013;
- Contracts for forensic pathology services between Forensic Medical Group and Yolo County, 2011 through 2015;
- Documents presented to Yolo County Board of Supervisors relating to FMG contract, July 16 and August 6, 2013;
- County of Yolo, Administrative Policies and Procedures Manual, Contracting and Purchasing, September 9, 2008.

DISCUSSION

The duties of the Coroner are found in California Government Code Sections 27490-27512, 27460-27473 and 27520-27521. Specifically, the Coroner is required to determine the cause and manner of death in cases of violent, sudden or unusual deaths, unattended

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deaths, deaths where the deceased has not seen a physician in 20 days prior to death, deaths in prison and state mental hospitals. The Coroner's Office accomplishes this through scene investigation, record review, toxicological analysis, forensic pathology examination and autopsy. Other critical duties include:

- identifying decedent through fingerprints, dental records, DNA and other tests;
- locating the decedent's next of kin and notifying them of death;
- securing decedent's personal property;
- issuing the certificate of death;
- testifying in court.

The budget for the Coroner's Division for fiscal year 2013-14 is \$683,178. In calendar year 2012, 910 deaths were reported to the Coroner's Office, 79 of which required autopsies. As of October 30, 2013, 752 deaths had been reported with 72 deaths resulting in autopsies.

Organization and Staffing

The Coroner's Office is a Division of the Yolo County Sheriff's Department. The Coroner's Division is staffed by a Chief Deputy Coroner and four Deputy Coroners. The staff is augmented by five paid interns who work between 10 and 25 hours per month. This staffing level provides coverage for the office seven days per week during business hours. After traditional business hours, Deputy Coroners are available "on call" on a rotating basis.

The Chief Deputy Coroner is a non-sworn supervisor responsible for organizing and directing daily activities of the Coroner's Division and supervising Deputy Coroners, interns and clerical staff. Deputy Coroners are sworn peace officers under Penal Code Section 830.35. Deputy Coroners conduct death investigations to determine cause and manner of death and supervise autopsies performed by Forensic Medical Group physicians.

Deputy Coroners receive required specialized training consisting of a course in Coroner's Death Investigation and fingerprint comparison and analysis through Peace Officer Standards and Training (POST). Additionally, Deputy Coroners receive on-the-job training to perform other critical procedures including:

- Initial Information Intake protocol;
- collection of evidence in death investigations;
- protocol for unidentified decedents;
- notification of next of kin;
- preparation of documentation for death investigations;

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- release of decedents' remains and property;
- Critical Incident/Stress Management.

Internship Program

The Coroner's Office offers a student internship program. The program originated in 1993 and offers upper division college students the opportunity to participate in an intensive, hands-on experience that spans multiple fields, such as chemistry, criminal justice, and psychology. Currently four student interns are working at the Coroner's Division and a fifth will be hired soon. Interns work between 10 and 25 hours per month and receive a monthly stipend. Interns assist Deputy Coroners with scene investigations, morgue/lab processing and follow-up investigation. The student interns also attend forensic autopsies/external examinations.

Facilities and Equipment

The Grand Jury toured the Coroner's Division office, located in the Administration building of the Yolo County Sheriff's Office. The Coroner's facilities contained:

- central office
- morgue
- lab area
- two autopsy suites with a separate viewing room
- walk-in refrigerator
- ultra-low temperature deep freezer
- two evidence/property rooms
- x-ray machine (non-digital)

The building was state-of-the-art when built and is maintained in neat, orderly and sanitary fashion. The Grand Jury did not observe any problems or deficiencies with the facilities.

Each Deputy Coroner is provided with a cell phone in order to contact emergency personnel who first respond to a death scene. This allows the relay of information from fire and police agencies and other outside contract agencies to be accomplished quickly and efficiently.

The Coroner's Division uses four vehicles, all of which are more than 12 years old. The Coroner's Division is responsible for maintaining and fueling the vehicles.

The Coroner's Division is in the process of replacing an old computer software program with a new program specifically designed to maintain and track records and evidence in a coroner's investigation.

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The x-ray machine is in working order. It is approximately 20 years old and requires processing of x-ray film. Many Coroner offices today use digital x-ray machines.

Policies and Procedures Manual

The Coroner's Division has a comprehensive Policies and Procedures Manual that is a valuable resource for staff. Currently, the Chief Deputy Coroner is reviewing the Manual for needed updates. Past practice has been to review the Manual only after a change in procedure or law necessitated a revision.

Annual Waste Management Inspection

The Department of Public Health's Medical Waste Management Program conducts an annual medical waste inspection at the Yolo County Coroner's Facility to determine compliance with the requirements of the Medical Waste Management Act (MWMA).

The Grand Jury reviewed the Annual Medical Waste Inspection records for 2012 and 2013. In 2012, one minor violation was found that was corrected on the day of the inspection. In 2013, no medical waste violations were found.

Relationships with Other Agencies

When a death occurs in Yolo County, the Coroner's Division interacts with several agencies that may be "first responders" to the death scene. First responders include personnel from fire and police agencies and others who are responsible for responding immediately to the scene of an accident or crime. The Coroner Policies and Procedures Manual describes the protocol for Deputy Coroners, law enforcement and medical personnel to follow when a death occurs.

In order to gain an understanding as to whether the Coroner's Division interacts effectively and efficiently with other agencies, the Grand Jury interviewed personnel from American Medical Response (AMR), Capay Valley Fire Department, Davis Police and Fire Departments, Woodland Police Department, Kraft Funeral Home and Woodland Healthcare.

The Grand Jury learned that the Coroner's Division is highly regarded by agencies and organizations with which it interacts. Communication between agencies is prompt and effective. Deputy Coroners respond to death scenes in a timely fashion and perform their duties in a professional manner. Each agency reported a positive, collaborative relationship with members of the Coroner's Division.

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Contracts with other Counties to Utilize Yolo County Facilities

The Grand Jury learned that several small, rural counties contract with the Coroner's Division to use its facilities to conduct autopsies. In 2013, the Coroner's Division received \$27,520.00 in fees from other counties. These fees augment the Coroner's Division budget.

Contracts

The Coroner's Division depends on contracted services in order to perform the full array of duties required in a death investigation. It contracts with North Medical Services and Valley Toxicology to perform laboratory testing of blood, urine and other bodily fluids. It contracts with the John Morris Removal Company to transport remains of the deceased to the morgue. It contracts with the Forensic Medical Group (FMG) to perform autopsies.

Forensic Medical Group Contract

Forensic Medical Group consists of 5 physicians who provide forensic pathology (autopsy) services to several counties in California, including Yolo County. In 2010, the Coroner's Division learned from reporters researching a news story that an FMG physician who had performed many autopsies in Yolo County had a history of errors in performing autopsies. The Coroner's Division immediately barred this physician from performing autopsies in Yolo County. He was terminated from FMG shortly thereafter. At this same time, FMG and its physicians came under media scrutiny resulting in multiple news articles including *Forensic Medical Group Scrutinized; County to Review Autopsies by Doctor with Checkered Past*, *California Officials Reviewing Autopsies Done by Doctor with Trail of Errors*; and *Autopsy Firm's High Caseloads, Practices Lead to Errors*. Links to these articles can be found in the bibliography at the end of this report.

In view of this history, and because performance of autopsies is central to the duties of the Coroner's Division, the Grand Jury wanted to learn more about the contract between Yolo County and FMG. Specifically, the Grand Jury wished to learn:

- whether the County was satisfied with the forensic pathology services provided by FMG; and
- how the County verified the professional background and expertise of the FMG physicians performing autopsies in Yolo County.

History of FMG Contract with Yolo County

FMG has been providing forensic pathology services to Yolo County since 1997. On August 6, 2013, the Yolo County Board of Supervisors approved another two-year contract

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with FMG for \$210,000. The contract with FMG was approved as a sole source contract. A sole source contract is a contract awarded without a competitive bid process. The competitive bid process was waived because it was determined that forensic pathology services are so specialized, and there are so few providers in northern California, it would not be feasible to obtain multiple bids for service.

When a department head presents a sole source contract for approval by the Board of Supervisors, County policy requires the department head to identify a person within the department responsible for monitoring the contract and to delineate what compliance measures have been established.¹

Compliance Measures

The contract states that FMG will provide forensic pathology services “..... in a manner satisfactory to the Sheriff or his designee....”² Neither the contract itself nor the supporting documents presented to the Board of Supervisors explain what specific measures are to be used to monitor whether services are performed in a satisfactory manner or how often services will be reviewed. The Grand Jury learned that the Coroner's Division is generally satisfied with the services provided by FMG except in the area of timeliness of autopsy reports.

Timely Provision of Services

The contract requires FMG to perform an autopsy as soon as possible after it receives notification of death. The Grand Jury learned that FMG generally will perform autopsies within 1-2 days of notification but, over the last several months, FMG has “bumped” or rescheduled autopsies in Yolo County due to demands from other counties that also contract with FMG for forensic pathology services.

The contract requires FMG to submit a written report of autopsy within 30 days after the autopsy examination is conducted. As of December 30, 2013, there were thirteen (13) cases where FMG had conducted an autopsy or external exam but the report had been pending for more than sixty (60) days. The Coroner's Division cannot issue the death certificate to decedent's families or to other law enforcement agencies until the autopsy report is received.

¹ Yolo County Administrative Policies and Procedures Manual, Contracting and Purchasing Policies, September 9, 2008

² County Agreement for Provision of Forensic Pathology Services, Agreement No. 13-115, July 1, 2013

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The contract's Pricing Letter combines the autopsy examination and the report preparation into one charge for \$1,250. FMG bills the County for the entire \$1,250 within 30 days of performing the autopsy examination even where FMG has not yet produced a report. The Grand Jury learned that, as of December 30, 2013, in thirteen (13) instances, FMG billed, and Yolo County paid, the full \$1,250 charge for an autopsy and report even though the Coroner's Division had not received an autopsy report. The Coroner's Division has been working with the Finance Department in the Sheriff's Office to rectify this issue with FMG.

Expertise and Competency of Physicians

In this contract, FMG "warrants" to Yolo County that its physicians have the necessary training, experience, expertise and competency to provide forensic pathology services. When the Sheriff's Office presented the FMG sole source contract to the Board of Supervisors for approval, it represented, through documents, that FMG employed board certificated forensic pathologists. The contract itself does not require board certification in forensic pathology or any other specialty. The Grand Jury learned that the County does not verify whether any of FMG's physicians are licensed or board certified in forensic pathology.

FINDINGS

- F1.** Yolo County Coroner's Division operates in an efficient and professional manner. It is staffed with well-trained professionals who communicate and collaborate successfully with other organizations and law enforcement agencies regarding death investigations.
- F2.** The Policies and Procedure Manual for the Coroner's Division is complete and comprehensive but is not reviewed regularly for updates and revisions.
- F3.** The Coroners' Division has developed a successful intern program that assists the Division in meeting its staffing needs while providing an excellent learning opportunity for interns.
- F4.** The Agreement for Provision of Forensic Pathology Services No. 13-115, recently approved by the Board of Supervisors, does not set forth clear compliance measures that can be used to monitor the FMG sole source contract as required by Yolo County Contracting and Purchasing Policies. For example, the requirements that autopsies be performed "as soon as possible" and that forensic pathology services be performed "in a manner satisfactory to the Sheriff or his designee" are too vague to be enforceable.
- F5.** Recently the performance of FMG has been inconsistent in the timely completion of autopsies and autopsy reports. There is an unacceptable backlog in autopsy reports from FMG.

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- F6.** In some instances, the Coroner's Division has authorized payment to FMG for autopsy services which, according to the contract, include both autopsy and report, before the autopsy report has been received.
- F7.** Yolo County does not require as part of its contract with FMG, nor does it independently verify, the medical licensing or board certification of FMG physicians who perform autopsies in Yolo County.

RECOMMENDATIONS

- R1.** The Coroners' Division should require annual review of its Policies and Procedures Manual.
- R2.** The Agreement for Provision of Forensic Pathology Services should be amended to include clear measures to be used by the Coroner's Division to monitor the FMG sole source contract and a requirement that FMG physicians who perform autopsies for Yolo County provide proof of licensing and board certification in forensic pathology or another similar specialty.
- R3.** Coroner's Division should require FMG to take immediate measures to clear the backlog of autopsy reports.
- R4.** Coroner's Division should withhold payment for autopsy services until autopsy reports are received.
- R5.** Because the expertise and professional competence of FMG's physicians are central to the ability of the Coroner's Division to perform its mandated duties, the County should require FMG physicians who perform autopsies for Yolo County to present proof of medical licensing and board certification in forensic pathology or another specialty acceptable to the County.
- R6.** In 2015, if the Coroner's Division decides to contract for autopsy services using a sole source, the sole source justification must include, but not be limited to, the following:
- Performance standards for completion of autopsies and autopsy reports;
 - Documentation supporting the board certification of staff performing autopsies;
 - Cost analysis of alternative contract sources and provision of in-house services.

Yolo County Coroner's Division

REQUEST FOR RESPONSES

Pursuant to the California Penal Code Sections 933 and 933.05, the Grand Jury requests responses as follows:

From the following individuals and departments:

- Yolo County Sheriff-Coroner's Office: Recommendations R1, R2, R3, R4, R5 and R6
- County Administrative Officer: Recommendations R2, R5, and R6
- County Counsel: Recommendations R2, R5 and R6

From the following governing bodies:

- Yolo County Board of Supervisors: Recommendations R2, R5, and R6

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City of Woodland: A Real Estate Lender

SUMMARY

The Grand Jury investigated a complaint that the City of Woodland (City) was not properly executing its duties on a loan it made in 1995 to Leisureville Community Association (LCA). The Grand Jury learned:

- The City manages and administers a portfolio of affordable housing loans in excess of \$24 million.
- The City has not established a viable system for tracking or reporting on these loans.
- Between 1995 and 2013, the City neglected to manage the LCA loan which requires the City to review and approve annual budgets and semi-annual performance reports, to participate in the selection of the management firm responsible for managing the complex, and to receive residual receipts of operations to offset the interest of the loan.
- The City was made aware of the deficiencies in managing the LCA loan in July 2013 and responded by initiating actions to remedy the situation.
- The City is in the process of determining the full extent of its responsibilities and establishing protocol for managing its portfolio of affordable housing loans.

While the City is taking positive steps to ensure the LCA loan is managed as specified in the loan documentation, the Grand Jury recommends that the City create a database of its real estate loans, develop policies and procedures for managing the loans and report annually to the City Council on the status of its loan portfolio. These additional steps would help to ensure that similar problems would not occur with other loans in its portfolio now or in the future.

REASON FOR INVESTIGATION

A complaint was made to the Grand Jury regarding the operation and management of Leisureville, a co-operatively owned mobile home park in the City of Woodland. The complaint raised several issues that fall outside of the jurisdiction of the Grand Jury; however, the complaint also alleged the City of Woodland had neglected to provide required oversight of a loan made by the City to the Leisureville Community Association. As a result the Grand Jury investigated how the City of Woodland monitors loans in their real estate portfolio, with specific emphasis on whether the City had properly monitored the LCA loan.

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

City of Woodland: A Real Estate Lender

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.”

METHODOLOGY

The Grand Jury interviewed residents of Leisureville and managers from the City of Woodland. It also reviewed the following documents:

- Correspondence between the City of Woodland and LCA.
- Promissory Note dated April 7, 1995 between the City of Woodland and LCA.
- Portions of the loan agreement between the City of Woodland and LCA.
- Correspondence, both printed and electronic, between residents, the LCA, and the City of Woodland.
- Summaries of the City of Woodland Real Estate Portfolio, 2013.

DISCUSSION

The City of Woodland manages a real estate loan portfolio that includes large loans to non-profit organizations as well as loans to individual homeowners through programs like the First Time Homebuyer program.

The total real estate loan portfolio includes 172 loans and an initial loan value of over \$24 million. Originally, 169 of the loans were the responsibility of the Community Development Department and a portion of the portfolio was managed by the Woodland Redevelopment Agency.

The Woodland Redevelopment Agency, along with hundreds of others across California, was eliminated in the 2012 state budget. The Successor Agency to the Woodland Redevelopment Agency was established to wind down the

City of Woodland Real Estate Loan Portfolio Summary 2013		
Loan Type	Number of Loans	Initial Loan Amount
Multifamily	12	12,965,344
Inclusionary Units	133	6,953,793
Owner Occupied Rehab	10	355,348
Greenwood RDA Units	6	333,500
Home FTHB Units	8	265,634
	169	20,873,619
Successor Agency Loans	3	3,876,000
Grand Total	172	24,749,619
Key: FTHB: First Time Home Buyers; RDA: Redevelopment Agency; Inclusionary Units: Requires developers to set aside a portion of redeveloped or new housing for affordable units. Note: for two of the loans, information is not complete. Current loan value is not available for any of the loans.		

City of Woodland: A Real Estate Lender

functions of the former Woodland Redevelopment Agency. The Successor Agency has its own board (Oversight Board) that includes representatives from the City Council, Yolo County Board of Supervisors, Woodland Joint Unified School District, and other entities. Until recently, the Woodland Community Development Department managed all the loans that are held by the Successor Agency and by the City of Woodland.

City of Woodland and Leisureville Community Association Loan Agreement

Leisureville Community Association (LCA) is a cooperative formed in 1995 to purchase the Leisureville Mobile Home Park, with a requirement that:

- all residents purchase a share of the cooperative;
- 51% or more of the residents meet low income requirements; and
- subsidies are available for low-income residents.

A board of directors, elected by the residents, governs the LCA. The LCA, through the Board of Directors, hires a management company that does the day to day work of managing the community. The management company prepares the budget to be approved by the LCA Board, prepares the semi-annual reports, and hires all maintenance and support staff.

In 1995, with the assistance of the City of Woodland and the Yolo County Housing Authority, Leisureville Community Association (LCA) purchased the Leisureville Mobile Home Park. The purchase was made with a combination of commercial and federally supported loans. The federally supported loans were specifically from the “HOME”¹ program and the Community Development Block Grant (CDBG). The total loan amount from the City of Woodland was \$1.2 million. Payment on the principal of the loan is delayed and interest continues to accrue, until 2025 when the original loan, plus accrued interest, is due.

The LCA loan is unique for the City of Woodland as it calls for the City’s involvement in Leisureville’s budget and operations. According to the loan documents, the City is required to:

- receive and approve Leisureville’s annual operating budget prior to adoption by the Leisureville Board of Directors;
- review and approve management contracts;
- receive and review semi-annual progress reports from Leisureville; and
- accept annual payments for residual receipts to pay toward accrued interest.

¹ HOME is the largest Federal block grant to state and local governments designed exclusively to create affordable housing for low-income households.

City of Woodland: A Real Estate Lender

In turn, the LCA has five primary areas of responsibility to the City. The LCA is required to:

- submit budgets for review prior to their adoption;
- submit semi-annual financial reports;
- obtain approval from the City for management contracts;
- remit residual receipts each year to offset accrued interest; and
- repay the entire loan plus accrued interest to the City of Woodland in 2025.

The interest on the loan is accruing and increases the amount owed. To date, that unpaid interest has *increased* the loan amount, due in 2025, by over \$900,000.

The Grand Jury found that beginning shortly after initiation of the loan in 1995 until July 2013, the City of Woodland had not received and was inconsistent in requesting budgets, semi-annual reports, or residual receipts payments. To date, the City has not been involved in the extension of management contracts.

The Grand Jury inquired as to how the City had neglected its required oversight of the LCA loan for almost 20 years. The Grand Jury learned that the City does not maintain a single repository of information on its real estate loan portfolio. For example, records on the LCA loan were stored in several boxes without internal organization. Further, the City does not have policies and procedures outlining responsibilities and duties or levels of authority for dealing with real estate loans.

The City excuses its negligence by saying that typically, real estate loans have a term much longer than the typical City employee stays in a position. Nonetheless, the City has a responsibility for developing systems and processes that extend beyond the employment of any given individual.

Recent Actions by City of Woodland on Loan Management

The same complaints about lack of loan oversight had been made directly to the City and the City responded. Beginning July 2013, prior to Grand Jury involvement, the City submitted a claim for residual receipts for 2012-2013 and began insisting on annual budgets and mid-year reports from Leisureville.

The City has taken steps to stabilize the management of the Community Development Department (CDD). For instance, CDD has transferred the affordable housing duties including management of the real estate loan portfolio to the Community Services Department which had been previously known as Parks and Recreation.

City of Woodland: A Real Estate Lender

After reviewing the LCA financials, the Community Development Department staff recognized that the LCA may not be able to make a “balloon” payment of approximately \$3.0 million (principal plus accrued interest) in 2025. The City Manager and the Mayor, in a letter dated September 5, 2013 to LCA’s Board of Directors, informed LCA that the City may reconsider refinancing the loan subject to approval by the Woodland City Council in 2025.

The Grand Jury has seen no guidance in the rules or regulations, or in the contract, that suggests the Mayor or City staff have the authority to make these adjustments and promises.

In 2025, the LCA will have completed payment on its principal commercial loan and should be able to afford to pay back the City loan if it is approved for refinance. Any refinance of the current City loan will need to be approved by the City of Woodland’s City Council in 2025.

FINDINGS

- F1.** The City of Woodland has not met its required responsibilities in managing the LCA loan.
- F2.** The data and paperwork needed to effectively manage the City’s affordable housing loan portfolio are not organized so that information is easily accessible.
- F3.** The City has no policies and procedures in place regarding the administration of the affordable housing loan portfolio.
- F4.** Periodic reports to the City Council on the affordable housing loan portfolio would ensure that decisions were being made at the proper level, and that the staff would maintain the portfolio in a manner that provides transparency.
- F5.** The City holds a large portfolio of affordable housing loans from multiple funding sources with varied administration and accountability responsibilities that the City must fulfill.

RECOMMENDATIONS

- R1.** The Grand Jury recommends that by September 1, 2014, the City of Woodland create a database of its portfolio of affordable housing loans to ensure that the provisions of the loans are met. The database should include information such as: the identification of the entity receiving the loan, location, source of funds, loan amount, loan date, loan term, interest rate and the City’s responsibilities as outlined in the loan agreements.

City of Woodland: A Real Estate Lender

- R2.** The Grand Jury recommends that the City of Woodland direct the Community Services Department, the current agency administering the City’s loan portfolio, to develop a policy and procedure manual for real estate loans, identifying who is required to manage loans and how, and on whose authority, a loan can be modified. This policy and procedure manual should be completed by January 31, 2015.
- R3.** The Grand Jury recommends that the City of Woodland develop an annual report to the Woodland City Council regarding the real estate loan portfolio. It should include an updated database (see R1), the value and status of each loan and important outstanding issues. The first report should be presented by September 1, 2014.
- R4.** The Grand Jury recommends that the City of Woodland make it a priority to maintain trained administrative services necessary to effectively manage its affordable housing loan portfolio over time.

REQUEST FOR RESPONSES

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

From the following individuals:

- The City Manager, City of Woodland: Recommendations R1– R4

INVITED RESPONSES

- City Council, City of Woodland: Recommendations R3, R4

Mental Health Crisis Services in Yolo County

SUMMARY

The Grand Jury received a complaint that the Yolo County Department of Alcohol, Drug and Mental Health (ADMH) did not provide adequate services and resources to persons in mental health crises and their families. This prompted the Grand Jury to review the services provided by ADMH and to identify and describe public and community-based mental health crisis resources available in Yolo County. After interviewing personnel from ADMH, law enforcement agencies, hospitals, and community-based organizations, the Grand Jury found:

- ADMH treats clients in mental health crisis in their clinics; however, access to ADMH clinics is limited by hours of operation, location, and availability of psychiatrists.
- Law enforcement and hospital emergency rooms (ERs) are often the point of entry to treatment for people experiencing mental health crises; the numbers of these encounters are increasing annually.
- ADMH contracts with community-based organizations to augment its crisis services and works in cooperation and collaboration with them to serve the needs of people with mental illness.
- Yolo County recently received a \$1.7 million grant to establish a needed crisis response unit that will be comprised of mental health professionals and law enforcement personnel. The goal of this program is to provide needed crisis response wherever and whenever needed and to reduce the number of clients placed on involuntary holds, referred to emergency rooms or arrested and taken to jail.

DEFINITIONS

California Welfare & Institutions Code Section 5150 (5150): This Section allows a qualified officer or clinician to involuntarily confine a person deemed to have a mental disorder that makes him/her a danger to self, a danger to others, or is gravely disabled. The involuntary confinement may last up to 72 hours.

Alcohol, Drug & Mental Health (ADMH): A division of Yolo County Health Department that provides drug, alcohol and mental health services primarily to the indigent and Medi-Cal eligible.

Client: A person who utilizes mental health services.

Crisis Intervention Training (CIT): Specialized training for law enforcement provided through Peace Officers Standards & Training (POST). POST is a state agency that provides

Mental Health Crisis Services in Yolo County

training throughout California to law enforcement personnel.

Department of Employment & Social Services (DESS): A Yolo County department that offers a wide range of eligibility, employment and social programs.

Greater Access Program (GAP): State grant funding for counties to provide mental health services to the indigent.

Medi-Cal: Federal and State funded public health insurance program for low income persons.

National Alliance on Mental Illness (NAMI): An all volunteer organization that offers education, advocacy and support for people with mental illness and their families.

Senate Bill 82: \$142 million general fund allocation "...to increase capacity for client assistance and services in crisis intervention, crisis stabilization, crisis residential treatment, rehabilitative mental health services, and mobile crisis support teams."¹

Stakeholders: Community organizations, agencies, clients and individuals involved in a community response to mental health issues.

Yolo Community Care Continuum (YCCC): A non-profit organization established to better the lives of people with mental illness through direct services, advocacy, education and volunteer efforts.

REASON FOR INVESTIGATION

This investigation was prompted by a complaint that Yolo County ADMH was not providing adequate services or resources for individuals, and their families, undergoing mental illness crises.

The Grand Jury looked at ADMH and partner agencies to determine if Yolo County does indeed have responsive and timely mental health crisis services. The Grand Jury also reviewed the range of services ADMH provides. The Grand Jury focused on mental health services for individuals experiencing mental health crises.

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

¹ http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB82

Mental Health Crisis Services in Yolo County

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.”

METHODOLOGY

The Grand Jury interviewed the complainant and personnel from the following departments and organizations: Woodland and Davis Police Departments, Yolo County Sheriff’s Department, Woodland Memorial and Sutter Davis hospital emergency rooms, Yolo Community Care Continuum (YCCC), Yolo County Department of Alcohol Drug & Mental Health (ADMH), Yolo County Mental Health Board, and National Alliance on Mental Illness (NAMI) Yolo Branch and homeless shelters: Fourth & Hope and Davis Community Meals.

The Grand Jury reviewed the following documents and websites:

- Alcohol, Drug and Mental Health Policies & Procedures Manual
- Annual logs of 5150 incidents from Woodland Police Department, 2009 -2012
- Woodland Police Department Policies & Procedures Manual excerpt for 5150 incidents
- Annual logs of 5150 incidents from Yolo County Sheriff Department, 2009-2012
- Sheriff Department Procedures Manual excerpt for 5150 incidents
- Annual logs of 5150 incidents from Davis Police Department, 2009-2012
- Davis Police Department Procedures Manual excerpt for 5150 incidents
- Summary of 5150 incidents from West Sacramento Police Department, 2009-2013
- Yolo County website: www.yolocounty.org
- National Alliance on Mental Illness-Yolo County website: www.namiyolo.org
- Yolo Community of Care Continuum website: www.y3c.org

DISCUSSION

For the purposes of this report, the Grand Jury considered a person in “mental health crisis” if that person has a mental disorder that makes him/her a danger to self, a danger to others, or is gravely disabled. This corresponds with criteria contained in the California Welfare & Institutions Code Section 5150 utilized by law enforcement, physicians and mental health professionals to confine a person involuntarily for up to 72 hours for assessment and treatment of a mental health crisis.

The Grand Jury reviewed how Yolo County and the community entities partnered to provide mental health services to our residents in need of crisis intervention.

Mental Health Crisis Services in Yolo County

The Grand Jury looked at:

- ADMH's role and responsibilities in providing services
- Law enforcement as first responders
- Emergency Room procedures
- Community based mental health support
- Barriers to accessing mental health services

Alcohol, Drug & Mental Health

ADMH provides alcohol, drug and mental health services primarily to indigent and Medi-Cal clients.

The mission of Yolo County Alcohol, Drug & Mental Health (ADMH) "...is to enable individuals in our community who are affected by mental illness and serious emotional disturbances to achieve the highest quality of life. To accomplish this goal, services must be delivered in the least restrictive, most accessible environment within a coordinated system of care that is respectful of a person's family, language, heritage, and culture."²

The Grand Jury focused on how ADMH responds to people with mental illness in crisis. The Grand Jury learned that anyone who presents in crisis at an ADMH clinic will receive immediate care. A person, not in crisis, who presents to the clinic will be evaluated and scheduled for an appointment with a psychiatrist. The psychiatric appointment generally occurs within two weeks of the evaluation.

ADMH recognizes that there are shortcomings in services currently available to individuals and families dealing with mental illness crisis. These include:

- The County currently does not have a crisis response unit that would provide a mental health professional at the location of the client in mental health crisis.
- The Woodland ADMH clinic is only open Monday through Friday, 8a.m. to 5p.m. The clinic in West Sacramento is open Tuesday, Thursday and Friday, 8a.m. to 5p.m.; the Davis clinic is open Monday and Wednesday, 8a.m. to 5p.m. Currently there is no ADMH clinic serving Winters/Esparto and other rural areas.
- The County does not have a crisis center. A crisis center is not the same as an ADMH clinic. A crisis center would provide counseling and treatment in a safe place where clients can stay up to 23 hours while they are trying to decompress and stabilize.

² www.yolocounty.org/home/showdocument?id=7912 Yolo County Alcohol, Drug & Mental Health Department 2005 Compliance Plan, Page 3

Mental Health Crisis Services in Yolo County

- ADMH needs more psychiatrists and other mental health clinicians. Recruiting and retaining mental health professionals has been challenging due to a shortage of qualified professionals.
- The ADMH page on the Yolo County website is not easy to navigate, making it difficult for the public to access basic information about county mental health crisis services and resources.

The Grand Jury found that in 2013 the Yolo County Health Department began the process of merging three departments: the Health Department, ADMH, and the Department of Employment and Social Services (DESS). The County expects that combining these three departments will streamline access to services. For example, when a mental health client requests treatment in the newly formed agency, it is expected that he will receive an extensive initial assessment, be assigned a case manager, be given an appointment with a mental health professional and be introduced to a broad range of treatment and social services. The Grand Jury learned that the merger is not complete and questions remain about funding and division of labor that prevent stakeholders from determining if the new agency will provide services as efficiently as expected.

The Grand Jury learned that ADMH is working to improve how information is provided to the public. ADMH is updating its page on the Yolo County website with improved content. The front desk personnel at the ADMH clinic are receiving updated training with a focus on customer service. ADMH is developing a plan for publicizing available mental health services and how best to access them. The 24 hour crisis and access line now offers Spanish and Russian translations in an effort to reach the two largest non-English speaking populations in Yolo County.

The Yolo County ADMH was awarded a grant of \$1.7 million from SB82 funds. SB82 provides funding for client assistance and services in crisis intervention, stabilization, residential treatment, rehabilitative mental health services, and mobile crisis support teams. The ADMH grant received the highest score of the competing counties in California.

The grant money will be used to establish crisis response teams in West Sacramento, Davis and Woodland, as well as a team to serve the rural areas of Yolo County. These teams will consist of a licensed clinician and a peer support counselor. The teams will respond, along with law enforcement, to calls involving an individual in mental health crisis. The individual will be assessed on site and referred for treatment. The goal of this program is to provide needed crisis response and to reduce the number of clients placed on involuntary holds, referred to emergency rooms or arrested and taken to jail.

Mental Health Crisis Services in Yolo County

Law Enforcement as First Responders

In Yolo County law enforcement agencies are often the first to respond to situations involving individuals in a mental health crisis, either in homes or in public. Law enforcement is dispatched via the 911 system. Dispatchers do not always receive information necessary to advise the responding officer if the incident involves someone with mental health issues.

Not all Yolo County law enforcement personnel are specifically trained how to effectively respond to an individual in mental health crisis. The State provides Crisis Intervention Training (CIT) but not all Yolo County law enforcement officers have been able to participate in it. CIT training is not mandatory for Yolo County law enforcement officers. Currently, law enforcement agencies in Yolo County do not provide departmental in-service training in mental health crisis intervention.

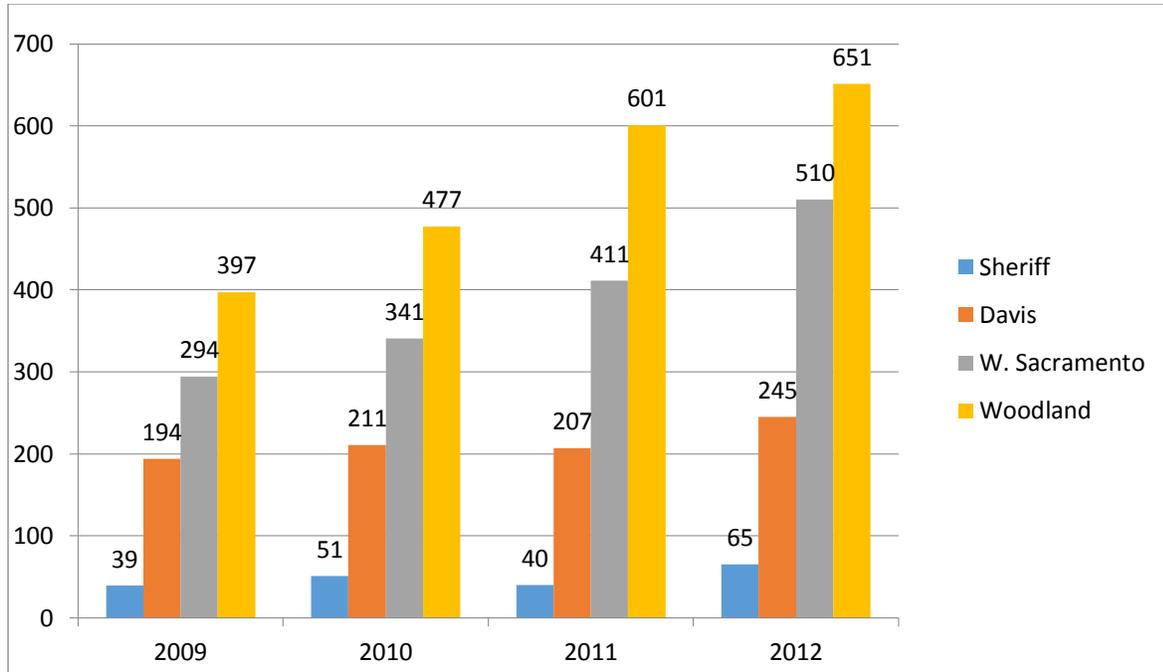
CIT is a four-day class covering “suicide intervention, guidelines for the use of force, recognizing acute psychotic episodes, post-traumatic stress disorder, and more. Training includes lectures, role play and demonstrations featuring experienced trainers from law enforcement, Veterans Administration, service providers, NAMI, clients, family members and the Yolo County Department of Alcohol, Drug & Mental Health.”³

Through CIT, officers and deputies are trained to interact with the individual and to decompress the situation. Law enforcement personnel evaluate the individual by “observation and conversation.” If, after evaluation, the officer believes the individual is a danger to himself or others, or if he is gravely disabled, the officer will detain the person and transport him to the nearest hospital emergency room for evaluation under Section 5150. If an individual experiencing a mental health crisis has committed a crime, the officer will take the person to jail.

The Grand Jury reviewed data from the Sheriff’s Department, Woodland Police Department Davis Police Department, and West Sacramento Police Department regarding 5150 events. The Grand Jury discovered that in 2009 these four law enforcement agencies handled 924 Section 5150 calls. These statistics escalated to 1471 calls in 2012. In these four years 5150 calls increased overall by 59.2% with corresponding consumption of law enforcement and hospital emergency rooms resources. See the graph on the following page:

³ Daily Democrat, Sunday March 16, 2014: Mental Health Crisis Training for Police

Mental Health Crisis Services in Yolo County



Law Enforcement 5150 Calls

Emergency Room Procedures

Local hospital emergency rooms (ER) regularly treat people with mental illness whether they arrive voluntarily or are brought in by law enforcement. Those individuals who are brought to the ER by law enforcement under Section 5150 can be detained up to 72 hours.

Upon intake, the ER staff assesses the patient for any medical issues that need immediate treatment. It is only after the patient is medically cleared that a mental health professional (a psychiatrist or a licensed clinical specialist) is contacted to evaluate the patient. These on-call mental health professionals are not located at the hospitals. Woodland Memorial Hospital contracts with Heritage Oaks Hospital in Sacramento to provide on-call mental health professionals for emergency room assessments. Sutter Davis Hospital contracts with Sutter Center for Psychiatry in Sacramento for these services. The current on-call system results in a delay between the time the patient initially arrives in the ER and the point at which he is assessed for mental health status and necessary treatment by a mental health professional.

Mental Health Crisis Services in Yolo County

There are three possible outcomes to mental health assessment in the emergency room:

- If the treating psychiatrist determines that additional evaluation or treatment is no longer required, an individual placed under a 5150 involuntary detainment may be released in less than 72 hours;
- If the patient is homeless, he may be referred to a local shelter;
- If the patient needs to be hospitalized, a bed must be available in an appropriate facility, which may be located in another area or in a different county. It may take hours, even days, to locate a facility and accomplish a transfer. If the patient is 17 years old or younger, locating an inpatient pediatric bed is a challenge as there is only one facility located in the greater Sacramento area.

The patient is maintained in the emergency room for as long as it takes to resolve the crisis or make the referral and transfer to an appropriate shelter or treatment facility.

Community-Based Mental Health Support

In Yolo County there are community-based resource options available to people with mental illness. ADMH contracts with many of the organizations identified below to provide a broad community response for mental health services.

The Grand Jury learned that mental illness affects not only the individuals suffering from mental illness, but also their families. The following community-based non-profits and dedicated volunteer organizations are available and willing to provide services and referrals:

Yolo Community Care Continuum (YCCC)

YCCC offers alternatives to inpatient psychiatric treatment through Safe Harbor and The Farmhouse.

Safe Harbor is a short-term crisis facility. YCCC has insurance contracts with Kaiser, Magellan, and Lifesynch. Safe Harbor can receive clients in crisis if they have coverage through one of these companies, or if their Medi-Cal coverage authorizes the stay. Clients, on average, stay less than 30 days, usually between 7 to 14 days. They are offered counseling and a safe place to stay while recovering.

The Farmhouse, located north of Davis, is a 10 acre working farm which offers long-term residential transitional housing. Clients can stay 6 to 18 months; they receive counseling and case management to help them transition back to home life. While staying at The Farmhouse they participate in farm operations and learn skills for independent living.

Mental Health Crisis Services in Yolo County

Admission to Safe Harbor and The Farmhouse is voluntary. A patient who is discharged from an inpatient facility, but who feels they need more structured surroundings, can transition to one of these facilities until they feel capable of going home. Some clients can bypass inpatient care and go directly to a transitional facility with a referral from a mental health professional. These transitional facilities are less expensive than psychiatric hospitals.

YCCC also offers cooperative housing with support services which teaches clients independent living skills.

YCCC has been awarded a Greater Access Program (GAP) grant that is specifically targeted for the indigent who are mentally ill. This program offers help to people who are unable to participate in traditional programs. Available services include outreach, direct mental health treatment, and substance abuse treatment, all wrapped within a treatment plan that is developed by the clinical specialist and driven by the goals of the client.

Homeless Shelters

Homeless shelters are a main resource for those individuals who have fallen out of the mainstream of society. Shelter staff estimates that 40 to 65 percent of the people staying at homeless shelters are suffering from some form of mental illness. The shelters offer a warm meal and a safe place to spend the night, but they are not equipped to treat the mentally ill. The shelters offer referrals to various agencies like YCCC, or ADMH if the client's mental health is stable. If the person is in a mental health crisis the shelter will refer them to a hospital emergency room.

The National Alliance on Mental Illness (NAMI)

NAMI-Yolo is an all-volunteer organization which offers education, advocacy and support to clients and their families. Currently, approximately 150 families are served by NAMI-Yolo. NAMI's website contains a wealth of information about mental health services and local resources. Basic questions can be answered through the links offered on this site. One will find:

- Family-to-family education classes;
- Peer-to-peer recovery education;
- A Crisis Toolkit provides phone numbers, information on what a person should do when they are in crisis, information on family rights, and other resources;
- Yolo County Mental Health Services website links to ADMH and a list of many other county resources;

Mental Health Crisis Services in Yolo County

- The Mental Health Roadmap offers information, links to community resources, and how to handle crisis situations;
- The Help-line offers information, referrals to resources and support from trained volunteers.

The Yolo County Local Mental Health Board (LMHB)

LMHB is made up of 15 members consisting of clients, family members and a member of the Yolo County Board of Supervisors. LMHB's purpose is to advocate for the seriously mentally ill. The Board reviews the annual county budget to ensure adequate funding for mental health services is maintained. LMHB also advocated for a mental health director to remain a part of the new health department merger. Currently there is a collaborative relationship between ADMH and LMHB with a focus on service to the client. LMHB also advocates for the mentally ill at the State and Federal levels.

Barriers to Access

The Grand Jury learned that it is difficult for individuals and their families, new to dealing with mental illness issues, to know where to turn for help. The Grand Jury identified the following barriers to accessing mental health services in Yolo County:

- Insurance rules for mental health coverage are often limiting and inconsistent. Some insurance companies only cover specified facilities and medications. An individual having Medi-Cal insurance is referred to ADMH which has the Medi-Cal contract for Yolo County.
- Cultural issues having to do with the stigma of mental illness prevent some persons from seeking needed services.
- Transportation can be a barrier to accessing mental health services because services are not always available in the client's community.
- The Yolo County ADMH website is difficult to navigate. Although ADMH collaborates with many community organizations to provide crisis services, its website does not contain links to those organizations or describe the services they provide. The County currently is updating the website to improve content and to provide easier access to needed information.
- It is difficult to obtain an initial appointment with an ADMH psychiatrist. This process can take two weeks or more for individuals who are not in crisis. Currently, there are not enough psychiatrists at ADMH to treat the volume of mentally ill clients. Recruiting and retaining psychiatric staff is a challenge for ADMH due to a shortage of qualified mental health professionals.

Mental Health Crisis Services in Yolo County

FINDINGS

- F1.** ADMH does treat clients in mental health crisis in their clinics; however, access to ADMH clinics is limited by hours of operation, location, and availability of psychiatrists.
- F2.** Statistics show that an increasing number of Yolo County people in mental health crisis enter the treatment system through Emergency Rooms or through law enforcement contact and involuntary 5150 holds.
- F3.** There is a need for more CIT-trained law enforcement officers to respond to the increasing number of 5150 calls in Yolo County.
- F4.** The recent ADMH grant should help provide enhanced crisis treatment to Yolo County residents.
- F5.** Recently the ADMH updated its webpage to provide a direct link to its 24 hour crisis line for English, Spanish and Russian. However, the site does not contain links to community-based organizations that provide mental health crisis treatment and resources.
- F6.** ADMH has not adequately publicized its relationship with, or the supplemental services provided by, the community-based organizations with which it contracts.
- F7.** It is too early to determine whether the pending merger of ADMH, DESS and Yolo County Health Department will streamline services to the mentally ill.

RECOMMENDATIONS

- R1.** Given the increase in 5150 calls in Yolo County, law enforcement agencies should develop a plan by October 1, 2014 to provide more officers with Crisis Intervention Training or departmental in-service training to help them respond to calls involving mental health issues.
- R2.** By October 1, 2014, Yolo County law enforcement agencies should develop an integrated response plan so certified Crisis Intervention Training officers are the first responders on calls involving individuals in mental health crisis.
- R3.** By September 1, 2014, the ADMH home page on the Yolo County website should be updated to make it easier to navigate and to provide more useful content, including a section for Frequently Asked Questions and links to community-based mental health resources.

Mental Health Crisis Services in Yolo County

- R4.** By July 1, 2015, Yolo County Health Department, ADMH, and the Department of Employment and Social Services should develop a method to measure and report, to the Board of Supervisors, whether the merger of the departments results in streamlined services for people with mental health issues.
- R5.** By January 1, 2015, ADMH should prepare a plan to address the barriers to accessing mental health treatment caused by difficulty in understanding insurance coverage, cultural and transportation issues.

REQUEST FOR RESPONSES

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

From the following individuals:

- Chief of Police, Woodland Police Department: Recommendation R1, R2
- Chief of Police, Winters Police Department: Recommendation R1, R2
- Chief of Police, West Sacramento Police Department: Recommendation R1, R2
- Chief of Police, Davis Police Department: Recommendation R1, R2
- Sheriff of Yolo County: Recommendation R1, R2
- Director of ADMH: Recommendations R3, R4, R5
- Director, Department of Health: Recommendation R4
- Director, Department of Employment and Social Services: Recommendation R4

DISCLAIMER

This report is issued by the 2013-2014 Yolo County Grand Jury with the exception of one juror who was recused. This grand juror did not participate in any part of the investigation, which included interviews, deliberations, and the making and acceptance of this report.

Proposition 218 Protest Election Process: “The Yolo Way”

SUMMARY

The Grand Jury reviewed the notification process Yolo County uses when conducting Proposition 218 protest elections after receiving a series of complaints regarding management of the Wild Wings County Service Area (Wild Wings CSA). After considering the numerous issues raised in the complaints, the Grand Jury narrowed the scope of its investigation to the Proposition 218 protest election notification process in Yolo County.

Proposition 218 restricts local governments’ ability to impose assessments and property related fees and property tax assessments to pay for specific services (i.e. water, sewer, lighting, etc.). While there are a number of traditional election formats outlined by Proposition 218, it also provides for a "protest election". These "protest elections" are unique in that a "yes" vote is cast by doing nothing and a "no" vote is cast by filing a protest with the governmental body holding the election. For Proposition 218 “protest elections” within the jurisdiction of Yolo County, the Board of Supervisors is required to send the notice of a Proposition 218 election to affected residents and property owners, advise them they can file a “protest,” and hold a public hearing to collect and tabulate “votes”.

The Grand Jury found that the Yolo County notification process meets the minimum standards required by Proposition 218. However, the Grand Jury discovered that other jurisdictions within Yolo County, and local governmental jurisdictions within California, provide better election notifications that are clearer, more informative, and encourage wider participation by residents and homeowners.

The Grand Jury calls on Yolo County to implement a Proposition 218 protest election process which:

- provides information to voters that fully describes the protest election process in an easily readable and understandable fashion;
- ensures eligible voters receive an easily understandable ballot with clear directions regarding how to submit a protest vote; and
- encourages public participation.

BACKGROUND

The Grand Jury received three complaints regarding the Wild Wings County Service Area (CSA). The complaints raised questions regarding the fiscal operations of the newly

Proposition 218 Protest Election Process: “The Yolo Way”

acquired golf course, the management of the loans and reserves for the CSA and whether the Proposition 218 election in 2013 complied with the law.

The Grand Jury found no fiscal improprieties within the Wild Wings CSA. The Grand Jury did find reason to further investigate the Proposition 218 protest election process.

METHODOLOGY

The Grand Jury reviewed the complaints and interviewed managers, staff and elected officials from the County of Yolo and residents of the Wild Wings CSA. In addition to the interviews, the Grand Jury reviewed the following documents:

- Yolo County Administrative Policy Manual (APM);
- County Service Area 2013-14 Budget Information;
- Wild Wings County Service Area Formation Document dated May 25, 2004;
- Wild Wings CSA Golf Course/Recreation Advisory Sub-Committee Formation Document, dated June 2, 2009;
- Text of Proposition 218;
http://www.lao.ca.gov/1996/120196_prop_218/understanding_prop218_1296.html
- Proposition 218 Implementation Guide, League of California Cities;
<http://www.cacities.org/UploadedFiles/LeagueInternet/c2/c2f1ce7c-2b14-45fe-9aaa-d3dd2e0ffecc.pdf>
- Proposition 218 documents for Wild Wings Homeowners; and
- Proposition 218 notices from other counties and local agencies.

The last interview was conducted on March 3, 2014.

DISCUSSION

County Service Areas

Yolo County provides some public services through County Service Areas (CSA). A CSA is a branch of county government that provides funding and management for a wide range of public services including lighting, fire protection, road maintenance, potable water supply, and wastewater treatment and disposal. It may also provide a limited number of these or other services depending on how and for what purpose it was formed. Each CSA provides public service needs unique to a particular community or neighborhood. Eleven CSAs have been established in Yolo County.

CSA Advisory Committees (CSA Committee) are established within each CSA to provide oversight of the delivery of services and financial status of each CSA. Services to these unique areas are funded initially in a manner similar to Special Districts through

Proposition 218 Protest Election Process: “The Yolo Way”

enactment of a parcel tax. A CSA Committee may also request the County hold an election under the provisions of Proposition 218 to fund existing services or to provide new services within a CSA.

CSA Committees are composed of community members who reside within the boundaries of the CSA for which that particular committee provides oversight. CSA committee members are appointed by the Yolo County Board of Supervisors. The CSA Committees act solely in an advisory capacity and may only make recommendations to the Board of Supervisors regarding the services provided by the CSAs. The ultimate authority regarding governance of a CSA resides with the Board of Supervisors.

Additional oversight of the CSA is provided by the Yolo County Department of Planning and Public Works (PPW). The PPW provides oversight through a County Service Area Manager (CSAM). The CSAM attends CSA Committee meetings, provides advice to the CSA Committee, and acts as a liaison between the CSA Committees and the Board of Supervisors. The CSAM also assists the Board of Supervisors in providing oversight of a Proposition 218 election process.

Proposition 218

Proposition 218 is contained in the California Constitution, Article XIID. It limits the authority of government agencies to impose property related fees or charges, including water rates. Like other taxpayer protections in California, Proposition 218 requires government agencies to follow certain procedures to adopt or increase water rates and limits those rates to the amounts necessary to provide the property related service.

In general, citizens understand the term “election” to mean that they will cast a vote on a ballot as they would in any other general election. This is not always the case with a Proposition 218 election where most of the increases to the cost for services will result from a “protest election.” In a “protest election”, if the residents or property owners oppose the proposed increase, they must submit a ballot in the form of a letter of protest prior to, or at, a public hearing scheduled to act on the matter. Residents who support the proposed increase “vote” by taking no action.

As with any other legislation or law, Proposition 218 provides only the basic requirements for implementation. The public agency has the ability to determine its own procedures as long as the basic requirements are met. Generally these requirements include a minimum amount of time a notice must be issued prior to the hearing date or a statement that an increase cannot be passed if a majority of the residents submit protest letters. Proposition 218 does not specifically state how the public notice is to be written or how much information should be included in this notice.

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Wild Wings County Service Area

The Wild Wings CSA was initially created in 2004 to provide oversight of the operation and maintenance of the potable water delivery and waste water treatment systems for the Wild Wings development. The Wild Wings development is composed of approximately 330 homes. In 2009 Yolo County acquired the Wild Wings Golf Club, which is located within the development. The oversight of the operation of the golf club then became the responsibility of the Wild Wings CSA.

During 2013, a Proposition 218 “protest election” was held on a proposed increase in the utility rates paid by the residents of Wild Wings. In accordance with the requirements of Proposition 218, the County drafted and mailed the required notice of a public hearing which took place on July 16, 2013. At the conclusion of the public hearing, the Board of Supervisors voted to pass the increases. There are no records indicating whether any Wild Wings residents attended the public hearing and no record that any protests to the proposed rate increase were filed.

Although the County complied with Proposition 218 during the 2013 election, the County provided only a minimum amount of information to residents regarding the voting procedure. The 2013 Wild Wings Proposition 218 public notice stated that written protests could be received at, or prior to, the public hearing. The notice did not clearly state that residents who opposed the increase would need to file a protest in order to “vote” against it nor did it advise residents as to the form a protest letter should take.

Administration of Proposition 218 Elections in Yolo County

The Grand Jury was not able to identify any written procedures maintained by Yolo County for the management of a Proposition 218 “protest election” within its jurisdiction. The Grand Jury learned that the County does not have an established policy or practice for receiving and recording election protests.

The Grand Jury found it difficult to locate and review the past Proposition 218 information within Yolo County. There is no specific collector and keeper of these records within the County and no location where a resident could go to review previously held Proposition 218 election records.

The Grand Jury learned that Yolo County did not offer Proposition 218 information in multiple languages during the 2013 Wild Wings CSA election.

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Proposition 218 Notices of Public Hearing

The Grand Jury reviewed Proposition 218 public notices issued by other agencies within Yolo County and other regions of California and found that the amount of information contained in Proposition 218 public notices varied widely from agency to agency, and among the various local governmental agencies within Yolo County.

For example, the Grand Jury reviewed Proposition 218 public notices from the City of Woodland. In addition to meeting the minimum requirements of the proposition, the City of Woodland also issued the Proposition 218 notice in multiple languages, informed the residents exactly how to participate in the process and included a statement explaining that if a majority of the residents protested, the increases could not be implemented. The Proposition 218 notice reviewed by the Grand Jury from the City of Davis also was specific in informing the citizens how to effectively protest the action.

The Grand Jury compared the Wild Wings notice of a public hearing with one from San Diego. The Grand Jury believes that the San Diego notice contained all of the important information that should be provided to residents and homeowners when a Proposition 218 “protest election” occurs. The San Diego notice:

- showed evidence of thoughtful graphic design intended to draw people’s attention to the information;
- specified who could file a protest (one written protest per affected property);
- specified what should be in the protest, and included a form that could be used as the protest letter;
- indicated that the information is available in alternative formats for disabled and non-English speaking residents;
- stated the consequence of a successful protest, and defined a successful protest.

The following graphic illustrates the visual difference between the two notices with the Yolo County example to the right overlapping the San Diego example.

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Visual Comparison of San Diego Notice of Public Hearing and Yolo County Notice of Public Hearing

You Can Protest the Proposed Rate Adjustment

You can use the form in this notice to register your protest against the proposed water rate adjustment. You can also choose to write a letter to the City, following the requirements below, or appear at the public hearing listed on the front cover of this notice to submit your written protest.

How Can I Participate?

Interested parties can comment on the proposed rates. California Constitution Article XIII D section 6 (Proposition 218) prohibits the City from implementing the new rates if a majority of the affected property owners or tenants file written protests opposing the rates before the end of the public hearing. Only one written protest per affected property will be counted towards the majority protest. Written protests must be received by the City Clerk, City of San Diego, Mail Station No. 20, City Administration Building, 202 C Street, San Diego, CA 92101, before the end of the public hearing which is scheduled for 10:00 a.m., November 21, 2013. Each protest must identify the affected property (by street address or Assessor's Parcel Number) and include the signature of the property owner or utility customer of record. In compliance with Proposition 218, e-mail protests will not be accepted. Fax protests will also not be accepted. Although oral comments at the public hearing will not qualify as formal protests unless accompanied by a written protest, the City Council welcomes input from the community during the public hearing.

Some customers will receive multiple notices

In order to ensure that all San Diegans are informed about possible water rate increases, these Notices are being sent to all City of San Diego water customers. If you are responsible for more than one bill, you will receive more than one Notice.

USE THIS FORM TO PROTEST THE PROPOSED WATER RATE INCREASE

_____, (Print first and last name) protest this proposed increase to water rates.

Property Address or Assessor's Parcel Number: _____

Signature: _____

If you wish to use this form as your protest, please fill out and mail in a stamped envelope to: City Clerk, City of San Diego, City Administration Building, 202 C Street, MS 20, San Diego, CA 92101 or deliver it to the City Clerk before the end of the Public Hearing on November 21, 2013.

This material is available in alternative formats upon request to accommodate persons with disabilities or non-English speakers. To order information in an alternative format, or to arrange for a sign language or oral interpreter at the November 21, 2013 hearing, please call the Clerk's office on or before November 8, 2013 at (619) 531-8000 (voice) or (619) 236-7012 (TTY).



Notice of Public Hearing

The San Diego City Council will hold a public hearing to consider a proposed water rate increase primarily as a result of an increase by the San Diego County Water Authority for the wholesale cost of water.

Interested parties are invited to attend. Read inside to learn more.

**November 21, 2013
10:00 a.m.**
City Administration Building
202 "C" Street, 12th Floor
Council Chambers

Thereafter, fees shall not increase by more than the Consumer Price Index (CPI-W and CPI-U) for the San Francisco-Oakland-San Jose, CA area for the most recent February to February as compiled by the Bureau of Labor Statistics.

At 9:00 a.m. (or as soon thereafter as circumstances permit) on July 16, 2013, in the Board of Supervisors Chambers, at 625 Court Street, Room 206, Woodland, California, the Board of Supervisors will hold a Public Hearing to consider the proposed fee increases, and to receive and consider all public comments, including but not limited to any protests against the proposed fee increases.

The water service that is the subject of this proposed increase is described in a fee rate analysis on file with the Clerk of the Board at 625 Court Street, Room 204, Woodland, California. This represents the estimated annual cost of providing water service to each parcel within the Wild Wings County Service Area

A detailed fee analysis is available to the public concerning the proposed fee increases, including the cost or estimated cost of providing the service for which each fee is proposed to be charged, the revenue sources anticipated to provide the service (including general fund revenues), and the bases of the allocation of the cost of the services. This information is available for review at the Office of the Clerk of the Board of Supervisors, at 625 Court Street, Room 204, Woodland, California.

All interested persons are invited to attend and be heard at the time of the hearing. As provided in the County Service Area Law, Government Code 25210.77a and following, any interested person may file a written protest with the Clerk of the Board at 625 Court Street, Room 204, Woodland, California, at or before the close of the public hearing.

Additional information regarding the proposed fee may be obtained from Regina Espinoza, County Service Area Manager, at (530) 666-8725.

Dated: May 21, 2013

Julie Dachtler
Clerk of the Board of Supervisors

By: _____
Deputy
(SEAL)

San Diego Notice of Public Hearing
Excerpt from full document located at: <http://www.sandiego.gov/water/pdf/rates/jan20142015publichearingnotice.pdf>

Yolo County Proposition 218 Notice of Public Hearing
Excerpt from full document located at: <http://www.yolocounty.org/home/showdocument?id=23040>

FINDINGS

- F1.** Yolo County met the minimum requirements of Proposition 218 for a proposed utility rate increase in Wild Wings, but did not adequately and clearly inform the residents how to successfully protest an election.
- F2.** Yolo County does not have a written set of procedures for the management of the Proposition 218 election process within its jurisdiction.
- F3.** It is not easy to locate or access all supporting documentation regarding a specific Proposition 218 action.
- F4.** There are other jurisdictions within Yolo County that have provided more detailed information to their residents about how a Proposition 218 "protest election" works.

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- F5.** Yolo County does not issue Proposition 218 related notices in languages other than English.

RECOMMENDATIONS

- R1.** By October 1, 2014, the County Administrative Officer shall work with the County Counsel, Clerk of the Board of Supervisors and the Department of Planning & Public Works to develop a set of procedures for a Proposition 218 election, including outlining each department’s responsibilities.
- R2.** By December 1, 2014, the Department of Planning & Public Works, in coordination with County Counsel and the Clerk of the Board, shall develop guidelines for the preparation of a Proposition 218 Public Notice. The notice shall include all legally required information and the following:
- a.* An explanation of the “protest” election process;
 - b.* How a resident can participate in the protest election;
 - c.* How the protests are counted and what constitutes a successful protest;
 - d.* How relevant information can be obtained; and
 - e.* How disabled and non-English speaking residents can participate.
- R3.** The Board of Supervisors shall consider including a protest form in the public notice to be completed and returned by a protesting resident for all future Proposition 218 actions.
- R4.** By October 1, 2014 the Board of Supervisors shall identify the appropriate department to maintain and make accessible Proposition 218 election records, consistent with the maintenance of other utility rate, election and financial records.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following individuals:

- County Administrative Officer: Recommendations R1 and R4
- Director of Planning and Public Works: Recommendation R2

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INVITED RESPONSES

- Board of Supervisors: Recommendations R3 and R4

DISCLAIMER

This report is issued by the 2013-14 Yolo County Grand Jury with the exception of two jurors who were recused from the interviews and investigations.

Yolo County Sheriff: Leadership Practices from the Wild, Wild West

SUMMARY

The 2013-14 Grand Jury received a complaint against the Yolo County Sheriff. The scope of the complaint and the fact that the subject of the complaint was an elected official were significant. The Grand Jury formed an ad hoc committee to complete a thorough and detailed investigation into the complaint. To ensure an unbiased and independent counsel, the Grand Jury sought legal advice from the State Attorney General through each step of the investigation. That advice was sought specifically with regard to allegations that included a call for the Sheriff's removal from office.

The complaint presented a broad range of issues including:

- Mismanagement, bad behavior and poor leadership;
- Non-compliance with County policies and procedures.

The Grand Jury learned that the County had been concerned with these same issues and had conducted multiple interviews and investigations into complaints regarding the Sheriff. However, the County's internal investigations were conducted in such a manner that the employees participating did not believe the interviews were confidential thus preventing them from speaking openly and freely in response to inquiries. In this Grand Jury investigation, most interviewees testified under subpoena and were assured of the confidentiality of the Grand Jury process.

In addition to issues raised by the original complaint, the Grand Jury also found acts of nepotism, favoritism, and management by intimidation, ineffective training and a Sheriff's Department burdened by poor morale. However, the Grand Jury did not find acts of willful or corrupt misconduct that rose to the level that warranted an accusation.

During this investigation, the Sheriff acknowledged an element of the complaint by issuing a memo to department leadership staff pertaining to nepotism. The Grand Jury has further recommendations regarding the updating and compliance with County policies, procedures, and training; the evaluation standards in the Sheriff's Department; supervisory authority of the command staff; and performance evaluations for elected department heads.

GLOSSARY

Nepotism: Favoritism shown to relatives or close friends by those with power or influence.

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Accusation: A written statement presented by the Grand Jury, charging an elected or appointed county public official with willful or corrupt misconduct in office.

Malfesance: The doing of an act that is positively unlawful or wrong; or the performance of a wrongful act that the person has no legal right to do.

Misfesance: The improper doing of an act that a person might lawfully do; or the performance of a duty or act that one ought or has a right to do, but in a manner so as to infringe upon the rights of others.

Nonfesance: The failure to act where duty requires an act; or neglect or refusal, without sufficient cause or excuse, to do that which is the officer's legal duty to do, whether willfully or through malice; or willful neglect of duty.

Provisional Employee: An employee fills a position where no eligible list exists. Position will be for no more than 6 months. Employee hired as a provisional appointment must meet the employment standards for the classification.

360 degree evaluation: An evaluation process where employees receive confidential, anonymous feedback from the people who work around them. Typically includes feedback from managers, peers and direct reports.

REASON FOR INVESTIGATION

The Grand Jury received a complaint regarding the Yolo County Sheriff asking the Grand Jury to investigate:

- Whether the Sheriff has shown undue favoritism towards those with whom he has friendships or with whom he is related;
- Whether the Sheriff has intimidated or attempted to influence witnesses in Grand Jury or litigation proceedings, or in County investigations regarding alleged harassment;
- Whether the Sheriff hired a personal friend as a temporary employee;
- Whether the Sheriff has inappropriately retaliated with adverse employment actions against employees who made complaints against him, disagreed with him, or otherwise displeased him;
- Whether the actions of the Sheriff warrant an accusation by the Grand Jury pursuant to Government Code § 3060 to remove the Sheriff from office.

California Government Code § 3060 provides, that in order to present an accusation to remove an appointed or elected official from office, the Grand Jury must find willful or corrupt misconduct in office; more specifically, acts of malfesance, misfesance, or

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nonfeasance. The misconduct justifying an accusation for removal from office does not have to be criminal; it need only be willful.

Examples of such acts would include: neglect of duty due to intoxication, embezzlement, receiving bribes or kickbacks, failure to keep required records, failure to perform duties of the office, or exercise of official power in a corrupt, malicious, arbitrary, or oppressive manner.

The Grand Jury did not find such acts of willful or corrupt misconduct that rose to the level that warranted an accusation. However, in addition to findings regarding the remaining elements of the complaint, the Grand Jury found other problematic issues including nepotism, management by intimidation and poor morale within the Sheriff's Department.

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."

METHODOLOGY

During the investigation, the Grand Jury interviewed a member of the Yolo County Board of Supervisors (BOS), current and retired staff and managers from the Sheriff's Department, representatives from Human Resources (HR) Department, County Counsel's Office, Yolo County Public Agency Risk Management Insurance Authority (YCPARMIA) and an independent contractor.

In addition to the 25 interviews of 21 witnesses, the Grand Jury reviewed the following documents:

- County of Yolo Administrative Policies and Procedures Manual: Equal Employment Opportunity, September 14, 2010; Workplace Security and Safety Policy, March 3, 1998; Code of Ethics – Standards of Ethical Conduct, June 2013; Workplace Civility, August 4, 2009;
- Yolo County Code, Chapter 6, Personnel Merit System;
- Yolo County Code Section 2-6.44, Nepotism Policy April 24, 2003, Amending Ordinance No. 1928;
- Yolo County Board of Supervisors Ordinance No. 1248, July 24, 2000. An Ordinance Amending Yolo County Code Section 2-6.44 pertaining to nepotism;
- Government Code Section 53235 Ethics Training under Assembly Bill 1234;
- Sheriff's Office General Orders Manual, Revised April 2003;

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- Yolo County Board of Supervisors' Minutes & supporting materials: March 4, 2003; March 18, 2003; March 25, 2003; April 22, 2003;
- Yolo County Code Section 2-6.07. Competitive examinations: Eligible list;
- Yolo County Code Section 2-6.26. Appointments: Procedure;
- Personnel Files; April 7, 2002 to November 17, 2013;
- Deputy Sheriffs' Association Memorandum of Understanding (MOU) July 1, 2012 - June 30, 2014;

The last interview was conducted on April 21, 2014.

All Grand Jury members are sworn to secrecy to assure that all complaints will be handled in a confidential manner, and they are admonished to never reveal confidential information outside the jury. For this investigation, most witnesses were subpoenaed, thereby not giving them the choice to testify.

In this year's Grand Jury investigations, all witnesses signed an admonishment not to reveal to any person, except as directed by the court, any matters regarding the nature and subject of the Grand Jury's investigation which they learned, during their appearance before the Grand Jury, until a final report is made public. A violation of this admonition is punishable as contempt of court.

This report is issued by the 2013-14 Yolo County Grand Jury, with the recusal of two jurors. They did not participate in any part of the investigation, which included interviews, deliberations, and the making and acceptance of this report.

In consideration of conflicts of interest between the County Counsel's Office and the Sheriff, as well as the District Attorney's Office and the Sheriff, the Grand Jury obtained the legal advisory services of the State of California, Office of the Attorney General.

DISCUSSION

During the investigation, the Grand Jury identified several areas of concern with the Sheriff's management practices. The effects of these practices and the areas of concern are described below:

Favoritism, Nepotism and Preferential Treatment

On December 10, 2001 the Sheriff hired an immediate family member for the Civil Section as a provisional employee. A provisional employee appointment may be made when no certified list of qualified candidates exists. A person employed under a provisional appointment shall serve at the pleasure of the appointing authority. The appointing authority in this case was the Sheriff.

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Four months later, in April 2002, the Sheriff was notified by the County Administrative Officer (CAO) that the family member's employment within his Department was in violation of the County Nepotism Policy Section 2-6.44, dated July 24, 2000, and that he was required to terminate his relative. On April 7, 2002, the relative resigned from the Sheriff's Department. On that same day, the CAO reassigned that same relative to the Probation Department, again as a provisional employee.

The Sheriff contacted several members of the Board of Supervisors, County Counsel and CAO to protest the Nepotism Policy. On March 25, 2003, the Board of Supervisors (BOS) approved an amended Nepotism Policy. The amended policy, Ordinance No. 1928, now allowed relatives to work in the same department as long as there are at least two levels of supervision between the two related parties.

On April 28, 2003, four days after the BOS amended action became effective, the immediate family member was rehired to the original position in the Sheriff's Department and the Sheriff authorized a ten percent salary increase.

The Grand Jury also learned that in July 2004, the Sheriff's Department had a certified eligibility list for a clerical position. A departmental supervisor was directed by the Sheriff to close the list without offering interviews to any of the qualified candidates. Once that recruitment's certified list was exhausted and closed, another immediate family member was then hired as a provisional employee in a clerical position.

Since the revision of the Nepotism Policy in 2003, the Grand Jury learned of instances where there were not at least two levels of separation between the Sheriff and immediate family members. The instances include:

- Personnel Action Form (PAF) determining the family member's salary was authorized by the Sheriff;
- Performance Evaluations and disciplinary actions for the family members were reviewed and approved by the Sheriff;
- December 2005, a family member received a Notice of Intent to Discipline, for insubordination and unauthorized use of department property, proposing a suspension of 16 hours; the Sheriff reduced this discipline to 8 hours. Three weeks later, in January 2006, the family member was promoted; and,
- From 2006 through 2013, the same family member received desirable assignments.

The current County nepotism policy, updated in 2003, permits employment of family members so long as neither family member is responsible for or influences any employment action. Typical actions not permitted would include: hiring, promoting, reclassifying,

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evaluating, making salary recommendation, assigning work resources, approving leave requests, disciplining or terminating employment.

The Grand Jury discovered multiple examples where the Sheriff's family members – known within the Department as “SD” – received preferential treatment for either themselves or their division, the “SD” had the Sheriff's ear and some employees believed they could influence his decisions to benefit areas which included early time off during the holidays, or other organizational and administrative matters. This preferential treatment was described that some co-workers would voice their wish to a “SD” in their division so they could get some desired equipment, staffing or technology.

The Grand Jury learned that in addition to family members, several friends and acquaintances of the Sheriff were hired into the Department as extra help or temporary employees. The Sheriff's practice of hiring friends and acquaintances as provisional, extra help or temporary employees avoids a competitive recruitment process and circumvents fair hiring policies and procedures of HR. It was reported that these special recruitment and hiring practices gave friends and acquaintances an inside advantage by providing knowledge and familiarity with the position, increasing the likelihood they could be eventually hired into full-time employment.

While these recruitment and hiring processes are not illegal, they clearly draw attention to the lack of 1) policies and procedures and 2) oversight to recognize and avoid conflicts of interest, and issues of fairness and ethics of the hiring process in the Sheriff's Department and Yolo County. Employees reported these acts of favoritism and nepotism as discriminatory, prejudicial and biased and that such preferential treatment has affected morale throughout the Department.

During a Grand Jury interview with the Sheriff, he learned that being in the same chain of command with his family members presents an inherent conflict of interest and he immediately issued a memo to the Undersheriff and captains, dated March 7, 2014, directing any future personnel actions regarding either of his immediate family members to the Undersheriff. This action was acknowledged by the Grand Jury as a start to Grand Jury recommendations.

The Grand Jury also found that through 2010 the Yolo County job application did not ask for family relationships for disclosure of nepotism. The current online Yolo County job application has corrected this issue.

Management by Intimidation

The Yolo County Workplace Civility Policy defines the expectations for civil behavior in

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the workplace. The policy states, “The Board of Supervisors encourages county employees to disclose any incidents of workplace incivility and assures employees reporting such activities shall be protected from threats, harassment, retaliation or any adverse employment action as a result of their reporting.”

The Grand Jury learned that on multiple occasions employees were threatened, intimidated and had experienced adverse employment actions as a result of challenging the Sheriff’s agenda. Examples of the workplace incivility are:

- During manager and supervisory meetings the Sheriff openly discussed employees who had made alleged claims of sexual harassment against him. He would ridicule, accuse the employees of lying and berate them in large group meetings. Those attending would then be threatened with “whatever is said in this meeting stays in the meeting.”
- Employees reported, to the Grand Jury, acts of retribution for following County policy that the Sheriff opposed. Those employees challenging the Sheriff’s command led to re-assignment within the Department, Internal Affairs investigations, informal corrective actions and minor disciplinary actions.
- The Sheriff, upon hearing of this Grand Jury investigation, made contact with other employees and associates to obtain information regarding activities of this Grand Jury. These actions left employees intimidated that their confidentiality as Grand Jury witnesses was compromised, putting them and other employees at risk of retaliation. Witnesses indicated that the Grand Jury’s assurances of confidentiality could not assure them that other witnesses would have the same integrity.
- There were attempts by the Sheriff to influence the selection of representatives of the Deputy Sheriffs’ Association (DSA) and of acts of retribution against elected DSA representatives who disagreed with the Sheriff’s agenda. The effect of these acts on the morale of the DSA discouraged deputy participation in representation and left DSA members less than confident in the role of the DSA to act effectively for its membership.
- Employees reported that although one’s classification may include management or supervisory duties, the Sheriff always has the final say. Proposed actions, including assignments, scheduling, evaluations, discipline and awards have been micromanaged by the Sheriff and often changed or revised from staff recommendations.

Poor Morale

Over the last two years, in an attempt to address issues of poor morale, HR conducted three separate investigations¹ regarding alleged intimidation, harassment, favoritism and

¹ Written investigative reports were not completed or were not available to the Grand Jury.

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other acts unbecoming an officer. Two of these investigations were not conducted in an impartial manner. Interviews were conducted onsite at the Sheriff's Offices and/or interviewees were selected by department leadership. Because of the manner in which these interviews were conducted, employees reported they felt their confidentiality was not protected and feared intimidation and retribution by the Sheriff. Employees explained that they chose loyalty to the Department by remaining silent rather than confront the concerns and issues of those investigations by the County Administration and HR. This lack of confidentiality continues to affect employee morale.

The Grand Jury also learned that deputies within the Department are held to "unwritten work standards" affecting employees' monthly and annual performance evaluations. The standards include items such as the number of monthly reports written, patrol miles driven, and types of arrests, with a higher degree of arrests earning more value and prestige. It was also learned that these standards are applied differently among supervisors, allowing employees to be treated inconsistently in evaluations, making it impossible to confront or address the evaluation criteria.

The Sheriff's Department Field Operations Division uses baseball metaphors for internal performance evaluations; a felony arrest is a "homerun" while a misdemeanor is a "double" and a citation is only a "single." Described as "playing a sports game," deputies would be expected to reach an above average score in order to avoid a negative performance evaluation. This statistical ranking competition, or "the game," while potentially motivational, is considered by deputies and supervisors as punitive and demoralizing. Employees reported that along with negatively affecting morale, this also has the potential of placing the public at risk of unfair targeting for the chase of the "homerun."

The Grand Jury learned that some employees were less inclined to distinguish themselves for promotion, and have less incentive to improve skills and education, when they do not believe they have a fair chance at earning a promotion. Employees who joined the Department intending to protect, serve and help the community reported that they question the Department's current values and belief system.

HR Practices

Yolo County Human Resources Department functions to recruit, develop and retain a high quality workforce. Its responsibilities include: labor and employee relations; recruitment, classification and compensation; risk management; and training and development.

The Sheriff's Department operates, with a staff of more than 250 employees assigned to one of three areas: Field Operations (78), Detention Center (159), and Administrative

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Services (16). Law enforcement staff described the department as a paramilitary organization having a clearly organized chain of command, and operating with minimal external administrative support or oversight from the County Human Resources Department.

While the mission of the Yolo County HR Department is, “To provide collaborative human resource services and to preserve the integrity of the personnel system consistent with county values...” the Grand Jury found this mission to be inconsistent with the current HR practices with the Sheriff’s Department.

The Grand Jury discovered that HR does not provide proactive oversight of County policies and procedures for personnel actions for the Sheriff’s Department; acting instead primarily in an advisory role or on an “as requested” basis. Often, HR does not get involved with hiring, promotions, evaluations or disciplinary actions until after being notified by the Sheriff’s Department of its decision and action. These employment actions are often decided unilaterally by the Sheriff’s leadership.

In addition to personnel practices, HR is responsible for countywide organizational and staff training programs. The Grand Jury learned that all harassment and ethics training related to State law and compliance are online courses. These courses have not been revised or updated in over 10 years and do not allow for employee input or feedback. As such, these old and repetitious online trainings, mandated bi-annually, are timed to be completed within two hours; and witnesses stated that these courses do not demonstrate skill or knowledge attainment and require only minimum effort or reflection.

The Grand Jury further learned that Assembly Bill 1234 (AB 1234) requires local officials to periodically receive training on public service ethics laws and principles. This training was mandated in January 2006 by the State of California, Office of the Attorney General, directed by the Fair Political Practice Commission and is required for all appointed and elected officials every two years. The law requires that upon completing the training, a Proof of Participation Certificate be signed and maintained on file. The Grand Jury found only one certificate, for October 2011, signed by the Sheriff stating that he understood that the: “Laws relating to fair processes including but not limited to... disqualification from participating in decisions affecting family members.” The extent of training received by the Sheriff from 2006 to 2011 could not be determined from the existing HR records.

Accountable Only to the Voters

The Grand Jury learned that every Yolo County employee is evaluated for performance with the exception of elected officials. Currently, there are 11 elected officials within the County who are not evaluated. The Sheriff, as department head, performs his duties as an elected official.

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Within the last two years, the County Administrative Officer (CAO) initiated a 360 degree evaluation for all appointed Department Heads, which excludes elected officials. Such an evaluation would encourage input and feedback from peers, constituents and members of the Board of Supervisors which would formally establish a mechanism to assist in setting goals, and would provide a useful means for improving quality of work and self-correction.

The Grand Jury learned that an elected official is only held accountable by registered voters residing within the elected official's jurisdiction.

FINDINGS

- F1.** Favoritism, nepotism and preferential treatment of employees have adversely affected employee morale of the Sheriff's Department. These practices by the Sheriff involve hiring, promotion, assignments and discipline.
- F2.** The Sheriff uses or creates provisional or extra help positions to employ personal friends and relatives.
- F3.** The Sheriff has engaged in hiring immediate family, authorizing their assignments, determining their promotions and salary, and using final authority to determine disciplinary actions.
- F4.** The HR Department conducted three ineffective investigations related to allegations of harassment and poor morale at the Sheriff's Department.
- F5.** The Sheriff's Department, a military-like structure, with a clear and rigid chain of command operates with minimal external administrative resources, particularly the County HR Department and labor organizations.
- F6.** The Sheriff's micromanagement reduces Department supervisors' and managers' authority to lead and evaluate staff.
- F7.** The Sheriff's Department operates with unwritten work standards for deputies who are evaluated by these standards on a monthly and annual basis. These standards are inconsistently applied by supervising staff.
- F8.** The Sheriff failed to observe County Code Section 2-6.44 Nepotism Policy by hiring immediate family members and determining their salaries, promotions, assignments, performance evaluations and discipline.

Yolo County Sheriff: Leadership Practices from the Wild, Wild West

- F9.** The Sheriff was unaware of the contents and intent of the State of California Public Service Ethics AB 1234.
- F10.** The Grand Jury was unable to determine the County's compliance with the State of California Public Service Ethics AB 1234 mandated training for 2006-2011 for the Sheriff.
- F11.** HR manages harassment and ethics online training courses for all employees to comply with state and federal laws. These outdated and repetitious trainings are found to be inadequate and ineffective.
- F12.** The HR Department serves in an advisory role and lacks appropriate oversight and accountability of personnel matters at the Sheriff's Department.
- F13.** The CAO and HR have insufficiently monitored and audited the Sheriff's Department compliance with County Codes and Policies and Procedures.
- F14.** The CAO conducts a 360 degree evaluation for all appointed Department Heads. This evaluation process currently excludes elected officials.

RECOMMENDATIONS

- R1.** By September 30, 2014, the HR Department shall review and revise the County nepotism policies and existing practices including prevention, monitoring and reporting of conflicts of interest.
- R2.** The HR department will annually review nepotism practices in the Sheriff's Department. Such a review shall ensure ethical standards are established and a procedural firewall exists between related employees. This annual review will be presented to the Board of Supervisors with findings and recommendations by December 1, 2014 and each following year.
- R3.** By September 30, 2014, the CAO shall review and revise the County's mandated training requirements and compliance with the State of California Public Service Ethics as directed by AB 1234.
- R4.** By November 30, 2014, the Sheriff's Department in collaboration with HR shall review and revise the evaluation standards (written and unwritten) used for all department job classifications to establish a fair and objective set of written guidelines.
- R5.** By September 30, 2014, the Sheriff's Department in collaboration with HR shall develop a plan to reinforce the authority of the command staff. This plan shall define

Yolo County Sheriff: Leadership Practices from the Wild, Wild West

the level of authority of supervisors and managers for supervising, evaluating and effectively recommending personnel actions for the staff they oversee.

- R6.** By June 30, 2015, the leadership of the Sheriff's Department, in collaboration with HR, shall develop and implement an internal training program to promote and encourage upward mobility within the department up to and including the elected official's position. Such a training program will serve as a blueprint for department succession planning.
- R7.** By December 1, 2014, HR shall review and update Harassment and Ethics online training programs and implement a training program that includes classroom (in-person) training.
- R8.** By November 1, 2014, the CAO shall revise and extend the current 360 degree evaluation process to include an opportunity for all elected department heads to participate.
- R9.** The Grand Jury recommends that elected public officials submit themselves to the 360 degree evaluation process used by all other department heads in the County.

REQUEST FOR RESPONSES

Pursuant to Penal Code § 933.05, the Grand Jury requests responses as follows:

From the following individuals:

- Yolo County Deputy CAO/HR Director: Recommendation R1, R2, R4, R5, R6 and R7
- Yolo County CAO: Recommendation R3 and R8

INVITED RESPONSES

- Yolo County Sheriff: Recommendation R4, R5, R6 and R9
- Yolo County District Attorney: Recommendation R9
- Yolo County Assessor: Recommendation R9
- Yolo County Clerk-Recorder: Recommendation R9
- Yolo County Public Guardian: Recommendation R9

Yolo County Sheriff: Leadership Practices from the Wild, Wild West

DISCLAIMER

This report is issued by the 2013-14 Yolo County Grand Jury with the exception of two jurors who were recused. These grand jurors did not participate in any part of the investigation, which included interviews, deliberations, and the making and acceptance of this report.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX RESPONSES TO THE 2013-2014 FINAL REPORT

APPENDIX

**RESPONSES TO THE
2013-2014
YOLO COUNTY GRAND JURY
FINAL REPORT**



Includes those responses received by June 10, 2014. Responses to the 2013-14 Grand Jury report received after June 10, 2014 will be posted as they are received at www.yolocounty.org/grand-jury and will be printed in the 2014-2015 Consolidated Final Report.

**YOLO COUNTY PROMOTION PRACTICES: NEED FOR STANDARDS AND OVERSIGHT
YOLO COUNTY DEPARTMENT OF PLANNING AND PUBLIC WORKS RESPONSE**

Subject: Fw: Yolo County report regarding Planning and Public Works

From: Grand Jury (grand-jury@sbcglobal.net)

To:

Date: Friday, May 30, 2014 8:52 AM

On Wednesday, May 28, 2014 1:03 PM, Ed Smith <Ed.Smith@yolocounty.org> wrote:

Dear Foreperson:

The Yolo County Department of Planning and Public Works has reviewed your report dated April 17, 2014 regarding Yolo County Promotion Practices. The Department concurs with your findings #F6 and F7. The department Agrees with recommendation #R3. Because of the comprehensive nature of the needed response the department will work with the Yolo County Department of Human Resources to implement this recommendation prior to October 15, 2014.

A hard copy of this response is being sent to the Honorable Daniel Maguire, of the Yolo County Superior Court with a copy to you.

Sincerely yours,

Edmund C. Smith
Interim Director

MENTAL HEALTH CRISIS SERVICES IN YOLO COUNTY: WEST SACRAMENTO POLICE DEPARTMENT

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: MENTAL HEALTH CRISIS SERVICES IN YOLO COUNTY Report Date: MAY 13, 2014

Response by: THOMAS McDONALD Title: WEST SACRAMENTO POLICE DEPT CHIEF OF POLICE

FINDINGS

I (we) agree with the findings numbered:

F1, F2, F3, F4, F6, F7

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

RECOMMENDATIONS

Recommendations numbered: R1, R2 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: 5.28.14 Signed: _____

Total number of pages attached 3

MENTAL HEALTH CRISIS SERVICES IN YOLO COUNTY: WEST SACRAMENTO POLICE DEPARTMENT

WEST SACRAMENTO POLICE DEPARTMENT

MEMORANDUM

May 23, 2014

TO: HONORABLE DANIEL MAGUIRE,
SUPERIOR COURT OF CALIFORNIA
724 COURT STREET WOODLAND, CA 95695

FROM: THOMAS MCDONALD, CHIEF OF POLICE
WEST SACRAMENTO POLICE DEPARTMENT
550 JEFFERSON BLVD. WEST SACRAMENTO, CA 95605

SUBJECT: RESPONSE TO GRAND JURY REPORT-
MENTAL HEALTH CRISIS SERVICES IN YOLO COUNTY

The West Sacramento Police Department has received the Grand Jury Report, findings and recommendations on the above subject matter dated May 13, 2014. This memorandum is being submitted in direct response to:

- R1. *Given the increase in 5150 calls in Yolo County, law enforcement agencies should develop a plan by October 1, 2014, to provide more officers with Crisis Intervention Training or departmental in-service training to help them respond to calls involving mental health issues.***

The West Sacramento Police Department currently has 64 sworn police officers. Of those, 41 officers have attended the Crisis Intervention Training (CIT). The department recognizes the need for all employees who deal with the public to further their education and training in the area of mental health awareness. As such, it was determined that all police personnel (sworn and non-sworn staff) are to attend CIT by February 2015.

The current CIT course of instruction that is department approved is hosted by the Sacramento County Regional Intervention Team, in conjunction with the Sacramento County Sheriff's Department. This course of instruction is a California POST certified, Plan IV course. They have earned this certification by meeting the exceptionally stringent standards as set forth by the Peace Officers Standards and Training Commission of California. This CIT course is taught by a physician, who specializes in this same field. This class is a one day course designed to assist first responders with identifying and assisting individuals with mental illness. CIT is designed to promote community solutions to assist individuals with a mental illness.

MENTAL HEALTH CRISIS SERVICES IN YOLO COUNTY: WEST SACRAMENTO POLICE DEPARTMENT

The training is expected to increase the safety of patrol officers, consumers, family members, and other citizens within our community. CIT reduces both the stigma and the need for further contact within the criminal justice system. Students are provided with an overview of the basic symptomology of mental illnesses, tactics for communication with the sufferers of mental illness and an awareness of the community resources available. All training and attendance is being carefully tracked and monitored within the department's training division.

Recognizing the importance of this specialized training, this CIT course through the West Sacramento Police Department, was offered to other city employees who are expected to deal with the public. Their attendance is voluntary.

R2. *By October 1, 2014, Yolo County law enforcement agencies should develop an integrated response plan so certified Crisis Intervention Training officers are the first responders on calls involving individuals in mental health crisis.*

All West Sacramento Police sworn and non-sworn personnel will have completed this CIT by February 2015.

The City of West Sacramento and the police department is currently collaborating with the Mental Health Services Oversight and Accountability Commission (MHSOAC) in their efforts with the SB82 Grant Program, Community Based Crisis Response (CBCR). This program is expected to be on-line by the end of 2014.

Two CBCR clinicians will be housed at the West Sacramento Police Department and will provide a joint response and clinical support to police personnel responding to those experiencing mental health issues or who are in crisis. They will offer therapeutic intervention in order to avoid less effective and more costly alternatives such as hospitalization or jail. The peer counseling component provides follow-up support after a crisis event has passed. This is in support of facilitating access to and engaging in services that will prevent future crisis events; and promote recovery and wellness.

It is anticipated that this program will be offered during evening hours and days of week with the highest crisis call volume.

APPENDIX RESPONSES TO THE 2012-2013 FINAL REPORT

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

YOLO COUNTY PROBATION DEPARTMENT: EVALUATING THE RISKS OF RECIDIVISM



Community Corrections

County of Yolo

PROBATION DEPARTMENT

PROBATION OFFICES
2780 East Gibson Road
Woodland CA 95776
(530) 406-5320
FAX (530) 661-1211

JUVENILE DETENTION
2880 East Gibson Road
Woodland CA 95776
(530) 406-5300
FAX (530) 669-5802

Email: probation@yolocounty.org



Marlon Yarber
Interim Chief Probation
Officer

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

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

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

RE: Yolo County Grand Jury Report – Yolo County Probation Department: Evaluating the Risks of Recidivism

Honorably Judge Maguire:

The following is the response to the 2012-2013 Yolo County Grand Jury Report entitled “Yolo County Probation Department: Evaluating the Risks of Recidivism” from the Yolo County Probation Department and the Community Corrections Partnership executive committee. For purposes of readability, we have included the Grand Jury’s findings recommendations in **bold**.

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.

Interim Chief Probation Officer response:

The Interim Chief Probation Officer agrees with the recommendation and notes that as of the issuance of the grand jury report, the Probation Department had already established and implemented agreements with partner agencies regarding responses to violation behaviors. The Probation Department convened two meetings with law enforcement and court partners (April 10, 2012 and September 5, 2012) to address concerns about violation policies and practices related to adult offender supervision. The resultant agreements remain in effect, and include but are not limited to: description of when Violations of Probation would be filed; examples of situations that warrant Probation placing a hold on an offender; and instances where law enforcement discretion will be utilized in arrest, booking and VOP decisions.

YOLO COUNTY PROBATION DEPARTMENT: EVALUATING THE RISKS OF RECIDIVISM

- 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.**

Interim Chief Probation Officer response:

The Probation Department has partially implemented this recommendation. Through support from an existing grant project, validation of the Positive Achievement Change Tool is underway within Juvenile Probation Services. As funding is obtained and required data are collected, the YCPD will proceed with validation studies of assessment tools in other operational areas (Adult Probation, Pre-Trial, and Detention). Given that the YCPD will transition to new assessment tools, it is noted that 2-3 years of data are often required to initiate validation studies of this type.

- 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.**

Interim Chief Probation Officer response:

The Probation Department has partially implemented this recommendation through development of a data dashboard in response to system needs of the Community Corrections Partnership (CCP) and Board of Supervisors. On June 10, 2013, the CCP unanimously approved public access to the Yolo County Adult Community Corrections Data Dashboard, which provides a snapshot of current statistics relative to the adult offender population and current strategies implemented in response to Public Safety Realignment. Measuring the impacts of this and other legislation (such as SB 678) extends beyond the scope and resources currently afforded to the YCPD. The California Board of State and Community Corrections and the Administrative Office of the Courts have taken responsibility for data collection as it relates to system impacts. Moving forward, the YCPD must balance pursuit of its mission with the emerging leadership role it has assumed since the inception of Realignment.

As resources become available, the YCPD will seek alternatives for automated system improvements. In addition to developing the Data Dashboard, the YCPD has already initiated development of “gap analysis” at the suggestion of Yolo County Information Technology and Telecommunication. This analysis included line staff input and an assessment of the current case management system functionality compared to “off-the-shelf”, vendor-developed systems.

- 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.**

Community Corrections Partnership executive committee and Interim Chief Probation Officer response:

The Community Corrections Partnership (CCP) agrees with the recommendation and notes that as of the issuance of the grand jury report, the CCP had already implemented a process for posting its meeting materials to the Yolo County website. Additionally, on June 10, 2013, the CCP unanimously approved

YOLO COUNTY PROBATION DEPARTMENT: EVALUATING THE RISKS OF RECIDIVISM

public access to the Yolo County Adult Community Corrections Data Dashboard, which provides a snapshot of current statistics relative to the adult offender population and current strategies implemented in response to Public Safety Realignment. The Data Dashboard will likewise be accessible through the Yolo County website. We hope the website enhancement will prove advantageous to public access of relevant materials.

YOLO COUNTY PROBATION DEPARTMENT: SLOW RESPONSE TO NEEDED CHANGE



COUNTY OF YOLO

Office of the County Administrator

Patrick S. Blacklock
County Administrator

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www.yolocounty.org

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

June 25, 2013

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

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

RE: Yolo County Grand Jury Report – Yolo County Probation Department: Slow Response to Needed Change

Honorably Judge Maguire:

The following is the response to the 2012-2013 Yolo County Grand Jury Report entitled “Yolo County Probation Department: Slow Response to Needed Change” from the Yolo County Board of Supervisors, County Administrator, Chief Probation Officer and Human Resources. For purposes of readability, we have included the Grand Jury’s findings recommendations in **bold**.

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

Human Resources response: This recommendation has been implemented.

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.

Chief Probation Officer response: This recommendation has already been implemented. The Probation Department’s plan for implementation of new Policies and Procedures has proceeded faster than expected. Draft policies were completed mid-April and meet-and-

YOLO COUNTY PROBATION DEPARTMENT: SLOW RESPONSE TO NEEDED CHANGE

confer with the Probation bargaining unit began April 29, 2013. The YCPD released the final draft of policies to staff on June 6, 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.**

Human Resources & Chief Probation Officer response: This recommendation has already been implemented. Internal Affairs/Peace Officer Bill of Rights Training was delivered department-wide to all Supervisors and Managers on February 20, 2013. Makeup training (2 staff) is tentatively scheduled for July 2013. Human Resources provided performance evaluation training to all employees on January 15, 2013, January 16, 2013 and January 24, 2013.

- 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.**

County Administrator, Human Resources & Chief Probation Officer response: This recommendation has already been implemented. Yolo County Administration, Probation Department management and Human Resources representatives have been meeting on a regular basis to review a series of recommendations and actions related to the reports referenced. This staff workgroup uses a project management table to track all recommendations and their status. Action items and associated updates will continue to be provided to the Board of Supervisors on a regular basis.

- R5 The Board of Supervisors should ensure the plan developed pursuant to R4 is implemented.**

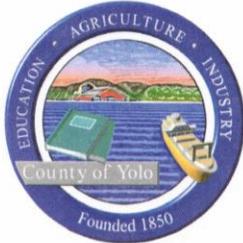
Board of Supervisors response: This recommendation has already been implemented (see response to R4).

- 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.**

YOLO COUNTY PROBATION DEPARTMENT: SLOW RESPONSE TO NEEDED CHANGE

Board of Supervisors response: This recommendation will be substantially implemented by September 1, 2013, however it is subject to the meet-and-confer process with labor representatives which could extend beyond this date.

YOLO COUNTY FINANCE: TRACKING CHANGES



COUNTY OF YOLO

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

RE: Yolo County Grand Jury Report – Yolo County Finance: Tracking Changes

Honorably Judge Maguire:

The following is the response to the 2012-2013 Yolo County Grand Jury Report entitled “Yolo County Finance: Tracking Changes” from the Yolo County Board of Supervisors, County Administrator, Human Resources and the Board of Supervisors on behalf of the Board Audit Committee. The Yolo County Auditor-Controller response came under separate cover on May 31, 2013. For purposes of readability, we have included the Grand Jury’s findings and recommendations in **bold**.

F1 Department staff preparing payroll can pick up and distribute checks in violation of Yolo County internal controls.

County Administrator and Human Resources response: The respondents agree with this finding. In theory, it is possible for anyone to violate any rule, policy or law.

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.

Human Resources response: The respondent disagrees partially with this finding. The Auditor-Controller’s term does not end until December 31, 2014. Still, a job description (class specification) for Director of Finance will be developed by October 31, 2013 as part of the countywide fiscal class study.

YOLO COUNTY FINANCE: TRACKING CHANGES

Auditor-Controller response sent under separate cover: 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.

F3 Requisite financial reporting is late and bank reconciliations have been from three to six months late because finance operations are understaffed.

Human Resources response: The respondent agrees with this finding and has recommended to the Auditor-Controller that an additional position be requested as part of the 2013-14 budget development process.

Auditor-Controller response sent under separate cover: 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 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.

F4 The County uses multiple systems to collect "hours worked."

Human Resources response: The respondent agrees with the findings

Auditor-Controller Response sent under separate cover: 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.

F5 Some finance personnel lack requisite accounting, finance or software backgrounds.

Human Resources response: The respondent disagrees wholly with this finding. Every employee in the County is hired into a classification that sets forth the essential functions performed by the incumbent as well as the minimum education, experience, knowledge and abilities required for the job. Before an individual is hired, Human Resources certifies that the person possesses the minimum education and experience required in the class specification.

YOLO COUNTY FINANCE: TRACKING CHANGES

Auditor-Controller Response sent under separate cover: 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.

F6 Departments in Yolo County tend to function autonomously, which could lead to lack of management accountability.

County Administrator response: The respondent disagrees partially with this finding. While departments are provided leadership autonomy to achieve their goals, management accountability is a strong component of the County's leadership structure. As one example, all appointed department heads participate in an annual 360 evaluation process which provides an opportunity for feedback from both internal and external sources.

F7 The external auditor has found repeated, uncorrected conditions of non-compliance in grant reporting.

Human Resources and Board of Supervisors response: The respondents disagree partially for the same reasons expressed below by the Auditor-Controller.

Auditor-Controller response sent under separate cover: 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.

F8 A Request for Proposal (RFP) for a new external auditor has not been issued in a timely manner.

Board of Supervisors response: The respondents disagree wholly for the same reasons expressed below by the Auditor-Controller.

Auditor-Controller response sent under separate cover: 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.

YOLO COUNTY FINANCE: TRACKING CHANGES

- F9 Internal audits need to be performed regularly in all departments. The last internal audit was two years ago.**

Board of Supervisors response: The respondents disagree partially for the same reasons expressed below by the Auditor- Controller. In addition, the Board Audit Committee notes that the County uses a risk-based approach to prioritize internal audits within available resources. This approach schedules departments or programs with higher risk for more intensive internal audits.

Auditor-Controller response sent under separate cover: 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.

- F10 Financial off-line adjustments are made without formal supervisory sign-off, as required by good business practice.**

Auditor-Controller response sent under separate cover: 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.

- F11 Yolo County management has taken steps to assure fiscal staff competency.**

Thank you.

- F12 The Board Audit Committee does not initiate financial review or internal audits in Yolo County departments as recommended by the AICPA.**

Board of Supervisors response: The respondent disagree with this finding. The Board Audit Committee does in fact initiate financial reviews and internal audits.

- F13 Employees report favoritism and disparate treatment from managers and supervisors, some of whom have made unprofessional remarks regarding staff deficiencies.**

County Administrator and Human Resources response: The respondents partially agree with this finding. The County takes seriously any reports of favoritism or disparate treatment. Incidents reported to County Administration are investigated. That said, the

YOLO COUNTY FINANCE: TRACKING CHANGES

aforementioned statement does not reference any specific allegation or survey response. Absent specific supporting evidence, the respondents are unable to support this finding.

R1 Internal controls for payroll should be reviewed and regulated.

Human Resources response: This recommendation has not yet been implemented. Human Resources is in the process of composing standard procedures for scanning payroll transactions and will train all payroll clerks by June 30, 2013. Internal controls for payroll will also be reviewed and evaluated during configuration and implementation of the new human resources and payroll management information system in 2014.

Auditor-Controller response sent under separate cover: This recommendation has been implemented. We have scheduled audits of payroll timekeeping at various departments in 2013-14.

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.

Human Resources response: This recommendation is in the process of being implemented. Current Human Resources information software does not allow common tracking of hours worked. The complete implementation will occur with the County's selection and use of a new financial, human resources and payroll management information system(s), estimated to begin in January 2014. The RFP will be issued this summer, and selection of a vendor will occur in the fall.

Auditor-Controller response sent under separate cover: 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.

R3 Deadlines for closing bank reconciliations and financial statements should be established and met.

Auditor-Controller response sent under separate cover: 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.

YOLO COUNTY FINANCE: TRACKING CHANGES

- R4 A job description for the new Finance Manager position should be written and approved by September 30, 2013.**

Human Resources response: This recommendation will not be implemented because it is not warranted. The Director of Finance position will not be hired until January 2015. It is premature to develop a job description prior to the complete analysis of the full functions to be assigned to the department of finance. None-the-less, a draft job description (class specification) for Director of Finance will be developed by October 31, 2013 as part of the countywide fiscal class study.

- R5 As a priority, financial staff should be strengthened through recruitment, training, career path planning and motivation.**

Human Resources response: The recommendation has been partially implemented. Financial staff competency has been a priority for the last 18 months and a plan to ensure appropriate skill sets in recruitment and training is scheduled for implementation by October 31, 2013.

Auditor-Controller response sent under separate cover: 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 and training standards. We are confident that the results of this project will increase staff motivation.

- R6 The finance department should assign a staff member to assist departmental finance employees with training, coaching and motivation.**

Auditor-Controller response sent under separate cover: 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.

YOLO COUNTY FINANCE: TRACKING CHANGES

- R7 Financial off-line adjustments should be approved and signed by the Auditor-Controller.**

Auditor-Controller response sent under separate cover: 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.

- 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.**

Board of Supervisors response: This recommendation has already been implemented. The Board Audit Committee has fulfilled this role since its inception.

- R9 The Board Audit Committee should be responsible for recommending external auditors to the BOS.**

Board of Supervisors response: This recommendation was implemented upon formation of the Board Audit Committee on 6/7/11. The contract with the current audit firm does not expire until 6/30/13. Based upon Board Audit Committee direction, a request for proposal for audit services was issued on 3/7/13, the results of the RFP process was subsequently shared with the Board Audit Committee and an independent audit firm approved by the Board of Supervisors on 5/7/13. The new audit firm will begin fieldwork on 6/18/13.

- R10 The Board Audit Committee should request internal audits when financial problems are brought forward.**

Board of Supervisors response: This recommendation has already been implemented. The Board Audit Committee has fulfilled this role since its inception.

- R11 The Board Audit Committee should recruit an independent private financial expert to serve on that committee, which should meet at least quarterly.**

Board of Supervisors response: This recommendation was implemented upon formation of the Board Audit Committee on 6/7/11. On 9/13/11, the Board of Supervisors appointed to the Board Audit Committee a public member, with extensive public sector finance expertise, who continues to serve at this time.

- 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.**

YOLO COUNTY FINANCE: TRACKING CHANGES

County Administrator and Human Resources response: This recommendation has been implemented. Respondents take exception to the Grand Jury's use of the term "hostile work environment". This is a term of art used specifically in reference to complaints of harassment and discrimination. Allegations of a hostile work environment are not taken lightly and should not be made lightly.

The County provides regular, ongoing supervisory training through the Yolo Training Academy and also provides coaching and counseling to supervisors as issues are brought to the attention of Human Resources.

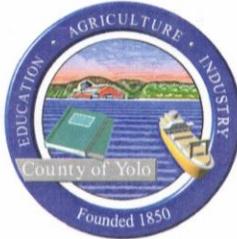
R13 Employees should be allowed to voice complaints and should receive timely responses, addressed in an open and professional manner.

County Administrator and Human Resources response: This recommendation has already been implemented. The County Administrator's Office and Human Resources maintain open office philosophies that encourage direct employee contact and sharing of concerns. In addition, the County Administrator's Office is developing a confidential whistleblower program to provide another venue for sharing concerns.

R14 All HR recommendations for remedial action should be addressed with transparency and due diligence.

County Administrator response: This recommendation has already been implemented.

YOLO COUNTY DETENTION CENTER: FACING CHALLENGES



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

June 25, 2013

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

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

RE: Yolo County Grand Jury Report – Yolo County Detention Center: Facing Challenges

Honorably Judge Maguire:

The following is the response to the 2012-2013 Yolo County Grand Jury Report entitled “Yolo County Detention Center: Facing Challenges” from the Yolo County Board of Supervisors and County Administrator. For purposes of readability, we have included the Grand Jury’s findings and recommendations in **bold**.

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.

Board of Supervisors response: This recommendation will be implemented. The timeline will be determined by funding availability.

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.

Board of Supervisors response: This recommendation will be partially implemented. Board members, both individually and as committee members, have already toured the facility. The Board has contracted with professional architectural and engineering firms to assess structural needs as part of preparing a renovation grant application. It is more

YOLO COUNTY DETENTION CENTER: FACING CHALLENGES

appropriate for architectural and engineering professionals to assess structural and code update needs as opposed to the Board members themselves. These professional recommendations will then be brought to the Board for consideration.

The Board of Supervisors recognizes that staffing shortages exist in many departments as the County workforce was decreased by approximately one-third to maintain balanced budgets during the recession. If and when additional revenue becomes available, the Board will assess program and staffing needs across the County for investment. Unfortunately, at present expenditures continue to increase faster than revenues, thus it is unlikely new positions will be added in the foreseeable future.

- 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.**

County Administrator response: This recommendation will be implemented by December 31, 2013.

YOLO COUNTY ADULT SERVICES: PROTECTING SENIORS AND DEPENDENT ADULTS



COUNTY OF YOLO

Office of the County Administrator

Patrick S. Blacklock
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To: Honorable Judge Daniel P. Maguire
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725 Court Street, Department 16
Woodland, CA 95695

August 14, 2013

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

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

RE: Yolo County Grand Jury Report – Yolo County Adult Services: Protecting Seniors and Dependent Adults

Honorable Judge Maguire:

The following is the response to the 2012-2013 Yolo County Grand Jury Report entitled “Yolo County Adult Service: Slow Response to Needed Change” from the Yolo County Interim Director of Employment & Social Services and Director of Human Resources. For purposes of readability, we have included the Grand Jury’s findings recommendations in **bold**.

The Department of Employment and Social Services agrees with the Grand Jury regarding the excellent work ethic and committed efforts by staff of the Adult Services Program to protect the senior residents of Yolo County. The Department thanks the Grand Jury for recognizing the efforts and dedication of this group of staff.

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.

Interim Director, Employment & Social Services response: This recommendation was previously implemented. There has been a department newsletter available since September of 2012, originally distributed as a monthly newsletter and now published quarterly. Efforts are underway to improve the content of the newsletter using staff input. In addition, the Interim Director has provided an update on department events about every three weeks since December 2012. Communication within larger organizations is

YOLO COUNTY ADULT SERVICES: PROTECTING SENIORS AND DEPENDENT ADULTS

often challenging, particularly when a component of staff work outside of the office much of the time.

- 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.**

Interim Director, Employment & Social Services response: This recommendation was previously implemented. The Division Manager, as well as Supervisors, do accompany staff on field visits, most often when the case is complex or has some element of concern. Additionally, communication between individual staff and supervisors/manager occur daily regarding cases and issues of program efforts.

- 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.**

Interim Director, Employment & Social Services and Director, Human Resources response: This recommendation was previously implemented. Yolo County Human Resources Department establishes class specifications for every position in the County that set forth the essential functions, knowledge, skills and ability, as well as the minimum education, experience, training and licensure required to be possessed by incumbents. Before every appointment to a management position, Human Resources ensures that only the names of individuals with the required education and experience are forwarded to the hiring department for consideration.

- 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.**

Interim Director, Employment & Social Services response: This recommendation was previously implemented. Organizational Charts have been available to all employees on the departmental intranet ("Green Tree") for some years. Organizational charts are also updated annually and made available to the public via the Recommended Budget.

- R5 Maintain copies of all current and archived organization charts.**

Interim Director, Employment & Social Services and Director, Human Resources response: This recommendation was previously implemented. Organization charts for County departments are maintained in the Recommended Budget books published annually. For organizational charts that depict supervisory relationships in departments, it is possible this functionality will be included in the new human resources information

YOLO COUNTY ADULT SERVICES: PROTECTING SENIORS AND DEPENDENT ADULTS

management system (HRIS) expected to be implemented by January 1, 2015. If so, Human Resources intends to utilize the new HRIS system to track and maintain supervisory relationships in County departments.

- 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.**

Interim Director, Employment & Social Services response: This recommendation was previously implemented in part. Managers were fully included in the development of the 2013-14 budget. Plans are being developed to provide for budget meetings between supervisors and budget program staff to be held approximately three times each year.

- 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.**
- 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.**

Interim Director, Employment & Social Services response: This recommendation has not yet been implemented. The Department intends to meet the intent of each of the sub categories listed in R7 by December 1, 2013. The goal of the Department is to develop protocols that are sustainable and can be implemented by staff without creating significant barriers to performing needed casework, while providing significantly improved safety standards for staff. Currently, staff from affected programs are meeting regularly to develop safety protocols. Examples of other County policies have been obtained and are being reviewed along with standards from schools of Social Work and other organizations.

PUTTING STUDENTS FIRST: OVERSIGHT OF YOLO COUNTY CHARTER SCHOOLS

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.

Putting Students First: Oversight
Report Title: of Yolo County Charter Schools Report Date: June 24, 2013

Response by: Dr. Jorge O. Ayala Title: Superintendent of Schools
William L. Owens, Yolo County Board of Education President

FINDINGS

I (we) agree with the findings numbered:

F3

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

F1, F2

RECOMMENDATIONS

Recommendations numbered: R1 (see attached Response to Grand Jury Report) 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: R2 (see attached Response to Grand Jury Report) will not be implemented because they are not warranted and/or are not reasonable (attach an explanation).

Date: 9-16-13 Signed: 

Total number of pages attached 3

PUTTING STUDENTS FIRST: OVERSIGHT OF YOLO COUNTY CHARTER SCHOOLS



YOLO COUNTY OFFICE OF EDUCATION
Dr. Jorge O. Ayala, Superintendent

VIA U.S. MAIL AND EMAIL (grand-jury@sbcglobal.net)

September 5, 2013

The Honorable Daniel P. Maguire
Yolo County Superior Court
P.O. Box 2142
Woodland, CA 95766

Subject: Response to Grand Jury Report
Putting Students First: Oversight of Yolo County Charter Schools

Dear Judge Maguire:

The following is the Yolo County Office of Education's (YCOE's) response to the findings and recommendations of the 2012-13 Yolo County Grand Jury's Report entitled "Putting Students First: Oversight of Yolo County Charter Schools." For purposes of readability, we have shown the Grand Jury's findings and recommendations in **bold**.

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.

We disagree partially with this finding. The California State Board of Education, the agency that authorized the CCCTEC charter, was the agency responsible for oversight of CCTEC, including monitoring the fiscal condition of the charter school. The Yolo County Office of Education does not have sufficient information to determine whether the State Board of Education was providing sufficient oversight. The school closure was delayed by the charter school and the State Board of Education's due process. In addition, when the school closed, and the State Board of Education asked for assistance, the Yolo County Office of Education provided support to the students by immediately securing student records and assisting with the communication and timely distribution of student records and in directing parents/students to the district of residence for enrollment.

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.

This statement is factual in most cases when the Charter is a dependent charter and the petitioner and authorizer have a closer relationship and availability to resources, support, and clarity of direction. Independent charters, however, have fewer resources and greater autonomy in administration and direction which may lead to differences between petitioners and their authorizer. It is the authorizer's

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PUTTING STUDENTS FIRST: OVERSIGHT OF YOLO COUNTY CHARTER SCHOOLS

responsibility to monitor the fiscal position of the charter and to ensure compliance with the requirements set forth in Education Code and the charter school petition.

F3. Good communication between any charter school and the authorizer is essential to the success of the school.

We agree with this finding.

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.

The Yolo County Office of Education is more than willing to meet regularly with an independent charter school upon a school's request. However, we honor and preserve the core autonomies crucial to a charter school's success including governing board independence from the authorizer. Furthermore, we seek to minimize administrative and compliance burdens on a charter school and focus on holding schools accountable for outcomes, rather than processes. Notwithstanding this, when charter schools fail to meet academic or financial goals, we agree that intervention by the authorizer is appropriate. To that extent, the Yolo County Office of Education has formalized its operational relationship with charter schools it has authorized through a memorandum of understanding between the parties.

Moreover, pursuant to Education Code section 47604.4, the county superintendent of schools has discretionary authority to monitor the operations of *any* charter school within Yolo County and conduct an investigation based upon written complaints by parents or any other information that justifies an investigation.

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 2012-13 Grand Jury.

While we certainly appreciate that all public schools need adequate advice, support, oversight and supervision to ensure that students' interests are protected and tax dollars are spent wisely, we do not agree that YCOE should necessarily petition to have an advisory role whenever the state authorizes an independent charter in Yolo County. Whether such an advisory role would be appropriate would depend on the circumstances, including factors such as the availability of YCOE and State resources, and the receptivity of the charter school.

As for a supervisory and oversight role, as compared to an advisory role, we note that there is a mechanism in place established by the Legislature which authorizes the State Board of Education to designate, by mutual agreement, its supervisory and oversight responsibilities for a charter school approved by the State Board to any local educational agency in the county in which the charter school is located, or to the governing board of the school district that first denied the petition. (See, Ed. Code § 47605(k)). We are not aware of instances in the state where such an authorization is the result of a request initiated by a County Office of Education, or of any Ed. Code provision that explicitly authorizes such a request.

PUTTING STUDENTS FIRST: OVERSIGHT OF YOLO COUNTY CHARTER SCHOOLS

We appreciate the opportunity to respond to the Grand Jury Report. Please do not hesitate to contact us if you have any questions or concerns.

Sincerely,


Jorge O. Ayala, Ed.D.
Yolo County Superintendent of Schools


William L. Owens
Yolo County Board of Education President

