June 27, 2012

To the citizens of Sonoma County and the Honorable Judge Rene Chouteau:

It is my honor to present the 2011-2012 Sonoma County Civil Grand Jury's final report, in accordance with Section 933 of the California Penal Code. This report represents over 18,000 hours of hard work and dedicated service by the jury, who responded to issues raised by Sonoma County citizens.

The Grand Jury is required under Section 919 of the California Penal Code to inquire into the conditions and management of the county's detention facilities. We also review all fatal incidents involving officers, employees, or persons in custody. Four of these reports can be found in this final report. The Grand Jury is also required to review at least one county entity each year. The 2011-2012 Grand Jury investigated the Marin/Sonoma Mosquito and Vector Control District, the Human Services Commission, and the Registrar of Voters office. "Whose Library Is It?" reports on the fourth investigation of the Sonoma County Library system in five years by a Sonoma County Grand Jury.

We also began an investigation into the county pension system and found many areas that need a more detailed investigation in order to come to some final conclusions. "Was Justice Served?" reports on our investigation of the District Attorney's handling of a juvenile hit-and-run fatality. Law enforcement officers have admitted violations of Marsy's Law occurred in this case. Questions of a possible civil rights violation in another case about a taped inmate conversation is reported on as well.

We responded to a citizen's complaint about Santa Rosa wastewater billing practices. We took a look into county disaster preparedness, as well as a hospital district, SMART, police investigations, garbage contracts, and racial profiling. Yes, this was a busy year for the Grand Jury. We took the role of the "Citizens’ Watchdog" to a new level for you, the citizens of Sonoma County. We strongly urge you to read the report, get involved, and help make changes happen.

While areas needing improvement were uncovered, many of our investigations revealed city and county employees who are passionate about their professions and working hard in difficult financial circumstances to provide important community services. What an honor to be a citizen of Sonoma County!

This Grand Jury attended the opening of the Family Justice Center. We would encourage all citizens to take time to drop in and take a tour of this impressive, all-inclusive center. It is a well-designed facility where many needed resources are under one roof.

This year's Grand Jury had the opportunity to review the Juvenile Court system. We attended three days of court and one day of the court's gang P.R.I.D.E program. We would like the citizens of Sonoma County to know that our Juvenile Court programs are models for others. We commend the entire staff of the court, from the volunteer youth advocates, bailiffs, court reporters and attorneys, to the judges who do this every day. They are able to make every child feel protected and accountable.

I offer my sincere gratitude to my fellow jurors for their dedication of time and commitment to our community. It has been the greatest honor and pleasure serving with them.

Kindest regards,

Steve Larsen, Foreperson

2011-2012 Sonoma County Civil Grand Jury
June 27, 2012

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Steve Larsen, Foreperson

2011-2012 Sonoma County Civil Grand Jury

2011-2012

SONOMA COUNTY CIVIL GRAND JURY
June 27, 2012

Dear Members of the Sonoma County Civil Grand Jury:

As Presiding Judge of the Sonoma County Superior Court, I have reviewed the Grand Jury Final report for the fiscal year 2011-2012. It complies with all requirements of Penal Code section 933. This report reflects the thorough investigations and conscientious findings and recommendations of our Civil Grand Jury, which has fulfilled its duties with hard work and dedication.

The citizens of Sonoma County are indebted to our Civil Grand Jury for their efforts. The members of the Civil Grand Jury have donated extensive time and effort for the benefit of the citizens of Sonoma County. On behalf of the Superior Court of Sonoma County, I applaud and thank our Grand Jury members for all that you have done.

All of you have discharged your duties in an exemplary manner. I especially would like to thank your foreperson, Steve Larsen, for his 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,

Rene Auguste Chouteau, Presiding Judge
Superior Court of California,
County of Sonoma
YOU COULD MAKE A DIFFERENCE

County Civil Grand Juries are unique and powerful institutions, which offer opportunities for average citizens to directly investigate and influence how well county and city governments are serving the citizens of their counties. Nineteen jurors, and a minimum of five alternates, are needed to complete the yearly commitment. Here in Sonoma County, about 45% of those who initially apply remain as candidates at the time of the final, random selection at the end of June each year. This means that a minimum of 60 candidates is needed yearly. Since the Grand Jury has nearly absolute autonomy, its ability to effectively serve its purpose depends on the interests, capabilities and skills of the panel members. The Grand Jury is an institution that can benefit from diverse voices and points of view. The Grand Jury needs candidates who reflect the diversity in age, ethnicity, gender and education found here in Sonoma County.

The yearlong commitment (July – June), and the amount of time required on a weekly basis, means that potential candidates must give a great deal of thought to the decision about whether or not to serve on the Grand Jury. We encourage those who are willing to consider this opportunity to serve to find out more, and to apply.

A group of local Grand Jury alumni formed the Sonoma County Chapter of the California Grand Jurors’ Association. This group has the stability and longevity not possible for a sitting Grand Jury. They work closely with the Superior Court Administration to improve the quantity and diversity of candidates on an annual basis. If you would like to find out more, please visit the association’s website at: http://sccgja.org.

We invite you to apply for Grand Jury service.
HOW TO BECOME A GRAND JUROR

Application forms to become a Sonoma County Grand Juror are available online at www.sonomasuperiorcourt.com (click on the Grand Jury tab at the top of the page). In addition, you may obtain an application at the Administrative Office of the Sonoma County Courts, 600 Administration Drive, Room 107, Santa Rosa CA 95403, phone 707-521-6501.

By law, a Grand Juror must be a U.S. citizen 18 years of age or older; a resident of Sonoma County for at least one year; have sufficient knowledge of the English language to participate in meetings, take notes, and write reports; and have no convictions for malfeasance in office, any felony, or any other high crime. In addition to meeting the statutory requirements, a Grand Juror should be able to fulfill the time commitment required to be an effective Grand Juror, be in good health, have the ability to work with others and be tolerant of their views, have a genuine interest in community affairs, and have investigative and computer skills. Applications can be submitted throughout the year. Each spring, judges of the Superior Court nominate 30 prospective Grand Jurors from the applicant pool. Several members of the previous year’s Grand Jury may be selected to serve another year in order to provide continuity.

HOW TO SUBMIT A COMPLAINT TO THE GRAND JURY

Complaint forms can be found at www.sonomasuperiorcourt.com (click on the Grand Jury tab at the top of the page) or by calling the Grand Jury at 707-565-6330. You can mail completed forms to P.O. Box 5109, Santa Rosa, CA 95402, or FAX them to 707-565-6328. Only the Grand Jury has access to this postal box and FAX.
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SUMMARY

The current formula used to determine the pensions of Sonoma County employees was voted into place ten years ago. The Board of Supervisors approved the increase in 2002. The California Employees Retirement Law of 1937 (CERL) specifies required procedures for counties to use when approving a pension increase. The 2011-2012 Grand Jury received a citizen complaint alleging that the required legal procedures were not followed in 2002. The Grand Jury launched an investigation.

We examined procedural issues required by CERL including: two-week advance public notification of the meeting when the vote is to be held; placing the action item on the agenda; review of actuarial reports; and the presence of an actuary at the Board of Supervisors meeting when the pension increase is on the agenda.

A public notice is required to be published two weeks prior to a Board of Supervisors meeting at which a pension increase is to be discussed and voted on. This notice could not be found in The Press Democrat archives. The CERL requires that the pension increase action item be listed on the regular meeting agenda. It is our understanding that it was placed on the consent calendar instead. A consent calendar or consent agenda is a practice by which the mundane and non-controversial board action items are organized apart from the rest of the calendar and approved as a group. The CERL requires actuarial reports from two different actuaries: one hired by the Board of Supervisors and one hired by the Sonoma County Employees Retirement Association. We could not find evidence of the separate actuarial report required of the Board of Supervisors. Attendance of an actuary to answer questions and to explain the changes that might occur as a result of the vote is another requirement of CERL. We found that no actuary attended the Board of Supervisors meeting when the vote to increase the pensions occurred.

The Grand Jury was unable to complete its investigation due to time constraints and the difficulty of locating the necessary documents and people to verify whether or not proper procedures were followed in 2002. However, due to current public interest in the important issue of pensions, the Grand Jury is reporting what has been uncovered to date. It is our hope that the citizens, media, and the next year’s Grand Jury might continue this investigation. We recommend that the Board of Supervisors examine the possible failure to comply with the California Employees Retirement Law and determine the possible legal impact of the results.

APPROACH

The Grand Jury conducted interviews with the complainant, county employees, Sonoma County Employees Retirement Association employees, and various elected officials. We reviewed a large number of documents including Board of Supervisors agendas and minutes, newspapers, and actuarial reports. See the complete list in the Bibliography.
FINDINGS

F1. The California Employees Retirement Law requirements for approving the county pension in 2002 do not appear to have been followed.

RECOMMENDATIONS

R1. The Board of Supervisors examine the procedures and actions taken when the pension increase was approved in 2002 to determine if the required procedures were followed.

R2. The Board of Supervisors obtain legal advice on how to proceed regarding current pensions if legal procedures were not followed in 2002.

REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses from the following:

• Sonoma County Board of Supervisors - R1 and R2

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

DISCLAIMER

This report was issued by the Grand Jury with the exception of two members of the jury who recused themselves. These jurors were excluded from all parts of the investigation, including interviews, deliberations, and the writing and acceptance of the report.

BIBLIOGRAPHY

• The California Employees Retirement Law of 1937
• California Government Code Sections 23000-23027, 31515-31517, 54950-54963, 7507
• Agendas, minutes, and resolutions of the Sonoma County Board of Supervisors
• Agendas and minutes of the Retirement Board of the Sonoma County Employees Retirement Association
• Letters and actuarial studies from Gabriel, Roeder, Smith and Company (actuaries) to the Sonoma County Employees Retirement Association
• 2002-2008 Memorandum of Understanding between County of Sonoma and Service Employees International Union, Local 707

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

2
WAS JUSTICE SERVED?

SUMMARY

The 2011-2012 Grand Jury received a complaint held over from the previous year’s Grand Jury due to time constraints. The complainant is the son of a man who was killed by a juvenile hit-and-run driver. The complainant had numerous concerns about the disregard of his and his family’s rights under the California Victims’ Bill of Rights of 2008: Marsy’s Law (see Appendix). The complainant also expressed concern about the rapid closure of the juvenile court case and its outcome.

During our investigation, we spoke with Cloverdale police officers, the District Attorney, Deputy District Attorneys (DDAs) involved in this case, the complainant, and the complainant’s attorney.

The Grand Jury found that the police officers involved acted according to protocol. Both the police and the DDAs admitted errors in certain aspects of this case. We found the complainant’s rights pertaining to Marsy’s Law appear to have been violated. The complainant did not receive required information pertaining to the juvenile’s court appearances, charges filed, or the juvenile’s release from custody as specified in Marsy’s Law. The Grand Jury recommends that the District Attorney’s Office strictly adhere to this law to ensure victims’ rights.

BACKGROUND

The Grand Jury received a complaint from a citizen whose father was gravely injured as the result of a pedestrian versus vehicle hit-and-run. The driver of the vehicle was a juvenile who fled the scene without offering aid to the victim and without calling for medical/police assistance. The juvenile was quickly found, taken into custody, booked, and taken to Juvenile Hall. A friend of the complainant’s family notified the complainant that his father had been badly injured in an accident.

Two days later, the juvenile was arraigned (charges were brought). The next day, the juvenile admitted guilt, and his case was adjudicated (heard and decided). Both of these events occurred without notification to the victim’s family. In addition, no one in the courtroom on either day inquired about the status of the victim whose condition at the time was considered hour-to-hour. The victim died the following day.

An autopsy was performed three days later. A Cloverdale police officer and a Deputy District Attorney (DDA) were present. During interviews with the Grand Jury, both indicated that they were unaware, at the time of the autopsy, that the case had been adjudicated. Later that week, the complainant received a letter in the mail postmarked the date of the autopsy and addressed to the victim. It was from the District Attorney’s Office advising the victim that the case was closed. This was the first time the family had communication from the DA’s Office.

The complainant posed 33 questions to the Grand Jury regarding his concerns. These concerns included the speed and outcome of the court proceedings, the thoroughness of the police investigation, a perceived bias in favor of the juvenile, a conflict of interest involving the juvenile’s attorney, and questionable actions by the juvenile court judge. The complainant also felt there was a lack of regard for his family by the police and court personnel, as well as Marsy’s Law violations by the DDAs.
APPRAOCH

The Grand Jury spoke with the complainant and his attorney. We also interviewed four Cloverdale police officers involved in the accident investigation, the District Attorney, two DDAs involved in the juvenile’s court proceedings, and one DDA who was brought into the case weeks later. We reviewed all court, probation, and police records. We also viewed the booking video.

DISCUSSION

The Grand Jury learned through our investigation that juvenile court cases are handled differently than adult court cases. Sonoma County Juvenile Court, in particular, favors rehabilitation for juveniles versus incarceration. In addition, there are much stricter time limits for pressing charges and beginning court hearings in juvenile court. The police and the DDAs interviewed all agreed that adjudication in this case was quick, but not outside the realm of normal. We were told that all the “pieces” needed to be in place, including the juvenile’s admission of guilt, and apparently they were. In interviews with the Grand Jury, the police officers and the DDAs expressed opinions that the juvenile’s attorney may have attempted to get this case concluded before the victim died. Several of the interviewees further stated that the attorney was doing his job to settle the case quickly.

The complainant was concerned that the juvenile’s attorney is the brother of the then Sonoma County District Attorney. The Grand Jury found no evidence of impropriety concerning this possible conflict of interest.

Regardless of the fact that this case was adjudicated so quickly, the victim’s family should have been notified at each step of the proceedings, including meeting with the prosecutors regarding what charges would be filed. This was the duty of the DA’s Office, and one of the DDAs we interviewed admitted that he should have notified the family and did not. This was a violation of Marsy’s Law.

Three weeks after the case was adjudicated, the Marin District Attorney’s Office re-opened the case. The Marin DA became involved at the request of the newly elected Sonoma County District Attorney to investigate any possible conflict of interest. The original charge of felony hit-and-run causing great bodily injury was amended to include a misdemeanor charge of vehicular manslaughter.

The family’s request to have the juvenile incarcerated was denied. The juvenile was given three years probation. Working through the organization, Restorative Resources, the juvenile was obligated to perform community service. Upon successful completion of his probation, the juvenile would have his record expunged.

The Grand Jury reviewed the police records and interviewed all the officers involved in the arrest, booking, and investigation of this case. We asked why the juvenile’s cell phone was never confiscated and why his vehicle was not immediately impounded. The Cloverdale police admitted mistakes were made. Paperwork had been in progress to begin the impounding process, and a subpoena had been written to obtain the phone. However, the Cloverdale police stopped the investigation when they were notified by the DA’s Office that the case had been adjudicated. Yet, when one of the Cloverdale officers and one of the DDAs were together at the autopsy, four days after the adjudication, the DDA gave the Cloverdale officer a list of items to further investigate for this case. There seemed to be a lack of communication between the DA’s Office and the Cloverdale Police Department, and within each of these agencies.
Cloverdale is a small town with a small police department. As such, the complainant felt that the Cloverdale police officers might know the juvenile and his family on a personal level, and thus may have provided preferential treatment of the juvenile. Our investigation found no evidence of favoritism within the Cloverdale Police Department and with the officers involved in this investigation. The Cloverdale Police Department appears to have handled the juvenile according to protocol. The juvenile was arrested and taken to Juvenile Hall, and the arrest records were promptly sent to the DA’s Office.

The Grand Jury was not able to substantiate the complainant’s concerns about the juvenile court judge’s insensitivity towards the family.

Within weeks of taking office, and in response to the Marsy’s Law errors made by the DA’s Office in this case, the current District Attorney implemented policies and procedures to assure victims’ rights as specified in Marsy’s Law.

FINDINGS

F1. The Cloverdale Police Department showed no partiality in favor of the juvenile during the investigation of this case.

F2. The case was adjudicated before the investigation had been completed.

F3. The Cloverdale Police Department followed all appropriate procedures to detain and arrest the juvenile, and proper documents were submitted to the District Attorney’s Office within the prescribed time allotted for filing.

F4. While this case was adjudicated very quickly, it was not outside the realm of normalcy for cases in which the juvenile admits guilt.

F5. The District Attorney’s Office failed to comply with Marsy’s Law as it relates to the complainant.

RECOMMENDATIONS

R1. The Sonoma County District Attorney’s Office ensure strict adherence to Marsy’s Law.

R2. The District Attorney implement procedures to improve communication with all Sonoma County law enforcement agencies.

REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses from the following:

- Cloverdale Police Chief - F1, F2, and F3
- Sonoma County District Attorney - F2, F5, R1, and R2

DISCLAIMER

This report was issued by the Grand Jury with the exception of one member of the jury who recused him/herself. This juror was excluded from all parts of the investigation, including interviews, deliberations, and the writing and acceptance of the report.
BIBLIOGRAPHY

- All police records (including the booking video) relative to this case
- All court records (including probation) relative to this case

APPENDIX

California Victims’ Bill of Rights of 2008: Marsy’s Law

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

Victims’ Bill of Rights Act of 2008 — Marsy’s Law

On November 4, 2008, the People of the State of California approved Proposition 9, the Victims’ Bill of Rights Act of 2008: Marsy’s Law. This measure amended the California Constitution to provide additional rights to victims. This card contains specific sections of the Victims’ Bill of Rights and resources. Crime victims may obtain additional information:

Contact: Sonoma County Victim Witness Assistance Center
Phone: (707) 565-8250
Contact: Attorney General’s Victim Services Unit
Phone: (877) 433-9069

A ‘victim’ is defined under the California Constitution as “a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term ‘victim’ also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term ‘victim’ does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim.” (California Constitution, article I, § 28(e).)

Victims’ Bill of Rights
“Marsy’s Rights”

California Constitution, Article I, Section 28(b)

In order to preserve and protect a victim’s rights to justice and due process, a victim shall be entitled to the following rights:

1. To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.

2. To be reasonably protected from the defendant and persons acting on behalf of the defendant.

3. To have the safety of the victim and the victim’s family considered in fixing the amount of bail and release conditions for the defendant.
4. To prevent the disclosure of confidential information or records to the defendant, the defendant’s attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim’s family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.

5. To refuse an interview, deposition, or discovery request by the defendant, the defendant’s attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.

6. To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.

7. To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.

8. To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.

9. To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.

10. To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim’s family and any sentencing recommendations before the sentencing of the defendant.

11. To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.

12. To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.

13. To restitution.
   A. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
   B. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
   C. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.

14. To the prompt return of property when no longer needed as evidence.

15. To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.

16. To have the safety of the victim, the victim’s family, and the general public considered before any parole or other post judgment release decision is made.

17. To be informed of the rights enumerated in paragraphs (1) through (16).

A victim, the retained attorney of a victim, a lawful representative of the victim, or the prosecuting attorney upon request of the victim, may enforce the above rights in any trial or appellate court with jurisdiction over the case as a matter of right. The court shall act promptly on such a request.

(Constitution, article I, § 28(c)(1).)
VOTE GREEN, SAVE GREEN - VOTE BY MAIL

SUMMARY

The Sonoma County Civil Grand Jury initiated an investigation of the county’s voting process to determine if something could be changed to save money. The Grand Jury learned that the biggest opportunity for cost savings would be to convert to a 100% vote-by-mail system. In doing so, the county could go green in two ways: reduce the costs associated with polling place voting and reduce the impact of vehicle emissions on the environment.

The term “vote-by-mail” replaced the prior terminology of “absentee voter.” The original intent of an absentee ballot was to enable military personnel and voters who would not be home during an election period to cast their votes. Since 2002, anyone can request to be a vote-by-mail voter. At that same time, the Registrar of Voters encouraged voters to apply, and their offices were inundated with 40,000 vote-by-mail applications. The vote-by-mail process is more convenient for voters allowing them to vote early, on their own schedule, and from their home or any location.

The Grand Jury looked into the voting process logistics and associated costs. To set up for an election, the costs include transporting voting booths, equipment and ballots. In a general election, there are 230 polling places in Sonoma County. The Grand Jury found that if vote-by-mail was implemented as the primary voting method, money could be saved in printing, transportation, and labor costs.

The Grand Jury recommends that the Sonoma County Board of Supervisors support the Registrar of Voters by encouraging vote-by-mail efforts locally and via state legislation.

In the last presidential election, Sonoma County voters had the highest turnout of the 58 California counties. By achieving this distinction, the residents of Sonoma County clearly have shown a desire to vote. We encourage them now to vote by mail to save the county money and to be green at the same time.

APPROACH

The Grand Jury spoke to employees of the Registrar of Voters office, the County Clerk-Recorder-Assessor office, members of the League of Women Voters, various citizens who are currently registered to vote at the polls, and others who vote by mail.

A large number of documents were reviewed – see the listing in the Bibliography.

DISCUSSION

As of December 15, 2011, there were 248,787 registered voters in Sonoma County. The breakdown between the parties is: 128,800 (52%) Democrat; 55,600 (22%) Republican; 51,751 (21%) Independent or with no party affiliation; 5,773 (2%) American Independent; 4,592 (1.8%) Green Party; and the balance being parties that are not formally recognized. The number of vote-by-mail voters has been as low as 56% in the November 2006 election and as high as 78% in the June 2008 election. Currently, Sonoma County ranks second to Santa Clara County in the State of California for the highest percentage of vote-by-mail voters. The cost to vote by mail runs approximately $2-
$3 per voter. In previous elections, the overall costs at the polls were found to be as high as $6.38 per voter.

The costs to the county for those who vote at the polls can be significantly higher than for those who vote by mail. Costs vary by the number of voters who turn out. In a county-wide general election, there are costs to deliver supplies to the polling places, to train and pay poll workers, and to print ballots and additional information packets for each of the 230 polling places within the county. The overall cost can run close to $1.5 million for a general election. Some costs are recovered by billing the involved jurisdictions; however, it does not recover the full cost of the election.

Sonoma County will have five elections during the 2011-2012 fiscal year, including special elections (for initiatives and ballot measures) and general elections. Ballot counting starts with the vote-by-mail ballots when the polls close at 8 p.m. on Election Day. Signatures on those ballots are verified by machines earlier in the week. Trucks begin picking up polling place ballots at 8 p.m. and deliver them through the night to the office of the Registrar of Voters for counting.

The county's computer system is not old in itself; however, the system for counting all ballots is outdated and will be obsolete in coming years. The county has done a good job maintaining the system to date but needs to upgrade it and replace outdated software. If the system is allowed to become obsolete, the integrity of the voting process in Sonoma County could be jeopardized.

The ability of a county to require 100% vote-by-mail is determined by the California legislature. The legislature has not been supportive of the initiative to implement 100% vote-by-mail. The initiative is supported by the Registrar of Voters in Sonoma County and in 55 of the remaining 57 California counties. Currently, Yolo County is running a pilot program to see how 100% vote-by-mail could work. Until they are done with that trial, nothing will move forward for any other California county to require 100% vote-by-mail.

In the interim, Sonoma County and its residents can support the Registrar of Voters and choose this voting method. Citizens can request or download an application to become registered vote-by-mail voters. An additional benefit to increasing the number of vote-by-mail voters is that it helps to speed up the counting process, which enables the county to report results faster.

Anyone can become a permanent vote-by-mail voter by answering six questions on an application (see Appendix). If a voter fails to vote in two consecutive general primaries, s/he must return to voting at a polling location or reapply to vote by mail.

The Registrar of Voters in Sonoma County supports the 100% vote-by-mail legislation. The Grand Jury supports it as well.

**FINDINGS**

F1. Historically, large numbers of voters in Sonoma County have responded favorably to efforts by the Registrar of Voters that encourage people to register for vote-by-mail.

F2. The general public is unsure what the qualifications and benefits are of becoming a vote-by-mail voter.

F3. The Registrar of Voters office has budget constraints that restrict its ability to encourage the vote-by-mail option except when election materials are sent out.
F4. The software system used to count ballots needs to be replaced in the near future.

RECOMMENDATIONS

R1. The Sonoma County Board of Supervisors support the Registrar of Voters in attempts to bolster the number of county residents who wish to vote by mail by assisting the Registrar to find funding to promote vote-by-mail participation.

R2. The Sonoma County Board of Supervisors support the need of the Registrar of Voters to replace the outdated elections management ballot counting system.

R3. The Sonoma County Board of Supervisors support the Sonoma County legal liaison to the state legislature to promote changing the law allowing Sonoma County to require 100% vote-by-mail.

R4. The office of the Registrar of Voters develop some way(s) to communicate to the voters of Sonoma County the qualifications and benefits of voting by mail.

REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses from the following:

• Sonoma County Board of Supervisors - R1, R2, and R3
• Sonoma County Registrar of Voters - R4

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

BIBLIOGRAPHY

• Turnout History - primary and general elections for the last 10 years
• Polling sites with voting precincts - 2008 and 2010
• Election Billings Report - 2000 to 2010
• County of Sonoma Election Cost Estimates - 2012
• District Registration By Party and Language - 2000 and 2010
• Comparison of Turnout Pre and Post Permanent Vote By Mail
• Sonoma County Voter Turnout Showing Vote By Mail Percentages - dated 2-29-2012

APPENDIX

Vote-By-Mail Application

*Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.*
APPLICATION FOR A VOTE BY MAIL BALLOT FOR THE

Date of Election:

To obtain a Vote by Mail ballot, complete the information on this form. A mailed application must be received by the elections official no later than 5 p.m. 7 days before Election Day.

1. PRINT NAME (first, middle name or initial, and last):

2. DATE OF BIRTH (month, day, year):

3. RESIDENCE ADDRESS IN SONOMA COUNTY (number and street; P.O. Box not accepted):
   City:               Zip Code:

4. TELEPHONE NUMBER (daytime):         (evening):

5. PRINT MAILING ADDRESS FOR BALLOT (If different from above). NOTE: Organizations distributing this form may not preprint mailing address.
   Number and Street or P.O. Box:
   City:               Zip Code:

6. □ I am not presently affiliated with any political party. However, for the Primary Election only, I request an absentee ballot for the Party.*

   □ Check here if you wish to become a Permanent Vote by Mail Voter. State law allows any voter who so requests to be a Permanent Vote by Mail Voter. If you check the above box, a Vote by Mail Ballot will automatically be sent to you for future elections. Failure to vote in any two consecutive statewide general elections will cancel your Permanent Vote by Mail Status and you will need to reapply. If you have questions concerning voting by Vote by Mail ballot telephone (707) 565-6806 or 1-800-750-VOTE.
   Elections Code §3201(a)(b)

   □ This application will not be accepted without the proper signature of the applicant.

   I have not applied, nor do I intend to apply, for an absentee ballot from any other jurisdiction for this election. I certify under penalty of perjury under the laws of the State of California that the name, address and information I have provided are true and correct.

   Signature:               Date:

WARNING: Perjury is punishable by imprisonment in state prison for two, three or four years. (Section 126 of the California Penal Code)

THIS FORM WAS PROVIDED BY: Sonoma County Registrar of Voters Office, 435 Fiscal Drive, P. O. Box 11488 Santa Rosa, CA 95406-1488 (707) 565-6800

NOTICE

You have the legal right to mail or deliver this application directly to the local election official of the County where you reside.

SONOMA COUNTY ADDRESS:
   Registrar of Voters
   435 Fiscal Dr
   P.O. Box 11488
   Santa Rosa CA 95406-1488
   (707) 565-6800 or 1 (800) 750-VOTE.

Returning this application to anyone other than your elections official may cause a delay that could interfere with your right or ability to vote.

The format on this application MUST be used by ALL individuals, organizations and groups that distribute absentee ballot applications.

Failure to conform to this format may result in criminal prosecution.

* In order to determine which parties allow Decline to State voters to vote in their primary elections, contact the Secretary of State’s toll-free number: 1-800-345-VOTE.
WHOSE LIBRARY IS IT?

SUMMARY

In the fall of 2011, members of the Grand Jury became aware of concerns about mismanagement and dissension occurring within the Sonoma County library system. One such concern was that an order of furniture for the children’s section of the Guerneville library branch remained unfilled for almost three years. We were told that the library director herself was holding up the purchase. On October 5, 2011, a “Vote of No Confidence” petition signed by library employees and various stakeholders was presented to the Library Commission alleging mismanagement of library resources and distribution of misinformation on the part of the director. A complaint was filed with the Grand Jury that questioned the director’s ability to manage. The complaint further stated that the director was no longer heeding advice given by the library commissioners, Library Advisory Boards (LABs), or library employees. Instead she was unilaterally steering this public agency away from public participation in its affairs.

During our investigation, the Grand Jury found evidence that the director provided the library commissioners with inaccurate, misleading, or incomplete information. Only one commissioner, a newer member, regularly confronts or questions the director regarding evidence put forth by the director in support of a claim or request. A member of the Board of Supervisors (BOS) recently questioned the director pointedly about some of the conflict surrounding the library; the director remained silent.

The following statement by the director is representative of what the Grand Jury repeatedly heard from interviewees when they talked about the director’s disregard for the needs of the public and the manner in which she interacts with stakeholders regarding library issues at open, public meetings.

We continue to lock the book drops for the 10-day holiday/MTO (mandatory time off) closure and also have all online services “go dark.” Not only will this help remind the public that they cannot take the Library for granted—but it will also help mitigate workload caused by the deluge of returned materials and requests to pull.

- Library director to the Library Commission on November 2, 2011

The investigation into the management of the library broadened to include evidence that the director edited minutes of meetings in her favor; instituted an unworkable performance review protocol, leaving almost all staff without current job descriptions or reviews of their work; and ordered that furniture for all branches be selected from a catalog she commissioned and be pre-approved personally by her.

Some of the complaints speak to the disuse of the Joint Powers Agreement (JPA). Instead of there being a coordinated system of community-minded people involved in steering and advising the library system, the director appears to be making decisions without consulting the commissioners or the LABs or library employees; and the Library Commission seems to approve the director’s acts and requests with little or no fact-finding or information verification. Her recent proposal to create a new position of assistant director is a case in point. The director did
not provide the commissioners with a job description for the person who will hold the new position. Only one commissioner challenged the director on the lack of information and voted against it.

With 173 employees spread over 13 branches, there is a need for the director to delegate responsibility. The JPA should be reviewed with attention paid to what responsibilities fall to the director, the commissioners, the Library Advisory Boards (LABs), and the Board of Supervisors. An effective director needs to allow other employees to contribute to the welfare of this public agency. The director must foster communication and respect between the commissioners, LABs, Friends of the Library (FOL) groups, and the public. After all, whose library is it?

**APPROACH**

The Grand Jury interviewed current and former library employees, library management, members of the Library Commission, members of Library Advisory Boards, Friends of the Library volunteers, a Service Employees International Union (SEIU) representative, and the complainant. The Grand Jury also reviewed meeting videos and minutes of the Board of Supervisors, the Library Commission, the Sonoma County Save Our Library group, various county Library Advisory Boards, and the Friends of the Library.

**BACKGROUND**

The Sonoma County library system, as it exists today, was created in 1975 by way of a Joint Powers Agreement (JPA) between the County of Sonoma and cities in the county. The cities and county provide the buildings occupied by library branches, and the county provides the funds which are drawn from property taxes that make up the county General Fund. The organizational structure calls for a Library Commission of seven members, five of whom are appointed by the Sonoma County Board of Supervisors (BOS), representing each supervisorial district, and one from each of the cities of Santa Rosa and Petaluma who are appointed by their city council. The commission is charged with the duty of advising and supervising the library director who answers solely to them. Each branch has a Library Advisory Board (LAB) consisting of members who are appointed by the commissioner from that area. The LABs have the duty of soliciting and receiving public input and advising the director and their commissioner of the needs and wants of the people who use the local branches. The JPA dated January 27, 1975 states: “The advisory boards shall organize and meet as they shall each determine, and shall make recommendations to the library director and the Commission on all matters affecting library service in the region which they represent.”

In May 2010, the commissioners unanimously approved a budget presented to them by the director which contained a seven million dollar error. There is no required or structured training for commissioners and little oversight by the BOS. This may be changing as public complaints are now being voiced directly to supervisors.

On October 5, 2011, a “Vote of No Confidence” petition with 78 signatures of library employees and others was presented to the Library Commission at the commission’s monthly meeting. The petition was accepted with the understanding that the commissioners would consider the contents and respond at a later date. On March 27, 2012, the commissioners appeared in front of the BOS to respond to many of the same issues. A video of this meeting is available online at http://www.supervisors.sonoma-county.org. The commission prepared for this question-and-answer session by putting together a PowerPoint presentation that displayed the library as a loved and necessary institution struggling to serve the public in trying economic times. It did not address the questions of leadership and accountability raised in the “Vote of No Confidence.” At the end of the presentation, a supervisor
focused specifically on the library director and posed some of these questions. Each time he did, the commissioner who presented the PowerPoint stepped in and deflected the question. The library director did not answer. The commissioners called this meeting The First Annual State of the Library Address. No other BOS member asked any pointed question. One board member continually referred to the commission as consisting of five members and not seven as has been the case for 48 years. Her mistake is somewhat excused by the fact that only three of the seven commissioners attended the meeting.

The heart and soul of the library is the pride and participation of the patrons of each branch. There is a Friends of the Library group (FOL) affiliated with each branch that supports and contributes to the individual character of their local library. These groups are essential to the life of the library. These passionate people solicit funds through various activities, and give the proceeds to their local library for specific purchases. As previously stated, the JPA establishes local LABs, with each LAB functioning as a sounding board for the wants, needs, and aspirations of local stakeholders. The manager of the area branch is in close contact with the supporting FOL group and attends its meetings as well as those of the LABs. The JPA has traditionally been interpreted to allow decentralized administration, which went hand-in-hand with citizen participation and a sense that the library branches belong to the people whom they serve.

In working with an FOL to enhance the local library, a branch manager develops a wish list of items or programs that the budget doesn’t cover. The branch manager discusses the list with his or her FOL group, and the FOL often agrees to pay for one or more of the items. In April 2009, the Guerneville FOL agreed to, and promptly paid for, two end panels to enhance the children’s section of their library. The branch manager submitted an order form and complete payment. When the Grand Jury researched the status of the order, we traced it to the desk of the library director. The order remains there today, three years later. Most everyone we interviewed knew about the unordered end panels. In January, when we asked about the items, we were told that they were on the director’s “to do list.” The Grand Jury has learned that the library director subsequently indicated to the branch manager and a library commissioner that she now has no intent of ever ordering the items. There are other items from other branches and other FOL groups which are also delayed without explanation for well over a year.

Many LABs meet irregularly and have been lax in making recommendations to the director and the commissioners. The LAB meetings are not held frequently enough to stay up to date with the needs, wants, and concerns of the library users. Minutes of the meetings are sporadically posted and, at times, delayed. Recommendations made at the meetings are not always documented and, therefore, not followed up for completion. Without facts and information from the LABs, FOLs, branch managers, the public, and library employees, the commissioners have little ability to challenge any claim or need expressed by the director. We reviewed recordings of commission meetings and noted that one of the newer commissioners was alone in questioning the conclusions presented by the director and pushing for supporting documentation. The commission, on its own, has limited resources to gather information. This curtails their ability to advise and supervise library management. The result is a vacuum where there should be clear lines of authority and responsibility. That is not the intent of the JPA.

The director attempts to manage everything from the information that is contained in minutes of meetings, to deciding what furniture can be donated and from whom it must be purchased; from what hours each branch will be open to the public, to whose job is safe and who must go. Whose library is it?
DISCUSSION

The JPA places all final decisions affecting the running of the library on the desk of the director. The Library Commission relies on and trusts the director to provide accurate and complete information on which they base their decisions. The all-volunteer Library Commission functions without the assistance of even a clerk to keep track of business. No training or education is provided for them, yet it is their duty to advise and supervise the director based on information made available to them by the director. They have no means available to fact-check the information.

Numerous witnesses informed us of a policy instituted by the director where the director would review minutes from all meetings having anything to do with any branch of the library and edit them for content even when she, herself, had not attended the meeting. The previously-mentioned seven million dollar budget error resulted from the director’s error while editing the raw numbers on a completed budget that was on her desk for review before presentation to the commission.

There is a fine line between editing for grammatical errors or clarity and altering the content of the minutes. Minutes do not have to include all that is said at a meeting. Summaries are acceptable in meetings of boards of private companies. Board meetings of public agencies, however, need to be more comprehensive to comply with the public’s right to know. We sought and received several examples of raw minutes and edited minutes. What follows, set side by side, are the meeting secretary’s draft minutes of the meeting of October 5, 2011, sourced from both notes and a recording of the meeting, and the edited version by the library director. The names were removed for purposes of this report and indicated by ( ).

Public Appearances - Draft Minutes

SEIU Representative ( ) presented a petition for a vote of no confidence on behalf of the employees and other union members to the commission regarding Library Director ( ). She read a statement which gave many examples of not being able to manage the operations and budget of the Library. Other claims were that the Director consistently paid for the higher price consultants. ( ) added that there was poor planning and research regarding reduction of hours, substitutes, Burlingame Hall, RFID, regional staffing, and book drops and that things were put forward with no plan behind them at all. She said they believe the book drops was a situation being currently created so it would look like a failure and more purchases would have to be made to remedy at the expense of the public. Lastly, she said there was failure on the Director’s part to communicate with all the various Library groups, including the Library Advisory Boards and the Friends, as well as the public.

Public Appearances - Edited Minutes

SEIU Representative ( ) presented a petition for a vote of no confidence on behalf of the employees and others to the Commission regarding Library Director ( ). She read a statement which gave many examples of the Library Director not being able to manage the operations and budget of the library.
The commission met again on November 2, 2011. They were presented the edited minutes and approved them.

The tenth item on the November agenda was Book Return Retrofit. The director argued that the book drops were outdated and not designed for the volume of materials presently in circulation. She presented pictures of overflowing book drops taken following a Sunday/Monday closure. She said the problem was not new, but it has been highlighted by the change in service hours. She requested and received permission to spend up to $61,000 to retrofit the drops. There was no reference to the allegations made on October 5, 2011 about the book drop misinformation which had been edited out of the minutes. The request was not substantiated with cost details, broken down by branch, or specifically what was to be done; however, the director did indicate that the bins were already ordered and she expected the work could be complete by the February 2012 Martin Luther King holiday. It is not complete as of this writing in April 2012. When speaking of the savings to the library from being closed on Mondays, the director does not mention the additional $61,000 incurred or the costs of employing two people to drive around to all libraries on Mondays to stack the returns.

As this report goes to print, the library has posted an opening for an assistant director. The director created this position by reclassifying a recently vacated Community Services Manager IV slot and petitioning the commission’s approval. The director’s rationale was that the job class, Librarian I or II, would save money because the person to be hired would be earning somewhat less than that paid to the Community Services Manager who retired at the high end of her position’s wage scale. A Librarian I or II has the potential to eclipse the salary of a Community Services Manager IV, and when that happens there will be no savings to the library. The rough draft of the Library Commission minutes from February 27, 2012 indicate that one commissioner requested a job description be provided before the commissioners voted on the request. The director stressed the immediate need for the reclassification, and at least four commissioners voted for it without a description. One commissioner was absent and the commissioner who questioned acting on an item without a description voted against. The minutes are unclear as to the vote of the seventh commissioner. The minutes edited by the director say: “The Commission agreed to the change, and the Director agreed to share the position description with the Commission once it was complete.”

The JPA does not require the director to heed the advice of the commissioners or the advisory boards, nor is she obligated to listen to the voices of the FOLs or other stakeholders. The volunteer energy on which the health of the library depends suffers when given no voice. The LABs are charged with the task of advising the director, although no set or periodic procedure exists for this to happen. The JPA establishes the LABs to be channels of information relaying the needs and wants expressed by the patrons of each library branch to the director. There exists no provision for what to do when a director doesn’t listen. The LABs also serve as conduits of public concerns between the people who use their local branch and the commissioner appointed from that area. The commissioners can then address the concerns by taking them to the director or the supervisor from their district or both. Some of the people we interviewed were dismayed when criticism imparted in confidence to their commissioner was immediately related to the director along with the name of the person making the complaint. These people feared reprisal and were hesitant about reporting additional problems.

The Grand Jury noted an absence of adherence to many of the measures of performance found in well-run companies. There are few to no current job descriptions, set performance standards, or scheduled performance reviews for the majority of employees. Some of those interviewed expressed trepidation about speaking their minds with so little protection. Position and promotion appear to be based on the director’s subjective criteria. A committee was formed in 2008 to develop the Performance Management Program work plan for use in doing performance reviews. The resulting template was updated in December 2010, and the 11-page form has turned
out to be so cumbersome and time-consuming that only one or two managers used it. In a time when the library is cutting costs by reducing the hours of extra-help employees, there was no one available to fill in for workers who would be away from their jobs while participating in their performance reviews. Nearly every employee is without a current performance review. The director herself does not appear to be held to any objective standards of performance.

The absence of a performance review program was addressed as recently as March 19, 2012 by the Library Commission. The director shifted the responsibility away from the unworkable procedure and onto the staff. She told the commissioners that a system is in place but the staff is not implementing it, that nothing was being done, and the managers still were not using the system. Commissioners stressed that this is a top priority and offered suggestions on streamlining the performance review process. The director stated that she is in charge and it will get done in the next library year, which is March 1, 2012 through February 28, 2013. There is nothing in either the draft minutes or the edited minutes indicating openness on her part to alter or amend the process she instituted.

The draft minutes state: “Provide the Commission with a written plan to ensure that the Performance Management System is 100% in place and being done on a regular basis by all managers and supervisors.”

The director's edited minutes presented to the commission and approved on April 5, 2012 state: “Indicate the manager responsible for each outcome in Focus & Finish for 2012-2013.”

The Focus & Finish document is the library's priorities for the next library year developed by the library director. Specific to the Performance Management System it states: “For 2012-2013: Each member of the Library Management Team will have up-to-date job descriptions and work plans for the staff reporting to them.”

The minutes edited by the director contain no reference to the commission's order for 100% compliance.

The director is evaluated annually by the commission in closed sessions. We did not locate any criteria used to measure her performance. We did not locate any questionnaires for employee input, nor did we find any safe channel for comments and criticism. We interviewed employees from every level of the library and found no one who had been contacted by the commission for an opinion.

The Friends of the Library (FOLs) are groups whose sole purpose is to support their local library branch. FOL members give generously of their time and effort to add to their branch items that are outside the budget drawn up at the central library. Historically, the items were individual and unique, making each branch distinctive and reflective of the surrounding community. The ability to influence the character of the local branch is essential to continued local pride and participation.

In July 2008, the current director went outside the resources available to her from within the library, the cities that house the library branches, and Sonoma County to hire an outside design firm to select furniture for use in all the libraries. The director instituted a rule requiring all items of furniture be selected from a catalog.
compiled by the outside agency. Since then, an FOL group, LAB or any branch manager is required to select any furniture for their branch from the catalog.

Additionally, there is no method in place to track FOL money still being held by the library. There is a handwritten ledger recording the receipt of money donated to buy items but no way to tag each donation to ensure timely follow-through on the purchase.

The shortening and standardization of library hours and the decision to close the libraries on Mondays is an issue which irritates most of the people we interviewed. The library has been using extra-help employees to fill in on short notice at branches. By making the hours at all libraries uniform, staff can be shifted from branch to branch when need arises due to absence or vacation. The closure was not decided on for the convenience of library patrons but solely to save money by reducing the hours filled by extra-help employees, the least costly per hour labor used at the libraries. The staff and volunteer groups are irritated about being left out of consideration in the decision-making process. Many said that they were not given an opportunity to be heard. For example, the chairperson of one LAB was informed about the closures after the fact by reading an article in The Press Democrat and was left wondering, “Whose library is it?”

At a minimum there must be (re)training for the BOS, the commissioners, the director and LABs as to their roles and responsibilities. The JPA is failing to the extent that the LABs are not making documented and well-founded recommendations to the commission and the director. The JPA is failing when the public has to resort to directly contacting/petitioning their supervisors to pay attention to the library. The JPA is failing to the extent that most of the commissioners do not seem to take in sufficient information from the stakeholders of their branch. They are therefore unable to advise and supervise the director. Finally, the JPA is failing when a director no longer listens to the wants and needs of the branches and the public who use them or to the advice of the LABs and the commission. When the JPA is failing, a director says things like “... Not only will this help remind the public that they cannot take the Library for granted...” and the commissioners will nod and move on. When these failures occur, we know the answer to “Whose library is it?” It may not be “Ours.”

**FINDINGS**

F1. The Joint Powers Agreement appears to be outdated and needs to be revised.

F2. The Joint Powers Agreement states that the individual library branches have input in major decisions; however, it appears that they are not heard and basically ignored.

F3. Having an unresponsive library director undermines the spirit of the JPA.

F4. Library Advisory Boards are not functioning as per the original intent of the JPA.

F5. The Library Commission seems unclear as to their duties and function.

F6. The Library Commission appears to have no formal training sessions to assist them.

F7. The library director is inappropriately editing meeting minutes.

F8. The majority of employee performance reviews are not being completed on a regular basis. There appeared to be no urgency at the library director level to get reviews up to date.
F9. The absence of written policies and procedures is causing a lack of follow-through on the expenditure of funds received from the FOL.

F10. Furniture orders for some branches are unnecessarily held up at the library director’s level.

RECOMMENDATIONS

R1. The Board of Supervisors evaluate the library’s leadership structure, including the JPA, and write a report suggesting ways to improve collaboration.

R2. The Board of Supervisors establish an education and training process, including budget analysis, for current and future library commissioners.

R3. The Library Commission establish a method to facilitate communication between the LABs and Library Commission.

R4. The Library Commission establish a regular monthly schedule for LAB meetings with the library patrons and then monthly with the Library Commission to discuss findings.

R5. The Library Commission instruct the director to cease editing meeting minutes. Any corrections or edits should be brought up at the subsequent Library Commission meeting when minutes are approved.

R6. The library director bring all employee job descriptions up to date, with the approval of the Library Commission.

R7. The library director revise the Performance Management Program work plan performance review template to make it a workable document and institute its usage.

R8. The library director advise all managers of the past due employee performance reviews and get them up to date.

R9. The library director develop a follow-up method to ensure that reviews are done on time.

R10. The library director report to the Library Commission the status of library employee reviews on a monthly basis to ensure compliance with library policies and procedures for reviewing all employees in a timely fashion.

R11. The library director order the two end panels for the Guerneville library.

R12. The library director order the other delayed furniture for the Rincon Valley and Coddingtown branches.

R13. The library director delegate the ordering of furniture to the library branch manager level when the item is being purchased with FOL funds and within the furniture catalog guidelines.

R14. The library director establish and implement a furniture ordering policy so that orders requested are placed in a timely fashion.
REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses from the following:

• Library Director - R6, R7, R8, R9, R10, R11, R12, R13, and R14
• Sonoma County Board of Supervisors – R1 and R2
• Library Commission - R3, R4, R5, and R10

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

BIBLIOGRAPHY

• Sonoma County Library Joint Powers Agreement – dated January 27, 1975
• Sonoma County Board of Supervisors meeting minutes
• Library Commission minutes
• Library Advisory Board minutes
• Friends of the Library minutes
• Sonoma County Library organization chart
• Sonoma County SEIU labor negotiations minutes – dated July 27, 2011
• Sonoma County Library Performance Management Program Work Plan
• Sonoma County Library Core Competencies document
• Sonoma County Save Our Library web site

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
WASTEWATER BILLING IN SANTA ROSA

SUMMARY

A complainant found that the winter water billing periods used by the Santa Rosa Utilities Department were usually longer than 30-day months. The citizen asked the Grand Jury to investigate whether the Utilities Department was doing this on purpose to ensure higher wastewater rates. The Grand Jury explored the way the Utilities Department sets the monthly cost of wastewater. We did not investigate the methods for setting water rates, water conservation, or lowering personal bills.

The Grand Jury learned that while water coming into a home is metered, the discharge through sewers is not. The Santa Rosa Utilities Department averages indoor water usage during three mid-winter billing periods to estimate wastewater amounts. This is called the sewer cap. Basing sewer rates on winter water usage assumes that all water delivered to homes during the wettest months of the year will be discharged as wastewater through the sewers, not used for outdoor irrigation which goes into the ground.

A random sampling of actual bills over a span of several years confirmed the complainant’s finding. Some winter billing periods were as long as 35 days. Billing for other months of the year seldom exceeded the actual length of the month.

The Grand Jury explored the methodology of wastewater billing in Santa Rosa as well as the billing process in other water districts around the Bay Area. The Grand Jury also conducted on-line research and interviewed personnel in the Santa Rosa Utilities Department and the Santa Rosa Finance Department.

Certain factors explain the longer winter month billing periods. Two of the three current meter-reading methods require the physical presence of a meter reader at each meter. Numerous holidays and mandated furloughs during the winter months result in fewer work days to accomplish the tasks. Consequently, these billing periods tend to be longer than the average 30-day month. While it is the goal of the Santa Rosa Utilities Department to set the sewer cap accurately, based only on discharged water during three billing periods in the winter, it is not currently the goal to make each billing period exactly 30 days. In the future, with the necessary technology, all meters could be read in one day and monthly billing periods could be consistent.

The Grand Jury found that the City of Santa Rosa Utilities Department has a transparent billing process. Water usage is individually billed to each home. Santa Rosa weather is taken into account. The Santa Rosa Utilities Department sets the sewer cap during periods when all home water use is discharged through the sewers. Longer winter billing periods can, in certain circumstances, increase the sewer cap.
APPROACH

To carry out our investigation, the Grand Jury did the following:

• Studied the complaint in detail
• Interviewed the complainant
• Studied a variety of Santa Rosa home water bills over several years
• Interviewed staff of the City of Santa Rosa Utilities Department
• Interviewed staff of the City of Santa Rosa Finance Department
• Studied Santa Rosa Ordinance 3931, setting single family water rates
• Researched wastewater charges in other North Bay and Bay Area cities
• Conducted follow-up fact-checking by phone with the Utilities Department

DISCUSSION

A citizen expressed concern that his winter wastewater billing periods, on which his sewer cap is based, were up to 35 days long. This apparent distortion led him to wonder if the Santa Rosa Utilities Department was manipulating the billing periods to maximize rates. Both the complainant and the Grand Jury understand that every water or sanitation district has staffing and infrastructure costs that require a realistic and reliable flow of steady income.

In a typical rainy winter, the Utilities Department sets the sewer cap by averaging water meter readings over three billing periods, any time from mid-November to the third week of March. Winter rains commonly eliminate the need for irrigation during those months and water used indoors is discharged through the sewers.

Meter reading in Santa Rosa is organized in eight geographical areas of 15 to 20 routes each. In all, 128 routes cover the entire city each month and all meters are read 12 times per year. The billing periods range from 28 to 35 days in length. It is rare for readings to recur in exact 30-day periods.

Meter reading in rainy winter months takes longer because of the number of holidays and furlough days that fall in that period: two days for Thanksgiving, Christmas Day (plus a week of furlough in 2010), New Year’s Day, Martin Luther King Day, and Presidents’ Day. For the past two and a half years, staff have also been required to take furloughs on alternate Fridays. As a result, the winter meter readings generally take longer than 30 days. These longer periods can increase the sewer cap, and thus the costs, depending on the timing of the meter reading and the water usage of the consumer.

To set the sewer cap, the Santa Rosa Utilities Department focuses on choosing months with little need for irrigation, not on whether meters can be read within 30 days. In unusually dry years, a single wet month may be used as the basis for setting the cap, or data from a previous year may be used if the dry weather persists through most of a winter. For example, to offset the need for irrigation during the current dry winter (2011-2012), the calculation of next year’s sewer cap will be based on a home’s water usage from either this winter or last winter, whichever is lower.

Most of the Bay Area districts the Grand Jury contacted set wastewater charges by methods that are less tuned to individual usage than the Santa Rosa Utilities Department. Charges are sometimes based on an average overall water
usage in a district. Furthermore, water billing in many Bay Area districts is restricted to water consumption. The cost of wastewater is simply added to the property tax. Another difference the Grand Jury noted is that some North Bay districts round up when usage gets halfway to their next unit of measurement. The Santa Rosa Utilities Department sets the cap by rounding winter water usage down each month to the nearest 1000 gallons below actual meter readings.

Other Bay Area water districts confirmed that there are two main standards for calculating wastewater usage: either in thousands of gallons or in hundreds of cubic feet. The Santa Rosa Utilities Department uses thousands of gallons and would like eventually to bill each home to the exact gallon. That will necessitate an expensive upgrading of computers and meter reading equipment. Reading meters to the gallon is the goal; however, it is currently budget restricted.

The method by which the Santa Rosa Utilities Department bills for both water consumption and discharge is clear. Each home receives detailed information on current usage plus graphs of usage over the previous year. The explicit goal is to provide users with information that makes individual water management possible. The sewer cap is also a true cap, not a flat charge as in some districts. The less water used, the less a user pays until the cap is reached and a higher water billing rate is triggered. This system encourages water conservation.

The cost of water in Santa Rosa is affected by the Rodgers earthquake fault that runs through the city. The Utilities Department gives maintenance of the water lines high priority and has an aggressive replacement policy, taking all reasonable steps to prepare for uninterrupted water delivery in emergencies.

The Grand Jury found that the method the Santa Rosa Utilities Department uses to set the sewer cap is not intentionally skewed to produce increased revenue, or an attempt to deceive the public. The cap is calibrated to individual home usage, allowing consumers to pay only for the wastewater they discharge.

FINDINGS

F1. There are reasonable explanations for the Santa Rosa Utilities Department’s longer winter billing periods which, in certain circumstances, may increase costs to the consumer throughout the year.

F2. The Santa Rosa Utilities Department makes a conscientious effort to bill users accurately for wastewater by taking unusual weather patterns and individual usage into account.

F3. The Santa Rosa Utilities Department is transparent in its method of setting the sewer cap.

RECOMMENDATIONS

None.

DISCLAIMER

This report was issued by the Grand Jury with the exception of one member of the jury who recused him/herself. This juror was excluded from all parts of the investigation, including interviews, deliberations, and the writing and acceptance of the report.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
DISCLOSING A SONOMA COUNTY MAIN ADULT DETENTION FACILITY INMATE RECORDED TELEPHONE CONVERSATION

SUMMARY

In July 2011, the Grand Jury received two complaints, one from an inmate at the Sonoma County Main Adult Detention Facility (MADF), the other from a private citizen who had a relationship with that inmate. Both parties alleged that their civil rights had been violated when they learned that one of their MADF recorded telephone conversations had been disclosed to a non-authorized third party.

From our investigation, the Grand Jury learned that most inmate telephone conversations are recorded and monitored, the exception being constitutionally protected telephone calls (e.g., calls to/from inmates’ attorneys, doctors, and clergy). Those calls are not recorded or monitored. Sheriff’s Office detectives regularly monitor non-protected conversations with the intent of discovering possible future crimes (e.g., bringing contraband into the jail) or discovering possible evidence of the inmates’ crimes. Parties using jailhouse phones for non-protected conversations are warned at the beginning of each call that their words are subject to being recorded and monitored. This information is also posted near the phones. See examples in the Appendix. Neither warning cautions the callers that their words can be disclosed to third parties.

The Grand Jury’s investigation found that there is a possible violation of Penal Code Section 637. That section prohibits disclosing recorded telephone conversations to third parties, without the consent of those recorded. We also found that there is an absence of established policy or training within the Sheriff’s Office (or MADF) regarding the disclosure of taped inmate telephone conversations with third parties. As such, the Grand Jury recommends that the Sheriff’s Office consult with its counsel to initiate a policy regarding the disclosure of taped inmate telephone conversations. In addition, the Grand Jury recommends that the District Attorney conduct an investigation for possible criminal wrongdoings by the detective who disclosed this taped conversation with a third party private citizen.

APPROACH

In addition to interviewing both complainants, the Grand Jury interviewed several deputies in the Sheriff’s Office. The Sheriff’s Office also received the same two complaints that the Grand Jury received from the inmate and the private citizen. As a result, the Sheriff’s Office conducted a Citizen’s Complaint (CC) investigation. The Grand Jury reviewed that investigation and watched a video showing the third party listening to the taped telephone conversation in question. We also interviewed the Deputy District Attorney (DDA) involved in the inmate’s case and a highly regarded, long-practicing, private practice defense attorney in Sonoma County. We were in communication with our counsel as well. Lastly, we visited the Sonoma County Public Law Library to seek information on the penal codes prohibiting the disclosure of recorded conversations.
BACKGROUND

Two virtually identical complaints were received by the Grand Jury. We combined the two complaints into one. The purpose of the Grand Jury’s investigation was two-fold. First, we sought to confirm the details of the event in question. Second, we needed to find out if it was allowable to disclose a taped inmate telephone conversation to a third party.

The inmate and the private citizen had known each other for many years. They had hundreds of telephone conversations during the inmate’s incarceration. The Grand Jury learned detectives in the Sheriff’s Office reviewed at least 133 of them. It is common practice for detectives to listen to inmate telephone conversations for the purpose of discovering information about crimes already committed and crimes that inmates plan for the future (e.g., making arrangements to bring contraband into the jail, jail escapes, etc.).

The detective investigating the inmate’s case was successful in gathering information from the inmate’s telephone conversations. He was able to identify previously unknown victims of the inmate. The detective was also able to find out about the inmate’s attempts to bring contraband into the jail via a weekender (i.e., a person who had been convicted of a crime, but is allowed to be out during the week for employment, and reports to the jail on the weekends).

The issue in question arose when the detective, in an effort to gain the trust of a potential witness in the inmate’s pending case, played one of the recorded telephone conversations (between the complainants) for the potential witness. Grand Jurors viewed the video of this recorded telephone conversation being played for the potential witness. The disclosed telephone conversation did not relate to the case for which the inmate was incarcerated or to the inmate’s attempts to bring contraband into the jail. The telephone conversation was a sexually explicit conversation between the inmate and the private citizen about their relationship. The potential witness was the girlfriend of the inmate who was not aware of her boyfriend’s sexual relationship with this private citizen. The detective told us that he picked this particular telephone conversation out of the hundreds recorded because he wanted to show the potential witness that the inmate was manipulating her, and the detective wanted to gain her trust. The Grand Jury learned that this tape was played for the potential witness an hour before the inmate was to
appear in court to enter a plea. The potential witness did not attend this hearing.

In an attempt to clarify if it is legal to disclose recorded inmate telephone conversations to a third party (private citizen), we asked a number of key players about it during our interviews. This included the detective, who insisted that there is no expectation of privacy. He said he had been in frequent communication with the Deputy District Attorney (DDA) who was prosecuting this case. The detective told us he was informed by the DDA that it was not illegal to play a recorded inmate telephone conversation for a third party, further adding that it was rare to do so, but they do it when needed. In our interview with the DDA, she was unsure whether it was legal or not. The DDA also stated she had instructed the detective not to disclose this telephone conversation to the potential witness as it could give the appearance of witness tampering. As far as the legality of disclosing a recorded conversation to a third party, the DDA informed us that she advised the detective to seek counsel regarding this matter. We confirmed that the detective did not seek advice of counsel.

The Grand Jury sought advice of counsel. Counsel contacted Sheriff’s Office staff who said that “…non-confidential calls are only shared with other law enforcement agencies and the DA, and only if they involve some type of possible criminal activity. The calls are not shared with anyone else.” Counsel was also told that “Penal Code Section 633 authorizes the Sheriff to tape record inmate calls.”

The Grand Jury spoke with Sheriff’s Office deputies and a DDA. None of them were able to produce a relevant statute, nor could they refer to any written procedure that might shed light on this issue. Penal Code Section 633 does not address the issue of disclosing taped inmate calls. As a result, we sought the advice of a private practice local defense attorney. His opinion was that the law was breached when the detective disclosed this sexually explicit recorded telephone conversation between the inmate and a private citizen to the potential witness. The private attorney directed us to the California Privacy Law sections of the Penal Code. When we visited the Sonoma County Public Law Library, we were able to find Penal Code Section 637, which states:

Every person not a party to a telegraphic or telephonic communication who willfully discloses the contents of a telegraphic or telephonic message, or any part thereof, addressed to another person, without the permission of that person, unless directed to do so by the lawful order of a court, is punishable by imprisonment pursuant to subdivision (h) of Section 1170, or in a county jail not exceeding one year, or by fine not exceeding five thousand dollars ($5,000), or by both that fine and imprisonment.

We also asked the private attorney for his opinion about the disclosing detective’s statement that there is no expectation of privacy for inmates. Our witness replied:

Inmates have limited privacy rights, and they are advised that their phone calls will be monitored, but they do have a reasonable expectation of privacy that their conversations will not be disclosed to third parties for reasons other than (1) legitimate law enforcement concerns (e.g., to prevent the commission of a crime, dissuading a witness, etc.) or (2) legitimate jail security concerns (e.g., smuggling contraband into the facility, escape plans, etc.). The contents cannot be used for illegitimate or illegal purposes, such as blackmail, extortion, coercion, slander, etc.

The private attorney further opined that “both the letter and the spirit of this law is violated by the use made of the conversation in this case, i.e., to prejudice the witness against the defendant to coerce cooperation.” In other words, “it served no legitimate purpose to share this recording with a potential witness.”
DISCUSSION

Both of the complaints addressed to the Grand Jury asked us to investigate the possibility that the inmate’s and private citizen’s civil rights had been violated; specifically United States Constitution Bill of Rights Amendment One (Freedom of Religion, Press, Expression) and Amendment Four (Search and Seizure).

The detective who disclosed a recorded inmate telephone conversation to a private party without the consent of either of those involved in that telephone conversation may have violated Penal Code Section 637 and/or the complainants’ civil rights.

In addition, the Grand Jury found that there appears to be no written Sheriff’s Office policy regarding the disclosure of recorded inmate telephone conversations. Further, the Sheriff’s Office deputies we interviewed did not know if, in fact, recorded inmate telephone conversations could be disclosed to third parties.

During the course of our investigation, several discrepancies and questionable actions were discovered. First, the Sheriff’s Office’s CC investigation exonerated the detective of any wrongdoing. Disclosing the recorded inmate telephone conversation in this instance appears to contradict the statement by Sheriff’s Office staff that taped telephone conversations are only shared with other law enforcement agencies and the DA - and are not shared with anyone else. Second, following the Sheriff’s inquiry, the detective was given a commendation for his work on this case. The DDA who had previously told him not to play the recorded conversation for the potential witness congratulated the detective on a job well done. The Grand Jury noted the commendation is dated the same date as that stamped “received” on the inmate’s complaint. Finally, the DDA was mentioned in the CC investigation, yet the investigator never interviewed her and elected to base his conclusions solely on the statement of a single witness, the detective.

FINDINGS

F1. Sheriff’s Office personnel and District Attorney staff were unable to produce a relevant statute or a written policy when asked if the disclosure of recorded inmate telephone conversations to third parties was legal.

F2. The citizen complaint (CC) investigation done by Sheriff’s Office personnel in this case was lacking in that only the detective involved was interviewed.

F3. There appears to be a lack of methodology (i.e., recorded documentation of discussions and results of discussions) when deputies seek advice from the deputy district attorneys.

RECOMMENDATIONS

R1. The Sheriff’s Office consult with its counsel regarding the legal ramifications of disclosing recorded inmate conversations to third parties.

R2. The Sheriff’s Office develop and implement a policy on disclosing recorded inmate telephone conversations to third parties (including informing the inmates - via inmate handbooks and postings near telephones - that telephone conversations could be recorded, monitored, AND disclosed, if legal to do so).

R3. The District Attorney review Penal Code Section 637 with the District Attorney’s staff and its counsel.
R4. The District Attorney review this case for possible criminal wrongdoing pursuant to Penal Code Section 637.
R5. Sheriff’s Office personnel interview all parties involved in a CC.

REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses from the following:

- Sonoma County Sheriff – F1, F2, F3, R1, R2, and R5
- Sonoma County District Attorney – F1, F3, R3, and R4

DISCLAIMER

This report was issued by the Grand Jury with the exception of one member of the jury who recused him/herself. This juror was excluded from all parts of the investigation, including interviews, deliberations, and the writing and acceptance of the report.

BIBLIOGRAPHY

- The Sheriff’s Office Citizen’s Complaint
- Video tapes of the potential witness listening to the recorded inmate telephone conversation
- The California Privacy Law sections of the Penal Code at the Sonoma County Public Law Library

APPENDIX

- Example of a pre-recorded MADF inmate telephone warning that calls may be recorded and monitored
- Notice posted at MADF telephones used by inmates

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Sample of Pre-recorded MADF Inmate Telephone Warning that Calls may be Recorded and Monitored

Operator: For English press one. (Spanish) de lo contrario prosiga en espanol y oprima el dos.
Operator: For collect call press zero, for debit call press one, to transfer debit card funds press three, for debit card rate information press eight.
Operator: Please enter your pin number now.
Operator: Please enter your debit card number now.
Operator: Your current balance is (balance given).
Operator: Please enter the area code and phone number you are calling now.
Operator: Please wait while your call is being processed.
(Phone call processed)
Recipient: Hello.
Operator to recipient only: Hello, this call is a free call from (name), an inmate at the Sonoma County Main Detention Facility.
Operator: To accept this free call press zero, to refuse this free call hang up or press one.
Operator: This call is subject to monitoring and recording.
Operator: Three-way calling and custom calling features are not allowed.
Operator: Thank you for using PCS.

Notice Posted at MADF Telephones

All telephone calls from the Main Adult Detention Facility or the North County Detention Facility are recorded and/or monitored, aside from communications protected by confidentiality laws (attorneys, religious advisors, and licensed physicians/psychiatrists.) The Sheriff’s Department maintains a "do not record list" primarily of local attorneys and these calls are not recorded. Not all attorneys or other confidential advisors have their telephone numbers listed on the "do not record list." If you would like confidential calls not to be recorded, you may make such a request via an Inmate Request Form. Alternatively, your attorney or confidential advisor may contact the jail and ask that his/her telephone number be added to the "do not record list.”
2011 DISBANDING OF THE HUMAN SERVICES COMMISSION

SUMMARY

Every year the Sonoma County Board of Supervisors (BOS) allocates a portion of the General Fund (GF) in the form of grants to various non-profit agencies considered to be critical local safety net programs for the vulnerable. Between 1978 and July 2011, the Sonoma County Human Services Commission (HSC) oversaw the expenditure of those monies. In fiscal year 2010-2011 the HSC, under the Sonoma County Human Services Department, allocated $588,137 in GF grants to 19 community-based organizations to support programs related to homelessness, hunger, domestic violence, rape, legal services, and short-term counseling. These services benefitted over 11,000 community residents.

In preparation for fiscal year 2011-2012, each department in Sonoma County was ordered to prepare a budget reflecting a 25% reduction. In April 2011, the Human Services Department proposed eliminating the HSC, transferring HSC funding and contract administration to the Sonoma County Community Development Commission (CDC) to meet the budget reduction. Additionally, they proposed adjusting the HSC funding to nine months from twelve (to align with the federal fiscal calendar) thus saving an immediate 25% and reducing administrative costs on a one-time basis.

As of July 2011, the HSC was disbanded and the duties of selecting and approving grantees, and administering and distributing future allocated GF grant money were transferred to the CDC.

A Sonoma County resident filed a citizen complaint with the Sonoma County Civil Grand Jury expressing concern that the CDC did not have the interest or expertise that the HSC had in dealing with the community partner agencies. Also, the types of services provided by the HSC were different from the CDC’s focus on redevelopment and housing programs. The citizen wanted assurance that the “partnerships between the public and private systems of care” previously funded by the HSC would remain intact.

The Grand Jury investigation revealed that the CDC had similar grant processes in place to award other county assistance funds to some of the same and similar agencies. The CDC assumed the administration of the funds for the community partners. The CDC developed a procedure to ensure that the prior HSC grantees were assisted in the new process.

Although the county experienced a significant budget cut, the opportunity still exists for community partners to receive grant funding through the CDC. Disbanding the HSC and consolidating its functions with the CDC’s process enabled the county to save money.

According to California state law, the CDC has the ability to expand their committee and include up to two additional members. It could be beneficial to consider including individual(s) with prior community partner and/or local safety net funding experience.

The CDC now refers to the former community partners as community services funding (CSF) grantees. With oversight and their continued involvement, the BOS can ensure a smooth grant process to the CSF grantees.
Additionally, the Grand Jury recommends that the succeeding Grand Jury review the next fiscal year funding recommendations from the CDC.

**APPROACH**

Interviews were conducted with former and present Human Services Department employees, past members of the HSC, the Executive Director of an agency that received grant monies from the HSC, and the Executive Director of the CDC. Additionally, the official Sonoma County website was referenced.

An extensive number of county documents were reviewed as well. See the complete list in the Bibliography.

**DISCUSSION**

The Grand Jury believed it was important to look into the dissolution of a volunteer community oversight committee. Over 11,000 county residents per year utilized the services provided by the HSC agencies. The HSC was established by the BOS in 1978 to address a lack of coordination among local funding agencies and service providers, and to improve service delivery. In its 33 years, the HSC has survived recessions and changes in the makeup of the BOS and county administrators. It was comprised of volunteer citizen members who were appointed representatives from Sonoma County’s five supervisorial districts. These members acted as a bridge between GF grants and community partner agencies. The volunteer members of the HSC had specialized skills and training, as well as experience in evaluating, monitoring, and working with the community partners. Working without compensation, the commission had the arduous task of reviewing an average of 50 grant requests per year from various non-profit organizations within the county. The members of the commission had the responsibility of making on-site visits, needs assessments, and performing follow-up with the agencies.

The recent economic downturn has reduced the resources available to Sonoma County to provide services, while at the same time increasing the need for those services. Devaluation of property values led to less property tax being collected in the GF. Only a portion of the money in the GF can be used at the complete discretion of the BOS. The HSC budget for community partner agencies was made up entirely from the discretionary portion of the GF and was subject to reduction.

For the 2010-2011 fiscal year, the HSC was operating under the assistant director of the Human Services Department and was included in the department’s budget. The HSC’s total costs in fiscal year 2010-2011 were $588,137 in community service funds and $242,863 in administrative support costs for a total of $831,000. The BOS had considered elimination of the HSC in the 2010-2011 budget before restoring it with one-time stimulus money. Facing further cuts to the GF portion of its 2011-2012 budget, the Human Services Department again recommended eliminating the HSC and transferring duties to the CDC. In June 2011, the HSC convened for its final time, ending its 33-year history with a vote to disband.

The CDC has contract administration procedures in place based upon three decades of allocating and administering federal, state, local, and private grant funds. The CDC program staff and CDC accounting staff both track the flow of funds to ensure accuracy and adherence to internal controls. Federal regulations mandate that the CDC undergo an independent financial audit annually.
By having procedures in place already, the CDC agreed to administer the grants to the community partners at a cost of $80,000. This saved the county $162,863 ($242,863 - $80,000) in the 2011-2012 fiscal year. An additional one-time savings of $147,000 was gained by adjusting the 2012-2013 community partners grant period to align with the federal fiscal calendar currently in use by the CDC.

The Grand Jury found that appropriate actions were being taken to allow for current and future CSF grantees to submit grants. The new CDC process was found to be somewhat different from the prior HSC process. The community partners who were not familiar with the new CDC process were offered technical assistance training in order to bring them into compliance. The CDC will continue to integrate the new and former HSC community partners into their existing CDC grant process.

The plan to move the county funding monies previously dispersed by the HSC to the community partners and now being overseen by the CDC has been implemented. The transition appears to be smooth and successful. The Grand Jury received and reviewed the 2012-2013 CSF funding recommendations from the CDC and found them to be in line with the past grants given out to the community partners.

COMMENDATIONS

The Grand Jury commends both the HSC and the CDC for ensuring that CSF grantees continue to receive funding in Sonoma County to assist at-risk and in-need members of the community despite the economic downturn.

FINDINGS

F1. The disbanding of the HSC and consolidating its duties into the CDC was a fiscally prudent decision by the BOS.
F2. It may benefit the CDC committee to expand from seven to nine members as allowed by California state law.
F3. Despite the loss of the expertise, commitment and experience that the prior HSC volunteers brought to the grant process, efforts are being made by the involved county agencies to ensure that CSF grantees, both past and present, can continue to be a part of the funding process.
F4. Appropriate steps are being taken to help the former community partners transition to CSF grantees.

RECOMMENDATIONS

R1. The Sonoma County Board of Supervisors continue its review of the Community Development Commission grant fund process to the Community Services Funding grantees.
R2. The Executive Director of the Sonoma County Community Development Commission consider expanding the CDC committee to eight or nine members.
R3. The Executive Director of the Sonoma County Community Development Commission annually provide to the Grand Jury the CSF funding recommendations once they have been approved by the Board of Supervisors.
REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses from the following:

- Sonoma County Board of Supervisors - R1
- Executive Director, Sonoma County Community Development Commission - R2 and R3

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

BIBLIOGRAPHY

- A large sampling of the grant proposals and the methodology used to rank and prioritize grantees
- Health & Human Services General Fund Reduction budget recommendation priority ranking spreadsheet
- Final Actions of the Board Budget Hearings worksheet – dated June 15, 2011
- Transition of Community Services Funding letter that was sent to all current community partners – dated July 1, 2011
- 2011-2012 Community Partners Funding Allocations – Public Services (no date)
- 2012-2013 Community Partners Funding Allocations – Public Services, 5-8-2012
- HSC Final Community Services Funding Recommendations
- Funding policies of the Community Services Funding (CSF) program
- Sonoma County budgets for the periods 2009-2010 and 2011-2012
- Budget Hearing packet – dated June 11, 2011
- Sonoma County HSC Annual Report to the BOS for fiscal year 2009-2010
- Alternative Models for the HSC and Provisions of Community Services Funding, Memo Human Services Department Assistant Director, April 22, 2011
- Press Democrat article, dated 5-31-2011, entitled “County Budget Would Cut Programs Large And Small”

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THE MARIN/SONOMA MOSQUITO AND VECTOR CONTROL DISTRICT - UNDER THE MICROSCOPE

SUMMARY

The Marin/Sonoma Mosquito and Vector Control District (MSMVCD) is charged with preventing, eliminating, and controlling a variety of vectors in our county. Vectors are pests that can carry and transmit diseases that are harmful to animals and humans. They include mosquitoes, rodents, yellowjackets, ticks, lice, and fleas. According to its website, the district monitors pest control for over 715,000 residents in an area of nearly 2,100 square miles.

The 2011-2012 Civil Grand Jury’s investigation of the MSMVCD was prompted by a citizen complaint and numerous articles in The Press Democrat. The Grand Jury focused on three main concerns: tick and Lyme disease education; financial transparency; and district manager/board actions. Specific issues included: the size of the reserve fund; whether salaries were inflated; increased spending during a period when other county agencies were cutting back; accessibility of budget information to the board and public; tax assessment differences for different areas of the county; and accountability and oversight.

The MSMVCD is a special district with a volunteer board of 24 members, appointed by cities in both Sonoma and Marin Counties and by the two Boards of Supervisors. All special districts are governed only by their boards with little oversight by city or county agencies. Grand Jury investigations of special districts provide a level of accountability to the taxpayers. Available records indicate that the MSMVCD has not been reviewed previously by a Sonoma County Civil Grand Jury.

During the course of the investigation, we interviewed numerous members of the Board of Directors, district employees, staff of the Public Health Department, and members of the public who use the services of the district. We also reviewed relevant documents (see Bibliography).

The Grand Jury found that mosquito control is the primary emphasis of the district (tick control is not feasible). Due to citizen advocacy this past year, MSMVCD increased efforts for tick and Lyme disease education. The Grand Jury recommends that these efforts continue and that the educational staff be expanded to assist the well-run, popular general education program. The Grand Jury generally found that financial issues were in sync with industry standards. However, financial transparency and professionalism have at times been lacking. It is recommended that the district change auditors every five years for financial integrity, provide copies of budgets when asked by interested parties, and foster professionalism in being open and responsive to the public. Those we spoke with praised the field technicians and lab and educational staff. The district has just hired a new manager. After more than thirty-five years
of service in different capacities as an employee of MSMVCD, the former district manager has retired. The district is in excellent shape. It has modern facilities, state-of-the-art equipment, and the financing necessary to accomplish its goals.

APPROACH

During the course of the investigation, the Grand Jury interviewed 14 people, including past and present board members, staff members of various levels, members of the public with a vested interest, county tax assessors, and an administrator of the Public Health Department. A variety of documents were reviewed including four years of audit reports, six years of budgets, summaries of assessments, board meeting minutes, newspaper articles, state health and safety codes, and district manuals and educational materials. The Grand Jury conducted website research of other vector control districts in California. The Grand Jury also attended two board meetings and toured the facilities including the lab, mosquito fish production tanks, offices, and the garage/maintenance shop for all equipment and vehicles.

DISCUSSION

Tick and Lyme Disease Education

The educational outreach of the MSMVCD is accomplished through presentations in schools and to community groups, displays at public events, written materials, the district website, public service announcements, and with direct advice when contacted by the public. Two formal in-class programs are offered at no cost to schools in Marin and Sonoma Counties: Mosquito School (Kindergarten-8th grade) and Yellowjacket School (K-1st grade, and 4th grade). The education specialist on staff is responsible for over 250 presentations per year. He has a full workload and a standing list of teachers waiting for classroom presentations.

Mosquitoes have been and are the main MSMVCD priority. This is reflected as well in their education program. Ticks are mentioned as an example of a vector in the school presentations, but according to the education specialist, there is no time in the current curriculum for more.

A citizen advocacy group for tick and Lyme disease education attended the majority of board meetings in 2011. Individuals shared their personal experiences of Lyme disease and encouraged more public awareness and education. In the summer of 2011, the district manager founded a tick advisory group with some of these concerned citizens. MSMVCD also added tick information to their website in 2011 and tick education was introduced into the 2011 summer programs.

According to those interviewed, the district focuses on mosquitoes because public health risks for mosquito-borne diseases like West Nile can be fatal. Prevention (e.g., treating areas of standing water where mosquitoes breed) and control measures (e.g., targeted spraying) are clear and doable. Ticks are widely dispersed and cannot be controlled by the methods that work with mosquitoes. Therefore, citizen education is the main way to deal effectively with ticks.

Whereas it is true that mosquito control is of primary importance for the district, all other vectors common in this area, including ticks, pose health risks. Current efforts to keep the public informed about such pests could be expanded.
Financial Operations

The Grand Jury looked into why MSMVCD tax assessments varied for different parts of the county. The district’s funding comes primarily from two types of tax revenues. Half comes from property taxes. The other half comes from direct charge assessments which all property owners pay, though not all owners pay the same amount. Parcels in Sonoma County are in one of two assessment areas. Those in the original district service area (effectively the more densely populated eastern portions of both Sonoma and Marin), pay an average annual direct charge of $10.72. The voters living in the service areas annexed in 2004 due to Proposition 218 (the more rural and coastal areas of both counties) approved a direct charge assessment averaging $19.36 a year. Within each assessment area, there is occasionally some variance of charge based on certain acreage and on the need for greater or lesser abatement servicing.

The County Tax Assessor’s office has no authority to exercise checks and balances over the funding of any special district. The Assessor’s office does not evaluate the numbers given to them by the district. The district provides exact numbers for the direct charge assessments, not percentages. The only oversight for funding is the MSMVCD’s own board. The board votes on direct charge assessment amounts after public hearings, following the recommendations of an outside private assessment engineer.

The MSMVCD appears to be on sound financial ground. They have a fairly new building that they paid off in five years. They have a state-of-the-art lab and new trucks and equipment. Solar panels were installed last year to reduce energy costs. The facilities are in good repair and kept meticulously clean. The district maintains a sizable reserve fund to meet legislated requirements and future needs (including unpredictable mosquito and other vector infestations which can vary widely from one year to the next). Staff salaries are commensurate with those in other vector control districts.

The district board sets a budget based on the district’s perceived needs. They can adjust the tax rate as necessary to support those needs after due legal process (see footnotes 1 and 2). The current direct charge assessments have not been raised or lowered for several years.

Past budgets were not always readily accessible, even to board members. The Press Democrat plus four of the people interviewed by the Grand Jury expressed an inability to get budget information from the district. Two of these cases occurred in board meetings. This past year complete figures were not included in the budget packet with the board agenda. The matter was explained as an oversight and was resolved. The Grand Jury itself was freely given detailed budget material as often as requested.

The Grand Jury examined four years of auditor reports. The 2007 audit cited these problems: there was no manual of accounting practices, payables and receivables were not separately handled, some checks were paid without accompanying invoices, and there were undocumented credit card payments. More of the same issues were identified in the 2008 and 2009 audits with a recurrent warning of the need to separate payables and receivables. The 2010 audit did not flag these issues.

The district manager is legally responsible for the district finances (see footnote 3). The day-to-day financial operations are controlled by the financial benefits manager. An administrative assistant has recently been trained to assist, but financial control continues to remain largely in the hands of one person.

The auditor for the MSMVCD has not been changed in ten years. In 2011 the district received bids from six
auditors. According to board and staff members, the district manager received a negative reference on one of them and ran out of time to pursue the others. The current auditor was retained for one more year.

**District Manager/Board Actions**

The MSMVCD’s district manager retired in November of 2011 after over 35 years working for the district, the last 15 as manager. A new district manager was hired.

The MSMVCD board has 24 positions. Representation is mandated by law (see footnote 4). Two of the 24 board positions are unfilled (Cloverdale and Belvedere). Past and present board members interviewed cited the size of the board as a difficulty. There are approximately two board members for every three employees in the district (22 current members and roughly 35 full-time employees). Since the size of the board cannot be reduced and since the effectiveness of the board is hampered by its size, board committees are the logical place for most of the detailed work to be done.

Board members, including some longtime members, did not agree about the way revenues are actually generated. Each of the five board members interviewed gave a different explanation for differing zone 1 and zone 2 assessments. Clear understanding of the district’s funding methodology was lacking.

Information from interviewees, board minutes, and direct observations by Grand Jury members at board meetings, revealed a need for greater professionalism in public meetings. The advocates for tick and Lyme disease information were sometimes targeted with negative comments at board meetings and were engaged in some heated exchanges. Public comments and board responses were not always restricted to agendized times.

One board member interviewed spent a day in the field with an abatement staff member, and found it to be both informative and useful. MSMVCD would profit if all board members had a similar experience in their terms.

Throughout the investigation, the Grand Jury examined numerous issues which had been raised in the public arena. While identifying some areas that could be improved, the Grand Jury concluded the Marin/Sonoma Mosquito and Vector Control District is a well-functioning public agency providing important services to the community. The board and staff are dedicated to the district and its mission.

**FINDINGS**

F1. MSMVCD’s tick educational efforts in 2011 were a result of citizen advocacy.

F2. The current educational specialist has a full workload with a waiting list of teachers seeking classroom visits.

F3. MSMVCD puts minimal emphasis on vectors other than mosquitoes and yellowjackets in its educational outreach.

F4. Although MSMVCD appears financially sound, at times transparency is lacking.

F5. There is at times a lack of professionalism in dealing with the public.

F6. Board training could be improved.
RECOMMENDATIONS

R1. Maintain up-to-date tick information on the MSMVCD website.

R2. Expand the educational staff.

R3. Change auditors this fiscal year and consider doing so every five years.

R4. Provide copies of budgets to anyone who requests them.

R5. Educate the MSMVCD board on the various ways taxes are assessed.

R6. Schedule MSMVCD board members to spend time in the field with a technician during each term of office.

R7. Foster professionalism in being open and responsive to the public.

REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses from the following:

- MSMVCD District Manager - R1, R2, R4, R5, R6, and R7
- MSMVCD Board - R2, R3, R4, and R7

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

BIBLIOGRAPHY

- MSMVCD Audit reports (2007-2010)
- MSMVCD Budgets (2006-2012)
- Historical Summaries of Assessments by County (Marin and Sonoma) for 2000-2012
- Minutes of all 2011 MSMVCD board meetings
- All local newspaper articles mentioning MSMVCD in 2011
- State health and safety codes (Sections 2871.7, 2871.8, and 2021)
- MSMVCD organizational chart
- MSMVCD employee and trustee roster
- MSMVCD salary schedule for 2010
- MSMVCD Trustee Reference Manual
- 2011 Tick and Tick-Borne Disease Prevention Outreach Update
- MSMVCD education specialist’s presentation log (5 years)
Footnotes

1. California Health and Safety Code, Section 2871.7. After a public hearing, the district board shall determine the rate of the tax.


(a) Whenever it appears to the district board that the amount of funds required during an ensuing fiscal year will exceed the amount available, the district board may call an election to submit to the electors of the district the question of whether a special tax shall be voted for raising the additional funds, pursuant to Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code.

3. California Government Code, Section 61051. The general manager shall be responsible for all of the following:

(d) The supervision of the district’s finances.

4. California Health and Safety Code, Section 2021. Within 30 days after the effective date of the formation of a [vector control] district, a board of trustees shall be appointed as follows:

(d) In the case of a district that is located in two or more counties and contains both incorporated territory and unincorporated territory, the board of supervisors of each county may appoint one person to the board of trustees, and the city council of each city that is located in whole or part within the district may appoint one person to the board of trustees. If those appointments result in less than five persons, the board of supervisors of the principal county shall appoint enough additional persons to make a board of trustees of five members.

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

SUMMARY

The Sonoma County Civil Grand Jury reviews all critical incident cases involving law enforcement in Sonoma County. Once the involved law enforcement agency and an outside law enforcement agency complete the investigation, and the Sonoma County District Attorney (DA) reviews the incident and makes a ruling, the Grand Jury begins its investigation. The 2011-2012 Grand Jury received four critical incident reports from the DA's office. We reviewed three of them. Due to time constraints, the last report received from the DA's office in April 2012 will be held over for the 2012-2013 Grand Jury to review.

Two of the reports involved the death of inmates: one suicide and one due to natural causes. The third report dealt with an incident of an officer-involved shooting of a suspect.

The District Attorney's duty is to determine if law enforcement officers followed the law. The DA found that there was no criminal liability in the shooting incident. The DA does not deal with civil liability litigation.

The Grand Jury provides an independent citizen review of the DA's conclusion regarding the absence of criminal behavior. The Grand Jury reviews critical incident reports to ensure that law enforcement agencies:

• Comply with county fatal incident protocol
• Act appropriately during the fatal incident
• Write unbiased reports which include witness statements
• Create a timeline of events leading up to, and including, the incident

The Grand Jury found that law enforcement agencies complied with the above.

APPROACH

The Grand Jury reviewed all critical incident reports received from the DA's office. Regarding the Main Adult Detention Facility (MADF) inmate suicide, the Grand Jury interviewed all MADF deputies and staff who were present at the time of the suicide. We also took a tour viewing the areas where the inmate was confined prior to his suicide.

DISCUSSION

The Grand Jury has a serious role in ensuring that law enforcement as well as the District Attorney's office thoroughly investigate each incident and reach a conclusion that is appropriate and without prejudice. This role pertains to all fatal reports, be it a death in custody or an officer-involved fatality. These are the three critical incidents that the Grand Jury reviewed this year:
09/08/10: A death in the MADF. The inmate committed suicide by jumping to his death from the second floor of the jail. The Grand Jury investigated, wrote a separate report on this death, and found that jail personnel followed appropriate procedures.

10/29/10: Officer-involved shooting. Sonoma County deputies shot and killed a suspect after a long standoff. The officers were aware that the suspect was carrying a loaded shotgun and made many attempts to negotiate with the suspect to surrender. The suspect used his car as a weapon and tried to ram into the deputies’ cars to escape, potentially causing bodily harm to the officers. Reporting agencies found no criminal liability.

12/05/10: A death in the MADF. The inmate died of natural causes due to an unforeseen blood clot. The staff took appropriate measures in rendering aid before Emergency Medical Technicians arrived.

FINDINGS

F1. Required protocol was followed by personnel in each critical incident.

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SONOMA COUNTY MAIN ADULT DETENTION FACILITY
INMATE SUICIDE

The Sonoma County Civil Grand Jury reviews all deaths in custody in Sonoma County. Once the involved law enforcement agency completes its investigation, and the Sonoma County District Attorney (DA) reviews the incident and makes a ruling, the Grand Jury begins its investigation.

One such critical incident received by the 2011–2012 Grand Jury involved the suicide of an inmate in the Main Adult Detention Facility (MADF) on September 8, 2010. All documents from the Sheriff’s Office investigation and the report received from the DA were reviewed by the Grand Jury. These reports included statements by inmates who witnessed the suicide and subsequent life-saving attempts and statements from the mental health team who were present at the incident.

The Grand Jury also did a walkthrough of the MADF facility, viewing the areas where the inmate was confined during his incarceration. We were able to see all modules (housing sections) the inmate was in, and we were informed of what took place in each module/each cell. Furthermore, we were able to interview MADF deputies and MADF mental health staff who were present during the inmate’s incarceration and were participants in the life-saving efforts of the inmate.

The Grand Jury found that the MADF mental health department is fully staffed at all times and fully prepared to handle inmates with mental health issues. We also found that MADF deputies and mental health staff took the appropriate action by calling paramedics and continuing resuscitation efforts while waiting for the paramedics to arrive.

After our investigation of the inmate’s suicide, the Grand Jury agrees with the DA’s determination that there was no criminal negligence. MADF deputies and MADF mental health staff took appropriate action to not only care for the inmate, but also to provide life-saving attempts.

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DETENTION FACILITIES REPORT

SUMMARY

On November 3, 2011, the 2011-2012 Sonoma County Civil Grand Jury conducted the annual inspection of the Main Adult Detention Facility (MADF) and the North County Detention Facility (NCDF) as mandated. The focus was to ascertain that the facilities are maintained according to state laws. The Grand Jury found both facilities to be immaculate and secure.

BACKGROUND

The 2010-2011 Grand Jury report stated that efforts were being made to improve physical accommodations and additional staff training was ongoing to identify and meet the needs of individuals with mental health problems. The 2011-2012 Grand Jury observed that the findings and recommendations of the prior Grand Jury have been met.

APPROACH

The 2011-2012 Sonoma County Grand Jurors toured the jail and were briefed by the MADF Captain and his staff on various aspects of the facilities.

FINDINGS

F1. The MADF is maintained in excellent condition.
F2. The NCDF is adequately staffed and is neat and clean.
F3. Training at MADF and NCDF is ongoing and adequate.

RECOMMENDATIONS

R1. MADF and NCDF continue current practices.
R2. A future Grand Jury conduct a detailed investigation of the programs offered at both jail facilities.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
INSPECTION OF THE SONOMA COUNTY JUVENILE HALL

SUMMARY

The 2011-2012 Sonoma County Civil Grand Jury conducted an inspection of the Juvenile Hall in January 2012. The Grand Jury found the facility to be secure and well-maintained. Programs are designed to facilitate integrating detainees back into the community whenever possible. The Grand Jury recommends that Juvenile Hall staff determine the recidivism rate when sufficient data is collected.

APPROACH

The Grand Jury met with various members of the Juvenile Hall management team. The staff discussed Juvenile Hall goals and programs. The director provided facility facts and an overview of the programs, which the Grand Jury subsequently reviewed. A tour of the facility followed the discussion. The tour included various living units and other areas utilized by the detainees. Juvenile Hall staff answered questions during the tour. A listing of Juvenile Hall programs and facility facts are included in the Appendix.

DISCUSSION

The detainees enter the system through arrest, court order, or by turning themselves in. They are assigned to units using various criteria including age, gender, and severity of the charges. Program staff stated that the major goal is to rehabilitate the detainees and to assist in their integration back into the community. When asked how effective the rehabilitation program is, staff could not provide a recidivism rate (the percentage of detainees who are repeat offenders and return to custody). The director explained that a five-year survey period is required to determine reliable statistics. The Positive Achievement Change Tool, an assessment to determine the needs of the youth and their risk to reoffend, has been in use for only three years.

A security system is in place. Cameras monitor all common areas of the living units. Staffing meets or exceeds the state requirement of one staff member per ten detainees during waking hours and one staff per thirty detainees during sleeping hours. Most activities, including meal service and classroom instruction, take place in the individual units to avoid the risks of inappropriate/unsafe activity involved in the movement of groups. Environment, including music and lighting, can be controlled individually in each detainee’s room.

A school program allows the detainees to graduate or to take the GED (General Educational Development) test. Classrooms in each unit have computers accessible for academic use. The computers have filters to control what is available. The facility includes a library, staffed by volunteers. Appropriate reading material is available to encourage reading. The facility includes areas for outdoor physical activities and areas that can be used in any weather.

Staff offers a behavior management program that uses positive reinforcement with a point system. The detainees earn points through positive activities and the points allow privileges such as attending the Boys and Girls Club and the use of pay phones located in the dayrooms. The on-site Boys and Girls Club (staffed by club employees and
not funded by the county) provides many activities and is available to all detainees as part of a case-management program to assist in rehabilitation. The detainees can transition into a community club, as a support system, upon their release from custody. In order to learn teamwork and responsibility, detainees participate in maintaining the units as part of their rehabilitation.

Kitchen staff provides special diets to those detainees who need them. All food is prepared on site. Snacks are provided at assigned times.

A large number of solar panels on the property provide most of the power for the facility. Generators activate immediately if there is a power outage.

Each unit staff member receives approximately one month of training when hired. In addition, each unit staff receives about 25 hours of training each year. They are certified as Juvenile Correction Counselors. The Juvenile Correction Counselors maintain communication with other staff and other units in the building by radio.

FINDINGS

F1. Security in the Juvenile Hall is well-planned.
F2. All units appeared clean and uncluttered.
F3. The environment and programs are designed to promote rehabilitation of the detainees.
F4. Staff seems knowledgeable of the facility, the programs and policies, and their responsibilities.
F5. The facility was brightly lit and quiet, and the temperature was comfortable.
F6. The recidivism rate has not been calculated.

RECOMMENDATIONS

R1. The Juvenile Hall administrative staff continues to collect and to analyze data to determine the program’s effectiveness on the recidivism rate.

REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses from the following:

- Juvenile Hall administrative staff - R1

APPENDIX

- Juvenile Hall Programs
- Facility Facts

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

Aggression Replacement Training – 2x week JCP and serving time residents
Interactive Journaling – weekly – rotate units (mostly done on unit #5 and #6)
Girls Circle – weekly
Boys Council – weekly (multi-unit population)
Verity – Individual counseling as needed
Verity – 10 Teen Assault Prevention Program presentations throughout the year (Tolerance)
Independent Living Program – weekly (multi-unit, resident application process)
Art and Dine – dinner process group – weekly – rotates through units about every 3 months
Self Esteem – weekly – girls process group
Tai Chi – weekly (2 units)
Imagine Bus Project – art weekly on all units
Arts and Crafts – 1x month on unit #4 and #6 (volunteers)
Tutor Program – approximately 15 tutors on roster
Friendly Visitor Program
Special Events – scheduled throughout the year
Narcotics Anonymous – all units weekly
Boys and Girls Club – all units receive approximately 4-5 hours of programming weekly
Level III Party – all units weekly
Guitar Program – coming soon (resident application process)
Tattoo Removal Program
FACILITY FACTS

The new Juvenile Justice Center (JCC) facility is a two-story 150,167 square foot steel and concrete block building providing new housing for 140 juveniles. The building is planned to support expansion of up to 100 beds, providing a total of 240 beds, meeting county needs well into the future. The new facility includes:

<table>
<thead>
<tr>
<th>Intake/Release</th>
<th>Central Control</th>
<th>Public Lobby</th>
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<tbody>
<tr>
<td>Probation</td>
<td>Central Visiting</td>
<td>Kitchen</td>
</tr>
<tr>
<td>Educational Offices</td>
<td>Public Defender</td>
<td>Warehouse</td>
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<tr>
<td>Staff Facilities</td>
<td>Healthcare Offices</td>
<td>District Attorney</td>
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<tr>
<td>Administration</td>
<td>Support Facilities</td>
<td>Court Offices</td>
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<tr>
<td>Two Courtrooms</td>
<td>Recreation Areas</td>
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</table>

The new Juvenile Hall provides a variety of housing types for program and management flexibility, housing both pre- and post-adjudicated juveniles. Each of the seven (7) housing units includes program, school, and activity spaces to support a decentralized operational program for efficient use of staff and maintenance of safety and security. Unit designs vary according to classifications. Single sleeping rooms are used for youth classified as high security risks, mixed single/double rooms are used for general population groups, and a dormitory unit is used for your awaiting placement or in special programs. The housing units are designed with an emphasis on environmental quality, which contributes to lessening of tensions and assists staff in managing the population. The units have a great deal of natural light through windows and skylights, which greatly lessens the feeling of confinement. Each housing unit includes a small outdoor recreation yard. There are also three (3) large covered outdoor gymnasium-sized courts for group sports in all weather conditions and an outdoor recreation field for soccer, running, and other active sports.

The new housing is designed to support the principles of direct supervision and the operational philosophy termed "new generation". This type of design has been shown over the last twenty (20) years to reduce violence among juveniles and increase potential for rehabilitation. In addition to this new generation design, the Juvenile Hall uses a progressive behavior management system that creates positive expectations, behaviors, and results. It is a more humane and respectful environment for both the staff and the detainees.

The project cost for the JCC is approximately $60.4 million. Funding for the facility was provided from various sources, and includes an $8 million grant from the Corrections Standard Authority (CSA), State of California, proceeds from Tobacco Settlement, Courts Criminal Justice funds, and County funds.
Your 2011-2012 Sonoma County Civil Grand Jury investigated 50 cases as of 6/10/12. Six were carried over from the 2010-2011 Grand Jury. Of the 50 cases, four were mandatory investigations, two were initiated by the Grand Jury, and 44 were complaints made by the citizens of Sonoma County. There are twelve reports listed below. There were three officer-involved or while-in-custody critical incident investigations, two of which are combined into one report. The following is a breakdown of all the Grand Jury investigations.

<table>
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<tr>
<th>Month</th>
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<th>Disposition</th>
<th>Month</th>
<th>Subject</th>
<th>Disposition</th>
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<td>Santa Rosa Wastewater Rates</td>
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<td>Camp Meeker Fire District Funds</td>
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<td>DA Corruption</td>
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<td>False Police Reporting</td>
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<td>Detention Facilities Review (2)</td>
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<td>Rohnert Park Police</td>
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<td>Inmate’s Civil Rights Violation</td>
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<td>Inmate Complaint San Francisco</td>
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</table>

Two complaints were not in the Grand Jury’s jurisdiction. One complaint was found to be inappropriate. One complaint was dropped due to insufficient information as of 6/10/12. Six ongoing investigations will be carried over to the 2012-2013 Sonoma County Civil Grand Jury.