2009-2010
SONOMA COUNTY
CIVIL GRAND JURY
Final Report

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  • Sporks? •
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Sitting L – R:
  • Ronald Schmitz • Stephen Bearg • Judge Gary Nadler • Cal B. Kimes •
  • Charles Haseltine •
First row, standing L - R:
  • Ricci A. Rascoe • Sally Patterson • Marilyn Foster • Cyndy Raymond •
  • Jayne Moad • Polly Frenaye-Hutcheson • Jon Winter •
Second row, standing L - R:
  • Wesley Silverthorne • Gerald L. Gleeson • William Sloan • James Weathers •
    • Henry A. Alker • Stephen Norton • Chris Christensen •
Not present – Maryann Laughlin

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June 30, 2010

To the citizens of Sonoma County and the Honorable Judge Nadler:

In accordance with California Penal Code, Section 933, with great pride I present the final report of the 2009-2010 Sonoma County Civil Grand Jury. The individual reports included are the results of over 17,000 hours of investigations, meetings, report writing and review. The topics cover a wide range and are aimed at many aspects of county and city government and special districts within the County.

The California Penal Code, Section 919 requires the Grand Jury to inquire into the condition and management of jails within the County and in Sonoma County this has been expanded to include a review of all Officer or Employee Involved Fatal Incidents. Four of the reports cover the Grand Jury’s responsibility and can be found titled 1) “Officer-involved Fatal Incident Reports,” 2) “Detention Facilities Review,” 3) “A Death in Custody” and 4) “Use of Less-Than Lethal Force.”

Healthy behavior and good nutrition is a concern for everyone and this year the Grand Jury chose to see what our school system has been doing to foster healthier eating habits in “‘Sporks’ Fail to Block Nutritional Progress at Sonoma County Schools.” In addition we looked at a situation involving a local school and the Little League concerning how they are interacting with the local community.

The prior two juries presented reports involving the Sonoma County Public Library. This year we followed up on our concern for the availability of pornographic materials through the use of internet access at the public library.

Other reports focused on 1) cost concerns of a local special district, 2) the process of obtaining permits, 3) safety in downtown parking garages, 4) ethical aspects of a city planning commission and 5) issues regarding the Sonoma County Public Guardian.

The effectiveness of the Grand Jury as the citizen’s Ombudsman and watchdog of Sonoma County government is dependant to a large degree on the participation of its people. Most of our investigations come from complaints filed by concerned citizens. All complaints are given due consideration and many lead to investigations. “You Could Make A Difference” is a plea for our citizens to join with us.

Lastly, I wish to thank all my fellow jurors for their untiring efforts and devotion to fulfilling the obligation they accepted when they were sworn in as Grand Jurors. I am honored to have served with them and am pleased to report that more than half of the qualified jurors applied to holdover and serve on the 2010-2011 Sonoma County Civil Grand Jury.

Sincerely,

Cal B. Kimes
Foreperson
June 30, 2010

Dear Members of the Sonoma County Civil Grand Jury:

Having reviewed the Grand Jury Final report for the fiscal year 2009-2010, I find that it complies with Penal Code section 933. You are to be commended for your thorough investigations and conscientious findings and recommendations. You have fulfilled your duties with hard work and dedication.

The citizens of Sonoma County are indebted to you for your diligent, straightforward efforts. I understand that the performance of your duties requires much of your time in the investigation of issues affecting the citizens of Sonoma County. Much effort is required to perform the tasks necessary to create your report. On behalf of the Superior Court of Sonoma County, I applaud and thank you for all that you have done.

All of you have performed in an exemplary manner in discharging your duties. I especially would like to thank your foreperson, Cal Kimes, for his practical leadership and dedication to the work of the Grand Jury.

Once again, congratulations to our Civil Grand Jury. You have worked hard and done your job well. Our county is a better place thanks to the work you have done.

Very truly yours,

[Signature]
Gary Nadler, Presiding Judge
Superior Court of California,
County of Sonoma
PORNOGRAPHY FILTERS and THE FIRST AMENDMENT

SUMMARY
Both the 2007-08 and 2008-09 Grand Juries investigated and made recommendations to the Sonoma County Library Commission (the "Library") and Sonoma County Library Administration. Last year's Jury was compelled to reopen the investigation due to the rejection of most of its predecessor's recommendations to the Library. This year's Grand Jury has decided to open a further investigation of the Library, specifically aimed at the installation of pornography filters on library computers.

REASON FOR INVESTIGATION
The Library refused to consider Recommendation-3 from last year: "Request a filter on all computers at the Central Library as a means of protecting minors against pornography, taking advantage of the E-Rate discount and achieving the protections embodied in the "Protection of Children Against Sexual Exploitation Act of 1977". It was the opinion of the 2009-2010 Grand Jury that the reasons provided by the Library were not compelling enough to warrant an outright refusal to comply on the pornography filter issue. The Library's stance is essentially that pornography filters are ineffective: they are found to either over-block non-pornographic material or under-block offensive materials.

INVESTIGATIVE PROCEDURES
Interviews conducted:
• Chairman, Sonoma County Library Commission
• Customer Service Technician, Federal Communications Commission

Documents and data reviewed:
• Grand Jury Report 2008-09
• Library response to Grand Jury Report 2008-09
• Minutes to Library Commission meetings
• Minutes to Board of Supervisors meetings
• FCC forms: 470, 471 and 486
• Libraryfiltering.org: Website for libraries considering filtering
• Universal Service Administration Company website (www.usac.org)
• City of San Jose study: “Policy Options and Staff Report Relating to Internet Filtering Proposal and Computer use at San Jose Public Libraries”

BACKGROUND
The 2008-09 Grand Jury investigation resulted in the following recommendations:
\(\textbf{R-1.}\) Stop just reviewing the enforcement policies of the Standards of Behavior and start implementing them.
\(\textbf{R-2.}\) Immediately prioritize the implementation of the interior floor plan at the Central Library and move the computers to a side wall out of the present main aisle, as approved by the FY 08-09 Sonoma County Commissioners budget.
\(\textbf{R-3.}\) Request a filter on all computers at the Central Library as a means of protecting minors against pornography, taking advantage of the E-Rate discount and achieving the protections embodied in the "Protection of Children Against Sexual Exploitation Act of 1977".

R-4. Immediately impose a smoke free zone to the entire Central Library property extending to the edge of the city sidewalk. (permission was granted by the Mayor of Santa Rosa on October 1, 2008."

To its credit, the Library addressed and/or implemented R-1, R-2 and R-4. R-2 is contingent upon receiving budgetary funding.

Initially, the Library declined to install filtering software (R-3) citing First Amendment issues. Their final response instead cited the relative ineffectiveness of filtering technology, which they reported had only a 48% success rate and blocked too high a percentage of legitimate sites in the process.

In the course of researching their claim of ineffectiveness of current filtering technology, it appears they have overstated their case. Grand Jury research has yielded that the most effective products developed for schools and libraries have an 85% success rate on pornographic websites. Conversely, the "over-blocking" rate, which is unavoidable, is approximately 15% in the best software packages. Additionally, there are a handful of products that will block 100% of offensive materials, but predictably, the over-blocking rates on these are much higher.

Interestingly, as the Grand Jury dug deeper into the issue of the problem of protecting minors from viewing pornography and other offensive materials, we became aware of the Child Internet Protection Act (CIPA)(FCC 03-18). This is legislation (passed on December 15, 2000, signed into law by President Clinton on December 20, 2000 and was upheld by the Supreme Court of the United States on June 23, 2003) that covers all sorts of issues with the ultimate goal of protecting our children from viewing offensive materials via the internet in public places.

Additionally, Federal funding is available to eligible schools and public libraries for inexpensive access to internet providers, telecommunications and other computer related services that may otherwise be too expensive to obtain. This program is known as "E-Rate". Libraries and schools participating in E-Rate must comply with CIPA in some cases. One of the many requirements of the E-Rate program is that if Internet connectivity is subsidized under the program, pornography filters must be installed on all computers in the facility. There is a 3-year step program that allows the library or school make plans (budgetary and/or logistically) to come into compliance with CIPA. If only services other than internet connectivity are obtained through E-Rate (e.g. telecommunications), the filters are not required.

The Sonoma County Library system does, in fact, subscribe to the E-Rate program, but for telecommunications services only. Thus, it is under no compulsion to comply with CIPA (i.e. not required to install pornography filters). However, after requesting the monthly invoices for internet services as purchased by the Sonoma County Library system, it appears that a significant monetary benefit is being overlooked. Using the matrix shown in Table 1 (page 4), the Library system may be eligible for as much as a 60%, or $15,000.00, discount on its internet service fees. In light of budget cuts, mandatory employee furloughs over the holidays and other reductions of services, it would seem that Library management would take full advantage of these savings.

FINDINGS

F-1 Library system has no pornography filters on ANY computers, including those in the children’s section.
F-2 Library management has not conducted any recent research into effectiveness of filters.
F-2 A 60% discount on internet services could be realized through the E-Rate program.
F-4 In order to be eligible for the 60% discount, the Library system’s computers would need to become compliant with CIPA.
F-5 The more effective pornography filters available are successful in blocking 85% of websites containing offensive material.

CONCLUSIONS

The Library Commission has done an admirable job over the past 2 years responding to the needs of its users as well as the recommendations of the Grand Jury. The Central Santa Rosa Library branch, in particular, is now a much safer and enjoyable facility to visit due to the many improvements implemented by Library management.

The issue of pornography filters, however, is still an important issue that needs to be dealt with. It is a fact that minors may be exposed to pornographic images of a shocking and offensive nature. While both the Library Commission and Library management are properly concerned about First Amendment issues, they seem to be more concerned with preserving the right to access these images by consenting adults than protecting our minor children. With filters installed, any adult may, by simply asking a librarian, turn off the filters. No First Amendment rights are infringed upon and our children have been afforded a safer Library experience.

RECOMMENDATIONS

R-1 As a pilot and so that all parties may get a better understanding of how the filters work, install filters on ALL computers in the Children’s section.
R-2 Appoint a committee to update its research and analysis on the current filters now available on the market and their relative effectiveness (for ultimate use in the main library computers).
R-3 Research committee is to report back to next year’s (2010-2011) Grand Jury in writing with their findings.
R-4 Work with Board of Supervisors to appropriate proper funding for a reorganization of the computers on the main aisle at the Central Library.
**Required Responses to Recommendations:**
Santa Rosa Central Library Director:  R-1, R-2, R-3, R-4
Sonoma County Library Commission:  R-2, R-3, R-4

**Requested Responses to Recommendations:**
Sonoma County Board of Supervisors:   R-4

**Table 1:**

The amount of discount through the E-Rate program for a particular library is based upon the percent of students in that specific district who are eligible for the National School Lunch Program. The matrix used by the FCC is shown below:

**Criterion for Discount Eligibility**

<table>
<thead>
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<th>Students ELIGIBLE for the National School Lunch Program</th>
<th>URBAN COUNTY Discount</th>
<th>RURAL COUNTY Discount</th>
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<tbody>
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<td>If the % of students in your school that qualifies for the National School Lunch Program is...</td>
<td>...and you are in an URBAN area, your discount will be...</td>
<td>...and you are in a RURAL area, your discount will be...</td>
</tr>
<tr>
<td>Less than 1%</td>
<td>20%</td>
<td>25%</td>
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<tr>
<td>1% to 19%</td>
<td>40%</td>
<td>50%</td>
</tr>
<tr>
<td>20% to 34%</td>
<td>50%</td>
<td>60%</td>
</tr>
<tr>
<td>35% to 49%</td>
<td>60%</td>
<td>70%</td>
</tr>
<tr>
<td>50% to 74%</td>
<td>80%</td>
<td>80%</td>
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<tr>
<td>75% to 100%</td>
<td>90%</td>
<td>90%</td>
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“SPORKS” FAIL TO BLOCK NUTRITION PROGRESS
AT SONOMA COUNTY SCHOOLS

SUMMARY
The Sonoma County Grand Jury studied the efforts of our public schools to encourage healthy behavior and good nutrition. Within a diverse sample of twelve schools, we found that most staff and faculty were committed to providing well balanced, nutritional meals for their students, encouraging more physical activity, and phasing out less healthy foods. We found ample evidence that positive changes are happening as a result of creative and cooperative work among parents, teachers, administrators and staff. Good things are happening in our public schools!

BACKGROUND
Trends in obesity and childhood diabetes have received media attention and have been the subject of many studies at both the federal and local level. Our own observations found that the food served in Sonoma County public schools is being carefully modified to qualify for federal funding, based on a comprehensive new document, a Wellness Policy. That and other significant steps include:


• 2005 - The California State Superintendent of Public Instruction proclaimed in his Sacramento State of Education Address,” It is time to promote and support a culture of health and fitness in our schools”

• 2008 - The Sonoma County Department of Health Services, in collaboration with major Sonoma County hospital organizations published a report entitled Community Health Needs Assessment. One of the findings of this extensive assessment was that "Sonoma County Schools must be part of the solution to solving overweight and obesity, through education, physical activity programs and established nutritional standards for foods offered in school”.

• 2010 - The First Lady began to promote a “Let’s Move” campaign directed at improving children’s health. The campaign includes federal financial incentives for schools to further improve nutrition.

REASON FOR STUDY
Our purpose was to provide an independent review of the food and lunchtime recreation in Sonoma County Schools. Policies often look good on paper but may or may not be carried out at the grass roots level. For this reason we decided to actually visit a sampling of Sonoma County Schools to eat with the students in their normal setting in addition to talking with staff, teachers, students and administrators.

In addition to the meals themselves, we were interested in studying the schools’ commitment to encouraging healthy physical activity during the unstructured portion of lunch period time. Finally, we tried to judge whether there is likely to be any indirect positive effect on good nutritional practices at home.
THE STUDY
The major elements of our study were:

- Reviewed current literature on this subject through the internet and print media.
- Reviewed numerous school districts’ Wellness Policies, giving attention to how they were adapted by staff, parents and administrators to fit the needs of each of the districts.
- Conducted interviews with food service personnel, school administrators, teachers, parent volunteers and students.
- Attended a Wellness Policy Review meeting at a local elementary school that included kitchen staff, parents, teachers and administrators.
- Ate lunch with the students at a dozen schools from diverse geographic locations including Cloverdale, Petaluma, Occidental, Sonoma and Santa Rosa. Our study included nine elementary schools, two high schools and one junior high school.
- Additional criteria used in selecting schools to visit included their ethnic and income diversity, levels of parent involvement and methods of food preparation (prepared on-site, at the district kitchen, or purchased through a commercial vendor). Schools were given less than 24 hours notice of the lunch visits so that Grand Jury members could be more certain that they were having a typical student meal.

FINDINGS
F-1 The Jury found that significant progress is being made by local schools in providing more nutritious food choices to students. Priority is given to serving whole grain foods, fresh fruits and vegetables. Only low fat or fat-free milk is offered. Sodium content is being systematically reduced. School meals are planned to provide less cholesterol and trans fats. Foods are baked, not fried, and are prepared in ways that offer better choices to students.
F-2 In addition to providing nutritional lunches for their students many of the schools we visited have garden programs which help teach the value of fresh vegetables and fruits in daily nutrition. Schools have daily fresh fruit choices. Many of the schools have salad bars from which their students can choose various fresh fruits and vegetables to create individual salads. In some cases the fruits and vegetables come from the school gardens.
F-3 Several schools had programs through which they educated parents regarding good nutrition and other aspects of healthy behavior. Additionally, vending machines containing soda and candy have been eliminated as lunch time options.
F-4 Schools provided a positive environment for the lunch period. Students were given adequate time to eat (usually 20 minutes) in a safe setting with provisions made for slower eaters where necessary.
F-5 Due to budget considerations, the only eating utensil most schools provide is a light weight plastic “spork”. The children and the Jurors disliked the combination spoon-forks and found them very difficult to use. We felt that something better is needed.
F-6 The jury found wide interest in further, continuous improvement of nutritional and physical activity opportunities for children in Sonoma County Public Schools. Individual districts appear to have on going administrative assessment systems in place that will capture and react to the views of the public, parents, and administrators.

COMMENDATIONS
The Sonoma County Grand Jury would like to commend each of the school administrators, superintendents, teachers, kitchen staff, volunteers, and especially the students at the schools we visited for their participation in this study.

CONCLUSION
It was our conclusion that Sonoma County Schools are committed to establishing healthy behaviors among their students. We found evidence that they are pursuing this goal in a variety of innovative ways; through student input, choices of food, student participation in food preparation, recycling, and in some instances growing part of their food in school gardens.

RECOMMENDATIONS
We recommend that the public notice and applaud the remarkable progress being made in Sonoma County Schools related to providing healthy meals and encouraging more physical activity. These changes are the result of effective concern and cooperation among students, parents, teachers, cafeteria staff and administrators in the Sonoma County public education system.

We recommend that districts continue and expand communication with staff, students, parents and the community regarding Wellness Policies and the impact of these policies on students’ eating habits and physical activity levels. Active family participation is a very important factor in the continuing success of these innovations. Parents play a pivotal role by incorporating these changes so that they become lifetime habits.

We recommend that this good news be recognized, publicly applauded and supported over the next couple of decades. It will take this level of sustained attention to change a generation and start building a more healthy society.

Required Responses:
Since this is an informational report there are no required responses.

Suggested Responses:
Continuing community participation in neighborhood schools to maintain the momentum on this important subject.
A DEATH IN CUSTODY

SUMMARY

On Sunday, July 9, 2007, Ryan George, age 22, died, while in an individual medical observation cell at the Sonoma County Main Adult Detention Facility (MADF). As required by state law, a fatal-incident investigation, was initiated by the Sonoma County Sheriff but completed by an independent agency, in this case by the Marin County Sheriff's Department.

It has been reported in the press and was known to MADF staff, that Mr. George had suffered from Sickle Cell Anemia (SCA) for several years. On July 1, 2007, while incarcerated at MADF, Mr. George experienced a medical crisis and was transported to Sutter Medical Center (SMC). On July 3rd, he was returned to the MADF and a subsequent fatal crisis ensued between July 6th and July 9th.

The discharge orders from SMC included the direction that Mr. George receive a physical examination within 24 hours of discharge. The required examination was not performed. Bed checks at MADF, which were supposed to occur throughout the night, failed to discover that Mr. George had expired. Mr. George was found dead on July 9th at approximately 6:00 A.M. while in his cell. The hospital staff had no other medical intervention until the time of his death, other than routine staff checks and a Licensed Clinical Social Worker, who made four visits. The LCSW asked for an appointment to be set for Mr. George the following Monday. After Mr. George had returned to the jail, he continued to be verbally “unresponsive” to nurses and jail personnel. This was not a medical determination, but rather it was thought that the lack of response from Mr. George was volitional. That conclusion, later indicated to be errant, led to the label of “malingerer”1, which followed Mr. George and may have tainted some CFMG and correctional staff in their assessment of him. He was not returned to the hospital despite his continuing deterioration.

CFMG has a contract with the County under which they provide medical oversight and care of the inmates. However, during interviews of CFMG employees, it was determined: 1) There was no physician exam made during the weekend when Mr. George died; 2) The oversight provided by the Correctional Deputies (CD’s) and nurses was undermined by poor communication between nurses, doctors and detention staff. The communication and interaction between SMC and the jail, was not sufficient, in that CFMG did not follow the requirements of the hospital’s release and medical follow-up of Mr. George.

[1] Malingering is defined as “to pretend incapacity as to avoid duty or work.” (Webster’s Dictionary)

[2] Although the CFMG physician was responsible on July 3rd when R.G. was returned to the jail and CFMG staff was aware of the patient’s health crisis, no physician examination was performed.

From July 6 to July 8, Mr. George exhibited symptoms, which should have resulted in additional hospitalization. He was not re-hospitalized, despite exhibiting symptoms of jaundice, severe dehydration, bone pain, altered level of consciousness and loss of urinary and bowel control. The “malingering” label resulted in an unfortunate interpretation of all symptoms and the assumption that they were imaginary.

Sheriff’s Departmental policy requires that each inmate in a medical evaluation module be “checked” every 15 minutes by a correctional deputy (CD). Mr. George should have been “checked” 16 times, between 2:00 A.M., and 6:00 A.M. July 9th, when Mr. George was found to be deceased. The “checks” were ineffective because a determination that Mr. George was alive and stable were not completed. In fact, his death was not discovered until the morning wake-up call. The Sheriff’s investigations and the District Attorney’s investigations did not address the shortcomings of ineffectual “checks”.

Logs, substantiating that CDs looked at Mr. George at 15 minute intervals were NOT available to the Grand Jury and it is not clear whether these were done. As a consequence of an un-noticed computer failure, no RATS logs [3] were available.

INVESTIGATIVE PROCEDURES

The Grand Jury interviewed three correction deputies (CDs), two doctors and three nurses, one CFMG Program Director and one social worker. Jurors examined closely the inter-relationship of the individuals interviewed, the function of the jail staff
vis-à-vis the safety and health of the inmates and the adequacy of the health care provided. Jurors also obtained scheduling
documents from CFMG, autopsy reports and job descriptions. An attempt to review the RATS logs was made with no success, as
the system was nonfunctional at those times.

In the past, the documents provided for the Jury’s review were voluminous and complete. In the George case, the
documents appear brief and inadequate, affecting the Jury’s ability to make findings and recommendations. The death of Mr.
George occurred July 9, 2007. The District Attorney’s Report was not received until the 2009-10 Grand Jury’s term.

FINDING
F-1 Sonoma County Sheriff’s and CFMG medical staff failed to fully intervene in Mr. George’s further deterioration after return
from SMC. (7/06/07 – 7/09/07).
F-2 Although Title 15 of the state penal code requires that an inmate receive six hours of uninterrupted sleep, failure by
Sonoma County Sheriff’s correctional staff and/or medical staff of CFMG, to require proof of life, at each fifteen (15) minute
interval, may have contributed to Mr. George’s death.
F-3 CFMG staff also failed to provide Mr. George with a physician’s examination within 24 hrs of his return to MADF as was
required by the discharge orders from SMC.
F-4 A complete medical record of Mr. George was not sent with him to SMC. On 7/01/07. Medical records are essential to
accurate diagnosis and treatment.
F-5 CFMG and the Sonoma County Sheriff failed to provide a complete set of requested documents to the Grand Jury including
accurate time records and telephone calls.
F-6 The Sonoma County District Attorney’s Critical Incident Report was not received until February 2010, although the incident
occurred July 2007. The review did not address all salient details; ie., ineffectual bed-checks for proof of life.

[3] RATS Logs are mechanized logs indicating times of inmate surveillance by CDs

RECOMMENDATIONS
R-1 That “proof of life” be required at each “check” of an inmate in medical observation cell. Vital signs should be taken at
each change of shift and recorded for as long as the inmate is in medical detention.
R-2 That the Sonoma County District Attorney complete the review of the Sonoma County Sheriff’s investigation within 90
days.
R-3 CFMG and Sonoma County Sheriff provide complete investigational files to the Grand Jury.
R-4 CFMG be requested to keep complete employee time records, particularly for physicians.
R-5 CFMG medical staff comply with discharge orders for hospitalized inmates and document compliance.
R-6 That CFMG undergo regular, independent peer review of medical care provided to jail facilities.

Required Responses to Findings:
Sonoma County Sheriff   F-1, F-2, F-3, F-4, F-5
Sonoma County District Attorney   F-6

Required Responses to Recommendations:
Sonoma County Sheriff   R-1, R-3, R-4, R-5, R-6
Sonoma County District Attorney   R-2

Requested Responses to Findings and Recommendations:
CFMG   F-1, F-2, F-3, F-4, F-5 • R-1, R-3, R-4, R-5, R-6
LITTLE LEAGUE - BECOMING A BETTER NEIGHBOR

SUMMARY
Since 1975 the City of Santa Rosa School District (SRSD) and the Santa Rosa American Little League (SRALL) have entered into Agreements granting the SRALL permission to utilize property owned by the District at the John Monroe Elementary School. The initial Agreement called for the SRALL to develop and maintain two baseball playing fields. Over the years there have been numerous incidents of excess noise, dust and vandalism, as well as verbal confrontations between SRALL parents and residents whose homes adjoin the playing fields. Initially these incidents were basically ignored, but in recent years both the SRSD and SRALL have made a positive effort to address neighborhood concerns. In 1996 turf was installed by the P.T.A., local businesses and concerned citizens in the area between the school buildings and playing fields, which had been primarily rocks and weeds. A rookie playing field and a “T-Ball” field were developed in the improved area, which is also utilized for soccer and by the schools students for organized intramural after school sports. At that time they also made improvements to the existing fields, including backstops and seating.

REASON FOR INVESTIGATION
The Grand Jury received a Citizen Complaint in relative to a variety of problems at the Monroe School, many of which were created by SRALL. Specifically mentioned were dust, crowd noise, honking of horns, repeated use of car alarms, lack of night time security resulting in late night parties and acts of vandalism. In letters to both the Grand Jury and the SRSD Superintendent of Schools the complainant expanded on the reasons for the complaint, including expressing a concern that SRSD was not in full compliance with the California Environmental Quality Act (CEQA) when two additional playing fields, rookie and “T” ball, were added to the area between the school buildings and the existing playing fields. The complainant has followed through with letters describing additional concerns.

BACKGROUND
When the League started using the Monroe facility in 1975, and until 1987, there were no residential developments abutting the school’s property. Residential development began in 1987 with the construction of homes adjacent to the two playing fields and an unpaved parking area. In 1988 additional homes were built on Crosspoint Avenue, with their rear property lines along the unpaved access road. The access road separates the property line from the school buildings, a then undeveloped area, and the two baseball fields. Since development of the residential area bordering Monroe School and the SRALL playing fields, there have been countless repetitive incidents involving the items mentioned in the complaint. Neighbors have made numerous complaints to the SRSD concerning a variety of issues including excessive vehicle traffic, high noise levels, dust, verbal confrontations between SRALL parents and neighbors, excessive hours of use and overpopulation at games. Another neighbor, with severe asthma and chronic bronchitis, mentioned being unable to enjoy their backyard in the evenings and on weekends because of the high dust level. Worries that runoff from diesel fuel or other hydrocarbons might leach into backyards after a rainstorm were also mentioned. Other items such as minimal attention to landscaping and drainage along property lines, and misuse of the fields late at night by groups and individuals were also mentioned. A review of complaints received by the S.R.P.D. showed a majority were for excessive noise, mostly occurring well after dark, and included partying, vehicles spinning “wheelies” and vandalism.

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In 1996, the P.T.A., Santa Rosa businesses and community volunteers converted an unimproved (rocks, weeds, etc.) portion of the school grounds between the school buildings and the original baseball fields to turf and the Rookie, "T" Ball and soccer fields were subsequently developed. This resulted in a safer environment for students who utilize the area during lunch, recess and after school. Although the improvements and field development were not subject to Section 65352.2 of the California Government Code or Section 21151.2 of the Public Resources Code, it appears that the CEQA provisions of the Public Resources Code may not have been fully complied with.

In 2006 the SRSD sent a letter to the neighbors whose property bordered the Monroe School grounds, requesting their comments regarding the SRALL's activities. As a result of the feedback from neighbors, both the SRSD and SRALL have taken an ongoing proactive approach to address these concerns. Many of the respondents enjoyed having the SRALL as neighbors, citing the positive impact that organized sports has on today's youth. Although SRSD and SRALL are working together to address neighborhood concerns, SRSD's budget problems may impact the timeline for construction related projects such as paving and drainage control. Although located within the Santa Rosa City limits, there are some local zoning and permit requirements that do not apply to the SRSD. However, all capital improvement and construction projects, excluding deferred maintenance, must be approved by the California Division of the State Architect. In addition, some projects are subject to sections 53090 through 53097.5 of the California Government Code, all of which relate to compliance with local zoning ordinances. While local zoning and permit requirements are not required for many projects, the SRSD is subject to the CEQA provisions of the California Public Resources Code. In compliance with CEQA the SRSD must prepare the appropriate environmental document for projects covered by the Act.

INVESTIGATIVE PROCEDURES

Although the Santa Rosa School District was named as the subject in the complaint, based on its initial findings the Grand Jury felt the investigation should also include the SRALL.

Interviews and discussions were held with the following:

- Complainant and Neighbors Adjacent to Monroe School
- Associate Superintendent of Schools for Business
- Elected Members of District's Board of Education
- District's Director of Maintenance and Operations
- League's Current and Past President
- Staff Members of Santa Rosa's Recreation, Parks and Community Services Department
- City of Santa Rosa Community Development Staff Member

The following documents and resources were reviewed:

- Letters and E-mails From Complainant to District
- Letters and E-mails From Neighbors to District
- Current and Past Use Agreements
- District and League Meeting Minutes and Notes
- S.R.P.D. Complaints Log for Monroe School
- District and League Outreach Documents and Letters
- Santa Rosa Recreation and Parks Facilities
- California Public Resources Code (CEQA)
- California Division of the State Architect
- California Civil Code
- California Government Code
- California Code & Regulations
- California Education Code
- Santa Rosa School District Board of Education Policy

In addition Grand Jury members attended SRSD Board of Education Meetings whose agenda included items related to the complaint.

FINDINGS

F-1  Since being notified of the possible CEQA violation the SRSD has adopted a policy that includes mandatory neighborhood outreach and compliance with CEQA for all construction projects at their schools.

a. While the SRSD has a general protocol in place for Community Relations, it does not fully address community notification avenues or the means for community response or input. SRSD in the process of modifying Board Policy 1100 - Community Relations, to include a Comprehensive Communications Plan for establishing community outreach priorities.

F-2  Continuing efforts to minimize parking and dust problems have met with little if any success.

a. The SRSD and SRALL jointly installed chip seal on the access road and dirt parking areas, but this proved to be inadequate. As many as 100 cars per hour use the access road during scheduled games, contributing greatly to the high dust levels.

b. The SRSD has put out for bid a paving plan for the access road and parking area. The SRSD’s Director of Maintenance and Operations is working with the complainant on the paving plan, primarily the location of speed bumps and fence line setbacks. The plan calls for widening the buffer zone between neighbor’s fences and the road, 68 parking spaces, and will include a series of the newest type of speed bump. As this project is for improving an existing feature it is exempt from CEQA or local permitting.

c. SRALL installed a gate at the entrance to the access road, which they lock each day upon completion of activities. Since installation of the gate the S.R.P.D. has seen a substantial drop in the number of complaints.
d. The SRALL now requires parents to sign, and adhere to, a Parking Lot Agreement designed to control hours of use, speed, parking along the fence line and noise. It includes being courteous to and respectful of neighbors and their property. Enforcement of this agreement is the responsibility of the SRALL.

F-3 The SRSD, with financial assistance from the SRALL, has installed 2 motion activated security type cameras with sound capability to monitor the access road, parking area and the playing fields.

F-4 There has been a substantial reduction in the number of participants, from a high of 651 in 1992 to just 414 in 2009. Based on applications received through February, there will be even fewer participants in 2010. SRALL will field 2 fewer teams for both the minor (rookie) and “T” ball leagues, resulting in fewer games on those fields.

F-5 The License Agreement for Land Use between the SRSD and SRALL for 2010 has addressed many of the concerns of both the complainant and neighbors. The term of the Agreement is now set at one calendar year and the SRSD will hold an open public hearing prior to renewal of the Agreement for 2011. It sets forth SRALL responsibilities, including use of the public address system, parking, respecting the privacy and property of neighbors, traffic control, refraining from honking horns and using car alarms, and the installation of access barriers to keep vehicles a reasonable distance from neighbors property. Hours of use are specified during the Agreement period as from 4:30 p.m. until dark on weekdays and 8:30 a.m. until dark on weekends and holidays. It does not address penalties for failure to comply with or violation of the SRALL’s Responsibilities and Duties.

CONCLUSIONS

The Grand Jury found that the SRSD and SRALL are now working together to provide a safe environment for League participants as well as being good neighbors to residents of homes adjacent to the playing fields. While organized youth sports activities such as little leagues have a very positive impact on today’s youth, equally important is ensuring that these activities create and maintain a friendly relationship with all members of a community. The Jury also found that today’s economy may delay the implementation of several viable options which would either eliminate or minimize concerns expressed by neighbors during interviews and discussions.

It is a possibility that violations of CEQA and the California Code of Regulations occurred during the 1996 improvements and addition of the Rookie and “T” Ball fields, as well as the chip sealing of the access road and parking area. When notified of the possible violation the SRSD initiated their current district wide policy of full CEQA compliance in addition to beginning the process of amending their Community Relations Policy to ensure neighborhood involvement.

COMMENDATIONS

The complainant is to be commended for bringing these matters to the attention of not only the Grand Jury, but the SRSD and SRALL. His observations and comments were invaluable to the Grand Jury during their investigation. Additionally, he worked with the SRSD’s Director of Maintenance and Operations in development of the plan for paving the access road and parking lot, including the type and location of speed bumps. Both the SRSD, including staff and the board of education, and SRALL are to be commended for their positive efforts towards rectifying the concerns of neighbors living adjacent to Monroe School and the playing fields. Neighbors along the property line are also commended for their responses, both positive and negative, to the SRSD’s request for comments, their attendance at SRSD Board meetings, and the SRALL’s Neighborhood Feedback Survey.

RECOMMENDATIONS

R-1 License Agreement for Land Use Between SRSD and SRALL

a. That all future Use Agreements between the SRSD and SRALL include penalties or recourse in the event the SRALL does not fully comply with each of the provisions contained in Section I. A. “League’s Responsibilities and Duties.” Specific penalties or fines, up to suspension of use for repeated violations of the same provision, should be adopted based on the type and severity of violation.

b. Amend the License Agreement for Land Use for the period January 30, 2010 through November 7, 2010 to include the penalties or fines for noncompliance, and revising Section II. Property and Equipment, D. changing the first sentence to read: “LEAGUE will be permitted use of the property on weekdays from 4:30 p.m. until dark, Saturdays/Holidays from 8:30 a.m. until dark, Sundays from 12:00 noon until dark, with no inning starting after 7:30 p.m. on any day, with the exception of the following days (Back to School Night, Open House, Memorial Day, Mothers Day, and Fathers Day) during the term of the Use Agreement.

c. No later than 60 days prior to the SRSD’s Board of Education Meeting to renew the SRALL’s Use Agreement the SRSD should schedule and invite all neighbors adjacent to Monroe School and SRALL officials to an open meeting to discuss possible Agreement changes as well as being a forum designed to improve all aspects of the SRALL’s Monroe School activities. The meeting notification and agenda should include procedures for filing complaints alleging violations of the Agreement.

R-2 The SRSD and SRALL jointly investigate, to reduce SRALL activity at Monroe School, the availability of other playing fields. In addition to fields at other SRSD schools, Santa Rosa Recreation, Parks and Community Services should be contacted about availability of A Place to Play or their other ball parks. The former playing field at the Sonoma County Fairgrounds should be among the other venues considered.

R-3 That the Director of Maintenance and Operations coordinate with Monroe’s neighbors and institute a preventative maintenance program designed to control weeds, landscaping, irrigation and drainage adjacent to their property.

R-4 That the SRSD and SRALL each month during the term of the agreement jointly measure and record the crowd noise level to ensure it falls within the City of Santa Rosa’s ambient noise level criteria. In the event there are concerns over excessive noise or vehicle related activities, SRSD and SRALL should jointly review the camera system’s audio and visual for the period of the concerns. It will be the SRALL’s responsibility to take necessary corrective action if the concern was the result of SRALL related actions.

R-5 Although the Agreement for 2010 specifies when the public address system may be operated, the SRSD and SRALL shall ensure that the speakers are located and directed in such a manner as to minimize the noise levels reaching the neighbors adjacent to the playing fields.
The amendments to SRSD Board Policy 1100 Community Relations include specific protocols for public notification. These protocols should also be included in Board Policy relating to their Comprehensive Communications Plan. The specific media to be used, dependent upon the notification's purpose, must be identified. Each notification shall contain pertinent District contact information relative to the purpose of said notification, along with specific protocols for the filing of complaints or providing feedback.

That SRSD develop a Board Policy specifying protocols to ensure that all SRSD construction related projects are in full compliance with applicable portions of Local Zoning Regulations, the California Government Code, California Civil Code, California Code & Regulations, California Education Code and the California Public Resources Code (CEQA). The protocol, in addition to ensuring compliance, should address procedures for both coordination with the Santa Rosa Community Development Department and community notification when requested.

Required Responses to Findings:
- Associate Superintendent of Schools, Business - F-1, F-2, F-5
- District Director of Maintenance and Operations - F-2(b)

Required Responses to Recommendations:
- School District Board of Education - R-1, R-2, R-6, R-7
- Associate Superintendent of Schools, Business - R-1, R-2, R-6, R-7
- District Director of Maintenance and Operations - R-3, R-4, R-5, R-7

Requested Responses:
- City of Santa Rosa Community Development Department - R-7
- Assistant City Manager, Recreation, Parks and Community Services - R-2
- Sonoma County Fair and Exposition - R-2
- Santa Rosa American Little League - F-2(d), F-4, F-5, R-1, R-2, R-4, R-5
WHAT HAPPENED TO LOWE’S? A CASE STUDY IN ETHICS

SUMMARY
The Lowes project review by the Santa Rosa City Planning commission stimulated a complaint concerning possible Brown Act violations. This California law prohibits a majority of the members of a legislative body from meeting together at the same time in private. While the Grand Jury found no evident violation of this law, it did come across other issues both legal and ethical in nature concerning whether impartial judgments are being made. In addition, possible conflicts of interest beyond those routinely considered were identified. Using the Lowe’s decision as a case study, recommendations are developed which should lead to more frequent abstentions by Planning Commission members and much fuller disclosure of factors that could produce prejudiced or biased decisions. And the Lowe’s decision, at the Planning Commission level, could have been different!

REASONS FOR INVESTIGATION
A complaint raised with the grand jury whether the Planning Commission of the City of Santa Rosa made a proper decision concerning the Lowe’s Home Improvement store anchored project. The communication emphasized the role two commissioners played who associated with each other not only on the Planning Commission but on the Executive Board of a private, non-profit lobbying group. That group consistently opposed the project, raised many objections to the Environmental Impact Statement (EIR), and even presented a detailed alternative development proposal unsolicited by the property owner involved. The Grand Jury, from time to time, receives complaints about a variety of high profile land use decisions. The public is skeptical or suspicious about what is going on. This report seeks to provide a detailed examination of ethical and legal issues which, if resolved, would improve public confidence in such decisions.

BACKGROUND
High profile land use decisions in Sonoma County involve a variety of issues. Take your pick: preserving agricultural land vs. sprawling residential development, putting a garbage dump under the control of a firm allegedly insensitive to environmental issues, or building a large retail store that could put smaller, local merchants out of business. Often large sums of money are involved. Property values may soar if a planning commission allows a use for which large rents will be paid. Creating many smaller pieces of land that can be resold as buildable lots makes some developers rich. Increased property taxes can finance redevelopment districts generating all sorts of construction projects. Large retail stores yield sales taxes flowing into the unrestricted fund category in local government budgets. Obviously, planning decisions impact a wide variety of economic interests. A large national home improvement store moving to Santa Rosa would compete with locally owned stores, possibly pay workers low wages, stimulate lots of auto traffic rather than bicycle or pedestrian travel, and compete with other large stores generating sales tax revenues in a nearby municipality.

What happened in this case was that the Santa Rosa City Planning Commission reviewed an EIR. That document must adequately identify environmental impacts and thoughtfully consider a range of alternative uses for the land. Approval of the EIR is a necessary step to be completed prior to voting the proposed project up or down. Of the seven commissioners one abstained from voting or participating in the debate because she owned stock in the applicant corporation, an obvious violation of the public’s right to expect decision makers to be free from obvious self interest. The remaining commissioners voted 5-1 against approving the EIR. This decision was appealed to the Santa Rosa City Council where it was overturned. The EIR was certified by the Council. The original proposal was then sent back to the Planning Commission for its consideration. At this point the applicant withdrew the proposal because of the intense opposition.

There was some rather intense debate among some planning commissioners. The one planning commissioner who voted in favor of certifying the original EIR claimed that two planning commissioners who voted against certifying were being unethical as they should have abstained from the deliberation and vote (technically called a recusal). The Grand Jury chose to look at this issue rather than the alleged Brown Act violation in the actions of two commissioners who also happened to be on the executive committee of a non-profit lobbying group. That group had opposed the Lowe’s project and criticized the EIR over a substantial period of time prior to the vote.

INVESTIGATION PROCEDURES
• Training materials used by the City of Santa Rosa for new commissioners were reviewed.
• Training materials for planning commissioners developed by the Fair Political Practises Commission were reviewed.
• Other training material found through internet search were reviewed.
• The Community Development Director for the City of Santa Rosa was interviewed.
• The planning commissioner voting in favor of the Lowe’s EIR was interviewed.
• The Form 700 reports for all planning commissioners voting or abstaining on the Lowe’s matter were reviewed.
• Two additional planning commissioners were interviewed concerning information on their Form 700.
• The executive director of the non-profit lobbying group with two Planning Commission Board members was interviewed.
• Minutes of that non-profit group and other documents referring to the Lowe’s matter during 2008 and that portion of 2009 before the Planning Commission decision were reviewed.
• An internet search of all Planning Commission members involved in the Lowe’s matter was conducted with a focus on any interest group participation or any involvement in a political campaign.
• Newspaper reports concerning numerous high profile planning decisions, as well as letters to the editor and editorials were reviewed.
• A newspaper account of an ethics program proposed by the Mayor and considered by the Santa Rosa City Council was reviewed.

FINDINGS
F-1 The required biannual ethics training program for planning commissioners and the brief training program for new commissioners are apparently insufficient and ineffective. For example, one commissioner correctly abstained from discussion and the vote on the Lowe’s matter because she owned between $2,000 and $10,000 of the applicants stock. This amount is disclosed
on the mandatory reporting document Form 700. Another member reported that he owned from $10,000 to $100,000 of stock in Home Depot, which is a major competitor of Lowe’s and active in the region with several nearby large stores. No recusal (the technical term for abstaining from discussion and voting) was offered by the latter commissioner.

F-2 Two planning commissioners, other than the above commissioner with the Home Depot stock, voted against the Lowe’s EIR while serving on the Board of Directors of a non-profit lobbying group actively opposing the Lowe’s proposal. One of those commissioners, who was chairman of the executive committee of this lobbying group, took a particularly active role. He testified about EIR issues to the Planning Commission prior to his selection as a planning commissioner. He was a leader of the task force appointed by the lobbying group to focus on the Lowe’s matter. He was chairman of another lobbying group that provided coverage of the first lobbying group making it qualified for 501c3 contributions that are tax deductible. The first nonprofit lobbying group developed a presentation for the Planning Commission hearing complete with lawyer, professional planning expert, and professional graphics that cost an estimated $100,000. This money presumably qualified as tax deductible. The first planning commissioner, on interview, said he was predisposed on the matter before the Planning Commission but open minded. He had refrained from active participation in the activity of his non-profit group during the time he actually was on the Planning Commission. The records of this lobbying group are very sparse and were carefully edited before being turned over on subpoena to the Grand Jury. No activity by the special task force is described.

F-3 The second planning commissioner, also on the executive committee of the lobbying group, said that he did not participate actively in the decision of the lobbying group and was not a member of the task force dealing with the problem. No mention of recusal is made in the minutes of this lobbying group.

F-4 Several planning commissioners recognized the distinction between the quasi judicial and the legislative nature of different decisions they make on the Planning Commission. This distinction comes up in both ethics training and appeals court decisions based on common law. There was, however, no clear consensus on how to draw this distinction in the Lowe’s case.

F-5 The key to “ex parte” disclosure made by all planning commissioners with whom we discussed the topic is to ensure that the same information base is available to all participating decision makers. The problem arises that highly committed participants can interpret the same information, rationalize and select from available data in a manner that fits preexisting prejudices. This decision and many other high profile decisions have long complex EIRs presenting many scenarios with much data supporting positive and adverse consequences of different courses of action.

F-6 A quorum for the seven member planning commission is four members. Any motion that passes must have four affirmative votes, so long as it concerns a legislative matter. The Lowe’s application had a general plan amendment accompanying the EIR and, therefore, needed a 4-0 vote rather than a 3-1 majority. If the highly active planning commissioner and the Home Depot stock holder both recused themselves, the motion to reject the EIR would have failed to attain four affirmative votes. The Grand Jury believes both cases have the clear appearance of predetermined decision making that on ethical, if not legal, grounds should have led to recusals. Virtually every training resource we consulted emphasized the importance of maintaining the appearance of unbiased and impartial judgment.

F-7 If the planning commissioner sitting on the Board of an organization actively lobbying on one side of a matter before the commission had recused himself, there would not even have been a quorum.

CONCLUSIONS

No general conclusions can be proven by a case study of one Planning Commission decision. One cannot claim any general pattern for planning commissioners opposing other big box developments. Nor can one claim that these same commissioners might evidence similar conduct on other decisions.

What the Grand Jury does believe, and did find in this investigation, is that ethical issues abound which need to see the light of day. The City of Santa Rosa has an opportunity through implementing stronger ethics training to provide leadership on these issues that can illuminate practice in other cities, the County, and even the State.

RECOMMENDATIONS

R-1 The Planning Commission of the City of Santa Rosa needs to adopt and publicize its own ethics code.

R-2 The legal counsel available to planning commissioners might consider advocating modernization of the Brown Act and conflict of interest laws to deal with circumstances in this case study. Non profit organizations containing planning commission members that make decisions in secret with organizations that normally participate in the public debate violate the spirit of the Brown Act if not the letter of the existing law. Sonoma County representatives could raise this issue in the State legislature. It certainly is the right of commissioners to be active in the political process but prejudicial commitments can also follow from such involvement that need to see more transparent disclosure. Just because one gets no salary from sitting on a non-profit Board does not mean that strong pre-decision commitments and substantial financial consequences can flow from such activities.

R-3 Whether or not contact by Sonoma County representatives with legislators in Sacramento can produce legal reform, our practice of disclosure in Santa Rosa could be enhanced. As part of the ex parte disclosure one might mention any organized group with whom the commissioner had discussed the matter under consideration. What role, if any, the commissioner took in that discussion or in facilitating a course of action by that group should also be disclosed.

R-4 The practice of running for office invites much conflict of interest that could be avoided if the local Planning Commission made it a policy that anybody running for office should not continue to service on the commission. That restriction might also apply to persons who recently have run for office. In both cases the role of campaign contributions can come into play. California Government Code Section 84308 provides some help here with disclosure and disqualification rules for contributions over $250 going back twelve months and forward three months. An ethics code could extend this time frame and also include endorsements, either anticipated or received, that produced or could produce multiple contributions smaller than $250.
The City of Santa Rosa Planning Commission should strengthen its ethics training programs. Make the training internal if financially necessary. Consider real life complex examples which invite thinking through cases to find applicable principles.

**Responses Required:**

- Community Development Director, City of Santa Rosa: R-1, R-2, R-3, R-4, R-5
- The Planning Commission of the City of Santa Rosa: R-1, R-4, R-5
- Acting City Manager, City of Santa Rosa: R-1, R-5
- Mayor, City of Santa Rosa: R-1, R-5

**Responses Requested:**

- State legislators representing Sonoma County: R-2
OFFICER-INVOLVED FATAL INCIDENT REPORTS

SUMMARY
The Grand Jury reviewed four Fatal Incident Reports. Two of the incidents involved jail deaths and two, officer involved deaths during apprehension. Each report reflected a thorough and detailed investigation. The District Attorney concluded that there was no criminal wrongdoing by any of the law enforcement officers involved in each incident.

REASON FOR INVESTIGATION
The Grand Jury is required by state law to review Fatal Incident Reports received from the District Attorney to determine that County law enforcement agencies:

- Complied with the county fatal incident protocol;
- Acted appropriately during a fatal incident;
- Wrote reports without bias;
- Wrote reports containing factual witness statements;
- Established a timeline of events leading up to and including the fatal incident.

BACKGROUND
The California Penal Code requires a formal investigation of each officer involved critical incident. The Sonoma County Law Enforcement Chiefs Association Employee-Involved Fatal Incident Protocol established the County-Wide policy and procedures for prompt and efficient investigation if:

- A specific officer-involved critical incident occurred in Sonoma County;
- A law-enforcement employee was involved and a fatal incident occurred.
- The protocol dictates that a task force of three separate agencies be formed to investigate, review and write reports.

This task force is comprised of:

- An outside law-enforcement agency not involved in the incident;
- The primary law-enforcement agency involved in the incident; and
- The District Attorney’s Office.

The District Attorney’s Office conducts an investigation to determine if the conduct of any of the officers involved rises to the level of criminal liability and develops a Fatal Incident Log. The District Attorney’s report reviews the evidence, draws a conclusion and releases a report to the citizens and the Sonoma County Civil Grand Jury for an independent review.

INVESTIGATIVE PROCEDURES
The Grand Jury reviewed the completed reports by the primary and outside agencies, as well as the District Attorney’s reports on the following incidents:

03/13/08: Jail inmate died due to natural causes as confirmed by evidence and autopsy.
12/20/08: Individual was assaulting his father and police were called. He was shot due to his delusional refusal to stand down.
11/06/08: Individual died at parent’s home due to gunshot wounds inflicted by the City of Sonoma Police. He was under the influence of drugs and threatened police officers with a rifle.
09/23/07: Incarcerated male unresponsive to emergency medical treatment died due to natural causes

FINDINGS
F-1 The Law Enforcement Employee Involved Fatal Incident Protocol requires that investigations be conducted "free of conflicts of interest". For that reason, the investigations were conducted by a law-enforcement agency whose employees were not involved in the incidents, with the exception of jail deaths.

The District Attorney’s Office also participated in the investigations and had the authority to investigate separately.

F-2 Upon completion of each incident investigation, the District Attorney’s Office reviewed the physical evidence, the transcribed witness interviews, photographs and all other evidentiary material.

F-3 Based on the evidence, the District Attorney’s Office reached a conclusion and issued a fatal incident report in each of the four cases, and in each case there was no evidence of criminal liability.

F-4 The agencies that employ the involved officers conduct their own internal investigation to determine if the agency’s policies and procedures were followed and whether there could be improvement in those policies and procedures. They also make a determination as to whether any disciplinary action should be imposed.

F-5 The District Attorney has failed to produce a report within ninety days of receipt of the completed investigation as stipulated in 2009.

RECOMMENDATIONS
R-1 The District Attorney must complete the investigation and produce a report relating to criminal liability within ninety days of receipt of all investigative reports.

R-2 Historically investigative documents have been available to the Grand Jury in advance of the District Attorney’s Final Report. However, at times, documents have been delayed while awaiting the District Attorney’s Final Report. The Grand Jury recommends the District Attorney establish a policy, to provide timely distribution of all fatal Incident documents, in order to comply with its obligation for independent review.

Required Responses to Recommendations:
Sonoma County District Attorney: R1, R2,
SLIPPERY COSTS AND RISING FEES
IN THE GRATON COMMUNITY SERVICE DISTRICT

SUMMARY
The Grand Jury received several complaints about increases in wastewater rates and ever increasing operating costs of the Graton Community Services District (GCSD). Complaints attributed much of the increases to the GCSD Board of Directors having minimal wastewater treatment and disposal related experience, while management attributed these increases to mistakes by other agencies. Because the GCSD has a small rate payer base, it can only go so far in covering multimillion dollar cost increases (see Background), many of which are the direct result of regulations relative to wastewater disposal, such as controlled or zero discharge into rivers and streams, and mandatory tertiary treatment.

Numerous factors, including a small rate payer base, environmental sensitivity and demands, competitive salaries for qualified operators and engineers, repairing flood damage, capital improvements needed to meet mandated tertiary treatment requirements, along with routine maintenance and operations have led to the dramatic increase in rates. When the GCSD was formed in 2004 the annual rate was $826, which rose to $1359 in 2009.

REASON FOR INVESTIGATION
Both the 2008/09 and 2009/10 Grand Juries received complaints claiming that overall management of the GCSD was incompetent and not fiscally responsible. Issues raised included the general manager's performance and his placing blame for many cost overruns on other agencies, along with the inability of the GCSD Board of Directors to make competent decisions.

BACKGROUND
In 1995, the Sonoma County Public Works Department turned operational control of the County’s water and sanitation districts and zones to the Sonoma County Water Agency (SCWA), and in 1996, the West County Sanitation Report was released. The report contained proposals that would improve West County wastewater treatment efficiency, and made reference to the North Coast Regional Water Quality Controls Board’s (NCRWQCB) 1994 requirement relating to tertiary treatment of wastewater. The proposals included consolidation of the smaller (less than 1,000 users) West Sonoma County districts and zones, or creating a major treatment facility in Guerneville with pipelines to nearby communities for the shipment of untreated sewage. Many Graton citizens did not feel that either proposal was in their best interest and expressed a desire to form their own independent agency. In 2000, the SCWA Board of Directors (which is also the County Board of Supervisors) recommended consolidation. In 2002, the SCWA initiated proceedings with the Local Agency Formation Commission (LAFCO) to dissolve both the Graton Sanitation Zone (GSZ) and the Forestville County Sanitation District, form the independent GCSD, and approve the Forestville Water District (FWD) to exercise latent sewer powers. With LAFCO approval, a special election was held in December of 2003 with the voters in Graton approving the dissolution of the GSZ and formation of the GCSD, which held its initial Board of Directors meeting on July 12, 2004.

The FWD has a NCRWQCB approved tertiary treatment plant, but does not have the storage capacity of the GCSD. At times during the winter, vineyards in Forestville required additional frost protection and would contract with the GCSD to provide secondary treated effluent. The effluent would be transported through the pipeline between the Forestville and Graton treatment facilities that the SCWA had constructed but maintained ownership. Included was a valve to control the flow, for which the SCWA would charge a fee of $25,000 when the valve was opened.

Of the approximately 652 GCSD users, there are 565 single-billed residential users. The remaining users are commercial businesses such as shops and restaurants, and industrial users which are primarily wine industry related using treated effluent for irrigation and frost protection.
with the SCWA, along with NCRWQB inspections of the Graton facility being in the public domain, these circumstances cast doubt
individuals involved with the formation of the GCSD, including the current General Manager, had worked at the facility and also
alleged that representatives of the GCSD were not allowed to fully inspect the facility and equipment prior to its formation. As
were turned over to the GCSD who subsequently had to replace them as they were not the proper design for their needs. It was
shipping effluent to a state of the art treatment facility in Guerneville. This plan included pumps designed for that purpose, which
plan, which was included in the West County Sanitation Report, to consolidate regional systems in West Sonoma County by
the GCSD by the SCWA display an eagerness to finger point, obscuring inadequate initial planning. SCWA had a well publicized
F-3 The assertions that a portion of the high costs are due to poorly maintained and/or inappropriate equipment turned over to
options receive attention, but don’t always work. The cumulative billings of the engineering firm that evaluates treatment options
b. The Grand Jury found that the redwood trees had a layer of clay just below their roots which impeded successful
filtration. The resulting need to treat sewage to meet tertiary standards has led to a project that will now cost over $7 Million. If the tertiary conversion had been started immediately after the redwood grove was disapproved, the cost would have been approximately $5 Million. $2.7 Million of outside funding has been secured to help with these costs. In addition to FEMA funding for flood relief, GCSD has been awarded $650,000 in Proposition 50 funding, and has applications pending for additional grants in excess of $1.25 Million.

The GCSD general manager, an independent contractor, is a level five licensed sanitation plant operator, the owner of
Industrial Wastewater Solutions, and also teaches water treatment at Santa Rosa Junior College. He previously worked for
Sonoma County Department of Public Works and the SCWA, with experience operating West Sonoma County sanitation facilities. He also is a director of a local non profit organization, which sues agencies responsible for violating legal and environmental standards applying to river pollution. In such litigation he receives expert witness fees. A local engineering firm under contract with GCSD plays an important role in the evaluation and monitoring of proposals developed by GCSD. Including reimbursement from FEMA for the flood relief related project, the firm has billed the GCSD in excess of $1.5 Million since August, 2004.

INVESTIGATIVE PROCEDURES

Interviews and discussions were held with the following:
- All current members and one prior member of the GCSD Board of Directors.
- The General Manager of the GCSD.
- The President of the engineering firm under long term contract with GCSD.
- The General Manager of the SCWA during the period covered by the complaints.
- All current members and one prior member of the GCSD Board of Directors.
- The General Manager of the GCSD.
- The President of the engineering firm under long term contract with GCSD.
- The General Manager of the SCWA during the period covered by the complaints.
- The Deputy Chief Engineer of the SCWA.
- The Sanitary Engineer of the NCRWQB who is the GCSD primary contact.
- The GCSD treatment facility licensed operator.
- The GCSD bookkeeper.
- Both complainants.

The following documents and resources were reviewed or inspected:
- Sonoma County Auditor financial audits of the GCSD.
- The GCSD General Manager’s Form 700 (Statement of Economic Interest).
- Proposition 218 relative to sanitation fee requirements, compliance and protests.
- Newspaper articles and reports concerning GCSD.
- West County Sanitation Report.
- GCSD general ledger including general manager and engineering firm invoices and statements.
- GCSD Board of Directors meeting minutes.
- Miscellaneous GCSD e-mails and correspondence.
- LAFCO documents relative to dissolution of GSZ and creating GCSD.
- Site inspection of the GCSD treatment facility including the redwood grove and pumping equipment inherited from SCWA.
- Inspection of the pipeline connecting the GCSD and FWD treatment facilities, including the valve which controls the flow
between them.

FINDINGS

F-1 The initial capital plan for a low cost treatment of sewage was based on the assumption that natural filtration through the
root system of a redwood groove would result in zero discharge. This led to the conclusion that treating effluent to reach tertiary
standards was unnecessary. While there are examples of successful effluent filtration through redwood trees, serious early
planning was not done to develop alternative methods of filtration should the redwood groove process fail.

a. Some GCSD Directors felt the redwood grove natural filtration did not succeed because of capricious decisions by the
NCRWQB.

b. The Grand Jury found that the redwood trees had a layer of clay just below their roots which impeded successful
filtration. The resulting need to treat sewage to meet tertiary standards has led to a project that will now cost over $7 Million.

c. Management is actively seeking outside grants, in addition to those mentioned in BACKGROUND, to help fund the project.

F-2 Management continues to explore both conventional and unconventional means to treat sewage. Environmentally friendly
options receive attention, but don’t always work. The cumulative billings of the engineering firm that evaluates treatment options
to ensure compliance with Title 22 of the California Water Code is a major expense to the rate payers.

F-3 The assertions that a portion of the high costs are due to poorly maintained and/or inappropriate equipment turned over to
the GCSD by the SCWA display an eagerness to finger point, obscuring inadequate initial planning. SCWA had a well publicized
plan, which was included in the West County Sanitation Report, to consolidate regional systems in West Sonoma County by
shipping effluent to a state of the art treatment facility in Guerneville. This plan included pumps designed for that purpose, which
were turned over to the GCSD who subsequently had to replace them as they were not the proper design for their needs. It was
alleged that representatives of the GCSD were not allowed to fully inspect the facility and equipment prior to its formation. As
individuals involved with the formation of the GCSD, including the current General Manager, had worked at the facility and also
with the SCWA, along with NCRWQB inspections of the Graton facility being in the public domain, these circumstances cast doubt
on some of the assertions.
F-4  The Graton general manager is the owner of Industrial Wastewater Solutions and also teaches water treatment at Santa Rosa Junior College. He previously worked for Sonoma County Department of Public Works and the SCWA, with experience operating West Sonoma County sanitation facilities. He has served and been paid as an expert witness in lawsuits organized by Northern California River Watch that claim to protect water quality by suing SCWA projects. He is a paid consultant for operating treatment systems both locally and internationally. With the ready, if expensive, track record of the GCSD in continually trying alternative approaches, he has acquired a wealth of knowledge which he is able to use in his consulting activities.

F-5  Engineering support paid since inception averages over $250,000 a year. Payment to the general manager is based on the number of hours worked, including activities related to FEMA and Proposition 50. Records indicate that remuneration as been as high as $19,000 for a 3 month period including FEMA related reimbursements. Add to that the full time salaried staff of the plant operator, 2 assistants, a bookkeeper and routine operational costs make it clear that the rate payers face the potential for additional rate increases based solely on operating costs.

F-6  Cease and Desist Order R1-2008-1009 was issued by the NCRWQCB requiring the GCSD to meet tertiary treatment standards by October 2010. The Cease and Desist Order actually increases their priority ranking for obtaining outside funding.

F-7  GCSD will save significant R&D expense by contacting and developing working relationships with other wastewater treatment facilities in the area. Other facilities sharing their experiences with various tertiary treatment methods will assist the GCSD in finalizing their plans to meet the Cease and Desist Order requirement.

F-8  The GCSD was charged a $25,000 fee for opening the valve controlling the pipeline between their facility and FWD’s in order to provide frost protection to vineyards near Forestville. The dissolution agreement with the SCWA called for a $25,000 per use fee to be charged to both the FWD and GCSD, but at no time was the FWD charged the fee. In May 2009 the SCWA requested that the agreement be amended to waive past fees and institute a fee based on volumetric use and not to exceed a combined fee of $25,000.

CONCLUSIONS

While there was strong pressure from within for the citizens of Graton to maintain local control over their wastewater treatment facility, it is evident that economic feasibility was not given sufficient consideration. In all probability, if the consolidation of smaller districts and zones had been implemented, GCSD rates would not have increased over $500 in 5 years, and their tertiary treatment plant would be up and running, having been completed for as much as $2 Million less than the current projected cost.

Although regulatory approval was not received, the use of a redwood grove for filtration in order to reach the zero discharge requirement was a conceptually viable approach. However, not having alternative plans has had an extremely negative impact on the GCSD. Too much emphasis has been placed on experimenting with unconventional filtration means rather than investigating proven means and determining which best meets GCSD’s unique requirements.

While well intentioned, utilizing a part time consultant as general manager is not cost effective or efficient. The operation would be better served with a full time licensed sanitation plant operator acting as both general manager and plant operator.

COMMENDATIONS

Both complainants are to be commended, not only for bringing this most important matter to the attention of the Grand Jury, but also for their well documented and informative complaint submissions. The Board of Directors, General Manager and staff of the GCSD for their continuing efforts to develop environmentally friendly wastewater treatment and disposal solutions. Also the SCWA’s Deputy Chief Engineer and the President of the engineering firm contracting with the GCSD for their most appreciated “above and beyond” efforts in providing invaluable documentation, insight, and details relative to the complaint.

RECOMMENDATIONS

R-1  That the GCSD contract for a management audit of its current policies and procedures. A determination should be made to ensure sufficient checks and balances are in place to avoid unnecessary expenses. The management audit should be in addition to financial audits conducted by the Sonoma County Auditor’s office.

R-2  That the GCSD periodically review their rate structure, preferably at an open community forum, to ensure that fees charged users are realistic and meet the goals set during the LAFCO investigation prior to formation of the GCSD.

R-3  In cooperation with either the SCWA, the NCRWQCB, and/or one or more local educational institutions, schedule training conferences relating to new industry developments and trends, and cost effective management. Ideally, as there are many small districts such as GCSD in Sonoma County and elsewhere in Northern California, the conferences should be open to any who would benefit from attendance. Small districts such as the GCSD have well intentioned members who do learn from experience, but the lack of training does cause mistakes that can be expensive.

R-4  The GCSD should routinely arrange outside independent peer review of its professional staff rather than simply using its limited expertise to make evaluations.

R-5  Job announcements should include full job descriptions emphasizing experience and the ability to work cooperatively with neighboring districts and agencies. Joint appointments with adjacent districts should be considered as they can both save money and institutionalize cooperative work.

R-6  Serious consideration should be given to a joint venture with the FWD! The pipeline between the 2 facilities combined with irrigation and frost protection in the areas served by the GCSD and FWD indicate such a venture would be mutually beneficial. A good starting point would be to open negotiations with SCWA to assign the title of the pipeline’s valve jointly to the GCSD and FWD.
The GCSD Board should ask the California Fair Political Practices Commission to give an opinion whether the activities described in F-4 amount to a conflict of interest under State law.

**Required Responses to Findings:**
Graton Community Service District: F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8
Sonoma County Water Agency: F-3, F-8
North Coast Regional Water Quality Control Board: F-1a, F-6

**Requested Responses to Findings:**
General Manager, Graton Community Services District: F-3, F-4

**Required Responses to Recommendations:**
Graton Community Services District: R-1, R-2, R-3, R-4, R-5, R-6, R-7
Forestville Water District: R-3, R-6

**Requested Responses to Recommendations:**
Sonoma County Water Agency: R-3, R-6
Sonoma County Auditor: R-1
Forestville Water District: R-5
North Coast Regional Water Quality Control Board: R-3
SUMMARY

The Sonoma County detention facilities were reviewed according to the guidelines provided by the Corrections Standards Authority (CSA). It was found that inmates with mental health issues are the most rapidly increasing population in the County detention facilities and many would be better served by expanded county mental health facilities and services. The detention facilities were clean, well lit and well run. The inmates were treated humanely and all incarceration conditions appeared to be excellent.

REASON FOR INVESTIGATION

The Grand Jury, as mandated by the state, proceeded to investigate the conditions and management of two adult detention facilities. They are the Main Adult Detention Facility (MADF) located at 2777 Ventura Ave., in Santa Rosa and the North County Detention Facility (NCDF) located north of Santa Rosa at 2254 Ordinance Road, near the Sonoma County Airport. Sections 919 (a) and 919 (b) of the California Penal Code, authorizes the Grand Jury to inquire into the jail conditions and to investigate the management of all detention facilities in Sonoma County. As a result of this investigation, the following report was filed.

BACKGROUND

Sonoma County Jail is a detention facility for sentenced and pre-trial adult criminal offenders. It is administered by the Sonoma County Sheriff's Department. The total housed capacity of both facilities is 1400 inmates, with a budget of approximately $50 million/year. The CSA is a state regulatory agency that establishes the standards for the operation and administration of detention facilities. These standards are found in Title 15 and Title 24 of the California Code of Regulations (CCR).

It is the responsibility of the Sonoma County Civil Grand Jury to investigate all detention facilities, to assure that they comply with state laws and that adequate medical and mental health care are provided. Medical care is currently provided by the California Forensic Medical Group (CFMG) which is contracted to the County, and Sonoma County Mental Health. CFMG is under the auspices of Title 15 and provides standard medical care. AWS (Alcohol Withdrawal Syndrome) care is also provided.

Approximately 78% of inmates have some type of addiction. In the event of serious inmate illness, the County contracts with local Hospitals. Inmates with mental health issues require special attention and the expansion of existing facilities to treat and house this population. Mental health inmates currently comprise 21% of the detention population over the past six years.

The Jail is divided into Modules that offer different types of supervision, such as, Infirmary Mod (special health needs inmates), R-Mod (Alcohol/Drug Withdrawal/Behavioral Problems), H-Mod (women inmates), E-Mod (Protective Custody and young inmates), ADSEG-Mod (High Risk Offenders) Mental Health–Mod, and Booking.

During their incarceration, inmates are offered training programs, drug and alcohol counseling, religious/spiritual activity and educational opportunities.

The most common crimes are assault, battery and substance abuse offences which collectively average 66% of all the bookings in the MADF over the past six years. The inmates serve one year or less unless there are additional charges.

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INVESTIGATION PROCEDURES

Ten Grand Jury members were given tours of the two adult detention centers in October, 2009. Correction Deputies (CDs) guided the Jury through several modules. The Jury members were able to ask questions and observe the CD’s while making rounds and interacting with the inmates. The modules that house inmates with health needs or behavioral problems are checked four times/hour, to determine whether any were in crises. Inmate checks were increased in number-in the last two years-due to a previous inmate death where cell checks were not as frequent. All module checks are electronically confirmed (RATS Logs) by protocol.

A special visit, on the evening of December 10, 2009, was made by three Jury members to observe booking procedures. During booking some offenders are kept isolated from other inmates, due to intoxication, gang conflicts, or drug withdrawal indications and are held in special cells. After the booking process, each new inmate is assigned a module, until trial, reclassification, sentencing or release.

Inmates are able to request medical, mental health or dental attention by filling in a formal request on paper that is picked up daily in each module.

Meals are provided by inmates assigned to the kitchen, where they are trained in food services. This training could provide them with skills, to benefit job hunting, when released from detention. The jury members were allowed to visit these facilities.

The level of supervision in the two centers differed due to time of incarceration. The MADF has much more restrictive security than the NCDF. NCDF is a minimum security facility that allows work release programs. The Jury members spent time in both and were equally impressed by the dedication and compassion of the officers who supervise and care for the men and women inmates.

A review of all statistical data, earlier Grand Jury reports and mandated reports were assessed.

FINDINGS

F-1 A Review of the detention statistical data since 2004 indicates that the Sonoma County detention facilities have not reached capacity. The future of the aging NCDF will need to be reviewed in terms of ongoing obligations. The increase in the number of beds (1400) over what was stated in the Grand Jury Report 2003-2004 (1286) is due solely to the reorganization of the facilities by the correctional staff. Physical limitations of both facilities will require serious consideration in the near future.

F-2 Although the carrying capacity of the Sonoma County detention system is not yet full, the type of beds needed to meet future demands is wanting and the needs of mental health inmates is clearly increasing at a rapid rate (Figure 1). Provisions for these inmates under the current space allocation will soon reach a crisis point unless budget allocations are seriously considered. In a recent Grand jury report, it was indicated that an increasing mentally ill inmate population would need to be served. The non-incarceration options are limited, which has forced the detention system to house and treat inmates with mental health issues that would be better off in less restrictive environments. Jail is not a good substitute for a mental health facility.

F-3 Females comprise an average of 14% of the jail population and males average 86% over the past six years. The racial characteristics of the inmates are Caucasian (56.1%), Hispanic (30.8%), African - American (8.9%), and Native American (2.6%) over the six year sampling period. The other ethnic breakdowns comprise less than 2% of the total population. Most of the criminal behavior (53.2%) occurs between ages 26-45.
The overall facility, in terms of both management and care of the inmates, was deemed highly professional and humane. The conduct of the correctional staff was professional, compassionate and secure. The environment of both facilities was clean, well lit, sanitary, well organized, and a concern for the safety of both the correctional staff and the inmates was evident. The correctional staff was keenly aware of the possibility of improving the organization and operation of both facilities and were amenable to changes in the future that would benefit both the County and the facilities. No indication was found during this investigation of the mistreatment of inmates.

RECOMMENDATIONS

R-1 Inmates with mental health issues are the most rapidly increasing population in the Sonoma County detention facilities and many would be better served by expanded county mental health facilities and services. The issue of mental health inmates was addressed at length in the 2003-2004 Grand Jury report and little has been done to correct the problem. In the absence of state or federal programs, long term support should be extended to programs that would allow the transference and treatment of mentally ill inmates to alternative facilities.

Required Response to Findings:
Sonoma County Sheriff’s Department F-1, F-2, F-3, F-4

Required Response to Recommendations:
Sonoma County Board of Supervisors R-1

Investigative Interviews and Procedures:
- Sonoma County Sheriff’s presentation to the Grand Jury
- One Sonoma County Sheriff’s Lieutenant, two Correctional Sergeants and four Correctional Deputies.
- The Grand Jury reviewed the statistical data on the detention facilities for the past six years.
- The current Grand Jury also visited broad jail issues raised in the 2003-2004 Grand Jury report. This report provided statistical data through 2003.
- A tour of both the MADF and the NCDF was conducted for the Grand Jury and the booking procedures were observed by members of the Law and Justice Committee.

Reference Documents:
- Statistical data on the Sonoma County Detention Facilities provided by the Sonoma County Sheriff’s Department 2004-2009
- Jail Inspection Handbook from the California Grand Jury Association, Corrections Standards Authority.
- Title 15 and Title 24, California Code of Regulations (CCR)
- Sections 919(a) and 919(b) California Penal Code
- California Standards Authority report to the Sonoma County Sheriff-January 2010.
USE OF LESS THAN LETHAL FORCE

SUMMARY
During the past year, the Grand Jury received two critical incident reports from the Sonoma County District Attorney, arising out of officer involved deaths, that occurred in Rohnert Park. In both cases the non-use or ineffective-use of Tasers were involved and both decedents exhibited signs of excited delirium. On November 9, 2008, four officers of the Rohnert Park Department of Public Safety (RPDPS) attempted to subdue and arrest an out of control man who was confronting patrons in the parking lot of a Walmart store and in possession of goods stolen from the store. Two officers attempted, unsuccessfully, to use Tasers, which were not fully functional, due to lack of a full charge. He was manually restrained and later died of asphyxiation.

On March 16, 2008, a RPDPS officer shot and killed a woman. She was out of control, exhibited signs of excited delirium, mutilated herself and cornered the officer with a blade in her hand and refused to stop. He did not carry a Taser; it was in his patrol car uncharged.

Tasers are just one tool used by law enforcement to subdue an out of control person. They can, like anything else, be successfully used or misused. The alternative is often a bullet. The use of Tasers has become a national issue with a great deal of discussion about their effectiveness. Some police departments do not issue them to their officers. The RPDPS policy is to issue Tasers but the officers are not required to carry them. If Tasers are to be issued as a less-than lethal means to subdue persons who are a threat to themselves or others, those officers should carry them on their service belt, fully functional, and on the weak side. The officers should be well trained, by the department employing them, in the use and maintenance of the Tasers. When Tasers are used properly, they can be effective with little risk to the officer or suspect.

REASON FOR INVESTIGATION
The California Penal Code authorizes that a fatal incident investigation be conducted by an independent law enforcement agency and reviewed by the District Attorney for criminal liability [1]. The Sonoma County Civil Grand Jury is authorized by state law to review all officer involved fatal incidents that occur in Sonoma County.

BACKGROUND
GUY JAMES FERNANDEZ
On November 9, 2008, RPDPS dispatched officers to the Walmart Store in Rohnert Park to arrest an out of control man who had stolen goods from the store and was harassing other patrons in the parking lot. Mr. Fernandez was hostile, waving a pole and trying to evade the police. One PSO of the four involved, attempted to tase Mr. Fernandez. The deployed Taser [2] was not sufficiently charged for the weapon to be effective. A second PSO did not have a Taser; a third PSO kept his Taser in his vehicle and the fourth PSO drew his Taser but re-holstered it because he was not in a favorable position to employ the device. Fernandez was eventually manually restrained by four PSOs and subsequently died from asphyxiation. An examination of the Taser used in connection with the Fernandez death was conducted by the Sonoma County Sheriff’s Department.

HEATHER BILLINGS
On March 16, 2008, Patty Smith called 911 to report, her daughter, Heather Billings, was out of control, after several days of escalating alcohol and drug abuse. She was previously diagnosed with severe borderline personality disorder. Ms. Smith believed her daughter was a serious threat to herself, her mother and her eleven year old son.

RPDPS dispatched officers (PSOs) to the home. The PSO first on scene entered the residence to find Ms. Billings, holding a utility knife blade she had used to self-inflict severe cuts to her arm and was bleeding profusely. The PSO ordered her to drop the knife.

blade; she did not do so and advanced toward him. The PSO estimated that the decedent was within four to six feet of him, at which time he shot and killed her. The PSO believed that the non-lethal weapons he carried would not have stopped her. He was not carrying his department issued Taser; it was in his patrol car uncharged.

RPDPS follows Use of Force Policy §300 and is responsible for:

1. Equipping PSO’s with effective, less-than-lethal force alternatives, to be used in compliance with the Use of Force Policy. Each officer is “expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.” (§300.2)
2. Training PSO’s in the exercise of judgment regarding use of reasonable force and on officer response to “excited delirium.” [3]

Chargers for the Tasers were available only at the RPDPS station. Patrol PSO’s are directed to test their department issued Tasers at the beginning of each 40-hour shift cycle. If the battery requires charging, it is placed on a charger. There were no alternative fully charged batteries available for immediate use. As a result, in the Billings case, the PSO involved did not have a functional Taser on his person, at the time of the incident. The Taser had been left uncharged in his vehicle, its battery left on the station’s charger. In the Fernandez case, the officers attempted to use Tasers that were uncharged or inoperable.

Sonoma County Sheriff’s Department has a policy (§309) for dealing with “excited delirium” which is described as a “state of extreme mental and physical excitement, sometimes associated with drug use and characterized by exceptional agitation, hyperactivity, overheating, excessive tearing of the eyes, hostility, super-human strength, high pain tolerance, aggression, acute paranoia and endurance without apparent fatigue.” Both decedents appeared to be experiencing these phenomena.

Dispatch responsibility, deputy responsibility and supervisor responsibility are all outlined in the Sheriff’s “excited delirium” policy, including, requiring a minimum of four deputies be employed when subduing such an affected individual. Each deputy should be armed with a fully functional Taser. The device should be used to create a window of disablement, during which deputies can gain physical control of the subject. If possible, multiple applications of the Taser should be avoided. Deputies should be responsible for ensuring that their Taser is properly charged and maintained and in good working order at all times. The Taser can be carried as a part of a uniformed Deputy’s equipment in an approved holster. The RPDPS, at the time of the incident, did not have any written policy on “excited delirium.” In fact, the Grand Jury was informed that the primary PSO involved in the Billings case was unfamiliar with the term and was not trained on how to respond in a case involving “excited delirium.”

INVESTIGATIVE PROCEDURES
The Grand Jury took the following steps to investigate the two cases involved herein:

- Interview of officer involved in shooting in Billings case.
- Interview of a second officer in Billings case.
- Review of Sonoma County Sheriff’s Dept., policy on “excited delirium.”
- Review of Sonoma County Sheriff’s Dept., policy on less-than lethal control devices.
- Review of Sonoma County Sheriff’s Dept. use of force policy.
- Review of Rohnert Park Dept. of Public Safety use of force policy.
- Review of District Attorney’s Reports.
- Review of Santa Rosa Police Dept., investigation of the shooting death of Heather Billings.
- Review of Sonoma County Sheriff’s Dept., report of in custody death of Guy James Fernandez.
- Sonoma County Enforcement Chief’s Association Employee Fatal Incident Protocol (1/2009).

FINDINGS
F-1 Reviewed of both incidents and found all of the officers involved absolved of any criminal liability and not in violation of Department Policy.

F-2 The factor of “excited delirium” was apparent in both incidents and the decedents were out of control and a danger to themselves and others.

F-3 In the Fernandez case, one PSO fired a Taser which was not functional due to lack of a full battery charge and, therefore, failed to subdue him. The other PSO’s Tasers were unavailable.

F-4 Mr. Fernandez was attempting to leave Walmart with stolen goods and exhibiting signs of excited delirium. He was confrontational to others and waving around a pole. He was later manually restrained by the officers and died of asphyxiation while restrained.

F-5 One incident involved the fatal shooting of a female citizen on 03/16/08. The officer responded to a family disturbance call. At the house Ms. Billings approached the PSO with a utility blade and failed to respond to directions to drop the blade. When the decedent was within four to six feet, the PSO fired his gun. Ms. Billings was struck and killed.

F-6 The PSO in the Billings case was a lateral transfer to the RPDPS for eleven months, had four weeks of supervised training, rather than the departmental policy standard of sixteen weeks of supervised training.

F-7 In Billings case, the PSO’s department issued Taser was inoperable due to a lack of battery power and was left in his patrol car.

[2] A fully charged M26 Taser should spark at twenty pulses per second but the PSO’s Taser was functioning at only four pulses per second. The newer X26 Taser has an LED readout to inform the user it is fully charged. At the time of the two incidents, RPDPS had issued M26 Tasers.

[3] RPDPS current policy manual includes a section on “excited delirium.”

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CONCLUSIONS
It must be emphasized that Tasers and their use is a highly controversial issue nationwide. Many police agencies will not issue them to their officers and Taser International, the largest producer of Tasers, is constantly issuing new guidelines for Taser use. Tasers must be considered potentially lethal weapons. Although their use does not often result in a fatality, they do occasionally, and in that context, they must be used as carefully as a side arm. Give the police an alternative to a lethal outcome in any situation and they will welcome it. However, Tasers must be carried, be fully functional and, above all, the training must be intense and thorough.

RECOMMENDATIONS
R-1 Tasers issued to RPDPS PSO’s should be fully charged and checked at the beginning of each shift. It should be carried at all times, on the officer’s service belt, in a proper holster on the weak side. PSO’s should leave on each shift with a fully functioning device. Replacement Tasers or fully charged batteries should be available at all times.

R-2 That RPDPS adopt a policy similar to the Sonoma County Sheriff, relating to "excited delirium" with frequent retraining, to sharpen judgment in stressful situations, with regard to the use of less-than lethal force, particularly in situations involving "excited delirium."

R-3 Probationary PSO’s be supervised for a full sixteen week period, without reduction for lateral transfers. The training officer should be recognized as experienced, and with a history of exercising excellent judgment.

Responses to Findings:
Rohnert Park Department of Public Safety  F-1, F-2, F-3. F-4, F-5, F-6, F-7

Required Responses to Recommendations:
Rohnert Park Department of Public Safety – R-1, R-2, R-3
PERMITS AND RESOURCE MANAGEMENT DEPARTMENT REDUX

SUMMARY
Since 2000 the Grand Jury has received a number of complaints regarding the operations of the Sonoma County Permit and Resource Management Department (PRMD). These complaints have come from within PRMD and from public clients. Investigation has revealed that many of the identified problems have been or are in the process of being corrected. Specific wrongs alleged in some recent complaints have been investigated with inconclusive results. However, interviews conducted indicate that more could be done to assist clients in understanding permit requirements they face, and to avoid internal bottlenecks which create unpredictable variation in the time it takes to complete the process.

REASONS FOR INVESTIGATION
The 2009-2010 Grand Jury has received two complaints regarding the Sonoma County Permit and Resource Management Department (PRMD). Investigation of these complaints has been inconclusive with regard to the particulars alleged. However, in the course of investigating these complaints, it was determined that the PRMD had been the subject of numerous other complaints over the last 10 years, resulting in Grand Jury investigations in five of the last nine years. Three of these investigations resulted in Grand Jury reports published in 2001, 2002, and 2004. Therefore we decided to take a broader look at the PRMD, not limited to the specifics of the complaints received this year.

BACKGROUND
The PRMD was established in 1995 to consolidate all County land use planning and developmental activities. Prior to that time these activities were conducted by a number of different County Offices. Major activities include processing permits for buildings, well and septic, and sanitation planning. Other activities include enforcement of building and development codes (established by State and County statutes) and updating the County General Plan. Their jurisdiction covers all areas of unincorporated Sonoma County. Plans submitted to PRMD for construction of new facilities, modification of existing facilities, modification of use conditions, and changes in zoning for specific sites are reviewed by PRMD before permits are issued. During construction of new facilities or remodeling, PRMD performs inspections to insure that they are in compliance with relevant codes and permit conditions. Established properties are occasionally inspected for compliance with permitted use conditions, with such inspections initiated by complaints from the public.

INVESTIGATIVE PROCEDURES
Interviews were conducted with the following persons:

- Complainants
- PRMD Director
- PRMD Deputy Director Planning
- PRMD Manager of Customer Service
- PRMD Manager of Code Enforcement
- PRMD Building Inspector
- PRMD Plan Checker
- Former PRMD Building Inspector
- Santa Rosa City Building Inspector
- Two private planners
- Small Business owner

The following documents and resources were reviewed:

- Zucker Report (January, 2001)
- Fee schedules for PRMD
- Sample projects and associated fees provided by PRMD
- Office Culture Action Team Recommendations (2009)
- Grand Jury reports on PRMD from 2001, 2002, and 2004
- Report to Sonoma County Board of Supervisors on Status of Zucker Report Recommendations for PRMD Improvements (8-17-04)

FINDINGS
F-1 PRMD monitors complaints received from their clients. Types of complaints received, in order of frequency, are:

1. Time it takes to complete process
2. Consistency of requirements
3. Cost of completing process

F-2 Many of the complaints received by the Grand Jury deal with problems of communication within the Department and between the Department and the public it serves.

F-3 Slow but persistent efforts have been made over the last ten years to resolve communication problems.

F-4 There is an apparent reluctance on the part of some within PRMD and some of its public clients to say anything negative about the agency for fear of retaliation. However, the Grand Jury was not able to substantiate any instances of retaliation.

F-5 Projects are sometimes initiated and irretrievable costs incurred by members of the public without a clear understanding of the permits needed and the costs of permits, if they can be obtained.
The number of permit applications has dropped steadily over the last five years.

Cost per plan review has increased during the last five years due to new regulations to protect public resources.

Speed of permit approval varies, with some inordinately slow. There is a policy in place regarding turn-around time for the plan check portion of the PRMD process.

Pre-application meetings are offered by PRMD for a fee. These meetings are designed to identify all approvals and permits a client will need for a particular project.

An automated system to reduce waiting time for applicants scheduled to visit various desks within PRMD has been successfully installed in the last year.

Marin County uses a software package for permit applicants which produces a checklist of required permits, based on the location of the project and an applicant-supplied project description.

A survey of PRMD employees was conducted in 2009 to identify problems they felt existed in the Department. Action Committees have been established to make recommendations for resolving identified problems.

Obtaining the permits required to proceed with almost any project within unincorporated Sonoma County is a daunting task, especially if it represents a departure from what has been done before. The task will get more difficult as population growth puts more pressure on public resources and public infrastructure. As the agency designated to administer this permit process, PRMD inevitably generates complaints from the public it serves. Any steps it can take to reduce the cost and frustration of this process are desirable. The following recommendations of the Grand Jury are paths which could be explored to approach this goal.

PRMD should take a more active role in leading applicants through the complexities of the permit process. For example, initial screening could be provided to determine whether or not a specific application calls for a pre-application meeting. If a pre-application meeting is called for, it could be required. The fee structure for such a screening and pre-application meeting could be adjusted to the size and complexity of the project and should be revenue neutral with respect to the current fee structure.

More emphasis is needed on avoiding unreasonable delays. Monitoring of application progress should be used to detect and resolve any bottlenecks. If a delay is due to the workload or abilities of the staff assigned to the task, then steps should be taken to provide additional assistance for completing the application review in a timely fashion. The entire Division should take responsibility for adhering to the turn-around time policy, as appropriate for each case.

Required Responses:
PRMD Director: R-1, R-2
PLANNING FOR INCREASED DOWNTOWN SAFETY

SUMMARY

It is well known that downtown Santa Rosa has experienced financial difficulty in recent years. Currently, there is a widespread perception that downtown is unsafe. To encourage shoppers and business employees to feel secure in the area, greater attention must be made to the perception of safety in the parking garages and on the streets.

BACKGROUND

This report is the result of a citizen complaint that raised a broad range of issues concerning parking in the garages in Santa Rosa’s downtown shopping area. For the purpose of this report, the Grand Jury chose to focus on safety and security in the downtown parking lots and parking garages. The focus area was the shopping area from Third Street to Seventh Street and between Wilson Street and E Street (excluding the privately owned Santa Rosa Mall).

The complainant described difficulty in obtaining permit parking in a garage near her employment. Because she had additional distance to walk from the nearest available garage to her work which sometimes started before 8:00am, she felt uneasy about her safety.

The City's Parking Division previously employed senior citizens to collect parking fees in the garages. The physical presence of garage attendants offered the perception of security in the garages.

Permit parking for employees and business owners using the public parking garages is limited at some garages. The existing permits for the 3rd Street garage appear not to be awarded in a timely manner.

INVESTIGATIVE PROCEDURES

Interviews were held with the following:

- Santa Rosa police officer in charge of downtown patrols
- Assistant director of parking and traffic for the City of Santa Rosa
- Director of Information Technology for the City of Santa Rosa

Other sources of information

- Outreach meetings of SR Department of Economic Development and Housing
- Crime Mapping statistics from the Press Democrat newspaper

FINDINGS

F-1 The Parking division of Santa Rosa oversees 5 garages and 7 metered parking lots with a total of 3,374 combined parking spaces. All downtown businesses are within the Downtown District and have minimal private parking. There are 1519 garage permits (215 reserved and 1304 non-reserved) sold for 2798 total garage spaces. The assumption is that not all permit holders will use their space at the same time. Permits are readily available except for the 3rd Street garage.

F-2 Permits may be issued in multiples (that are monthly billed to the business) or as individual permits. Business permits may be reassigned to employees as staff turns over, while individual permits are returned to the city and made available to the next person on the waiting list. The waiting time for an individual permit is 3-12 months at most garages, except the 3rd Street garage, where it may be as long as 15 years. The order status for permits may be checked on an individual basis. Reserved space violations are monitored on a basis of complaints received. This investigation found that permits were being handled in accordance with the planned process.

F-3 Senior citizen temporary workers were used to collect parking fees until unionization of the workers and the cost to create permanent positions became too expensive. The seniors were replaced by automated ticketing machines and a contracted security patrol service. The automated ticketing allowed the city staff to patrol throughout the garage levels instead of being limited to the toll booth. In July 2009, the Parking Division replaced the private security service with full time employees. The facility staffing typically operates from 8am to 10:30pm weekdays, with extended evening hours on Friday and Saturdays.

F-4 Currently, garages are patrolled on a 24 hour basis seven days of the week with one or two mobile patrols utilizing a random patrol pattern. There is camera surveillance at the entrances, exits and toll paying areas of each garage.
F-5 There is minimal garage mobile patrol coverage between 2am and 8am weekdays and on Saturdays and Sundays. The response time from the garage patrol during minimal coverage hours and between the most distant points is approximately five minutes if a call is made. Routine garage patrols use random patterning and may be at intervals of two to thirty minutes to pass any given point. Garages have checkpoint validation confirming patrol occurrence.

F-6 Camera surveillance is used to protect property and monitor toll collection points in the parking garages and the transit mall. Camera surveillance for public security is available in Courthouse Square and outside the 3rd Street garage and the 7th Street garage. Santa Rosa has 87 video surveillance systems in use (19 video systems are used by SRPD).

F-7 Santa Rosa Police Department (SRPD) has two bicycle patrols (two officers each) in the downtown area six days a week at peak use times. Currently, there is no coordination of patrols between SRPD and the Parking Division. Both have their fewest patrols in the early morning before 8am.

F-8 Crime statistics for the first four months of 2010 in the downtown shopping area reveal 13 assaults, 4 robberies and 16 thefts. The majority of these incidents occurred in the Railroad Square area. During the same period, there were 19 recorded thefts at Santa Rosa Plaza. In contrast, there have been only two reported assaults in the city garages in the past four years. Incidents which occur in the city garages are reviewed monthly.

RECOMMENDATIONS
R-1 That the SRPD and SR Parking Division coordinate patrols within the downtown shopping district with “real time” communication.
R-2 Acknowledging budget constraints, camera surveillance of alleys in the downtown shopping area should be increased.
R-3 Increased patrol of the parking lots and garages near the SRJC Brickyard culinary campus should be increased during the late evening hours when classes are being dismissed.
R-4 Increase patrol presence in the early weekday mornings beginning no later than 6am.
R-5 Installation of an emergency call system on each level in the garages connected to SRPD.
R-6 Measurable check points for patrols in lot parking (the garages already have check points).
R-7 Increase the visibility of patrol cars by distinctively marked and colored vehicles.
R-8 Formation of a permanent group to study parking issues in the downtown shopping area.

Required Responses:
City of Santa Rosa Parking Division: R1, R3, R4, R5, R6, R7
City of Santa Rosa Police Department: R1, R2, R3, R4
City of Santa Rosa IT Department: R2

Requested Responses:
2010-2011 Grand Jury may wish to explore whether parking garages are cost effective.
A LOOK AT THE PUBLIC GUARDIAN

SUMMARY
The Public Guardian is one of those less well known departments within Sonoma County government. It functions to assist citizens who are unable to handle their own affairs and who have no family or designated agents qualified to provide care and financial guidance, or discord prevents family from providing beneficial care. For many people, the Public Guardian is a resource of last resort.

Occasionally, disagreements arise over decisions by the Public Guardian which reflect the complexity of the Guardian’s tasks. Families and/or other involved parties may seek redress in several venues including the Court system and the Grand Jury. The Grand Jury is reluctant to step into ongoing litigation; those issues are properly addressed in Court. Issues not in litigation are subjects for Grand Jury investigation and report.

While some actions by the Public Guardian have spawned legitimate complaint, a common theme arises from each of the complaints received by the Grand Jury; there was a lack of written direction from individuals who become dependent on others for supervision.

REASON FOR INVESTIGATION
The Grand Jury received several reports in 2009 alleging malfeasance on the part of the Sonoma County Public Guardian’s office. The charges range from misappropriation of clients’ property, to refusal to cooperate with clients’ families, to elder abuse, negligence, and incompetence. In its investigation, the Grand Jury chose to focus on issues of accountability and transparency.

BACKGROUND
The Public Guardian (PG) operates to provide conservatorship of the person and/or estate of individuals who are unable to make decisions in their own best interest or to resist undue influence.

The PG is part of the County Adults and Aging Services Division (A&ASD) of the County Human Services Department. The PG is staffed by a Chief Guardian who oversees four Deputies. The PG typically administers a case load of about 118 conservatees at any given time.

The Director of the Human Services Department is the official Public Guardian for the County. Authority is delegated through the A&ASD Director and the Chief Deputy.

Within the A&ASD, the Public Conservator (PC) (a separate function) provides involuntary conservatorship to individuals who meet a narrow definition of grave disability by reason of a mental disorder. A third branch of the A&ASD is the Public Administrator (PA) who administrates the estates of persons who die without a will.

The PG is governed by the California Probate Code (Section 2900) and the Welfare and Institution Code. The Probate Court also establishes directions for specific fiduciary and personal care concerns. The Court directs the scope of care and fiduciary responsibility. The standard is “prudent management”, which is the standard of practice for any professional fiduciary. Conservatees are referred to the PG by professional medical or social services staff. The PG investigates the merit of a conservatorship referral as well as alternatives to conservatorship. If the investigation substantiates the need, the PG will petition the court for conservatorship of a person or estate. When appointed, the PG will prepare a comprehensive case plan encompassing both immediate and long-term needs to ensure appropriate medical, social, and fiscal management. In assuming the role of conservator of a person, the PG will arrange for the conservatee's care and protection, will decide where the conservatee will live and assume charge of a conservatee's health care (medical decisions), clothing, and personal care, housekeeping, transportation and recreation needs.

As conservator of an estate (the property and money the conservatee owns), the PG is responsible for management of the conservatee's finances, including protection of the conservatee’s income and property, inventorying everything in the estate, creating a plan to insure the needs of the conservatee are met, securing all of the benefits to which a conservatee is entitled, filing and paying the conservatee's taxes, keeping accurate financial records, and reporting financial accounts to the court and other interested persons.

In the administration of persons and estates by the PG, conflicts and differing opinions with a conservatee's family occasionally arise. Prescribed procedures usually resolve these issues. In the cases presented to the Grand Jury at this time, families felt that the prescribed procedures did not satisfy.

INVESTIGATIVE PROCEDURES
The Grand Jury conducted interviews and discussions with the following people:
Director of Adult and Aging Services
Chief Deputy Public Guardian
Family members of conservatees
Legal advisors to conservatees and families
Legal advisors within the Sonoma County Counsel’s office

DOCUMENTS REVIEWED
Individual complaints from families of conservatees
Background documentation provided by families
Court records from previous and ongoing litigation involving conservatees
PG’s literature provided to the public
State of California Probate Code
FINDINGS
F-1 Employee confidentiality and ongoing litigation with conservatees’ families impeded Grand Jury inquiry into allegations of misappropriation of conservatees’ property. However, investigation into past and recently revised PG procedural policy indicated corrective actions have been undertaken to address future situations so that such allegations would be less likely to arise. Outcome of the present allegations will await adjudication by the Court.

F-2 The complaints received by the Grand Jury had a common theme: there has been inadequate documentation of conservatees’ wishes regarding how they wanted their estates and persons to be administered in case of incapacity to act for themselves.

F-3 The PG operates under the jurisdiction of the Probate Code and the Probate Court. Complaints about the PG frequently revolve around the perceived ponderousness of deliberation and protracted time it takes to address even routine requests. These complaints are commonly heard about any of the agencies working with the overloaded court system.

F-4 The PG has undergone a significant re-organization in the recent past resulting in reassignment of responsibilities of the Chief Guardian, who now has a greater role in overseeing operations and supervising Deputies.

CONCLUSIONS
The staff of the Public Guardian presents as highly knowledgeable and qualified for the tasks of providing conservatorship as defined in the Probate Code. Confidentiality is a significant and appropriate consideration in dealing with conservatees and their families. Conservatees cited in the complaints reviewed by the Grand Jury have been and are being provided with care and compassion appropriate to their needs. It is extremely difficult at times for the Public Guardian to balance the demands of conservatees’ families with the responsibilities to provide competent, legal and compassionate care.

The PG has experienced some troubling lapses in the recent past and management has made changes in personnel and policy to address perceived difficulties. They are continually monitoring and improving the quality and effectiveness of their mandate to provide care and supervision.

Potential conservatees (and that means anybody) could avoid considerable stress and conflict if they (and all of us) attend to the continuity of health and well-being by thoughtfully and thoroughly preparing advance financial and healthcare directives. These directives would include a will or living trust, Durable Power of Attorney for Finances that specify who will administer money matters, and Advance Healthcare Directive to assist family, domestic partner, or other designated agent(s) to make informed medical decisions in case of a person’s inability to speak for him or her self. A frank discussion of these matters with family members before the need arrises would go a long way to assure that wishes are honored and would greatly lessen the necessity to require the PG’s services.

For those who cannot fend for themselves and for those who have no family or trusted surrogate to speak for them, the PG is there to assure health and well-being are professionally and compassionately available as best it can be.

RECOMMENDATIONS
R-1 The Public Guardian’s Office must continue to pursue its recently revised standard of accountability to the public and provide increased public exposure to its role in assisting citizens who cannot help themselves.

R-2 The Public Guardian should create an outreach program, including efforts to inform vulnerable populations, especially seniors, about options for assigning alternate agents to step in when necessary.

COMMENDATIONS
The Grand Jury commends those concerned citizens who spoke up and asked the Jury to look into perceived irregularities in the administration of public offices. The officers of the Public Guardian, the Public Conservator, and the Public Administrator have been uncommonly patient in explaining the complicated interactions and statutes that inform their tasks.

REQUIRED RESPONSES TO RECOMMENDATIONS
Sonoma County Public Guardian:  R-1, R-2
YOU COULD MAKE A DIFFERENCE!

The Grand Jury is a unique and powerful institution because it offers the opportunity for an average citizen to directly investigate and directly influence how well government is serving the citizens of Sonoma County. Nineteen jurors and a minimum of five alternates are needed to successfully complete the annual cycle. Typically, about 45% of those who initially apply remain as candidates in June, at the time of the final random selection. This means that a minimum of 60 candidates are needed and they should be as interested, energetic, capable and as representative of Sonoma County demographics as possible. The Grand Jury is an institution that can particularly benefit from giving voice and attention to the various points of view that frequently accompany differences in age, gender, ethnicity, education, etc. Because the Grand Jury has near perfect independence, everything depends on the interests, capabilities and skills of the panel members.

The year-long commitment and the amount of time required on a weekly basis does not permit candidates to make frivolous decisions about whether to serve. It’s easy to understand why more parents with young children, college students and working men and women do not volunteer. However, the nature of jury service does not explain why we don’t have representative numbers of Hispanic, Native American, Black, Asian, or female candidates, etc. We need more candidates and we want them to reflect the diversity in age, ethnicity and gender found in Sonoma County.

Recruiting candidates and informing citizens about the opportunity to serve as a Grand Juror is primarily the responsibility of the Superior Court and its administrative staff. However, this Grand Jury has examined the recruiting process and has taken additional steps to reach out to the community. We would like to have more Asians, Blacks, Hispanics, Native Americans, young adults and women as candidates. To encourage this change, we have contacted established leaders in various recognizable parts of the community and impressed upon them the importance of Grand Jury service and the opportunity that it provides for personal growth and improving the effectiveness of government services. We asked that each leader personally invite several people who would meet the general requirements of talent and available time required of jurors to apply for the Grand Jury. We also invited these diversity leaders to meet together with current jurors to accomplish these goals. Recognizing that change will probably come slowly, we have suggested that everyone would further benefit if these leaders would meet at least annually to help continue this process.

Finally, a new group of Grand Jury alumni and interested citizens has formed locally; The Sonoma County Chapter of the California Grand Jurors’ Association. This group will have stability and longevity not possible for a sitting jury and they plan to work closely with the Superior Court administrative office to improve the quantity and diversity of candidates on an annual basis. Their website is http://sccja.org.

REQUEST TO BE A GRAND JUROR

Each spring, applications for the new Grand Jury are solicited from the public for the fiscal year beginning in July. The Sonoma County Civil Grand Jury is composed of 19 concerned citizens. Applicants are screened and interviewed by Superior Court Judges and 30 prospective Grand Jurors are selected from the applicant pool. The prospective Grand Jurors are summoned to appear before the Presiding Judge of the Superior Court in a public session. At this time, the clerk of the court draws individual names at random. They are added to the holdover members (up to 6) until a total of 19 is reached. This body constitutes the Civil Grand Jury for one year beginning in July. All 19 members take the oath of office and are “charged” by the Presiding Judge concerning their duties and responsibilities.

Each member is required by statute to be a U.S. citizen, at least eighteen years of age, be a resident of Sonoma County for at least one year, have a command of the English language, not be presently serving as a trial juror, have no felony or malfeasance convictions, and not be presently serving as an elected official. In addition to the above statutory requirements, a grand juror should be able to fulfill the time commitment required to be effective (15 hours/week), have the ability to work with others and be tolerant of their views, be free of personal agendas, have some familiarity with investigative techniques, report writing and computers, and have a genuine interest in community affairs.

Citizens on the Sonoma County Civil Grand Jury should feel privileged to be selected to serve. They enter their service with interest and curiosity for learning more about the administration and operation of the government of Sonoma County. They give generously of their time for the betterment of government which, ultimately, belongs to them and to their fellow citizens.

Yes, I am interested in serving on the Sonoma County Grand Jury. Please send me a questionnaire to that I can apply for the Grand Jury or nominate someone else.

Name: ____________________________ Home PHONE: ____________ Office/Mobile: ________________

Address: __________________________ City, State, Zip: __________________

Telephone: Home: _________________ Office/Mobile: ________________

Mail This Form To: Superior Court of California County of Sonoma
Attn: Administration
600 Administration Drive
Santa Rosa, CA 95403

Additional information may be found on the Grand Jury website:


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CITIZEN COMPLAINT FORM - CONFIDENTIAL

The Sonoma County Civil Grand Jury is an investigative body which deals with complaints falling within its jurisdiction. The Grand Jury may examine all aspects of County and City government, public schools, redevelopment agencies and special districts.

PERSON FILING COMPLAINT

Name__________________________________________  
Date__________________________  
Address________________________________________  
Phone________________________  
City/State/Zip______________________________________________

DESCRIBE YOUR COMPLAINT

Identify the person(s) and/or the County or City government, school, redevelopment agency or special district that is the subject of this complaint. The complaint should clearly state specific and verifiable facts. (Include all names, dates, places, etc.)

Note: All information will be held in the strictest confidence.

______________________________________________________________________________

What other agencies, officials or persons have you contacted about this matter? What was (has) been their response to you? (Give names, addresses, phone numbers, contacts, dates)

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

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Is the subject matter of your complaint currently involved in litigation? NO_____ YES_____
_____________________________________________________________________________
_____________________________________________________________________________

What action are you expecting from the Sonoma County Civil Grand Jury?
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

It is a crime to knowingly make a false report to the Grand Jury that a felony or misdemeanor has been committed. (CA Penal Code No. 148.5.d)

Attach copies of all pertinent documents and correspondence. Use additional sheets if necessary.

Signature______________________________________________Date____________________

Please Note: Signed submissions are more likely to be considered.

Mail this completed form to:
THE SONOMA COUNTY CIVIL GRAND JURY
P.O. Box 5109
Santa Rosa, California 95402