Meeting Date: **5/20/2014**

Report Type: Consent

Report ID: 2014-00308

City of SACRAMENTO **01**

City Council Report
915 I Street, 1st Floor
www.CityofSacramento.org

Title: Second Response to the Findings and Recommendations of the Sacramento Grand Jury Report - Ballot Arguments - November 2012 Elections

Location: Citywide

Recommendation: Pass a Motion 1) approving the City Council's second responses to the findings and recommendations contained in the 2012-13 Sacramento County Grand Jury Report regarding the Ballot Arguments-November 2012 Elections, 2) directing the City Attorney to amend City Code Section 1.16.070, bypass Law and Legislation Committee, and return the Ordinance to City Council for adoption; and 3) directing the City Clerk to submit the initial and second responses on behalf of the Mayor and City Council.

Contact: Shirley Concolino, City Clerk (916) 808-5442, Office of the City Clerk; James Sanchez, City Attorney, (916) 808-5346

Presenter: None

Department: City Clerk / City Attorney

Division: City Clerk

Dept ID: 04001011

Attachments:
1-Description/Analysis
2-Second Responses to the Findings and Recommendations of the Sacramento Grand Jury Report - Ballot Arguments - November 2012 Elections
3-First Responses to the Findings and Recommendations of the Sacramento Grand Jury Report - Ballot Arguments - November 2012 Elections 09242013
4-Grand Jury Report

City Attorney Review

Approved as to Form
Sandra Talbott
5/8/2014 11:04:51 AM

Approvals/Acknowledgements

Department Director or Designee: Shirley Concolino - 4/14/2014 5:23:04 PM

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Description/Analysis

Issue Detail: On, June 28, 2013, the Sacramento County Grand Jury issued a Grand Jury Report entitled "Investigation: Ballot Arguments – November 2012 Elections" regarding Measures M, T and U, respectively, pertaining to the formation of a charter commission, yard refuse pickup, and a local sales tax increase. Included in that report are the Grand Jury's findings and recommendations. California Penal Code section 933.05 required a response by the Mayor and City Council due on September 28, 2013 as noticed by the Sacramento Grand Jury.

On August 20, 2013 the Mayor appointed Councilmembers McCarty, Fong and Hansen to a City Council ad hoc committee to develop responses on behalf of the Council to the Grand Jury findings and recommendations. Councilmembers McCarty and Fong declined to serve on the ad hoc committee. Given the lack of an ad hoc committee, the responses recommended in the first report were developed with the assistance of the City Attorney, City Clerk and the Mayor's Office in order to meet the timeline on submitting the response to the Grand Jury. On September 24, 2013, the council approved the initial response to the Grand Jury. On September 24, 2013, the City Council, by minute order, approved the initial response to the findings and recommendations contained in the 2012-13 Sacramento County Grand response to the Grand Jury and indicated that the Mayor and Council needed more time to adequately address the concerns and a subsequent report to them would be forthcoming.

On November 26, 2014 the Mayor appointed Councilmembers Ashby, Cohn and Hansen to a second City Council ad hoc committee to develop responses to the Grand Jury findings and recommendations on behalf of the Council. The ad hoc met on February 11, 2014 and those recommendations are contained in this report.

The ad hoc committee recommends amending the city code (Section 1.16.070) to (1) require only one signature from an authorized member to sign the written argument in favor or against and (2) add a section to the city code to allow Charter Officers and Department Directors to have the same priority in argument selection as bona fide associations, thus clarifying the current practice of the Police and Fire Chief signing ballot arguments.

In response to the Grand Jury's recommendation to discontinue the practice of authorizing both sides of a ballot argument, the majority of the ad hoc committee recommends allowing the City Council to author arguments both pro and con as state law allows this practice. A citizen may still submit an argument in favor or against a measure even when the City Council or councilmember(s) have been authorized to submit arguments both pro and con. The City Clerk will post these response opportunities to the web, and provide other outreach to the community to invite submittals, so in the event the authored member does not submit an argument, the community has had an opportunity to participate. Any arguments submitted will be published in the priority established under state law.

Policy Considerations: One of the duties of the Grand Jury is to inquire into, and investigate if necessary, the operations of local government agencies and officials to ensure that activities are valid and services are efficiently and legally provided. Responses to the Grand Jury findings and recommendations are required by law and provide an opportunity for clarification and correction.

Economic Impacts: None

Environmental Considerations:

California Environmental Quality Act (CEQA): Approval of a response to a Grand Jury report is considered an administrative activity by a governmental agency and does not constitute a "project" pursuant to Section 15378(b)(2) of the CEQA Guidelines and therefore is exempt from CEQA review.

Sustainability: There are no sustainability considerations associated with this report.

Commission/Committee Action: None

Rationale for Recommendation: The City Council and the City Clerk reviewed the findings of the Grand Jury and developed the responses contained within this report that fulfill the City's statutory (Penal Code Section 933.05) obligation to respond to the Grand Jury report.

Financial Considerations: There are no financial considerations associated with this report.

Local Business Enterprise (LBE): Not applicable.

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2012-13 Sacramento County Grand Jury Report
Ballot Arguments-November 2012 Elections

City of Sacramento Responses to Findings and Recommendations

Finding 1

The Grand Jury finds that the council members authorized by the City Council to author arguments in favor of Measures M, T, and U did not author those arguments submitted to the City Clerk, and did not publicly disclose their intention not to author the arguments before submitting the arguments to the City Clerk. The council members' failure to author the arguments deprived the City Council of statutory priority for its arguments in the event other arguments in favor of each measure had been submitted to the City Clerk. The council members' failure to author the arguments and to disclose their intention not to author the arguments was contrary to the City Council's intent in authorizing the members; contrary to the California Elections Code, City Code, and City Elections Guidelines provisions for obtaining priority; and contrary to the best practices for transparent election procedures.

Finding 1 Response

Election Code, City Code and the City's election procedures were followed.

Recommendation 1

The Grand Jury recommends that the City Clerk promulgate, and the City Council approve, election guidelines that ensure that council members authorized by the City Council to author an argument respecting a measure, will do so.

Recommendation 1 – Initial Response

This recommendation requires further analysis. The City Council will work with the City Clerk and City Attorney over the next three months to review current election processes and identify opportunities for improvement.

Recommendation 1 – Second Response

The City Council has reviewed city election codes and guidelines and recommends the following changes to promote clarity in the administration of the Sacramento City Election Code: (1) amend city code section 1.16.070 to reflect that if the city council, or any council member(s) authorized by the city council, submit a written argument in favor or against a measure, only one authorized member is required to sign the written argument in order to afford the legislative body priority in argument selection; (2) amend city code section 1.16.070 to allow Charter Officers and Department Directors the same priority in argument selection as bona fide associations thus clarifying the current practice of the Police and Fire Chief in signing ballot arguments.

Finding 2

The Grand Jury finds that the Mayor failed to timely file a ballot argument in opposition to Measure U because his assistants who were assigned to prepare and submit the argument to the City Clerk misunderstood the filing requirements. This failure to timely file the argument was negligent, not intentional.

Finding 2 Response

The Measure U ballot argument was not filed before the specified deadline and was not accepted by the Office of the City Clerk.

Recommendation 2

The Grand Jury recommends that the City Clerk develop and provide formal training for the City Council and staff, as well as the general voting public, regarding the filing requirements for ballot measures and arguments.

Recommendation 2 - Initial Response

The recommendation has already been implemented. Established practice includes time line reminders for those responsible for ballot measure submittals consistent with election law. The City Clerk publishes an online guide regarding ballot procedures.

Recommendation 2 – Second Response

No additional discussion or recommendations on this finding.

Finding 3

The Grand Jury finds that the City Council authorized council members to author arguments both in favor of and in opposition to measures it approved for placement on the ballot. Given the statutory preference accorded arguments authorized by the City Council, the Council's authorization of arguments both in favor of and in opposition to a measure it has approved for placement on the ballot can preclude the filing of other opposition arguments to a measure or, at minimum, may discourage the submission of other opposition arguments, creating the possibility that the City Council could effectively limit legitimate opposition to a measure, either by submitting a token opposition argument or failing to submit an opposition argument.

Finding 3 Response

Election Code, City Code and the City's election procedures were followed.

Recommendation 3

In the absence of state law barring such a practice, the Grand Jury recommends that the City Council adopt guidelines precluding authorizing council members to author arguments both in favor of and in opposition to a measure that the City Council approves for placement on the ballot.

Recommendation 3 – Initial Response

This recommendation requires further analysis. There is nothing in state law that disallows this practice. The City Council will work with the City Clerk and City Attorney over the next three months to review current election processes and identify opportunities for improvement.

Recommendation 3 – Second Response

The City Council recommends that the council continue to author arguments both pro and con as state law allows this practice. A citizen may still submit an argument in favor or against a measure even when the City Council or councilmember(s) have been authorized to submit arguments both pro and con. The City Clerk will post these response opportunities to the web, and provide other outreach to the community to invite submittals, so in the event the authored member does not submit an argument, the community has had an opportunity to participate. Any arguments submitted will be published in the priority established under state law.

Finding 4

The Grand Jury finds that the City Clerk's Office staff advised a council member authorized to author arguments in favor of measures placed on the ballot by the City Council, to delay submitting the arguments to the City Clerk's Office until just before the filing deadline and until after the opposition argument had been submitted (informing the council member of the date and time a measure opponent was scheduled to submit its opposition), in order to prevent the media and measure opponents from reviewing the argument in advance of the opposition's submission. In response to the staff's advice, the council member delayed submitting arguments to the City Clerk's Office until just before the filing deadline and after the measure opponent had submitted its argument. The staff's communication with the council member was inconsistent with the non-partisan role of the City Clerk's Office with respect to municipal elections.

Finding 4 Response

City staff is clear that non-partisan neutrality is essential in providing transparent services to our customers both internally and externally. The staff's response was not in keeping with normal practice in the City Clerk's office. That matter has been appropriately addressed internally.

Recommendation 4

The Grand Jury recommends that the City Clerk provide training to its staff regarding the Elections Office's non-partisan role with respect to municipal elections.

Recommendation 4 – Initial Response

This recommendation has already been implemented. The City Clerk takes the Election process very seriously and continuously emphasizes to staff the importance of neutrality and impartiality, particularly with the Election process, and will continue to do so.

Recommendation 4 – Second Response

No additional discussion or recommendations on this finding.

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2012-13 Sacramento County Grand Jury Report
Ballot Arguments-November 2012 Elections

City of Sacramento Responses to Findings and Recommendations

Finding 1

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Finding 1 Response

Election Code, City Code and the City's election procedures were followed.

Recommendation 1

The Grand Jury recommends that the City Clerk promulgate, and the City Council approve, election guidelines that ensure that council members authorized by the City Council to author an argument respecting a measure, will do so.

Recommendation 1 Response

This recommendation requires further analysis. The City Council will work with the City Clerk and City Attorney over the next three months to review current election processes and identify opportunities for improvement.

Finding 2

The Grand Jury finds that the Mayor failed to timely file a ballot argument in opposition to Measure U because his assistants who were assigned to prepare and submit the argument to the City Clerk misunderstood the filing requirements. This failure to timely file the argument was negligent, not intentional.

Finding 2 Response

The Measure U ballot argument was not filed before the specified deadline and was not accepted by the Office of the City Clerk.

Recommendation 2

The Grand Jury recommends that the City Clerk develop and provide formal training for the City Council and staff, as well as the general voting public, regarding the filing requirements for ballot measures and arguments.

Recommendation 2 Response

The recommendation has already been implemented. Established practice includes time line reminders for those responsible for ballot measure submittals consistent with election law. The City Clerk publishes an online guide regarding ballot procedures.

Finding 3

The Grand Jury finds that the City Council authorized council members to author arguments both in favor of and in opposition to measures it approved for placement on the ballot. Given the statutory preference accorded arguments authorized by the City Council, the Council's authorization of arguments both in favor of and in opposition to a measure it has approved for placement on the ballot can preclude the filing of other opposition arguments to a measure or, at minimum, may discourage the submission of other opposition arguments, creating the possibility that the City Council could effectively limit legitimate opposition to a measure, either by submitting a token opposition argument or failing to submit an opposition argument.

Finding 3 Response

Election Code, City Code and the City's election procedures were followed.

Recommendation 3

In the absence of state law barring such a practice, the Grand Jury recommends that the City Council adopt guidelines precluding authorizing council members to author arguments both in favor of and in opposition to a measure that the City Council approves for placement on the ballot.

Recommendation 3 Response

This recommendation requires further analysis. There is nothing in state law that disallows this practice. The City Council will work with the City Clerk and City Attorney over the next three months to review current election processes and identify opportunities for improvement.

Finding 4

The Grand Jury finds that the City Clerk's Office staff advised a council member authorized to author arguments in favor of measures placed on the ballot by the City Council, to delay submitting the arguments to the City Clerk's Office until just before the filing deadline and until after the opposition argument had been submitted (informing the council member of the date and time a measure opponent was scheduled to submit its opposition), in order to prevent the media and measure opponents from reviewing the argument in advance of the opposition's submission. In response to the staff's advice, the council member delayed submitting arguments to the City Clerk's Office until just before the filing deadline and after the measure opponent had submitted its argument. The staff's communication with the council member was inconsistent with the non-partisan role of the City Clerk's Office with respect to municipal elections.

Finding 4 Response

City staff is clear that non-partisan neutrality is essential in providing transparent services to our customers both internally and externally. The staff's response was not in keeping with normal practice in the City Clerk's office. That matter has been appropriately addressed internally.

Recommendation 4

The Grand Jury recommends that the City Clerk provide training to its staff regarding the Elections Office's non-partisan role with respect to municipal elections.

Recommendation 4 Response

This recommendation has already been implemented. The City Clerk takes the Election process very seriously and continuously emphasizes to staff the importance of neutrality and impartiality, particularly with the Election process, and will continue to do so.

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Sacramento County Grand Jury

Consolidated Final Report

2012 – 2013

sacgrandjury.org

Meredith Johanson
Foreman

Michael Arkelian

Gloria Coleman

Michael DiMiceli

Lorna Fong

Rickey Jones

Jytte Langlois

Wayne Marshall

Patricia McCauley

Lawrence McVicar

Joseph Samora

Vincent Scally

Charlotte Siggins

Kathryn Smith

Judy Stucki

Jean Thuotte

Adrian Torres

Robbie Waters

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO
Grand Jury

June 28, 2013

The Honorable Russell L. Hom
Supervising Criminal Process Judge
Advisor Judge to the Grand Jury
720 Ninth Street, Department 22
Sacramento, CA 95814

Dear Judge Hom:

In compliance with Penal Code section 922, the 2012-2013 Sacramento County Grand Jury hereby submits its final consolidated report. This report includes investigations of local government entities within its jurisdiction. The reviews and recommendations contained in the final report require consideration and response from each of the subject agencies. During the course of the year, other issues arose which were addressed without the necessity of inclusion in the final report.

Committees made their recommendations to the grand jury based on investigations, site visits and studies of documents. The report that follows represents the 2012-2013 the Sacramento County Grand Jury's charge to serve the Sacramento community. This charge was undertaken by all jurors without reservation and with a collegial spirit. All jurors benefitted from this opportunity to serve our community.

Thank you for your guidance and counsel as our advisor judge. We also want to thank Judge Raymond Cadei for his longstanding contributions to the Sacramento County Grand Jury as advisor judge since the 2004-2005 term. This Grand Jury also extends deep appreciation to Rebecca Castaneda for her invaluable assistance as the Grand Jury Coordinator.

It has been an honor for this Grand Jury to serve our community. We hope our efforts help inform policy decisions to further shape and improve good government practices within Sacramento County.

Sincerely,

Meredith A. Johanson
MEREDITH A. JOHANSON, Foreman
2012-2013 Sacramento County Grand Jury

MJ/bc

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Sacramento County Grand Jury Roster 2012–2013

Grand Juror	Title or Occupation	City
Michael Arkelian	Attorney, retired	Sacramento
Gloria DeVane Coleman	Educator, retired	Sacramento
Michael C. DiMiceli	CA Commission on POST, retired	Citrus Heights
Lorna M. Fong	CA Health and Human Services Agency, Assistant Secretary, retired	Sacramento
Meredith Johanson	Camellia Waldorf School Administrator, retired	Sacramento
Rick Jones	Sacramento Police Department, retired	Carmichael
Jytte Langlois	Educator, retired	Elk Grove
Wayne Marshall	Retail Management, Educator, retired	Sacramento
Patricia McCauley	Civil Engineer	Sacramento
Lawrence McVicar	Correctional Administrator, retired	Sacramento
Joseph Samora	State Archivist, retired	Gold River
Vincent Scally	Attorney, retired	Sacramento
Charlotte Siggins	Attorney, retired	Sacramento
Kathryn Smith	Homemaker and Mother of Four	Folsom
Judy Stucki	Education Consultant, retired	Citrus Heights
Jean-Louis Thuotte	Military and Law Enforcement, retired	Galt
Adrian Torres	City of West Sacramento, retired	Sacramento
Robbie Waters	Sacramento County Sheriff, retired	Sacramento

Sacramento County Grand Jury Photo

Top Row: Michael C. DiMiceli, Vincent Scally, Kathryn Smith, Robbie Waters, Adrian Torres, Joseph Samora

Middle Row: Rick Jones, Lawrence McVicar, Jytte Langlois, Judy Stucki, Patricia McCauley, Jean-Louis Thuotte, Wayne Marshall, Michael Arkelian

Front Row: Gloria Coleman, Meredith Johanson (Foreman), Honorable Russell Hom (Advisor Judge), Rebecca Castaneda (Grand Jury Coordinator), Charlotte Siggins

Not Pictured: Lorna M. Fong

Dedication

The 2012–2013 Sacramento County Grand Jury dedicates this final report to the residents of Sacramento County. Grand juries are one of the oldest forms of government dating back to the days of English common law. American colonists had grand juries in the mid-seventeenth century, and have existed in California since the beginning of state government. Residents submit complaints and the grand jury completes thoughtful and thorough investigations throughout the year.

Grand juries perform three main functions for the citizenry: (a) to indict, or refuse to indict, persons accused of crimes; (b) to issue accusations for malfeasance, misfeasance, or nonfeasance against public officers; and (c) to investigate specified local government as a "watchdog" entity. The "watchdog" role consumes most of the grand jury's time.

The grand jury's goal is to ensure that local government agencies and officials operate and deliver programs and services to residents fairly, honestly, and effectively. Through the evaluation of local government operations, systems, policies, and procedures, the grand jury encourages improvements in services and programs for Sacramento County residents.

Sacramento County residents are encouraged to serve on the grand jury. Application information and requirements can be found on the Sacramento County Grand Jury website at www.sacgrandjury.org.

Sacramento County Grand Jury Role

Section 23, Article 1 of the California Constitution requires that a grand jury "be drawn and summoned at least once a year in each county." The grand jury in Sacramento County has been drawn annually for more than 100 years.

To satisfy the Constitutional requirement, state law describes the selection of grand jurors, and the watchdog and indictment functions of the grand jury. The grand jury authority is located primarily in Penal Code sections 888 – 939.91, et seq., and the accusation process that leads to the removal of a public officer is described in Government Code sections 3060 – 3075, et seq.

The grand jury is not the same body as a "petit" jury, selected to hear evidence in a single case in a trial court. Instead, a grand jury is impaneled for a one-year period to perform several functions that are described in law. Broadly, the grand jury is charged with assuring honest, efficient government that operates in the best interest of the people of the county. The primary function of the grand jury is to examine aspects of county government, special districts, school districts, and city government. Specifically, this includes:

- Civil Watchdog – to inquire into the willful or corrupt misconduct of public officers; to investigate and report on at least one county officer, department or function; and to inquire into the condition and management of public prisons within the county.
- Criminal Indictment – to present to the court a criminal charge of a public offense against a person based upon evidence considered by the grand jury.
- Accusation – to remove from office a public officer based upon evidence of willful or corrupt misconduct considered by the grand jury. This judicial process is initiated by the grand jury.

The grand jury is an arm of the Sacramento County Superior Court and is considered part of the judicial branch of government. As such, the grand jury may ask the advice of the advisor judge to the grand jury, the County Counsel, or the District Attorney. The grand jury may inquire into or investigate a matter based on either a complaint or upon its own initiative. The grand jury may subpoena witnesses and documents, conduct interviews, and consider evidence presented to it by the District Attorney or the California State Attorney General. Witnesses are prohibited by law from disclosing their interview, testimony, or any other proceedings of the grand jury. The authority of the grand jury does not extend to the courts or to state departments or operations.

The Sacramento County grand jury is composed of 19 citizens who: (a) are 18 years or older; (b) are Sacramento County residents for at least one year before selection; (c) have sufficient knowledge of the English language; (d) are in possession of the natural faculties; and (e) possess a fair character. Generally, jurors are selected in a random lottery process. The advisor judge, representing the Superior Court of California, appoints a foreman from the selected grand jury panel and administers the oath to all jurors. The oath requires each juror to diligently inquire into matters where the juror can obtain legal evidence and not to disclose any of the proceedings, discussions, names of individuals interviewed, or votes of the grand jury. The grand jury's term of service begins July 1 and ends June 30 of the following year.

This year, the grand jury formed the following committees: Administrative and Municipal Affairs, Criminal and Juvenile Justice, Continuity, Edit, Education, Environment/Public Works/Special Districts, Health and Human Services, and an ad hoc committee on Audits.

Sacramento County residents interested in serving on the grand jury can obtain an application at: www.sacgrandjury.org. Any individual may file a complaint with the Sacramento County Grand Jury. A complaint form is also available on the Grand Jury website, or by calling the Grand Jury office at (916) 874-7578.

Consolidated Final Report

The grand jury is required by law to investigate and report on at least one county officer, department, or function. A report is required to be published on June 30 of each year, at the end of the one-year term of the grand jury.

This consolidated final report is the summary of the grand jury's inquiries and investigations, and contains reports which include findings and recommendations. This report is the only public record of the inquiries and investigation and it satisfies the statutory requirements for the work of the grand jury.

Departments or individuals who are the subject of reports contained in the consolidated final report are required to respond to the findings and recommendations within 90 days. When a response was received by the grand jury within sufficient time to permit publication, it is included in the consolidated final report.

State law directs the county clerk to maintain a copy of all grand jury reports and responses in perpetuity, and to provide a copy to the State Archivist who shall retain copies of all reports and responses in perpetuity. Final reports and responses are available online at: www.sacgrandjury.org and at the Sacramento Public Library.

Committee Summary

The 2012–2013 Sacramento County Grand Jury served a one-year term that ended June 30, 2013. In performing its duties, the grand jury examined county government, special districts, school districts, and city government. The final report describes specific investigations leading to recommendations for the named districts, city, and county agencies.

In the "civil watchdog" role, the grand jury inquired into willful or corrupt misconduct of public officers, investigated and reported on at least one county officer, department or function; and inquired into the condition and management of public prisons within the county. During the year, the grand jury received and analyzed 53 allegations.

ADMINISTRATIVE AND MUNICIPAL AFFAIRS COMMITTEE

The committee investigates the policies and procedures relating to the administration and management of municipal agencies within Sacramento County. The committee reviews budgets, organizational charts, and policies of municipal agencies. This year, the committee received 17 complaints.

AUDIO AND VIDEO RECORDING COMMITTEE

The committee was formed this year to ensure the testimony taken by investigative committees was recorded, distributed, and maintained as a record to ensure accuracy for the final report. All case testimony was preserved on the grand jury's secured server to allow all grand jurors to access previous testimony as needed.

CONTINUITY COMMITTEE

The committee ensures a seamless transition from one grand jury to the next. This year, the committee prepared and delivered a comprehensive orientation training for incoming jurors; developed and presented a briefing to over 100 prospective jurors for the 2013–2014 term; expanded outreach efforts to increase diversity of the juror pool; updated the grand jury handbook; maintained the reference library; and, reviewed and tracked responses from agencies and departments highlighted in the prior grand jury report.

CRIMINAL AND JUVENILE JUSTICE COMMITTEE

The committee reviews and investigates complaints against criminal justice agencies, and assesses compliance with established policies and procedures, as well as with state and federal laws. This year, the committee received 22 complaints.

EDIT COMMITTEE

The committee edits, compiles, publishes, and distributes the grand jury's final investigation reports and the consolidated end-of-the year final report. The committee's overall goal is to use grammar, spelling, and punctuation rules and standards to create a final report that is logical, clear, and understandable. This year, the committee created a comprehensive timeline, created style and type guidelines, as well as formats and templates for the reports. In addition, the committee identified updates to the Sacramento County Grand Jury website to increase its readability. The committee also revised the annual demographic report to comply with Rule 10.625 of the Standards of Judicial Administration reporting requirements.

EDUCATION COMMITTEE

The committee monitors and investigates alleged district irregularities of the Sacramento County school districts and schools, the Los Rios Community College District, the Sacramento County Office of Education, public libraries, and educational programs. This year, the committee received 10 complaints.

ENVIRONMENTAL, PUBLIC WORKS, AND SPECIAL DISTRICTS COMMITTEE

The committee reviews local and county governmental agencies, as well as special districts located in Sacramento County. This year, the committee received two complaints.

HEALTH AND HUMAN SERVICES COMMITTEE

The committee gathers information on and investigates various agencies in all incorporated cities and the county of Sacramento involved with health and human services. The purview of the committee includes, but is not limited to, the Sacramento County Department of Human Assistance and the Sacramento County

Department of Health and Human Services. This year, the committee received two complaints.

The grand jury made site visits to the following agencies, departments and offices:

Sacramento County Animal Care Shelter
Sacramento County Assessor
Sacramento County Auditor
Sacramento County Department of Health and Human Services
Sacramento County Department of Human Assistance
Sacramento County Executive
Sacramento Local Agency Formation Commission
Sacramento Metropolitan Fire District

INVESTIGATION: Ballot Arguments – November 2012 Elections

SUMMARY OF ISSUES, FINDINGS AND RECOMMENDATIONS

In the November 2012 general election, City of Sacramento voters considered three local measures placed on the ballot by the City Council. These measures, designated Measures M, T, and U, respectively, pertained to the formation of a charter commission, yard refuse pickup, and a local sales tax increase.

In July 2012, pursuant to the California Elections Code, City Code, and City's Election Guidelines, and on the City Clerk's recommendation, the City Council adopted a resolution authorizing certain council members to author and file arguments in favor of and in opposition to the three local measures. As the City Clerk explained, the purpose of the authorization is to ensure that the Council's arguments are selected for printing in the official sample ballot, and secures its priority in the City Clerk's selection of ballot arguments should more than one argument for or against a measure be filed with the City Clerk.

Notwithstanding the City Council's resolution, the council members authorized to author arguments in favor of Measures M, T, and U did not author and file arguments with the City Clerk. Instead, the council members submitted arguments authored by various voters and citizen groups. Consequently, the City Council's arguments would not have received statutory priority had more than one argument been filed with the City Clerk.

Also, the Mayor, who was authorized by the City Council to write the argument in opposition to Measure U, the sales tax measure, authored but failed to timely file the argument with the City Clerk. Consequently, no argument in opposition to Measure U was included on the sample ballot.

The council members' failure to author arguments in favor of Measures M, T, and U, notwithstanding the City Council's resolution authorizing those members to author the arguments, the Mayor's failure to timely file an argument in opposition to Measure U, and the City Council's authorizing its members to author arguments both in favor of and in opposition to the measures, raise four issues addressed in this investigation:

1. Was the council members' failure to author arguments in favor of Measures M, T, and U, contrary to the City Council's intent adopting its resolution authorizing the council members to author those arguments?

2. Why did the Mayor fail to timely file an argument in opposition to Measure U?
3. Should the City Council authorize council members to author arguments both in favor of and in opposition to measures the council has placed on the ballot?
4. Did the City Clerk's Elections staff provide council members advice and direction inconsistent with its non-partisan role in municipal elections?

As the result of its investigation, the Grand Jury finds and recommends as follows:

1. The authorized council members' failure to author arguments in favor of Measures M, T, and U was contrary to the City Council's intent adopting its resolution authorizing the members to author those arguments, inconsistent with the California Elections Code, City Code, and City Election Guidelines, and contrary to best practices for transparent election procedures. The Grand Jury recommends that the City Clerk promulgate, and the City Council approve, election guidelines that ensure council members authorized by the City Council to author an argument respecting a measure, will do so.
2. The Mayor failed to timely file an argument in opposition to Measure U because his assistants responsible for preparing the argument for submittal to the City Clerk misunderstood the filing requirements for ballot arguments. The Grand Jury recommends that the City Clerk provide training for the City Council and staff, as well as the general voting public, regarding the filing requirements for ballot measures and arguments.
3. The City Council should not authorize its members to author arguments both in favor of and in opposition to a measure the Council has placed on the ballot. In the absence of state law barring such a practice, the Grand Jury recommends that the Council adopt rules and regulations precluding the practice.
4. City Clerk staff provided council members advice and direction inconsistent with its non-partisan role in municipal elections. The Grand Jury recommends that the City Clerk provide training to its staff regarding the Elections Office's non-partisan role with respect to municipal elections.

INTRODUCTION/BACKGROUND

In the November 2012 general election, Sacramento city voters considered three local measures placed on the ballot by the City Council. In August and September 2012, the grand jury received two complaints relating to the ballot arguments for Measures M, T, and U. The complaints raised issues regarding the authorized council members' failure to author arguments as authorized by the City Council, the Mayor's failure to timely file an argument in opposition to Measure U, and the

City Council's authorization of its members to author arguments both in favor of and in opposition to a measure. Measures M, T, and U, pertained to the formation of a charter commission, yard refuse pickup, and an increase in the local sales tax.

Conscientious voters wishing to inform themselves about ballot measures may rely on a number of sources of information. Among those sources are the official ballot arguments for and against measures, which are mailed to voters a few weeks before the election.

State and local codes govern the submission of official ballot arguments for city measures, including Sacramento City Code section 1.16.070 and California Elections Code sections 9280 – 9287, et seq. The Sacramento City Clerk publishes Guidelines for Preparation of Ballot Arguments (updated 2012), which contains information on the requirements for submitting arguments and rebuttals, including word counts, qualifications, signature requirements, and deadlines. In particular, the codes and guidelines provide the City Clerk an order of preference or priority if more than one argument is submitted for or against a measure. Elections Code section 9287 sets forth the order of preference the City Clerk must follow. If an argument authorized by the City Council is properly and timely submitted to the City Clerk's Office, no other arguments submitted to the City Clerk's Office may be included in the sample ballot.

Two years earlier, on July 20, 2010, the City Council passed Resolution #2010-433, which authorized Mayor Johnson, on behalf of the City Council, to author an argument against Measure B, the Utilities Rate Hike Rollback Act of 2010, and Councilmember Steve Cohn, on behalf of the City Council, to author an argument in support of Measure C, the Marijuana Business Tax.

On July 30, 2010, the deadline for submission of ballot arguments, the City Clerk received only one ballot argument against Measure B, but without the signature of the Mayor, and only one ballot argument in support of Measure C, but without the signature of Councilmember Cohn. Because the authorized members did not sign and thus did not author the arguments, the arguments would not have received the statutory preference provided by Elections Code section 9287, had more than one argument been submitted to the City Clerk. However, the arguments satisfied all other Elections Code requirements for submittal to the county for printing in the official sample ballot.

At its August 5, 2010 meeting, the City Council asked staff to report back on the issue of the ballot arguments authorship. The City Clerk's Office staff and the City Attorney's office prepared a report for the September 7, 2010 City Council

meeting. The report described the background and the legal issues regarding Council-authorized authorship of ballot arguments. The report stated that if multiple ballot arguments had been submitted, the City Clerk would have been required to select according to the priorities established by Elections Code section 9287 and the "city's submittal" would not have been guaranteed priority, as the authorized elected official did not sign (and therefore did not author) the ballot argument.

In the same report, the City Attorney noted that Resolution #2010-433 did not expressly "require" or "direct" the authorized members to draft or submit the ballot arguments on the City's behalf. The staff report recommended "information and direction to staff." The matter was not discussed on September 7, and was continued to September 14. At the September 14 meeting the matter was "continued to a future date." The matter was not thereafter taken up by the City Council.

INVESTIGATION METHODOLOGY

The investigation began October 15, 2012, and consisted of interviews with the Sacramento City Clerk's Office staff, Sacramento City council members, and members of the public. Documents reviewed included e-mails between the City Clerk's Office, members of the general public, staff and members of the Sacramento City Council, as well as Council resolutions, analyses, guidelines, and procedures. The grand jury also reviewed pertinent sections of the California Elections and Government Codes, and the City Code.

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

ISSUES

The grand jury investigated: (1) the authorized council members' failure to author ballot arguments in favor of Measures M, T, and U, as provided by the resolution adopted by the City Council on July 31, 2012; (2) the Mayor's failure to timely file a ballot argument in opposition to Measure U, as provided by the resolution adopted by the City Council; (3) the City Council's authorization of council members to author ballot arguments both in favor of and against certain measures; and (4) the propriety of advice and direction by City Clerk's Office staff to council members regarding the filing of ballot arguments.

DISCUSSION

On December 11, 2011, the Sacramento City Council adopted a resolution calling for, and giving notice of, a General Municipal Election to be held on November 6, 2012.

On June 26, 2012, the City Council approved for placement on the November 6, 2012 ballot a measure to repeal the ordinance enacted by the adoption of Measure 'A' on September 27, 1977, relating to the deposit and collection of yard and garden refuse in the City of Sacramento.

On June 27, 2012, the City Clerk's Office, in the capacity as City Elections Official, provided all council members with instructions for the preparation of ballot arguments for the November 6, 2012 election. The instructions advised the council members that arguments would be due in the City Clerk's Office August 8, 2012 by 4:30 p.m., rebuttal arguments would be due August 15, 2012 by 4:30 p.m., the forms must be printed and signed, and that the "argument author" form must be completed and signed by all authors. The Statement of Argument Authors form provides that the authors of ballot arguments must sign the form and attest that the argument is true and correct to the best of his or her knowledge and belief.

In June and July 2012, the City Council approved for placement on the November 6, 2012 ballot, measures relating to formation of a charter commission, yard refuse pickup, and a transactions and use tax, designated Measures M, T, and U, respectively.

On June 19, 2012 and July 31, 2012, the City Clerk, in the capacity as City Elections Official, presented a recommendation to the City Council to pass resolutions authorizing members of the City Council to author and submit arguments "in opposition to" and/or "in support of" the various measures to be presented to the voters on the November 6, 2012 General Municipal Election ballot. As the City Clerk explained, taking this action would ensure that the City Council's argument(s) are selected for printing in the official sample ballot pursuant to the selection criteria contained in California Elections Code section 9287. If the action recommended was taken, the City Council would secure its priority in the City Clerk's selection of ballot arguments should more than one argument be submitted in opposition to or in support of the measure(s). If more than one argument for or against any approved measure is filed with the City Clerk, and the City Council has selected and authorized argument authors by resolution, the City Clerk would be required to select the City Council's argument.

As the City Clerk explained in its recommendation to the City Council, if the City Council, as a body, chooses to submit an argument, at least one council member should be designated as the author. California Elections Code section 9283 and the City of Sacramento Guidelines for preparation of ballot arguments provide that ballot arguments must be signed by the authorized authors in order to obtain priority in the selection process.

The City Clerk further explained in its recommendation that the primary arguments would be due in the Office of the City Clerk by Wednesday, August 8, 2012 at 4:30 p.m. The rebuttal arguments would be due in the Office of the City Clerk by Wednesday, August 15, 2012 at 4:30 p.m.

On July 27, 2012, the City Clerk's staff provided the Mayor's staff with the instructions for preparation of ballot arguments, including that the arguments would be due August 8, 2012 by 4:30 p.m., the rebuttal arguments would be due August 15, 2012 by 4:30 p.m., the forms must be printed and signed, and the "argument authors" form must be completed and signed by all authors. The City Clerk's staff also explained to the staff member that the City Clerk's Office urges the City Council to authorize its members to author and submit arguments to ensure that the arguments are selected for printing in the sample ballot, guaranteeing the City Clerk gives priority to that argument in the event that more than one argument is submitted.

At the June 19, 2012 and July 31, 2012 meetings, the City Council, because it "desires to submit argument(s) for the measure," adopted resolutions authorizing members of the City Council to submit on behalf of the City Council, written arguments for Measures M, T, and U. The City Council authorized members Kevin McCarty and Steve Cohn to author the argument in favor of Measure M (Charter Review Commission) and member Angelique Ashby to author the argument in opposition to Measure M; authorized members Cohn, McCarty, and Darrell Fong to author the argument in favor of Measure T (Yard and Garden Refuse); and authorized members Darrell Fong, McCarty and Cohn to author the argument in favor of Measure U (Transactions and Use Tax), and Mayor Kevin Johnson author the argument against Measure U. The resolutions further provided that the arguments shall be prepared in accordance with the California Elections Code and the Election Official's printing guidelines available from the City Clerk. The City Council adopted the resolution unanimously, with one member absent.

In July 2012, the three council members authorized by the City Council to author the argument in favor of Measure U decided to substitute non-council members to author those arguments. They did so because in their view the arguments would be

more persuasive to voters if the arguments were authored by public officials or citizens impacted by the measure. The council members did not publicly disclose their intention to substitute those authors before submitting the arguments to the City Clerk for filing.

One council member who was authorized to author arguments in favor of the measures asserted that the City Council's resolution authorized the members only "to file" the argument, not to author the argument. That interpretation conflicts with the plain meaning of the City Council resolution; the Elections Code, City Code, and Guidelines; the City Clerk's interpretation of the pertinent codes and guidelines; and the interpretation of three council members authorized to author arguments by the City Council. Moreover, there is no evident statutory purpose for the City Council to authorize its members to file a ballot argument authored by others, and council members need no Council authorization to file the argument authored by others.

On Tuesday, August 7, 2012, at 8:11 a.m., the City Clerk's staff sent a reminder to all council members that ballot arguments were due in the City Clerk's Office on Wednesday, August 8 by 4:30 p.m., and requested that council members notify the City Clerk's Office when they would be filing their arguments, because of the significant impact on the City Clerk's Office of candidates filing for the office of charter commissioner. Given the possibility that arguments submitted to the City Clerk's Office for filing fail to comply with the City's ballot argument preparation guidelines and require corrections, it is generally in the argument author's interest to submit the argument as much in advance of the filing deadline as possible.

On August 7, 2012, at 9:47 a.m., one council member authorized to author the ballot argument in favor of Measure U responded to the City Clerk staff's 8:11 a.m. request, suggesting that he would file his argument that day at 4:00 p.m. At 10:34 a.m. that day, the City Clerk staff responded to the council member and stated, "If you are ready with the "yes" on Measure U (tax) or Measure M (charter), I'm wondering if you want to wait until right before the deadline Wednesday. Otherwise, the opponents and media will have access to the argument in advance of the opposition's submission. Not sure if this matters. Let me know."

In the same 10:34 a.m., response, the City Clerk staff also informed the council member that "[t]he "no" on T (yard)/garden) opponents are coming in at 4 pm today. If that is ok, then we will see you then. If not, perhaps 4:15 or end of day Wednesday."

At 11:16 a.m., the council member responded to the City Clerk staff's suggestion, stating, "Better yet, how about tomorrow 2-430 range? What slot works?" At 12:36 p.m., the City Clerk staff responded, "I have open Wednesday at 3:30 or 4:00 p.m. Which works better for you?" The next day, August 8, at 3:37 p.m., the council member responded, "4 pm is my appt. correct?" At 3:40 p.m., the City Clerk staff responded, "Yes." On August 7, 2012, the three council members authorized to author and file the ballot argument in favor of Measure U agreed to file the argument close to the deadline on August 8. On August 8, 2012, at 3:25 p.m., one of the three council members presented the argument in favor of Measure U to the City Clerk's Office. The argument was not signed by any of the three council members authorized by the City Council to author the argument on its behalf. Instead, the argument was signed by the five non-council members selected by the three authorized council members. Because the council members authorized by the City Council to author the argument in favor of Measure U did not sign the ballot argument, the City Council's argument would not have received the statutory priority in the event that another argument had been filed.

On August 8, 2012 at 4:16 p.m., the council members authorized to author the argument in favor of Measures M and T presented the arguments in favor of Measures M and T to the City Clerk's Office. The City Clerk staff identified formatting problems with both arguments and advised the City Council members that the City Clerk's Office would correct the formatting errors for publication in the sample ballot. On August 8, 2012, the council member authorized to author the argument in opposition to Measure M timely filed the argument with the City Clerk.

On August 9, 2012 at 5:00 p.m., the Mayor's ballot argument opposed to Measure U was e-mailed to the City Clerk's Office. Because the argument was not timely submitted, the City Clerk's Office refused to file the argument. The Mayor failed to timely file the argument because his assistants assigned to prepare and submit argument misunderstood the deadline.

A citizen's group opposed to Measure U would have prepared and submitted argument to the City Clerk in opposition to Measure U, but, in reliance on the City Council's resolution authorizing the Mayor to author an argument against Measure U, did not submit an argument. As a result, no argument against Measure U was included on the ballot.

After all ballot arguments were submitted, the City Clerk's Office reviewed the submission of ballot arguments that were signed not by the authorized council members but by non-council members selected by the three authorized council

members. The City Clerk's Office concluded that the substitution of signatures by the authorized council members, by which the City Council lost statutory priority for its argument, was contrary to best practices for conducting municipal elections. First, the substitution was contrary to the City Council's intent to obtain priority for its argument by authorizing the council members to author the argument. Second, the substitution of signatures by the three council members was not authorized by the City Council and was not publically disclosed before the filing deadline, and therefore lacked transparency. Third, others who may have submitted ballot arguments but did not in reliance on the City Council's decision to obtain priority, were misled by the lack of transparency and failed to file arguments.

On January 28, 2013, Assembly Member Logue introduced Assembly Bill 193, which amends Elections Code section 9287 to limit ballot arguments submitted by a legislative body to an argument consistent with the position taken by the legislative body on the measure.

FINDINGS AND RECOMMENDATIONS

Finding 1: The Grand Jury finds that the council members authorized by the City Council to author arguments in favor of Measures M, T, and U did not author those arguments submitted to the City Clerk, and did not publicly disclose their intention not to author the arguments before submitting the arguments to the City Clerk. The council members' failure to author the arguments deprived the City Council of statutory priority for its arguments in the event other arguments in favor of each measure had been submitted to the City Clerk. The council members' failure to author the arguments and to disclose their intention not to author the arguments was contrary to the City Council's intent in authorizing the members; contrary to the California Elections Code, City Code, and City Elections Guidelines provisions for obtaining priority; and contrary to the best practices for transparent election procedures.

Recommendation 1: The Grand Jury recommends that the City Clerk promulgate, and the City Council approve, election guidelines that ensure that council members authorized by the City Council to author an argument respecting a measure, will do so.

Finding 2: The Grand Jury finds that the Mayor failed to timely file a ballot argument in opposition to Measure U because his assistants who were assigned to prepare and submit the argument to the City Clerk misunderstood the filing requirements. This failure to timely file the argument was negligent, not intentional.

Recommendation 2: The Grand Jury recommends that the City Clerk develop and provide formal training for the City Council and staff, as well as the general voting public, regarding the filing requirements for ballot measures and arguments.

Finding 3: The Grand Jury finds that the City Council authorized council members to author arguments both in favor of and in opposition to measures it approved for placement on the ballot. Given the statutory preference accorded arguments authorized by the City Council, the Council's authorization of arguments both in favor of and in opposition to a measure it has approved for placement on the ballot can preclude the filing of other opposition arguments to a measure or, at minimum, may discourage the submission of other opposition arguments, creating the possibility that the City Council could effectively limit legitimate opposition to a measure, either by submitting a token opposition argument or failing to submit an opposition argument.

Recommendation 3: In the absence of state law barring such a practice, the Grand Jury recommends that the City Council adopt guidelines precluding authorizing council members to author arguments both in favor of and in opposition to a measure that the City Council approves for placement on the ballot.

Finding 4: The Grand Jury finds that the City Clerk's Office staff advised a council member authorized to author arguments in favor of measures placed on the ballot by the City Council, to delay submitting the arguments to the City Clerk's Office until just before the filing deadline and until after the opposition argument had been submitted (informing the council member of the date and time a measure opponent was scheduled to submit its opposition), in order to prevent the media and measure opponents from reviewing the argument in advance of the opposition's submission. In response to the staff's advice, the council member delayed submitting arguments to the City Clerk's Office until just before the filing deadline and after the measure opponent had submitted its argument. The staff's communication with the council member was inconsistent with the non-partisan role of the City Clerk's Office with respect to municipal elections.

Recommendation 4: The Grand Jury recommends that the City Clerk provide training to its staff regarding the Elections Office's non-partisan role with respect to municipal elections.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Sacramento County Grand Jury requests that Sacramento City Council and Sacramento City Clerk respond to all findings and recommendations contained in this report. The Sacramento City Council response must comply with the notice, agenda, and open meeting requirements of the Brown Act.

The response should be submitted by September 28, 2013, to:
The Honorable Laurie Earl, Presiding Judge
Sacramento County Superior Court
720 9th Street, Department 47
Sacramento, CA 95814

In addition, the response should be emailed to Rebecca Castaneda, Grand Jury Coordinator at: castanb@saccourt.com.

DISCLAIMER

This report was issued by the grand jury with the exception of one member of the jury who is a former Sacramento City council member. This juror was excluded from all parts of the investigation, including interviews, deliberations, and the making and acceptance of the report.

INVESTIGATION: Deputy-Involved Shootings
Sacramento County Sheriff's Department

INTRODUCTION

During 2012, Sacramento County Sheriff's Department (SSD) deputies were involved in 13 situations where they discharged their firearms. This number was unusually high, as compared with previous years, and received attention of Sheriff Scott Jones, the public at large, and the media.

The grand jury initiated a review of the incidents and received complaints concerning one or more of the incidents.

The determination of whether a specific deputy-involved shooting was consistent with the requirements of law and the Sheriff's policy is beyond the scope of the authority of the grand jury. The legal determination is the exclusive prerogative of the District Attorney and compliance with policy is the exclusive prerogative of the Sheriff. As a result, the purpose of the grand jury's review was to: (1) determine whether any nexus could be found between the elimination of reviews by the District Attorney and the rather rapid and the high number of deputy- involved shootings; (2) identify any trends or patterns that may exist within the 13 incidents; and (3) determine whether further actions are available to the Sheriff's Department or other agencies, to minimize the number of shooting incidents in the future.

BACKGROUND

In 2007, the Sacramento County Board of Supervisors created the independent Office of the Inspector General (OIG). The role of the OIG, as described on the web site for the office is to "…conduct [ ] fact finding, audits, and other inquiries pertaining to administrative or operational matters as deemed appropriate by the Board of Supervisors, County Executive, Sheriff, or concerned Department Head…". With regard to the Sheriff's Department, the OIG reviews each deputy-involved shooting case, as well as in-custody deaths, and citizen complaints against employees of the department. The OIG publishes a summary report every January that describes the activities, findings, and recommendations for the previous year.

In June 2011, the Sacramento County District Attorney announced that due to reduced staff and resources resulting from budget reductions, the office would discontinue its practice to review each officer-involved shooting that occurs in the county. Prior to that, as the OIG noted in several annual reports, the shooting review program within the SSD had not been operational for several years. The

grand jury reviewed several newspaper articles citing community concerns regarding the discontinuation of the District Attorney's independent review process.

In the first eight months of calendar year 2012, Sheriff's Department deputies were involved in 13 shootings, eight of which resulted in the death of a citizen.

The first shooting case occurred on January 8, 2012, and was followed by five more in the same month. The last shooting incident occurred in August 2012. The Sheriff's Department investigated the circumstances of each shooting and concluded that each was consistent with the law and internal policy. The OIG reviewed each case to determine if the actions of the deputies involved were consistent with existing law and policy.

INVESTIGATION METHODOLOGY

The grand jury interviewed the Inspector General (who retired at the end of 2012) and staff of the Sheriff's Department. The grand jury reviewed reports of the internal investigation of each shooting case, written policy and procedures of the Sheriff's Department concerning use of force and firearms, and training curricula from the Commission on Peace Officers Standards and Training (POST) and the SSD. In addition, members of the grand jury reviewed policies and manuals from several sheriffs' departments in California regarding the use of force in the making of detentions and arrests, model policies published by the International Association of Chiefs of Police (IACP), law enforcement association web sites, and newspaper archives.

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

THE SHOOTING INCIDENTS

On January 8, 2012, deputies assisted a California Highway Patrol officer with a vehicle stop of a fleeing suspect. As the deputies approached the car with the driver still inside, the driver drove his car at them. As the deputies moved out of the way, they shot and hit the driver. After several blocks, the car stalled and the deputies used a Taser to subdue the driver. The driver suffered non-lethal injuries.

On January 15, a deputy detained two "suspicious" subjects. During the questioning, one of the suspects attempted to hit the deputy, then fled on foot and

the deputy pursued. When the deputy caught the man, a fight ensued during which both of them fell down an embankment 20 feet into a creek. The subject landed on top of the deputy and continued to hit him. After trying unsuccessfully to defend himself, the deputy shot the subject. The subject continued to fight other responding officers. The subject suffered non-lethal injuries.

On January 17, a deputy went to a residence in response to a call of a family disturbance involving a twenty-four-year-old male with a history of mental health problems who was acting violently toward family members. In the house, the subject physically assaulted the deputy, both fell on a bed, and the subject began grabbing for the equipment on the deputy's belt. The deputy was able to free his gun and shot the man inflicting a fatal injury.

On January 27, deputies assisted Galt police officers with a burglary in progress, with one suspect inside the store and another running from it. A deputy entered the store and confronted the suspect in the store who held what the deputy believed was an axe. The suspect ran toward another deputy at an open door, ignoring orders to stop. When the suspect did not stop, the deputy shot him. The suspect suffered non-fatal injuries.

On January 31, deputies went to an apartment complex to serve a felony arrest warrant. Inside an apartment, deputies were confronted by a man who pointed a shotgun at them. He ignored the orders to drop the weapon and one of the deputies fired, missing the suspect, as they retreated from the apartment. An eight-hour standoff ensued with the suspect barricaded inside the apartment. The Special Enforcement Detail (SED) and Critical Incident Negotiations Team (CINT) responded; these are emergency response units that respond in hostage situations and other incidents involving a threat to human life. Ultimately, the suspect was arrested without injury.

Also in January, deputies shot a vicious dog that attacked and severely injured a child after the dog also menaced the deputies. Although the shooting did not involve a human, the incident was investigated, reviewed, and assessed for compliance with SSD policy.

On February 6, deputies located a stolen car at a gas station. They stopped a man walking nearby. As they patted him down for possible weapons, the man ran and a deputy fired a Taser, which was ineffective. When the suspect was caught by the deputy, he attempted to reach into his coat. The deputy shot the subject inflicting a fatal injury.

No deputy-involved shooting occurred during the remainder of February or the month of March.

On April 12, deputies were serving a search warrant at a residence. They confronted a man who ran from them and was caught. He was taken back into the house and handcuffed so the deputies could search the house. A locked safe with a biometric lock that belonged to the suspect was located in a closet. At the suggestion of the deputies, the suspect agreed to open the safe and told the deputies a gun was in the safe. Deputies allowed the suspect to open the safe by matching his finger to the lock scanner but told him not to reach inside or try to get the gun. Immediately upon opening the safe, the man removed a handgun from the safe and pointed it at the deputies. The deputies fired at the man as they retreated from the closet. One deputy was shot in the hand by another deputy during this time. Subsequently, a robot was sent into the house and the suspect was found dead.

On April 20, deputies went to an apartment complex to assist the West Sacramento Police Department in an investigation of a series of carjackings that occurred earlier that morning. They contacted a man who matched the description of the suspect but he ran into an apartment and barricaded the door. The SED responded and the suspect remained barricaded in the apartment and on the balcony. A fire started in the apartment but firefighters could not attack the fire because the suspect was barricaded inside and hostile. The SED deputies shot the suspect inflicting a fatal injury.

On May 19, deputies responded to a report of a robbery and the description of the suspect matched that from an earlier robbery in the same area. The suspect fled from both locations on a motorcycle. Deputies observed a suspect who fled on a motorcycle. The motorcycle crashed and the suspect continued to flee on foot. As deputies pursued him on foot, the suspect turned, faced the deputies and reached into his waistband. A deputy shot the suspect inflicting a fatal injury.

On May 28, deputies went to a home to investigate an assault. While speaking to the neighbor who may have been involved, the garage door of the home suddenly opened and a man came out holding a pitchfork. He approached the deputies, who backed away and ordered him to drop the pitchfork. While backing up, one deputy fell, as the man continued to approach in an aggressive manner. Another deputy shot the subject inflicting a fatal injury.

No deputy-involved shooting occurred during June or July.

On August 2, deputies went to a home to serve a felony arrest warrant. The subject of the warrant refused to leave the house. The deputies forcibly entered the home and confronted the suspect who pointed a gun at them. The deputies retreated out of the house. Over the next few hours, teams from the SED and CINT attempted to negotiate with the suspect. The suspect threatened to kill them if they entered the house. After some time, the suspect exited the garage brandishing a firearm. A deputy shot at the suspect who retreated into the house. A robot was sent into the house and the suspect was found dead.

On August 14, deputies assisted the Folsom Police Department in a foot pursuit of an armed bank robbery suspect. The suspect entered a private residence containing a woman and four young children. A deputy followed the suspect into the house and shot him, inflicting a fatal injury.

No deputy-involved shootings occurred during September, October, November, or December. No deputy-involved shootings have occurred from January 1 through April 15, 2013, when this report was written.

DISCUSSION

From the information available to the grand jury, the brief analysis of the incidents above shows:

1. A total of 13 deputy-involved shooting incidents occurred during 2012. During each of the three previous years (2009, 2010, and 2011), five or six shooting incidents occurred.
2. One incident involved a vicious dog; three incidents involved an armed, barricaded suspect and the specialized response of SED and CINT, and two incidents involved deputies acting in assistance to municipal police officers in their cities.
3. Seven incidents involved a deputy in a situation that developed from a call for service; four subjects died in these incidents.
4. The circumstances of each case were different from every other case; no common characteristics or elements were identified among a significant number of the cases.
5. No pattern or trend of actions or omissions was identified in the incidents.

In January and February 2012, Sheriff's Department administration assigned a special project to a lead member of the SED who completed the POST Master Instructor course. The project's goal was to develop and present a series of short training modules for deputies on the topics of use of force including deadly force, Tasers, first aid, and vehicle pursuits. The training is presented at the beginning of

shift briefing and consumes approximately one hour. The use-of-force training was presented first to all patrol deputies and supervisors, beginning in March 2012. It has also been presented to correctional officers. Subsequently, the Taser and first aid modules were presented. The vehicle pursuit module is under development. The Inspector General was complimentary of the SSD training curriculum. Jurors reviewed the curriculum of the use-of-force module and it appears to be contemporary and comprehensive, given the time allotted and the conditions for the presentation. An important theme of the training is to illustrate the difference between those instances where force may be legally permitted and those where it is actually necessary to be used (the difference between "can" and "should"). At the least, the training was successful in raising the level of situational awareness of the deputies in respect to the use of force.

Jurors learned the use-of-force training was developed by the assigned deputy without specific assistance or information from either the OIG or the Internal Affairs unit that investigates deputy-involved shootings. Specific information from the 13 cases apparently was not available for inclusion in the training curriculum. Further, jurors have no information that suggests the training staff at SSD was involved in the development or presentation of the training. The training was developed based on the knowledge and experience of the deputy and with "best practices" that are available from other experienced Special Weapons and Tactical (SWAT) officers and professional associations (e.g., California Association of Tactical Officers).

Based on this information, the grand jury concluded the use-of-force curriculum is valuable and pertinent. However, the grand jury found no continuing effort to expand the training, standardize the curriculum, incorporate the elements in other training, or prepare more instructors to broaden the delivery of the training. Training presented during the limited time of pre-shift briefing is generally based on lecture and discussion, and the audience is often distracted by other matters as they prepare to go to work. The expansion of the training to incorporate "lessons learned" from actual cases, including interactive scenarios, should be a goal of the training module. All deputies and supervisors would benefit from the increased awareness and emphasis provided by this training, and from the time dedicated for the training without other distractions. While it is difficult to quantify the value of this training, the awareness created by the training may have been a factor in the reduction of shooting incidents after April 2012.

The grand jury found there was no direct communication between the deputy who developed and presented the training, the Internal Affairs section, the Inspector General, or the SSD training staff. Although the 13 shooting incidents have little in

common, each has potentially significant value as a teaching tool. The value of using actual incidents instead of hypothetical situations for training is a common and effective approach. Further, the OIG, and the Sheriff's Department itself, have the ability to analyze a single incident or a series of incidents to identify the behavior, language, and tactics, and the "lessons learned" from the incidents and include that information in training and policy. This practice is the basis for a 20-year project of POST. Known as the Law Enforcement Officers Killed in Action (LEOKA) program, each case wherein a peace officer in California is killed is analyzed and "lessons learned" are incorporated into training curricula, both for academy and in-service training. A comparable effort with cases of deputy-involved shootings would seem to have similar value. A Tactical Review Board for deputy-involved shooting incidents previously existed in the SSD but apparently ceased to function several years ago. Annual reports from the OIG comment about the absence of the review process. The function of the review process, as described in the OIG reports, was to identify equipment, policy, and tactics issues from the shooting cases and to recommend improvements.

The grand jury found no information that indicated the OIG completed an analysis of a single shooting incident or a series of incidents, beyond the summary information published in the annual report. Recommendations contained in the 2011 and 2012 reports from the OIG did not address directly issues of policy, tactics, or training that may have been present in the cases. However, the OIG did develop, at the request of the Sheriff, a new protocol for the review of deputy-involved shootings. The goal of the new process is to identify issues of training and equipment, and to "compare incidents over time." The adoption of the protocol was described by the Inspector General and reported in an article in *The Sacramento Bee* on October 28, 2012. The newspaper's editorial board on October 31, supported the protocol, stating "…the community has to be sure that the use of deadly force is justified…."

The grand jury's investigation found no evidence or indication that the District Attorney's decision to disband its independent review process was an element of the increase in deputy-involved shootings in the first half of 2012. The Internal Affairs section of the Sheriff's Department continued to operate and to investigate each incident. The case files reviewed by the jurors included written reports, recorded statements of deputies and witnesses, photographs, and physical evidence. The case files appeared to be complete; the investigations were objective and thorough; and the jurors found no indication that the investigators acted irresponsibly or negligently in any of the cases.

The larger question, for the Sacramento County Board of Supervisors, remains: whether an independent review is of value to the SSD in particular and to Sacramento County in general. This was the highest number of deputy-involved shootings in many years. It began six months after the District Attorney discontinued the only independent review of such cases which review, according to some persons, was at least partially responsible for a decrease in such incidents in the several years preceding 2012. An independent review, either by the OIG or the District Attorney, may well be important for the county, both in financial terms and in giving the citizens of the county the confidence that deputy-involved shootings, especially those that result in the loss of life, are thoroughly investigated by an independent body without any appearance of a conflict of interest.

The review and analysis of the incidents by members of the grand jury did identify some issues of tactics and policy. In one case, deputies shot at a suspect in a moving vehicle and surrounded the vehicle putting the deputies in a "cross fire" situation. In three cases, a tactical decision by a single deputy put him in a position where he was overcome by the suspect and shot to end the attack. In one case, a "common practice" and a tactical decision allowed a subject who was handcuffed to obtain a gun and deputies shot the subject. One deputy was injured by another deputy in that incident. The grand jury believes the policy and tactical issues presented in these cases should have been identified by either the OIG or an internal SSD review. The grand jury has no information that this occurred.

The jurors received and reviewed the SSD General Order concerning use-of-force. The policy is sufficient in the opinion of the OIG and the Sheriff. Interestingly, while the policy addresses shooting *from* a moving vehicle, it does not address shooting at a moving vehicle. The issue of shooting at a moving vehicle is the subject of considerable discussion and debate within law enforcement. Many law enforcement agencies prohibit the practice (e.g., Los Angeles Police Department) or limit the circumstances where it is permitted. A model policy promulgated by the IACP has been adopted by many departments across the country. The policy does not prohibit shooting at a moving vehicle, but notes the increased dangers of doing so. The grand jury believes the SSD policy should be revised to address this issue and others that can be identified from the shooting cases.

FINDINGS AND RECOMMENDATIONS

Finding 1: The Grand Jury finds that the decision by the District Attorney to discontinue the independent review of officer-involved shootings has negatively affected the perception of law enforcement accountability in the county and public confidence in the review process. The Grand Jury further finds the independent

review of deputy-involved shooting cases should be conducted by the OIG or the District Attorney.

Recommendation 1: The Grand Jury recommends the Board of Supervisors provide sufficient funds to support the comprehensive, objective review and analysis of officer-involved shootings by either the OIG or the District Attorney, or both, as the Board determines is appropriate and necessary.

Finding 2: The Grand Jury finds the Sheriff's Department and the OIG do not conduct an analysis of deputy-involved shooting incidents to identify the behavior, policy, or tactical issues that are present. The Grand Jury further finds the Sheriff's Department does not routinely review shooting cases to identify "lessons learned" that can be incorporated in training.

Recommendation 2: The Grand Jury recommends the Sheriff consider restoring the use-of-force review process in the Department with a specific focus on the identification of behavior, policy, and tactical issues, and "lessons learned." The Grand Jury further recommends the review panel include both tactical and training staff.

Finding 3: The Grand Jury finds that there is insufficient communication between the Office of the Inspector General and the administration of the Sheriff's Department concerning the "lessons learned" from the shooting cases.

Recommendation 3: The Grand Jury recommends that the Inspector General adopt a more proactive review of deputy-involved shooting incidents, beyond simply reviewing the findings of the Department's internal investigation. Rather, the Inspector General should review each incident with the goal of communicating "lessons learned" to the Department.

Finding 4: The Grand Jury finds the policies and orders of the SSD concerning use-of-force and deadly force are relatively generic and not comprehensive.

Recommendation 4: The Grand Jury recommends the Sheriff initiate a review of the orders and policies concerning the use-of-force and deadly force, and revise those orders as appropriate and legally competent to specifically address topics that are not addressed in the current policies (e.g., shooting at a moving vehicle). The Grand Jury further recommends the Sheriff consider the inclusion of use-of-force policy in tactical and firearms training courses developed and presented in the Department.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Sacramento County Grand Jury requests that the Sacramento County Sheriff, the Sacramento County District Attorney, the Sacramento County Inspector General, and the Sacramento County Board of Supervisors respond to the findings and recommendations as detailed below. The Sacramento County Board of Supervisors response must comply with the notice, agenda and open meeting requirements of the Brown Act.

- Sacramento County Sheriff (Findings and Recommendations 2, 3, and 4)
- Sacramento County District Attorney (Finding and Recommendation 1)
- Sacramento County Inspector General (Finding and Recommendation 3)
- Sacramento County Board of Supervisors (Finding and Recommendation 1)

The response should be submitted by September 28, 2013, to:
The Honorable Laurie Earl, Presiding Judge
Sacramento County Superior Court
720 9th Street, Department 47
Sacramento, CA 95814

In addition, the response should be emailed to Rebecca Castaneda, Grand Jury Coordinator at: castanb@saccourt.com.

DISCLAIMER

This report was issued by the grand jury with the exception of one member of the jury who is a retired peace officer from the Sacramento County Sheriff's Department. This juror was excluded from all parts of the investigation, including interviews, deliberations, and the making and acceptance of the report.

Sacramento County Voter Registration and Elections Department

INTRODUCTION

The Department of Voter Registration and Elections is part of the Countywide Services Agency. The Registrar is appointed by the Board of Supervisors.

The Registrar is responsible to:

- Register voters and maintain current and accurate voter files.
- Conduct federal, state, county and city elections within Sacramento County.
- Check the adequacy and certification of recall, referendum, and initiative petitions.
- Administer the local provisions of campaign reporting and financing.
- Review, analyze and monitor the impact of legislation on the election process.

STAFF CONTACTED

In August 2012, the Registrar of Voters and the Assistant Registrar gave the grand jury a tour of the facility and a demonstration of some of the equipment used in voting. The grand jury saw the optical scanner, the ballot marking equipment for voters who are blind, vision-impaired, or otherwise unable to mark a regular ballot, a ballot counter for paper (Vote-by-Mail) ballots, and an on-demand ballot printer. The county's equipment is made by Election System and Software. The grand jury saw the warehouse where precinct equipment is stored and where ballots, envelopes and other voting materials are kept for 22 months following an election.

In October 2012, the Registrar of Voters and the Campaign Services Director visited the full grand jury in preparation for the official observer duties at polling locations on Election Day.

On Election Day, jurors visited about 35 polling places throughout the county. On the evening of the election, several jurors met at the elections office and were guided through the facility and its vote counting and verification processes by the Campaign Services Director.

GRAND JURY TOUR NOTES

During the visit, the office was preparing for the General Election to be held in November 2012. While the Registrar regularly has about 37 employees, that number will increase to 100 the month before the election, and will be near 500 staff on the day of the election. About 69 percent of voters are Vote-by-Mail (VBM), formerly called absentee voters, which has reduced the number of polling places needed, saving $5,000 per polling place. All VBM ballots can be processed ten days before the election and the results are released shortly after the polls close on Election Day. Ballots arriving from four days before the election to the day of the election are not counted until the polls close. These ballots will be counted after the scanned ballots from the polling places are counted. Following the election, the County Registrar has 28 days to certify the results, including a manual tally of a random sample of one percent of the precincts to verify the results of the machine counting process.

Fraudulent voter registration can be a concern, in part because people are paid to collect registrations; therefore, there is a financial incentive in place to falsify registrations. The office has systems in place to verify that voter registrations are legitimate, so staff believes that voting fraud (casting ballots fraudulently) is not an issue in Sacramento County. There is no statewide data base in existence to prevent voters from registering in multiple counties. A few weeks before the General Election, it became possible to register online to vote.

On Election Day, the poll workers were observed to be friendly, knowledgeable, and helpful. Several polling places had lines at various times throughout the day, and in some cases, voters sat at available tables instead of waiting for a booth. The wait times were generally less than 10 minutes. In many polling places, the grand jury observed that voters showed up at the wrong location and/or had applied to VBM and subsequently chose to vote in person. These voters used provisional ballots which took considerably more time to process after the polls closed.

Jurors observed three potential security concerns. The pink ballot boxes used for VBM envelopes were unsealed. In February 2013, a number of uncounted ballots were discovered at the elections office. This occurred because once the pink box at the polling place reached capacity, subsequent ballots were placed in a red supplies bag, causing them to be missed when taken to the elections office for counting. Additional pink ballot boxes and/or improved procedures could prevent this from happening in future elections. Jurors also observed that the bomb detection canine was dismissed from the Elections Office facility before ballots started arriving.

One juror noticed that voters were “bothered” by picketers at Raley’s Supermarket who were on strike that week.

The grand jury was impressed by the complexity of the voting process. The checks and balances used to maintain the accuracy and integrity of the election, the magnitude and logistics of staging the election, at many sites with many different ballots (250+), within a short window of time using primarily temporary workers was impressive. The staff meets these challenges thoughtfully, carefully, and with commitment to the integrity of the process.

As the equipment being used for ballot processing is reaching the end of its useful life, and as voters increasingly use the option of VBM, the grand jury supports the efforts of the Elections Office to acquire new equipment that will meet the demands of the coming years. The grand jury also supports continued efforts to get information about voting procedures into the hands (and minds) of voters.

California State Prison, Sacramento

INTRODUCTION

The grand jury toured the California State Prison, Sacramento (SAC) pursuant to Penal Code section 919(b), which states: "(t)he grand jury shall inquire into the condition and management of the public prisons within the county." The prison was originally called New Folsom, because it stands next to the historic Folsom State Prison.

The warden and staff briefed the grand jury on the function of SAC. The institution houses maximum security inmates serving long sentences or those who are management problems at other institutions.

At the time of the visit, there were 2,577 inmates housed at SAC. According to the warden, the single biggest problem of running the prison is the nature of its population. He credits the mental health staff with making a significant contribution to the care and safety of both staff and inmates. Of the over 1,700 staff, 500 are medical staff and 180 are mental health workers. The budget for the prison is $233 million, of which $88 million is for mental health.

MEDICAL AND MENTAL HEALTH SERVICES

SAC provides general and specialized medical services through nursing triage, the primary care provider system and community providers. The institution has two licensed Correctional Treatment Centers. An Outpatient Housing Unit provides care for inmate-patients with medical and short-term mental health challenges. Mental health services within the prison are delivered via the California Correctional Health Care Services, with a Psychiatric Services Unit, Enhanced Outpatient (EOP), and EOP Administrative Segregation, as well as a Correctional Clinical Case Management System. A 1,000-bed mental health facility is due to open in Stockton during the 2013 calendar year, which will greatly reduce the mental health population at SAC. Additionally, critical care is provided through the Mental Health Crisis Bed Unit.

PHYSICAL LAYOUT

The prison is divided into identically-designed maximum security housing facilities. Facility A houses the psychiatric population. Facility B houses the general population, Security Housing (SHU), Administrative Segregation (AD-SEG), Enhanced Outpatient, and Mental Health Crisis Beds. Facility C houses

general population inmates, and those low- and medium-security inmates who perform cooking, laundry, and landscaping duties.

There are two special units in Facilities A and B for serious rule violators. The AD-SEG is generally used for short, specific periods of time (30 days or less) for inmates who violate prison rules, and also houses inmates who would most likely be harmed if placed in the general prison population. The SHU is the main disciplinary unit in California prisons. An inmate who commits a serious offense such as drug possession, battery on another inmate or staff member, gang activity, or when his presence within the general prison population would jeopardize the safety and security of the inmates or staff, will be given a hearing and sentenced to the SHU for an indeterminate amount of time.

There is also a stand-alone unit in Facility A that houses up to 200 AD-SEG inmates. Mental health program inmates are not allowed in the AD-SEG units.

INFRASTRUCTURE

SAC shares much of its infrastructure with the Old Folsom Prison. For instance, the SAC prepares all of the meals for both prisons; the food for Old Folsom is flash frozen and delivered to the facility for meal service. Most inmates at SAC are cell fed, so the trays are prepared in the kitchen and delivered to the cell blocks. All culinary and laundry workers and some minimum security inmates are allowed to eat in the dining hall.

All of the laundry for both prisons is done at SAC. Inmate clothing is marked with an identification number and each inmate is allowed to have his laundry done once a week.

Medium security inmates perform all cooking and laundry tasks. All jobs are desirable for inmates because it allows additional out of cell time and is a deterrent to boredom. Inmate labor is utilized as much as possible throughout the prison.

The grand jury observed the exercise yard with a clear inmate-driven separation of races and/or ethnicities. Certain ethnic or racial groups generally do not interact with other groups and when forced to do so erupt into violent behavior or gang-related incidents. Despite a court order requiring integration, inmates generally segregate in the yards by race and gang affiliation. Prison staff explained that alternating and segregating yard time is the most practical way inmates can receive the required ten hours a week outdoors, and keep both inmates and staff safe and secure. This “separate but equal” practice has been upheld in three court reviews.

The two prisons do not share staff except in the event of an emergency such as a riot. To date, three riots had occurred at SAC during the calendar year.

SECURITY ISSUES

In order to minimize transportation for inmates involved in litigation, the prison has initiated a video arraignment procedure. Defense attorneys come to SAC and meet with their clients who appear for arraignment via video in front of the judge. This technology eliminates a trip to court and has generally been accepted by all parties.

In October 2011, California enacted Public Safety Realignment, which shifted responsibility for many lower level offenders to local counties. Realignment has resulted in a significant reduction of the inmate population, which is helping the State to address its problem of prison overcrowding. (The Supreme Court recently upheld a federal court order mandating that California reduce overcrowding in all of its prisons.) This reduction was apparent, especially to grand jury members who had visited the prison previously. According to the warden, while he still wants to see increased staffing levels, the reduction in overcrowding is expected to improve prison safety and access to rehabilitative programming.

CONCLUSION

Staff at SAC appeared very knowledgeable and dedicated to maintaining safety and security while trying to rehabilitate what they described as a particularly difficult population.

Folsom State Prison

INTRODUCTION

The grand jury toured Folsom State Prison (FSP) pursuant to California Penal Code section 919(b), which states: "(t)he grand jury shall inquire into the condition and management of the public prisons within the county."

The FSP was opened in 1880, and is the second oldest prison in California after San Quentin. It was the first maximum security prison in the state. According to the California Department of Corrections and Rehabilitation (CDCR), as of November 2012, the facility's total population was 2,545 inmates, or 103.1 percent of its design capacity of 2,469. The FSP is located on 40 acres of land.

There are five housing units within the secure perimeter, including the original two-tiered structure. Unit 1 is the most populous cellblock in the United States, with a capacity of nearly 1,200 inmates on four five-tiered sections. All cells include toilet, sink, bunks, and storage space for inmate possessions. There are two dining halls, a large central prison exercise yard, and two smaller exercise yards. The visiting room includes an attached patio, as well as space for non-contact visits.

Due in part to the construction of California State Prison, Sacramento, a maximum security facility, FSP was redesignated in 1986 to a medium security facility.

The mission of FSP is "to house Medium Security Inmates in a secure and effective manner consistent with Departmental, State, Federal and relevant Case Laws while providing access to a variety of Vocational/Educational Training, Prison Industries Authority (PIA) as well as Religious and Self-Help Programs aimed at reducing recidivism rates."

INMATE TRANSITION PROGRAMS WITHIN FSP

According to the CDCR, holding a job is one of the best predictors of parolee success and key to reducing victimization and strengthening public safety. The link between in-prison rehabilitation programs and employment is critical. California's New Start prison-to-employment program is modeled after the best practices from other states. Most of the programs listed below are designed to provide a marketable skill for inmates after their release from prison:

- PIA: License Plate Factory (manufactures 50,000 plates per day), Sign Shop, Furniture Shop, Metal Fabrication, Print Shop and Digital Services (Mapping).
- PIA Modular Building Enterprise and Pre-Apprenticeship Program.
- Vocational: Masonry, Building Maintenance, Office Services, Welding, (AWS Certification), and Auto Mechanics (ASE Certification).
- Academic: Adult Basic Education, General Education Development, Adult High School, English as a Second Language.
- Other Programs: Correctional Learning Network, Community Crews, Self Help Groups (Alcoholics Anonymous/Narcotics Anonymous), Youth Diversion, Parenting, Fitness For Life, Healthful Living, Parenting, Library, correspondence courses, Military Veteran's Group, and college programs.
- Alpha Re-Entry Program: Offers life skills that include parenting, celebration of recovery, alcohol, drug and other addictive behaviors, preparing inmates for re-entry into their families and communities.
- California New Start Prison to Employment Transition Program: A pre-release employment program for eligible inmates. The program consists of a four-week 70-hour curriculum consisting of: transition planning, job search techniques, job applications, resume writing, interview preparation, financial literacy, and One Stop Career Center orientation.
- Folsom Project for the Blind and Visually Impaired: The Braille project teaches inmates to transcribe textbooks, graphic images, music and other material into Braille. Most of the inmates working in the program have become certified in at least one type of Braille, and many hold multiple certifications. One of the hallmarks of the program is that of the 19 people who have been paroled after participating in the program, none have returned to prison. Of the five people in the United States who hold every certification in Braille, three are inmates at FSP.

Through a contract with a community-based organization, the CDRC provides an onsite case manager as a family reunification liaison for inmates and family members. The organization assists with inmates' pre-release preparation and conducts parenting and creative conflict resolution classes for inmates.

The FSP has over 1,000 staff. This includes custody personnel, support services, and medical staff. The prison has an annual operating budget in excess of $100 million.

The grand jury toured the entire prison including inmate housing, kitchen, bakery, laundry, medical facilities, exercise yards, classrooms, and the PIA facilities. During the tour, all questions were answered by tour personnel. At the conclusion of the tour, the grand jury met with the warden and staff for a question and answer session. Grand jurors were impressed by the dedication, knowledge and professionalism of all staff members that were encountered during the tour.

Sacramento County Main Jail

INTRODUCTION/BACKGROUND

The California Penal Code section 919(b) requires that the sitting grand jury "shall inquire into the condition and management of the public prisons within the county." The grand jury observed the daily operations of the Sacramento County main jail to gain an understanding of the jail's operational procedures related to the custody responsibilities for pre-trial and convicted inmates.

The mission of the Sacramento County main jail is "to ensure public safety by the secure detention of those persons committed to our custody. We will also ensure that those persons committed to our custody are provided a safe and humane environment with treatment consistent toward that end."

The main jail is located at 651 I Street. It was completed in 1989 as a state-of-the-art facility. The building includes 1,252 total cells with a maximum capacity of 2,432 inmates. The daily average population is 2,400 inmates, of which 90 percent is in custody for felonies. The average length of incarceration is 31 days, which reflects both pre-trial and convicted inmates. On the day of the tour, the inmate population was at 94 percent capacity. In addition to pre-trial inmates, the jail also houses 375-425 federal inmates for the United States Marshall's Office and up to 129 federal inmates for Immigration and Customs Enforcement. There are approximately 220 females housed in the jail. A portion of the main jail includes the Lorenzo E. Patino Hall of Justice. The four courtrooms handle an average of 6,800 court cases per month; most of the defendants are in custody at the main jail.

The Sacramento County main jail serves as the primary booking intake facility for inmates in Sacramento County. The jail handles over 49,000 bookings a year. On average, there are 135 bookings per day. The booking process (e.g., assigning a cell, completing background check, conducting medical tests, identifying possible gang affiliation, etc.), may take 8 to 12 hours to complete by the jail officers.

The annual cost of operations is $64 million, which includes $33 million for personnel services. The daily housing fee for outside agencies is $77.17 per day. Over 8,000 meals are served each day at an average cost of $3.50 per day.
The main jail is budgeted for 384 employees (excluding full-time medical and psychiatric), including 254 sworn and 130 civilian staff. At present, there exists a 12 percent vacancy rate.

The Correctional Health Services of the Sacramento County Sheriff's Department provides access to medically necessary and emergency health care including: health screening, nurse sick call, doctor's sick call, medication administration, outpatient medical housing, and dental treatment to relieve pain and infection. Radiology, dialysis, ophthalmology, obstetrics/gynecology, and orthopedic services are provided as-needed through internal clinics. Outside hospitals and medical specialists provide additional medical services through negotiated contacts or county rate schedules.

Jail Psychiatric Services provides mental health services to inmates through a contractual agreement between the University of California, Davis, Department of Psychiatry and Behavioral Sciences and Sacramento County. The primary goals of the program include suicide prevention and treatment of the mentally ill.

The wide range of medical and psychiatric services provided by Sacramento County Sheriff's Department must meet the mandated requirements for inmate care as detailed in Title 15, Minimum Standards for Local Detention Facilities; California Medical Association Standards for Health Services in Adult Detention Facilities, California Penal Code section 4011.6; Welfare and Institutions Code section 5000, et seq. (the Lanterman-Petris-Short Act which ended involuntary civil commitments to a mental health institution), and the California Department of Mental Health regulations.

GRAND JURY TOUR NOTES

The main jail's staff provided an initial orientation and complete overview of the facility and the areas that would be toured. Areas reviewed during the tour included: booking areas, inmate cell blocks and cells, kitchen, laundry, psychiatric unit, medical facilities, and pharmacy. The Assistant Commander and two deputies escorted the grand jury throughout the facility and provided every opportunity to discuss details of staff assignments and inmate environment.

STAFF CONTACTED

Immediately following the tour, a panel discussion occurred with the Commander, Assistant Commander, Operations Commander, Administrative Sergeant, Classification Officer, Psychiatric In-Patient Unit Officer, Fiscal Budget Manager, Chief of Correction Health Services, Assistant Chief of Correctional Health Services, Medical Director of Correctional Health Services, Director of Nursing and Clinical Services, Clinical Director of Jail Psychiatric Services, Food Service Program Manager, and Program Administrator Adult and Community Education.

GRAND JURY TOUR NOTES

The policies and procedures of the main jail facility appeared to meet the requirements of the California Department of Corrections and Rehabilitation. A high degree of professionalism was evident throughout the tour. Inmates appeared to be provided a safe and humane environment by attentive and well-trained staff. The facility was clean and well-maintained. Random inspections of fire extinguishers indicated routine services are up to date. Medical and mental facilities were well-organized. Pharmacy safety precautions and controls were impressive. The kitchen area was clean and well-staffed to meet nutritional needs of inmates. No issues or concerns were noted during the tour.

CONCLUSION

The grand jury concludes that the main jail is operated with a high level of pride and dedication by sworn and non-sworn staff alike. The citizens of Sacramento should be proud of the outstanding work performed by the main jail staff to meet its responsibilities and the goals of its mission to ensure public safety.

Sacramento County Sheriff's Department
Rio Cosumnes Correctional Center

The Rio Cosumnes Correctional Center (RCCC) is the principal facility in Sacramento County for housing sentenced prisoners. It is a large complex located on 70 acres approximately 20 miles south of downtown Sacramento and 12 miles southwest of Elk Grove. At the time of the grand jury visit, the facility housed 1,753 male and 203 female prisoners.

The RCCC houses five categories of prisoners:

1. Misdemeanor convictions
2. Felony convictions sentenced to county jail as a condition of probation
3. Probation violators from the State and County.
4. Overflow inmates from the county jail with pending criminal cases.
5. State prisoners transferred to county jail pursuant to Assembly Bill 109 and 117.

PRETRIAL INMATES

The majority of pretrial inmates are housed at the downtown jail at 651 "I" Street. Due to space limitations and security concerns, some inmates must be housed at RCCC while their criminal cases are pending. This presents security problems for the jail staff, and increased costs for Sacramento County. The pretrial inmates need to be transported for each of their court appearances. This involves almost daily security van rides of up to an hour each way, and an increased need for deputies to provide transportation security. The trip from the downtown jail to the courthouse is a two-block ride, and the trip from the downtown jail to the arraignment courts in the jail involves one elevator ride. Rehabilitation programs are not available to pretrial inmates because of the limited time the inmates are at RCCC.

REHABILITATIVE PROGRAMS FOR SENTENCED INMATES

Sentenced inmates are the largest population within RCCC and for whom several rehabilitative programs are offered. Due to security concerns, there is no commingling of programs.

Adult Education: The RCCC in collaboration with the Elk Grove Adult and Community Education Association provides literacy, computer, vocational, and personal growth training. The facility maintains a small computer lab and classroom, with much of the equipment donated or obtained from grant funding. Some community college transferable credits are also available.

Landscaping: Within its boundaries, RCCC supervises a vegetable and flower gardening project, which provides the kitchen with fresh vegetables. A large greenhouse and equipment also provide prisoners with horticultural training. A full-time staff horticulturalist coordinates the program. The goal of the program is to give prisoners the skills to work in the gardening and nursery industries after their release.

Welding: The RCCC operates a certified welding shop within its perimeters. The shop is staffed by experienced full-time welders. Inmates are given both education and hands-on experience. Inmates can obtain an industry-recognized certificate through a community college after release.

Culinary arts: The Sandra Larson Facility, within the grounds of RCCC, houses all of the female inmates. This facility includes the culinary arts school, which is run by a professional chef. The goal of the school is to teach female inmates food preparation, presentation and service. The inmates cook and serve meals in the restaurant to visiting groups. Because the chef is well-respected in the culinary community, many of the inmates obtain employment after their release.

Reentry programs: Several programs are available to inmates prior to their release. These include parenting education, substance abuse counseling, and family value classes. The goal is to offer inmates as many tools as possible to reduce recidivism.

REALIGNMENT OF STATE PRISONERS

In October 2011, California enacted Public Safety Realignment, which shifted responsibility for many lower level offenders to local counties. Realignment has resulted in a significant reduction of the inmate population, which is helping the State to address its problem of prison overcrowding. The RCCC has accepted hundreds of state prisoners with sentences between 18 months and eight years. The facility administration reported they have sufficient space and state funding to house the influx of new inmates. However, bed space is limited and staff monitor the population and resources to properly house, supervise, and provide security for the increased population.

Sacramento County Sheriff's Department
Work Release Division

The Work Release Division is part of the Sacramento County Sheriff's Office and is located on North Fifth Street, near the American River. No prisoners are housed at this location. The building consists of offices, meeting rooms, and areas for the electronic monitoring equipment.

The program was established in 1978 to allow prisoners convicted of low level, non-violent offenses to serve their time performing community-oriented work rather than confined in the county jail. It was created to ease overcrowding in the jail and to allow prisoners to remain employed in order to pay restitution and fines associated with their convictions. The division consists primarily of two parts: the Sheriff's Work Project (work project) and the Home Detention program (work furlough).

SHERIFF'S WORK PROJECT

The project allows people convicted of specific crimes and sentenced to less than 90-120 days of incarceration to report to either the project or to a designated area of the county. They serve their sentences doing community improvement work during the day while supervised by a correctional officer. Prisoners pay an application fee of $80 and a daily fee of $40 for participation in the program. Financial inability to pay is not, in itself, a reason for exclusion. The project was traditionally referred to as the "weekend work project," but it operates throughout the week. The average number of persons participating in the project is approximately 1,000 per week. The Sheriff's Department estimates that the value of the labor provided by the participants would equal over $5 million per year at contract rates to the county. This is in addition to the money saved by the county for not paying the costs of incarceration. With these savings and the income from the fees, this project is essentially financially self-sufficient.

The project appears to enjoy a fairly good success rate, considering the number of obstacles involved. If a prisoner engages in fighting, disruptive behavior, insubordination, or drug or alcohol use, participation in the project may be terminated and the remainder of the sentence will be served in custody. In June 2012, 647 persons were accepted into the program and 335 of those successfully completed the program. Given the reasons for possible termination, a 52 percent success rate is impressive.

HOME DETENTION PROGRAM

The Home Detention Program originally consisted of sentenced prisoners going to their jobs during the day and spending nights and weekends at the jail or the work furlough facility. The participants' jobs and homes must be within Sacramento County. The original intent was to allow sentenced county prisoners to retain their employment to provide for their families and pay restitution and fines ordered by the court. With the use of electronic monitoring devices, the prisoners are allowed to work during the day and to be under house arrest during all other times. The prisoners are electronically monitored 24 hours per day. Prisoners pay an application fee of $130 and a daily fee of up to $47 for participation. The fees are flexible and are, in part, based on the prisoner's ability to pay. Full-time students are eligible to participate in order to further or complete their education. A small number of people whose incarceration is deemed too complex or costly because of illness or serious injury are admitted into the program. As with the work project, the fees charged to the prisoners create an essentially financially self-sufficient program.

"POWER PROGRAM"

The "Power Program" is a collaboration with local schools and community colleges. It is a small, but growing component of the work project. It was designed to assist inmates in obtaining employment and learning life skills and offers classes through several federal and county programs. The program began in 1999 and since 2006, when the program affiliated with the Los Rios Community College District, almost 3,000 certificates of completion have been awarded for college credits.

RELATED SERVICES

In addition to the programs described above, the division provides a number of related services. It assists the county probation department in the recovery of revenue from sentenced persons for the payment of fines and restitution. It also operates the Sheriff's Toy Project, which is described in a separate report.

The division office contains teleconferencing and Skype software, which is connected with the electronic equipment at the inmate's home. All inmates are subject to random drug and alcohol testing. The electronic equipment enables the

officers to remote link and visually monitor and communicate with a prisoner who is on home detention. In addition, the in-home equipment is able to administer breath alcohol testing which is observed visually by the officer and immediately analyzed by the equipment. This saves the officer a trip to the home and provides more effective random alcohol testing.

Sheriff's Toy Project

INTRODUCTION/BACKGROUND

Since 1984, the Sheriff's Toy Project has served less fortunate children and families in Sacramento County through a collaborative effort of peace officers, nonprofit agencies, private donors, and businesses. The Sheriff's Department and volunteers distribute items throughout the year to over 20 nonprofit organizations. Initially, the project was a method to alleviate jail overcrowding, where inmates were sentenced to serve their court-ordered time at a work release facility repairing donated bicycles and building wooden toys.

Offenders screened through the Work Release Division work with law enforcement officers and community volunteers to build and refurbish wooden toys including dollhouses, rocking horses, rocking chairs, benches, school chairs and tables, Adirondack chairs, motorcycles, and refurbish bicycles to nearly new condition.

In 2002, the Toy Project became a public nonprofit organization. The Toy Project receives donations of cars, boats, trucks, vans, recreational vehicles, and real estate as donations, in addition to new toys. The nonprofit is led by a board of directors separate from the Work Release Division. The board of directors votes on fundraising events and how the monies are spent. Monies donated to the Toy Project are used solely for the community distribution of goods and services. Salaries, wages, and operating expenses and equipment are paid through the Work Release Division appropriation.

There is a misconception that the Toy Project is only a holiday gift-giving project; this is a year-round operation. The most significant distribution occurs during the holiday season. The Toy Project assists with other holiday toy drives in the community. Community nonprofit organizations receive items and raffle them off as a fundraiser. Since inception, the Toy Project has provided less fortunate children with over 75,000 gifts, including over 6,400 bicycles. During the 2011 holiday season, the Toy Project gave away food boxes and gifts to more than 1,400 families, with each child up to 17 years of age receiving an average of 3 gifts. During the first eight months of 2012, the Toy Project refurbished and distributed 205 bikes and 103 computers to organizations and schools such as the Higher Learning Academy at Twin Rivers, Will Rogers Elementary, Asian Resources, Encina High School's Sober Grad Night, Whitney Elementary, and James Rutter and Mitchell Middle Schools.

Community partnerships are the key to the success of the Toy Project. The Kiwanis Club, Veterans of Foreign Wars, Police Athletic League and the Sacramento Metropolitan Chamber of Commerce have active relationships, where the organizations assist with fundraisers and the Toy Project creates items that are raffled off by the nonprofit organization. In collaboration with the Santa Claus Project, Sheriff's deputies distribute 500 stockings and gifts to children in area hospitals who are undergoing chemotherapy or suffering from other illnesses. Each year, 40 bags of quilts and beanie blankets are donated from Project Linus, Sacramento Chapter and are distributed to needy families during the winter months. The Toy Project partners with organizations such as the Salvation Army, The Golden 1 Credit Union and Kovar's Karate to receive donated new toys for the holiday season.

In 2012, the Toy Project and the National Latino Peace Officer's Association, Sacramento Chapter, awarded $1000 scholarships to eight local area students. The students also received a bicycle from the Toy Project.

Since October 2003, the Toy Project has collaborated with Heald College to have an onsite instructor and college interns refurbish and repair donated computers. The program began with the Heald instructor contacting the Rancho Cordova Chamber of Commerce to find a nonprofit organization that his information technology students could help with repairing computers and earn school work experience credit. The Chamber connected Heald College with the Toy Project, and since then, the partnership has resulted in over 1,200 computers refurbished and issued to the less fortunate and to nonprofit organizations free of charge. In addition, the partnership has installed networks at over 90 nonprofit entities, including public elementary, middle and high schools, special needs classrooms, charter schools, after school programs, community groups, group homes, Boys and Girl Clubs, and job training programs.

The success of the Toy Project is an example of a "win, win, win" situation. Needy families with children receive gifts and food at no cost. The Sheriff's Department develops a stronger relationship with the community. Offenders feel a sense of accomplishment by serving less fortunate children in the county, while building self-esteem, developing job skills, and receiving vocational training for future employment opportunities.

STAFF CONTACTED

The tour was led by the Sheriff's Deputy assigned to the Toy Project. Fiscal information and operational information was provided by the Sheriff's Officer assigned to the Toy Project.

GRAND JURY TOUR NOTES

The Sheriff's Office has a float in the annual Santa Claus parade. The reception area is highlighted with parts of the floats used in prior Santa Claus parades. The mural in the reception area was designed and painted by offenders. The tour included the embroidery room with a single-head and four-head machine, the bicycle repair room, the woodworking room that includes a laser wood engraver (they make plaques, coasters, business card holders and desk name plates from recycled donated wood); the sewing room, the computer repair room operated by Heald College, storage facilities, and the administrative offices.

OBSERVATIONS AND SUGGESTIONS

Observation 1: The Grand Jury observed Toy Project receives new toys throughout the year, with emphasis during the pre-holiday season. Coordinating with community, civic, and other nonprofit organizations facilitates collection opportunities for new toys.

Suggestion 1: The Grand Jury suggests the Toy Project contact Target, ToysRUs and other toy stores for new toys that cannot be sold, but could be repackaged and distributed to needy families.

Observation 2: The Grand Jury observed the new toy storage area is cramped because the storage van used to participate in various community activities is parked there.

Suggestion 2: The Grand Jury suggests the Toy Project reach out to the owner of the property to acquire additional space so that the storage facility can be used more effectively from October through December to construct the Sheriff's Department float for the holiday parade.

Observation 3: The Grand Jury observed on average each week, 20 offenders, 15 community volunteers, and 20 Sheriff's deputies spend time at the Toy Project. Over 80 percent of the offenders return after their sentence to volunteer.

Suggestion 3: The Grand Jury suggests additional community volunteers can assist with the Toy Project mission, after background screening. Community volunteers are needed to assist underprivileged families complete applications to qualify for donations during the holidays.

Sacramento County Coroner's Office

INTRODUCTION/BACKGROUND

Sacramento County is one of eight California counties with a Coroner's Office separate from the Sheriff's Department. Each county is mandated to perform the functions of the coroner as defined in the Government Code section 27491 and Health and Safety Code section 102850. Penal Code section 830.35 specifies the coroner and deputy coroners are sworn peace officers.

The County Coroner ensures on behalf of the community, that sudden and unexpected deaths, or those deaths that occur under violent or suspicious circumstances, are thoroughly investigated. This role is undertaken by investigative and medical staff to answer questions that are important to the deceased's family, involved law enforcement agencies, insurance companies, and the California Department of Public Health.

The four main functions of the Coroner's Office are death investigations, notification of the next of kin, returning the deceased person's property to family, and the final disposal of the indigent. A $2 burial permit fee offsets a portion of the cost for indigent burials and cremations. The costs in excess of what the burial permit fee covers comes from the Coroner's Office budget. The office is the fifth most active in California with 1,000 autopsies (of which 100 are homicides) each year.

There are five classifications for the manner of death in coroner cases: accidental, natural, suicide, homicide and undetermined. "Undetermined" is usually an interim classification, indicating uncertainty about the cause of death. The classification remains if the cause of death and/or circumstances cannot be determined. The family cannot receive insurance benefits if the cause of death is "undetermined." Natural deaths in hospitals and patients under hospice care are not investigated.

Investigators and pathologists determine the cause and manner of death through examination of the deceased and other significant evidence. The office participates in child and elderly death review committees to make recommendations for changes that may reduce the risk of unexpected or unnatural death. The office also provides programs for young people about the hazards of drinking and other irresponsible behaviors that could result in serious injury or death.

In 2008, the annual office budget was over $2 million. Over the last three years, staffing reductions have had the following impacts:

- Fewer administrative staff requiring a reduction in public service hours from 40 hours to 20 hours per week.
- Loss of two supervisors (66 percent reduction) which has eliminated direct supervision for half of the investigators. This has had a significant impact on the office's ability to provide the necessary mentoring, discipline, and work product quality.
- Loss of two forensic pathologists (50 percent reduction) which has increased the case backlog to over 200 days (the standard is 90 days). This delay creates significant problems for families attempting to resolve financial issues and has generated a significant number of complaints. In 2011, the excessive case closure delays resulted in a loss of accreditation from the National Association of Medical Examiners. In Fiscal Year 2012–2013, the Coroner Office's budget was increased to hire two new forensic pathologists. Reaccreditation will be sought after the case backlog has been reduced to within the standard 90 days completion time.

There are ten investigators who work in three separate shifts; only one supervisor is assigned to these ten investigators. Deputy Coroners work without supervision for a portion of their shift; this impacts the office's effort to provide staff performance evaluations. Pathologists perform the autopsies with assistance from twelve University of California, Davis medical interns. It takes four to five months on average to get final autopsy results. Once the office is fully staffed, autopsies should be completed in 90 days or less.

The Coroner's Office issues a preliminary letter to insurance companies and employers stating the nature of the cause of death to speed up financial benefits due the family. Those who previously signed an objection to autopsy before their death for religious reasons will have their wishes honored, unless criminal activity is suspected. The issue will be resolved in the courts. Should the deceased or family designate organ donation, the body is kept on life support and the Coroner's Office staff uses organ donation protocol.

GRAND JURY TOUR NOTES

The facility tour included the business and administration offices, break room, locked holding area for drugs and items from estates and homes for pending Probate Court cases, conference room used to discuss crime scenes, pathologist offices, investigation viewing rooms, X-ray area, autopsy stations, the cold storage area where bodies are stored, computer unit, and the loading dock for transporting bodies to and from hospitals, funeral homes, etc.

X-ray machines are used for dental and full body scans. The Coroner's Office uses computers to send DNA samples to the FBI's combined DNA Index System (CODIS). Since 1994, DNA testing has been conducted and many unsolved cases have been solved. In 2005, the Sacramento County Remote Access Network (RAN) Board allocated approximately $20,000 in Cal-ID computer equipment supplies and support to establish California's first decedent digital fingerprint capture and transmission program at the Sacramento County's Coroner's Office. The program electronically submits decedent fingerprints to the California Department of Justice and reduces turnaround time for identification information from hours or days to minutes. Previously, six people performed this function; with technology, one person can complete the task. An update of the system is underway with anticipated funding from the Sacramento County RAN Board.

OBSERVATIONS AND SUGGESTIONS

Observation 1: The Grand Jury observed that the Coroner's Office needs more staff supervision to permit adequate evaluation of employees.

Suggestion 1: The Grand Jury suggests more funding be provided to hire supervisors for investigative staff.

Observation 2: The Grand Jury observed that the Coroner's Office could use more updated computer equipment to provide autopsy results quickly for law enforcement and insurance companies.

Suggestion 2: The Grand Jury suggests that more automated equipment be purchased to provide prompt results.

Sacramento County District Attorney's Crime Lab
(Laboratory of Forensic Sciences)

INTRODUCTION/BACKGROUND

The Sacramento County Crime Lab is one of only a few in California managed by the District Attorney's Office. Smaller counties rely on the State Department of Justice Crime Labs. The laboratory is housed in a modern facility, constructed in 1996, and has a large technical and administrative staff. It is situated in the same two-story building as the County Morgue. The Crime Lab is a full-service laboratory, providing forensic services and training to all law enforcement agencies in Sacramento County.

The lab is accredited by the American Society of Crime Lab Directors Laboratory Accreditation Board and has been accredited since 2009. Accreditation is required every five years. Federal grants cannot be received without accreditation. The Crime Lab has received federal grants to replace outdated equipment.

The tour began with staff introductions. Staff has been reduced by almost one-third in recent years, because of budget cuts. Staff showed a restaurant crime scene with 360-degree digital photographic images, to enable a virtual tour can be taken inside and outside the restaurant. Measurements can be taken electronically. Embedded images show bullet holes when enlarged. Scanned images take 20 to 40 minutes to be produced in all types of conditions including in the dark and rain. Many homicides and sexual assault cases use scans to solve crimes.

The laboratory includes four technical units: Chemistry, Criminalistics, Biology, and Toxicology. The Crime Lab's staff analyzes chemical substances for the presence of controlled drugs. A criminalist extracts a suspected drug sample and performs presumptive tests during the initial phase of a chemical analysis. The Chemistry Unit uses a variety of scientific instruments to perform chemical analysis. Some equipment must be replaced every five years. The Chemistry Unit examines drugs such as marijuana, cocaine, methamphetamine, heroin, and other narcotic substances. Sixty percent of the findings are used as court evidence. In 2012, 2,823 samples were analyzed for drugs. Blood alcohol samples were analyzed in 5,531 cases. DNA checks take 30 days to complete. Familial searches are done to solve some crimes.

There are 18 members on the Crime Scene Team. Cross-training is encouraged in such areas as firearms, crime scene instruction, and DNA analysis. The laboratory staff can perform crime reconstruction.

GRAND JURY TOUR NOTES

The tour began at the Evidence Intake Counter, which receives 10,000 items annually. The grand jury viewed the criminal and DNA staff work area. In the Chemistry Unit, the cocaine drug testing is timed. Cocaine testing also requires a color test, using wet extraction techniques.

The Toxicology Unit performs 10,000 tests each year for the presence of alcohol and/or drugs in body fluids. Staff demonstrated alcohol and blood analysis. Testing alcohol takes four hours to complete. Alcohol analysis must be performed within a year of collection to ensure the viability of the sample. Blood and urine samples use quality control sample comparison. Gases can be detected in blood samples. A person's medical condition should be known, if possible, before testing so laboratory staff are aware of other medications that might be present. The Toxicology Unit staff testify in court 30–40 times a year to establish whether persons were driving under the influence. It may be necessary to get samples from the County Coroner if the person involved is deceased. Fingerprints are examined in drug cases.

The Criminalistics Unit includes: arson, trace evidence; firearms and tool comparison. Staff showed the grand jury drawers of sample bullets and shells, weapon collection storage room, and an analysis laboratory. A determination of which gun was fired with which bullets is possible through analysis. Glass broken by bullets can be examined using high intensity lasers. Nineteen elements are analyzed, which can result in matching the sample to a specific manufacturer's batch of glass. Enhancement of shoe prints and chemicals is conducted in this unit.

The Arson Unit analyzes flammable liquids and fire debris. Testing is done in an oven for three hours. The evaporation patterns are then analyzed for possible matches.

The Serology Unit includes the DNA Laboratory comprised of twelve criminalists, eleven women and one man. While some individuals naturally shed more cells when handling an item, staff explained that men have a higher likelihood to contaminate DNA results because of their tendency to "shed."

Forensic biology is used in sexual assault cases. Identification of body fluids is performed. Sixty percent of the all cases involve property crime, burglary and armed robbery. There are ten million DNA profiles stored in CODIS (Combined DNA Index System), which is a system of information stored from previous crimes which can be checked to match cases and individuals.

The Crime Lab works in cooperation with University of California, Davis students who are earning degrees in criminal studies and need statistical proof of their hypotheses. Students are required to present their papers during a medical conference.

The tour concluded after a visit to the shooting range and the garage storage area where vehicles involved in a crime are stored.

Sacramento County Youth Detention Facility

INTRODUCTION/BACKGROUND

The Youth Detention Facility (YDF), commonly referred to as Juvenile Hall, is operated by the Sacramento County Probation Department (Department). The mission of the YDF is the safe and secure detention of juveniles pending disposition of their cases by the Court.

The facility was originally built in 1963. In 2010, the Department completed a ten-year renovation and new construction project that improved the entire facility and added two housing units.

The facility is staffed with a Division Chief, three Assistant Division Chiefs, 13 Supervising Probation Officers, 22 Deputy Probation Officers, and 168 Deputy Probation Assistants. In addition, the full-time and part-time staff include: dietician, psychiatrist, mental health supervisor, mental health clinicians, recreational therapist, pediatrician, nurses, dentist, and pharmacist. Approximately 300 volunteers supplement the paid personnel resources; staff are grateful for the assistance. The annual budget for the facility, including all administration, staff, and operating costs is approximately $41.6 million. Staff estimate the average daily cost for a resident in the facility is approximately $235. The law permits the county to charge the parent or legal guardian of a resident $25 per day for the cost of the detention. Staff reported they are not aware of an active program at this time, to collect reimbursements from parents because they are generally unable to pay that cost.

The physical facility is comprised of 16 housing units, three of which were vacant at the time of the grand jury's visit. The housing units are utilized for:

- 2 – Female housing
- 6 – Male housing
- 1 – Orientation to YDF, male
- 1 – High Impact (serious mental problems)
- 2 – High Security (serious/violent behavior or crimes)
- 1 – Commitment (for those committed to YDF by the court)
- 1 – Library (using a vacant housing unit)
- 2 – Vacant

The intake unit is the reception area for youth delivered to the facility. At intake, each youth is issued facility clothing, personal property is stored, photos and fingerprints are taken, and the initial assessment is completed for mental, physical,

and medical evaluation, and security (housing) classification. Each resident participates in an orientation to the facility that includes rules and behavioral expectations.

The medical unit operates 24 hours a day, and contains eight rooms for ill residents, a medical isolation room, and a secure room. Each new resident undergoes a mental health screening within 24 hours of admission to the facility. Emergency and routine medical, dental, vision, and optometry services are available, and the unit contains a pharmacy. Approximately 33–35 percent of the residents take prescribed medication. A pediatrician, pharmacist, nurses, part-time dentist, and mental health staff work in the unit.

Each housing unit includes central toilet and shower facilities, a common area (day room) where the residents may eat or watch television, two class rooms, and staff offices. Most "rooms" in a unit have one bed; several of the units are equipped for two residents to a room. Each room is equipped with a toilet and basin. Two units have two levels (tiers) for housing. Each housing unit has access to a recreation area immediately adjacent to the unit. Food is prepared in the central kitchen and delivered in hot/cold carriers to each housing unit. Residents eat at tables in the common area (day room) in the unit. Cameras, monitored at the central staff position, are placed throughout each unit but activity is not recorded from the cameras, consistent with statute and Department policy.

In addition to the housing units, the facility includes an intake and orientation area, gymnasium, central kitchen, medical facility, small garden area, outdoor recreation area, and visitors' center.

The facility is certified for 444 residents, based on the physical capacity. The operational capacity is approximately 225, as a result of the budgeted staff positions. The facility does not operate at capacity due to the limitations of budget and available staff. At the time of the grand jury's visit, the population was approximately 190, including 27 females. The female population has steadily declined since 2008, when approximately 70 females were detained in the facility. In 2012, approximately 500 females and 2068 males were received by the YDF, with an average daily intake of 10 – 15 juveniles. The average daily population is approximately 178. The average stay in YDF is approximately 25 days. The YDF staff estimated that in 2012, 60 percent of the residents were connected with an identified gang; 20 were detained pending trial in adult court; three were held pending transfer to the California Department of Corrections and Rehabilitation; 36 were awaiting final disposition and placement by the court, and 29 were committed to YDF for a specific period as a condition of probation.

Residents are housed in groups of 15 – 20 that are age and security classification compatible in each unit. Residents are designated as "Honor" based on their attitude, behavior, and performance and identified by a distinctive T-shirt. Honor residents are role models and mentors for the other residents.

The visitor center is open seven days per week. "Professional" visits from attorneys and others are available during the day; parents or legal guardians may visit daily from 4:00 pm to 9:00 pm daily. Parent visits are limited to the evening hours to avoid disrupting school and other activities. Staff reported only a "small" problem with contraband being introduced through the visitor center. The primary contraband items are cell phones.

The facility is the site of El Centro Junior/Senior High School operated by the Sacramento County Office of Education (SCOE). Residents receive 300 instructional minutes per day, Monday through Friday, by teachers provided by SCOE. The curriculum includes math, reading, history, writing, physical education, and art. All basic courses required for a GED or diploma, and all required testing, is provided to the residents. Residents are required to attend school but may be excused for illness or activities related to their cases. School attendance is described as one of the focused activities provided to residents to minimize conflict, continue their education, and "keep them busy." Staff reported that during the week of the grand jury's visit, a high school graduation ceremony would be held for one resident, whose parents would attend. Staff complimented the services, teachers, and cooperation provided by SCOE.

In addition to the educational program, behavioral and cognitive programs are available to the residents, including Leadership Education and Athletic Program, Skills Training Enrichment Program, Aggression Replacement Training, and conflict resolution. Community-based programs include the Fresh Producers Gardening Project, Girl Scouts, Fathers and Families, and Planned Parenthood.

A small library was opened in June 2012 in a vacant housing unit. The library apparently is not supported by the facility budget. The library is stocked primarily with books donated by community members, more than 2,000 of which came as the result of a "book donation drive" created by the facility staff. One staff member serves as the librarian; no staff have library training or experience. The books are stored on shelves, generally by topic. Residents are able to read in the library and take books back to their rooms. Staff reported that most of the donated books are still boxed and stored, waiting processing and distribution. Many of the classrooms in the housing units have rolling book carts so that books are available to the residents when the library is closed.

GRAND JURY TOUR NOTES

The grand jury observed the facility was well-maintained and clean. It generally was quiet, especially in contrast to the jails and correctional facilities visited by the grand jury. The residents' behavior was quiet and, in the classrooms, focused and serious. Staff were friendly, appeared to be knowledgeable about the facility, program, and resources, and the residents were respectful and cooperative. Groups of residents, accompanied by staff, moved about the facility without disruption.

Two teachers were observed in one classroom in a female unit working with approximately 12 residents. Each resident worked at a computer on various topics, including math and English (reading). The different programs were apparently self-paced and appropriate for the individual residents. The teachers moved around the students, observing and assisting as necessary. The residents appeared to be focused, were not distracted, and did not disrupt the classroom. An "Honor" resident was in one classroom and worked with another resident for a period of time, in addition to her own work.

Staff stated that disruptive incidents have declined as a result, in part, they believe, of the variety of programs and highly structured environment of the facility. Staff estimated they handle one incident of disruptive behavior (e.g. fighting) per day.

The library is a commendable project for the facility staff and administration. Members of the grand jury are aware of other resources including the Sacramento County Library, Library Services for Youth in Custody, and community volunteers that may be available to expand and improve the library.

OBSERVATION AND SUGGESTION

Observation 1: The Grand Jury observed that the YDF has provided space, staff, and obtained books to create a small library without budget support. The effort to encourage and promote reading among the residents is commendable, as is the initiative of the staff to create the library. Additional resources may be available to expand and improve the library, and provide assistance to the facility staff.

Suggestion 1: The Grand Jury suggests the YDF staff contact the Sacramento County Public Library, Sacramento County Office of Education, Library Services for Youth in Custody, and California State University, Sacramento for assistance and guidance in providing library services.

Suggestion 2: The Grand Jury suggests the YDF staff solicit volunteers, especially those with library experience and training, to assist with organizing the donated books and the library space, and to supplement the staff in providing library services to the residents.

Suggestion 3: The Grand Jury suggests the YDF staff explore the possibility of grant and other funding sources, including private foundations, to provide financial support for the library and the services it can provide to the residents.

Sacramento County Office of Education

INTRODUCTION/BACKGROUND

The Sacramento County Office of Education (SCOE) is one of 58 county offices of education in California. County offices of education elect governing boards and are administered by either an elected or appointed superintendent. The superintendent is appointed by the Sacramento County Board of Education. There are 14 school districts in Sacramento County that serve approximately 235,000 K-12 students.

MISSION

The SCOE is mandated to monitor school districts in the areas of teacher credentialing and financial and program oversight. It also provides support with direct student services, technical assistance, and professional development for district teachers and administrators. Economies of scale are achieved by the distinct services provided by SCOE when the number of students or staff cannot be economically serviced by the individual school districts. While SCOE may offer suggestions on operations, it does not have statutory authority over individual districts. The SCOE provides appropriate services for all special needs students within the district. At the request of individual school districts, SCOE will provide services to at-risk student population thru a combination of prevention and intervention programs.

Although the primary function of SCOE is advisory in nature, there are four areas where SCOE and the County Superintendent exercise more direct control. They are:

1. Financial and Program Oversight

   In 1991, Assembly Bill 1200 amended the Education Code to ensure that local educational agencies adequately prepare to meet their financial obligations and not expect state financial support when they mismanage their budget. It expanded SCOE's fiduciary responsibilities and clarified lines of authority. In a defined fiscal crisis, which includes a disapproved budget, negative interim reports, or the inability to meet financial obligations, SCOE can intervene. The amendments added intervention procedures, which include the state's Fiscal Crisis and Management Assistance Team. The legislation was partially enacted in response to the Richmond Unified School District bankruptcy, and most recently helped avoid a similar crisis at the Natomas Unified School District.

2. The *Williams* Settlement

   In 2000, the *Williams, et al., vs. State of California, et al. (Williams)* case was filed as a class action suit in San Francisco County Superior Court. The plaintiffs, nearly 100 San Francisco County students, charged that the agencies failed to provide public school students with equal access to instructional materials, safe and decent school facilities, and qualified teachers. The 2004 *Williams* settlement directed all County Offices of Education to oversee an agreement that requires sufficiency of instructional materials, appropriate assignment of teachers, and adequately maintained and clean school facilities throughout the school districts. Five pieces of enabling legislation added and amended the Education Code and gave SCOE the responsibility to visit all county schools and to ensure that acceptable standards are being met.

3. Credential Monitoring

   The SCOE is required to view, monitor, and report teacher assignments to ensure that properly credentialed personnel are available to students, as described in Education Code section 44258.9. The SCOE is required to notify the districts of their findings, and corrective action timelines to change unauthorized assignments. Credentialed employees can file individual claims with SCOE if the employee believes he or she is unauthorized to provide service in a placement. Much of the credentialing process used to be done by the college issuing the technical credential; this process is moving to SCOE. In addition to monitoring credential assignments, SCOE also monitors district payroll and retirement reporting to ensure teachers hold valid credentials.

4. Quality Education Investment Act (QEIA)

   The SCOE administers QEIA. It provides funding for low-performing schools and requires the schools to meet seven statutory requirements: class size reduction, teacher experience index, qualified teachers, staff professional development, high school counselor ratios, *Williams* settlement requirements, and Academic Performance Index growth.

DIRECT STUDENT SERVICES

The SCOE provides direct services to many of California's highest risk children. Annually, SCOE serves almost 1,000 severely disabled children, from birth to age 22. It would be impractical for small districts and often inefficient for larger districts to serve these students. The SCOE also educates at-risk students in juvenile hall and community schools; SCOE works to provide these students with the skills and knowledge that they will need in order to better their educational outcome, and increase their prospects to lead successful, productive lives.

The SCOE also has a program called Community Action for Responsive Education (CARE), which is an intervention and diversion program for at-risk students. School districts partner with CARE to develop strategies for academic and social success for at-risk students. Part of the intervention process is directly related to continuing the LINKS program using transition specialists. The specialists, along with the teaching staff, focus on credit recovery, acquisition of diplomas and/or a General Education Development (GED) equivalency examination, as well as assisting with college applications, career exploration, internships, community service opportunities, preparation for return to home schools and tutoring.

LINKS (Leadership in everyday life, Ingenuity in thought and practice, Navigating choices, Keeping promises, Sufficiency in preparation) is an academic and career technical education model aimed at helping high-risk students succeed. Services are tailored to individual students based on their specific needs instead of traditional, scripted education. The model is infused into the curriculum implemented in programs serving all SCOE Court and Community School students and Special Education students at Leo A. Palmiter Jr./Sr. High School. By teaching employability skills, practicing those skills in a "real life" environment, and providing positive adult connections, students succeed in measurable ways.

Other direct services include the Regional Occupational Programs (ROP) that prepares students for a variety of careers. The SCOE also operates the Sly Park Environmental Center that offers weekly outdoor educational programs for over 6,000 students annually.

TECHNICAL ASSISTANCE AND PROFESSIONAL DEVELOPMENT

The SCOE provides leadership, professional development and technical assistance to districts and schools in areas of current need and interest. Examples include the new California Common Core Standards, transitional kindergarten, instructional technology, support of new teachers and aspiring school administrators through a

leadership program that confers a Preliminary Administrative Services Credential and staff training in the content areas of Mathematics, English/Language Arts, Science and the Arts.

SCOE PROGRAMS

English Language

Services are provided for English as a Second Language (ESL) students at schools operated by SCOE, as part of each student's educational program. The SCOE also acts as the regional lead for Federal Title III accountability, and in that role supports local school districts to improve programs and services for ESL students, with the ultimate goal of helping students attain English proficiency and academic achievement.

Special Education

The SCOE provides extensive and specialized services for students with disabilities. The SCOE Special Education Department provides special education related services for severely disabled students in all 14 school districts within the County.

The SCOE supports the Infant Development Program, special preschools, Supporting Early Education Delivery Systems, and is a partner in the Sacramento County Quality Child Care Collaborative, which provides training and resources to childcare providers for students with special needs.

The SCOE has special day class programs for students with emotional, severe cognitive, physical, medical and/or autistic disabilities from the ages of 5 to 22. There are 40 special day classrooms settings on 23 sites and six special education teachers in twelve inclusion sites.

In addition to these unique and specialized services, SCOE serves as the Sacramento County Special Education Local Plan Area (SELPA) Administrative Unit for nine of the school districts. SELPA's goal is to deliver high quality special education programs and services in an efficient and cost-effective manner. The SCOE receives the funds and is responsible for seeing that each child receives appropriate services. The SELPA helps districts comply with legal requirements, and provides professional development activities to foster better relationships between schools and families, serving over 8,000 special education students and their families.

Students incarcerated in the county youth facility receive instruction from Sacramento County Office of Education teachers. The Sacramento Juvenile Court Schools provide a support network of quality services that promote and lead in educational excellence. The curriculum is continuously adjusted to meet the competitive educational needs of our changing student population. Juvenile Court School programs currently operate at El Centro Junior/Senior High School (Juvenile Hall).

The SCOE also provides a junior and senior high school curriculum for students who are detained in facilities that are supervised by the Sacramento County Probation Department. The education programs utilize standards-aligned curriculum and career-technical education to provide relevant learning experience for students enrolled in the programs. These schools provide the means for students to develop and implement a student success plan for effective living and learning. In partnership with the Sacramento County Probation Department, students are better prepared for transition to a future without recidivism. While both programs are successful and independent of each other, the coordination between the two programs is minimal.

Charter Schools

Charter schools are either funded directly by the California Department of Education, and treated as a local school district, or through their local school district, and are locally funded.

The governance structure of charter schools varies. Schools that have been created by the district board and are a part of the districts portfolio of schools are dependent, while schools formed by parents, teachers, community members or charter management organizations are independent. As of 2012, 31 charter schools exist in Sacramento County. Of these, 11 are dependent.

Budget

The SCOE budget is approximately $85 million per year. Half of the budget comes from education funding for the specific student populations served by SCOE (special education, juvenile court school, at-risk students). The remainder comes from competitive grants and contracts and fees for services which include programs which support and enhance education in the districts. Funding for local school districts comes directly from the state and does not pass through SCOE. School lunch programs are funded by state and federal governments.

The Emergency Repair Program was born out of the *Williams* lawsuit that sought to entitle every student to a clean, safe and functional school. The program is funded at $800 million from Proposition 98 reversion funds. The Office of Public School Construction has not added to the workload priorities since December 2008. There are 43 schools in Sacramento County with funding requests on file.

SUPERINTENDENT'S VISION

1. All schools must become more focused on student/teacher performance.
2. Parents must be more demanding of students and teachers.
3. Schools must focus on maintaining and improving the quality of both staff and administration.
4. Schools must bring the transition to a new assessment system and schools without textbooks.
5. Schools must partner with local businesses to increase technical programs.
6. Teachers, parents, administrators, and staff must be held accountable for student education.
7. In order for no student to be "left behind" or to get lost in the education system, efforts must be made by all relevant government agencies to work together.

GRAND JURY TOUR NOTES

1. The SCOE offers a class that trains teachers in new ways to teach high school English.
2. The SCOE has a television studio that serves the districts and the Office of the California Superintendent of Public Instruction.
3. The SCOE has a number of advanced education and training programs available for teachers and administrators.
4. The SCOE provides advice and assistance to local school districts with regard to compliance with state and federal laws.
5. The SCOE offers a program (Advanced Via Individual Determination) to students that offers academic support, encourages college readiness, and stresses the importance of attendance. This program is also designed to prepare students to function as peer tutors.
6. The SCOE does not offer mandatory GED or vocational training as a condition of release from Juvenile Court programs.

OBSERVATION AND SUGGESTION

Observation 1: While SCOE has many programs directed towards at-risk children and children with learning and physical disabilities, the Grand Jury observes no coordination exists between SCOE and the Juvenile Courts regarding a structured, mandatory education program for youthful offenders after leaving court jurisdiction.

Suggestion 1: The Grand Jury suggests that SCOE, in conjunction with the Juvenile Courts of Sacramento County develop a program that requires, as condition of a student's release, that the student be enrolled in a structured, onsite, five days a week educational program leading to a diploma, GED, or technical career path.

Williams Settlement and School Safety

BACKGROUND

During a discussion with the Sacramento County Superintendent of Education, members of the grand jury learned of the annual inspection and evaluation of schools required by law to implement the settlement of litigation against the California Department of Education.

The settlement of the *Williams v. State of California Education* lawsuit resulted in legislation that became state law in 2005. The law affects all districts and schools in California, and imposes responsibilities and duties on both districts and counties to ensure that all public school students are equally provided with appropriate instructional materials, safe and adequate school facilities, and qualified teachers. County Offices of Education are given oversight responsibilities for the districts in their county. The Sacramento County Office of Education (SCOE) states it is committed to implementing these responsibilities in a manner that provides assistance to the schools rather than simply as a "compliance exercise." SCOE staff stated the funds received annually from the State budget for *Williams* activities are sufficient only to support SCOE's monitoring activities and are not sufficient to address facility or text book issues in the school districts.

Schools ranked the lowest by the California Department of Education as determined every three years by the Academic Performance Index (deciles 1 - 3) are placed on the "Williams list." A school remains on the "Williams list" for three years, at the end of which period a new academic performance index score determines whether a school is on the list. The law requires the county Superintendent of Education to monitor these schools annually for: (1) sufficiency of instructional materials; (2) facilities deficiencies; (3) accuracy of data reported on the School Accountability Record Card (SARC) related to sufficiency of materials and facilities deficiencies; and (4) teacher misassignments and vacancies. Each school on the list in Sacramento County is inspected annually after school starts in the fall, by SCOE staff and a summary evaluation report of the inspection is published on the SCOE web site.

The grand jury learned the summary evaluation report is provided to each school district office, but not to the school principals. However, the summary report and the facility inspection "checklist" are available from SCOE, should school principals request them. Staff at SCOE described the function of the *Williams* inspections as "shining a light" on facility and text book problems that are the responsibility of each district to address. Except in the case of a defined emergency

situation (e.g., leaking gas) at a specific facility, SCOE does not have the statutory authority to require a school district to address a deficiency that is identified in the annual inspection.

Members of the grand jury studied public materials concerning the inspection process, met with SCOE staff involved in the annual inspections, and visited 10 schools in four districts. Three subcommittees were created to visit the schools; elementary, middle, and high school. The schools were selected at random from the "Williams list." The primary focus of the visits was the condition of the school facilities. The assignment of teachers is an issue that is beyond the scope of the authority of the grand jury and the information on the SCOE web site indicates all schools comply with the requirements for text books. In addition, as a result of the December 2012 shooting at an elementary school in Newtown, Connecticut, the grand jury was interested in safety planning and training, and facility security at the schools to be visited.

The visit to each school included a tour of the facility and a discussion with each principal and other staff. District representatives were present during visits to six schools. The schools visited were:

Folsom Cordova Unified School District
W.E. Mitchell Middle School

Sacramento Unified School District
Mark Hopkins Elementary School
Will C. Wood Middle School
Luther Burbank High School

San Juan Unified School District
Encina Preparatory High School

Twin Rivers Unified School District
Michael Castori Elementary School
Madison Elementary School
Foothill Ranch Middle School
Foothill High School
Grant High School

When the research and the school visits were completed, members of the grand jury met with the Interim Superintendent and district staff of the Twin Rivers Unified School District. The most serious problems were identified in Twin Rivers

schools. Observations and perceptions from visits to schools in the district were discussed with the superintendent.

GRAND JURY TOUR NOTES

The grand jury was greatly impressed with the enthusiasm, commitment, and dedication displayed by the principals, administrative staff, and teachers during the school visits. Principals generally were knowledgeable about the topics and questions posed by the grand jury, and were comfortable interacting with students and staff during the tour of the school. Many of the teachers described substantial personal initiative and effort to create a positive learning environment and overcome the physical limitations of the school facilities. During every visit, grand jurors observed students and teachers during passing periods, at recess and physical education periods, in classrooms, and during other activities.

In some cases, school staff described the district school board and staff as attentive and supportive of the day-to-day operations and needs. In other cases, the grand jurors learned of district boards and staff that did not appear to "pay attention" to the needs of the physical facilities of a school. The observations of the grand jurors led to specific questions to and candid answers from school staff.

The visits included classrooms, science labs, restrooms, gyms, cafeterias, libraries, auditoriums, athletic grounds, and facilities. All of the districts and the visited schools have experienced significant reductions in custodial and maintenance positions during the past several years. In spite of the resulting reduction in care, most of the schools were relatively clean, free of graffiti, and in acceptable physical condition. Litter was common at most schools; the grand jurors were told the litter is cleaned up after school is closed for the day. Several bathrooms in schools at different levels smelled of urine. High schools, partially as a result of the substantially larger student body and the extensive use of the facilities, displayed more accumulated "wear and tear" than the schools for lower grades. The grand jurors repeatedly heard justification for uncorrected problems attributed to "lack of resources," "budget cuts," or "layoffs." The grand jurors understand that all school districts and schools in the county have experienced significant reductions in funding and staff resources. However, the grand jury is concerned that district administrators do not appear to continuously review and assess the needs of individual schools and adjust the available resources to address problems as they occur. Teachers and school staff appear to be creative in procuring resources to support instruction and programs. The same does not appear to be true of district staff in providing custodial, maintenance, and repair support to the schools.

Facilities at one middle school and one high school were notably in poor condition. Broken and leaking plumbing, broken windows, stained ceiling tiles indicating leaks, broken and damaged theater seats, and dirty, malodorous restrooms were observed during the tours. In both cases, school principals told the grand jurors the conditions were routinely reported to the district but they had no information concerning a schedule for repairs. Some conditions have existed for an extended time. The grand jurors also noted that these schools appeared to be substantially more littered and dirty than other schools of the same type. The grand jurors attribute much of this to the commonly accepted "broken windows theory" where disrepair that is allowed to remain begets more general disrespect, increased litter, and increased problems.

The grand jury learned that a variety of custodial and maintenance "schedules" are in place at the schools to accommodate the reduced staff. As a result, some custodial tasks are performed every day (e.g., restroom cleaning) and others are performed on a staggered basis. Care of the grounds and athletic facilities is significantly reduced and in the high schools falls mainly on the athletic coaches. Physical repairs are the responsibility of each district and, as observed by the grand jurors, the performance of repairs is uneven and varies significantly among the districts and schools, and even among schools within the same district. At one school visited, the condition of the facility was rated "Fair" after the 2012 inspection, a decline from the 2011 rating as "Good."

At one district, custodial and maintenance staff are assigned to the schools by the district with some input from the principals. However, staff reductions were described as being made "across the board" and the remaining staff apparently was not adjusted among the schools. Grand jurors were told that as current vacancies are filled, no adjustments are made nor are various criteria considered (e.g., age and type of facility, size of facility, number of classrooms and restrooms, student population, etc.) to fill the vacancies at schools with the greatest need.

The grand jurors also discussed school safety with the principal and looked for safety "features" during the tours. High schools appear to be physically the most secure in that a campus is fenced and entry to the campus is generally restricted to one location, the "main office." In the elementary and middle schools, the campuses appear generally to be less secure and most could be entered directly from an adjacent street or parking lot.

Every principal stated a safety plan was in effect at the school, as required by the district. However, updating the plan, practice of the plan, and scheduled "lockdown" drills appear to be uneven among the districts and the schools. Some

principals appeared to be very familiar with the emergency plan, others were uncertain when the plan was last updated or practiced. In some cases, the focus on safety and security appears to reflect the attitude of the principal and staff, based in part on the incidence of misbehavior and other problems (or lack thereof) on the campus. The schools appear to have the basic security and safety equipment in place, including video monitoring, telephones in the classrooms, and an internal communications system. The middle and high schools have a school resource officer available (a local peace officer) and two of the high schools have regular access to gang prevention specialists. Teachers and staff reportedly are trained in the lockdown, evacuation, and "shelter in place" procedures. However, the descriptions of drills to practice a lockdown or evacuation lead the grand jurors to the conclusion that this is not a uniform, standard procedure among the districts or within a district. A school may go into "lockdown" on some occasion during the school year as a result of an incident in the neighboring community that is not related to the school, but this does not replace a scheduled drill.

The grand jurors understand that fencing, locked gates, and other security measures may, at times, seem to conflict with the ideal of a welcoming, open neighborhood school. At the same time, grand jurors are concerned that school boards and district administrators not justify the lack of security as a "victim" of the current budget or as less important than "openness."

OBSERVATIONS AND SUGGESTIONS

Observation 1: The Grand Jury observed the principals, teachers, and other school staff are dedicated, enthusiastic, resourceful, and committed to the students and programs at the schools where they work. (*Note: no suggestion follows this observation.*)

Observation 2: The Grand Jury observed that SCOE performs, as required, the annual *Williams* inspection and evaluation of schools in the county. The Grand Jury also finds that SCOE does not specifically communicate the details of each evaluation, including problems, to each school principal and the district.

Suggestion 2: The Grand Jury suggests the SCOE provide each school principal and the district superintendent with the facility inspection checklist and the summary evaluation report for each school within 30 days of the completion of the inspection. The Grand Jury further suggests the inspection staff of SCOE implement a process to follow up with the district superintendent concerning the status of repairs of identified deficiencies when the rating of a school has declined from the previous year.

Observation 3: The Grand Jury observed the custodial care and maintenance is uneven and unequal among the districts and schools visited, and among schools within the same district. A follow-up visit to two of the schools indicated the district has fixed the health and safety issues noted by the grand jury and is working with each principal to address the facility issues at each school.

Suggestion 3: The Grand Jury suggests the superintendents of the four districts described in this report review the assignment and scheduling of custodial, maintenance, grounds keeping, and repair staff and tasks, and make adjustments as necessary to improve the condition of the school facilities. The Grand Jury further suggests that each of the four superintendents visit, unannounced, the schools described in this report, to assess the condition of the facilities as reported on the SCOE 2012 inspection checklist.

Observation 4: The Grand Jury observed that some school safety plans are not current or standard among the schools visited. The Grand Jury further observed that regular, scheduled exercise of the plan at individual schools is not a standard practice within a district.

Suggestion 4: The Grand Jury suggests the superintendents of the four districts described in this report ensure that each school has a current safety plan updated within the past 12 months; a schedule of drills to practice the plan; and that all personnel at each school are familiar with the policies and procedures, demonstrated in a drill, contained in the plan.

Observation 5: The Grand Jury observed the physical security measures at the schools visited to be uneven and inconsistent. The grand jurors do not have sufficient information to assess or identify the cause(s) of the inconsistencies, beyond the usual "budget cuts" explanation.

Suggestion 5: The Grand Jury suggests each superintendent and board of the four districts described in this report develop a plan to assess and improve the physical security of each school in the respective district. The Grand Jury further suggests that if a superintendent demonstrates that such a plan exists during the 2012–2013 school year, the superintendent shall also demonstrate when the plan was updated and how the plan will be updated during the 2013–2014 school year.

Environmental Management Department

The mission of the Sacramento County Environmental Management Department (EMD) is to protect public health and the environment by ensuring compliance with environmental regulations. In order to achieve compliance, the EMD provides Sacramento County businesses and residents with education, training, inspection and enforcement.

The EMD is a part of the Sacramento County's Countywide Services Agency which provides local, state, and federally mandated services and programs to all Sacramento County residents.

The EMD consists of two divisions:

- Environmental Health, including the Retail Food, Public Pool & Spa, Plan Review, Tobacco Education, Employee Housing, Detention Facilities, Noise Control, and Childhood Lead Poisoning Prevention Programs.
- Environment Compliance, including the Regulatory Compliance, Certified Unified Program Agencies and Solid Waste Programs, Storm Water Compliance, Small Water Systems, Cross-Connection, Septic Systems (Liquid Waste), Medical Waste, Business Recycling, and the Site Assessment and Mitigation Program.

The projected revenue for 2012–2013 is $22,138,815. The projected expenditures match the income. Currently, there are 127.8 positions at the EMD. In recent years, staff has been reduced by 10 employees. To date, 76 percent of the department's budget is allocated to salaries and employee benefits.

To compensate for the loss of employees, the EMD implemented a cross training program to make more efficient use of staff. The program is well received by the employees, and has benefited the department. The EMD staff is professional, courteous, organized, and continues to improve departmental efficiency.

The grand jury had a brief tour that included visiting the offices that contained information for those applying for permits, associated fees and building plans.

Sacramento County International Airport
Terminal B

INTRODUCTION/BACKGROUND

The Sacramento County Airport System is responsible for the operation, maintenance, and development, and all related functions and activities, including financing, planning, design, promotion, marketing, community and governmental affairs for Sacramento International Airport, Executive Airport, Mather Airport, and Franklin Field. The airport system has a contract with the County Economic Development Department to operate McClellan Airport.

Sacramento International Airport is one of four major passenger airports serving northern California, with increasing importance as population growth shifts eastward from San Francisco. In anticipation of increasing passenger visits at International, the Airport System developed the new, expanded Terminal B and Concourse. Terminal B opened to airline traffic in October 2011, prompting the grand jury tour.

HOTEL DEVELOPMENT

In April 2012, the Sacramento County Board of Supervisors approved commencement of negotiations with Sonnenblick Development for two hotels; negotiations are now in progress. Private equity will fund the $100 million investment. No county funds will be invested in the development. The airport expects to obtain federal flood area construction permits by the second or third quarter of 2013. Construction is scheduled to begin in 2014 and finish in 2015.

AIRPORT SECURITY

In August 2011, the Airport System submitted its screening partnership program application to the TSA to transfer security operations to a private security firm. The Airport System anticipates that the transfer will achieve lower costs for security and provide greater flexibility of security services between airport terminals, thereby reducing the time passengers spend in security. The TSA will act on the application by September 2013.

The TSA will select its replacement from private security firms. All private security firms are eligible to apply. Firms pre-certified with the TSA are assumed to have an advantage in selection. Selection criteria used by the TSA to evaluate potential security screening companies include compliance, management approach,

screening services, security training, pre-transition and transition plans, past performance, and cost.

As a contract requirement, the private security firm is responsible for the development and implementation of a transition plan. Current TSA screeners will have the first right of refusal for screener positions with the private firm. Current TSA management level screening personnel will remain at International and transition to contract management.

Note: Since the time of the grand jury visit, the airport has decided not to pursue the transfer of security operations from TSA to a private security firm.

DEBT SERVICE

Debt service for the billion dollar expansion of Terminal B is being repaid from revenue generated from parking, passenger facility charges, airlines, and non-airline services. For fiscal year 2011, operating revenues decreased $11.1 million (8.6%), due to a decrease in building rents of $5.2 million (14.5%) and a decrease of airfield charges of $5.1 million (19.6%), resulting from a net amount of $7.5 million refund to the airlines as a result of the rates and charges settlement for fiscal year 2010 compared to a $2.3 million net amount received from the airlines as a result of the 2009 fiscal year settlement; in addition, ground lease revenues declined $0.8 million (27.7%). Airport management expects future revenue increases from airfield charges by securing international air traffic routes and northern California destination traffic; future revenue increases from building rents resulting from business park development on 6,000 acres of airport property; and future revenue increases from ground lease revenues resulting from the expanded Terminal B. New Terminal B parking opened for operation in October 2012, increasing current parking revenue.

PASSENGER ASSISTANCE

Assistance to disabled and senior passengers within the terminal is the responsibility of the airlines, not the airport. Passengers seeking assistance should contact their airline in advance of travel.

GRAND JURY TOUR NOTES

Before the tour, the Sacramento County Airport Director and management staff briefed the grand jury and provided a power point presentation addressing issues of concern to the grand jury, including the status of hotel development, transfer of

airport security from the Transportation Security Administration (TSA) to private security firms, debt service, and passenger assistance.

Following the briefing, the grand jury toured the public areas of Terminal B, including passenger ticketing and baggage claim, arrival and departure, shops and restaurants, and rode the people mover to the concourse. Airport architecture, Terminal B and the concourse provide efficient movement through the facility. Features include abundant natural light and raised roof lines, numerous energy-efficient elements, significant public art, and a design that permits expansion to accommodate growth. Airport seating in pods or clusters, with plentiful electrical outlets, enhance the airport experience for embarking passengers.

Children's Receiving Home of Sacramento

INTRODUCTION/BACKGROUND

Since 1944, the Children's Receiving Home (CRH or the Home) has served over 1,200 abused, molested, neglected, abandoned children and their families annually, through a combination of services and programs. This emergency care shelter provides temporary housing and services and is distinct and separate from the Sacramento Children's Home on Sutterville Road, a child and family service organization that has provided residential and community programs since 1867.

In addition to 24-hour residential and emergency shelter care, the CRH provides comprehensive assessments, medical assistance, counseling and social work services, and onsite and community-based mental health programs. The Home has an independent living program for emancipated teens, a multiple grade onsite public school, and a child/family visitation center.

In 2010–2011, the Sacramento County Grand Jury issued a finding regarding the state-mandated stay for children under the age of six years old. In certain cases, the 30-day limit is inadequate if the court cases associated with the children have not been resolved, if the assessment of the potential home for the children has not been completed, or if the 30-day limit exacerbated the separation of the children from siblings under the care and control of the CRH. In these cases, the 30-day limit would have resulted in an additional placement, when the overall mission of the Home was to minimize such disruptions. As a result of the grand jury findings, subsequent discussions and negotiations with the California Department of Social Services, Community Care Licensing Division (CDSS) resulted in a mutual understanding that in these cases, the CDSS will consider an exemption to the time limits when remaining at the Home is in the best interests of the child. This agreement was a significant accomplishment and demonstrated the collaborative spirit of both agencies.

Since that time, the CRH has experienced a diminution in the level of technical assistance and advice from the CDSS licensing program staff. The CDSS staff reductions and turnover, as well as the reduced frequency of onsite reviews from annually to once every five years have hindered the CRH's ability to have a specific program analyst assigned to the Home. As a result, when the state licensing staff performs a field visit, the CRH must re-educate the newly assigned analyst. Consequently, the analysts' level of expertise and technical acumen is "hit and miss." Most licensing staff members are unaware of the agreement regarding the 30-day limit exceptions.

STAFF CONTACTED AND GRAND JURY TOUR NOTES

The tour was conducted by the Chief Executive Officer (CEO) of the Children's Receiving Home, who has served as the CEO for the last 16 years. The facility has been in its present location since 1964 on over six acres of land donated by the City and County of Sacramento. The residential cottages were constructed over ten years ago. Programs provided include the Girls Assessment College, a 60-day assessment program for teens and an Independent Living Skills program for those teens aging out of the foster care system, and a nine month program to teach teens basic life skills. The tour included the staff lounge, kitchen (all food is prepared onsite), dining room, nurse's station, visitation center (for supervised visits), central placement services (county social workers collocated in administrative offices to perform intake functions), Acorns' Cottage (for children under six years old), a swimming pool, Valley Oaks School classrooms (part of the San Juan Unified School District), a gymnasium, and the residential services room, where teens receive cooking lessons.

During the tour, the child psychiatrist (county mental health employee under contract to the Home) was performing evaluations and medication management.

One of the Valley Oaks School teachers was present during the tour. She has been a teacher for 25 years, with the last nine years at Valley Oaks. She said that the challenge in teaching the children was that they have missed so much school and did not have a supportive home environment in which to maintain their studies. As a result, most of the students are behind their grade level. She said her goal was to "take them where they are and move them forward." The children are her motivation. Testing has to be on a one-on-one basis which is a huge challenge with no aides, student teachers or other assistants. When there were 90 children at the Home, there were four teachers. With 60 children on campus, the district eliminated the teacher's aides and two teachers. There are currently only two teachers, no clerks, and no aides at Valley Oaks. While there were only six children present at the time of the tour, the age and level of competence of each incoming student varies greatly as well as the number of students in class at any given time. This requires a high level of individual student assessment and one-on-one assistance. Reading tutors are a critical need for these students.

The CRH currently has contracts with Pride Industries and Crossroads Diversified Services to develop work experience and vocational opportunities for emancipated youth. While the effort has resulted in limited success, the CRH is committed to assessing all options to expand employment opportunities for emancipated youth.

Legislation enacted two years ago (Assembly Bill 12, Chapter 559, Statutes of 2010) allows continued services to youth who are over 18 and under 20 years of age. The foster care advocacy community has long known that once teenagers "age out" of the foster care system, most still need vital developmental and vocational programs and services. This change in state law has seen positive outcomes for foster youth in Sacramento County.

The CRH is a recognized nonprofit section 501(c)(3) organization. Most of its funding comes from the foster care program utilizing the rate classification system. Additional funding is received from Sacramento County mental health services, Child Protective Services, community-based fundraising, and private donations. In 2004, the Receiving Home conducted a capital campaign, and with a goal to raise $3.5 million, they were able to raise $8 million. The number of major capital campaigns has diminished in recent years.

On the day of the visit, Intel volunteers were onsite cleaning the roof and gutters and performing general landscaping and maintenance tasks, including cleaning the gymnasium equipment. Other community organizations paint and perform campus beautification tasks.

Current law (Assembly Bill 490, Chapter 862, Statutes of 2003) requires local education agencies to allow a foster child, after changing residential placement, to continue his or her education in the school of origin for the duration of the jurisdiction of the court. In addition, current law provides that school districts are not required to provide transportation to enable a foster child to attend a school, nor are school districts prohibited from, at their discretion, providing transportation to enable a foster child to attend a school. Senate Bill 1568 (DeSaulnier), chaptered on September 26, 2012, would not require a school district to provide transportation to a former foster child who has an individualized education program that does not require transportation as a related service and who changes residence but remains in his or her school of origin, unless the individualized education program team determines that transportation is a necessary related service. There are instances where the school of neighborhood origin is in another county or a significant distance from the CRH, or in the neighborhood of the abusive parent. Since there is no funding for transportation, the Home must expend significant funds to transport children to their school of neighborhood origin. The CRH Chief Executive Officer stated that Sacramento County social services programs have similar issues in transporting youth to appointments, court appearances, etc.

The CRH is developing new programs to address the needs of the changing demographics of its clientele, including a Sexually Exploited Children/Teen Program, Pregnant and Parenting Teen Program, and a Lesbian, Gay, Bisexual, and Transgender Youth Program. In addition, they are assessing San Diego County's model for a Foster Youth Academy for children who cannot return to their families due to parental abuse or incarceration.

OBSERVATIONS AND SUGGESTIONS

Observation 1: The Grand Jury observed that the CRH is proud of its long-standing cooperative and collaborative relationship with the California Department of Social Services Community Care Licensing Division staff. The agreement between the CRH and CDSS regarding the 30-day limit has not been shared with all CDSS licensing program staff to ensure that the best interests of the children are paramount.

Suggestion 1: The Grand Jury suggests that the CDSS share this agreement with licensing program analysts who may conduct site visits at the CRH to orient them on the previous agreements made between CDSS and the CRH. The CRH should consider the development of a Memorandum of Understanding to document the agreement with CDSS; that children who are reaching the 30-day limit will be evaluated on a case-by-case basis to ensure that unnecessary placements are minimized.

Observation 2: The Grand Jury observed that current law does not provide reimbursement of transportation costs for former foster youth to attend their school of origin. As a result, the CRH is spending significant funds to transport students to their neighborhood school of origin.

Suggestion 2: The Grand Jury suggests the CRH work with Sacramento County Department of Human Assistance and the San Juan Unified School District to maximize use of available federal funds, explore public-private partnerships, and access any other funding sources to promote the well-being of foster children through educational stability.

Observation 3: The Grand Jury observed that Valley Oaks School earns limited Average Daily Attendance revenue from the San Juan Unified School District, because of the number of residents at the CRH. With only two teachers, it is extremely difficult to provide the level of instruction necessary to effectively educate the students, due to the different grade levels and the extra attention

needed for the individual students. Additional tutors, aides, and volunteers would be extremely helpful in giving the teachers assistance in the classrooms.

Suggestion 3: The Grand Jury suggests the CRH work with local school districts, local colleges, and other community programs to establish student teacher and teacher aide opportunities at Valley Oaks School.

Observation 4: The Grand Jury observed that the CRH is currently searching for former participants of the Home's Youth Mentor Program to use them as mentors and assist youth currently participating in the program. Attempts to locate former participants have been met with limited success.

Suggestion 4: The Grand Jury suggests the City and County public information offices assist the CRH in outreach efforts to increase public awareness of the program and to locate more former program participants.

Sacramento Children's Home

INTRODUCTION/BACKGROUND

Founded in 1867 as an orphanage, the Sacramento Children's Home (SCH or the Children's Home) has evolved to meet the changing needs of our community by serving the most vulnerable children and families in Sacramento. Using community-based education, mental health and residential programs, the SCH serves approximately 5,100 children and 4,000 families annually. The goal of the Children's Home is to keep families together. The Children's Home is a nonprofit § 501(c)(3) organization.

The residential and educational programs address the issues of children, newborn to 21 years, ranging from child abuse prevention and parenting education, to acute trauma care. The Children's Home is the only campus-based residential treatment program in Sacramento. The Children's Home provides a variety of programs to Sacramento-area families.

The Residential Program features 24-Hour Residential Care, Therapeutic Treatment, Recreation & Community Engagement, and Education. The Wraparound program features Child & Family Team Approach, Family & Community Engagement, and Fostering Family Independence. Six out of ten children who participate in the Wraparound Program return to their families or a foster family. The Family Resource Center features Home Visitation through Birth & Beyond, Parenting Intervention Program & Workshops, and Crime Prevention. Over 96 percent of the families who have in-home visits through the Birth & Beyond Home Visitation Program do not need further involvement from Sacramento County Child Protective Services.

The Crisis Nursery Intervention Program features Emergency and Overnight Child Care, Case Management, and Early Learning. Parents receiving crisis intervention services have demonstrated a significant reduction in their stress and a significant increase in their social support system and knowledge of the community. The Transitional Program features Individual & Family Therapy, Independent Living Guidance, and Group Workshops. Ninety-seven percent of the youth who participate in the Transitional Age Program show improvement in the ability to function independently. The Education Program includes Afterschool Education, Foster Youth Tutoring & Literacy, and Innovative Enrichment Activities. The eVIBE program helps to educate youth and families and offer them alternatives to violence while building the skills and routines necessary to interact positively and safely within both the family and the community at large.

The Counseling Center is a community-based program that serves children, ages three to 20, and their families. Typically, children are treated who have behavioral issues, depression, anxiety, or attention deficit problems. The Counseling Center features Youth & Family Counseling, Trauma Treatment, and Parent-Child Interaction Therapy.

Originally, the orphanage housed twenty children. By 2005, the SCH housed up to 80 children. The Children's Home averages 50 children onsite and houses approximately 1,200 children annually. The typical stay is nine months to a year.

The Children's Home is governed by a Board of Directors. The administration is federally audited and is licensed to provide services. In ten to fifteen years, managed care may replace residential care at the SCH.

Currently, the SCH is providing residential care for males only. The program for females was eliminated due to fewer female referrals. The younger children and females needed less urgent care than their male counterparts. Ninety percent of the males come from court placement such as probation referrals. Most males are between the ages of six and 18 years old. There is a need to detain "runaways" through incentive programs for good behavior.

The campus includes four residential cottages, program facilities, and administrative offices. The males are housed according to age. Lights are out at 10:00 p.m. with bed checks every 15 minutes to prevent the boys from running away or creating disturbances.

Cottage #5 houses 10 high school males. Currently, two males share a bedroom and each has a closet. There are no pictures on the walls or other interior decorations in the cottage except for the "Resident of the Week" room. The walls are neutral in color. One room in the cottage contains one computer that is available for all of the residents. The single computer appears to significantly limit the opportunity for multiple residents who are in high school or middle school to complete homework and/or research that requires a computer.

The staff for each cottage prepares meals for the children. There is no school site on the facility, so 30 children are transported to a dozen different schools in the community. An after-school tutoring program is offered at the SCH.

The grounds adjacent to the residential cottages contain four unused facilities: a swimming pool, a wading pool, a large metal swing, and a small child play yard. The swimming pool and wading pool are drained and each is surrounded by a

fence. The gate in the fence around the wading pool was unlocked and ajar at the time of our visit. Near the wading pool and outside the fence is a frame for a swing, but the swing seats have been removed. A small children's play yard is also fenced and contains a play house and other equipment. The CEO and staff explained:

1. The wading pool has been on the campus "since the 1950s" but was drained and has been unused for many years because it does not have a proper filter system. As a result, the wading pool is not approved for use.
2. The in-ground swimming pool is designated a "public pool" and therefore the SCH is required to obtain the same certification and approvals of other swimming pools in the city that are open to the general public. The expense of maintenance and lack of staff prevent the SCH from obtaining the approvals; the pool thus remains closed.
3. The play area and the swings are unused due to concerns about injury to the resident children and possible litigation against the SCH.

The four facilities on the campus that are not maintained and not available for use appear to be attractive hazards in the residential area. This situation prevents those grounds from being used for other purposes. Overall, the unused facilities limit or foreclose the outdoor activities that should be available to the residents. The explanation of the unused facilities by the SCH staff did not include a description of any efforts to restore the facilities, provide suitable alternatives, or convert the spaces to other uses.

The annual SCH budget is $12 million. Ten percent of the funding is obtained from private and public donations. Taxes, federal funding (Title 40), and county and mental health revenue comprise much of the remainder. HUD also contributes funding to the otherwise homeless residents. The annual administrative expenditure is approximately 15 percent of the total budget. The Sacramento Children's Home currently employs 250 and uses 500 volunteers.

OBSERVATIONS AND SUGGESTIONS

Observation 1: The Grand Jury observed that the walls in Residential Cottage #5 house are neutral color and bare, except for "Resident of the Week" room and the staff office, which contributes to a sterile and "cold" appearance of the cottage.

Suggestion 1: The Grand Jury suggests that color, pictures, and other interior decorations be added to the cottages.

Observation 2: The Grand Jury observed that the unused swimming and wading pools create hazards for the residents and staff, and occupy space that could be used for other activities to benefit the residents.

Suggestion 2: The Grand Jury suggests that the SCH staff conduct research regarding all reasonable and practical alternatives for the swimming and wading pools.

Observation 3: The Grand Jury observed that the child play yard is unused, creates hazards for residents and staff, and occupies space that could be used for other activities to benefit the residents.

Suggestion 3: The Grand Jury suggests that the SCH staff explore the feasibility of restoring and using the child play yard and equipment for the benefit of the residents or identify other reasonable and practical alternatives for use of the space. The Grand Jury further recommends that the SCH staff study the feasibility of creating a garden in the same or larger space, which could provide an educational benefit to the residents and possibly provide fresh produce to the residents and the Los Niños Café.

Observation 4: The Grand Jury observed that the swing facility is unused, creates a hazard for residents and staff, and occupies space that could be used for other activities to benefit the residents.

Suggestion 4: The Grand Jury suggests that the SCH staff study the feasibility of restoring and using the swings for the benefit of the residents, or identify reasonable and practical alternatives for the use of the space.

Observation 5: The Grand Jury observed that the limited access to computers in the cottages creates an impediment for the residents to complete school assignments.

Suggestion 5: The Grand Jury suggests that the SCH staff conduct research on possible funding sources for increasing the number of computers and the hours of use that are available for the residents. This may be accomplished, among other possibilities, through grant funding, donations by private companies of used but still serviceable computers when they upgrade to newer models, or dedicated fundraisers.

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SACRAMENTO COUNTY

GRAND JURY

COMPLAINT INFORMATION

COMPLAINT PROCESS

- Present your complaint as soon as possible. The Grand Jury's term of service begins July 1st and ends June 30th of the following year.
- Identify your specific concern and describe the circumstances as clearly and concisely as possible.
- Document your complaint with copies of pertinent information and evidence in your possession.
- The complaint form can be found on the Grand Jury website at: www.sacgrandjury.org
- Mail or deliver your complaint in a sealed envelope to:

Sacramento County Grand Jury
720 - 9th Street, Room 611
Sacramento, CA 95814

Among the responsibilities of the Grand Jury is the investigation of the public's complaints to assure that all branches of city and county government are being administered efficiently, honestly and in the best interest of its citizens.

Complaints submitted to the Grand Jury will be treated confidentially whenever possible. However, it may be impossible to conduct an investigation without revealing your name and complaint.

The results of the complaints investigated by the Grand Jury are published in its final report in which the residents of the county are made aware of its investigations, findings and recommendations and the entities reported on are required by statute to respond.

GENERAL INFORMATION

A major function of the Sacramento County Grand Jury is to examine local county and city government, special districts, school districts, and any joint powers agency located in the county to ensure their duties are being carried out lawfully.

The Grand Jury:

- May review and evaluate procedures used by these entities to determine whether more efficient and economical methods may be employed;
- May inspect and audit the books, records and financial expenditures as noted above to ensure that public funds are properly accounted for and legally spent;
- May investigate any charges of willful misconduct in office by public officials;
- Shall inquire into the condition and management of the public prisons within the county.

Anyone may ask the Grand Jury to conduct an investigation of an issue within its jurisdiction. Whether it chooses to investigate such a complaint is entirely in its discretion and may be affected by workload, resource limitations or legal restrictions.

By law, the proceedings of the Grand Jury are confidential. The findings and recommendations of those complaints and issues it chooses to address are published in its final report.

GRAND JURY COMPLAINT FORM

GRAND JURY USE ONLY:

Date Received: _____

Number: _____

Subject: _____

_____

_____

_____

_____

PERSON OR AGENCY ABOUT WHICH COMPLAINT IS MADE

NAME: _____

ADDRESS: _____

CITY, ZIP: _____

TELEPHONE NUMBER: _____

NATURE OF COMPLAINT (Describe events in the order they occurred as clearly and concisely as possible. Also indicate what resolution you are seeking. Use extra sheets if necessary and attach copies of any correspondence you feel is pertinent. Documentation becomes the property of the Grand Jury and will not be returned. ***Please note: The Sacramento County Grand Jury has no jurisdiction over state or federal agencies, the courts, judicial officers, private companies or most organizations.)***

WHICH PERSONS OR AGENCIES HAVE YOU CONTACTED ABOUT YOUR COMPLAINT?

Person or Agency	Address	Date of Contact	Result

WHO SHOULD THE GRAND JURY CONTACT ABOUT THIS MATTER?

Person or Agency	Address	Telephone No.

YOUR NAME: _____ DRIVER'S LICENSE NO.: _____

ADDRESS: _____

TELEPHONE NO.: _____

The information I have submitted on this form is true, correct and complete to the best of my knowledge.

_____ _____

Complainant's Signature Date

(This blank form may be duplicated.)