



2002/2003 Grand Jury Report

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Members of the 2002-2003 Lake County Grand Jury

* Geraldine R Anderson		Lakeport
* Robert Leon Barker	Sergeant at Arms	Kelseyville
* Edward Delano Bocca		Lower Lake
* Jessean Boone		Lakeport
Terry McCahon		Lower Lake
Donna Jean Caselli		Lakeport
Elizabeth Sue Cecchin		Lower Lake
+ Joyce Cook		Clearlake Oaks
Bernice Cox		Middletown
William Crider Curtis		Clearlake Park
* Leo K. Dikinis		Nice
* John Morehouse Dodd		Kelseyville
A.R. Donnelson		Middletown
Robert Louis Fitzgerald		Clearlake
* Jay H. Gehrke	Pro Tempore	Clearlake
* Paula Leigh Greiner	Pro Tempore	Upper Lake

George Edwin Hawley		Kelseyville
* Beverly Benedict Hill	Foreman	Cobb
* Virgil Wesley Jackson		Cobb
Janice Sheredan Johnson		Kelseyville
John Alexander Mackay		Kelseyville
William Marshal Miller		Lakeport
* John Fredrick Murray		Lakeport
Steven Alexander Patrick		Lakeport
* Charlotte Mable Pringle		Clearlake Oaks
* John Wagner		Clearlake
Charles Henry Wilkins		Clearlake Oaks
* Hilarie Jane Wilt		Upper Lake
* Susan Spear Yeagan	Secretary	Lakeport
* Jurors serving at the end of term	+ Juror died while serving as a member	



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MISSION STATEMENT of the COUNTY GRAND JURY

The primary mission of a County Grand Jury in the State of California is to perform routine and periodic reviews of city and county governments, special districts, and other public offices, in order to ensure that the responsibilities of these entities are conducted lawfully and efficiently, and then, to recommend measures for improving the functioning and accountability of these organizations which are intended to serve the public interest. This includes visits to county detention facilities, responding to Citizen's Complaints, responding to inappropriate responses to recommendations in the previous Grand Jury's Final Report, and initiating investigations.

Nineteen citizens are selected as Officers of the Court in a public drawing from a panel of thirty volunteers. Empowered as part of the judicial branch of government, the Grand Jury operates under the aegis of the Presiding Judge of the Superior Court of the State of California in and for the County of Lake.

Citizens may request complaint forms or correspond with the Grand Jury by contacting the Office of the Lake County Grand Jury by phone: (707) 279-8619 or by mail. The Grand Jury's mailing address is: P. O. Box 1078, Kelseyville, CA 95451. The public may read the Final Report of the Grand Jury, as well as download a Citizen Complaint Form, on the Lake County web-site; www.co.lake.ca.us/cntyhome.html



2002/2003 Grand Jury Report

June 15, 2003

TO THE RESIDENTS OF LAKE COUNTY

The 2002-2003 Lake County Grand Jury has completed its year of service on your behalf and herewith submits its Final Report. We hope that this Report reflects our best collective effort in carrying out our responsibility to investigate and report upon various aspects of government within the County and to remain faithful to the Charge given us by The Honorable Judge David Herrick at the beginning of our term. The individual reports included in this Final Report reflect a concurrence of all of our members. We have attempted to set forth our findings in a fair, objective, and constructive manner and hope that we have identified possible solutions to these matters of civil concern.

During the course of this year, the Grand Jury received complaints from 26 citizens submitting 33 communications. The subjects of the complaints were as follows:

A. Lake County Government Entity

Sheriff's Department

Jail
Deputies

Fire Departments

Kelseyville
Lucerne
Nice

Animal Control

Dept. of Health Services

Mental Health

Dept. of Social Services

Adult Protective Services

Dept. of Public Services

Solid Waste Management

Cemetery Districts

Lower Lake

B. Non-Lake County Government Entity

CHP

PSG-The Cove

The Complaints investigated are included as separate reports. Three additional complaints arrived too late to be acted upon and will be passed on to the 2003-2004 Grand Jury. The Grand Jury system evolved from being an arm of the crown in Norman England to being a buffer for the citizenry, protecting against the arbitrary power of the crown, in Colonial America. The institution is under threat, and many states have done away with county Grand Juries. California is now the only state in the U.S. that mandates the empanelment of a regular Grand Jury in each county each year to sit for a one-year term. In some counties in California, including Lake County, one Grand Jury both considers criminal indictments and acts in a civil watchdog capacity, but, just this year, the judges of Lake County voted to employ a dual Grand Jury system in the future. Thus, should a panel be needed to consider an indictment at the request of the District Attorney, a separate Grand Jury will be seated solely for that purpose.

Henceforth, the focus of the regular Grand Jury will be solely the civil oversight of County and City governmental entities. Employment of the institution of the Grand Jury is based up on three beliefs inherent in democratic government:

- Public Officials should be accountable for their acts.
- Public Officials must use the power and authority of the state carefully, honestly, and humanely.
- The resources of the state should be used for the common good, rather than for the personal benefit of the privileged.

The Grand Jury, then, is part of the “checks and balances” that characterize our system of government.

*I know no safe depository of the
ultimate powers of the society
but the people themselves,
and if we think them not enlightened
enough to exercise their control
with a wholesome discretion,*

***the remedy is not to take it from them,
but to inform them.***

T.Jefferson

I am grateful for the privilege of having served on the Lake County Grand Jury.

Sincerely,

Beverly Benedict Hill
Foreman, 2002-2003 Grand Jury



2002/2003 Grand Jury Report

ASSESSOR-RECORDER'S OFFICE

PURPOSE

To monitor the Assessor-Recorder's Office in regards to the morale and communications within the office, physical improvements in the work space, current status of the MegaByte computer program, and progress in the preparations of the tax rolls.

PROCEDURES FOLLOWED:

1. Interview the Assessor-Recorder to determine his perspective on the issues and any actions he has taken, or plans to take, this fiscal year.
2. Interview the Director of Personnel to determine the turnover, grievance, and disciplinary rates within the staff of the Assessor-Recorder's Office as compared to other governmental entities of the County.
3. Interview the Director of Information Technology (IT) to determine his perspective on the MegaByte computer program and his organization's involvement in the training of the Assessor-Recorder's staff.

BACKGROUND:

The 2001/02 Grand Jury made recommendations to this Grand Jury to continue to monitor the Assessor-Recorder's Office in the following regards:

1. Communications and morale within the office.
2. Physical improvements in the work space.
3. Improvements from use of the MegaByte computer program and the involvement of IT in the training.
4. Annual preparation of the tax rolls.

FINDINGS

1. The Assessor-Recorder appears to be making a sincere effort to improve intra-office communications and the morale of his staff. The Assessor-Recorder's plans for office improvements seem to be in the final stages and it appears that the funding is available. The problems associated with the conversion of the MegaByte Program have been overcome. The Assessor-Recorder has joined a MegaByte users group to discuss problems, needed improvements, etc. The annual tax rolls have been prepared on time with no problems.
2. The Director of Personnel feels that the problems of a few years ago are resolved. Indicators show that the Assessor-Recorder's Office is as good or better than other County governmental entities.
3. Information Technology has one full time programmer/analyst assigned to the MegaByte user's for file management and troubleshooting. Initial training was done by the vendor. The Assessor-Recorder has obtained tutorials of the system to train new staff and to give his current staff ongoing training and updates.

RECOMMENDATIONS - None

RESPONSE REQUEST - None

RESPONSES - None

APPENDICES/HANDOUTS - None



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COUNTY COUNSEL SPECIAL DISTRICTS HANDBOOK

PURPOSE

To provide recognition for and outstanding work product produced by the Lake County Office of Counsel.

PROCEDURES FOLLOWED:

1. The Grand Jury reviewed the contents of the Special Districts Handbook as it related to specific areas of inquiry.
2. After researching the initial area of inquiry, The Grand Jury reviewed the entire contents of the "Special Districts Handbook".

BACKGROUND:

The Grand Jury, in researching a number of items relative to special districts, I.e. cemetery districts, fire protection districts, etc. became aware of the "Special Districts Handbook" prepared by the County Counsel for the board of directors of special districts. The "Special Districts Handbook" is an outstanding compilation of laws, regulations, advice, both technical and practical, dealing with virtually all aspects of administering a special district, except budget. The Handbook even contains sample letters to be used to deal with specific problem situations. Normally, this type of handbook would be used for research and that would end the Grand Jury's involvement. This handbook is such an extension of what would be expected, and is written in such a "user friendly" manner, that the Grand Jury felt that formal mention should be made of its existence and value to special districts.

FINDINGS

1. The “Special Districts Handbook” is a classic example of an office, in this instance the Office of County Counsel, which saw a problem of new directors of special districts who required formal training on how they should, and/or could carry out there responsibilities. To facilitate that training, the Office of County Counsel developed the “Special Districts Handbook.”
2. The Office of County Counsel could have easily fulfilled its responsibility to special districts far short of the development of the” Special Districts Handbook,” and the formal training it conducts for special district directors. The Office of County Counsel went more than the extra mile in performing this extremely valuable service.

RECOMMENDATIONS - None

RESPONSE REQUEST - None

RESPONSES - None

APPENDICES/HANDOUTS - None



2002/2003 Grand Jury Report

FIRE PROTECTION DISTRICTS' SPHERES-OF-INFLUENCE

PURPOSE:

While following up on the 2001-2002 Grand Jury's Recommendation regarding South Lake County Fire Protection District (SLCFPD), this Grand Jury became aware of the problem of large areas of land within the County that were not covered by a Fire Protection District. (The Grand Jury also received a complaint regarding the proposed merger of certain Northshore Fire Protection Districts.) This project was not completed during its term, but the Grand Jury believes strongly that the issue is of sufficient public interest to warrant preliminary comment.

PROCEDURES FOLLOWED:

The Grand Jury obtained a map of the Fire Protection Districts and Applicable Spheres of Influence, which also includes the undesignated areas. The Grand Jury conferred with, and/or obtained documents from, the County Administrative Officer, the Executive Director of Lake County Local Agency Formation Commission (LAFCO), and the Fire Chiefs of eight of the nine special districts: SLCFPD, Lake County Fire Protection District, Kelseyville Fire Protection District, Lakeport County Fire Protection District, Clearlake Oaks-Glenhaven Fire Protection District, Lucerne Park & Recreation Fire Protection District, Nice Community Service Fire Protection District, and the Upper Lake Fire Protection District. (The newly created Lake Pillsbury Fire Protection District was not contacted.) Research on the structure and functions of LAFCOs was performed. The Grand Jury also solicited information from three real estate offices regarding what fire-protection information was given to prospective home-buyers in one sphere-of-influence.

BACKGROUND:

While some large areas of land have no designation related to a specific Fire Protection District, others are classified as being within the "sphere of influence" of one or another District. Fire protection districts are "special districts" – local government entities that provide specific services (e.g., hospital, water, road, airport, library, pest control) to defined locations. The governing body of a special district is a board of directors. The special district lines drawn by Lake County LAFCO determine who pays which taxes and who receives public services, in this instance, fire protection.

Each county (except San Francisco) has a LAFCO, which is an independent regulatory commission (not a County agency) created by the California Legislature in 1963 to control the boundaries of cities, towns, and most special districts. Recognizing that the earlier-enacted laws controlling LAFCOs were inconsistent, the Legislature prescribed a “uniform procedure” for boundary changes by passing the Cortese-Knox Local Government Reorganization Act of 1985 and thereby delegated its boundary powers to LAFCOs. No local government, including most special districts, has the right to change its boundary absent State approval, and it cannot use an initiative or referendum to vote on a boundary change in an attempt to circumvent LAFCO approval.

The five-person governing commission consists of two members of the county board of supervisors, two mayors or council members of cities within the county, and one member of the public. If a majority of the independent special districts in a county request representation, the commission’s membership increases to accommodate two special district members. Lake County LAFCO is currently attempting to attract special district membership. The State requires counties to provide LAFCOs with the necessary offices, equipment, and supplies, and counties pay for LAFCO services with their general funds. Lake County contracts with an entity in Roseville to furnish LAFCO administrative services.

LAFCOs have regulatory and planning powers, but not “corporate” powers to raise revenues or provide services themselves. They do control the timing and location of land use because they control the boundaries of the special districts that make land use decisions and provide services for development. When LAFCOs approve annexation of undeveloped areas to a special district, they indirectly promote urban development by giving the landowner access to basic public services necessary for that development.

LAFCOs’ planning activities include adopting and revising planning documents called “spheres of influence” for every city and those special districts under their jurisdiction. A sphere-of-influence of a special district designates its probable future physical boundary and service area and is the territory that the district will annex in the future and where local government will deliver services in the future. LAFCOs may recommend boundary changes according to spheres-of-influence, but they cannot initiate annexations. Any person or local government (including special districts and boards of supervisors) may file a written proposal to amend a sphere-of-influence, the request will be considered at a public hearing, and the LAFCO commissioners have the final vote on whether or not to adopt the amended sphere-of-influence. However, LAFCOs need not hold a public hearing for annexations if all of the landowners in the affected area consent in writing to the boundary change. Annexations, consolidations, mergers, inter alia, may require an election, depending upon written voter protest.

As one example of the problems facing Lake County’s Fire Protection Districts, Clearlake Oaks-Glenhaven Fire Protection District annexed its surrounding three sphere-of-influence areas, but found that it was denied additional property tax revenues from the County and bitterly abandoned the project. This experience has caused other fire districts to refrain from seeking to annex their sphere-of-influence areas or pursuing district consolidations.

A further example is that of SLCFPD, the largest such District within the County, which adjoins a 16,000-acre sphere-of-influence, loosely referred to as Jerusalem and Jordan Valleys. The preliminary findings of the Grand Jury are limited to this area, but clearly apply to others.

FINDINGS:

1. Jerusalem Valley and Jordan Valley have seen increasing high-end residential construction in recent years, but homes in this area are not actually covered by SLCFPD. Although the District has historically responded to calls there in conjunction with the California Department of Forestry & Fire Protection (CDF), SLCFPD does not receive tax support or mitigation fees from homeowners in the area. Further, the District is on questionable legal ground relative to its liability insurance, which covers service only within its designated area or when providing service under a mutual-aid agreement. No mutual-aid agreement covers areas in spheres-of-influence or areas that have no such designation.
2. The status of availability of fire insurance coverage for these homes is unclear.
3. Prospective home-buyers in the sphere-of-influence appear to be inadequately informed about fire-protection.
4. Another issue facing homeowners who sustain fire damage or loss is lack of clarity as to which is the “responsible” responding agency required to prepare an official report for insurance companies, without which no money is paid. (A specific problem of this type was noted in the Kelseyville Fire Protection District Sphere-of-Influence.)
5. If SLCFPD is responding to calls for emergency care or fire protection in remote areas such as Jerusalem Valley, it may not have sufficient resources to respond concurrently to calls within its designated home territory, where property owners pay taxes for such services and expect that they will be delivered.
6. Despite the passage of a parcel tax in 2002 that was intended to allow continued provision of adequate staffing for emergency care, SLCFPD reported that it is again facing a budgetary crisis due to increased contractual fees for CDF services and decreased revenues from property taxes.
7. With the exception of the parcel tax, property tax rates paid by citizens are the same whether they live in a Fire Protection District “sphere-of-influence” or in an undesignated area.

RECOMMENDATIONS:

The 2002-2003 Grand Jury recommends that the 2003-2004 Grand Jury follow-through with this investigation.

RESPONSE REQUESTED:

None

RESPONSES:

None.

APPENDICES/HANDOUTS:

Map of Lake County Fire Protection Districts and Applicable Spheres-of-Influence



2002/2003 Grand Jury Report

GLENBROOK CEMETERY DISTRICT

PURPOSE

Questions involving the management of the Glenbrook Cemetery District were brought to the Grand Jury's attention by County administrative officers and the 2001-2002 Grand Jury Final Report.

PROCEDURES FOLLOWED:

1. The Grand Jury interviewed, consulted, and/or inspected documents provided by the District's Secretary, County Auditor's Office, County Counsel's Office, Registrar of Voters, Lake County Local Agency Formation Commission (LAFCO), and the Clerk of the Board of Supervisors, as well as the State Controller's Office and the California Special Districts' Association.
2. The Grand Jury also attended Board of Director's meetings and reviewed the last two Biannual Audits prepared by the District's contract auditor, in addition to inspecting editions of the Middletown Times Star preceding four of the 2001/2002 quarterly Cemetery District Board of Directors' meetings.
3. The Little Hoover Commission provided the Grand Jury with its 2000 report on special districts.
4. The Grand Jury also interviewed the Postmistress of the Cobb Post Office.
5. The Chief Deputy District Attorney assisted the Grand Jury in interviewing the Cemetery District's Board of Directors and Secretary.

BACKGROUND:

1. Glenbrook Cemetery District is a “Special District” on Cobb Mountain comprising approximately 11,500 acres. It was created in 1976 from land that had been part of the Middletown and Kelseyville Cemetery Districts. State law defines a special district as “any agency for the local performance of governmental or proprietary functions within limited boundaries” (Government Code section 16271(d)). In plain language, it is a separate local government - funded by taxes raised by district residents and governed by a board of directors - that delivers public services to a particular area. Most special districts in California serve a single purpose, such as providing, for example, fire protection, water, sewage treatment, transportation, flood control, irrigation, pest abatement, or cemeteries.
2. Glenbrook is one of 253 public cemetery districts in the State. They are considered to be “non-enterprise” districts, relying primarily on property tax revenues, although they can generate a small amount of income from selling plots and from services attendant to burials. Cemetery districts are also considered to be “independent,” having boards of directors elected by the district’s voters for a fixed term, as opposed to being governed by the County Board of Supervisors. Most districts, as does Glenbrook, have five-member governing boards. Oversight by the State requires special districts to submit annual financial reports to the State Controller, keep the Secretary of State apprised of current membership of their boards of directors, and adhere to State laws pertaining to public meetings, conflicts of interest, bonded debt, record keeping, and elections.
3. Many special districts have faced tough financial times over the last quarter century since Proposition 13 was passed, which limited property tax increase to one percent per year of the property value. (In 2002/2003, Glenbrook’s portion of that one percent was 0.0001956.) Responding to the resulting financial hardship, the State Legislature in 1978 created the Special District Augmentation Fund (SDAF) to provide supplemental income in each county based on a State law formula. The SDAF money was allocated to county special districts by county supervisors. However, when faced with huge State budget deficits in 1992-93 and 1993-94, the State shifted almost \$4 billion annually in property taxes from local governments, including special districts, to an Educational Revenue Augmentation Fund (ERAF). The Legislature abolished SDAF in 1993-94 and transferred \$244 million in special district tax revenues to schools, which was especially hard on non-enterprise districts that could not compensate for the lost revenue by raising fees. As well, in January, 2001, special districts in each county were required to start paying one-third of the costs of LAFCO, proportionate to each district’s revenue.

4. The narrow nature of a special district's activities often results in low visibility until a crisis arises. Such a crisis of mismanagement and fiscal irresponsibility has arisen within the Glenbrook Cemetery District and has been addressed belatedly by both its and the County's governing bodies. With reserves of approximately \$80,000 in 1992, the District operated in the red from 1993-94 through 2000-01. Not until 2001-02 was a small profit of less than \$2000 shown. The County's Analysis of Revenue and Expenditures from 1992 to 2001 is attached, as are graphs from the District's 2002 Biannual Audit. With a cumulative excess-of-spending-over-income of \$78,531, District reserves in the amount of \$62,427 were cancelled. Despite six years of deficit spending, the Board paid just over \$13,000 annually for two years in salaries and benefits to its two employees (sexton and secretary). When the County refused to approve the District's unbalanced budget in 2001, the Board had to lay off its employees (who then filed for unemployment) and solicit volunteer cemetery maintenance. The Board subsequently rehired its Secretary as an independent contractor. The County Auditor and Chief Administrative Officer, among others, met repeatedly with the Board or the Secretary to try to educate them about their budgetary realities, only to be accused of "stealing" the District's monies. The Board held a "special election" for the Glenbrook Cemetery District, in August, 2002, to impose a \$12 parcel tax within the District in an attempt to generate additional revenue, but the measure failed.

FINDINGS

1. The Glenbrook Board of Directors permitted expenditures to exceed income for eight consecutive years, thereby eradicating almost all of the District's reserves and severely impacting its operations.
2. The Board defers to its Secretary in matters legal and financial, but the Secretary's understanding of these matters appears to be incomplete, which has resulted in the squandering of District funds.
3. No member of the Glenbrook Board of Directors attended the 2002 training session on special districts given by the County Counsel's Office.
4. Not all members of the present Board are aware of, let alone have a copy of, County Counsel's Special District Handbook, a compendium of all State laws to which they are subject.
5. The public notice requirement of Board meetings, including the Agenda, as mandated by the Brown Act is inconsistently fulfilled.
6. New Board members are most often selected from among the members of a local service club and are then rubber-stamped by the Board of Supervisors, without "election" by District residents.
7. The Board of Directors is out of compliance with the filing requirements of the Secretary of State's Roster of Public Agencies.

8. The Board sometimes takes action, including decisions regarding the budget, in the absence of a quorum of its members.
9. Communications between County administration and the Glenbrook Board are dysfunctional.
10. Citizens of the Glenbrook Cemetery District can vote to recall Board members whom the voters believe are serving them poorly.
11. The Lake County Board of Supervisors has the authority to assume governance of the Glenbrook Cemetery District.

RECOMMENDATIONS

1. The Board members need individually to understand how to read and prepare budgets.
2. The Board members need to inform themselves of their legal and financial responsibilities.
3. All members of the Board and the Secretary should attend the next training session on Special Districts, scheduled by the County Counsel, in April, 2004, which is free.
4. The Special Districts Handbook, which costs \$6, should be purchased for each Board member and the Secretary.
5. The notices of the board meetings, with the agenda, should be posted securely, on 8.5 x 11 inch paper, at the Cobb Post Office and Hardester's Market, as well as be published in the Times Star and Record-Bee, at least 72 hours preceding the meeting to comply with the spirit of the Brown Act.
6. The Board of Supervisors, whether or not there is a nominee from the Glenbrook Board of Directors, should seek additional applicants by publishing a notice of vacancy in the Times Star and Record-Bee, and appointed members should be elected by voters in the District.
7. The Board of Directors should inform the Secretary of State of changes in membership.
8. Board business must be conducted by a quorum of at least three members.
9. County Counsel is willing to volunteer his time to mediate between the Board and the Auditor-Controller's Office, and the Glenbrook Board could only benefit from informed communications.
10. None
11. The Board of Supervisors should stay on top of the District's fiscal condition and step in to prevent further erosion of assets.

RESPONSE REQUEST

Board of Directors, Glenbrook Cemetery District, Board of Supervisors

APPENDICES/HANDOUTS

1. Glenbrook Cemetery Analysis of Revenue and Expenditures
2. Glenbrook Cemetery District Revenue from Taxes
3. Glenbrook Cemetery District Cash in County Treasury
4. Glenbrook Cemetery District Combined Revenues and Expenses
5. Glenbrook Cemetery District Expenditures from Salaries and Benefits
6. Glenbrook Cemetery District Expenditures for Services and Supplies
7. Glenbrook Cemetery District Expenditures for Fixed Assets Purchased



2002/2003 Grand Jury Report

GRAND JURY CONTINUITY

PURPOSE:

The Grand Jury concluded that its own effectiveness could be improved by (re)instituting certain practices that can be classified generally under “continuity.”

PROCEDURES FOLLOWED:

Ad hoc groups were formed to focus on the agreed-upon projects. As regards improving grand juror selection, the subject of a separate report, the Grand Jury conferred with its Supervising Judge and Grand Jury Coordinator.

BACKGROUND:

At the behest of the California Grand Jurors’ Association, a group composed of former and current grand jurors that provides basic training in grand jury law and practice through its annual Summer seminars, this Grand Jury considered what procedures would help assure greater continuity of practice and knowledge from one year’s panel to the next. The goal was that less time should be spent ‘rediscovering the wheel’ and more time spent on fulfilling its mandate. While some tasks may seem so organizationally elemental as to raise the question of why they had not been done before, the Grand Jury is aware of sincere, but isolated and sporadic, efforts over the years to accomplish one or another task, but the results were not carried forward year-to-year to benefit successive panels. We have attempted to remedy these deficits and to institutionalize the improvements by reporting on them, in the hope that each year’s Grand Jury will see itself, and be seen, as part of the whole.

FINDINGS:

1. The 2002-2003 Grand Jury was able to accomplish the following:
 - a. Creating a Mission Statement to provide focus for its activities.
 - b. Generating and summarizing a Complaint Log.

- c. Indexing the past 12 years' Final Reports.
- d. Reviewing Responses to the 2001-2002 Final Report.
- e. Indexing the contents of its office and organizing its files.
- f. Beginning a Procedures Manual specific to Lake County.
- g. Participating with the Grand Jury Coordinator in the interviews of potential members of next year's panel.
- h. Writing a "Foreman's Letter" to the new Foreman to share lessons learned.
- i. Attending the empanelment of the new Grand Jury and meeting with the Jurors.

RECOMMENDATIONS:

1. A Grand Jury "Librarian" should be selected annually who will establish/implement a document retention plan and establish a protocol of what documents and publications should be obtained and stocked in the Jury room. Earlier Final Reports are historic documents that should be maintained in perpetuity. For permanent preservation, the Librarian is urged to see that copies of each available Final Report be sent to the State Archivist in Sacramento, which presently has copies of Lake County's reports only back to 1997. Courthouse storage areas should be searched for old Reports, as well as copies made of the Reports in County Counsel's Office.
2. The formal Responses of County departments/agencies and the Board of Supervisors to the prior year's Final Report should be analyzed and tracked annually upon receipt by the following year's Jury so as to evaluate what Recommendations were or were not implemented, and why. For the institution of the Grand Jury to have value, Recommendations must be devised that are implementable. If subsequent panels do not follow-up on earlier Recommendations, there will be less motivation for departments/agencies to act on them.

RESPONSE REQUESTED:

None

RESPONSES:

None.

APPENDICES/HANDOUTS:

Index of Final Reports

Index of Responses to the 2001-2002 Grand Jury Final Report



2002/2003 Grand Jury Report

GRAND JURY SELECTION PROCEDURES

PURPOSE:

The Grand Jury was concerned about several aspects of its selection this term and wished to determine whether improvements could be made that would benefit future juries.

PROCEDURES FOLLOWED:

After identifying areas that interfered with our function and cohesion this term, consulting with the California Grand Jurors' Association (CGJA) and other county grand juries, and formulating suggestions for changes, the Grand Jury met with Judge David W. Herrick, Presiding Judge of Lake County Superior Court and the Grand Jury's supervising judge, and Eva Keiser, now officially the "Grand Jury Coordinator."

BACKGROUND:

Although the term of each grand jury is set by statute to run from July 1 through June 30, the 2002-2003 Grand Jury was not seated until July 18, 2003. That date was just a week before the first of three training sessions held annually by the CGJA, which is as close to "official" training as is available to grand jurors. The late empanelment made logistics difficult for both jurors and County Administration. The Grand Jury also did not have enough time for local orientation and just simply getting to know each other better prior to the CGJA seminars.

The more serious problems revolved around retention of jurors and filling of vacancies. The Grand Jury was comprised of its statutorily-required number of 19 only on the day of empanelment and ends up its term at 15 members, including only nine of the original panel. The total number actually seated over the year was 29. On several occasions, a quorum was not present for meetings. Juror attrition was caused most frequently by pre-selection misinformation regarding the time and attendance commitments necessary. This misinformation stemmed from the facts that the Court secretary assigned to selecting the Grand Jury had never performed that task before, was working with outdated Court materials, and had little direct communication with sitting grand jurors. Jury numbers were further decreased by the tragic death of one in an auto accident, the arrest of two, and the inevitable – but certainly predictable –

toll of illness among the jurors or their families. Replacement jurors were hard to come by, despite the diligent efforts of Ms. Keiser to locate persons willing and able to serve. A number of the back-up jurors had changed their minds by the time they were later contacted.

The continuing loss of so many jurors, including hold-overs, committee chairs, and those with CGJA training, not only was disruptive and disappointing, but substantially retarded the degree of cohesion and common knowledge and understanding necessary for effective functioning. The later jurors, having missed the CGJA training, and in the absence of organized formal in-house training, had only print materials and on-the-job-training available, resulting in longer learning curves. Even with CGJA training, at least six months is usually necessary to get up-to-speed.

The Grand Jury commends Judge Herrick and Ms. Keiser for their commitment to, and energies on behalf of, improving the entire recruitment and selection process and for their openness to working with the Grand Jury to find solutions to the problems at-hand.

FINDINGS:

1. The following procedures have been reinstated or created anew:

- a. A well-designed, accurately worded ad ran twice in both the Record-Bee and Observer-American.
- b. Mass mailings with solicitations were conducted, rather than relying solely on potential jurors' checking-the-box on petit jury summonses.
- c. Respondents were sent formal applications to complete.
- d. The Grand Jury spoke to one community organization.
- e. Those completing applications were interviewed jointly by the Coordinator and the Grand Jury.
- f. The empanelment date was moved forward to the end of June.
- g. The Court adopted a dual grand jury system, with a separate "criminal" grand jury to be selected when necessary.
- h. Judge Herrick revised the "Charge" to reflect a fuller emphasis on the Grand Jury's watchdog and civil oversight functions.
- i. Greater emphasis will be placed on the status of the alternates so they will understand their year-long commitment to serving if called to fill vacancies.

2. The Grand Jury will attend the empanelment and meet with the 2003-2004 members following the ceremony.

RECOMMENDATIONS:

1. The Grand Jury recommends that an ad for prospective grand jurors be run also in the Middletown Times-Star, as some area residents read only that newspaper.
2. The 2003-2004 Grand Jury should maintain a close working relationship with the Grand Jury Coordinator.
3. The 2003-2004 Grand Jury should designate an ad hoc “Training Committee” to work formally with replacement jurors.
4. The 2003-2004 Grand Jury should invite Judge Herrick to Kelseyville for an informal session about mid-point in the year, as he is the one advisor who does not have a conflict of interest. The more he understands the issues confronting the Jury, the more knowledgeable and helpful he can be.

RESPONSE REQUESTED: None

RESPONSES: None

APPENDICES/HANDOUTS: None



2002/2003 Grand Jury Report

IN-HOME SUPPORTIVE SERVICES (IHSS)

PURPOSE

The Grand Jury became aware of problems in the County's IHSS program from the Clearlake Police Chief, newspaper articles, and the 2001-2002 Grand Jury Final Report.

PROCEDURES FOLLOWED:

The Grand Jury met with Cathy Maes, Chief of Social Services, and Norman Deter, Deputy Public Guardian/Adult Services Manager. They also obtained the IHSS Advisory Committee report on Public Authority Implementation, perused published articles and online reports regarding IHSS law and regulations, spoke with Kelly Cox, County Administrative Officer, and Carol Huchingson, Director, County Health Department, met with the Senior Law Project principal, and attended meetings of the Board of Supervisors to understand better the legal, financial, and political issues surrounding IHSS. The Grand Jury also talked to Detective Steve Brooks, the Sheriff's Department's chief investigator of elder abuse.

BACKGROUND:

The IHSS Program operates pursuant to the California Welfare and Institutions Code section 12300 and provides daily-living assistance to those eligible aged, blind, and disabled individuals who would otherwise be unable to remain in their homes without such assistance. IHSS is a mandated program in each county and is administered by the California Department of Social Services. County social workers determine eligibility for the IHSS program, assess a person's need for specific services, and prescribe the time allotted for provision of those services.

The Program consists of two components: The Personal Care Services Program (PCSP), which services are 50% federally reimbursable under the Medicaid program, and the Residual IHSS Program, which is funded exclusively with State and County monies. For the 2002-2003 fiscal year, statewide, about 75% of recipients are in the PCSP program and 25% are in the Residual program, whereas, in Lake County, 93% of the clients are in PCSP and 7% are in the Residual Program. Personal care services include assisting with administration of medications and with personal hygiene, eating, grooming, and toileting.

Into the Residual group fall persons needing only domestic services (cleaning, laundry, shopping, and the like) needing protective supervision, those whose care is provided by spouses or relatives, those with incomes above a specified threshold, and recipients covered by third-party insurance. Clients can hire their own providers, and thereby become the provider's "employer," or can hire providers through a State-mandated "public authority" registry established by the County. Public authorities are required to do the following:

The 1993 statute authorizing public authorities established that the State would continue its responsibility for payroll and for the provision of unemployment and workers' compensation insurance. The legislation further provided immunity for the State and counties for personal harm to clients caused by IHSS providers. Counties were also required to create an Advisory Board that included IHSS consumers. Public authorities also offered providers new opportunities to bargain collectively with the counties for better wages and benefits.

A bill passed in 2000, authorizes the State to pay 65% of the nonfederal cost of a series of wage increases for IHSS providers working in counties that have established "public authorities." The wage increases began with \$1.75/hour in 2000/01 (raising the base rate to \$8.50/hour), to be followed by additional increases of \$1 per year up to a maximum of \$11.50/hour. The current wage is \$ 9.50/hour. The bill also authorized State subsidy of health benefits worth up to \$.60 per hour worked.

IHSS is the State's third largest, but is the fastest growing, social services program, due to caseload growth (more dramatically in the PCSP), increases in the hours of service per client, and higher wages for providers. Close to 60% of the recipients are seniors, and, as California's population ages, the need to provide services to seniors will increase program costs. Another consideration is that, regarding the 40% of the caseload younger than 65, the younger clients are when they enter the IHSS program, the longer they are expected to receive services.

The proposed 2003-04 State budget decreases the IHSS General Fund by about \$1 billion, attributable to the Governor's proposal to realign the IHSS program to the counties. Lake County's share (not including the State or federal share) of IHSS is approximately 26% and is currently budgeted at \$3.6 million, with Social Services expecting an overrun. There is always a two-year time lag between when the costs are incurred and when realignment funds are increased to cover higher caseloads. However, sales tax revenues dedicated to realignment fell short of funding the Sales Tax Account base amount in 2001-02 by 2.8%. As a result, counties will not receive any funds from the Caseload (growth) Sub-account, which reimburses county costs for entitlement programs, including IHSS.

1. Establish a registry,
2. Investigate the qualifications and background of potential providers (costs are borne by the client),
3. Establish a referral system to connect providers and clients,

4. Provide training for consumers and providers,
5. Perform any other function related to the delivery of IHSS, and
6. Ensure that the requirements of the PCSP are met.

FINDINGS

1. In January, 2003, the Board of Supervisors, fulfilling the State mandate, established a “Public Authority” to oversee and manage IHSS delivery, resulting in the County’s becoming the “employer of record” for IHSS providers. The Board of Supervisors is the governing body of the Public Authority, which contracts with the Lake County Department of Social Services to administer the program. However, only County funding for staffing the Public Authority with two positions has been approved. These funds came from Social Services budget reductions in other areas. Costs for higher wages of IHSS providers have not been incurred because the workers have not yet affiliated with a union for collective-bargaining purposes.
2. The County’s share of cost for the PCSP Program is 17.5% and for the Residual Program is 35%. As the IHSS caseload continues to grow, and realignment funding does not keep pace, Lake County has insufficient funds for this vitally important entitlement program. In the absence of the County’s General Fund’s being able to finance increased IHSS expenditures and in the absence of the Social Services’ Realignment Account’s having sufficient funds to cover the increased costs, a transfer of realignment funds from either, or both, the Mental Health Realignment Sub-account and Public Health Realignment Sub-account may be necessary. The 10% maximum that can be transferred from each Sub-account would not come close to covering the amount needed for IHSS once increased wages are negotiated.
3. As of March, 2003, there were 1848 authorized IHSS recipients in the County, cared for by 1793 paid providers. Four social workers are assigned to the program - one who handles all intake and three who handle the ongoing caseload, although none of the three is assigned specific cases. The Department recently hired an “extra help” worker and hopes to replace that position with a permanent position.
4. IHSS recipients are particularly susceptible to physical and emotional abuse and fraud committed by their providers. In Lake County, the most common abuse is financial, often committed by a family member. An IHSS provider is the subject of 70% of the investigations of elder abuse conducted by the Sheriff’s Department, and 90% of those providers have criminal records.

RECOMMENDATIONS:

The Grand Jury recommends that the 2003-2004 Grand Jury follow through with this investigation to assess the status of implementation of the Public Authority and its effect, if any, on the provision of IHSS services to County residents.

RESPONSE REQUEST - None

RESPONSES - None

APPENDICES/HANDOUTS:

1. Lake County Sheriff's Department's "Safety Tips For Seniors" - section on "Schemes."
2. "Elder Financial Abuse," a Senior Fact Sheet prepared by the State Senate Subcommittee on Aging and Long-Term Care.



2002/2003 Grand Jury Report

KONOCTI UNIFIED SCHOOL DISTRICT ELIMINATION OF CERTAIN BUS ROUTES

PURPOSE

To determine the status of, and rationale for, the elimination of certain bus routes by the Konocti Unified School District.

PROCEDURES FOLLOWED:

1. The Grand Jury interviewed the following Konocti School District personnel: Superintendent, Assistant Superintendent, Business Manager, Transportation Manager, and Coordinator of Special Education.
2. The Grand Jury attended a Board Meeting.

BACKGROUND:

The Grand Jury became aware that the School Board of the Konocti Unified School District (KUSD) had eliminated five bus routes, Numbers 3, 9, 14, 15, and 23. The elimination of these routes, based upon last year's attendees, was projected to affect approximately fifty four (54) students. These fifty four (54) students were made up of twenty seven (27) Elementary, fifteen (15) Middle School, and twelve (12) High School. The routes were eliminated due to a projected budget shortfall within the district for the 2002-2003 school year of approximately \$800,000. The elimination of these five bus routes was projected to save \$78,302 for the school year.

FINDINGS:

1. The elimination of the bus routes had a significant impact on many of the students involved.

2. At the August 29, 2002, meeting of the KUSD Board, a number of parents and other family members affected by the elimination of the bus routes made presentations stressing the adverse impact of the Board's decision. Subsequently the Board unanimously reversed their earlier decision to eliminate the bus stops and reinstated the stops effective the next school day.
3. If the elimination of the bus routes had not been rescinded, a number of the students affected would have transferred to schools outside the KUSD, thereby causing a significant loss of ADA (Average Daily Attendance) funds.

RECOMMENDATIONS - None

RESPONSE REQUEST - None

RESPONSES - None

APPENDICES/HANDOUTS - None



2002/2003 Grand Jury Report

LAKE COUNTY ANIMAL CONTROL

PURPOSE:

At the recommendation of the 2001-2002 Grand Jury, this Grand Jury continued its investigation of Animal Control pursuant to Penal Code section 925. During the course of its investigation, the Grand Jury received two Citizens' Complaints regarding Animal Control.

PROCEDURES FOLLOWED:

The Grand Jury interviewed present and past Animal Control employees, one complainant, and employees or principals of the following:

- Animal Control Advisory Board
- California Department of Health Services/Veterinary Public Health Services
- City of Clearlake Administration
- City of Clearlake Public Works Department
- City of Lakeport Administration
- Clearlake Animal Welfare Society (CLAWS)
- Colusa County Animal Control
- Glenn County Animal Control
- Humboldt County Animal Control
- Humane Society of the United States (HSUS)
- Lake County Administration
- Lake County Cat Rescue
- Lake County Sheriff's Office
- Madera County Animal Control
- Marin Humane Society (including site visit)
- Mendocino County Animal Control
- Middletown Animal Hospital
- Rohnert Park Animal Shelter (including site visit)
- Second Chance Rescue
- SPCA of Clearlake

The Grand Jury periodically inspected the Animal Control facilities and perused its budgets, records, and working documents and also obtained educational materials on shelter medicine and management, adoption procedures, and public handouts from HSUS, Marin Humane Society, and the 2003 Animal Care Expo. In addition, the Sheriff's excellent report to the Board of Supervisors in September, 2001, was again reviewed. [Had the recommendations in the Sheriff's report been implemented in 2001, the situation in Animal Control today would likely be different today.]

BACKGROUND:

The needs of this red-headed stepchild of Lake County government were in large part overlooked by Administration and the public until the nascent Department all-but-imploded at the end of 2002. The performance of the new Director appointed in April, 2002, did not live up to expectations of either Administration, the Advisory Board, or the animal welfare community. She appeared not to have been given effective support by Administration to assist her in developing management and human resources skills. She appeared to become inefficient and ineffective, and repeated absences created a leadership and supervisory vacuum, which demoralized employees and ultimately led to her discharge. Interpersonal relationships among employees were reported to be characterized by friction, rumors and innuendoes, paranoia, and alleged threats worthy of soap-opera dramatization and resulting in substantial employee distraction and attrition, seriously impacting care of the animals.

Poor shelter practices permitted illness rates among the dogs and cats so high that pet rescue groups finally refused to take otherwise adoptable animals to more affluent Bay Area shelters where they would have a higher likelihood of being adopted. The mere mention of Lake County Animal Control produced, and continues to produce, knowing looks among shelter professionals and animal humane organizations.

But far more than reputation has been adversely impacted – thousands upon thousands of Lake County dogs and cats have suffered and/or lost their lives due to owner negligence or ignorance, poor enforcement of laws designed to protect pets and the public, and outmoded adoption practices that failed to mandate sterilization. Daily euthanasia of unwanted animals – to make room for more unwanted animals - is Lake County's dirty little secret. Barrels overflowing with dead animals crowd the cooler.

And who shall be the advocates for these voice-less and vote-less companion animals? Many Lake County pet owners over the years have manifested total disregard for the well-being of their animals and have let them breed unrestrained and run loose and have abandoned them upon moving. These unwanted pets then become the problem of neighbors, law-enforcement, and, ultimately, Animal Control. Adoptable animals die each day because Animal Control has not the staffing, funding, or facilities, nor public-educational programs in place, to deal effectively with shelter overcrowding, resulting in part from longer animal-holding requirements in the Hayden Bill. Its Officers must further deal with increasing numbers of feral cat populations, cat hoarding, barking dogs, biting dogs, or dogs running loose, not to mention sub-rosa cock-fighting and pitbull-fighting groups.

The Grand Jury wishes to acknowledge that the newly-appointed Director is striving to better the procedures and practices at the Shelter and to improve both the public image and effectiveness of Animal Control. The Grand Jury recognizes that many of the problems with which the Director is attempting to deal are not of her making, but are now on her plate because they were not addressed, effectively or at all, by earlier County and/or Agricultural Department administrators or Boards of Supervisors. A number of positive changes have already been implemented by the new Director, including sprucing up the appearance of the Shelter and grounds, increasing fees, requiring pre-adoption spay/neuters, even minimally screening adopters, attempting to standardize practices and training, working with a website designer and local media to foster adoptions, and reaching out to rescue organizations. The Director is about to invest in an animal-shelter-specific software program that will permit integrated tracking of complaints, repeat impoundments, adoption outcomes, and dog licenses, to-start. The Grand Jury believes the Director's strong suit is in dealing with the often fractious public. Also, there is a new Program Director who has many good ideas that the Grand Jury hopes will come to fruition.

FINDINGS AND RECOMMENDATIONS:

FINDING 1:

Recruitment and retention of staff have been and continue to be a serious problem. At present, there are only two new Animal Control Officers I, plus the Director, to cover the entire County. As well, the Grand Jury is concerned about the high number of "extra-help" 900-hour employees used in the Shelter. The Director lacks management experience, having been an Animal Control Officer II for only two years before being appointed Interim Director and then Director. Struggling just to maintain day-to-day operations, she is at risk of falling into the trap of hiring warm bodies just to fill positions, especially in the Shelter, rather than searching for qualified applicants. She may be tempted to use new hires to try to patch up old problems instead of creating a healthy working environment in which employees can succeed and excel. Even the most dedicated staff members cannot perform their jobs well if they do not receive proper guidance and recognition or lack established routinized procedures. Animal Control operations are particularly vulnerable to staffing problems, poor morale, and high employee turnover because the work is physically demanding, emotionally stressful (and sometimes devastating), and the wages, at all levels, appear to be non-competitive.

RECOMMENDATION 1:

County Administration can only benefit by making management and leadership training available to the Director to ensure that all relevant laws are followed and before potentially dysfunctional personnel patterns become entrenched. As well, permanent, continuing functions should be staffed with permanent positions; doing so would reduce turnover and also conserve training and supervisory energy. High employee turnover is costly, as are employment-related claims and lawsuits. Not only are public seminars readily available, but so, too, is online or videotaped instruction. As well, HSUS sponsors annual conferences around the U.S., and management training is always featured, as all successful animal control operations are rooted in the quality of their management. The Grand Jury believes that the Director would be well advised to spend several days at well-run operations such as the Marin Humane Society and San Francisco SPCA. Two years ago, the Madera County Animal Control Department was in the same sorry state as Lake County – same county demographics and attitudes toward “disposable” animals, animal overpopulation, lack of attention by administration, and high incidence of shelter diseases, but a new inspired and inspiring Director, slowly but surely, is turning the operation around and is available for consultation.

FINDING 2:

While County Administration appears to be taking a closer interest in the issues confronting Animal Control, there appear to be few opportunities for the Director to meet with the Board of Supervisors in person. To the Grand Jury’s knowledge, only one of the current Supervisors has bothered to visit Animal Control.

RECOMMENDATION 2:

Instead of being “buffered” by the Animal Control Advisory Board, the Board of Supervisors should establish regular meetings with the Animal Control Director, the Shelter Manager, and the Program Director and make routine visits to the Shelter to observe all aspects of the operation. Each institution has a “culture,” and the tone is set at the top. The Director and the entire Department, including the defenseless animals they are responsible for protecting, would benefit from enlightened management and leadership – not merely “supervision.” The Board of Supervisors must insist upon implementing and actively support the sea change in modern shelter medicine.

FINDING 3:

As emphasized by the Sheriff in his report, the Department lacks a Mission Statement. As needless as such a thing may seem to the Director, when her plate is already so full, an energizing Mission Statement that reaffirms a reverence for life can provide a focus around which to organize employees and often disparate activities and conflicting demands, and further serves as a useful reminder of “What it’s all about.” For example, the Mission Statement of the Marin Humane Society reads, “Guided by the humane ethic, it is the mission of the Marin Humane Society to protect animals from neglect, abuse, and exploitation, to advocate for their interests and welfare, and to inspire awareness and compassion for all living things.”

RECOMMENDATION 3:

Perhaps the expertise of the Animal Control Advisory Board could be brought to bear to help Animal Control articulate an inspiring Mission Statement.

FINDING 4:

The Policies and Procedures Manual is years outdated. Employees with only verbal instruction in the Department's policies and procedures may be subject to incomplete or inconsistent teaching, as well as manifest inconsistent performance of their duties.

RECOMMENDATION 4:

The Policies and Procedures Manual, covering each aspect of the Department's operations, must be updated annually, and a copy should be available in both the administrative office and the Shelter. Each employee should be required to read the Manual and indicate in writing having done so. This documentation should then be placed in the employee's file.

FINDING 5:

The Animal Control Officers appear not to scan new impounds consistently for the presence of a microchip.

RECOMMENDATION :

Scanning for microchips in both cats and dogs is mandated by the Hayden Bill. The presence of one may permit identification of the animal's owner. Microchips do migrate, however, so adequate technical training is necessary.

FINDING 6:

The incidence of acquired illness in the Shelter – most commonly “kennel cough” in dogs and upper respiratory infection in cats – remains sufficiently high that community rescue groups that historically worked with Animal Control are unwilling to relocate animals from Lake County to private households or Bay Area shelters for fear of contaminating healthy animals. At present, numerous cats are dying, both in their cages and after adoption, possibly from a combination of upper respiratory infection and panleukopenia, a recurrent outbreak of which has recently been documented. The incidence of Parvo had decreased with the institution of routine vaccination of puppies, but a new outbreak occurred the week this report was finalized. Pathogens proliferate in poorly cleaned environments and are dispersed, to name just a few means, through animal-to-animal or animal-to-bodily-fluid contact from inadequate cage separators in the trucks or Shelter, poor or no hand-washing, lack of rubber boots (worn only while cleaning), lack of recognition and/or treatment of illness, haphazard administration of medication, lack of sufficient quarantining of the sick or newborns, and permitting workers and the public to have their fingers licked while walking past cage-after-cage.

Although shelter-generated illness may never be eradicated, it can and must be managed. As well, without consistent veterinary consultation and oversight, animals that are obviously ill on admission are not always being accurately diagnosed or adequately treated, as evidenced by the recent deaths of dogs and cats in their cages. As all animals at the SPCA come from Animal Control, the SPCA often is required to attempt to treat these illnesses and is not always successful.

Medication-administration protocols are allegedly inconsistently followed in the Shelter. Administrative oversight on weekends, to assure adherence to cleaning and medication protocols, let alone to provide coordination with SPCA staff, is absent.

RECOMMENDATION 6:

Shelter cleaning needs to be better supervised and managed 24/7 and quality-control implemented. Protocols need to be posted and adhered to consistently. Unfortunately, cleaning, especially when employee turnover is high, often falls to those on the lowest rung – inmate laborers or community service workers, whose temporary assignments may result in lack of commitment to quality without continual supervision and recognition of good work. Administration of medications, to be effective, must be consistent. Fail-safe documentation of administration of medication, and its timing, must be initiated in the Shelter, especially for weekends.

The Grand Jury continues to recommend that formal veterinary oversight (hands-on, boots-on-the-ground) be instituted, as well as routine vaccinations of all adoptable animals. Such would be cost-effective, in terms of animal health, resulting adoptability/transferability, and also staff education. As of June 1st, Lisa Hofmann, DVM, a veterinarian with a special interest in shelter medicine, joined the SPCA staff. Perhaps her services could be formally enlisted in the aid of Animal Control. And, as noted by the 2001-2002 Grand Jury, UC-Davis has a highly regarded Shelter Medicine Program and provides consultations.

FINDING 7:

On the Grand Jury's last visit, at a time when the Shelter was open to the public, the kennels smelled and appeared to have been hastily washed down after the Jurors' arrival. The towels in the cat cages and puppy pens appeared unclean. On this occasion, the Grand Jury found the kennel staff without smocks and nametags despite the earlier institution of a "uniform," and the dress of some office personnel was considered inappropriate.

RECOMMENDATION 7:

During regular business hours, the kennels and cages should be clean and the staff and employees should be in proper attire. The Grand Jury further believes that bare middrifts, thong underwear, and creative body adornments are best not exposed during business hours.

FINDING 8:

The Grand Jury heard many complaints about animal "emotional abuse" in the Shelter, often attributed to the employees' "need to survive" psychologically. Officers and kennel workers participating in daily euthanasia sessions are prone to loss of empathy as a defense mechanism. As all feral cats are killed after three days, workers may no longer care that the feral cats are further traumatized by placement in uncovered cages or that, when pregnant, may deliver prematurely due to their stress or that their kittens may be ill and die shortly. The employees may resist bringing in more animals, treat the animals roughly, or refrain from attending to, or walking, the dogs. For a time, the dogs were comforted by being given a fresh blanket to lie upon after cages were cleaned – a practice followed in all enlightened shelters these days – but the practice allegedly was truncated due to the "extra work" of doing the laundry, despite the recent purchase of upgraded appliances. The perceived attitude appeared to be: "They are all going to die anyway, so why bother?" Further,

as soon as the hold-time has expired, adoptable animals are alleged to be frequently “PTS” (put to sleep), without the public’s having a chance to give them a home, due to shelter overcrowding.

RECOMMENDATION 8:

The Grand Jury feels strongly that killing adoptable animals is incompatible with operating a humane shelter and contrary to State policy and that the human emotional toll exacted is severe and pervasive. Given the realities of Lake County, however, and recognizing that the Hayden Bill takes county population into account, the Grand Jury recommends that the practice of euthanasia should either be outsourced or that psychological counseling be offered routinely, without stigmatization, to Animal Control Officers and kennel staff. Once the Shelter more effectively manages its disease incidence, all rescue groups can and will participate in relocating large numbers of adoptable pets, thus reducing the need for such extensive daily euthanasia.

FINDING 9:

Paperwork regarding animal abuse or neglect that is submitted to the District Attorney’s Office is sometimes filled out incorrectly, resulting in lack of follow-through.

RECOMMENDATION 9:

Someone from the DA’s Office should formally train new Animal Control Officers in the proper completion of the abuse/neglect referral forms.

FINDING 10:

No protocols are currently in place for effective temperament testing or behavioral modification of dogs, which would permit better informed placement. These techniques, requiring some amount of staff training, are an important component in modern shelter operations.

RECOMMENDATION 10:

Temperament testing and training protocols are readily available from HSUS, the American SPCA, and the Marin Humane Society. All have websites, for ease of ordering. The more time spent evaluating and socializing the animals, perhaps through the envisioned formal Volunteer program, the greater their opportunities for adoption.

FINDING 11:

In many remote locations within the County, radio communications with the Animal Control Officers are unreliable or non-existent.

RECOMMENDATION 11:

More reliable mobile communication devices should be identified and provided to the Officers, for the sake of their safety and the efficiency of their operation.

FINDING 12:

The needs of residents in the City of Clearlake are not currently well-served by Animal Control. Being on-site in the Clearlake impound area only one hour each weekday afternoon is manifestly insufficient, given that at least two out of every three impounded animals come from the south County. Enforcement of leash laws or investigation of barking, abuse, or neglect complaints is not possible with so few Animal Control Officers available, which makes inevitable the unfortunate, and highly contentious, "Dosha incident." The Clearlake Police Department cannot cope with, and is understandably sick of hearing about, all of the animal problems in the City without the ready and consistent availability of Animal Control Officers. The high impoundment rate there often requires the Animal Control Officers to make multiple trips to Lakeport daily due to the limited number of cages in the Clearlake Public Works garage and in the Animal Control vehicles.

RECOMMENDATION 12:

When Animal Control has hired its full complement of Officers, Clearlake and environs need the attention of at least two full-time Animal Control Officers, patrolling and issuing citations, educating the public, and rounding up the strays, as well as manning the impound area. Staggered schedules would be helpful, as, evidently, many dogs are turned loose after 4 p.m., and periodic sweeps, the equivalent of the County law-enforcement's "hook-and-book" days, might be considered. The Grand Jury applauds the fact that partial funding has been set aside by the Board of Supervisors for a new shelter and strongly urges that it be sited in the south County. Alternative non-profit sources of residual funding can also be explored. As noted in the Final Report by the 2001-2002 Grand Jury, if a commitment to running a no-kill shelter within five years can be made, Maddie's Fund is a potential source. Again, perhaps the Advisory Board could explore the availability of grants to help fund a new shelter. The County should also explore available external public funding such as from Housing and Urban Development grants.

FINDING 13:

Animal Control has contracts with both cities, Lakeport and Clearlake, for the provision of services and apparently is responsible for billing the cities monthly. The prior Director evidently failed to bill, and Lakeport failed to pay, although Clearlake continued to make its payments, despite the falloff in services provided.

RECOMMENDATION 13:

The Auditor-Controller's Office should assume the billing of Lakeport and Clearlake for Animal Control's services.

FINDING 14:

Some cost cutting measures are not being pursued, such as putting large purchases out to bid even if the minimum cost threshold has not been met.

RECOMMENDATION 14:

County Purchasing should be requested to procure supplies for Animal Control, even though individual purchases may not meet mandatory thresholds. For example, Science Diet kibble might be obtained from the manufacturer, Hill's Pet Food, which provides free kibble if a certain amount is also purchased. Also, procurement of supplies on an annual basis should be explored to obtain further economies of scale.

FINDING 15:

Two adoptable animals were recently left for hours in Animal Control vehicles in the parking lot in the sun by Animal Control Officers. By the time the animals were discovered, they were unconscious and expired.

RECOMMENDATION 15:

The Director should devise a fail-safe procedure to assure that such traumatic events will be prevented. All of the trucks should have air-conditioning units, and they should continue to function after the ignition is switched off.

ADDITIONAL RECOMMENDATION

RECOMMENDATION 16:

Temperament testing and training protocols are readily available from HSUS, the American SPCA, and the Marin Humane Society. All have websites, for ease of ordering. The more time spent evaluating and socializing the animals, perhaps through the envisioned formal Volunteer program, the greater their opportunities for adoption.

RESPONSE REQUESTS:

- Animal Control Advisory Board
- Animal Control Department
- Clearlake City Council
- District Attorney's Office
- Lake County Administration
- Lake County Board of Supervisors

RESPONSES - None

APPENDICES/HANDOUTS:

1. Animal Control Survey Contacts
2. Survey Questionnaire
3. Survey Results
4. Map of California Counties



2002/2003 Grand Jury Report

LAKE COUNTY AUDIT COMMITTEE

PURPOSE:

The Grand Jury sought to understand the function of the County Audit Committee, to which two Grand Jurors are assigned each year.

PROCEDURES FOLLOWED:

The Grand Jury interviewed the County Administrative Officer, a former grand juror on the Committee who was instrumental in its inception, and a partner in the CPA firm employed by the County, as well as attended quarterly meetings of the Committee. The Grand Jury additionally reviewed the Committee's Bylaws and minutes of the meetings.

BACKGROUND:

Pursuant to California Penal Code sections 925, 925(a), 933.1, and 933.5, the regular Grand Jury is empowered to investigate the fiscal and operational performance activities of Lake County government and other local public entities. Prior to the formation of the County Audit Committee in 1999, the Grand Jury had the authority to engage outside consultants/auditors in order to assist in its investigations. Remuneration for such outside services was provided through funds allotted to the Grand Jury in the annual budget granted by the Lake County Board of Supervisors. After identifying qualified outside auditors to perform studies selected by any of the Grand Jury committees, the Grand Jury tracked the progress of the audits being conducted and secured interim reports and a copy of the final report. Members of the concerned committees were present for an exit interview conducted by the auditors prior to issuance of their final report.

The 1997-1998 Grand Jury recommended the formation of a County Audit Committee to "better assure continuity in the selecting [sic] and working with the independent auditor." The formal Response to that Recommendation read, "The Board of Supervisors agrees with this recommendation as long as the Grand Jury does not believe that such a change in procedure would reduce the independence of the outside auditor." The Committee was established in 1999, and the Grand Jury's annual budget was correspondingly reduced to reflect the loss of its auditing responsibility.

The initial composition of the County Audit Committee included the County Administrative Officer, the Auditor-Controller, one member of the Board of Supervisors, and two members of the Grand Jury. In 2000, The Board of Supervisors approved a revision to the Committee's Bylaws adding a sixth member. A former grand juror, Charles Olha, was added in 2000 as "a member of the public." Mr. Olha was intended to be the "liason" to each new Grand Jury panel, although that was news to the 2002-2003 Grand Jury, including its remaining hold-over jurors from the prior year.

The duties of the County Audit Committee are as follows:

1. Selecting an independent audit firm to audit the County's financial records.
2. Meeting with the audit firm as necessary prior to, during, and after preparation of the annual Audit Report.
3. Reviewing the findings of the Audit Report with relevant County department heads. The department heads are required to respond to the Audit Report in the same format as is required for responses to Grand Jury findings.

Since the Committee's inception, Kelly Cox has been the Chair, Pam Cochrane has been the Vice-Chair, and the audit firm has been the CPA firm Smith & Newall, represented by partner Merilee Smith, from Yuba City. In general, the meetings are held "as necessary" in approximately August, November, February/March (when the Audit Report for the prior fiscal year, usually completed in December, is presented), and March/April (when department heads are questioned). In addition to an audit of all departments presented in the Comprehensive Annual Financial Report, Smith & Newall also prepares a Management Report, which addresses only those departments for which audit recommendations are made. The heads of departments specified in the Management Report are then invited to discuss findings with the Committee.

Smith & Newall also prepares separate reports on the Lake County Housing Authority, Redevelopment Agency, and Expenditures of Federal Awards. In the last two audits, Lake County received an "unqualified opinion," an auditor's highest level of confidence, which has not been true in past years.

The non-Grand Jury members of the County Audit Committee believes that administering the Audit is more effective now than with the procedures employed prior to establishment of the Committee.

FINDINGS:

1. Perhaps unwittingly, the independent statutory oversight authority for inspecting the books and records and the fiscal operations of the County and specific agencies has been transferred from the Lake County Grand Jury as a whole to the County Audit Committee. Because of lack of adequate funding, Lake County Grand Juries since the Committee's creation have been unable to hire an independent auditor and thus are unable to commission audits it may believe necessary during the course of its investigations, over and above the routine annual audits the County must effect. Due to deficient communications between the Audit Committee members and the whole Grand Jury, this Grand Jury did not appreciate the significance of the Audit Committee until the second half of its term and did not knowingly delegate its fiscal oversight responsibility to the Committee.
2. The first meeting of the Audit Committee during this past fiscal year was not held until November, 2002, well after Smith & Newall had begun to perform its annual audit. Generally, the firm's planning meeting held with Kelly Cox and Pam Cochrane takes place in early July.
3. The audits conducted in Lake County by Smith & Newall generally are financial audits and not in-depth management audits. The firm does routinely look at all departments' cash-handling and internal controls related thereto.
4. Nevada County, as an example, also has a similar Audit Committee on which Grand Jurors sit.

RECOMMENDATIONS:

1. The 2003-2004 Grand Jury should invite the Audit Committee for an in-depth discussion of these issues at least by August, 2003. It may well be that the County Audit Committee is the best and most cost-effective practice, but that decision is for each year's Grand Jury to make by a vote of a quorum of its members.
2. If the 2003-2004 Grand Jury votes to retain its own statutory auditing function, its budget should be augmented with monies for that function provided by the Board of Supervisors.
3. If the 2003-2004 Grand Jury votes to delegate its auditing function, the Committee, including its two Grand Jury members, should meet in August to discuss projects of common concern. Any extra tasks requested of Smith & Newall must be known to them prior to the beginning of field work.
4. Communication between the two Grand Juror members and the full Grand Jury should be frequent and comprehensive.
5. The Grand Jury should consider conferring with the Nevada County Grand Jury about its input into, and the effectiveness of, that Audit Committee.

RESPONSE REQUESTED

County Administrative Officer
Auditor-Controller
Board of Supervisors

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

OFFICE OF EMERGENCY SERVICES

PURPOSE

As recommended by the 2001-2002 Lake County Grand Jury, the current Grand Jury made inquiries to determine the status of the Office of Emergency Services in Lake County.

PROCEDURES FOLLOWED:

1. The Grand Jury reviewed in detail the provisions of the "current" Emergency Services Plan for the Lake County Operational Area, last updated in October, 1996.
2. The Grand Jury reviewed the Lake County Code, Chapter 6, CIVIL DEFENSE.
3. The Grand Jury met with the Director, Public Services Department.
4. In order to determine the operational validity of the Emergency Services Plan for the Lake County Operational Area, the Grand Jury met with most of the Lake County Department Heads and posed a hypothetical disaster -- a 6.0 earthquake with its epicenter at the Geysers -- and asked what specific actions they would take to carry out their responsibilities.
5. The Grand Jury met with the Sheriff, the designated "Emergency Services Director".

BACKGROUND:

Due to the shift in organizational responsibility for the OES program to the Sheriff's Office during the term of the 2001-2002 Grand Jury, they felt it was inappropriate to attempt to evaluate the status of the program until the Sheriff's Office had some time to deal with their new assignment. The 2001-2002 Grand Jury recommended that the 2002-2003 Grand Jury assess the OES program in Lake County.

FINDINGS

1. The “current” Emergency Services Plan for the Lake County Operational Area, last updated in October, 1996, is outdated, in that it does not reflect the current County organizational structure and does not cover some potential disasters, such as public health emergencies.
2. The provisions of County Code (Chapter 6, CIVIL DEFENSE) need to be updated to reflect the current organizational structure of the County.
3. The “current” Emergency Services Plan meets the State's requirement, that Counties have formalized plans.
4. The primary Emergency Operations Center is well organized and designed to provide all of the necessary logistical support for any emergency, however, neither the secondary nor tertiary Emergency Operations Center sites would be adequate during an emergency.
5. Most Department Heads who were given a hypothetical “emergency” with which they were to deal had virtually no idea what responsibilities they were assigned under the Emergency Operations Plan. One candidly said the first thing he would do in an emergency would be to look for his copy of the plan. Other Department Heads had no idea that such a plan even existed, and two were not aware of the location of Emergency Operations Center. In addition, most County workers are unaware that their duties, in time of emergency, include being designated as Disaster Services Workers, nor do they know where they should report.
6. During the last two “emergencies” during which the Emergency Operations Center was activated, one a forest fire and the other a flood, the emergency was handled but not in accordance with the Official Plan.
7. Most Departments have no established plan/procedure to deal with an emergency if the telephones were not operational.
8. The county radio network(s) and those utilized by the State of California for the Highway Patrol and California Department of Forestry, including South Lake Fire Protection District vehicles, are not compatible and must rely upon passing of messages between their respective dispatch centers. In an emergency, if those dispatch centers were inoperable, there would be no communication capability between these two major sources of radio equipped vehicles. This would appear to be in conflict with State Emergency Management Systems (SEMS) Guidelines.
9. The experience and skill level of the Sheriff’s Department does not provide the necessary expertise to draft a comprehensive Emergency Operations Plan.

BACKGROUND:

Due to the shift in organizational responsibility for the OES program to the Sheriff's Office during the term of the 2001-2002 Grand Jury, they felt it was inappropriate to attempt to evaluate the status of the program until the Sheriff's Office had some time to deal with their new assignment. The 2001-2002 Grand Jury recommended that the 2002-2003 Grand Jury assess the OES program in Lake County.

RECOMMENDATIONS:

1. The Emergency Services Plan for the Lake County Operational Area, and the Lake County Code, Chapter 6, CIVIL DEFENSE, should be updated to reflect the current organizational structure of the County and the expanded scope of potential sources of "emergencies."
2. All Lake County Department Heads and other concerned officials should be immediately reminded as to the location of the Emergency Operations Center and their specific basic responsibilities, in case of an emergency.
3. All County Organizations should immediately develop internal procedures to inform employees where to report and what appropriate actions, in case of an emergency, including what actions to take if the telephone network is inoperable.
4. Action should be taken to ensure all County vehicles' radios can communicate with State of California vehicles' radios in case of emergencies.
5. The Board of Supervisors should consider the creation of a task force to rewrite the Emergency Operations Plan with membership including supervisory/professional representatives from all County organizations.

RESPONSE REQUEST

Lake County Board of Supervisors
Lake County Sheriff/Coroner

RESPONSES - None

APPENDICES/HANDOUTS - None



2002/2003 Grand Jury Report

PURPOSE:

To determine the status of the South Lake County Fire Protection District as to:

1. Contract with California Department of Forestry and Fire Prevention,
2. Budgetary status following passage of new parcel tax, and
3. Status of staffing of Cobb and Hidden Valley Stations.

PROCEDURES FOLLOWED:

1. The Grand Jury attended a Board meeting.
2. The Grand Jury reviewed the contract between the So. Lake County Fire Protection District and the California Dept. of Forestry and Fire Protection.
3. The Grand Jury reviewed the District's budget for 2001-2002.
4. The Grand Jury reviewed the District's budget for 2002-2003.
5. The Grand Jury interviewed the Clerk of the Board to resolve questions regarding the District's budget for 2002-2003.

BACKGROUND:

Over the past several years, the Grand Jury has reviewed the South Lake County Fire Protection District (SLCFPD). There was a degree of turmoil over the contracting with the California Department of Forestry and Fire Protection to provide the professional staffing for the District, and the historic problems associated with limited financial resources. The problem was exacerbated by the CDF union requirement that two firefighters respond to any emergency call. The net result was that effective July 1, 2002, both the Cobb and Hidden Valley substations were not staffed for two days a week. With the SLCFPD voters' passage of a new parcel tax for fire protection, the funds were immediately available

to cover the staffing of the two substations 24/7.

FINDINGS:

1. The contract between the District and CDF is in order and appears to be operating for the benefit of the District.
2. The budget for 2002-2003 is in order.
3. The historic problem of the District's being inadequately funded was resolved by the passage by voters of the new parcel tax.
4. The problem of staffing the substations in Cobb and Hidden Valley has been resolved.
5. There is no reason for any further review by the Grand Jury.

RECOMMENDATIONS - None

RESPONSE REQUEST - None

RESPONSES - None

APPENDICES/HANDOUTS - None



2002/2003 Grand Jury Report

CITIZEN'S COMPLAINT – ADULT PROTECTIVE SERVICES

PURPOSE:

An individual who appeared to be mentally disordered and unable to care for herself was brought to the attention of the Grand Jury by the Lucerne Senior Center. Assistance had been requested from Adult Protective Services (APS), without avail.

PROCEDURES FOLLOWED:

The Grand Jury interviewed the Complainant from the Lucerne Senior Center, as well as the Adult and Children Protective Services Manager, the Social Worker Supervisor, and the Deputy Public Guardian/Adult Services Manager to inquire into the services that can be provided seniors without the means to support themselves or to care for their daily needs. The Grand Jury received information about the Welfare & Institutions Code 5150 "Mental Hold."

BACKGROUND:

This subject of concern was a woman 63 years of age who manifestly did not want any interference in her life. She was observed panhandling at the Senior Center and was known to live in an unsanitary small trailer without electricity or the means for cooking or storing perishable items. Her family had attempted to have her live with them, but she refused. The Deputy Public Guardian/Adult Services Manager explained in detail the process that is followed when attempting to assist adults who are resistant to offers of help. The Social Services Department has a Multi-Disciplinary Team that meets with other County agencies and invites its clients to these meetings to discuss their options. The Department can give clients older than 65 recommendations as to where they can receive help without going to court, being placed into conservatorship, or possibly being placed in a locked psychiatric facility.

In persons of any age who are diagnosed with dementia, Alzheimer's or other debilitating neuropsychiatric diseases, a physician can certify the need for placement in a secure facility without going through the courts. "Mentally Disordered Persons" can be detained for evaluation and treatment under Welfare and Institutions Code section 5150:

When any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, designated members of a mobile crisis team provided by Section 5651.7, or other professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, member of the attending staff, or professional person, and stating that the officer, member of the attending staff, or professional person has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself or herself, or gravely disabled. If the probable cause is based on the statement of a person other than the officer, member of the attending staff, or professional person, such person shall be liable in a civil action for intentionally giving a statement which he or she knows to be false.

When the need is urgent, APS can find clients transitional housing in a board-and-care facility or a hotel. APS can also buy food, notify the next of kin, and even buy bus tickets to get clients to their families.

FINDINGS:

1. As the senior at-issue is younger than age 65 and is not considered to have a qualifying diagnosis, she is not presently eligible for APS services.
2. During the course of the investigation, the senior moved out of the area.

RECOMMENDATIONS:

None

RESPONSE REQUESTED:

None

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

CITIZEN'S COMPLAINT - FIRE HAZARD

PURPOSE:

The Grand Jury received a complaint from a Riviera Heights homeowner stating that the County was not enforcing its fire abatement regulations as regards to an overgrown vacant lot adjoining the complainant's property and also overgrowth of the Black Forest firebreak at the perimeter of Riviera Heights.

PROCEDURES FOLLOWED:

The Grand Jury met with the complainant and representatives from the Kelseyville Fire District, California Department of Forestry & Fire Protection (CDF), Riviera Heights Homeowners' Association, and the Lake County Land Trust.

BACKGROUND:

Prior to contacting the Grand Jury, the complainant had written and met with several County and State officials and had determined that the absentee lot owner had received warnings about clearing his lot, but had not acted to reduce the fire hazard.

FINDINGS:

1. The Kelseyville Fire District does not clear private lots.
2. The CDF will not become involved with the Black Forest preserve until the land is transferred to the Bureau of Land Management in approximately August, 2003.
3. The relevant County departments declined to get involved because the Riviera Heights Homeowners' Association has primary jurisdiction over lots therein.
4. The lot in question has now been cleared.

RECOMMENDATIONS:

None

RESPONSE REQUESTED:

None

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

CITIZEN'S COMPLAINT – FUNDING SOLID WASTE MANAGEMENT

PURPOSE:

To investigate an anonymous citizen's complaint regarding Lake County's funding practices relative to the operation of the Solid Waste Management Program.

PROCEDURES FOLLOWED:

1. The Grand Jury met with the Director of the Public Services Department.
2. The Grand Jury reviewed the provisions of the franchise agreements relative to fees paid by garbage companies.
3. The Grand Jury reviewed the specifics of the Solid Waste Gate Fee Adjustments to be effective April 1, 2003.

BACKGROUND:

The Grand Jury received a written anonymous complaint alleging that garbage collection rates were going up in the unincorporated areas of the County and that "a lot of money from the rate payers is going to finance general county operations...."

FINDINGS:

1. The Lake County Solid Waste Management Program is administered by the Public Services Department.
2. The franchise haulers pay a 6% Franchise Fee to the County.
3. The County Solid Waste Management Program is operated under an "Enterprise Fund" which receives all franchise, gate and dumping fees, at the transfer station and the land fill.

4. Enterprise Funds are totally independent from the county general fund and are therefore not available to fund “general county operations” as alleged by the complainant.
5. The Lake County Solid Waste Management Program appears to be very professionally managed and is striving to reach the mandated objective of increasing recycling thereby reducing the volume of material required to be placed in the East Lake Landfill.
6. There was no validity to the allegations made by the complainant.

RECOMMENDATIONS:

None

RESPONSE REQUESTED:

None

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

CITIZEN'S COMPLAINT-HILL ROAD CORRECTIONAL FACILITY

PURPOSE:

The Grand Jury was asked to view a video tape filmed at the Hill Road Correctional Facility in January 2002, per a complaint from an inmate. The complainant alleged that the tapes would show he was mistreated by the Hill Road Correctional Facility personnel.

PROCEDURES FOLLOWED:

The Grand Jury asked the Chief Correctional Officer, Jail Commander, to view with them the video tape referenced by complainant. Our meeting took place October 29, 2002 at the Hill Road Correctional Facility in Lakeport. The Grand Jury was met by the Chief Correctional Officer, Jail Commander and her First Sergeant of the Facility.

BACKGROUND:

FINDINGS:

The Grand Jury determined that the manner in which the Correctional Facility personnel restrained the complainant was necessary and appropriate.

1. The complainant was arrested on a weapons violation charge, assault and battery on a Peace Officer, drunk driving, and resisting arrest.
2. The tape was approximately 17 minutes in duration.
3. The complainant was seen being carried into the Correctional Facility with his legs and hands secured. The complainant was observed spitting, screaming, using foul language, head butting, kicking the window, tearing off his shirt, and manifesting lewd hand motions. He was so disruptive the Correctional Officers decided to use pepper spray to subdue him.

4. The Correctional Officers felt it necessary to put complainant in a padded cell to prevent him from harming himself, and he was placed on suicide watch.

RECOMMENDATIONS:

None

RESPONSE REQUESTED:

None

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

CITIZEN'S COMPLAINT – HILL ROAD CORRECTIONAL FACILITY

PURPOSE:

The Grand Jury received a complaint from the mother of an inmate about treatment of inmates and conditions under which they live at the Facility.

PROCEDURES FOLLOWED:

The Grand Jury visited the Facility and interviewed the Chief Correctional Officer/Jail Commander, the First Sergeant, and the Correctional Officer assigned to B-Pod, maximum security.

BACKGROUND:

The Complainant was concerned about the length of time an inmate is confined in maximum security, the overall health of her son, the food and exercise provided him, and the ventilation of the cells in B-Pod.

FINDINGS:

1. Inmates who require maximum security segregation can be held there as long as the staff believes it is necessary, which depends in part on the reasons such segregation was instituted and the inmate's behavior while in maximum security.
2. An inmate can request a medical examination at any time.
3. Maximum-security inmates are allowed one hour of exercise and a brief shower three times per week.
4. By law, inmates in maximum security are served the same diet as the remaining inmates, which contains 2200 calories per day for women and 2900 calories for men.

5. The ventilation system in B-Pod was being repaired due to complaints received prior to the Grand Jury's visit.

RECOMMENDATIONS:

None

RESPONSE REQUESTED:

None

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

CITIZEN'S COMPLAINT - HILL ROAD CORRECTIONAL FACILITY

PURPOSE:

The Grand Jury received a complaint from the mother of an inmate who was beaten in his cell by three other inmates. She was concerned that she had not been notified about this incident.

PROCEDURES FOLLOWED:

The Grand Jury visited the Hill Road facility to obtain a copy of the Incident Report and to discuss with staff what, if any, policy pertains to notification of next-of-kin following injury to inmates.

BACKGROUND:

None.

FINDINGS:

As the inmate involved is an adult, the Facility is not required to notify next-of-kin in the event of injury or medical treatment for illness. The Facility does have a policy regarding notification of family members if an inmate dies while incarcerated.

RECOMMENDATIONS:

None

RESPONSE REQUESTED:

None

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

CITIZEN'S COMPLAINT - HILL ROAD CORRECTIONAL FACILITY

PURPOSE:

The Grand Jury received several complaints from an inmate at the Jail alleging arbitrary violence against him by Correctional Officers, resulting in untreated injuries, as well as inappropriate shackling during showers and phone calls.

PROCEDURES FOLLOWED:

The Grand Jury interviewed the Complainant on two occasions and met with the Jail Commander, the Classification Officer, and the Transportation Officer. The Grand Jury also reviewed the Incident Report and Complainant's CFMG (the contracted provider of health services at the Jail) medical records.

BACKGROUND:

The Grand Jury undertook an investigation of this complaint after being assured that the inmate was no longer represented by the Public Defender's Office for the incident at-issue. The allegations of excessive violence by the Correctional Officers presented to the Grand Jury pertained to an incident in February, 2003, when the Complainant was in an altercation with several Officers in his cell, following which he was placed in maximum security, B-Pod. He filed an internal complaint within the Jail and a Writ of Habeas Corpus with the Court, which was denied. He was charged with battery on a Correctional Officer and also with assaulting an inmate. One charge was dropped, and he pled guilty to the lesser charge.

Residual injuries complained of are persistent headaches from his head's being slammed on the floor and disabling swelling and pain of his hands and fingers from being twisted and held in contorted positions. Complainant alleged that he received no effective medical evaluation and care for these injuries.

He also alleged that he was shackled with belly and leg chains, with only one arm free, when he would leave B-Pod to take a shower or call his attorney, and that Jail staff listened to his conversations with

counsel and the Grand Jury.

FINDINGS:

1. Swelling of the inmate's hands, more than three months after the altercation, was evident to the Grand Jury, but the Grand Jury cannot verify its cause.
2. Whether the "punishment" fit the "crime" in this instance is beyond the scope of the Grand Jury to determine.
3. The inmate, according to the CFMG records, had an x-ray of his hands that showed no fracture or dislocation. He also was prescribed Motrin, an analgesic. Further, after having requested "sick call" on six occasions, he failed to appear at the clinic.
4. Jail protocol dictates that assaultive B-Pod inmates taken out of their cells, for any reason, remain shackled. One arm is freed during showering or during a phone call. After the Jail staff has dialed the number, the staff member sits within view.
5. The Grand Jury is unable to confirm that a Correctional Officer listened to its interviews with Complainant.

RECOMMENDATIONS:

Because of the persistent swelling and complaints of pain in the inmate's hands, soft-tissue or neurologic injury may better be documented by a specialist such as a neurologist or hand-orthopedic surgeon.

RESPONSE REQUESTED:

Sheriff's Department: Hill Road Correctional Facility

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

CITIZEN'S COMPLAINT - LOWER LAKE CEMETERY DISTRICT FINAL PAY DISPUTE

PURPOSE:

To investigate a citizen complaint alleging that full payment of compensation was not paid upon termination of employment and a lack of secure storage for personnel files.

PROCEDURES FOLLOWED:

The Grand Jury received the Complaint and appointed a Committee to investigate. The Committee met with the Complainant and had additional meetings with the leading employee (The Sexton) of the Cemetery District, and with the Chairperson and Bookkeeper/Secretary/Clerk of the District. Two Board of Directors meetings were also attended.

BACKGROUND:

The Complaint was submitted by a former employee of the District who had resigned after working for the District for approximately eighteen years. The Complaint alleged that 12 hours of Vacation Pay and 16 hours of Compensatory Time had not been paid. Concern regarding possible theft of employee records from the District Office was also expressed.

FINDINGS:

1. The meetings and investigation revealed that 252 hours of vacation time had been accrued by the Claimant prior to the resignation. However, Board Personnel Policy allows that 240 hours of vacation time is the maximum that can be accrued and that is the amount that was paid, hence the 12 hours in dispute. It was noted that the Board Personnel Policy states that under "exceptional circumstances" an exception to the 240 hour rule is possible.

2. Investigation into the 16 hours of Compensatory Time the Complaint alleges have not been paid indicates there is a question regarding two days pay (16 hours) just prior to submission of the resignation. If those days were not worked then the 16 hours were rightly charged against Compensatory Time. However, if the disputed two days were worked, then 16 additional hours of Compensatory Time is probably due the Complainant. An examination of the work attendance records and a lack of time cards make an exact determination in this matter almost impossible.
3. The office of the District where the employee records are kept is supposed to be kept locked when no one is in the office. However, the office is accessible to all of the District employees. The office does have a fire resistant file cabinet with a combination lock that was inoperable, but has now been fixed.

RECOMMENDATIONS:

1. That the Board reexamine the Board Personnel Policies and past practices to determine if there is precedent for "exceptional circumstances". If there is no precedent and if no documentation of what constitutes an "exceptional circumstance" can be found and in view of the Complainant's longevity with the District an exception of the 240 hour rule in this instance might be considered and the extra 12 hours awarded.
2. That the Board also examine the work attendance procedures of the District and unless documentation can be found that the Complainant did not in fact work on the two days in question, the 16 hours in dispute in this matter might also be awarded.

RESPONSE REQUESTED:

Lower Lake Cemetery District

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

CITIZEN'S COMPLAINT-MENTAL HEALTH SERVICES

PURPOSE:

The Grand Jury investigated a Mental Health Services billing for an inmate in the Hill Road Correctional Facility.

PROCEDURES FOLLOWED:

The Grand Jury met with the Deputy Director of Health Services, and two other Mental Health Officers. The Grand Jury was escorted into the conference room and the complaint was discussed.

BACKGROUND:

The Grand Jury receive a written complaint from an inmate incarcerated at the Hill Road Correctional Facility. The complainant states he was billed \$1,234.95 for one visit by a Mental Health staff member that he did not request.

FINDINGS:

The billing was erroneously sent to the inmate. Mental Health Services and the Grand Jury sent the complainant a letter of explanation.

RECOMMENDATIONS:

None

RESPONSE REQUESTED:

None

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

CITIZEN'S COMPLAINT-MENTAL HEALTH SERVICES

PURPOSE:

To investigate a citizens complaint regarding the billing practices of the Lake County Department of Health, Mental Health Services.

PROCEDURES FOLLOWED:

1. The Grand Jury met with complainant and received updated information regarding the specifics of the complaint.
2. The Grand Jury met on two separate occasions with the Acting Director of the Lake County Mental Health Services together with a Program Analyst and Fiscal Officer.
3. The Grand Jury reviewed the Mental Health Services "Monthly Billing Cycle Process" and the complainants billing statements.
4. The Grand Jury reviewed the Lake County Mental Health Plan.
5. The Grand Jury reviewed the State of California's regulations which set forth the billing and collection policies and practices to be followed by county Mental Health Services.
6. The Grand Jury reviewed the proposed standard operating procedure to be followed by the Mental Health Staff in referring clients with potential complaints to the Member Services Review Officer.

BACKGROUND:

The Grand Jury received a written complaint from a client of the Lake County Department of Health, Mental Health Services. The Complainant was concerned that the billing statements they were receiving regarding services supposedly provided by Mental Health Services were in error as they pertained to dates and times complainant was not hospitalized.

FINDINGS:

1. The Lake County Mental Health Plan provides for a number of avenues of redress a recipient of Mental Health Services can use to seek relief if they feel they have been improperly treated. Unfortunately, there did not appear to be an aggressive program for Mental Health Services to refer potential complainants to the Member Services Review Officer for her to contact the unhappy client to attempt to resolve problems.
2. The complainant had some valid complaints regarding the billing for mental health services as the terminologies used in the billings were not in plain English. The terms may be understood within the insurance community and mental health providers but not the public receiving the bills.
3. The Complainant also had a valid complaint regarding the failure of Mental Health Services to return telephone calls and letters regarding her concern over the billing.
4. In accordance with the authority assigned to it by the State of California Regulations, the Office of Mental Health Services dismissed all of the charges (billing) against the complainant, so the relief sought by the complainant was obtained.

RECOMMENDATIONS:

1. The Lake County Office of Mental Health Services must ensure that clients that are billed for services are provided plain language explanations of the charges so the major cause of this complaint can be avoided in the future.
2. The Lake County Office of Mental Health Services carry through with their proposed Standard Operating Procedure which provides that clients with complaints have their cases referred to the Member Services Review Officer who will contact the client regarding their complaints. This procedure to aggressively pursue resolution of clients' dissatisfactions rather than wait for the client to make a formal complaint should help resolve a wide variety of complaints in the future and probably would have avoided the complainant in this instance from seeking redress from the Grand Jury.

RESPONSE REQUESTED:

Lake County Department of Health, Mental Health Services

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

CITIZEN'S COMPLAINT - NICE FIRE DEPARTMENT

PURPOSE:

The Grand Jury received a citizen's complaint against a Paramedic with the Nice Fire Department, alleging harassment and inappropriate behavior. The Complainant alleged that the paramedic was both emotionally and verbally abusive when responding to her 911 calls.

PROCEDURES FOLLOWED:

1. The Grand Jury interviewed the Paramedic and his supervisor, as well as the Director of the North Coast Emergency Medical Services (EMS).
2. The Grand Jury met with a friend of the Complainant who was familiar with the events described.
3. The Complainant was either hospitalized or unavailable for an interview during the course of the investigation, despite repeated attempts to schedule an appointment. The Grand Jury was, therefore, unable to obtain written authorization from the Complainant to enable them to review her records on file at the Nice Fire Department.
4. The Grand Jury was able to view the Complainant's mobile home from the outside.
5. The Grand Jury spoke with the Quality/Risk Manager for Sutter Lakeside Hospital.

BACKGROUND:

The Complaint stated that the author had to request assistance and hospital transport from emergency services because of her disabling health conditions. She alleged that, because of her weight, the Paramedic would require her to walk from her mobile home out to the ambulance and get into the ambulance on her own. The Paramedic also allegedly made rude and sexually explicit comments to her. She further alleged that he once accidentally taped her right eye shut when he secured her to the backboard and that, when applying the neck brace, he placed tape across her throat, making breathing difficult.

FINDINGS:

1. Complainant is well known to both the Nice and Lucerne Fire Departments for calling 911 numerous times over a two-year period. Some would consider them excessive, as sometimes the calls were more than once a day.
2. The Paramedic involved denied the specific comments attributed to him and stated that his manner and speech are merely “assertive” and not “rude.”
3. The North Coast EMS Director confirmed that the Complainant had contacted him about one year ago to make a complaint, but because she failed to return the Director’s calls, he did not pursue an investigation.
4. Complainant’s friend stated that she had witnessed the Paramedic’s interaction with the Complainant and confirmed that his comment, on the occasion cited in the Complaint, was offensive. She also confirmed that Complainant had to walk down the steps to the ambulance, which was parked as close to the porch as possible, and climb inside.
5. The Sutter Lakeside Hospital’s Quality/Risk Manager informed the Grand Jury that the Complainant was hospitalized and unable to execute a valid authorization for release of records.
6. The matter has subsequently been fully investigated by the Nice Fire Department and it was found that the Complainant's allegations were correct.
7. Abuse of the 911 system seriously impacts not only the service providers, but also other residents who might require emergency assistance at the same time.

RECOMMENDATIONS:

1. The Nice Fire Chief should review anti-discrimination policies with the members of his Department.
2. The Chief should also consult with County Counsel for assistance in developing a policy to deal with persons evidently over utilizing emergency services.

RESPONSE REQUESTED:

Nice Fire Department

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

CITIZEN'S COMPLAINT – SHERIFF'S DEPARTMENT

PURPOSE:

The Grand Jury received a complaint regarding several broad aspects of the Sheriff's Department: physical conditions and personnel practices at the Hill Road Correctional Facility, inadequate racial/ethnic diversity in the Department, and the allegedly costly storage facility rented by the Department.

PROCEDURES FOLLOWED:

The Grand Jury interviewed the complainant, a prior Jail employee, and the County Personnel Director. They also conferred with the County Administrative Officer and Public Services Director and visited the Jail and met with the Chief Correctional Officer and Facilities Maintenance Technician.

BACKGROUND:

To date this year, the Grand Jury has received five complaints mentioning the heating/ventilation/air conditioning (HVAC) system at the Jail, specifically obstructed vents, cold in the tower and C-pod, and heat in the kitchen and D- and E-pods. The latter problem allegedly has required pod doors to be kept open. The jurors themselves had noticed air circulation problems during its numerous visits. One complaint alleged seeping of water, during the rainy season, through the bottom blocks around pod exterior walls, requiring placement of numerous blankets to soak up the water, and through a light fixture in one of the kitchen freezers, dripping onto the meat.

Correctional Officer recruitment and retention continue to be problematic, and overtime at the Jail continues to be a major budget item. Fourteen Jail employees allegedly resigned or were fired during the past six months. Currently, four Correctional Officer positions and one Maintenance Technician position are unfilled. Due to State-mandated staff-inmate ratios, the officers do work substantial overtime.

A number of allegations were made regarding inappropriate housing of inmates

As required by the Equal Employment Opportunity Commission (EEOC), the County in 1991

developed an affirmative-action plan, which was last updated in December, 2002, and is attached to this report. The figures speak for themselves. The Sheriff's Department's deputies and correctional officers are classified under "Protective Services." As long as a plan is in place that describes recruitment practices that will be instituted, EEOC does not hassle the County, despite minority representation in the workforce that is "far under target," especially for African-Americans and Native-Americans. The State Office of Criminal Justice and Planning provides annual training, makes more inquiries, and wants a tight tracking system, which is currently not available to the Personnel Office, due to the Auditor's Office closely-held computer program. The problem allegedly is not that minority applicants do not apply, but that they do not pass the Department's stringent background checks or oral interviews.

FINDINGS:

1. Seven of the 40 HVAC units on the roof of the Jail serve Phase I (of a multiphase construction project), where the prisoners are housed. Six were operational at the time of the Grand Jury's inquiry, and one was out of service due to the ongoing construction. All Jail maintenance is performed in-house, and the Department did not purchase the \$15,000-per-year maintenance contract from the HVAC manufacturer. One Maintenance Technician and one volunteer work on the system. The prior maintenance technician resigned without communicating the password and user name necessary to access the HVAC computer, resulting in a several-day delay to regain access. Fall and Spring appear to be times producing the greatest difficulty in attaining temperature equilibrium. The Jail Commander assured the Grand Jury that the password problem has been corrected.
2. Construction has resulted in the closing of two housing units, one with seven beds and one with nine beds. Upon completion of construction, the Jail will be able to house an additional 30 inmates. Instead of being housed in Pod G, the "mental health" inmates are now placed in Administrative Segregation and are granted yard access only in the evenings. Jail officials aver that inmates needing "protective custody" are adequately segregated from other inmates, inmates arrested together can be adequately separated from each other, preventing fights and injuries, and that sentenced and unsentenced inmates are separated while outside, being unable to pass notes and cigarettes back and forth.
3. The Chief Correctional Officer does not hold a Basic POST (Peace Officers' Standards & Training) Certificate, nor is one required for that position, nor for any of the Correctional Officers, in contrast to the Deputy Sheriff positions.
4. According to the Personnel Director, the ethnic composition of the Correctional Officers and Deputy Sheriffs does not meet EEOC targets. At a recent informational meeting, of the 91 correctional officer candidates who attended, not one was African-American.
5. The Department does not rent any storage space in the location identified in the Complaint.

RECOMMENDATIONS:

1. None
2. None
3. None
4. The Sheriff and Personnel Director need to review the recruitment efforts to attract and retain candidates-of-color because, clearly, past efforts have been unsuccessful.
5. None

RESPONSE REQUESTED:

Sheriff's Department
Personnel Director

RESPONSES:

None.

APPENDICES/HANDOUTS:

Lake County EEOC Plan



2002/2003 Grand Jury Report

CALPINE GEOTHERMAL GEYSERS

PURPOSE:

On October 4, 2002, the Grand Jury met at the Calpine Geothermal Center located in Middletown for a tour of the facilities and a Power Plant.

PROCEDURES FOLLOWED:

The Grand Jury viewed the informative displays in the Center, listened to a lecture given by the tour guide, and traveled to the Bear Canyon Power Plant in a Calpine tour bus. Once at the Power Plant the Grand Jury members were issued hard hats, goggles, and earplugs. The guide took the Grand Jury members into the Power Plant to view the turbines that generate the electricity and the computers that monitor the plant.

BACKGROUND:

1. Calpine was founded in San Jose, California in 1984, and has been a public company since September 1996. Their Geysers operation began producing in 1988.
2. Calpine is the largest geothermal power provider in the United States with 19 geothermal plants at The Geysers, located in the Mayacamas Mountains near Middletown. These plants combine to generate 850 megawatts of electricity (enough to meet the needs of a city like San Francisco).
3. The plants are operated using steam gathered from more than 350 active steam wells. At present, over 40 wells are used to inject water into the steam reservoir. The Lake County-Southeast Geysers Effluent Pipeline project was the first "wastewater to electricity" project developed in the world. The 29-mile underground pipeline delivers 8 million gallons of reclaimed water to The Geysers from the Clear Lake area every day.
4. The following is a breakdown of County taxes generated annually by the Calpine Geothermal Operations:

<u>Properties</u>	<u>Net Value</u>	<u>Total Tax</u>
Geysers Power	\$162,028,495	\$1,621,142
Santa Rosa Geothermal	\$70,636,849	\$707,699
Calpine Corp	\$6,313,675	\$65,171
Calpine Geysers Company	\$3,531,206	\$37,671

5. Two additional Power Plants at the Geysers are operated by the Northern California Power Agency.

FINDINGS:

1. The trip to the Geysers is open to the public, free, and well worth the time.
2. The Calpine Visitors Center makes its meeting room available to the public.

RECOMMENDATIONS:

None

RESPONSE REQUESTED:

None

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

CITY OF CLEARLAKE COURT HOUSE HOLDING FACILITY

PURPOSE:

The 2002-2003 Grand Jury met at the City of Clearlake Court House Holding Facility per Penal Code 919(b) which provides that the Grand Jury inquire into the condition and operations of public detention facilities within the County.

PROCEDURES FOLLOWED:

The Grand Jury, along with Crystal Eyerly, Chief Correctional Officer-Jail Commander, and her Transportation Officer of the Hill Road Correctional Facility conducted a tour of the City of Clearlake Court House Holding Facility. The Grand Jury reviewed the facility on January 27, 2003.

BACKGROUND:

The City of Clearlake Court House Holding Facility is located in the same building, in the rear, as the City of Clearlake Court House. The facility does not house any inmates and does not accommodate juveniles.

1. Inmates are transported by bus to this facility from the Hill Road Correctional Facility in Lakeport. The inmates are placed in holding cells awaiting their court appearance. The holding cells have benches and separate sanitation facilities. Men and women are held in separate cells.
2. The Sheriff's Department is going to divide the main waiting room into small areas, each for one person, to insure better security. Some inmates are left, under guard, in the vehicle outside, until they are called into the court room.
3. No bookings are handled at this facility. There is no official "attorney room" so one of the regular rooms in the building is used for this purpose.
4. The inmates are given a sack lunch but return to the Hill Road Correctional Facility before their evening meal.

5. The inmates arrive and leave in belly chains and leg irons.

FINDINGS:

1. The City of Clearlake Court House Holding Facility is a temporary facility, quite small and dark but functional for its purpose. The heating is central heat.
2. The men were given seat covers for sanitation purposes and they managed to stuff them into the toilet causing the toilets to overflow. Seat covers and toilet paper were everywhere in the toilet area.
3. In the women's quarters, they took the toilet paper, wet it, and threw it up to the ceiling causing the paper to stick. Inmate workers are brought over twice a week to clean the cells. This seems to be an on-going process.

RECOMMENDATIONS:

The toilet area should be cleaned more frequently.

RESPONSE REQUESTED:

Hill Road Correctional Facility

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

CITY OF LAKEPORT COURT HOUSE HOLDING FACILITY

PURPOSE:

The 2002-2003 Grand Jury met at the Lakeport Court House Holding Facility per Penal code 919(b) which provides that the Grand Jury inquire into the condition and operations of public detention facilities within the County.

PROCEDURES FOLLOWED:

The Grand Jury, along with Crystal Eyerly, Chief Correctional Officer-Jail Commander, and two of her deputy officers of the Hill Road Correctional Facility conducted a tour of the Lakeport Court House Holding Facility. The Grand Jury reviewed the facility on January 27, 2003.

BACKGROUND:

The Lakeport Court House Holding Facility is located in an annex building directly adjacent to the Lake County Court House. This facility used to be the main jail until the Hill Road Correctional Facility was built. The tour was well organized and informative. The holding cells were secure and quite adequate.

1. The facility does not house any inmates. These inmates are transferred to and from the Hill Road Correctional Facility by van and enter the Court House via a second floor covered-connecting walkway. The transport vehicles arrive and are secured in a ground floor garage adjacent to the holding area. The garage is security-screened and is opened by officers only. Inmates are moved immediately to the secured detention areas (holding cells).
2. The holding cells are located on the ground floor of the annex and are reached by caged security elevators. The officers place the inmates in large secured elevators for transport to the holding cells. The officers' cage is smaller and is also secured. For security reasons, the officers are not armed during these transfers. The holding cells have benches and separate sanitation facilities. The men and women inmates are held in separate cells.

3. In case of an emergency there are two locked doors that can be opened quickly, with keys, by the attending officers. There are also emergency respirators posted in the officers' work area.
4. The holding area is not staffed when inmates are not awaiting court appearances. The staff is composed of Hill Road Correctional Officers.
5. The inmates are given a sack lunch but return to the Hill Road Correctional Facility before their evening meal.
6. The inmates arrive and leave in belly chains and leg irons.

FINDINGS:

1. Officers were very professional and knowledgeable of the building.
2. The entrance is well secured.
3. The holding facility is well organized.
4. The holding cells are in reasonably good condition. Repainting of the walls is an on-going job due to graffiti and heavy wear and tear. Security is the major focus.
5. Elevators are small, but that appears to be so throughout the Court House.
6. Work areas are in good condition.
7. A new van makes it possible to transport more inmates per trip.

RECOMMENDATIONS:

None

RESPONSE REQUESTED:

None

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

CLEAR LAKE DAM

PURPOSE:

The Grand Jury met with the Clear Lake Dam Operator and a Yolo County Flood Control and Water Conservation District Representative to view the Clear Lake Dam.

PROCEDURES FOLLOWED:

On February 20, 2003, the Grand Jury was driven to the Clear Lake Dam in two vans provided by the Public Works Department. The Clear Lake Dam Operator and the representative for the Yolo County Special Water District (which is not governed by either Lake or Yolo Counties) escorted the Grand Jury around the Dam and the Power Plant.

BACKGROUND:

1. The Clear Lake Dam's main purpose is for irrigation. This Dam controls the level of Clear Lake. The Clear Lake Dam Operator lives at the facility and is on 24-hour call. He has been in this position for 25 years. Yolo County Flood Control and Water Conservation District has full control of the Dam.
2. The construction of Clear Lake Dam was started in 1909. It became fully operational in 1912 for irrigation purposes and water control, and is fed by seven major creeks. The Dam has 15 gates with two spillways. Hydraulic cylinders open the gates.
3. Due to its size, Clear Lake responds slowly to storm events and rises to flood stage only after prolonged, high intensity storms. When this happens, Clear Lake's natural outlet, Cache Creek, is too small to allow flood water to leave the lake as fast as it enters. The Clear Lake Dam does not cause Clear Lake to flood. The Dam can release water much faster than Cache Creek can flow. It is the narrow, shallow Cache Creek channel that slows the release of water from Clear Lake during a flood. The limited flow in Cache Creek causes Clear Lake to rise rapidly during heavy, prolonged rainstorms and does not lower lake levels very fast after the rains have stopped.

4. The Power Plant is several stories high, going down the side of the hill, and has an alarm system for power outages. The pipeline was built in 1984 for additional electricity generation which is sold to Pacific Gas and Electric. The Clear Lake Dam Operator is solely responsible for the operation of the Power Plant.

FINDINGS:

1. The Clear Lake Dam Operator, of Yolo County Flood Control And Water Conservation District, was very friendly and passed on years of historical knowledge and some very interesting stories about the Dam.
2. The water level was high the day the Grand Jury was there. The spillage runs into Cache Creek, which empties into the Sacramento River. Very little water was being released.
3. One of the problems the Operator has is keeping boaters from getting too close to the spillway. He has to constantly monitor the Dam.
4. There are problems with people putting trash into the creek i.e., refrigerators, stoves, etc., which causes blockages. These items have to be removed from the creek before the spillway is opened.
5. The Dam Operator is absolutely essential to the operation of the Clear Lake Dam. There appears to be no plan for a backup Dam Operator.

RECOMMENDATIONS:

None

RESPONSE REQUESTED:

None

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

CLEARLAKE POLICE DEPARTMENT

PURPOSE:

The Grand Jury is required to inquire into the condition and management of public prisons (Penal Code § 919(b)) The Grand Jury conducted its annual site visit of the Clearlake Police Department on October 4, 2002.

PROCEDURES FOLLOWED:

The Grand Jury met for two hours with Chief Robert "Bob" Chalk and toured the facility, including the detention center.

BACKGROUND:

Chief Chalk has been with the Clearlake Police Department since 1981 and became the Chief in 1993. Chief Chalk shared the following information and observations with the Grand Jury:

1. As of July 1st, the Department has a staff of 35, including 24 sworn officers. Management consists of the Chief, Captain, and 4 sergeants. One sergeant just retired, another sergeant could retire, and the Captain and the Chief will be eligible to retire within 1.5 years. The Department is covered by the PERS retirement system. Officers can retire at 3% (per year worked) of their salaries at age 50, which is a better benefit than paid by the County. The sergeants, through their Memorandum of Understanding (MOU), receive overtime pay. Other management officers are granted 'executive leave' of 10 days/year. Compensatory time off can be time-and-a-half.

2. The Chief presently has four vacancies and sometimes has to pull investigators into patrol. The officers work four 10-hour shifts. In 2001, the Department received 21,000 calls, which is more calls per officer than in Oakland. Once a month, all of the law enforcement agencies operating in the County have a "Special Enforcement Day," also known as "hook and book." Two full-time Code Enforcement Officers were transferred from the Planning Department into the Police Department this past year to handle building, zoning, and abatement violations. The Department has its own Dispatch Center, staffed by 5 dispatchers and 1 office manager. The Community Patrol officers do great work and free up the police officers to do their jobs. They are covered by liability insurance. Merlin, the drug dog, is used only for drug detection. Because of liability and training issues with an attack dog, the Chief decided not to employ one. Recruitment and retention within Police Departments continues to be problematic, all over California, not just in Lake County. Nonetheless, finding officers who desire to live in such a rural area and earn \$24,000-25,000 to start is a challenge. Santa Clara, for example, offers a \$3000 sign-on bonus and moving expenses, and a top step patrol officer earns \$6500/month. In Santa Rosa, a lieutenant can earn as much as \$9600/month.
3. An assigned-car plan has been in effect since 1984 for those officers living within the City limits only. The Chief applies that restriction so as to encourage officers to live in the community they serve and because he cannot justify spending City money on gas for "commuters." Also, under California labor law, an officer is on-duty the moment he enters the patrol car, making potential overtime troublesome. All of the Department's cars are serviced at American Auto, with which the City has a contract. The Department pays about \$30,000/year for fuel, maintenance, and tires for the vehicles.
4. The City has a negative reputation that is difficult to overcome. Although the City has one-third of the County's population and therefore more crime, on a per-capita basis, the rate is lower than elsewhere in the County. He notes, however, that the number of mental-health cases has increased threefold this year. The Department makes about four arrests per day. All who are arrested are detained no more than six hours before being released or transferred to the Hill Road Facility in Lakeport. Lake County, contrary to reputation, is not a "dumping ground" for parolees. By law, regardless of where they live or have family ties, parolees are returned to their "county of commission" - where they committed their crimes and were arrested. However, once there, they can request transfer to another community. Lake County actually has more "exports" than "imports" of parolees. At present, about 180 parolees are in the County. The strict judges in Lake County send a lot of criminals to prison.

5. 5. Chief Chalk identified two new problem areas:
 - a. Proposition 36, a State law that mandates rehabilitation rather than incarceration for many drug-related offenses. The Chief added that most thefts and violent crimes are drug-related, and rehabilitation is not often effective with this hardened element.
 - b. Medicinal marijuana is considered the new “green card,” per Chief Chalk. A synthetic form is available for patients who respond to the medicinal effects of marijuana. Using marijuana leads to the use of other drugs, in the Chief’s opinion. Many drivers who are “under the influence” will not be discovered, and homicides resulting from stealing the plants is a potential issue. Although medicinal marijuana is legalized in California, he cooperates with DEA agents to arrest users when so requested.
6. The Chief reviewed other chronic problems:
 - a. In-Home Supportive Services workers continue to have a disproportionate rate of crime, especially theft and mental abuse. With the new screening procedures to be instituted, the number of workers who will be eligible will be substantially decreased.
 - b. The “dog problem” is real. “Every doper has two pit bulls,” remarked the Chief. Barking dogs also occasion many complaint calls. The City has a contract with the County for the services of Animal Control officers, but the impoundment area is staffed only one hour per day, Monday-Friday. The individual Animal Control officers work very hard, but so many calls from Clearlake are generated that the Animal Control officers cannot respond to them all. After hours, the Animal Control officers are available only for emergencies. Unless there is immediate threat to life or limb, the police officers generally do not respond to dog calls, as the officers would be stretched too thin. The risk of having an officer bitten is also weighed, as workers’ compensation for peace officers is very costly. If Animal Control officers are impounding animals and request assistance, the police will accompany them. The Chief had considered running Animal Control in Clearlake, but he found too many hidden costs, such as, for example, disposal of dead animals.

FINDINGS:

1. The Clear Lake Dam Operator, of Yolo County Flood Control And Water Conservation District, was very friendly and passed on years of historical knowledge and some very interesting stories about the Dam.
2. The water level was high the day the Grand Jury was there. The spillage runs into Cache Creek, which empties into the Sacramento River. Very little water was being released.
3. One of the problems the Operator has is keeping boaters from getting too close to the spillway. He has to constantly monitor the Dam.
4. There are problems with people putting trash into the creek i.e., refrigerators, stoves, etc., which causes blockages. These items have to be removed from the creek before the spillway is opened.

5. The Dam Operator is absolutely essential to the operation of the Clear Lake Dam. There appears to be no plan for a backup Dam Operator.

RECOMMENDATIONS:

1. The exit doors need large kickplates.
2. None.

RESPONSE REQUESTED:

None

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

ENVIRONMENTAL HEALTH

PURPOSE:

Environmental Health, a division of the Health Department, has not been visited by the Grand Jury for several years. Environmental Health has recently moved into larger quarters.

PROCEDURES FOLLOWED:

The Grand Jury met with Raymond Ruminski, Environmental Health Director, and Manuel M. Ramirez, Supervising Environmental Health Specialist, at their new facility, discussed several issues, and then toured the facility.

BACKGROUND:

Mr. Ruminski informed the Grand Jury of the following:

1. There are currently 12 full time employees and one half time employee in this division.
2. Under Chapter 9 of the Lake County Code, the Environmental Health Division performs site evaluations and issues permits for septic tanks. Site evaluations cost \$205.00 and permits are \$354.00.
3. Mercury is still leaching into the Lake from the Bradley Mercury Mine. The Mine is a US Environmental Protection Agency Superfund site, with a two phase cleanup. Phase #1 includes site cleanup and Phase #2 involves the removal of deleterious chemicals from the bottom of the Lake. This is a slow process with no time limit for completion.
4. Transporters of hazardous materials are responsible for cleanup of all spillage. If they do not have the money for the cleanup, Environmental Health will request financial aid from the State. The Environmental Protection Agency sometimes pays up to \$25,000 to assist in cleanups.

5. Environmental Health is aware of the contamination of the Lake caused by exhaust of oil and gas from two-cycle engines, but also recognizes this is a recreational area. It is expected that, by 2005, no two-cycle engines will be allowed on the Lake. The MBTE additive in gasoline is being phased out.
6. Pesticides, chemical fertilizers and other contaminants enter the Lake in storm runoff from agricultural, industrial and domestic operations. In addition, when oil and other such contaminants are poured onto the land, they leach into the Lake and underground aquifers.
7. Environmental Health has advertisements in the newspaper, pamphlets and other ways to get the word out to the public where they can take their hazardous materials and when the "HazMobile" will be in their neighborhood.

FINDINGS:

None

RECOMMENDATIONS:

None

RESPONSE REQUESTED:

None

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

HILL ROAD CORRECTIONAL FACILITY

PURPOSE:

Per Penal Code 919b, the Grand Jury is required to inquire into the condition and management of all public detention facilities within the County. The Grand Jury visited the facility to review the existing conditions in October, 2002.

PROCEDURES FOLLOWED:

Rodney Mitchell, Sheriff/Coroner and Crystal Eyerly, Chief Correctional Officer-Jail Commander of the Hill Road Correctional Facility greeted the Grand Jury. The Grand Jury was taken through the facility as if being arrested, through the Sally Port, into the facility, past the temporary holding cells, and on into the main facility. They were then escorted through the clothes locker, fingerprinting station, and into the cellblocks. The Grand Jury spent time in the Control Tower and were shown how the system operates. A typical inmate lunch was provided. After lunch, The Grand Jury visited the older part of the jail, the Mental Health block, and the holding cells for the working prisoners.

BACKGROUND:

While some large areas of land have no designation related to a specific Fire Protection District, others are classified as being within the "sphere of influence" of one or another District. Fire protection districts are "special districts" – local government entities that provide specific services (e.g., hospital, water, road, airport, library, pest control) to defined locations. The governing body of a special district is a board of directors. The special district lines drawn by Lake County LAFCO determine who pays which taxes and who receives public services, in this instance, fire protection.

FINDINGS:

1. The facility was extremely clean, including all holding cells. They were adequate in size and easily accessible. The facility's prisoner capacity is 244. As of May 27, 2003, the facility was holding 208 prisoners.
2. The officers introduced to the Grand Jury were pleasant and cooperative.
3. Through video imaging, the Control Tower monitors all prisoners, doors, pods and personnel. They control the opening of all security doors
4. The facility has one full-time employee and one part-time volunteer working on the ventilating system. Prisoners from the male dorms help with the maintenance and filter service. The filters are checked once a month and changed every 90 days.
5. The lunch provided the Grand Jury was the same as served to the prisoners. The Grand Jury visited the kitchen and talked with the Kitchen Manager. She was very proud of the fact they have the lowest food cost per person of any county correctional facility. Two of their ovens were inoperable, however, with proper funding, new ones are forthcoming. Those particular ovens were bought second-hand several years ago. When the ovens are operational the kitchen staff make their own bread.
6. After leaving the facility, the Grand Jury met with the Transportation Officer. She stated that the bus was out of operation due to lack of personnel and money. The bus has since been fixed and is operational.

RECOMMENDATIONS:

None

RESPONSE REQUESTED:

None

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

JUVENILE HALL, DEPARTMENT OF PROBATION

PURPOSE:

The Grand Jury is required by Penal Code section 919(b) to inquire into the condition and management of public prisons within the County. On November 8, 2002, the Grand Jury made its annual visit to the facility and then revisited in January, 2003.

PROCEDURES:

The Grand Jury met with the Director, Cheryl Gillespie, her senior Juvenile Correctional Officer, the Principal of the Renaissance Court School (Phil Kirby, from the County Superintendent of Schools' Office) and the School's teacher (Mike Hansen) and instructional aide (Joe Bravo). The Director also conducted a tour of the facility.

BACKGROUND:

The Director and the Principal made the following points:

1. The population numbered 32 on the day of the Grand Jury's visit, including four females who were sent to a one-day "Straight Talk" program at a prison in Stockton. Last year, the program was held over two days at San Quentin in Marin County. If the population exceeds the facility's maximum of 40, it has ten days to reduce the number so as to meet the mandated staff-ward ratio. Until the proper ratio is attained, the Hall is required to hire additional staff, who are paid by the hour, without benefits. Most of the wards are in the 12-19 year age range, although children as young as 8 have been there, as there is no minimum age limit in California juvenile facilities. There is no Dependency Unit, as emergency foster care is available through the Department of Social Services. The wards are committed by the courts for durations ranging from 60-240 days, although those awaiting trial can be held longer. The Hall once had six wards committed for murder. At present, 3-4 wards awaited placement in a group home. The wards comprise "one big melting pot." Although no correctional officer speaks Spanish, a Spanish intake packet is available. The staff tries to put all the older, more sophisticated, boys in C-wing, which is a self-

contained unit that was built with funds from a Violent Offenders' grant. The "uniform" is comprised of blue pants and gray shirts, with a "court shirt" provided, as well as sweatshirts for warmth. Fresh clothes are provided daily. A padded cell is available. Video recording is not done, but surveillance cameras are used. When in their rooms, the wards are visualized every 15 minutes.

2. Staffing is always an issue. At the time of the visit, seven part-time and 12 permanent employees were on-staff, and the Director was ready to hire one additional person. The facility needed more full-time male employees. The ratio is one employee per ten wards. The staff works 12-hour shifts, four persons to a team. Lockdown is from 8:30 p.m. to 6:15 a.m., with lights out at 9 p.m. Training requirements for the staff vary by rank but in general include four weeks at a training center in Sacramento, one week at the local community college, and in-house classes in first aid and management of assaultive behavior.
3. Court hearings are problematic as 4-6 staff members must accompany the wards, who then have to remain in a locked jury room for several hours. The Hall has its own van, which seats eight. On some days, staff have to drive additional cars to accommodate all the wards going to court. Tele-arraignments work well in other counties. As there was a new Referee in Lake County, the Director was hopeful that he would hold hearings on-site at Juvenile Hall. Tele-psychiatric hearings are already in use at Juvenile Hall.
4. Good service is provided by the medical staff from Forensic Medical Group in Fairfield. A nurse is present every morning, to do intake exams and dispense medications. The health clinic is run by a physician's assistant. A physician from Sutter Lakeside Hospital is available when needed, as is a psychiatric technician. Tele-psychiatry is provided by a physician in Monterey. A Public Health nurse does HIV testing and counseling.
5. Anger management counseling is provided by the County's ADOS program. Alcoholics Anonymous and Drug Dependency did have good groups, but they broke up. The Volunteer Coordinator, Frank Jones, and his wife interview wards interested in religious programs.
6. In emergencies, the wards would be evacuated to the Hill Road Correctional Facility. Juvenile Hall has been evacuated on two occasions in the past - once for a chemical spill and once for flooding - and they went to the old jail downtown. All staff receive CPR training annually and First Aid training every three years.

7. The food is prepared at the Jail and delivered daily. Meals are served at 7:20 a.m. (7:30 on the weekends), noon, and 5 p.m., and at least 20 minutes is allowed to eat. About 10% of the wards eat in their room at any given time. One hot meal is supposed to be served per day, but that food is not always the proper temperature by the time it arrives. Approximately 2700-2800 calories/day are provided. The menu is planned one month in advance. The dining room seats 24, so eating must be done in two shifts. The floor was just resurfaced. The kitchen at Juvenile Hall remains closed for daily meal preparation, although the range is used during Christmas. The refrigerator, sinks, microwave, and coffee pot can also be used. The staff prepares special snacks for the wards around the holidays, which are enjoyable for both staff and wards. The staff also provide periodic barbecues. Families are not permitted to bring food. Working in the garden growing vegetables is a privilege to be earned.
8. Recreational activities are limited. Only seasonal arts and crafts are available. The school did provide them, but cannot do so now because of the split-shift schedule. Some kilns are still functional. The school runs one hour of PE from 11 a.m. to noon, and the Hall runs the PE program from 3:30-4:30 p.m. Board and card games, medicine ball, and ping-pong are available in the Rec. Room. Some of the casinos donate cards. Reading is encouraged. One-hour of TV is permitted at night, and some videos are permitted. Monies from the Inmate Trust Fund, generated by a percentage of the very expensive telephone calls made on pay phones, are used to buy games. Video games are a special privilege. There is no commissary, but part of the behavior modification employed by staff includes provision of “goodies” for half an hour on Saturday nights.
9. Work programs are limited to laundry, KP, and cleanup/maintenance, although the recently-initiated Youths-for-Seniors Program, directed by Dottie Bremmer, would allow seniors, through their Senior Centers, to request yard clean-ups. The wards are in charge of laundry, which provides the benefits of being up later and receiving extra food. Each ward is given a packet of hygiene items during intake.
10. Discipline is progressive, and all Special Programs - intended to fit the child and the crime and taking repetition into account - have to be reviewed by the Director. Upon arrival, each ward is given a “contract program.” Graffiti is an ongoing problem and is often carved with rocks.
11. One substantial problem is the deficiency in Mental Health services provided by the County. The younger wards seem to have more emotional problems. The Director observed that even if a child is seen by a counselor only once a week, fewer crisis situations arise.
12. The Director was pleased to impart that the County had approved purchase of a module that would be placed behind Juvenile Hall. Two classrooms, measuring 20 x 20 feet, would be provided, and the back section could be converted to office space.

13. The school principal and staff explained that students from seven school districts were attending the Renaissance Court School, with abilities ranging from non-reading to college-prep. Only 20 students can be accommodated at one time, so older wards attend in the mornings and younger wards in the afternoons. Due to insufficient Juvenile Hall officers, wards not in school are usually locked in their rooms. All students are administered the Wide-Range Achievement Test upon arrival to permit assessment of skill levels. The staffs of the School and the Hall meet every school day to share information on the students. Instruction is self-paced, and a 90% mastery level must be achieved before the next assignment is scheduled. A Special Education teacher comes once or twice a week. Few electives are available, particularly on multicultural subjects. State reviewers last year asked why no art programs were available. Ninth graders are required by the State to take PE. Diplomas can be awarded by the Renaissance School, and all graduating students will have to pass the same "exit exams" as regular high school students. If students are paroled during the school year, they may enter a transitional school instead of returning mid-term to their home high school. The principal was gratified that more counselors and principals from the home high schools were visiting and that communications regarding the students were improving. The School was in the process of obtaining a grant to permit upgrading of computers and purchase of additional TV/VCR combos.
14. The salary scale for Probation Department teachers is the highest in the County. Unfortunately, the principal noted, despite the imminent availability of the module with two classrooms, he would be unable to hire a second teacher unless the number of students reached 40, at which point he could bring in a substitute teacher. Juvenile Hall cannot operate at capacity (40 wards) because it cannot retain its staff. The maximum number of students in school last year was 29 and was 30 this year. Over a 20-year period, daily attendance has averaged 16 students. Reasons why students might not be in school include their being on bed rest for medical reasons, having been suspended, awaiting placement elsewhere, and having already graduated (although this latter group may attend if they wish). Asked about recidivism, he related that of the 199 different students who passed through the School last year, 57 were returnees, some more than once.
15. Specific programs the principal would like to make available would focus on job skills and crisis intervention. He would also like more videotapes on career training. Most of all, he would welcome greater community involvement with Juvenile Hall, so that all the children could be kept busy all day.

FINDINGS:

1. Juvenile Hall is a tightly-run ship. The facility is neat, clean, and well maintained, with the exception of the heavily marred interior surfaces of the cell doors. Three ceiling tiles in the kitchen need replacement.
2. The Evacuation Plan was difficult to decipher.
3. The one-hot-meal-per-day is often room temperature.

4. Mental health services are inadequate to meet the needs of the wards.
5. Additional activities would keep the wards better stimulated.

RECOMMENDATIONS:

1. The ceiling tiles should be replaced.
2. The Evacuation Plan should be made legible.
3. Delivery of the daily hot meal needs to be more timely or the meals need to be hotter when they leave the Jail.
4. Explore provisions for additional Mental Health services.
5. Explore ways to involve the community in volunteer activities at the facility.

RESPONSE REQUESTED:

Probation Department
Sheriff's Office

RESPONSES:

None.

APPENDICES/HANDOUTS:

None



2002/2003 Grand Jury Report

KONOCTI CONSERVATION CAMP #27

PURPOSE:

Penal code 919(b) provides that the Grand Jury shall inquire into the condition and operations of public detention facilities within the County. The full Grand Jury reviewed the facility on November 15, 2002.

PROCEDURES:

The Camp's joint commanders made a formal presentation to the Grand Jury. Division Chief Tom Tarp of the California Department of Forestry and Fire Protection (CDF), Lt. Robert Brisco, Camp Commander, California Department of Corrections (CDC) and Sergeant Mark Jarrett, Assistant Camp Commander. These commanders also conducted a tour of the Camp and supplied lunch cooked by the inmates. The Grand Jury also reviewed the handouts provided during the presentation. No inmates were interviewed.

BACKGROUND:

Konocti Conservation Camp (KCC) houses approximately 110 male minimum-custody felons, and has been in operation since April 1961. The Camp's primary mission is to provide inmate fire crews for fire suppression activities in the Sonoma, Lake, Napa, and Mendocino County areas. In addition provide a work force for conservation and community services projects in the local area. Under CDC there are seven Correctional Officers, one Correctional Sergeant, and one Correctional Camp Commander. Under CDF, ten Fire Crew Captains, one heavy Equipment Mechanic, one Office Technician, and one Assistant Chief (also known as the Division Chief).

1. The Camp is one of 43 in the State that is jointly operated by CDC and CDF. CDC is the custodial agency and is responsible for the health, welfare, discipline, housing and education of the inmates, while CDF is responsible for the training and supervision of the inmates while they are responding to emergencies or working on public works projects. The inmates not on fire crews serve as cooks, clerks, laundry workers, maintenance men, or other support workers. When not responding to emergencies, the crews are assigned to free conservation and community-service work projects for the state, federal, and local government agencies.
2. Through the cost avoidance efforts of the inmate fire crews, the taxpayers saved approximately \$1,810,860.00 through October. The hourly pay of \$7.50, if paid to a private work force of 100 men, would be approximately \$22.50 an hour (if the men hired had regular employee benefits, i.e., insurance, retirement, sick leave, etc). That would cost the taxpayers approximately six million dollars for 12 months.
3. Inmates live in open dormitories, are paid for their work, and work in crews. Each crew sleeps in a separate section of the dormitory to permit activation of one or two crews without waking the entire dormitory. There are five fire crews. As of October 16, 2002, 35 work projects have been completed.
4. The inmates are taken by bus to Susanville for medical and dental work. There is an agreement with Sutter General Hospital in case of emergency. There are no medical facilities in the Camp.
5. Inmates are selected and trained at the California Correctional Center near Susanville, and then assigned to KCC. Inmate's ages are usually in the early 30's (27 to 33) and serve the last nine months of their sentence at the camp. In order to be placed at the camp, inmates cannot have any sex related offenses, escape, arson, or high violence potential on their record. Most are alcohol or drug related.
6. Inmates may purchase items such as cosmetics, correspondence materials and snacks from the Camp Canteen. Visiting is during the weekends. Families can bring a picnic lunch during these visits. Inmates quickly learn that life at a conservation camp is more desirable than behind the walls of a prison and conduct themselves accordingly. There is zero tolerance.
7. KCC operates a CDF Mobile Kitchen Unit that is capable of feeding more than 3,000 emergency workers per day. The Unit is dispatched to disasters anywhere in Northern California. The Camp also recycles and monies earned are put back into the State fund.
8. A water plant was installed and the leach field is under a fenced area that has grass and used for outdoor games. Consequently, the grass is always green. The grounds and buildings are maintained by the inmates and are neat and clean. The facility is self-contained.
9. KCC helps the inmates get a driver's license and take written tests (no driving tests). Parole hearings are at Susanville. All maintenance on vehicles (including new transmissions) are done by the inmates and one full time mechanic on KCC premises. That includes ambulances. 27 engines get annual maintenance. This is the main hub for fire crews.

FINDINGS:

1. The presentation, tour, and lunch was informative, well prepared, and greatly appreciated by the Grand Jury. The lunch for the GJ was excellent.
2. Working cooperation and respect of the CDC and CDF personnel was evident.
3. The relaxed atmosphere on the premises was evident. Very rewarding to Commander Brisco and Chief Tarp.
4. The facility, inside and out, was clean, neat, and well maintained. Even the areas where off time activities are held.
5. The facility is capable of handling 15 to 16 more inmates. If this should happen it is imperative that two more CDF Captains and one Officer of Corrections be assigned to KCC.

RECOMMENDATIONS:

None

RESPONSE REQUESTED:

None

RESPONSES:

None.

APPENDICES HANDOUTS:

1. Konocti CC #27- 2002 Work Project
2. Konocti CC #27- Project Recap 2002

CALENDER YEAR 2002 WORK PROJECTS KONOCTI CONSERVATION CAMP #27

2001- Adopt-A-Highway
30

2001- Knoxville Fish & Game
38

2002- Pacific Union College
01

2002- Los Posadas
02

2002- Boggs Mountain
03

2002- St. Helena Hospital
04

2002- Napa County Roads
05

2002- Middle Creek Levee
06

2002- Adobe Creek
07

2002- County of Colusa
08

2002- St. Helena Headquarters
09

2002- Middletown Station (C.D.F.)
10

2002- Station 60,62,63,64 (C.D.F.)
11

2002- Clearlake Oaks
12

2002- State Residence (C.D.F.)
13

2002- Bureau of Land Management (B.L.
14 M.)

2002- Brooks Station (C.D.F.)
15

2002- St. Helena Station (C.D.F.)
16

2002- Seigler Springs
17

2002- U.S.F.S.
18

2002- Cow Mountain VMP
19

2002- Battalion 13
20

- 2002- Williams School
21
- 2002- Kelsey-Cobb Sttion (C.D.F.)
22
- 2002- Konocti Access Road
23
- 2002- Kelseyville Unified School
24
- 2002- Berryessa Estates
25
- 2002- Lakeport Library Park
26
- 2002- Structure Training Burn Prep
27
- 2002- Range/Improvements Burn
28
- 2002- R-3 Office (Fish & Game)
29
- 2002- Operation Get Ready
30
- 2002- Clearlake Oaks Water District
31
- 2002- Bothe State Park
32
- 2002- Dept of Fish & Game Beach Clean-
33 Up
- 2002- County of Napa
34
- 2002- Lyon's Creek
35

Wednesday, October 16,2002



2002/2003 Grand Jury Report

MENTAL HEALTH SERVICES

PURPOSE:

The 2002-2003 Grand Jury visited the Mental Health Services to view their new facilities, located at 991 Parallel Drive, Lakeport.

PROCEDURES FOLLOWED:

The Grand Jury met with Tina Hurtado, the Deputy Director of Health Services, Alcohol and Other Drugs Services, and Mental Health and took a tour of the facility in December, 2002.

BACKGROUND:

The 2002-2003 Grand Jury has received two complaints about Mental Health Services billing procedures (see separate Final Reports). No recent Grand Jury has visited the Mental Health Services.

FINDINGS:

1. The new facility is functional and when finished will be adequate. Mental Health Services is utilizing every inch of space. The new carpeting, furniture and dividers have yet to arrive for the work stations. At this time, one large room is utilized and needs to have dividers installed to reduce the noise and provide privacy. The personnel were very professional, informative and pleasant.
2. Mental Health Services has separated the Adult and Children's Divisions so that the children and adults do not enter through the same door. This separation helps the traumatized children.

3. If Mental Health Services determines the need for committing mentally ill patients, the department has only 12-13 hours to find a suitable facility. They may need to go as far as San Diego. Mental Health Services has recently acquired a licensed residential facility of six beds in the City of Clearlake, which is full at all times. However, they have to bring those patients into the Health Facility in Lakeport for daily counseling. Mental Health Services is working to have counseling done in the licensed residential facility so the patients do not have to make the daily trip from one facility to the other. The new facility only costs \$85.00 a day compared to \$1,000 a day in long term locked facilities.
4. 4. Another project Mental Health Services has initiated is getting patients into rehabilitation programs that help them find work.

RECOMMENDATIONS:

None

RESPONSE REQUESTED:

None

RESPONSES:

None.

APPENDICES/HANDOUTS:

None

**MEMORANDUM**

TO: Board of Supervisors

FROM: Kelly F. Cox
Administrative Officer

SUBJECT: **Response to FY 2002-03 Grand Jury Final Report**

DATE: August 22, 2003

There are two sections in the FY 2002-03 Grand Jury Final Report in which the Grand Jury has requested my response.

The first section of the report in which a response is requested from County Administration is the section titled Lake County Animal Control.

In Recommendation 1 of this section, the Grand Jury states the following: *“County Administration can only benefit by making management and leadership training available to the Director to ensure that all relevant laws are followed before potentially dysfunctional personnel patterns become entrenched.”*

I agree with this recommendation. Toward achieving this objective, the Deputy Administrative Officer has dedicated a very significant amount of his time to Animal Control for the past several months, working very closely with the Animal Control Director. County Counsel’s office and the Personnel Department have also been providing a significant amount of assistance to the Animal Control Department. We will continue providing as much administrative and management support to the Animal Control Department as possible. We will also encourage the Animal Control Director to take advantage of outside specialized management and leadership training opportunities. If requested, I will approve a budget transfer from available savings elsewhere within the Animal Control budget, to finance the cost of specialized training for the Animal Control Director. The Animal Control Director will also be invited to participate in management and leadership training workshops that will be provided to all department heads later this fiscal year.

We appreciate the current Animal Control Director’s enthusiasm, cooperative attitude and desire to improve the department’s past performance levels. We look forward to continuing to work with her on various management and administrative related matters.

I believe this is the only recommendation in the Animal Control section of the Grand Jury final report which requires a response from my office. Other recommendations will be responded to by the Animal Control Director and others.

In the section titled Lake County Audit Committee, the Grand Jury has provided information concerning the background of the Audit Committee and made several recommendations. The only one of those recommendations which appears to pertain to me is the one related to having the Audit Committee meet with the 2003-04 Grand Jury for an in-depth discussion of various issues concerning the County's audit.

I would be very pleased to call a joint meeting of the Audit Committee and the full Grand Jury if the current Grand Jury so desires. At the request of the new Grand Jury Foreman, we have been attempting to schedule a meeting of the Audit Committee and the Grand Jury Foreman. Due to various scheduling conflicts it appears this meeting will not be able to take place until early September.

As stated in the Grand Jury final report, the Lake County Audit Committee and the current methods of administering the County's annual audit, were established in response to a specific recommendation of the 1997-98 Grand Jury. Establishment of an Audit Committee was not initiated by the County Auditor-Controller, the Administrative Office or anyone other than the Grand Jury itself. I believe the Audit Committee has been effective and has been able to address problems which previously existed before the establishment of the Committee. Nevertheless, it makes no difference to me or to my office if the Committee continues to exist or if the Grand Jury wishes to return to past practices of having the Grand Jury itself fully administer the audit.

The current audit contract is a multi-year contract which expires at the end of this fiscal year. The multi-year contract was recommended by the full Audit Committee and approved by the Board of Supervisors. Consequently, if a significant change to the current audit process is desired, it may be difficult to enact such a change prior to next year.

KFC/kcb



COUNTY OF LAKE

Department of Animal Control

887 Lakeport Blvd.
Lakeport, California 95453
Phone: (707) 263-0278
Fax: (707) 263-5067

Denise P. Johnson
Animal Control Director

August 14, 2003

Lake County Board of Supervisors
255 Foroes Street
Lakeport, CA 95453

Dear Sirs:

Attached please find the Animal Control department's response to the Grand Jury Report submitted on July 1, 2003.

I would like to take this opportunity to acknowledge and thank the Grand Jury for their time and diligence in investigating issues at Animal Control. This was no easy task, I'm sure, and the report submitted reflects a lot of time, energy and research spent by the Grand Jury to support improvements at the Animal Control Department and in Lake County animal lives.

Should you have any questions regarding our response, please feel free to contact me.

Sincerely,

Denise P. Johnson
Director
Lake County Animal Control

**Lake County Animal Control
RESPONSE TO GRAND JURY REPORT**

Finding 1

The department currently has three officers, one is out on medical leave, and recruitment for a fourth officer is in process. In the shelter we have four 900-hour employees and one full-time kennel manager, and in the office we have three 900-hour employees and 1 full time OJT worker.

More permanent positions, full-time or part-time, could increase the quality of applicants and would help retain key employees. A proposal to the Board of Supervisors was made August 13 requesting one permanent ¾ animal control assistant position for public relations and administration and one permanent full time animal control assistant position for dispatch and administration. This recommendation was approved.

Training is on going with the emphasis on the shelter. Customer service training was done in March for half of the staff. Budget considerations did not allow for a second customer training session. Money has been budgeted for formal staff training (i.e. customer service, temperament testing) in fiscal year 2003-2004.

Finding 2

Communication with the Board of Supervisors has improved. Supervisors have been accessible when needed and the department provides a quarterly report, more often if needed, to keep the Board informed. We would, of course, welcome any supervisor who was interested in visiting the shelter or accompanying one of our officers on a ride-a-long.

Finding 3

The department recognizes the need for a Mission Statement and of equal importance is the development of a Work Plan to support the Mission Statement and give the department focus and direction. We anticipate completion of both by October 30, 2003.

Finding 4

The policy and procedures manual is in the process of being updated and is approximately 1/3 completed. We have obtained copies of other shelter policy and procedures manuals for reference and anticipate completion by September 30, 2003. A "New Officer's Information Handbook" was written in April and is being distributed to new officers. We agree that all employees need to read the new procedures and policies manual once it is completed. Copies will be made available in the shelter and administrative office and will be updated on an "as needed" basis.

Finding 5

We've been scanning all incoming animals since July 1, 2003 and all animals before euthanasia since August of 2002.

Finding 6

Disease management at the shelter will always be an issue as long as irresponsible pet owners don't vaccinate their pets and they get picked up by or turned in to Animal Control. The department has instituted new cleaning and disease management procedures that include, but are not limited to: washing hands and arms after handling an animal, administration of shots at the time of impound for every animal, a daily walk-through by management, and assigning one person on a daily basis to administer any special medications. In addition, partitions between dog kennels are being built to eliminate nose to nose contact. Formal veterinary oversight would be the optimum; however, due to budget constraints it is not viable at this time.

Finding 7

All employees at Animal Control are in uniform. The officers are in uniform, the kennel staff wears smocks and the administrative staff is wearing smocks or polo shirts. In order to maintain a clean, professional image, the kennel staff is not required to wear smocks until kennel-cleaning duties are completed and we are open to the public.

Finding 8

Employees with an attitude of "they are all going to die anyway" are no longer employed by this department. This department will not tolerate a lack of compassion for our animals and any employee who resists giving any animal at the shelter the care it deserves will be reprimanded and/or possibly terminated. Dogs are now walked on a regular basis by kennel staff and provided with a clean blanket to lie on at the end of the day. Shelter over-crowding is still an issue and will continue to be an issue until a new shelter is built. Public education programs are being developed to take a more pro-active approach to pet overpopulation, but it will take time before we see the results. In an effort to increase adoptions, we have a website, which has resulted in an average of 5-10 adoptions a week, and we are beginning to work with breed specific rescue groups. Relationships with humane societies and animal shelters out of Lake County need to be developed as well. Our euthanasia rate is down slightly, adoptions are up, but we still have a long way to go. Counseling is available through the Employee Assistance Program.

Finding 9

We have been in touch with the District Attorney's office and have been told our paperwork is fine. The lack of follow through is due to the high volume of cases in the District Attorney's office, which requires them to prioritize their caseload and often the time limit on a case expires before they can get to them.

Finding 10

K-9's sent to SPCA are being temperament tested at SPCA. Temperament testing information has been obtained from the United States Humane Society and Sue Sternberg, a nationally recognized authority on temperament testing. Sally Palmer, a local trainer and temperament tester gave a demonstration to Animal Control staff on August 7. Shelter staff is making a concerted effort to spend time with the dogs and note personality traits, temperament and trainability. However, given the other priorities of this department and the budget constraints, formal training and certification in temperament testing for key staff is not likely to happen until 2004.

Finding 11

We have radio communications as far west as Blue Lakes, as far north as Lake Pillsbury, as far east as Spring Valley and as far south as Calistoga, which covers our entire jurisdiction. Effective June 26, officers are required to radio in on every call so dispatch knows their location at all times. This new procedure is for increased safety in the field.

Finding 12

The Animal Control Department is contracted to provide the City of Clearlake with an Animal Control Officer for 16 hours a week, 1 hour per week of administrative services, 16 hours per week of kennel services and 10 hours per year for overtime. In reality we provide much more than that in the field, in the kennel and in the office. We agree that the City of Clearlake represents the majority of our animal problems, however they have not requested additional services. It is the responsibility of the City of Clearlake to amend the contract.

Finding 13

We believe that the contracts with the City of Lakeport and City of Clearlake should remain the responsibility of our department. These contracts require negotiation and editing on an annual basis. The billing process is a small component of contract management and can be easily managed by Animal Control.

Finding 14

We solicit a minimum of 3 bids for any purchases over five hundred dollars. We are also looking into programs that provide shelters with dog and cat food either for free or at a reduced cost.

Finding 15

This incident never happened. We find it disturbing to even hear such a thing, let alone be falsely accused. All Animal Control trucks have swamp-cooling units and they do continue to function after the ignition switch is turned off. Members of the Animal Control Advisory Board took the temperature of the boxes on a hot day in June and found them to be acceptable. The Board of Supervisors approved the purchase for new swamp cooling units for all trucks due to the fact that the current units are obsolete and can no longer be serviced.

Recommendation 16

We agree completely and appreciate the efforts of this Grand Jury to help improve the lives of Lake County animals.

September 25, 2003

Lake County Board of Supervisors
255 Forbes Street
Lakeport, CA 95453

The following is a response by the Animal Control Advisory Board to the 2003 Grand Jury Report.

This advisory board has been provided with a copy of the response to the Grand Jury from Director Johnson dated August 14, 2003, and will refer to that document as part of our response.

Finding 1: Managerial experience and employee relations.

Although Director Johnson may have lacked managerial experience at the time she was appointed as Interim Director she did have first hand knowledge of the unique problems facing Lake County's Animal Control Department. Having worked under two previous failed administrations she had the opportunity to observe how destructive poor Director-employee relationships can be to the Department.

Since Director Johnson was appointed in the spring of 2003 virtually every experienced officer on her staff has been lost. In the short term this meant that Director Johnson had to spend a great deal of time training her new team. She has spent the last several months training her two new officers in the field. These officers will be able to assist in the training of the next officers to be hired. She is slowly but surely building the solid foundation needed to create a dependable, professional staff. As these officers become more independent we are confident that she will continue to advance her management and leadership skills through programs such as you have suggested in your report.

Finding 2: Communication with the Board of Supervisors.

Director Johnson does not communicate with the Board of Supervisors through the Advisory Board. She attends our monthly meetings to give progress reports and hear concerns from advisory board members and the public. Director Johnson tells us that she meets regularly with the Supervisors and feels they have been very supportive. Far from being a "buffer" between the Animal Control Department and the Board of Supervisors, we believe the advisory board provides valuable perspectives to both the

Animal Control Director and the Board of Supervisors which might otherwise be overlooked. Specifically: the concerns of private pet owners, businesses, rescue groups and humane organizations, non-pet owners, veterinary professionals, agriculture, etc. We absolutely agree that all Supervisors should regularly visit the Animal Control facility to see the progress that has been made as well as to understand the shortcomings of the facility itself.

Findings 3 and 4: Lack of a Mission Statement and a Policy and Procedures Manual.

As did the Sheriff before us, the Advisory Board included these suggestions in our original report to the Board of Supervisors in the Spring of 2002. Director Brewer failed to develop either document but we understand that Director Johnson is working to complete these by the end of October, 2003.

Finding 5: Scanning of impounded animals for microchips.

We have been told that all animals are now scanned at the time of impound and before euthanasia. We believe that microchipping will be the most important means of tracking lost pets in the future.

Finding 6: Shelter sickness.

This board is well aware of the chronic problems the shelter has had with infectious diseases. Although we believe vaccination of all new impounds is essential it is not going to prevent disease outbreaks entirely. Since the incubation period for canine parvo virus, feline distemper, feline upper respiratory, and kennel cough is shorter than the time it takes for a vaccine to provide immunity, animals will continue to get sick. It is obvious that many of the newly impounded animals are already carrying diseases when they arrive. Animal Control staff routinely bring sick and injured impounded pets to veterinary clinics around the lake. The Wasson Memorial Veterinary Clinic alone examined 82 impounded dogs and cats in 2002 and over 100 animals so far in 2003.

Advisory Board member and veterinarian Dr. Susar Cannon has visited the shelter to observe their cleaning practices and has made some minor suggestions for improvement. However, it is her opinion that no amount of cleaning can change the fact that the shelter was designed and constructed in such a way as to make it almost impossible to prevent animals from coming into contact with surfaces or water contaminated by infectious waste, especially when the shelter is routinely overcrowded.

Until such time as a new shelter can be constructed the shelter staff will have to practice strict hygiene when handling animals and cleaning cages and will have to be on alert for

the first sign of illness. Ideally in the future the Department will be able to afford to hire a licensed veterinary technician as part of the shelter staff and perhaps contract the services of a veterinarian for regular monitoring of impounded animals.

Finding 7: Kennel cleanliness.

Several members of this Board have experience with keeping large numbers of dogs and cats kenneled and are well aware of just how difficult it can be to keep the kennels and the dogs clean and dry. Most of the advisory board members have visited the shelter off and on over the years. All of us have been impressed with how much cleaner the kennels have been in the last year. Although we are sure that there are times when the kennels can be very malodorous before cleaning is completed, we believe that overall the kennel cleanliness has greatly improved, as well as the outward appearance of the shelter and grounds. We have also noted that employees are in uniform.

Finding 8: Euthanasia, emotional abuse, and the toll on employees.

Director Johnson's response appears to cover most of the Grand Jury's concerns. We would like to comment on the Grand Jury's recommendation that "the practice of euthanasia should be outsourced." This advisory board includes veterinarians and people who have been active in shelters and animal rescue groups throughout the state. We are not aware of any organization or individual who can be hired to euthanize animals. We also believe that such a move would be unlikely to reduce the employee's anguish over the death of so many of their charges. The real solution to the suffering of both animals and shelter employees is to reduce the number of unwanted pets in this county as quickly as possible, which is exactly what the Director, the local animal welfare groups, and this board are trying to do.

We have no doubt that many animals have had to be euthanized shortly after their hold time has expired due to the overcrowding at the shelter. This inadvertent negative effect of the Hayden bill, which extended the hold time for all animals regardless of their adoptability, forced shelters to reduce the elective holding of adoptable animals in order to make room for new impounds. Director Johnson tells us that the Hayden bill requirements have been suspended as of mid-summer, which will hopefully allow the shelter to keep adoptable animals longer. Once again, a new, larger shelter would allow longer hold times for adoptable animals.

Findings 9, 10, 11: Paperwork, temperament testing, radio communications.

We refer you to Director Johnson's response

Finding 12: City of Clearlake.

There is no doubt that the City of Clearlake and the surrounding area account for the lion's share of stray dogs and cats as well as nuisance complaints. Veterinarian Dr. Debi Saly has recently been appointed as the new advisory board representative for District 2. She and Director Johnson are investigating the current contract with the City of Clearlake in an attempt to better address the needs of the area.

It is our understanding that the one hour a day coverage mentioned in your report occurred at a time when Director Johnson was serving as Interim Director and was the only officer on duty for the entire county. According to Director Johnson Animal Control has routinely provided far more officer time and services than the City of Clearlake has contracted for.

We agree that the City of Clearlake needs at least two full-time officers on duty and eventually their own shelter operation. The City of Clearlake will have to decide if and when they can afford to provide these services. We also agree that emergency coverage by Animal Control officers, not police officers, is essential. Director Johnson has assured us that as soon as the department is fully staffed there will be 24 hour a day coverage for the entire county.

Finding 13 and 14: Billing and Purchasing.

See Director Johnson's response.

Finding 15: Hyperthermia and impound deaths.

Director Johnson has denied this charge. All Animal Control trucks carry cooling units that are supposed to function even if the truck is not running. This Board is aware that a sick dog died this summer after having been transported from the SPCA to the shelter and then back to the SPCA in the same afternoon. Dr. Cannon has spoken with the officer involved and with the veterinarians who were at the SPCA the morning the dog was picked up by Animal Control. The dog was sick over the weekend but apparently had not been examined or diagnosed by a veterinarian. Since there was no post-mortem examination it appears impossible to say whether the cause of death was hyperthermia or some other illness. After this incident Advisory board member Eliza Wingate accompanied an officer on a ride-along on a hot afternoon. Although the swamp cooler did function there is no place to park in the shade in the City of Clearlake impound yard and the empty truck boxes do become overheated. A month after this incident one of the truck's swamp coolers failed and the officer was forced to return to the shelter to unload the dog boxes. As with much of the Animal Control equipment, these coolers are quite old. Director Johnson has requested new air conditioners be purchased to replace the old ones. That request was approved and the coolers are due to be installed this month. This Board does not believe that any current Animal Control officer would intentionally allow an animal to die from overheating in a vehicle, especially since they are routinely called out to rescue animals from overheated cars.

Recommendation 16: Future Grand Jury Inspections.

The 2003 Grand Jury has accurately identified many of the problems that have plagued the Animal Control Department for years. After getting off to a rocky start, Lake County's Animal Control Department appears to finally be heading in the right direction. A sense of enthusiasm and excitement is building in the officers and staff of Animal Control, and with this board as well. It is our hope and expectation that future Grand Juries will be able to report significant progress towards our goal of creating not just an adequate shelter program, but an exceptional one.

Susan A Cannon DVM
Susan A. Cannon, D.V.M.

Dobi Sally, DVM
Dobi Sally, D.V.M.

Nora Star
Nora Star

Eliza Wingate
Eliza Wingate

Grant Murray (OK'D BY PHONE)
Grant Murray

Parker Mahoney
Parker Mahoney

Betty Williams
Betty Williams



COUNTY OF LAKE

Board of Supervisors

Courthouse - 255 North Forbes Street

Lakeport, California 95453

TELEPHONE (707) 263-2580

FAX (707) 263-1012

Ed Robey

District 1

Jeff Smith

District 2

Gary L. Lewis

District 3

Anthony W. Farrington

District 4

Rob Brown

District 5

September 9, 2003

Presiding Judge of the Superior Court
255 N. Forbes St.
Lakeport, CA 95453

Re: **Response to the 2002/2003 Grand Jury Final Report**

Dear Judge Herrick:

Pursuant to Penal Code Section 933, the Board of Supervisors is submitting this response to the FY 2002/2003 Grand Jury Final Report.

The Board's response is presented in the same sequence as the recommendations appear in the Final Report. When no response was required by either a County Department Head or the Board of Supervisors, those recommendations are not listed.

GRAND JURY INQUIRIES

A. Glenbrook Cemetery District

The Grand Jury made a total of 11 recommendations. Recommendations 6 and 11 were the only recommendations requiring a response from the Board of Supervisors. The recommendations and responses are listed below.

Recommendation #6: The Board of Supervisors should seek additional applicants for District Board seats by publishing a notice of vacancy in the Middletown Times Star and the Lake County Record Bee. Appointed members should be elected by the voters within the District.

Response: The Board of Supervisors agrees with the Grand Jury's recommendation to publish notices of District Board vacancies in the Middletown Times Star and Lake County Record Bee. According to County Counsel, State law does not provide for the option of elected boards of a public cemetery district, as it requires the Board of Supervisors to appoint the board members. Legislation would be required in order to have elected members.

Recommendation #11: The Board of Supervisors should stay on top of the District's fiscal condition and step in to prevent further erosion of assets.

Response: As an independent special district, the Board of Supervisors has little control over the district's fiscal condition. However, the Board supports the Auditor-Controller's past efforts to warn the District Board regarding the District's fiscal condition and we will do whatever is reasonably possible to support other efforts to stabilize the District's finances and operations.

B. Lake County Animal Control

Recommendation #1: The Grand Jury recommends that management and leadership training be available to the Director of Animal Control. In addition, continuing department functions should be staffed with permanent positions. Visits to other Animal Control Departments were recommended as well so that the Director can observe how other Departments function.

Response: Please refer to the response from Animal Control Director, Denise Johnson, dated August 14, 2003, and the memorandum dated August 22, 2003, from County Administrative Officer, Kelly Cox. The Board agrees with the Grand Jury's recommendation.

Recommendation #2: The Grand Jury recommends that the Board of Supervisors establish regular meetings with the Animal Control Director, the Shelter Manager and the Program Director and make routine visits to the Shelter to observe its operation.

Response: Please refer to the response from the Animal Control Director. The Board of Supervisors concurs with the Director in that communication appears to have improved greatly between the two parties. The Board of Supervisors finds the quarterly reports provided by the Animal Control Director to be quite helpful. Formal meetings between the Board of Supervisors and the Animal Control Director will occur on an as needed basis.

Recommendation #3: The Grand Jury recommends that the Animal Control Advisory Board assist in the creation of a Mission Statement for the Department.

Response: Please refer to the response from the Animal Control Director. The Board agrees with this recommendation and is pleased that the Director has made the creation of both a Mission Statement and a Work Plan a priority for this calendar year.

Recommendation #4: The Grand Jury recommends that the Policies and Procedures

Manual for the Animal Control Department be updated annually and copies made available at the Department and at the Shelter. Each employee should be required to read the manual and document that they have done so.

Response: Please refer to the response from the Animal Control Director. The Board of Supervisors agrees with the Grand Jury's recommendation and is pleased that the Director anticipates completion of this document by September 30, 2003.

Recommendation #5: The Grand Jury recommends that Department staff scan new impounds for microchip devices, as it is mandated by the Hayden Bill. Technical training may need to be provided to staff in order to accomplish this.

Response: Please refer to the response from the Animal Control Director. The Board of Supervisors is pleased that the Animal Control Director has verified that the Department has been scanning incoming animals for microchip devices since July 1, 2003, and all animals before euthanasia since August of 2002.

Recommendation #6: The Grand Jury recommends that shelter and kennel cleaning be better supervised and managed. Protocols for such cleaning procedures should be posted and adhered to in a more consistent manner. In addition, the Grand Jury recommends that formal veterinary oversight be instituted as well as routine vaccinations of adoptable animals.

Response: Please refer to the response from the Animal Control Director. The Board of Supervisors partially agrees with the recommendation and is pleased that the Director has implemented new policies and procedures to address the issues of disease management and cleaning of kennel areas within the shelter. The Board concurs with the Director that formal veterinary oversight would be the ideal situation, however, fiscal constraints make this option very difficult to implement.

Recommendation #7: The Grand Jury recommends that during regular business hours, kennels and cages should be clean and all staff should be dressed appropriately.

Response: Please refer to the response from the Animal Control Director. The Board of Supervisors agrees with this recommendation.

Recommendation #8: The Grand Jury recommends that the practice of euthanasia be either outsourced or that psychological counseling be offered on a regular basis to Animal Control Officers and kennel staff.

Response: Please refer to the response from the Animal Control Director. The Board of Supervisors is supportive of exploring all options in regards to the practice of euthanasia. The Board is pleased that the new Director has conveyed an attitude of compassion toward any and all animals which are housed at the shelter. Public outreach through workshops and a newly created website are currently being utilized to increase adoption rates and, therefore, lower euthanasia rates.

Recommendation #9: The Grand Jury recommends that staff from the District Attorney's Office formally train Animal Control Officers on the proper completion of Abuse/Neglect Referral Forms.

Response: Please refer to the response from the Animal Control Director. The Board of Supervisors agrees with this recommendation and believes that training by the District Attorney's Office could be beneficial to the Animal Control Officers in regards to the completion of abuse and neglect referral forms.

Recommendation #10: The Grand Jury recommends that protocols be put in place for effective temperament testing and behavioral modification techniques so that increased and positive adoption placements would be possible.

Response: Please refer to the response from the Animal Control Director. The Board is pleased that there appears to be the beginning of a system in place for temperament testing and that, if funding allows, formal training for staff may take place in 2004.

Recommendation #11: The Grand Jury recommends that more reliable mobile communication devices be identified and provided to the Animal Control Officers. This should improve Officer efficiency and their safety.

Response: Please refer to the response from the Animal Control Director. It appears to the Board of Supervisors that effective communication devices, in the form of radios, are in place for Officers and those Officers are now required to radio in every call.

Recommendation #12: The Grand Jury recommends that once the Animal Control Department is fully staffed, the Clearlake area needs the attention of two full-time Officers. The Grand Jury also recommends that the County explore available external public funding such as from H.U.D. grants.

Response: Please refer to the response from the Animal Control Director. The Board of Supervisors concurs with the Director in that the City of Clearlake is ultimately responsible for making formal requests for additional Animal Control services, since the

City is required to pay for those services. The County will provide whatever level of services the City desires and is able to fund. The Board has displayed its commitment to increased services for the welfare of all Lake County animals through the funding set aside for a new Animal Services facility.

Recommendation #13: The Grand Jury recommends that the Auditor-Controller's Office assume the billing of the City of Lakeport and the City of Clearlake for services provided by the Animal Control Department.

Response: Please refer to the response from the Animal Control Director. The Board agrees with the Animal Control Director in that the billing for services to the City of Lakeport and the City of Clearlake should continue to remain the responsibility of the Animal Control Department, as they deal with the Cities directly regarding the existing annual contracts.

Recommendation #14: The Grand Jury recommends that the County Purchasing Division be utilized to procure supplies for the Shelter as foods and other items may be purchased at a reduced cost when bought in large quantities.

Response: Please refer to the response from the Animal Control Director. The Board of Supervisors agrees with this recommendation and supports the Animal Control Director's efforts to pursue the procurement of low cost kibble for the shelter through special programs.

Recommendation #15: The Grand Jury recommends that the Animal Control Director devise a fail-safe procedure to avoid tragedies such as the loss of two adoptable animals who were in a very hot Animal Control truck for hours and allegedly expired due to the excessive heat. Further, all Animal Control trucks that provide transportation for animals should be equipped with air-conditioning units which continue to function after the ignition is shut off.

Response: Please refer to the response from the Animal Control Director which disputes the incident reported by the Grand Jury. The Board of Supervisors has approved the purchase of new cooling units for all service trucks.

Recommendation #16: The Grand Jury recommends that the 2003/2004 Grand Jury, and all subsequent Grand Juries, inspect the Animal Control facilities on an annual basis, interview staff at the facility and prepare a report addressing the current state of the Department and the animals.

Response: Please refer to the response from the Animal Control Director. The Board

agrees with this recommendation.

C. Lake County Audit Committee

Recommendation #1: The Grand Jury recommends that the 2003/2004 Grand Jury invite the Audit Committee to an in-depth discussion of the issues put forth in the 2002/2003 Grand Jury report by August of 2003.

Response: Not applicable to the Board of Supervisors. Please refer to the attached response from the County Administrative Officer dated August 22, 2003.

Recommendation #2: The Grand Jury recommends that if the 2003/2004 Grand Jury votes to retain its own statutory auditing function, its budget should be augmented with monies provided by the Board of Supervisors.

Response: Funding is currently appropriated in the Auditor-Controller's budget for the County's annual independent financial audit. Please refer to the attached response from the County Administrative Officer.

Recommendation #3: The Grand Jury recommends that if the 2003/2004 Grand Jury votes to delegate its auditing function, the Committee and two Grand Jury members should meet in August of 2003 to discuss projects of common concern. If the audit is delegated to the Smith & Newell firm, any extra tasks or audits must be known to the firm prior to the beginning of the County audit.

Response: The County is currently under contract with Smith & Newell for the current year's independent audit. This contract was previously recommended by the Audit Committee (including Grand Jury representatives) and approved by the Board of Supervisors.

Recommendation #4: The Grand Jury recommends that communication between the two Grand Jury members on the Audit Committee and the full Grand Jury be frequent and comprehensive.

Response: Not applicable to the Board of Supervisors.

Recommendation #5: The Grand Jury recommends that the 2003/2004 Grand Jury confer with the Nevada County Grand Jury regarding its Audit Committee.

Response: Not applicable to the Board of Supervisors.

D. Office of Emergency Services

Recommendation #1: The Grand Jury recommends that the Emergency Services Plan for the Lake County Operational Area and the Lake County Ordinance Code, Chapter 6, CIVIL DEFENSE, should be updated to reflect the current organizational structure of the County and the expanded scope of potential sources of emergencies.

Response: The Board of Supervisors agrees with this recommendation.

Recommendation #2: The Grand Jury recommends that all Lake County Department Heads and other concerned Officials should be reminded immediately as to the location of the Emergency Operations Center and their responsibilities.

Response: The Board of Supervisors agrees with this recommendation.

Recommendation #3: The Grand Jury recommends that all County Organizations (it is assumed here that the Grand Jury means County Departments) should immediately develop internal procedures to inform employees how and where to respond in the case of an emergency.

Response: The Board of Supervisors agrees with this recommendation.

Recommendation #4: The Grand Jury recommends that action should be taken to ensure all County vehicle radios can communicate with State of California vehicle radios in case of an emergency.

Response: The Board of Supervisors agrees with the recommendation in concept, however, we will need to defer to the Agencies involved in order to determine if this is technologically feasible. The Board of Supervisors will ask the Sheriff's Department and Public Works Department to explore the feasibility of implementing this recommendation.

E. Citizen Complaints

The Grand Jury received a total of twelve citizen complaints. Ten of the twelve did not require a response from the Board of Supervisors. The other two required a response from the appropriate Department Head. Those are listed below:

1. Mental Health Services

A citizen complained that billing for services she was receiving were in error and pertained to dates and times she was not hospitalized.

Recommendation #1: The Grand Jury recommends that the division of Mental Health Services ensure that clients who are billed for services are provided plain language explanations of the charges so confusion may be avoided in the future.

Response: Please refer to the response from Health Services Director, Ruth Lincoln, dated August 1, 2003. The Board agrees with this recommendation and is pleased that the Health Services Director has already implemented the recommendation.

Recommendation #2: The Grand Jury recommends that Mental Health Services carry through with their proposed Standard Operating Procedure which provides clients with complaints a referral to the Member Services Review Officer.

Response: Please refer to the response from the Health Services Director. The Board of Supervisors agrees with this recommendation and is pleased that the Health Services Director has ensured that the Mental Health Division now fully follows the Member Services Complaint Resolution process.

2. Sheriff's Department

Recommendation #4 (None indicated in #1-#3): The Grand Jury recommends that the Sheriff and the Personnel Director review their recruitment efforts to attract and retain candidates of color as past efforts have been unsuccessful.

Response: Please refer to the response from Personnel Director, Glenn Walters, dated August 7, 2003. The Board of Supervisors agrees with this recommendation and is pleased that the Sheriff and the Personnel Director have already met, discussed and confirmed their commitment to attracting and retaining minority applicants for positions within the Sheriff's Department.

F. Grand Jury Site Visits

Of the ten site visits which the Grand Jury performed, eight required no response from the Board of Supervisors. The other two required a response from the appropriate Department Head and are listed below.

1. The Grand Jury performed a site visit to the Courthouse Holding Facility in the City of Clearlake. The site appeared functional but not well maintained in terms of regular maintenance to the restrooms.

Recommendation #1: The toilet area should be cleaned more frequently.

Response: Not applicable to the Board of Supervisors.

2. The Grand Jury performed a site visit to the County Juvenile Hall Facility. Recommendations regarding the facility are listed below.

Recommendation #1: The Grand Jury recommends that the ceiling tiles in the facility be replaced.

Response: Please refer to the response from Chief Probation Officer, Steve Buchholz, dated July 9, 2003. The Board of Supervisors agrees with this recommendation.

Recommendation #2: The Grand Jury recommends that the facility Evacuation Plan be made legible.

Response: Please refer to the response from the Chief Probation Officer. The Chief Probation Officer disagrees with this finding. The Board of Supervisors agrees with the Chief Probation Officer.

Recommendation #3: The Grand Jury recommends that delivery of the daily hot meals to the wards be more timely or the meals need to be hotter upon departure from the Jail kitchen.

Response: Please refer to the response from the Chief Probation Officer. The Chief Probation Officer disagrees with this finding. The Board of Supervisors agrees with the Chief Probation Officer.

Recommendation #4: The Grand Jury recommends that the Chief Probation Officer explore provisions for additional Mental Health services for the wards.

Response: Please refer to the response from the Chief Probation Officer. The Board of Supervisors agrees with this recommendation.

Recommendation #5: The Grand Jury recommends that the Chief Probation Officer explore ways to involve the community in volunteer activities at the facility.

Hon. David W. Herrick
Re: Response to 02-03 Grand Jury Report
September 9, 2003
Page 10

Response: Please refer to the response from the Chief Probation Officer. The Board of Supervisors agrees with the Grand Jury's recommendation.

The Lake County Board of Supervisors wishes to express its sincere appreciation to the members of the 2002/2003 Grand Jury for their many hours of service devoted to the citizens and governmental entities of Lake County. The Board is particularly impressed with the professionalism of the Grand Jury's Final Report and the articulate manner in which each finding and recommendation was presented. The constructive nature of the report is very much appreciated by the Board of Supervisors.

Sincerely,

LAKE COUNTY BOARD OF SUPERVISORS

Gary Lewis, Chair

GL/kcb

cc: 2002/2003 Grand Jury Foreman
2003/2004 Grand Jury Foreman

Attachments



City of Clearlake

14050 Olympic Drive, Clearlake, California 95422
(707) 994-8201 • FAX (707) 995-2653

David A. Lane
City Administrator

September 10, 2003

Honorable David W. Herrick, Presiding Judge
Lake County Superior Court
255 North Forbes Street
Lakeport, CA 95453

Dear Judge Herrick:

Re: 2002-2003 Grand Jury Final Report

Pursuant to Penal Code Section 933 (c), please consider this correspondence to serve as the City of Clearlake's response to the 2002-2003 Grand Jury Final Report.

Although the City of Clearlake is listed in the report under "Response Requests", the City found no recommendations to which it is required to respond. All recommendations appear to be directed toward Lake County. As such, this overall City response does not contain any comments or responses to specific findings or recommendations.

Please do not hesitate to contact me should you require anything else relative to the Grand Jury Final Report.

Sincerely,

David A. Lane
City Administrator

cc: City Council
Mr. Kelly Cox, County Administrator



COUNTY OF LAKE

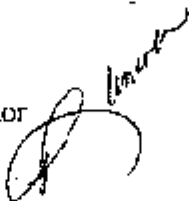
Health Services Department - Administration
922 Bevens Court
LAKEPORT, CALIFORNIA 95453-9739
Telephone 707/263-4576 FAX 707/263-4395

Ruth Lincoln, Director

Kristy Kelly, Deputy Director
Vacant, Nursing Director
John Moore, Fiscal Officer
Vanessa Murray, MH Director
Laura Solis, AODS Program Director
Ray Rumanski, EHI Director
Dr. Craig McMillan, Health Officer
Dr. Grant Belouf, MH Med. Director

Promoting an Optimal State of Wellness in Lake County

MEMORANDUM

DATE: August 1, 2003
TO: Board of Supervisors
FROM: Ruth Lincoln, PIIN, MA - Director
Lake County Health Services 
SUBJECT: Response to FY 2002-2003 Grand Jury Report

Pursuant to Section 933 (c) of the Penal Code, I hereby submit my response to the Findings and Recommendations of the FY 2002-2003 Grand Jury Report. The Grand Jury visited the Lakeport office of Health Service's Mental Health Division, located at 591 Parallel Drive on December 31, 2002, and again on January 21, 2003 and May 27, 2003.

LAKE COUNTY HEALTH SERVICES

CITIZEN'S COMPLAINT- MENTAL HEALTH SERVICES - Page 80

FINDINGS #1: I agree with the finding.
FINDINGS #2: I disagree partially with the finding.

While we appreciate the importance of clear and understandable billing language, there are some parts of the billing process, which are managed by third party payors, and where we have no control over language and explanation of benefits. When asked, we are happy to provide clarification or explanation of the services billed.

FINDINGS #3: I agree with the finding.
FINDINGS #4: I agree with the finding

RECOMMENDATIONS #1: I agree with this recommendation.
The recommendation has been implemented.

RECOMMENDATIONS #2: I agree partially with this recommendation.

The Grand Jury suggests that the proposed Standard Operating Procedures regarding complaints be followed by Mental Health. The Mental Health Division now fully follows the Member Services Complaint Resolution process as outlined in that procedure, and the division aggressively pursues resolution of clients' grievances, rather than waiting for clients to make formal complaints.

The Grand Jury states that the final step of the grievance process involves the State Fair Housing Office, which is an error, and should read the State Fair Hearing Process.

Lake County Health Services appreciates the opportunity to interact with the Grand Jury and to assist the Grand Jury in fulfilling its legal responsibilities. Please contact me at 263-4576, extension 215, if you have questions or need any additional information regarding Lake County Health Services.

Thank you.



Memorandum

August 7, 2003

Memo No. 2003-067

TO: Gary Lewis, Chairman
Board of Supervisors

FROM: Glenn Walters *GW*
Personnel Director

SUBJECT: Personnel Department's Response
to 2003 Grand Jury Report

The following response is submitted as requested on page 86 of the 2003 Grand Jury Report.

The Sheriff and I met and discussed the County's recruiting efforts to attract and retain minority applicants for positions in the Sheriff's Department. The Sheriff and I reviewed the ethnicity statistics in the County's most recent Equal Employment Opportunity Plan (EEO) and although the statistics do indicate that certain minority groups are being underutilized in the Sheriff's department, the statistics also indicate that non-minority groups are also underutilized and this pattern is not limited to the Sheriff's department.

In spite of the Sheriff's Department's and the Personnel Department's efforts to recruit minorities there are a number of reasons the ethnic makeup of the Sheriff's Department does not reflect the ethnic makeup of the labor force in the local community and they are:

- 1) Large retiree population
- 2) Lack of desire to work in a quasi-military environment
- 3) Lack of necessary skills
- 4) Background profile
- 5) Deference to Law Enforcement
- 6) Shift Work

Personnel Department's response
to 2003 Grand Jury Report
Page 2.

Some times, in spite of an intense recruitment program, it is not always possible to hire the type of employees needed to meet the requirements of an Affirmative Action/EEOP program or to have a workforce that reflects the ethnic makeup of the community; if the necessary applicants do not apply, obviously you can't hire them. The County Personnel Department has in the past and will continue in the future to place an emphasis on the recruitment and hiring of minorities not only in the Sheriff's department but throughout the County departments. Some of the steps being used on an on-going basis to attract more minority applicants are:

- 1) Advertising County job opportunities on the Hispanic Hotline and placing job advertisements in the Black Careers Now and Asian Pacific Careers publications
- 2) Working with the local Latino Coalition to disseminate job flyers and other recruiting material to attract Hispanic and other minority job applicants.
- 3) Advertising job opportunities using minority newspapers and radio stations.
- 4) Providing greater access to testing opportunities by offering evening, weekend and offsite testing.
- 5) Distributing job flyers to local Indian Casinos to make Native Americans aware of job opportunities with the County of Lake.
- 6) Participating in Job Fairs to encourage females and minorities to pursue a career in Local Government
- 7) Including the statement "The County of Lake is an Equal Opportunity Employer" on all job applications and postings.

Should you have any questions regarding the County recruiting and hiring program please do not hesitate to contact me.



PROBATION DEPARTMENT


County of Lake, State of California



201 S Smith Street
Lakeport, California 95453
Telephone 707/262-4285
FAX 707/262-4292

STEVEN R. BUCHHOLZ
Chief Probation Officer

To: The Honorable Board of Supervisors

From: Steven R. Buchholz 
Chief Probation Officer

Date: July 9, 2003

Re: Response to 2002-03 Grand Jury Final Report

Please consider the following as my response to the 2002 03 Grand Jury Final Report. Before responding to the specific findings and recommendations, I would like to make a few general comments. I have, in the past, met with the Grand Jury and explained/discussed the functions of the probation department, including juvenile detention. I have also expressed my concern that, in the past, the Grand Jury has made findings and recommendations without allowing me an opportunity to provide information on the issues raised, and to respond to complaints in general. I note the Grand Jury agreed with this request, and assured me that I would be given an opportunity to respond to any issues raised with respect to probation functions. I am happy to report that members of the Grand Jury discussed their findings and recommendations with the Superintendent of our detention facility just a few weeks ago. However, no one from the Grand Jury contacted myself, the department head, with respect to the findings and recommendations.

The first four pages of the Grand Jury's report on our juvenile hall list fifteen points about our facility and program issues. I would have appreciated an opportunity to respond to some of the points made by the school principal. In particular, he apparently reported that they could not hire a second teacher until we reached our maximum capacity of forty, (Item 14). This is contrary to what other officials within the County Office of

Education have stated. I am also perplexed at Item 15, in which the principal apparently stated he would "welcome greater community involvement with juvenile hall so that all the children could be kept busy all day". We have an extremely busy schedule, and are unable to provide additional programming, to a great extent, because of the current split school sessions. We also have a number of mandated regulations to comply with, which dictates time for certain activities.

SPECIFIC RESPONSE TO FINDINGS AND RECOMMENDATIONS

1. The room doors are often defaced by wards. We regularly have juveniles sand and repaint these doors, but it is impossible to keep them "perfect". Nevertheless, we will continue to work at improving the appearance of room doors.

With respect to the recommendation of three ceiling tiles in the kitchen being replaced, I will attempt to accomplish this task in the near future. However, I would note that the kitchen is not used for the preparation of food, and that wards are rarely inside this part of the building.

2. The Grand Jury found that the evacuation plan was difficult to decipher, and recommended that it should be made legible. I note that we have regular/ongoing training with staff and wards on the evacuation plan. Simply looking at the diagram that is posted throughout the building does not meet the requirements of an evacuation plan. I would also note that we have regular and unannounced evacuation drills. That is, neither the staff nor the wards are provided with advance notice of these drills. I disagree with the finding and recommendation of the Grand Jury with respect to the evacuation plan.

3. I strongly disagree with the finding that "the one hot meal per day is often room temperature", and the recommendation that the hot meal needs to be more timely and hotter when they leave the jail. Jail Commander Crystal Eyerly has personally worked on this issue over one year. I admit that in the past we have had difficulty meeting the required food temperatures for the hot meals. However, throughout this last year and primarily due to Commander Eyerly's efforts, these issues have, the vast majority of the time, been resolved. New food containers

have been provided, certain foods are provided on special trays and we now have our own steamer at the detention facility to maintain the temperature. Temperatures are logged regularly, and it is a rare occasion when the food temperature is substandard.

4. I agree with the finding that mental health services are inadequate to meet the needs of the wards, and would note that we have been, for many years, exploring different avenues for additional mental health services. The Director of health services has agreed that additional mental health programs at our facility are needed, and I believe that department is continuing to look for a way to fund additional services. I have also used part of my T.A.N.F. funding to contract with a mental health therapist, and he has provided some services at our detention facility. We will continue to look for funding sources to improve mental health services at the juvenile hall.

5. Had I been given an opportunity to discuss the issue of additional activities, I would have confirmed what my Superintendent stated to members of the Grand Jury. Specifically, she provided them with a daily schedule and I am informed that members of the Grand Jury agreed that we have no additional time for new activities, with few exceptions. This will be improved once we are able to conduct simultaneous classes, but we still have a number of mandates that are set forth in the Code of Regulations. The specific recommendation is that we explore ways to involve the community and volunteer activities at the facility. We have, in the past, and are continuing to use volunteers for certain activities at our facility. Again, there are only so many hours in the day and most of our time is taken up with mandated functions. I assure the Board and the Grand Jury that we will continue to look for ways to improve programming, while at the same time, we meet state mandates.

My Superintendent has informed me that when she met with members of the Grand Jury in June of this year, this finding/recommendation was discussed at length. When she showed the two members that were present a copy of our daily schedule, they agreed that there was no time for additional activities. She states that they informed her that this finding/recommendation would not be included in the final report.

SUMMARY

I very much appreciate the Grand Jury's efforts, and believe that they have the best interest of staff and wards at heart when they present their findings and recommendations. However, I again state that, in my opinion, some of their findings and recommendations are without merit. I must also note again that as the department head, I was not given an opportunity to address any of these issues with members of the Grand Jury.



LAKE COUNTY SHERIFF'S DEPARTMENT

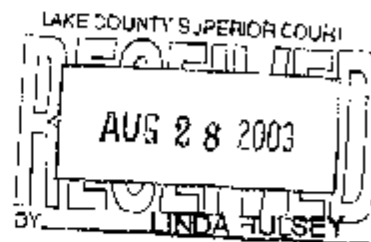
Post Office Box 489 • Lakeport, California 95453

Administration (707) 262-4200	Central Dispatch (707) 263-2331	Coroner (707) 262-4215	Corrections (707) 262-4240	Patrol/Investigation (707) 262-4236	Substation (707) 994-6433
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Rodney K. Mitchell
Sheriff / Coroner

August 22, 2003

The Honorable David W. Herrick
Presiding Judge, Lake County Superior Court
255 North Forbes Street
Lakeport, CA 95453



Your Honor:

Pursuant Penal Code section 933 (c), the following is my response to the 2002/2003 Grand Jury Final Report:

Page 63-65: "OFFICE OF EMERGENCY SERVICES"

Finding 1 / Recommendation 1: I agree with this finding. In March 2003 (a few months before the Grand Jury issued their report) this office began pursuing the use of grant funding for the purpose of hiring a consultant with the expertise to develop a comprehensive emergency services plan. We received the state's approval in early April 2003, a consultant was retained and the project is now well underway. Depending on the level of cooperation obtained from other departments and jurisdictions, we expect completion of the plan before the end of October 2003. Given these details, the recommendation is already completed.

Finding 2-4: I agree with these findings.

Finding 5 / Recommendations 2 and 3: I cannot agree with or respond to the Grand Jury's observations of the conduct of other department heads because I was not present during any of these contacts. I agree in concept that some county employees are not aware that they are disaster services workers. As for the recommendation, we will disseminate copies of the new emergency procedures manual as required. We have been in touch with all department heads to coordinate resources within their control as well as to conduct ongoing training on the role of county employees as disaster service workers.

Finding 6: I must disagree wholly with this finding as it is written for two reasons. First, I do not know what fire or flood is being referenced. Second, neither of these events has occurred since I accepted responsibility for the Office of Emergency Services. With further clarification, this statement might have been better utilized in the "Background" section.

Finding 7: I cannot agree with or respond to this finding as it is properly deferred to the heads of those specific departments that the Grand Jury observed in this condition.

Finding 8 / Recommendation 4: I disagree in part with this finding. The Sheriff's Office has the ability to communicate with CDF on multiple frequencies dedicated for local fire emergencies. This office also has the ability to communicate "car to car" with CHP while in close proximity on critical incidents. However, primary radio frequencies used by CHP statewide are on a low band frequency while most local jurisdictions, like Lake County, are on a high band frequency. The radio communications issue is referred to as "interoperability" and it is the focus of a study in the state legislature and it is recognized as a huge problem both state and nationwide. The recommendation will not be implemented anytime soon as we have no jurisdiction over state agencies. Moreover, I do not anticipate that the CHP will convert to a high band frequency on a county by county basis. It is likely that this will remain a problem for some time. Interoperability will come with an enormous price tag and, most likely, with state established and state run guidelines.

Page 72: "CITIZEN'S COMPLAINT - HILL ROAD CORRECTIONAL FACILITY"

Findings: I agree with the listed finding.

Page 73: "CITIZEN'S COMPLAINT - HILL ROAD CORRECTIONAL FACILITY"

Findings 1-5: I agree with these findings.

Page 74: "CITIZEN'S COMPLAINT - HILL ROAD CORRECTIONAL FACILITY"

Findings: I agree with listed findings.

Page 75-76: "CITIZEN'S COMPLAINT - HILL ROAD CORRECTIONAL FACILITY"

Finding 1: I can neither agree nor disagree with this finding as it is not a conclusive statement of facts. The date when the Grand Juror made this observation is not specified. The qualifications of the Grand Juror to make a medical claim like this are not established. The "altercation" referenced is quite vague. We can only assume that this is a reference to the lawful and justified use of force used to subdue this inmate on 02/02/03 after the inmate assaulted a correctional officer. If that is the "altercation" to which the Grand Jury refers then their reference to "more than three months" in this finding would suggest that they had contact with the inmate in question sometime in the month of May, 2003.

On March 29, 2003, the inmate in question launched a vicious attack on another inmate after surreptitiously laying in wait in the shower area of the housing unit. Custody staff had to use force again on this inmate as he was caught in the act of the violent attack. If there was some kind of soft tissue damage to the hand of the inmate in question in May of 2003, one must wonder why this inmate didn't report it himself. His record shows no prior hesitation whatsoever to submit requests for medical attention (in some cases then refuse to attend a session with medical staff.) Moreover, one must wonder if such swelling was the result of the inmate's own misconduct or even if it was self-inflicted.

Finding 2: I can neither agree nor disagree with this finding as it is not clear to what the Grand Jury is referring. I could only speculate that the quotes within the finding are a reference to something that was contained in the complaint that the Grand Jury received.

Finding 3: I agree with this finding.

Finding 4: I agree with this finding.

Finding 5: I agree with this finding.

Recommendations: The recommendation will be implemented only if it is deemed reasonable and necessary by the trained medical staff (who gathers all relevant information before making treatment decisions). The California Forensics Medical Group (CFMG) is the contract medical provider for the Lake County Jail. We depend on their medical expertise to assure that inmates are given proper medical treatment. Our jail continues to receive accreditation (most recently in July 2003) from the "Institute for Medical Quality" (IMQ) which is a subsidiary of the California Medical Association. We will continue to defer medical questions to medical experts.

Page 84-86: "CITIZEN'S COMPLAINT -- SHERIFF'S DEPARTMENT"

Findings 1,2,3 and 5: I agree with these findings.

Finding 4: I disagree in part with this finding to the extent that the 91 people who attended the informational meeting were not actually candidates for the position of correctional officer. One does not become a candidate until an application has been completed and accepted. Though we were thrilled with the sheer number of people who attended that informational meeting, some chose not to apply when we explained the background requirements. I am proud of the efforts that my custody staff put forth in the recruiting drive preceding that informational meeting. As for the first line of this finding, I must defer to the Personnel Director as I was not present during any discussions that the Grand Jury had with him.

Recommendation 4: The recommendation has already been implemented to the extent that the Personnel Director and I have met on this subject and we have reviewed our recruitment procedures. I must take umbrage with the tenor of the Grand Jury's recommendation. Perhaps it is unintended but the tone suggests that we have been

careless or cavalier in fulfilling our equal employment obligations. Nothing could be further from the truth.

As the Grand Jury surely knows, it is not only people "of color" who are considered minority applicants and employees. In our Custody Division, 25% of the correctional officers are female. Yet, 50% of Correctional Sergeants are female, another minority classification. The jail commander, my Chief Custody Officer and member of the department's Senior Command Staff, is also female.

This office has made it very clear how much we desire bilingual employees. It was at the request of this office that a 2.5% pay incentive was added for employees in the Sheriff's Office who can speak a second language. More specifically, we want Spanish-speaking persons employed in our jail, in dispatch and in patrol cars in order to provide the best service possible to Spanish speaking people in our county. We currently have 2 correctional officers and 1 correctional aid who speak Spanish and receive the pay incentive.

County governments, ours included, are scrutinized every time there is an application for grant funding. Agencies with jurisdiction over equal employment issues, such as the United States Department of Justice (DOJ), Office for Civil Rights must review and approve our countywide Equal Employment Plan each time we apply for grant funding. On June 11, 2003, for example, the State's Board of Corrections (the granting authority of more than \$800K in jail construction funds) received a notice of approval from the DOJ's Office for Civil Rights.

EEOC "targets" are not hard and fast requirements because the EEOC understands that there is a difference between community make up and eligible workforce. When we find qualified applicants who have backgrounds suitable for critical public safety positions, we hire them. Those of us in the business of hiring employees for public safety positions know that it is quite difficult to find qualified applicants regardless of ethnic origin. This is recognized as a problem statewide and nationwide. Symposiums have been hosted at state and national levels to address the issue/problem of recruiting and retaining public safety employees.

Page 99-100: "CITY OF LAKEPORT COURT HOUSE HOLDING FACILITY"

The title in this section of the Grand Jury's report is in error. The facility they reference is a court holding facility owned by the County of Lake and operated under the authority of the Sheriff.

I agree with all listed findings.

Page 106: "HILL ROAD CORRECTIONAL FACILITY"

Findings 1-5: I agree with each of these findings.

Finding 6: I disagree in part with this finding. The issue with regard to personnel is that we presently have no correctional officers working who possess a Class B driver's license with "Passenger" and "Air Brake" endorsements.

CONCLUSION

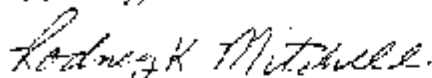
The "CITIZEN'S COMPLAINT - SHERIFF'S DEPARTMENT" (page 84-86) is to me another potent example of how the Grand Jury system can be deliberately misused by people with spurious or self-serving intentions. The Grand Jury upheld their obligation to keep the complaining party's name confidential. The complainant, however, has made no effort to keep himself anonymous. The statements made in the complaint to the Grand Jury are malicious and bigoted, libelous and slanderous. Moreover, they are knowingly false allegations that wasted the time of the Grand Jury. Such actions should not only be treated as perjury but they should also constitute a theft of public funds.

The Grand Jury has an incredibly difficult job in determining the legitimacy of a complaint or a complainant. There are protections built in to almost every other aspect of the justice system that allow accused people to confront their accusers. The veil of secrecy and cover of anonymity within the Grand Jury system puts the accused in a position of having to prove his innocence in this milieu, when that innocence would be presumed in any other criminal justice proceeding. For an unscrupulous accuser it is license to take as many liberties with the truth as he or she desires.

In addition to determining the legitimacy of complaints, the Grand Jury also has the challenge of evaluating complex and interrelated government operations and law enforcement functions with only cursory training and under significant time constraints. Most, if not all, of these individual functions take many years of full time service to understand and master. While time restrictions alone preclude the Grand Jury from that level of understanding, to conduct a full and fair investigation, the Grand Jury must acquaint itself with at least the basics of criminal law, jail operations, the use of force, firing obligations, and a hundred other topics which local government officials manage on a daily basis.

I am grateful to the 2002/2003 Grand Jury for the professionalism that they demonstrated to me and to my staff during the course of their duties. The jurors I had the opportunity to meet were honorable citizens seeking to do the right thing for their community.

Sincerely,



Rodney K. Mitchell
Sheriff/Coroner



2002/2003 Grand Jury Report

An Open Letter to the 2003-2004 Foreman

In proffering this medium as a means of “passing the torch,” I attempt to articulate some things I wish I had known or appreciated before this term, as well as others that have become apparent during the course of the year. If you choose to carry on this “tradition,” by the end of 10 years or so, the “wisdom of the elders” may have value.

* Be in no hurry to organize committees. Let the group meet formlessly for the first month while you go over the 2002-2003 Final Report, explore ideas together, and generally get to know each other; structure and leaders will better shake out from among the jurors than be imposed from the top. It’s a Grand Jury of all of you.

* Be aware of your budget before you start and talk about it with Kelly Cox and the group. An “activist” Grand Jury is costly. Be aware that the June budget for the prior Jury comes out of your funds. Then track the budget closely each month to project forward to the end of the year, allowing for any special costs around producing the Final Report. Consider whether some meetings need to be had online or other cost-cutting action taken. In the Spring when new budgets are submitted, prepare one for Kelly Cox.

* While the Jail inmates may be “dirt balls” and “scum bags” in the eyes of their captors or jailors, they are still human beings deserving of even a modicum of dignity and respect. They are someone’s child or someone’s parent, and they, most of all, will be grateful for the Grand Jury’s attention during the year.

* Tom Peters’ concept of “Management By Walking Around” works well for Grand Jurors – get out and meet with the County employees at all levels, from the Board of Supervisors to the Maintenance Technicians. You’ll learn a lot of what’s going on.

* Read the alternative media – the Lake County Free Press and The Outlook. Talk to the principals – their views offer ballast.

* Be mindful that, despite all good intentions, County Counsel has a potential conflict of interest when advising the Grand Jury. Lake County is his primary client.

- * Consider designating a day or half-day a week as an opportunity for the public to “drop-in” at Kelseyville. Vox populi needs to be heard.
- * Someone on the Jury must be familiar with the relevant Penal Code sections. If no one has legal experience, assign the Code’s reading and analysis as a project.
- * Special Districts are ripe for Grand Jury oversight. Make the time to understand them and learn what LAFCO (Local Agency Formation Commission) is all about. County Counsel has special expertise in this area.
- * Don’t forget the cities of Lakeport and Clearlake as subjects of oversight.
- * The California Grand Jurors’ Association has much expertise to offer, just for the asking. A Lake County Chapter could be started with a minimum of 7 “dual” members and could serve a useful purpose of, inter alia, forming a local speakers’ bureau to publicize the Grand Jury’s functions and drafting a complete Procedures Manual.
- * At year’s end, you may question just what has been accomplished during your term. Take it on faith that, just by being present, the Grand Jury has had an effect.
- * Despite one’s best efforts to lead by example, some jurors will always be the “worker bees” and some will always sit quietly and some will always make the coffee and some will always repair the paper-towel dispenser and unjam the xerox and some will always plan the parties and some will always read exhaustively before acting and some will always act without ever reading. Honor them all, for they offer who they are, and each has a valuable role to play in the group.
- * “...and a haughty spirit before a fall.” Alas, I thought that I could “do it better” and found that I could not. Thus, I leave more humbly than I arrived. Not a bad thing....

Ave atue Vale

Beverly Benedict Hill- Foreman, 2002-2003