San Joaquin County Grand Jury

Review and Investigation of Responses to the 2011-2012 Grand Jury Final Report

Civil grand juries are charged with the mission of acting as the "Watch Dog" of the government for the citizens of each county in the State of California. The 2011-2012 Grand Jury issued its final report in June 2012, which consisted of five individual investigations, seven law and justice visits, and five follow-up reports on government agencies, departments, school districts and special districts throughout San Joaquin County. These individual investigations, visits and follow-up reports resulted in 37 findings and 36 recommendations.

Submission of responses to final reports is an important component of the grand jury process. Governing bodies of public agencies and elected officials are required to respond to grand jury final report findings and recommendations which pertain to matters under their authority. Penal Code (PC) Section 933(c) requires that governing agencies submit their responses within 90 days after the grand jury issues a final report; elected officials must respond within 60 days to the Presiding Judge of the Superior Court. Elected officials or governing agencies must specifically respond to each finding and each recommendation on the grand jury report. Section 933.05(a) PC requires that for each grand jury finding, the responding person or entity must indicate one of the following:

The respondent agrees with the finding.

The respondent disagrees wholly or partially with the finding, specifying the portion of the finding that is disputed, and include an explanation of the reasons for the dispute.
As to each grand jury recommendation, Section 933.05(b) PC requires that the responding person or entity must report one of the following actions:

The recommendation has been implemented, with a summary regarding the implemented action.

The recommendation has not been implemented, but will be implemented in the future, with a timeframe for implementation.

The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation included.

The succeeding grand jury may review the agency's response to the findings and recommendations and may elect to confirm compliance or further investigate and issue a new report if necessary. The 2012-2013 Grand Jury reviewed each of the responses to the 2011-2012 Grand Jury's Final Report.

Each agency's response to the 2011-2012 Grand Jury recommendations required review and documentation that the respondent performed the action. Some of the follow-up reviews required face-to-face interviews and site visits to discuss clarification of last year's recommendations and agency responses. The 2012-2013 Grand Jury found these face-to-face interactions to be valuable and recommends that future grand juries utilize these interactions for follow-up reports.

The 2012-2013 Grand Jury Follow-Up Reports are explained in the following format: Title, Preface, Glossary (if necessary), Summary, Background, Method of Follow-Up Investigation, Findings/Recommendations/Responses/2012-2013 Grand Jury Results, Conclusion, Disclaimer, and Response Requirements (if necessary).

The Findings/Recommendations/Responses/2012-2013 Grand Jury Results section is defined in bulleted format as:

- 2011-2012 Grand Jury Findings (From the 2011-2012 Grand Jury Final Report)
- 2011-2012 Grand Jury Recommendations (From the 2011-2012 Grand Jury Final Report)
- *Agency Response to the 2011-2012 Grand Jury Findings and Recommendations*
- The 2012-2013 Grand Jury results of the follow-up investigation to the 2011-2012 Grand Jury Recommendations

The only exception to this format is in the follow-up report to Case No. 0510 (French Camp/McKinley Fire District). This report does not have a Background section.

A copy of the original agency response/s may be located on the San Joaquin County Grand Jury web-site under *Previous Grand Jury Rosters and Reports* at: http://www.stocktoncourt.org/grandjury/2011-2012.htm.

San Joaquin County Grand Jury

Follow-up Report to the
2011-2012 San Joaquin County Grand Jury Case No. 0111
Stockton Unified School District Police Department

Preface

This report describes the summary from the 2011-2012 Grand Jury Final Report including the background of their investigation. Described herein are the methods the 2012-2013 Grand Jury used to determine if the agency investigated responded appropriately to the 2011-2012 Grand Jury's recommendations. The 2011-2012 Grand Jury findings and recommendations as well as the agency's responses are listed in this report and are followed by the 2012-2013 Grand Jury's follow-up results. The Board President for the Stockton Unified School District Board of Education submitted the response to the 2011-2012 Grand Jury Final Report. The 2012-2013 Grand Jury reviewed information from the Stockton Unified School District Police Department and also conducted a site visit to obtain information. A copy of the original agency response to the 2011-2012 Grand Jury Final Report is located on the San Joaquin County Grand Jury web-site under *Previous Grand Jury Rosters and Reports* at http://www.stocktoncourt.org/grandjury/2011-2012.htm.

Glossary

ARMS	Automated Records Management System (An *End2End, Inc.* product)
DOJ	California Department of Justice
IA	Internal Affairs
MAB	Management of Assaultive Behavior
NIMS	National Incident Management System
POST	California Peace Officer Standards and Training
SUSD	Stockton Unified School District
SUSD PD	Stockton Unified School District Police Department
TB	Tuberculosis

Summary

The 2011-2012 Grand Jury received complaints regarding the management of Stockton Unified School District Police Department (SUSD PD). One complaint alleged favoritism in assignment of overtime, violations of department policy, and adverse personnel actions causing frustration and a lack of trust in management.

The second complaint was from a parent who criticized the method used by a police officer to control a student with an impulsive-hyperactive personality. Through the Grand Jury's investigation, it found that Stockton Unified School District's police officers deal with some District students who have behavioral issues, which require additional specialized training and prudent judgment. Many instances of violence in the schools have been noted in the media, emphasizing the need for professionalism and highly competent officers in the school.

Background

Established in 1985, the SUSD PD provides public safety services to over 37,000 students, and over 4,500 staff at 58 locations spread over 65 square miles. Their primary focus is safety and developing positive relationships with the students, teachers, staff and parents. SUSD PD has an operational agreement with the San Joaquin County Sheriff's Department, and is currently working on an agreement with the Stockton Police Department to define the working relationships between these agencies. SUSD PD is supplementary to the Stockton Police Department and is not vested with general police powers. All officers within the Department are sworn police officers per California Penal Code Section 830.32; however, their authority as peace officers is limited by California Education Code Section 38000. SUSD PD's chief administrator answers directly to the Superintendent of Schools. SUSD PD currently employs a police chief, one lieutenant, two sergeants, 20 officers, five dispatchers, one executive assistant, and one fingerprint technician.

Method of Follow-Up Investigation

The 2012-2013 Grand Jury reviewed the 2011-2012 Grand Jury Final Report, reviewed the files from this investigation, conducted interviews and made a site visit to determine if the SUSD PD responded appropriately to the 2011-2012 Grand Jury recommendations.

Findings/Recommendations/Responses
2012-2013 Grand Jury Results

2011-2012 Grand Jury Finding F1.1: The frequency and consistency of training is not current with the Peace Officer Standards and Training and District mandates.

Agency Response: "The District disagrees with this finding. All of the officers of the Stockton Unified School District Police Department are current with the training mandates of the California Commission on Peace Officer Standards and Training (POST Commission). Further, the Police Department has a training plan for all of its officers. (Please see the SUSD PD training plan and POST documents attached hereto as Exhibit A, the names of two employees in the POST documents have been redacted to preserve confidential personnel information.)"

2011-2012 Grand Jury Finding F1.2: SUSD PD is lacking specific training in dealing with special needs children.

Agency Response: "The District disagrees in part with this finding. Prior to receipt of the Grand Jury's report, a group of SUSD police officers completed Management of Assaultive Behavior (MAB). Seven police officers completed MAB training on March 14-15 2012. Nine officers were scheduled to complete MAB training August 9 and 10, 2012. The remaining officers are scheduled to attend training September 18 and 19, 2012. Any officers unable to attend the September training dates will be scheduled for make-up training as soon as possible. Further, Chief West is working with the District's Special Education Department to prepare a new two-hour training on special needs children. Attendance at, or viewing the recording of, the training will be mandatory for all officers. MAB training shall be repeated every two years as is the best practice of the District for all employees subject to the training."

2011-2012 Grand Jury Recommendation R1.1 – Officers participate and complete POST and department training as required by law and District policy.

Agency Response: "The District implemented this recommendation prior to the Grand Jury's report. The Police Department remains dedicated to the professional development of its employees. Officers attend POST and other trainings designed to improve professionalism and job performance. While the Grand Jury does not articulate specifically the nature of the other 'training required … by District policy,' this recommendation was substantially implemented prior to the Grand Jury's report. In addition, the police officers will participate in National Incident Management System (NIMS) training by Board Policy AR 3516. When this training is complete, the District will forward to the Grand Jury a sign-in sheet and/or other documents to demonstrate officer participation. Finally, it should be noted, some required POST courses are offered on an irregular and unpredictable schedule. The District is hoping to work with new educational/training partners to regulate its training opportunities."

The 2012-2013 Grand Jury reviewed the SUSD PD's training plan. This training plan is captured in a spreadsheet that identifies the officer, their course requirements, the course completion dates and is color-coded to indicate the status of upcoming course requirements. The Grand Jury also reviewed documentation and certification of each police officer's POST training completed to-date and understands the SUSD PD is relying on neighboring counties (Stanislaus and Sacramento) to provide POST training. A response from the SUSD PD stated that all police officers received NIMS training and documentation was provided. The 2012-2013 Grand Jury requires no further action.

2011/2012 Grand Jury Recommendation R1.2.1 – Develop and implement a training policy to include Management of Assaultive Behavior for all officers.

Agency Response: "The District was in the process of implementing this recommendation prior to the Grand Jury's report. The first group of seven (7) officers completed Management of Assaultive Behavior training on March 14-15, 2012. (Exhibit B.) The remaining officers were scheduled for training on August 9 and 10, and September 18 and 19, 2012. Any officer unable to attend the September 2012 training will be scheduled for training as soon thereafter as possible. The District will forward to the Grand Jury a sign in sheet and/or other documents to demonstrate officer participation."

The 2012-2013 Grand Jury reviewed the training policy for the SUSD PD and determined that it provided the necessary requirements to attend MAB training. The SUSD PD training plan also listed training requirements for MAB courses to be taken within specified timeframes. No further action is required.

2011-2012 Grand Jury Recommendation R1.2.2 – Officers complete Management of Assaultive Behavior training immediately.

Agency Response: "The District was in the process of implementing this recommendation prior to the Grand Jury's report. Seven of the officers completed this training in March 2012. The remaining officers will attend training in August 2012. Please see the District's response to Recommendation 1.2.1 above."

The 2012-2013 Grand Jury reviewed the police officers' Management of Assaultive Behavior training records. The SUSD PD also provided a training log documenting MAB training completion. These documents met the requirements of the recommendation. The 2012-2013 Grand Jury requires no further action.

2011-2012 Grand Jury Finding F2: The complainants were not notified of the results of their complaint according to the sixty (60) day timeline set forth in the SUSD Board policies.

Agency Response: "The District agrees with this finding. The District assumes this finding references a complaint filed in March 2010. The independent investigator experienced difficulties scheduling interviews with pertinent witnesses, and there was a large number of parties involved."

2011/2012 Grand Jury Recommendation R2 – Follow District policy pertaining to the filling of complaints and adhere to the sixty (60) day timeline.

Agency Response: "This recommendation requires further analysis to be completed on or before December 17, 2012. Currently, the District cannot implement this recommendation in every case. The District follows this timeline to the best of the District's resources and ability. Where investigations involve a number of individuals or a number of issues, it is at times difficult to abide by the 60-day timeline set forth in policy. The 60-day timeline is aspirational and not legally mandated. However, the District strives to expeditiously resolve complaints. As such, the District will review its complaint policies and determine if timelines should be extended. Beyond District policy, it should be noted the Government Code allows up to one year for investigations of complaints lodged against police officer, which are often complex and time-consuming. The District is dedicated to resolving complaints as quickly as possible."

The 2012-2013 Grand Jury reviewed the amended District policy and regulation (BP/AR 1312.3) regarding the 60-day timeline response for complaints. The Grand Jury determined that the amended policy and regulation met the recommendation. No further action is required.

2011-2012 Grand Jury Finding F3: Neither proof of insurance nor a fingerprint clearance through DOJ could be provided. There is also no proof of a TB test for the pilot as required by Board Policy and state law.

Agency Response: "The District agrees with this finding. The District believes that the pilot in question was fingerprinted and passed a background clearance. However, California Penal Code Section 11105.2(d) requires agencies to notify the California Department of Justice when the fingerprinted person will no longer be connected with the school district. At the time a person's association with the school district ends, the SUSD Police Department destroys all fingerprinting and criminal history records relating to that individual. The helicopter last flew in connection with SUSD on October 16, 2009. Because the helicopter program was over and the volunteer would no longer be associated with the Stockton Unified School District, records were likely destroyed at that time. The individual in question was never alone with students. He was surrounded by staff, administrators, police officers, Board members and others while at Nightingale Elementary. An SUSD police officer accompanied him during the Make-a-Wish type helicopter ride with one student. He had no other student contact. It is not the District's practice to require TB testing for one-time presenters/visitors at our schools. Examples include community members who participate in the Rotary Read-in each year, or inspirational speakers at school assemblies. The pilot/volunteer had contact with students once and only for a limited period of time."

2011-2012 Grand Jury Recommendation R3 – Follow Board Policy §3.35 and California Health & Safety Code §121545 (mandatory TB test).

Agency Response: "This recommendation requires further analysis. First, Administrative Policy 3.35 applies solely to parent volunteers and provides in pertinent part that 'a parent/guardian needs to do the following:...Provide Tuberculosis clearance (negative TB skin test, or written clearance from physician).' Second, H&S Code §121545, although cited in Administrative Policy 3.35, appears to apply only to private schools. Nonetheless, the District does comply with H&S Code §121545, which provides in part, 'At the discretion of the governing authority of a private school, this section shall not apply to volunteers whose functions do not necessitate frequent or prolonged contact with pupils.' Further, Education Code §49406 applies to public school employers. It provides also in part, '(f) At the discretion of the governing board, this section shall not apply to those employees not requiring certification qualifications who are employed for any period of time less than a school year whose functions do not require frequent or prolonged contact with pupils.' As such, not all visitors to school campuses are required to have a TB test. For instance, President Bush visited Bush Elementary School, Governor Brown visited Van Buren Elementary school, parents attend school performances or sporting events and each year we have numerous visitors who participate in the annual Read-In without being subject to a TB test. The District will review its current policy and determine if a more stringent policy for TB testing should be adopted. The District shall provide notification to the Grand Jury upon review of the District policy on or before December 17, 2012."

The 2012-2013 Grand Jury reviewed the amended policy and regulation (BP/AR 1240) regarding tuberculosis testing. The Grand Jury determined that the amended policy and regulation met the recommendation. No further action is required.

2011-2012 Grand Jury Finding F4: Evaluations have not been done on an annual basis for each employee.

Agency Response: "The District agrees with this finding. However, as of July 31, 2012, all current Police Department employees were evaluated for the 2011-2012 school year."
2011/2012 Grand Jury Recommendation R4 – Prepare timely evaluations in accordance with the Department Policy Manual.

Agency Response: "This recommendation has been implemented. Evaluations are up to date for all Police Department employees. Evaluations will be completed in a timely manner in the future. Specifically, the Police Department will follow the schedule published by SUSD Human Resources for classified employees."

The 2012-2013 Grand Jury reviewed documentation that verified evaluations were up to date and also reviewed the evaluation schedule. The Grand Jury is satisfied with the results and requires no further action.

2011-2012 Grand Jury Finding F5: The small number of officers handling calls for service makes it very difficult to keep up with the report demand.

Agency Response: "The District agrees with this finding. The officers of the Stockton Unified School District Police Department average over 300 reports per year per officer. Many of the cases are complex and require extensive time to investigate and to write up. This report writing burden is far heavier than the average for most other police departments.
Despite the volume of reports, many of the officers complete reports in a timely manner. To alleviate this concern, the District is taking the following steps:

The Board authorized the hiring of two additional police officers who were sworn in on July 11, 2012 SUSD PD has developed a simplified report form for minor cases that will take less time for officers to fill out (Exhibit C). The District has developed new guidelines for reports that can be completed by school site administrators rather than police officers."

2011/2012 Grand Jury Recommendation R5 – Reassess the report taking procedure to find an alternative method for documentation of incidents, including the feasibility of electronic transmissions.

Agency Response: "The District is in process of implementing this recommendation. The Police Department command staff is conducting an analysis of the current report writing system with the goal of reducing the report writing burden through process simplification. Supervisors are actively coaching officers who write reports with unnecessary information to streamline and shorten the time spent writing reports. The Police Department deployed a mobile report writing system in March 2011. Laptops were put in the patrol cars with a product called ARMS Mobile Report Writing, which allows for electronic submissions of all but two sections of a report. The vendor, End2End, Inc., has assured us that all areas will be available to ARMS mobile report writers in an upgrade scheduled for October 2012. This new technology, as well as the steps set forth in the response to Finding 5, will improve the report concerns."

The 2012-2013 Grand Jury conducted a site visit to observe this new technology in use. The ARMS Mobile Report Writing technology was demonstrated to the Grand Jury in a classroom setting followed by a visit to an actual police vehicle that contained the laptop in a SUSD PD car. The Grand Jury did not see the ARMS Mobile Report Writing technology in use on patrol but is satisfied with the classroom demonstration. The 2012-2013 Grand Jury requires no further action.

2011-2012 Grand Jury Finding F6: There is a perception of bias for the Lieutenant to investigate internal affairs complaints.

Agency Response: "The District agrees that there are some individuals who believe bias does exist. These claims have been asserted for several years, and have been investigated both internally and externally by independent consultants on both the local and national level. All of these investigations came to the same conclusion: there is no credible evidence of bias.

The District and the SUSD Police Department are committed to providing fair and unbiased investigations of all complaints. All sustained complaints are reviewed by the Chief of Police, independent legal counsel and the Human Resources Department. Previous charges of bias, as well as this Grand Jury Report, failed to substantiate any bias or discrimination. Nonetheless, the Police Department uses and will continue to use independent consultants for police internal affairs investigations when it is deemed appropriate. The decision of the appropriate investigator will be made by the Chief of Police in consultation with the Assistant Superintendent of Human Resources and District legal staff."

2011/2012 Grand Jury Recommendation R6 – Establish Department Policy to use outside investigators to avoid any perception of bias.

Agency Response: "The District will partially implement this recommendation within the next three months and forward the new policy to the Grand Jury. The District has historically utilized both internal and external investigators depending on the facts of each matter. Each investigation conducted by an outside investigator places an additional financial strain on the District. A determination must be carefully made on a case-by-case basis as to whether that additional cost is justified and necessary. The adopted policy will maintain this flexibility. The decision of the appropriate investigator will be made by the Chief of Police in consultation with the Assistant Superintendent of Human Resources and the District legal counsel."

The 2012-2013 Grand Jury reviewed the amended policy and determined that it met the 2011-2012 Grand Jury's recommendation. No further is action required.

Conclusion

The 2012-2013 Grand Jury determined that there was sufficient evidence provided to prove the Stockton Unified School District Police Department met all of the recommendations made by the 2011-2012 Grand Jury.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Sections 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

San Joaquin County Grand Jury

Follow-up Report to the
2011-2012 San Joaquin County Grand Jury Case No. 0211
Housing Authority of the County of San Joaquin

Preface

This report describes the summary from the 2011-2012 Grand Jury Final Report including the background of their investigation. Described herein are the methods the 2012-2013 Grand Jury used to determine if the agency investigated responded appropriately to the 2011-2012 Grand Jury's recommendations. The 2011-2012 Grand Jury's findings and recommendations, as well as the agency's responses, are listed in this report and are followed by the 2012-2013 Grand Jury's follow-up results.

The Chairperson of the Board of Commissioners for the Housing Authority of the County of San Joaquin submitted the response to the 2011-2012 Grand Jury Final Report. A copy of the original agency response may be located on the San Joaquin County Grand Jury web-site under *Previous Grand Jury Rosters and Reports* at http://www.stocktoncourt.org/grandjury/2011-2012.htm.

Summary

The 2011-2012 Grand Jury investigated a citizen complaint alleging certain irregularities in the administration of the Housing Choice Voucher Program including preferential treatment of an employee's family member, now housed under the voucher program. The complaint alleged insufficient clarification in correspondence, discrimination and staff being nonresponsive to inquires. During the investigation, the 2011-2012 Grand Jury had concerns with the security of confidential files and intimidation of witnesses who testified.

Background

The Housing Authority of the County of San Joaquin was created by the California Legislature in 1938. The Housing Authority was established in 1942 by resolution of the Board of Supervisors as a public corporation, organized pursuant to the California Health and Safety Code. It is governed by a seven-member Board of Commissioners; typically, one member from each supervisorial district, plus two Housing Authority tenant-members.
The Housing Choice Voucher Program (HCVP) is funded by the U.S. Department of Housing and Urban Development (HUD). The Housing Authority currently assists approximately 19,000 people through the distribution of nearly 5,000 housing vouchers by managing and maintaining 1,075 units in the public housing communities. The 2011-2012 Grand Jury focused on the Housing Choice Voucher Program.

Method of Follow-Up Investigation

The 2012-2013 Grand Jury reviewed the 2011-2012 Grand Jury Final Report, reviewed the files for this investigation, conducted interviews and made a site visit to determine if the Housing Authority responded appropriately to the 2011-2012 Grand Jury recommendations.

Findings/Recommendations/Responses
2012-2013 Grand Jury Results

2011-2012 Grand Jury Finding F1: Voucher notification letters are unclear and misleading.
2011-2012 Grand Jury Recommendation R1 – Review correspondence for clarity and provide a more specific explanation of decision/process/status.

Agency Response to Finding F1 and Recommendation R1: "The Authority disagrees with F1 that the 'template' letters were misleading but agrees that letters advising applicants of their status in the application could be made more clear. The Authority has amended the voucher notification letter to better describe the application process. The Authority will continue to review all correspondence for clarity on an as-needed and on-going basis. As the Authority was not made aware of the name of the Complainant nor did the Grand Jury provide the exact nature of the Complainant's concerns until after the issuance of this Report, the Authority was only able to respond to the Complainant after she was made known to the Authority."

The 2012-2013 Grand Jury reviewed the revised notification letter and other revised templates. All documents were clear and concise. The Grand Jury commends the Housing Authority for conducting a *Committee* (including management) *Review* of all correspondence. No further action required.

2011-2012 Grand Jury Finding F2: Inappropriate preference was given to the applicant who was related to the employee at the expense of the complainant and other applicants.

2011-2012 Grand Jury Recommendation R2.1 – Follow Housing Authority policy and procedures when disbursing public funds and determining eligibility.

Agency Response to Finding F2 and Recommendation R2.1: "The Authority does not agree with F2 because F2 is untrue. While it is agreed that, at the time when the Grand Jury initially examined the Applicant's file, certain items were missing from Applicant's file, subsequently the Authority provided both pertinent documents and witnesses to confirm all necessary information. The absence of the pertinent documents at the time of the Grand Jury's investigation may have been caused by misfiling. Or, the missing material may have been caused by unauthorized tampering by employees and/or ex-employees whose design was to remain anonymous and then conspire to complain to others, including the Grand Jury. If the Grand Jury had asked the Authority, we would have advised that the bank statements mentioned in the Grand Jury's report were for the purpose of asset verification, <u>not income verification</u>. Income was appropriately verified with workplace pay stubs, all done in accordance with HUD regulation. Suffice it to say that the issue of 'income' was not then, nor now, an issue. Additionally the Grand Jury inaccurately summarizes the facts surrounding the processing time for the Applicant in question. Specifically, the Report discusses the sixty (60) applicants they 'sampled' from the 'pull' which took place from the November, 2010, 'waiting list.' In fact, there were three hundred (300) applicants taken from the November 2010 'pull'.

Of the 300 applicants scheduled for interviews approximately 130 attended their appointment. Of these 130, only sixty-four (64) were determined to be 'eligible' for the program. Their application information, including any preferences, were then verified before issuance of vouchers. The Applicant was processed in the middle of the pack – there was no preference in the processing. Rather, the Authority agrees that the Grand Jury found no explicit or implicit evidence that the Applicant was not processed according to HUD regulations. The Grand Jury learned that the Complainant, as well as 299 other applicants, were accidently 'pulled' in August of 2010. This accidental pulling occurred months before the matter involving the subject relative Applicant. In short, these 300 applicants were, in error, given additional preference points. Of course, this error was remedied before any vouchers were issued and letters were sent to all, including the Complainant. It is understandable that the Complainant would have wanted to keep the extra preference points that had been assigned – as would the other 299 applicants who were accidently pulled – but the HUD regulations would prohibit such action. The Authority is acutely aware of the expectation of those seeking housing assistance and we regret any inconvenience caused to the unknown Complainant, but here the Authority complied with HUD regulations and the Authority's policy and procedures when it determined eligibility. The Board of Commissioners is satisfied that the employee had no knowledge of an application being made by an adult family relative."

The 2012-2013 Grand Jury reviewed the Housing Authority's response to the 2011-2012 Finding F2 and Recommendation R2.1 for clarification. The Grand Jury witnessed the computer program's tracking system including a data entry example and security access characteristics for staff. No further action required.

2011-2012 Grand Jury Recommendation R2.2 – All employees attend annual training for "Code of Ethics and Standards of Conduct Policy".

Agency Response: "As required under current regulations Authority employees have and will continue to attend periodic training, budget permitting, that covers the subject of the Privacy Act, the Enterprise Income Verification regulations, HUD regulations and all related subject. In addition, every employee already executes the Authority's own Code of Ethics and Standards of Conduct agreeing to follow all applicable local, state and federal laws as a condition to employment."

The 2012-2013 Grand Jury reviewed staff training requirements and documentation of training completion. The Housing Authority is commended for its organization of these records. No further action required.

2011-2012 Grand Jury Finding F3: The Housing Authority has been lax in file room security and fire protection/prevention.

2011-2012 Grand Jury Recommendation R3 – Continue with anticipated security improvement and fire prevention improvements.

Agency Response to Finding F3 and Recommendation R3: "The Authority disagrees with F3 but agrees to continue to improve its security and fire prevention but only, again, as budget allows. As noted in the Report, the Authority, now having the ability under its budget to update security measures and prevent file tampering, has completed several security upgrades to the Administrative Offices and the file room that include more restrictive access, key code restricted entry to file rooms and Administrative offices, surveillance cameras, the addition of a confidential file clerk, and implementation of a new and more restrictive procedure for file checkout and return. The Authority wants to also correct any suggestion that the Authority's file room and Administrative Offices do not meet all local building codes and HUD requirements for storage, when the buildings meet or exceed all building codes and the digital file storage is maintained as required by HUD. As stated above, in the course of the Grand Jury's investigation, the Authority was concurrently investigating and believe that at least one applicant file may have been accessed inappropriately by staff not related *to the Applicant. This matter will be investigated to determine if any regulations were violated."*

The 2012-2013 Grand Jury verified improvements in security. During a site visit, the Grand Jury observed upgraded security controls and noted that a designated employee was assigned to protect access to Housing Authority documents in the file room. No further action required.

2011-2012 Grand Jury Finding F4: The Housing Authority's published policy covering family members of employees who apply for vouchers under the HCVP is in need of augmentation to establish a cross reference to employee disclosure.

2011-2012 Grand Jury Recommendation R4 – Amend the pre-application to provide for voluntary self-disclosure of relationship by applicants of relatives employed by the Housing Authority.

Agency Response: "The Authority disagrees with F4 and R4 as the current law does not require applicants to 'voluntary self-disclosure.' However, the Authority can, and has, amended its Personnel Policy to require its employees to advise of any relationship with applicants once they become aware *of the application. In short, the duty to disclose will be placed where the Authority has the most control, upon the current Authority's employees."*

The 2012-2013 Grand Jury reviewed a complete package of the Housing Authority's Personnel Policies including all forms, including self-disclosure, required for employees. The updated Pre-Application forms and policies were included in this package and they met the requirements of the recommendation. No further action is required.

2011-2012 Grand Jury Finding F5: Complaint procedures are not clearly defined and are not posted.

2011-2012 Grand Jury Recommendation R5 – Complaint procedures should be clearly defined and posted in a prominent location if requested by applicants.

Agency Response to Finding F5 and Recommendation R5: "The Authority disagrees with this F5 and R5 as these procedures are both posted. All applicants receive instructions in their applications packet and during any subsequent evaluation on how to complain and appeal any adverse decision. However, the Authority agrees to post complaint procedures in additional *locations."*

The 2012-2013 Grand Jury reviewed complaint procedures that are part of the Housing Voucher application package and are also located on the Housing Authority's web site. No further action is required.

Conclusion

The 2012-2013 Grand Jury determined that there was sufficient evidence and documentation provided to satisfy the Housing Authority met all of the recommendations made by the 2011-2012 Grand Jury. The 2012-2013 Grand Jury commends the Housing Authority for their organization of materials that are required for employees and applicants.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Sections 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

San Joaquin County Grand Jury

Follow-up Report to the
2011-2012 San Joaquin County Grand Jury Case No. 0311
San Joaquin County Mosquito and Vector Control District

Preface

This report describes the summary from the 2011-2012 Grand Jury Final Report including the background of their investigation. Described herein are the methods the 2012-2013 Grand Jury used to determine if the agency investigated responded appropriately to the 2011-2012 Grand Jury's recommendations. The 2011-2012 Grand Jury findings and recommendations as well as the agency's responses are listed in this report and is followed by the 2012-2013 Grand Jury's follow-up results.

The legal advisor for the San Joaquin County Mosquito and Vector Control District submitted the initial response to the 2011-2012 Grand Jury Final Report. A copy of the original agency response may be located on the San Joaquin County Grand Jury web-site under *Previous Grand Jury Rosters and Reports* at http://www.stocktoncourt.org/grandjury/2011-2012.htm.

Summary

The 2011-2012 Grand Jury investigated the San Joaquin Mosquito and Vector Control District (District) due to a complaint alleging verbal sexual harassment, hostile work environment, management retaliation and nepotism. During the investigation, other issues were alleged relating to the secret and illegal spraying of a toxic chemical in the mosquito fish ponds and failure to report the spraying to the proper reporting agencies.

Background

The San Joaquin Mosquito and Vector Control District is an independent special district that provides many vital programs in the county. The District manages the mosquito population levels that help reduce the spread of viruses to humans and animals.

According to the California Health and Safety Code Section 2002(K), *Vector* means any insect or animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, rodents and other vertebrates.

The governing body of the District is composed of 11 Board of Trustee members; seven members are appointed by and represent each incorporated city in the county and four members are appointed by the County Board of Supervisor's and represent the county at large. The Board employs a manager who oversees program functions, hires and supervises staff. The major funding sources to the District are derived from property taxes and assessments. On-going real estate foreclosures have resulted in an increased workload of neglected properties for the District to maintain.

Method of Follow-Up Investigation

The 2012-2013 Grand Jury reviewed the 2011-2012 Grand Jury Final Report and the files regarding this investigation, conducted interviews, requested additional information and conducted a site visit to determine if the District responded appropriately to the 2011-2012 Grand Jury recommendations.

Findings/Recommendations/Responses
2012-2013 Grand Jury Results

2011-2012 Grand Jury Finding F1: Sexual harassment had been committed in the form of rude, vulgar, and lewd remarks. These remarks were made on several occasions in the presence of several employees and met the criteria as specified in the District Policy #2210.

Agency response: "The District disagrees in part with this finding. Management received a report that an employee had told lewd jokes to other employees. The reporting person was not present at the time of the alleged incident and the incident was reported to have occurred well before the report was made. No one present at the alleged incident ever reported it or complained to management. Because no complaint was ever made by those present, the alleged incident, if it did in fact occur, does not appear to have risen to the level of creating an 'intimidating, hostile or offensive working environment'. However, such behavior, regardless of whether it created a hostile working environment, is in violation of Policy No. 2210 and the alleged violator was counseled not to engage in such behavior. Management did report to the Grand Jury a separate incident involving inappropriate banter. Those involved were counseled and to management's knowledge no further instances have occurred."

2011-2012 Grand Jury Recommendation R1 – Review the effectiveness of the District's current Sexual Harassment Policy and take appropriate steps to improve the training.

2011-2012 Grand Jury Recommendation R2 – The District's annual prevention of Sexual Harassment training be given as a separate program.

Agency response to Recommendations R1 and R2: "Management considers the current Sexual Harassment Policy to be sufficient. Regarding training, the District complies with California law by sending all employees in a supervisorial role to attend 2 hours of Sexual Harassment Training on a biennial basis and provides annual in-house training to each employee on Harassment in the Workplace, which includes Sexual Harassment Prevention and Sexual Discrimination. Management is aware of one actual case of inappropriate sexual bantering and one reported case of inappropriate sexual comments and jokes over a period of 20 years. Currently management trains its employees on Sexual Harassment Prevention training in conjunction with other mandated safety/policy training subjects. Management will provide its next scheduled Sexual Harassment Prevention training as a stand-alone program."

The 2012-2013 Grand Jury reviewed the District's current sexual harassment training program and reviewed documentation indicating its training program is approved by an organization specializing in sexual harassment training. The District provided information documenting their training program. The Grand Jury also reviewed documentation showing the District's stand-alone training program had been completed, who attended and who conducted the training. The Grand Jury requires no further action.

2011-2012 Grand Jury Finding F2: The Grand Jury found no evidence to support a claim of retaliation against the complaining employee.

Agency response: "The District agrees with the finding."

2011-2012 Grand Jury Finding F3: The Nepotism Policy #2230 applies to new applicants only.
Agency response: "The District agrees with the finding."

2011-2012 Grand Jury Finding F4: There was no evidence of criminal violations occurring based on the review by the District Attorney's Office.

Agency response: "The District agrees with the finding."

Conclusion

The 2012-2013 Grand Jury determined there was sufficient evidence and documentation confirming that the San Joaquin County Mosquito and Vector Control District met all of the recommendations made by the 2011-2012 Grand Jury.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Sections 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

San Joaquin County Grand Jury

Follow-up Report to the
2011-2012 San Joaquin County Grand Jury Case No. 0411
Department of Human Services – Child Welfare Service

Preface

This report describes the summary from the 2011-2012 Grand Jury Final Report including the background of its investigation. Described herein are the methods the 2012-2013 Grand Jury used to determine if the agency investigated responded appropriately to the 2011-2012 Grand Jury's recommendations. The 2011-2012 Grand Jury findings and recommendations as well as the agency's responses are listed in this report and are followed by the 2012-2013 Grand Jury's follow-up results.

The Chairman of the San Joaquin County Board of Supervisors submitted the response to the 2011-2012 Grand Jury Final Report. A copy of the original agency response may be located on the San Joaquin County Grand Jury web-site under *Previous Grand Jury Rosters and Reports* at http://www.stocktoncourt.org/grandjury/2011-2012.htm.

Glossary

AB	California State Assembly Bill
CDSS	California Department of Social Services
CPS	San Joaquin County Child Protective Services
CSA	County Self-Assessment
CWDC	San Joaquin County Child Welfare Division Chief
CWS	San Joaquin County Child Welfare Services
I&A	Intake and Assessment
PQCR	Peer Quality Case Report
SAR	Self Assessment Report
SB	California State Senate Bill
SIP	System Improvement Plan
UC	University of California

Summary

The 2011-2012 Grand Jury investigated complaints alleging excessive workload experienced by the social workers in the Intake and Assessment (I&A) Unit of Child Welfare Service (CWS). During the investigation, an allegation was made that the 2010 San Joaquin County Peer Quality Case Report (PQCR) was altered by administration to cover up the issues of high stress, heavy caseload, low morale and job performance.

Background

President Theodore Roosevelt held the first White House *Conference on the Care of Dependent Children* in 1909. The conference was significant for its call for an end to systematic institutionalization of dependent and neglected children. Now, in the 21st century, child welfare and community based agencies, along with policy makers and citizens, continue to debate and refine laws, programs, and practices, which will best serve children who are at risk of abuse and neglect. The pendulum has swung several times in child protection in the last century, from rapid removal of children in a risky environment, to today, where the focus is on preserving the family unit and helping families to reduce the risk of harm to children.

The Child Welfare Service is part of San Joaquin County Human Services Agency. Its purpose is to protect and care for children from abuse and neglect, as well as, to strengthen and preserve family unity.

State and federal mandates have changed dramatically and the time necessary to comply with these changes has increased. The field social worker today is expected to do more. The implementation of Assembly Bill (AB) 636 required developing ways to measure outcomes and to focus on a preventive, community-based approach instead of the traditional practices used to serve families.

Senate Bill (SB) 2030 required a social worker workload-study to be conducted. This study resulted in several recommendations, one of which was to lower the social worker caseload from a current 15.80 caseloads to a maximum 13.03, or a best practice of 9.88 caseloads monthly per social worker. The study also recommended doubling the current social worker staff in order to bring caseloads down to the maximum number of 13.03 cases per month.

The 2011-2012 Grand Jury concluded that the stress of heavy workloads, and lack of empowerment to effect change within the Child Welfare Service, has impacted the ability of social workers to fulfill the goal to advocate for the safety of our county's at risk children. The welfare of the children and those who have the responsibility to protect them could be at risk.

The comments made by social workers during the Peer Quality Survey and suggestions for improvements were redacted from the final version of the Peer Quality Case Report. This omission eliminated an opportunity for discussion of issues in the Self-Assessment Report (SAR). The removal of this information prevented the necessary steps to implement corrections in the System Improvement Report (SIP). This action was a disservice to the agency and its staff.

The 2011-2012 Grand Jury acknowledged that the Child Welfare Service and its employees provide an invaluable service to our community. They are charged with the difficult task of preventing harm and improving the quality of life for at risk children. It takes a resilient, dedicated, and committed staff to provide an optimal level of service.

Method of Follow-Up Investigation

The 2012-2013 Grand Jury reviewed the 2011-2012 Grand Jury Final Report, reviewed the files for this investigation and requested additional information to determine if the Child Welfare Service responded appropriately to the 2011-2012 Grand Jury recommendations.

Findings/Recommendations/Responses
2012-2013 Grand Jury Results

2011-2012 Grand Jury Finding F1.1: San Joaquin County Child Welfare Service workloads are high. The County did not implement SB 2030 recommendation for social worker caseloads to be a maximum of 13.03, or a best practice of 9.88 monthly.

Agency Response: "Agree, but with the further clarification that social worker caseloads within children's services are high in all State Bill (SB) 2030-identified programs, but the Grand Jury report only reviewed workload issues in one, rather than all of the programs identified in the SB 2030 study. The County did not implement SB 2030 recommendations due to inadequate funding to support the recommended caseload targets.

There is no regulation or directive that instructs, or more importantly, funds counties to implement SB 2030 recommendations. However, San Joaquin County Children's Protective Services (CPS), as do most county CPS agencies, supports the targets recommended by SB 2030. The barrier is that staffing is funded at specific levels and is not under the control of Children's Welfare Services (CWS) management. Furthermore staff has to be allocated according to program needs across all child welfare programs within the agency, not just Emergency Response (Intake and Assessment (I&A), in San Joaquin County), which the above recommendation appears geared to."

2011/2012 Grand Jury Finding F1.2: Repeat referrals are above state average.

Agency Response: "Agree, although there is not a statistical category entitled 'repeat referrals'. Assuming that the Grand Jury is actually referring to a category referred to as Prior Substantiations, during the past 13 months (data set available through SafeMeasurestm), San Joaquin County averaged 30.9% while the State averaged 30.8%."

2011-2012 Grand Jury Finding F2.1: Referrals are closed only forty to fifty percent (40-50%) of time within the thirty (30) day requirement.

Agency Response: "Agree. SafeMeasurestm data indicates that over the three months ended May 31, 2012, the average referral closure rate within the 30-day time frame averaged 49.2%."

The 2012-2013 Grand Jury recognizes that this Finding should have been identified as F1.3 since there are actually two F2.1 Findings in the 2011-2012 Grand Jury Final Report.
2011-2012 Grand Jury Recommendation R1.1: Limit new referrals for social workers to three (3) a week, as recommended by SB 2030 guidelines.

Agency Response: "May be implemented in part. To further clarify the policy on Emergency Response referrals, which was described in the Grand Jury report as having 'increased from four (4) to six (6) within the last decade'; there is actually no limit on the number of referrals that an I&A social worker can receive. The agency is required to investigate all referrals that are assessed as needing child protective intervention. The 'four verses six' threshold refers to the number of referrals assigned within a week to each worker before automatic overtime (called overflow) is instituted. It is not a limit on the number of referrals that can be assigned."

The 2012-2013 Grand Jury reviewed and verified the response. No further action is required.

2011-2012 Grand Jury Recommendation R1.2: Implement the sixty (60) day federal guidelines for referral closure.

Agency Response: "Unable to implement. The agency is unable to implement this recommendation as it is in direct violation of California Child Welfare Services Division 31 Manual, Chapter 31-101.5, .51, .511, and .512, which specifies the 30-day standard for either promoting an investigation to a case or closing the referral.

Division 31 regulations are constantly under review by the State and when and if changes are made, the county will continue to comply with those regulations."

The 2012-2013 Grand Jury reviewed and verified the response. No further action is required.

2011-2012 Grand Jury Finding F2.1: There is a lack of productive two-way communication between employees and management.

Agency Response: "Disagree. Since March of 2011, a formal Labor/Management meeting process has been in place whereby staff could meet, along with a union representative, with Children's Services administrators to discuss items of concern. Additionally, in February of 2012, the Deputy Director of Children's Services further established a standing monthly meeting, which is open to line staff only. The meeting is used to update staff on Children's Bureau matters and staff has the opportunity to raise concerns, suggest solutions and/or make other recommendations directly to the Deputy Director. The Deputy Director is frequently present on the third floor where staff is housed, can be easily and directly approached, and also maintains, as do the three Child Welfare Division Chiefs (CWDC's), an 'open-door' policy for staff who believe their concerns are not being heard. Specifically regarding I&A, the CWDC who oversees that area holds monthly joint I&A meetings on the first Tuesday of each month at 8:30 a.m. These meetings usually last from one to two hours. The meetings are utilized as a vehicle to inform staff about new regulation, procedures or community services and to provide an opportunity for staff to discuss changes and/or improvements to the program during the 'Comments/Questions/Concerns' segment at the end of each meeting."

2011-2012 Grand Jury Finding F2.2: Social workers efforts to improve the agency are ignored and joint problem-solving opportunities have turned into accusations. This adds to the workers' morale.

Agency Response: "Disagree. Often times it is not that staff recommendations are ignored, it is that they simply cannot be implemented. Management agrees that improving working conditions (primarily caseload levels) would serve to improve morale and theoretically result in more comprehensive service delivery to clients; however, most of the suggestions from staff such as 'caseload caps' aimed at reducing workload are not able to be put into practice due to either regulatory or funding issues, which limit the accomplishment of higher staffing ratios. Most of CPS' efforts are mandated, meaning that there is a legal obligation to deliver such services, of which initial investigation of child abuse and neglect reports is paramount. The agency cannot 'cap' the number of referrals or cases that social workers receive. Additionally, having incorporated staff recommendations on 'assignment skips' into policy illustrates that social worker concerns and recommendations are indeed both heard and when possible, acted upon."

2011-2012 Grand Jury Finding F2.3: Most employees are not familiar with, or are hesitant to use, the services offered for emotional and psychological counseling through Options, and employee assistance program.

Agency Response: "Agree. The agency could better inform staff of the Options program, what services are provided, and how to access those services."

2011-2012 Grand Jury Finding F2.4: There is no formal in-house critical incident debriefing for the staff.

Agency Response: "Agree. There is no formal in-house critical incident debriefing for the staff."
2011-2012 Grand Jury Recommendation R2.1: Management to receive training in techniques to improve communication and team building.

Agency Response: "Will be implemented. The Children's Services managers and supervisors will undergo further training in communication and team building techniques. The agency has embarked upon discussions with The Center for Human Services, University of California, Davis Extension regarding advanced supervisory and management training."

The 2012-2013 Grand Jury requested a status on the UC Davis Extension Training for management and supervisors and a plan for completing the training. The Grand Jury reviewed the Agency's response and determined that it met the recommendation. No further action is required.

2011-2012 Grand Jury Recommendation R2.2: Develop a plan for cooperative problem-solving between management and staff.

Agency Response: "Implemented. The agency believes that between the Labor/Management meetings, the standing monthly joint I&A and Deputy Director/Line Staff meetings, coupled with the 'open-door' policies of the three CWDCs and the Children's Bureau Deputy Director, that multiple processes are in place for cooperative problem solving between line staff and management. In the interests of doing as much problem-solving at the first-line level as possible, other program areas will be asked to institute joint meetings. However, some problems, particularly staffing and caseload size, may not have solutions that are completely within the control of CWS staff and management."

The 2012-2013 Grand Jury requested detailed information on which of the meetings noted in their response to the recommendation were new, and how often each of the meetings noted had been conducted. The Grand Jury reviewed the Agency's response and determined that it met the recommendation. No further action is required.

2011-2012 Grand Jury Recommendation R2.3: Schedule and in-house presentation to the staff from the Employee Assistance Program on Options, to promote services available.

Agency Response: "Will implement. The agency will schedule in-house presentations of the Options program for the benefit of all staff."

The 2012-2013 Grand Jury requested a schedule of the in-house presentations and a copy of the announcement to the staff regarding these presentations. The Grand Jury reviewed the Agency's response and determined that the presentations met the recommendation. No further action is required.

2011-2012 Grand Jury Recommendation R2.4: Develop and implement a Critical Incident Stress Debriefing Program.

Agency Response: "Will not be implemented – service already available from community resource. The service that fulfills this recommendation is called San Joaquin Area Critical Incident Stress Management, which can be accessed through the County Employee Assistance Program/Options. The team that provides this service is a group of trained professionals drawn from mental health, law enforcement, fire, and chaplaincy volunteers in the community. The group has no formal funding and suffers from limited resources. They have performed a number of community interventions including debriefing for staff at both Peterson Juvenile Hall and Mary Graham Children's Shelter. Preliminary inquiries have clarified that since the primary employee trauma associated with child welfare work (severe child injury and/or death) tends to manifest itself as an individual dynamic, experienced by the assigned worker rather than a group of workers the individual counseling provided through the Options program is usually the best course of action."

The 2012-2013 Grand Jury requested a copy of the Critical Incident Debriefing Program. The Grand Jury reviewed the Agency's response and the San Joaquin County Administrative Handbook Section A-32 describing "Emotional Trauma Debriefing." The 2012-2013 Grand Jury determined the program met the recommendation. No further action is required.

2011-2012 Grand Jury Finding F3.1: Information regarding low morale and disconnect with the social workers was removed from the 2010 San Joaquin County Peer Quality report just one week prior to its submission to the required state agency.

Agency Response: "Disagree. Agree that much material was deleted, edited, or added to the Peer Quality Case Review (PQCR) report during the same time span over which it was constructed. Each of the re-writes was submitted to the analyst for the State agency overseeing the local County process. Some language regarding low morale and disconnect, as well as workload was apparently among the deletions during the re-writing and editing processes. Disagree that this constitutes a 'redaction'. It is important to stress the fact that all of the drafts of the PQCR report, including the final version, were reviewed by the California Department of Social Services (CDSS) analyst assigned to the San Joaquin County PQCR process. As cited on page 14 of the PQCR report, 'In addition to CWS and Juvenile Probation, the California Department of Social Services and University of California, Davis Training Academy also partnered in the planning, facilitation and report writing of the Peer Quality Case Review'. With that clarification made, the agency considers the issues of high caseloads and factors impacting staff morale to be of upmost importance.

The County Self-Assessment (CSA) and System Improvement Plan (SIP) reports submitted to the State contained language that most definitely echoed the sentiments expressed in the deleted PQCR material cited by the Grand Jury. The finalized language, which was very similar to the deleted segment of the PQCR cited by the Grand Jury, was considered to be appropriate to the CSA and SIP documents and was incorporated in those reports."

2011-2012 Grand Jury Finding F3.2: Reports were not made available to staff. This gives validity to the concept of the lack of communication.

Agency Response: "Disagree. Agree that reports were not distributed to staff. Disagree that this represents a valid measure of communication. The PQCR applied very narrowly to one or two program areas. Staff from those areas participated in the focus groups along with staff from peer counties. Their participation and input provided the basis for the report and were duly incorporated into the final product. As the report had an extremely specific focus (Re-entry following Reunification), there was no rationale to distribute the 107 page document to staff whom were neither involved with nor affected by the focus area. The social workers in program areas directly related to this outcome measure were heavily involved in the PQCR process. The final report is public record and can be requested by anyone. This finding reinforces the concern that there was a significant degree of misunderstanding among Grand Jury members as well as CWS staff regarding what the PQCR is and what the guidelines are. Once past the focus groups (comprised of agency staff and peer county staff plus outside public agency and community partners) that are convened through the PQCR process, subsequent staff input and comment are not designed into the process. As prescribed by the PQCR guidelines, final debriefs were conducted on March 5, 2010 in two sessions: the first for CWS and Probation administrative staff; the second debrief, immediately following the first, for all other staff and community participants. It is important to remember that the PQCR process is prescribed by federal and State guidelines with oversight from the designated State office, in this case, the CDSS Bureau of Outcomes and Accountability."

2011-2012 Grand Jury Recommendation R3.1: All information from the PQCR survey, either positive of negative, to be included in published report as discovered.

Agency Response: "Implemented. There will be no separate PQCR report in the future. The agency has and will continue to include all findings that relate to the outcome area identified in the SIP. Additionally, there was no PQCR survey. There was only a CSA survey and those results were published in their entirety within the CSA report. The PQCR is exactly what the name indicates: a review of cases and casework practice by professionals from peer counties, the community and agency staff familiar with the area of focus to analyze the practices of the host county and recommend alternative or additional strategies to positively affect that outcome area. Those findings were recorded and published in their entirety."

The 2012-2013 Grand Jury reviewed and verified the Agency's response. No further is action necessary.

2011-2012 Grand Jury Recommendation R3.2: Future PQCR, SAR, SIP Reports to be provided to CWS staff members prior to publication for review and comment.

Agency Response: "Will not be implemented. As noted in R 3.1, there will be no future PQCR reports. There is no 'SAR' report; the agency believes the Grand Jury is referring to the CSA report. The CSA and SIP report guidelines do not provide a 'staff comment and review' option. The agency does not have the ability to alter the mandated federal and State guidelines regarding the PQCR, CSA, and SIP reports."

The 2012-2013 Grand Jury reviewed and verified the Agency's response. No further is action necessary.

Conclusion

The 2012-2013 Grand Jury determined there was sufficient evidence and documentation provided by the Department of Human Services/Child Welfare Services to comply with all of the recommendations made by the 2011-2012 Grand Jury.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Sections 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

San Joaquin County Grand Jury

Follow-up Report to the
2011-2012 San Joaquin County Grand Jury Case No. 0511
North San Joaquin Water Conservation District

Preface

This report describes the summary from the 2011-2012 Grand Jury Final Report, including the background of its investigation. Described herein are the methods the 2012-2013 Grand Jury used to determine if the North San Joaquin Water Conservation District responded appropriately to the 2011-2012 Grand Jury's recommendations. The 2011-2012 Grand Jury findings and recommendations, as well as the agency's responses, are listed in this report and are followed by the 2012-2013 Grand Jury's follow-up results.

The General Counsel for the North San Joaquin County Water Conservation District submitted the response to the 2011-2012 Grand Jury Final Report on July 31, 2012. A copy of the original agency response may be located on the San Joaquin County Grand Jury web-site under *Previous Grand Jury Rosters and Reports* at http://www.stocktoncourt.org/grandjury/2011-2012.htm.

Glossary

Ralph M. Brown Act	California Government Code Section 54950-54962 which governs meeting access for local governments
Form 700	The State of California's Fair Political Practices Commission form that requires most state government officials and employees to publicly disclose their personnel assests and income that may create an economic conflict of interest

Summary

The 2011-2012 Grand Jury investigated complaints alleging the non-recusal of voting Board members, violations of the Ralph M. Brown Act, financial mismanagement, lack of leadership, an adversarial attitude, an unwillingness to follow the advice of legal counsel, violations of District policies, California Water Resource Control Board codes and California Government codes. The 2011-2012 Grand Jury's investigation found the North San Joaquin Water Conservation District had incurred considerable indebtedness. The lack of additional revenue sources and continued inadequate leadership in this area could lead to insolvency and possible absorption by another water district.

Background

The North San Joaquin Water Conservation District (District) was created in 1948 under the Water Conservation District Law of 1931 (California Water Code Section 74000 et seq.). The District is charged with the task of acquiring, appropriating and conserving water rights for any useful purpose. The District may also impose groundwater charges for pumped water for the benefit of all who rely directly or indirectly on ground water supplies.

The District has a right to utilize up to 20,000 acre-feet of water from the Mokelumne River. Management of this water promotes less dependence on ground water pumping, which helps to slow the depletion of the already critical ground water overdraft. The District presently serves agricultural land in and around Lodi. Current economic changes and reductions in property tax revenue have caused the District to struggle to maintain its aging infrastructure and to upgrade its services.

The District's Board of Directors is comprised of representatives from five regional districts. Each representative is an elected citizen and serves for a period of four years. At the time of the original investigation, the Board of Directors were Bryan Pilkington (President), Mark Beck, Joe Peterson, Hugh Scanlon and Marden Wilber. Bryan Pilkington resigned and the Board of Directors was changed to include Mark Beck, Joe Peterson (President), Hugh Scanlon, Joe Valente and Marden Wilber. As of January 28, 2013, the Board of Directors consisted of Mark Beck (Vice President), Tom Flinn (Secretary), Hugh Scanlon (Treasurer), Joe Valente (President) and Marden Wilber.

Method of Follow-Up Investigation

The 2012-2013 Grand Jury reviewed the 2011-2012 Grand Jury Final Report, reviewed the files for this investigation, conducted interviews, reviewed additional information and made a site visit to determine if the District responded appropriately to the recommendations made by the 2011-2012 Grand Jury.

Findings/Recommendations/Responses
2012-2013 Grand Jury Results

2011-2012 Grand Jury Finding F1: The Board is acting in direct conflict with District Policy §6 A, B (a-c, f, g), §8 G, I, J, N, §9 A (1-8), B (1-8).

2011-2012 Grand Jury Recommendation R1 – All Board Members review, discuss, and act in accordance with its own Policy Manual.

Agency Response to Finding F1 and Recommendation R1: "Without going into a detailed response to the non-conformance with specific District Policies, the Board agrees with the Report's Recommendation R1 and has already implemented the recommendation. The Board with the new General Counsel's assistance has been reviewing existing Policies and amending Policies that are not practical or that do not conform with existing practices so long as the amendments are within the law. For example, the District has not had a District Manager since Edward Steffani resigned in December 2010. Therefore, the Board President has had the duty to prepare the written agenda and to assemble agenda documents for each regular and special Board meeting. As noted in the Report's discussion of Part 2.0, Board Policy Section 8.I required the agenda for each regular meeting be forwarded together with supporting documents, etc., to each Board member at least five days in advance. That was not practical so the Policy has been amended to require that all agendas and supporting documentation be provided in accordance with the Brown Act."

The 2012-2013 Grand Jury reviewed and verified the Agency's response. The Grand Jury requires no further action.

2011-2012 Grand Jury Finding F2.1: Minutes were not completed or distributed in compliance with the Ralph M. Brown Act.

2011-2012 Grand Jury Recommendation R2.1 – Board members complete annual Ralph M. Brown Act training. Minutes of meetings are to be taken at each and every meeting, and presented for approval at the following scheduled Board meeting.

Agency Response to Finding F2.1 and Recommendation R2.1: "The District has no paid staff to take notes during meetings and to prepare minutes after meetings. Director/Board Secretary Valente has instituted a new system for his taking notes and preparing Board meeting minutes for approval at the next regular Board meeting. Directors Petersen, Scanlon, and Valente all attended required AB 1234 Ethics/Brown Act Training in February 2012. Directors Beck and Wilber are planning to attend the required training later this year."

2012-2013 Grand Jury Finding F1: The Grand Jury reviewed copies of recent Board meeting minutes. The Grand Jury also reviewed documentation of the Directors' training attendance. One of the Director's training completion documents was not included and the Grand Jury was informed that this document may have been lost or misplaced. The District's General Counsel stated that he will provide this training documentation to the Grand Jury when it is found.

2012-2013 Grand Jury Recommendation R1: The Grand Jury recommends the District provide documentation of completion from all Board members for Ralph M. Brown Act training by September 30, 2013.

2011-2012 Grand Jury Finding 2.2: The District violated Policy §8A & J. Meetings have not been given proper notice. Agenda items have not been properly added.

2011-2012 Grand Jury Recommendation R2.2 – Board President is to ensure meeting notices and agenda items are distributed properly as stated in District Policy §8A & J.

Agency Response to Finding F2.2 and Recommendation R2.2: "We believe that the reference should be to Board Policy §8.I and not J. As indicated above, §8.I has been amended to require the same pre-distribution of agendas and agenda materials as required by the Brown Act and not a longer period as previously required by the Policy. Former Board President Byran Pilkington was responsible for the posting of Board agendas, including posting to the District's website. Current Board President Joe Petersen has already been complying with Recommendation R2.2 and has in good faith endeavored to have the agendas posted at the District office and on the District's website in spite of the District's limited resources."

The 2012-2013 Grand Jury reviewed documentation that the meeting notices and agenda items had been properly distributed. The Grand Jury also recognized the fact that the District Policy §8J stated in the 2011-2012 Grand Jury Final Report should have been §8I. No further action is required.

2011-2012 Grand Jury Finding F2.3: The Grand Jury found the District was in violation of California Water Code §74754 which states in part "… the treasurer shall report in writing at each regular meeting the amount of money on hand, the amount of receipts since last report and amounts paid out."

2011-2012 Grand Jury Recommendation R2.3 – District is to provide and review financials in accordance with California Water Code §74754 and the Ralph M. Brown Act §54957.5.

Agency Response to Finding F2.3 and Recommendation R2.3: "Director/Treasurer Scanlon provides financial reports in writing and presents a list of District checks for approval at each regular monthly Board meetings. The District has retained the Lodi accounting firm of Tolson, Pooré & Zamora and that firm also provides the Board with monthly financial reports."

The 2012-2013 Grand Jury reviewed and verified the three most recent copies of the monthly financial reports. No further action is required.

2011-2012 Grand Jury Finding F3: Board members violated District Policy §2 part A, B, E, F, G, J, K, §7 part B.

2011-2012 Grand Jury Recommendation R3 – All Board members complete annual Ethics training. All Board members must follow their own procedures.

Agency Response to Finding F3 and Recommendation R3: "Whatever happened with the prior Board is past history. The new Board is moving forward in a very positive manner. As the Grand Jury Report's Conclusion states: 'The Board President [Bryan Pilkington} has since resigned. Due to a change in leadership, the overall conduct of the District has shown improvement.' The current Board has in fact shown vast improvement. Directors Petersen, Scanlon, and Valente all attended required AB 1234 Ethics/Brown Act Training in February 2012. Directors Beck and Wilber are planning to attend the required training later this year."

2012-2013 Grand Jury Finding F2: The Grand Jury requested training documentation for two of the Directors but was advised that this training documentation may have been lost or misplaced. The District's General Counsel stated that he will provide this training documentation to the Grand Jury when it is found.

2012-2013 Grand Jury Recommendation R2: The Grand Jury recommends the District provide documentation of completion from all Board members for Ethics training by September 30, 2013.

2011-2012 Grand Jury Finding F4.1: There is a lack of financial planning and responsibility on behalf of the District's managing board.

2011-2012 Grand Jury Recommendation R4.1 – The District implement a solid fiscally responsible plan with balanced budgets.

Agency Response to Finding F4.1 and Recommendation R4.1: "The Board is already implementing Recommendation R4.1. After Board President Pilkington resigned, the Board formed a Budget Review Committee with Directors Scanlon and Beck and with public members Steve Raddigan and Robert Hoag. The Committee reviewed the District's historic and projected financial information and gave valuable recommendations to the Board. At the Board's May 25, 2012 meeting, the Board adopted a balanced budget for Fiscal Year 2012-2013. Board has retained Tolson, Pooré & Zamora as the District's Accountant and Bloomberg & Griffin as the District's Auditor. The Board has recently retained Walter Sadler, P.E., an experienced civil engineer, as a consultant to advise the Board on district water operations and infrastructure, to act as the Tracy Lake Project Manager, and on matters so that the District can operate more effectively and efficiently."

The 2012-2013 Grand Jury reviewed the agency response and finds the District is implementing this recommendation by retaining outside firms and consultants to help the District operate more effectively and efficiently. The Grand Jury also reviewed the 2012-2013 balanced budget. No further action is required.

2011-2012 Grand Jury Finding F4.2: The District lacks a plan for new revenue.

2011-2012 Grand Jury Recommendation R4.2 – Explore new sources of revenue.

Agency Response to Finding F4.2 and Recommendation R4.2: "The Board is already implementing Recommendation R4.2. Moving forward the Board is working on the following: Taking a hard look at existing expenses, including but not limited to the PG&E electric bills for pumping District water and District Watermaster costs. Look at the existing revenues and expenses from the District's water operations and projected costs to upgrade the infrastructure Board President Petersen is recommending that the Board host town hall meetings to explain the District's current revenue sources, potential additional revenue sources, and the District's operations and infrastructure and costs and to receive input from the constituents.
The District is focused on improving the existing diversion and conveyance facilities so that more lands within the District can be served with surface water and use less groundwater. The District is investigating possible sources of funding to finance such improvements. The District is in the process of identifying needed improvements and additional lands within the District that could be irrigated from existing, extended or new conveyance facilities. The District has already implemented one new revenue source to fund infrastructure improvement in order to more fully utilize the District's water right. The District's Tracy Lake Groundwater Recharge Project will divert water from the Mokelumne River into South Tracy Lake and is projected to divert up to 4,000 acre-feet per year when river water is available. The surface water will be used by the landowners to irrigate vineyards thereby conserving groundwater. The project will also result in surface water recharge to the over-drafted basin. The District has secured 100% of the funding for the project. The 2011 estimated total cost of the project of $936,000 has been increased due to the updated construction costs but the landowners have agreed to fund the increase. The U.S. Bureau of Reclamation has awarded a $300,000 for the project and the balance is being financed through the formation of Improvement District No. 1 (Tracy Lake Improvement District) and the issuance and sale of two series of Improvement District No. 1 warrants. Payment of the principal and interest on both series of warrants are secured by an annual capital assessment to be levied on all 1,310 acres of land within the Improvement District. The $400,000 first series of ten $40,000 warrants with a 4.0% interest rate has been issued and sold. One warrant will be retired each year over a ten-year period with the first warrant to be retired on July 1, 2013. This is the first use of an improvement district by the District to finance a new surface water irrigation and groundwater recharge project and to organize the agricultural lands benefited by a project. This project can act as a model for additional projects within the District. After the Tracy Lake Project is operational, an annual operation and maintenance assessment will also be assessed every year until the project is retired with the landowners paying 65% of those annual costs subject to an annual cost true-up. Annual costs will vary depending primarily upon how much water is pumped from the Mokelumne River (i.e., electric costs).

For the first year of operation the landowners will pay a water charge of $2 per acre-foot in addition to paying the annual capital and annual operation and maintenance assessments. After the first year, North San Joaquin's Board of Directors will review District's total water system operating costs and determine whether to adjust the water charge. There is the potential to divert up to an additional 4,000 acre-feet per year from the project should additional lands request surface water and be willing to pay their share of the capital and annual operation and maintenance costs."

The 2012-2013 Grand Jury reviewed the agency's response that the Board has implemented this recommendation. The Board provided examples of how it has worked to find additional revenues. No further action is required.

2011-2012 Grand Jury Finding F5: Two (2) Board members failed to recuse themselves from the discussion of and voting on issues they had a financial interest in, resulting in a conflict of interest.

2011/2012 Grand Jury Recommendation R5 – Board members are to abide by Policy Manual §14 related to conflict of interest.

Agency Response to Finding F5 and Recommendation R5: "As the Grand Jury Report's Conclusion notes, the State of California Fair Political Practice Commission is currently conducting an investigation into these same alleged conflicts of interest. Because of the FPPC's on-going investigation, the Board does not believe it is appropriate to provide a direct response to Finding F5. The District's General Counsel has previously informed the Board that the District's existing Conflict of Interest Code is out of date and needs to be amended. Consequently, the Board will plan to review recommended amendments to the District's Code at the Board's September 24 regular meeting. Forms 700s for 2011 were timely filed by all of the Directors."

The Grand Jury reviewed the minutes of the September 24, 2012 regular meeting, a copy of the revised Conflict of Interest Code and copies of the FPPC Form 700 for all of the Directors. The Grand Jury also reviewed the minutes from the November 26, 2012, Board meeting when the Conflict of Interest Code was adopted. The adopted code appears to establish clear ethics and conflict of interest guidelines for all Board members. Actual enforcement of the code is essential. No further action is required.

Conclusion

The 2012-2013 Grand Jury determined that evidence verifies the North San Joaquin Water Conservation District Board of Directors met all but two of the recommendations made by the 2011-2012 Grand Jury. After several requests from the Grand Jury, the Board of Directors has not provided documentation to prove two of its members have completed mandatory Ethics and Brown Act training. The General Counsel for the Board of Directors stated in his response letter to the Grand Jury's third request that he would provide the training certificates as soon as he receives them.

Given a year to comply, the North San Joaquin Water Conservation District Board of Directors have not provided documentation that the required Ethics and Brown Act training has been completed. The 2012-2013 Grand Jury is concerned that the District's General Counsel has not taken action to compel the remaining two Board members to comply with mandatory State law. The 2012-2013 Grand Jury recommends that the District fully comply with the law and complete the Brown Act and Ethics training and provide documentation of attendance for all Board members.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Sections 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

California Penal Code sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of San Joaquin County Superior Court by (within 90 days).

Mail or hand-deliver a hard copy of the response to:

Hon. David P. Warner, Presiding Judge
San Joaquin County Superior Court
222 E. Weber Ave., Room 303
Stockton, CA 95202

Also, please email the response to Trisa Martinez, Staff Secretary to the Grand Jury, at grandjury@sjcourts.org

San Joaquin County Grand Jury

Follow-up Report to the 2010-2011 San Joaquin County Grand Jury Report and 2011-2012 San Joaquin County Grand Jury Case No. 0510 French Camp/McKinley Fire District

Preface

The 2010-2011 Grand Jury conducted an investigation of the French Camp/McKinley Fire District. The 2011-2012 Grand Jury followed-up with the findings and recommendations made by the 2010-2011 Grand Jury and was satisfied with all of the results except for one. The 2011-2012 Grand Jury referred this one incomplete recommendation to the 2012-2013 Grand Jury for follow-up.

This report describes the summary from the 2011-2012 Grand Jury Final Report which includes the background of the investigation. Described herein are the methods the 2012-2013 Grand Jury used to determine if the French Camp/McKinley Fire District responded appropriately to the 2010-2011 Grand Jury's recommendations in its Final Report. Those findings and recommendations, followed by results from the 2012-2013 Grand Jury investigation and site visit are listed in this report.

Summary

The French Camp/McKinley Fire District (District) is a small fire district with a large geographic area as well as complex fire response responsibilities. A large part of the District encompasses the San Joaquin County Hospital, the San Joaquin County Jail and several of the Delta island properties. The 2010-2011 Grand Jury investigated a citizen complaint alleging misconduct within the District. The District Board initiated an investigation of the Fire Chief and Assistant Fire Chief. The Fire Chief was subsequently demoted from his position. During the course of the investigation, the Grand Jury received additional complaints alleging: unlawful audiotaping of a meeting, removal or destruction of personnel records and Brown Act violations.
These complaints resulted in two Grand Jury recommendations that resulted in the need for the District to update its policies and procedures.

Method of Follow-Up Investigation

The 2012-2013 Grand Jury reviewed the 2010-2011 and 2011-2012 Grand Jury Final Reports, conducted interviews and site visits to determine if the District responded appropriately to the 2010-2011 Grand Jury recommendations that had not been completed as recommended by the 2011-2012 Grand Jury.

Findings/Recommendations/ Responses
2012-2013 Grand Jury Results

2010-2011 Grand Jury Finding (Section 1.0): The Fire Chief and Assistant Fire Chief were not properly notified before being interrogated regarding the investigation. This is a direct violation of Government Code Section 3253. It was further determined that the removal of the Fire Chief from his position was also in violation of Government Code Section 3254.

2010-2011 Grand Jury Recommendation (Section 1.0): The Board must develop policies and procedures for issuing an investigation that do not violate government codes. Proper notification within the law must be observed.

Agency Response: "The French Camp McKinley Fire District concurs with the finding. Since the initial investigation, there has been a change in the Fire District Board, and Administration. The Fire District is currently working on updating policies in regards to personnel investigations and the new Fire Chief is versed in personnel investigations and has received specialized training in conducting investigations."

2010-2011 Grand Jury Finding (Section 3.0): A meeting between a Board member, the Fire Chief and the Assistant Fire Chief was recorded by the Assistant Chief. Although the Grand Jury could not find any law which requires notification of recording, best practices would dictate that all present for the meeting be notified. The recording device being in plain sight does not constitute notification.

2010-2011 Grand Jury Recommendation (Section 3.0): Develop a policy mandating notification of recording to all participants in meetings.

Agency Response: "The French Camp/McKinley Fire District concurs with your finding. We are currently developing a policy in regards to recording of meetings."

The 2012-2013 Grand Jury conducted interviews and site visits to determine the progress on the development and implementation of the District's new policy and procedures manual. The policy and procedures manual was developed over several months and includes all aspects of the District's operations. The manual was approved at a December 2012 Board meeting, has been implemented and includes changes that meet the 2010-2011 Grand Jury recommendations. The 2012-2013 Grand Jury requires no further action.

Conclusion

The 2012-2013 Grand Jury determined that there was sufficient evidence provided by the French Camp/McKinley Fire District to fulfill the recommendations made by the 2010-2011 Grand Jury.

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San Joaquin County Grand Jury

Follow-up Report to the 2011-2012 San Joaquin County Grand Jury Law and Justice Report Deuel Vocational Institute

Preface

This report describes the summary from the 2011-2012 Grand Jury Final Report including the background of its investigation and tour. Described herein are the methods the 2012-2013 Grand Jury used to determine if Deuel Vocation Institution (DVI) responded to the 2011-2012 Grand Jury's recommendations. Each 2011-2012 Grand Jury finding and recommendation, followed by results from the 2012-2013 Grand Jury tour, is listed in this report. The Grand Jury is required to tour and inspect state prisons that are located within San Joaquin County pursuant to California Penal Code 919 (b). Prisons are not required to respond to grand jury recommendations.

Glossary

AB 109 Assembly Bill 109, signed into legislation in 2011, was meant to reduce California's prison overcrowded inmate population. This was the cornerstone of California's solution for reducing the number of inmates in the state's 33 prisons to 137.5% of design capacity by June 27, 2013, as ordered by a three-judge court and affirmed by the U.S. Supreme Court. This Assembly Bill is also known as *Realignment*

CDCR California Department of Corrections and Rehabilitation

DVI Deuel Vocational Institutition

Z Dorm A large gymnasium which was converted to a housing unit to accommodate overcrowding

Summary

Deuel Vocational Institution was constructed nearly 60 years ago to house over 1,200 inmates. When the 2011-2012 Grand Jury toured DVI, there were approximately 2,900 inmates in the facility. Over the past few years, there have been several major changes to the institution. One of the biggest changes DVI endured was the implementation of AB 109, which required a reduction of inmates housed at the facility. This change also resulted in the layoffs or transfers of many prison staff.

Background

DVI had undergone a change in Wardens six months into the 2011-2012 fiscal year. The previous Warden retired after receiving praise from the management staff, but received some criticism in the media from the prison guards. The Assistant Warden was named the Acting Warden, while awaiting a decision by the Governor for a permanent appointment.

AB 109 also caused major changes to the population and structure of DVI. The number of inmates being released continued, with the ultimate population set at 2,478 by August 2012, down from 3,811 in October 2011. One of the struggles management faced was the consequent reduction of about 100 staff members because of fewer inmates.

The 2011-2012 Grand Jury toured and inspected the DVI facility including the kitchen/dining room, chapels, reception center, barracks and medical and dental facilities. A follow-up visit was scheduled because of the leadership change and to review the impact of AB 109 on DVI operations.

The Acting Warden discussed the impact of the many changes to the institution. He provided information that Z Dorm had already been closed and was in the process of undergoing renovations to revert the gymnasium back to an area where inmates can exercise or hold worship services.

The age of the institution, built in 1953, has presented the staff with creative opportunities to manage the upkeep of the buildings and repair of plumbing and electrical problems. While some older areas of the institution are being closed, others are being modernized to meet state standards.

Method of Follow-Up Investigation

The 2012-2013 Grand Jury reviewed the 2011-2012 Grand Jury Final Report and conducted a site visit to inspect the facility and to determine if Deuel Vocational Institution responded to the 2011-2012 Grand Jury recommendations.

Findings/Recommendations/Responses
2012-2013 Grand Jury Results

2011-2012 Grand Jury Finding F1.1: Some of the cells require additional electrical outlets to conform to CDCR standards. Those modifications are being done on continual basis to upgrade the living areas.

2011-2012 Grand Jury Recommendation R1.1: Continue with the cell modifications to upgrade the electrical outlets.

Agency Response Not Required

The 2012-2013 Grand Jury toured the DVI facility and witnessed the continuing work to upgrade the electrical outlets in the cells. No further action is required.

2011-2012 Grand Jury Finding F1.2 – The inmates complained about the quality of the drinking water. The Acting Warden said the Water Osmosis Facility is running again and the taste of the water has improved.

2011-2012 Grand Jury Recommendation R1.2: Continue to maintain the Water Osmosis Facility for all drinking water.

Agency Response Not Required

The 2012-2013 Grand Jury received no new complaints about the quality of the drinking water during the tour. The 2012-2013 Grand Jury requires no further action.

2011-2012 Grand Jury Finding F2: The transitional period that DVI is experiencing has encouraged the staff to be creative in its use of resources because of the present economy.

2011-2012 Grand Jury Recommendation R2: The Grand Jury encourages the use of volunteers to augment the staff and to continue to explore programs for the rehabilitation of the inmates.

Agency Response Not Required

The 2012-2013 Grand Jury observed several examples of volunteers working alongside DVI staff in various different program areas throughout the facility during the tour. The 2012-2013 Grand Jury requires no further action.

Conclusion

The 2012-2013 Grand Jury determined that there was sufficient evidence provided to satisfy the Grand Jury that Deuel Vocational Institution met all of the recommendations provided by the 2011-2012 Grand Jury.

Disclaimer

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San Joaquin County Grand Jury

Follow-up Report to the 2011-2012 San Joaquin County Grand Jury Law and Justice Report Department of Juvenile Justice

Preface

This report describes the summary from the 2011-2012 Grand Jury Final Report including the background of its investigation and tour. Described herein are the methods the 2012-2013 Grand Jury used to determine if the Department of Juvenile Justice (DJJ) responded to the 2011-2012 Grand Jury's recommendations. Each 2011-2012 Grand Jury finding and recommendation is followed by the results from the 2012-2013 Grand Jury tour. The DJJ facilities are managed by the State of California and grand juries have no jurisdiction over these facilities. Nonetheless, grand juries are required to tour and inspect state correctional facilities that reside within their county, pursuant to California Penal Code Section 919 (b). Also, these state correctional facilities are not required to respond to grand jury recommendations.

Summary

The 2011-2012 Grand Jury toured the California Youth Authority's Stockton campus that consists of two detention facilities which houses about 550 youths. These two facilities are: O. H. Close Youth Correctional Facility, and N. A. Chaderjian Youth Correctional Facility.

N. A. Chaderjian houses male youths from 18 to 25 years of age in six housing units. Each unit is comprised of 12 halls containing individual cells. These halls are used to separate the youths into different risk levels, such as crimes of violence and sexual offenses. Those with emotional and mental issues are evaluated and receive care from the mental health professionals on the staff. High school and community college programs are offered along with vocational training in an industrial environment.

The O. H. Close facility houses youths under the age of 18. They are housed in dormitory style units. Schooling is mandatory for all youths under 18; a fully accredited high school is operated at the site. A program for those wishing to leave the gang lifestyle is offered.

Personnel observed and interviewed were professional and appeared to be dedicated to helping the youths move forward in life. Both facilities were clean and the grounds were in order.

Background

According to a recent study by Ohio State University, young people who play video games are likely to identify with the violent character. The study also stated that players tend to get actively involved in the video game and are rewarded for game-related violent behaviors. Members of the 2011-2012 Grand Jury observed youth playing violent video games. Staff was interviewed and agreed that it might not be a proper recreational activity but it was allowed.

Method of Follow-Up Investigation

The 2012-2013 Grand Jury reviewed the 2011-2012 Grand Jury Final Report and conducted a site visit to determine if the Department of Juvenile Justice responded to last year's recommendation.

Findings/Recommendations/Responses
2012-2013 Grand Jury Results

2011-2012 Grand Jury Finding F1: Violent video games are being allowed to be played during recreation periods.

2011-2012 Grand Jury Recommendation R1: Violent video games should not be allowed at the facility.

Agency Response Not Required

The 2012-2013 Grand Jury toured the DJJ facility and saw no evidence of violent video games being played or available to be played during recreation periods. No further action is required.

Conclusion

The 2012-2013 Grand Jury has determined there was sufficient evidence provided by the Department of Juvenile Justice to meet the recommendation requested by the 2011-2012 Grand Jury.

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