



MONTEREY COUNTY CIVIL GRAND JURY

**GOVERNMENT AGENCY
RESPONSES**

TO THE 2008 FINAL REPORT

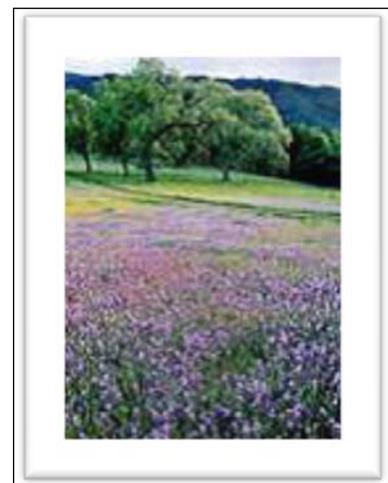
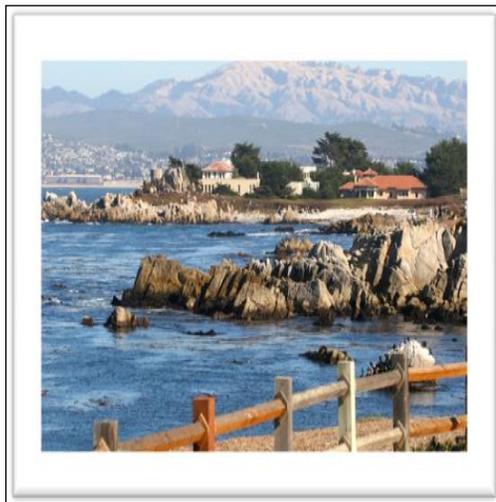


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Civil Grand Jury Mission and Annual Reports

The 2009 Monterey County Civil Grand Jury is pleased to present to the public this compilation of government agency responses to the 2008 Civil Grand Jury Final Report. The primary mission of a civil grand jury in the State of California is to examine county and city governments, as well as districts and other offices, in order to ensure that the responsibilities of these entities are conducted lawfully and efficiently. The civil grand jury is also responsible for recommending measures for improving the functioning and accountability of these organizations, which are intended to serve the public interest.

Reports: Section 933(a) of California Penal Code declares: "Each grand jury shall submit . . . a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year." The civil grand jury summarizes its findings and makes recommendations in a public report, completed at the end of its yearlong term. Each report is presented to the appropriate department or agency.

The public may view each year's final report, this document, and all actual responses through the Monterey County Civil Grand Jury's website at <http://www.monterey.courts.ca.gov/GrandJury>.

Content of Responses: Section 933.05 of the California Penal Code declares: "The responding person or entity shall indicate one of the following:

- 1) The respondent agrees with the finding.
- 2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- 3) (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - 4) The recommendation has been implemented, with a summary regarding the implemented action.
 - 5) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - 6) 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.
- 7) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor

Section 1 Assembly Bill 900

Purpose of the Investigation: The 2008 Monterey County Civil Grand Jury (the Grand Jury) investigated activities in Monterey County (the County) related to Assembly Bill 900, The Public Safety and Offender Rehabilitation Services Act of 2007 (AB 900), which amended California Code of Regulations, Title 15, Division 1, Chapter 1, Subchapter 6, Sections 1700 through 1792. The purpose of the investigation was to:

- Understand costs and benefits of the legislation to the County
- Understand whether benefits are being adequately pursued.

Required Responses — Parties responsible for responding:

Monterey County Sheriff (**MCS**): Findings F1.1, F1.2, F1.3, F1.5, F1.6, F1.7, and F1.9
Recommendations R1.1, R1.2, and R1.3

Board of Supervisors (**BOS**): Findings F1.3, F1.4, F1.5, F1.7, F1.8, F1.9 and F1.10;
Recommendations R1.1, R1.3 and R1.4

Findings and Responses

Finding F1.1: *Overcrowding at the Jail continues to create risks to safety of staff and an increasingly violent inmate population.*

MCS — Response F1.1: The respondent agrees with this finding. Steps to reduce overcrowding include the installation of additional beds in selected housing units. The Sheriff's Office, with the approval of the Courts, has enacted an early release program. In addition, the Sheriff has worked with the Courts and District Attorney's Office to develop an own recognizance (O.R.) policy to release low-risk arrestees upon intake. These measures reduce crowding while maintaining community safety.

Finding F1.2: *The County would benefit from construction of new beds at the Jail in two ways:*

- *Improved safety within the Jail for staff and inmates by reducing the number of potentially violent inmates housed in dormitories*
- *Improved public safety by reducing the risk of early release of inmates.*

MCS — Response F1.2: The respondent agrees with this finding. The Sheriff's Office continues to work with the County on jail expansion.

Finding F1.3: *While the opportunity to apply for a grant from Phase II of AB 900 is several years in the future, it would be worthwhile to prepare now.*

MCS — Response F1.3: The respondent disagrees wholly or partially with the finding. Jail expansion master plans are being developed for potential future funding opportunities. Availability of county funding is dependant upon the length of the economic downturn. The Sheriff's Office is looking at all funding options that may be available. However, AB 900 is not a viable option for Monterey County.

BOS — Response F1.3: The respondent agrees with the finding. Public Works staff is working with County Planning staff on a conceptual site master plan for the Laurel-Natividad campus, including Jail expansion, pursuant to Board direction at its December 16, 2008 meeting. County staff will coordinate public involvement through the Salinas City Council and their staff. Although AB 900 funds may not be available in the future, the County's actions will assist the County in pursuing future grants should the State or Federal Government offer funding opportunities in the future. Meanwhile, community-based re-entry programming is being supported and developed further.

Finding F1.4: *Absent a grant from the State, the residents of the County need to fund improvements to the County Jail.*

BOS — Response F1.4: The respondent agrees with the finding. Public Works staff is working with County Planning staff on a conceptual site master plan for the Laurel-Natividad campus, including Jail expansion, pursuant to Board direction at its December 16, 2008 meeting. Public Education and Outreach will be an essential element in building the public support to finance County matching funds for any future grant opportunity. County staff will work collaboratively to apply lessons learned to maximize the effectiveness of future efforts.

Finding F1.5: *The AB 900 grant application developed by the Sheriff's Office, Public Works Department, County Administration Office, and others, was well prepared as demonstrated by success in receiving a conditional grant from the State on March 18, 2008.*

MCS — Response F1.5: The respondent agrees with this finding. Public Works possesses documentation regarding work products.

BOS — Response F1.5: The respondent disagrees partially with the finding. The State issued a tentative conditional award effective May 8, 2008. Lessons learned from the previous grant proposal and subsequent SCRF siting efforts will be useful tools in preparing for future grant opportunities.

Finding F1.6: *Changes in the process of applying for a grant under AB 900 resulted in a moving target. Because the target changed, it was more difficult to be successful. However, other counties were successful.*

MCS — Response F1.6: The respondent agrees with this finding. Short timelines and changing rules created by the State impacted the County's ability to successfully site a re-entry facility.

Finding F1.7: *The Board of Supervisors and Sheriff's Office were aware of AB 900 many months before the deadline for selection of a re-entry site. Public engagement was initiated very late in the process, August 2008.*

MCS — Response F1.7: The respondent disagrees wholly or partially with the finding. Fulfilling various State requirements prolonged site selection. Before moving forward, State approval of the site was necessary which slowed the public outreach process. The goal was to be transparent at all levels once the re-entry site was identified by the County and approved by the State.

Efforts were made early on in the process to locate potential sites for a secure re-entry facility as demonstrated by the Sheriff giving a presentation to the Soledad City Council on

potential locations near the city. Soledad strongly objected to any such facility in their "sphere of influence." This was a common reaction as the process unfolded and developed. Ultimately, talks with the City of Salinas policy makers took time and bogged down as county and city elected officials struggled with potential sites in Salinas. In the end it became clear that while there was support for such an institution nobody really wanted the site in their neighborhood.

BOS — Response F1.7: The respondent disagrees partially with the finding. The State issued a tentative conditional award effective May 8, 2008. The County objected to the State's unreasonably short amount of time allowed for site selection for a State Prison Re-Entry site in 90 days and requested an additional 90 days to provide additional time to involve the public. Public outreach efforts initiated during Phase I of the AB900 process has laid a strong foundation for future efforts. Staff will build upon the relationships and lessons learned from Phase I to tailor outreach to effectively engage the community and allow appropriate feedback.

Finding F1.8: *The public information program related to AB 900 consisted of two town hall meetings focused on the City of Salinas and selection of a re-entry site. Other elements of the "Secure Re-Entry Outreach Target Performance Goals" were not implemented. The program as implemented falls short of what the Grand Jury expected when it recommended broad and intense public information programs.*

BOS — Response F1.8: The respondent disagrees partially with the finding. Most of the objectives were met even though the duration of the outreach was abbreviated by the decision to change the focus of the siting effort to unincorporated Monterey County, the subsequent decision of the Corrections Standard Authority (CSA) Board to withdraw Monterey County's tentative conditional grant, and the Governor's notification that AB900 program funding was in jeopardy because of the State's inability to issue construction bonds. It was always the staff's and California Department of Corrections and Rehabilitation's (CDCR) intention to continue the outreach effort until this series of unforeseen events resulted in the premature termination of the AB900 effort in Monterey County.

As an example, the County held two town hall meetings in locations both accessible and well known to all, including neighborhoods selected by city council members of impacted districts, thereby reaching the residents most affected by the project. These meetings included bilingual services. Additionally, follow-up television broadcast reached those portions of County population who were otherwise unable to attend. An additional two Focus Group discussions helped identify and build relationships with key opponents and proponents. Finally, the County provided Frequently Asked Questions and Answers in both English and Spanish to all attendees

Finding F1.9: *The AB 900 grant application process includes a series of milestones or hurdles that counties must meet. Throughout the process, the focus by employees of the County appears to have been solely on the next hurdle, rather than with foresight of and preparation for future hurdles. Because the process took place over a short period of time, addressing one hurdle at a time was insufficient to achieve success.*

MCS — Response F1.9: The respondent disagrees wholly or partially with the finding. The Sheriff's Office obtained a staffing analysis and needs assessment far in advance in preparation for potential building grants. A consultant specialized in responding to RFP's was

hired to prepare the County's proposal and ensure the County could successfully compete for the grant. The Sheriffs Office was extremely farsighted in preparing for the process, and as a result, was awarded a conditional grant from the State. AB 900 while approved by the legislature and signed by the Governor remains unfunded to this day.

BOS — Response F1.9: The respondent disagrees partially with the finding. The County successfully prepared an application and was successful in receiving a tentative conditional award of \$80 million from the State of California. AB900 site selection of a State Prison Re-Entry Facility is required to be responsive to California Department of Corrections and Rehabilitation (CDCR) criteria. The program guidelines evolved throughout the Primary Due Diligence phase. During this period, staff reviewed 21 potential sites throughout the County, vetted those sites with local political leadership, and worked closely with CDCR staff to respond to specific site validation concerns. The County objected to the State's requirement for selection of a State Prison Re-Entry site in 90 days and requested an additional 90 days to provide additional time to involve the public. CDCR and CSA staffs readily acknowledge the deficiencies of Phase I of AB900 and have answered many of the questions which hindered the process. Lessons learned from Phase I will clearly improve and clarify milestones for the next grant opportunity.

Finding F1.10: *The Board of Supervisors' response that financial analysis of the benefits of a re-entry facility was a State responsibility missed both the point and spirit of the Grand Jury's recommendation. The County badly needs a new Jail. Educating the public and engaging them in support of funding a new Jail should be a priority for County government, even if it requires seeking support from sources outside the County.*

BOS — Response F1.10: The respondent disagrees partially with the finding. The County recognizes the importance of providing adequate jail facilities and engaging the public support and funding a new jail is a priority for County government. The County has shown support by working with the Sheriff's Office in identifying alternative funding sources, the impact of those alternative funding sources and selecting the best funding source to pursue. The County has also participated in public hearings, and secured support from the State to participate in those public hearings. The County does not agree that expenditures of County funds would be appropriate for preparing a financial analysis on the benefits of a State owned and operated Prison Re-Entry Facility. A County analysis isn't possible for a State facility because County staff does not have access to real cost data, has no control of programmatic decisions, which would drive the benefits, and lacks authority over operational expenditures.

Recommendations and Responses

Recommendation R1.1: *The Sheriff's Office, Public Works Department, and County Administration Office work with officials of appropriate cities to determine whether there is a suitable site for a re-entry facility on property in Monterey County outside the limits of any city or town. Knowing whether such a site exists will be very helpful if participation in Phase II of AB 900 becomes possible. [Related Findings: F1.1, F1.2, and F1.3]*

MCS — Response R1.1: The recommendation will not be implemented because it is not warranted or is not reasonable. The Sheriffs Office does not intend to pursue AB 900 and will look for other funding opportunities.

BOS — Response R1.1: The recommendation has not yet been implemented, but will be in the future pursuant to the achievement of the following conditions: determination by the State that funds are available; that locating a State Re-Entry Facility is a selection factor for receiving funds for Phase II of AB 900; that the County is eligible to participate in Phase II of AB 900; and the Board of Supervisors determines it is appropriate to continue the pursuit of a Re-Entry Facility in the unincorporated portions of Monterey County. County Staff will engage the public in future siting activities through the use of appropriate Land Use Advisory Committees and the Planning Commission.

Recommendation R1.2: *The Sheriff's Office develops a plan for renovation of the Jail using sources of funding other than an AB 900 grant from the State and educate the Board of Supervisors about the plan. [Related Findings: F1.1, F1.2, and F1.4]*

MCS — Response R1.2: The recommendation has been implemented. Availability of jail renovation funding is affected by the current economic environment. The Sheriffs Office is looking at all funding sources that may be available and is a member through the County of Monterey of the E-civis Grants Network. This network ensures that the County and Sheriffs Office is updated on any local, State or Federal funds that may be available for corrections. The Sheriffs Office continues to work collaboratively with Public Works and the Board of Supervisor's on jail renovation. Public Work staff is working with County Planning staff on a conceptual site master plan for the Laurel-Natividad campus, including Jail expansion, pursuant to Board direction at its December 16, 2008 meeting. Funds are currently available to develop drawings for jail expansion and the Sheriffs Office is working with Resource Management Agency (R.M.A.) through the Capital Improvements Committee to hire an architect.

Recommendation R1.3: *The Board of Supervisors and Sheriff's Office:*

- *Conduct a review of the AB 900 grant application process with a focus on lessons learned, especially about public education/engagement and foresight/preparedness during the process*
- *Make a public report of the results. [Related Findings: F1.7, F1.8, F1.9, and F1.10]*

MCS — Response R1.3: The recommendation will not be implemented because it is not warranted or is not reasonable. Since the County does not intend to pursue AB 900, this recommendation has no relevance.

BOS — Response R1.3: The recommendation has not yet been implemented, but will be in the future pursuant to the achievement of the following conditions: determination by the State that funds are available; that locating a State Re-Entry Facility is a selection factor for receiving funds for Phase II of AB 900; that the County is eligible to participate in Phase II of AB 900; and the Board of Supervisors determines it is appropriate to continue the pursuit of a Re-Entry Facility in the unincorporated portions of Monterey County. County Staff has built strong working relationships with State staff and gathered useful data that will be extremely helpful in future opportunities.

Recommendation R1.4: *The Sheriff's Office, supported by the County Administration Office makes a best effort to develop quantitative information (such as the costs related to housing violent inmates in dormitory settings) that can be included in the plan for a new Jail. [Related Finding: F1.10]*

BOS — Response R1.4: The recommendation has not yet been implemented, but will be implemented in the future. Public Works staff is working with County Planning staff on a conceptual site master plan for the Laurel-Natividad campus, including Jail expansion, pursuant to Board direction at its December 16, 2008 meeting. The County in concert with the Sheriff can continue to work to optimize costs and improve processes to demonstrate the effective use of funds at the County Jail. This is an essential step in making the case for additional funds to expand existing facilities and programs. Building support for funding this program in these currently tough economic conditions will require the dedicated effort of a broad coalition of county staff and citizens who recognize the long-term benefits to the community.

Section 2

Monterey County Jail

Purpose of the Investigation: The purpose of the investigation was to inquire into the condition and operations of the Monterey County Jail (the Jail).

Required Responses — Parties responsible for responding:

Monterey County Sheriff (MCS): All Findings
All Recommendations

Responses should include the following types of documentation:

- 1) Descriptions of plans, schedules, and procedures
- 2) The names or roles responsible for developing the plans.

Findings and Responses

Finding F2.1: *Top leadership of Custody Operations has many years of experience working together as a team at the Jail. Their experience and working relationships will be hard to replace as they approach retirement. Other staff need to be prepared to take their places.*

MCS — Response F2.1: The respondent agrees with the finding. Custody Operations implemented an active mentoring program approximately 14 months ago. The Chief of the Custody Operations Bureau and a Commander are attending a Peace Officer Standards and Training (P.O.S.T.) approved course entitled "Succession Planning for Police Management" in April 2009 and it is expected that this course may further facilitate succession planning.

Finding F2.2: *While it is an old facility, the Jail is well maintained and would be adequate if it housed low risk offenders for which it was originally designed with one inmate in a cell. The inmate population is larger and more violent today and the facility is no longer adequate. Section 1, AB 900, of this report makes recommendations for addressing overcrowding and the condition of the Jail.*

MCS — Response F2.2: The respondent agrees with the finding. Reference responses to F.I. 1, F.I.2 and R. 1.2.

Finding F2.3: *The Jail continues to remain understaffed. This situation results in increased risks to the safety of staff and inmates.*

MCS — Response F2.3: The respondent agrees with the finding. The Board of Supervisors should make staffing levels in the Sheriffs Office their first priority.

Finding F2.4: *Custodial officers are not sufficiently trained to handle the increasing number of incidents associated with mental illness (e.g., attempted suicides, unprovoked violent attacks) that endanger staff and inmates.*

MCS — Response F2.4: The respondent disagrees wholly or partially with the finding. Deputies working in the Jail are trained to peace officer (POST) standards. In addition, jail deputies receive medical training including psychiatric disabilities bi-annually. The Sheriffs

Office partners with Behavioral Health and the contract medical provider to develop appropriate, state of the art training to address mental health issues within the facility.

Finding F2.5: *Tracking the impact of training programs on inmates' future success is feasible and has value.*

MCS — Response F2.5: The respondent agrees with the finding. The Bureau developed a tracking system for one specific program.

Finding F2.6: *Since the effectiveness of educational programs delivered at the Jail is not evaluated, it is impossible to tell whether the funds directed toward those programs are well spent.*

MCS — Response F2.6: The respondent agrees with the finding. Reference response F2.5.

Recommendations and Responses

Recommendation R2.1: *Custody Operations prepares a comprehensive succession plan for leadership and key staff positions. The plan should focus on senior positions where incumbents are nearing retirement and include specific development plans for leading internal candidates. Where there are no internal candidates who can be developed to assume key roles, the plan should identify strategies for recruiting outside talent. [Related Finding: F2.1.]*

MCS — Response R2.1: The recommendation will not be implemented because it is not warranted or is not reasonable. This recommendation at this time is not reasonable due to the budgetary constraints that the Custody Operations Bureau and the County are facing. Although it is recognized that succession planning is important there are no mandatory requirements for employees to articulate their retirement date or retire at a set age. There is not funding or personnel available to dedicate to this project at this time. Currently, the Sheriffs Office due to budget constraints has a "hard hiring freeze" in place. This means that vacant positions are not being filled or recruited for. Training up for the next position is also limited as the budget is prioritized to the mandated training that must occur for peace officers. Peace Officer Standards and Training (P.O.S.T.) has set training requirements for line level, supervisory and management personnel (Ref. P.O.S.T. Administrative Manual-PAM) that includes leadership training. On the job training (Facility Training Program) and in house mentoring and evaluating further prepare personnel for leadership and key roles. The Chief of the Custody Operations Bureau and a Commander are attending a (P.O.S.T.) approved course entitled "Succession Planning for Police Management" in April 2009 and it is expected that this course may further facilitate succession planning.

Recommendation R2.2: *Custody Operations continues to recruit staff locally and use the above succession plan as a recruiting tool. [Related Finding: F2.3]*

MCS — Response R2.2: The recommendation will not be implemented because it is not warranted or is not reasonable. Reference R. 2.1. It is not reasonable as the Sheriffs Office is currently not hiring to fill any vacant positions or accepting applications due to the budget. A succession plan may facilitate recruiting, but no recruiting is occurring at this time. Recruiting locally has traditionally been the focus of the Sheriffs Office recruitments as local hires have proven to positively impact retention.

Recommendation R2.3: *Custody Operations significantly increases the hours and comprehensiveness of training about mental illness so that officers can improve their ability to recognize signs of mental illness, use effective interaction methods with mentally ill inmates, use effective methods to defuse potentially violent situations, and recognize signs of possible suicides. [Related Finding: F2.4]*

MCS — Response R2.3: The recommendation will not be implemented because it is not warranted or is not reasonable. It is not warranted as P.O.S.T. training already establishes minimum standards of training in this area (Ref. POST PAM). Deputies are provided with eight hours of training on health issues including psychiatric disabilities on a semi-annual basis. Selected deputies are assigned to special mental health housing units and are sent to the 40 hour Crisis Intervention Training (CIT) course.

Recommendation R2.4: *Custody Operations designs and implements procedures for evaluating the effectiveness of educational programs. This could be accomplished in part through coordination with Probation Department. [Related Findings: F2.5 and F2.6]*

MCS — Response R2.4: The respondent agrees with the finding. The Bureau developed a tracking system for one specific program. Within the next three months, a more comprehensive, statistic and analytical system will be put in place to evaluate recidivism rates.

Section 3
Monterey County Juvenile Hall

Purpose of the Investigation: The purpose of this investigation was to determine if The Wellington M. Smith, Jr. Juvenile Hall (Juvenile Hall) meets the standards necessary to provide safe and secure housing for youthful offenders and the staff that work in the facility.

Required Responses — Parties responsible for responding:

Monterey County Sheriff (MCS):	All Findings
assisted by the Chief Probation Officer:	Recommendations R3.1 and R3.2

Monterey County Board of Supervisors (BOS):	All Findings
	Recommendations R3.2 and R3.3

Responses should include the following types of documentation:

- 1) Milestones that lead to a timely application for grant under SB 81
- 2) A statement of commitment to make an early submittal of the grant proposal to the State
- 3) Identity of the individual or team responsible for conducting a public education and engagement program related to construction of a new Juvenile Hall.

[NOTE: The Monterey County Juvenile Hall is managed by the Monterey County Probation Department and their responses are included in the Monterey County Board of Supervisors' responses.]

Findings and Responses

Finding F3.1: *The facility is kept clean and in repair despite its poor condition. We commend the staff for their dedication to this effort.*

MCS — Response F3.1: The respondent cannot answer as the Monterey County Juvenile Hall is a separate County Department from the Monterey County Sheriffs Office. The Sheriffs Office has no authority or control over Juvenile Hall.

BOS — Response F3.1: The respondent agrees with the finding. Staff works diligently and continues to perform admirably despite the present challenging conditions.

Finding F3.2: *Because of its antiquated design and its changing juvenile population, the current Juvenile Hall is inadequate to fulfill its purpose of providing a safe and secure environment. It is a dangerous place for both staff and detained juveniles.*

MCS — Response F3.2: The respondent cannot answer as the Monterey County Juvenile Hall is a separate County Department from the Monterey County Sheriffs Office. The Sheriffs Office has no authority or control over the Juvenile Hall.

BOS — Response F3.2: The respondent partially agrees with the finding. The department provides a safe and secure environment for staff and residents in the facility. It utilizes all available resources to counteract the antiquated design, and address the needs of the changing juvenile population.

Finding F3.3: *SB 81 provides an excellent opportunity for the County to share the cost of constructing a new Juvenile Hall with the government of the State of California.*

MCS — Response F3.3: The respondent cannot answer as the Monterey County Juvenile Hall is a separate County Department from the Monterey County Sheriffs Office. The Sheriffs Office has no authority or control over the Juvenile Hall.

BOS — Response F3.3: The respondent agrees with the finding. All possible efforts have been made to optimize this opportunity.

Finding F3.4: *Because SB 81 requires matching funds from the County and the new Juvenile Hall will involve construction that affects nearby residents, public support of the program will be critical to its overall success.*

MCS — Response F3.4: The respondent cannot answer as the Monterey County Juvenile Hall is a separate County Department from the Monterey County Sheriffs Office. The Sheriffs Office has no authority or control over the Juvenile Hall.

BOS — Response F3.4: The respondent agrees with the finding. However, timing of the community outreach process has been scheduled for a later stage, after confirmation that there will be funding available for this project.

Recommendations and Responses

Recommendation 3.1: *The Probation Department, working with the Department of Public Works and the County Administrative Office, aggressively pursues a grant under SB 81. The grant proposal should be submitted well ahead of the deadline, in order to get feedback and optimize the final proposal. [Related Findings: F3.2 and F3.3]*

MCS — Response R3.1: The recommendation has not been implemented because it is not within the authority or control of the Monterey County Sheriffs Office to do so.

BOS — Response R3.1: The recommendation has been implemented. The proposal was submitted to Corrections Standard Authority (CSA) staff ahead of schedule for their review, and incorporates clarifications and additions as suggested. Deadline for the submission proposal to CSA was January 6, 2009; Monterey County presented its proposal to the CSA's Executive Committee on February 18, 2009.

On February 27, 2009, the Probation Department was notified that the CSA Executive Steering Committee will recommend to the CSA Board that only a small portion, about \$3.8 million, of the requested \$35 million be awarded to Monterey County. The CSA Board will have made a final determination on March 19, 2009.

Due to the restrictions associated with the award, further discussion will be needed to determine if accepting it would be in the best interest of the County.

Recommendation 3.2: *Before the grant proposal deadline the Probation Department pursues an aggressive public education and engagement program to enlist support for the construction of a new Juvenile Hall. The program should involve all parties who will be impacted*

*including constituencies near the construction and residents of the county who will support the provision of matching funds.
[Related Findings: F3.2, F3.3, and F3.4]*

MCS — Response R3.2: The recommendation has not been implemented because it is not within the authority or control of the Monterey County Sheriffs Office to do so.

BOS — Response R3.2: The recommendation has not yet been implemented, but will be implemented in the future, upon final confirmation of the facility site location, and the availability of state and local funding required to make the project feasible during these fiscally challenging times.

Recommendation 3.3: *The Board of Supervisors provides the support needed by the Probation Department in order to implement Recommendation R3.2. [Related Finding: F3.4.]*

BOS — Response R3.3: The recommendation has not yet been implemented. The Board of Supervisors supports a public education and community engagement program for the construction of the new juvenile facility. Upon final confirmation of the facility site location, the Board of Supervisors will support and assist the Probation Department in outreach and community education activities to gain the community buy-in on this important project.

In response to additional comments made by the Board on March 24, 2009, the Probation Department offers the following addendum regarding mental health services:

Addendum Regarding Mental Health Services

The Probation Department and the Health Department's Behavioral Health division work closely to coordinate the delivery of mental health services to adult and juvenile offenders.

For the adult population, services are monitored through a mental health court and by a team of social workers, probation officers, community housing and treatment providers. Creating New Choices (CNC) is an evidenced-based program that utilizes cognitive behavioral therapy with the mentally ill and dually-diagnosed offenders to reduce criminogenic thinking patterns and reduce recidivism.

For the juvenile population, the Collaborative Action Linking Adolescents (CALA) consists of early mental health screening, psycho-social assessments, a mental health court and support services for youth in the criminal justice system that exhibit mental health issues.

A psychologist is on staff at Juvenile Hall to address the acute mental health issue of residents.

La Familia Sana/The Healthy Family is a comprehensive collaborative centered around Behavioral Health to provide services to youth with serious mental health problems, create linkage and access to services, improve the quality of life within the family, and deter criminal behavior.

Behavioral Health therapists are assigned to the Youth Center, Rancho Cielo and at the Silver Star Resource Center. One therapist was added to the Youth Center and one to Rancho Cielo through funding from the state Division of Juvenile Justice (DJJ) Realignment.

Section 4

Soledad Correctional Training Facility

Purpose of the Investigation: California Penal Code Section 919(b) states: “The grand jury shall inquire into the condition and management of the public prisons within the county.” The purpose of the investigation was to fulfill the requirement for the Correctional Training Facility (CTF) located in Soledad, California.

Required Responses — Parties responsible for responding:

Warden of the Soledad Correctional Training Facility (CTF): All Findings
All Recommendations

Responses should include the following types of documentation:

- 1) Target dates and purpose of meetings scheduled to address the recommendation
- 2) Statements of commitment to continue programs
- 3) Descriptions of steps to be taken to develop plans or implement programs.

[NOTE: no responses to the findings were received from the warden of CTF.]

Findings

Finding F4.1: *The illicit possession of cellular telephones by inmates poses a serious potential risk to the security of correctional staff and other inmates. Such unmonitored telephone use allows inmates to communicate with people outside the institution and plan or continue illegal acts. Security within the CTF would improve if inmate possession of cellular phones were a felony, rather than a misdemeanor.*

Finding F4.2: *The education program at the CTF is staffed by qualified personnel and offers a variety of academic and vocational programs. The WASC certification process contributes to maintenance of program quality by conducting audits and making recommendations.*

Finding F4.3: *There is no evaluation of the impact of educational programs on inmates' outcomes after they return to the community. Without evaluation, it is not possible to know which programs make a difference and to focus efforts on those that do. The Parole Services of CDCR maintains information about how well inmates succeed after they return to the community. That information could be useful in evaluating the correlation between education and inmate success.*

Finding F4.4: *For several years, CTF has been unable to fill all its vacant employee positions for correctional officers because the cost of living in the area, particularly for housing, renders employee retention difficult.*

Finding F4.5: *Because the design of CTF was to house criminals rather than house and treat mentally ill inmates, compliance with Coleman is very difficult.*

Finding F4.6: *Compliance with the reforms resulting from Coleman would not only help mentally ill inmates, it would also improve safety within the prison. By improving diagnosis, treatment and condition of inmates with mental illness, related incidents of violence toward staff and other inmates would be reduced.*

Finding F4.7: *CTF custodial officers are not currently required to have comprehensive education and training on identification and management of mentally ill inmates.*

Recommendations and Responses

Recommendation R4.1: *CTF management meets with State authorities to prioritize the security issue presented by inmate possession of cellular phones and the benefits of a change in the law to make possession of a cellular phone by an inmate a felony. [Related Finding: F4.1.]*

CTF — Response R4.1: The respondent agrees with the finding and has provided all available information from the Correctional Training Facility regarding the smuggling of this contraband (cellular phones) and how detrimental these cellular phones are to the safety and security of the public. The Correctional Training Facility is working closely with our headquarters (California Department of Corrections and Rehabilitation) to initiate laws that would raise this misdemeanor to a felony violation and will continue to do so until this danger to public safety is addressed.

Recommendation R4.2: *Management of the education program continues to comply with WASC certification and the Warden supports their efforts to do so. [Related Finding: F4.2.]*

CTF — Response R4.2: The respondent agrees with the finding and will continue to support any educational opportunity to enhance an offender's likelihood of succeeding as a productive member of the community.

Recommendation R4.3: *Management of CTF collaborates with probation authorities to develop means for evaluating the impact of education and training on inmates' success versus likelihood of committing new offenses after they return to the community. [Related Finding: F4.3.]*

CTF — Response R4.3: The respondent agrees with the finding; the data related to education and training for our inmate population is continuously monitored and reviewed bi-monthly at the institutional level and monthly in multiple departments within CDCR. The ongoing review of all data produced by this institution and agency is utilized in order to enhance or modify new and existing programs.

Recommendation R4.4: *Management of CTF develops and implements a plan for additional affordable housing units for correctional officers to be*

constructed on the State-owned property adjacent to the prison. An increase in affordable housing would address a major barrier to recruitment and retention. [Related Finding: F4.4]

CTF — Response R4.4: The respondent does not disagree with the finding; the Correctional Training Facility had endorsed a housing project which consisted of multiple types of housing units built by inmates trained in the manufacturing of various types of housing. This proposed project was initiated by the Prison Industries Authority (PIA) a department within CDCR. PIA sent Correctional Training Facility and Salinas Valley State Prison employees a survey to inquire how interested they were in having on grounds housing. The survey results indicated a lack of significant interest by the employees who responded.

The current financial issues with the State of California and the nation coupled with a significant decline in the real estate market, which appears to be promising as far as an employee's ability to purchase a home at a reasonable price has decreased high cost housing as a primary hindrance reason of position vacancies.

Based on an analysis of past recruiting efforts made by COCR; the Correctional Training Facility made a significant effort to a recruitment program in 2006 focusing on Monterey County residents. Due to the concentrated recruiting efforts of CTF for local residents of Monterey County this issue has diminished by filling almost two hundred vacant positions. The Correctional Training Facility continues its local efforts to recruit prospective employees from Monterey and surrounding Counties.

Recommendation R4.5: *Management of CTF significantly increases, under the guidance of mental health staff, the hours and comprehensiveness of in-service custodial staff training so that officers can improve their ability to recognize signs of mental illness, effectively interact with mentally ill inmates, effectively defuse potentially violent situations, and recognize and prevent suicide attempts. [Related Findings: F4.5, F4.6, and F4.7]*

CTF — Response R4.5: Management of CTF significantly increases, under the guidance of mental health staff, the hours and comprehensiveness of in-service custodial staff training so that officers can improve their ability to recognize signs of mental illness, effectively interact with mentally ill inmates, effectively defuse potentially violent situations, and recognized and prevent suicide attempts.

The respondent does not disagree with the finding; due to various court orders and departmental mandates all Correctional Training Facility personnel are mandated to receive forty hours of training annually. Multiple days of this training is dedicated to Medical and Mental Health issues/policies and procedures. The Correctional Training Facility personnel and the inmate population have access Medical/Mental Health provider twenty-four hours a day at the institution. The Correctional Training Facility personnel are provided extensive training regarding the recognition of inmates who may be at risk in regards to various degrees of mental illness. Again as mentioned, the Correctional Training Facility currently trains all of our 1769 employees, including the contract and volunteer personnel regarding all of the policies and procedures of the department and court mandated training throughout the year on an annual basis.

Section 5

Salinas Valley State Prison

Purpose of the Investigation: California Penal Code section 919(b) states: “The grand jury shall inquire into the condition and management of the public prisons within the county.” The purpose of the investigation was to fulfill the requirement for Salinas Valley State Prison (SVSP) located in Soledad, California.

Required Responses — Party responsible for responding:

Warden of Salinas Valley State Prison (**SVSP**): All Findings
All Recommendations

Responses should include the following types of documentation:

- 1) Statements of commitment to continue programs
- 2) Descriptions of steps to be taken to develop plans or implement programs
- 3) Target dates and purpose of meetings scheduled to address the recommendation
- 4) Names or positions of people accountable addressing the recommendation.

Findings and Responses

Finding F5.1: *SVSP currently operates with adequate staff for its inmate population. To continue to do so will require ongoing efforts to recruit aggressively and from local communities.*

SVSP — Response F5.1: SVSP agrees with this finding. We continue to recruit locally via job fairs, career days at the local schools and colleges, provide institutional tours for local colleges, and word of mouth. On-site testing and application processing has shown to be very successful in encouraging local residents to apply and accept employment. Our last on-site recruitment had over 900 applicants in one day. Once approved and based upon need, SVSP will take the lead in hosting another on-site recruitment for local applicants.

Finding F5.2: *While SVSP occupancy remains over capacity, there is no evidence that the situation is a major cause of problems.*

SVSP — Response F5.2: SVSP agrees with the finding. SVSP has not experienced any serious incidents, major disruptions to inmate programs or medical care as a result of being over capacity. This can be partially attributed to the fact that SVSP has been operating within staff capacity for several months.

Finding F5.3: *On average, violent incidents are daily events at SVSP and there is a resulting atmosphere of tension that is evident in practices and human interactions.*

SVSP — Response F5.3: SVSP agrees with the finding. SVSP falls under CDCR's High Security & Transitional Housing mission and is assigned to provide safe and secure housing for the most violent and dangerous male offenders. As such, it is necessary for staff to remain ever vigilant to ensure the safety of the staff, inmates and community. To reduce tension, SVSP provides specialized training to staff relative to inmate/staff relations and provides

inmates with opportunities for rehabilitation through participation in work, vocational and academic programs, substance abuse treatment and self-help programs.

Finding F5.4: *Training, education and work opportunities at SVSP are unavailable to more than half of the inmates.*

SVSP — Response F5.4: SVSP disagrees partially with the finding. For various reasons, all the inmates housed at SVSP are not eligible for a work assignment. Currently, there are 1847 available jobs, to include academic and vocational assignments, for 3391 eligible inmates. This means there are Jobs available for 54% of the eligible population. Unfortunately, the job assignment calculations do not take into consideration the inmates being served by other non-traditional education programs such as distance learning. Currently there are 267 inmates enrolled in distance learning programs as well as another 95 inmates taking college courses facilitated by the SVSP Education Department. Additionally, numerous self-help, academic, and literacy programs are shown over the institutional television system and are available to any inmate with a television.

In recognition that making more programs available to the inmate population would be beneficial, SVSP continues to seek funding to open additional vocational programs.

Finding F5.5: *There is no means for determining whether training programs lead to a better outcome for inmates after they return to the community. Without evaluations of training program effectiveness it is impossible to tell whether the funds directed toward those programs are well spent.*

SVSP — Response F5.5: SVSP disagrees partially with the finding. SVSP acknowledges that there is no tracking system at the institutional level; however, the Department does track parolees and the effectiveness of our educational and training programs through the Division of Adult Paroles and various other methods of research. The information is utilized by, but not limited to, the Office of Research, Regulations & Policies, and the Division of Adult Programs to improve the educational and training programs at the institutional level.

Finding F5.6: *In the interests of the inmates, the division of responsibility in delivery of mental health services between CDCR staff and DMH staff is well managed.*

SVSP — Response F5.6: SVSP agrees with the finding. Managerial staff from SVSP and DMH have utilized extensive experience, appropriate training and strong leadership values to manage the delivery of mental health services to the Inmate/Patient population. As the inmate population requiring mental health services continues to grow at SVSP, so does the demand to properly manage this population within medical guidelines while ensuring public safety.

Finding F5.7: *There is no tracking, monitoring, or evaluation for treated inmates' progress after they return to the community. Without tracking, monitoring, and evaluation it is not possible to understand program effectiveness.*

SVSP — Response F5.7: SVSP disagrees partially with the finding. SVSP acknowledges that there is no tracking system at the institutional level; however, the Department does track parolees with mental health concerns through the Division of Adult Paroles. Locally, Salinas

Paroles has three Social Workers, a Psychologist and various other mental health workers assigned to their office. Parolees with mental health concerns are monitored closely and may be seen daily, weekly or monthly based upon their mental health needs. Information collected by the Paroles Division is evaluated and utilized at a Departmental level to improve mental health programs.

Finding F5.8: *The original purpose of SVSP, and of other prisons in California, was to serve as a detention center for convicted criminals. Today, however, one of its roles is to house offenders who are mentally ill.*

SVSP — Response F5.8: SVSP agrees with the finding. SVSP continues to be tasked with providing safe and secure housing for male offenders, however, its mentally ill Inmate/Patient population has increased dramatically which has significantly changed the role of SVSP as it relates to the delivery of mental health services. The population increase at SVSP can be partially attributed to the moderate weather in Monterey County. The climate is generally preferred over locations in California's central valley and desert areas due to potentially significant medication side effects which can be intensified by high temperatures.

Finding F5.9: *Compliance with the five elements of prison mental healthcare established by Coleman would improve treatment of mentally ill inmates. Adequate screening, diagnosis, medication, and ongoing treatment would also help reduce violent behavior.*

SVSP — Response F5.9: SVSP agrees with the finding. SVSP is working within Departmental guidelines to improve Inmate/Patient treatment while diligently attempting to achieve all mandates established under the Coleman Court Settlement. SVSP acknowledges that accurate screening, diagnosis and ongoing treatment can help reduce violent behavior exhibited by mentally ill Inmate/Patients.

Finding F5.10: *It is essential that correctional officers who work with mentally ill inmates have comprehensive training about mental illness.*

SVSP — Response F5.10: SVSP agrees with the finding. Staff at SVSP, to include Correctional Officers, are required to attend standardized training annually which specifically addresses mentally ill Inmate/Patients. Additionally, staff receive mandatory on the job training in their respective work areas to address any policy or procedural changes distributed by the Department. All the training is designed to improve staffs awareness and ability to recognize mental illness, improve communication, identify key time periods as well as the signs of suicide, and provide staff with skills required to defuse potentially violent situations. For example, a class was recently developed for all staff assigned to work with, or around, mentally ill Inmate/Patients. The class was designed to encourage dialog and enhance interaction between custody and mental health staff, which ultimately has improved the quality of Inmate/Patient care.

Finding F5.11: *While SVSP management has reported significant improvement from the worst of recent past experience when the facility was locked down 80% of the time, there is a need for continued progress toward a safe environment. Evidence of the current state of the environment might be available in records of inmate grievances.*

SVSP — Response F5.11: SVSP disagrees partially with the finding. The Appeal Coordinators at SVSP are tasked with identifying any trends that they see in inmate grievances which might suggest any potential violence or unrest. SVSP managerial and executive staff review inmate grievances on a daily basis and would be able to identify areas of concern as well. Based upon past experience, inmates will sometimes alert staff to a widespread problem through the inmate grievance process.

A significant portion of current and past facility program modifications are the result of inmate upon inmate violence which is more prevalent among inmates in General Population (GP.) The inmate population does not typically share the root causes of the violence with staff until long after the incident has taken place. SVSP works diligently, through an investigatory process, to identify and work through issues which cause frequent or lengthy lockdowns. Educational assignments, program opportunities and new programs like the Behavior Management Unit (BMU) have helped reduce violence. Additionally, SVSP has converted two GP facilities into Sensitive Needs Yards (SNY) that normally experience less violence. The one remaining GP yard still continues to be plagued by inmate politics (gang association), which is also prevalent in the local community. Facility program modifications are initiated as a result of violence and necessary to maintain the safety and security of the institution.

Recommendations and Responses

Recommendation R5.1: *Continues to work with the Soledad Correctional Training Facility to recruit local candidates for open staff positions and to leverage the opportunity to learn from a seasoned management team and respected Warden as a tool for retention. [Related Finding: F5.1]*

SVSP — Response R5.1: The recommendation has been implemented by SVSP. SVSP will continue to recruit locally while collaborating with CTF to address positional vacancies and further develop staff retention strategies.

Recommendation R5.2: *Conducts a systematic review of inmate grievances for a recent six-month period to identify any practices that foster a hostile atmosphere or violent behavior. [Related Findings: F5.3 and F5.11]*

SVSP — Response R5.2: The recommendation will not be implemented by SVSP because it is not warranted. Current practices meet or exceed the recommendation. SVSP monitors inmate grievances on a daily basis. When appropriate, grievances indicating a potential for, or may result in, violence are referred to management for administrative review. Typically these types of issues are related, in writing, by an inmate when submitting a grievance more commonly known as a staff complaint. All staff complaints at SVSP are reviewed by the Warden or Chief Deputy Warden. SVSP also uses a Departmental data and information tracking tool called CompStat, which includes inmate grievances, to identify trends which may lead violent behavior. CompStat is reviewed on a weekly, monthly and annual basis within the institutional and Departmental levels.

Recommendation R5.3: *Designs and implements procedures to evaluate the effectiveness of educational programs. [Related Finding: F5.5]*

SVSP — Response R5.3: The recommendation will not be implemented by SVSP because it is not warranted. Current practices meet or exceed the recommendation. Evaluations of program effectiveness at SVSP are regularly conducted by Education supervisors using, but not limited to, the following data: School Program Assessment Report Card (SPARC) distributed quarterly by the Office of Correctional Education (OCE), student gains reports generated from Comprehensive Adult Student Assessment System (CASAS) tests, number of GED certificates earned, number of student achievement certificates earned, number of level promotions, number of High School diplomas earned. The institution's school, Rio Salinas Adult School, also participates in and is accredited by the Western Association of Schools and Colleges (WASC).

Recommendation R5.4: *Develops a means for tracking outcomes for inmates who receive training and those who do not, with the objective of evaluating the impact of training on inmates' ability to lead crime free lives after returning to the community. This will require that SVSP coordinate with other agencies, such as parole offices. [Related Findings: F5.4 and F5.5]*

SVSP — Response R5.4: The recommendation can not be implemented by SVSP at the institutional level. Refer to finding F5.5.

Recommendation R5.5: *Uses the results of evaluations recommended in R5.3 and R5.4 to focus limited resources on programs that are known to contribute to the ability of inmates to lead a crime-free life after returning to the community. [Related Finding: F5.5.]*

SVSP — Response R5.5: The recommendation can not be implemented by SVSP at the institutional level. Refer to finding F5.5.

Recommendation R5.6: *Designs and implements procedures to evaluate the effectiveness of mental health services. Establish procedures for responding to results of the evaluation. [Related Finding: F5.7]*

SVSP — Response R5.6: The recommendation will not be implemented by SVSP because it is not warranted. Current practices meet or exceed the recommendation. SVSP is regularly audited by Coieman *[sic]* Monitors who have been tasked with ensuring that CDCR complies with mandates established in the Coieman *[sic]* Court Settlement. Audit deficiencies are identified in a written report and SVSP is required to correct the deficiencies utilizing a tool known as a Corrective Action Plan (CAP). SVSP has also developed self audits to assist in mandate compliance.

Recommendation R5.7: *Significantly increases, under the guidance of mental health staff, the hours and comprehensiveness of in-service correctional staff training so that officers can improve their ability to recognize signs of mental illness, use effective methods with mentally ill inmates, use effective methods to defuse potentially violent situations, recognize signs of possible suicides, and apply other skills pertinent to mentally ill inmates. [Related Findings: F5.8, F5.9, and F5.10]*

SVSP — Response R5.7: The recommendation will not be implemented by SVSP because it is not warranted. Current practices meet or exceed the recommendation. SVSP, with assistance and guidance from mental health staff, provides ongoing training (also addressed in Finding F5.10) to correctional and medical staff in these areas as part of a continuous effort to improve staff and inmate safety as well as the overall care for mentally ill Inmate/Patients.

Section 6
Monterey County Youth Center

Purpose of the Investigation: The purpose of this investigation was to evaluate the operation and aftercare program of the Monterey County Youth Center (the Youth Center), operated by the Monterey County Probation Department (the Probation Department).

Required Responses — Parties responsible for responding:

Monterey County Sheriff (MCS):	All Findings
assisted by	All Recommendations
Monterey County	
Youth Center Division Director and	
Chief Probation Officer	

Monterey County Board of Supervisors (**BOS**): All Findings
All Recommendations

Responses should include the following types of documentation:

- 1) Timelines for steps required for Youth Center site improvements
- 2) Statements or resolutions of support from Monterey County Board of Supervisors
- 3) Plans and timelines for development of financial and technical support for the Probation Department's Strategic Plan Goal 4.

[NOTE: The Monterey County Juvenile Hall is managed by the Monterey County Probation Department and their responses are included in the Monterey County Board of Supervisors' responses.]

Findings and Responses

Finding F6.1: *The Missouri Model being adopted by the Youth Center will create smaller treatment groups (pods) and a more positive treatment approach when it is enacted.*

MCS — Response F6.1: The respondent cannot answer as the Monterey County Probation Department is a separate County Department from the Monterey County Sheriffs Office. The Sheriffs Office has no authority or control over the Probation Department.

BOS — Response F6.1: The respondent agrees with the finding. The model adopted by Monterey County is inspired by the successful Missouri Model, and emphasizes rehabilitating young offenders in a home-type environment, small-group setting that incorporates therapy, and positive peer pressure under the direct guidance of well-trained counselors.

Finding F6.2: *Completion of construction of new classroom facilities will facilitate resident education.*

MCS — Response F6.2: The respondent cannot answer as the Monterey County Probation Department is a separate County Department from the Monterey County Sheriffs Office. The Sheriffs Office has no authority or control over the Probation Department.

BOS — Response F6.2: The respondent agrees with the finding. The classroom facilities are now completed and in use.

Finding F6.3: *Although family reunification and community reintegration are stated goals for residents of the Youth Center, for some residents these outcomes are not possible.*

MCS — Response F6.3: The respondent cannot answer as the Monterey County Probation Department is a separate County Department from the Monterey County Sheriffs Office. The Sheriffs Office has no authority or control over the Probation Department.

BOS — Response F6.3: The respondent agrees with the finding.

Finding F6.4: *Sentencing requires that the Youth Center residents be released to the aftercare program at the end of nine months. Since transitional housing placements are limited in Monterey County and in nearby counties, there is a need for more transitional or alternative housing for residents who cannot be placed at home.*

MCS — Response F6.4: The respondent cannot answer as the Monterey County Probation Department is a separate County Department from the Monterey County Sheriffs Office. The Sheriffs Office has no authority or control over the Probation Department.

BOS — Response F6.4: The respondent agrees with the finding. Some Youth Center residents do not have a family to return to, or the return to a highly dysfunctional family environment is not in the minor's best interest; therefore transitional or alternative housing is a critical need for this youth.

Finding F6.5: *Since the Youth Center currently does not systematically identify, collect or analyze program, exit or recidivism data, there is no way to evaluate the effectiveness of its programs.*

MCS — Response F6.5: The respondent cannot answer as the Monterey County Probation Department is a separate County Department from the Monterey County Sheriffs Office. The Sheriffs Office has no authority or control over the Probation Department.

BOS — Response F6.5: The respondent disagrees partially with the finding. While there is no systematic, efficient process to collect and analyze data, the effectiveness of the programs can nevertheless be measured manually, although manual processes are cumbersome, time consuming and costly. These manual processes, however, are quite challenging as they impose a very significant burden on staff.

The Probation Department has outgrown its current databases and is in need of a comprehensive Case Management System (CMS) to track, monitor and report on juvenile and adult populations. This is critical, core infrastructure needed to track, analyze, and evaluate the success of programs and program participation. The Youth Center recommendation is closely related to, and part of, this project, as data related to all adult and juvenile populations cannot be kept in separate, stand-alone databases, and must be integrated in the CMS.

In recognition that this is a fundamental and long-term project, the Department has initiated the pre-implementation phase of the process to research and select a new case management system. This phase is critical to identify business needs, map processes and gap analysis, and determine data collection and reporting criteria. Through its involvement with PITMA (Probation Information Technology Managers Association), the Department is networking with other California counties to share information and leverage current technology solutions.

Finding F6.6: *Since the Youth Center does not have a standardized database in which to enter data or track graduates, it is limited in its ability to share information with the greater justice system.*

MCS — Response F6.6: The respondent cannot answer as the Monterey County Probation Department is a separate County Department from the Monterey County Sheriffs Office. The Sheriffs Office has no authority or control over the Probation Department.

BOS — Response F6.6: The respondent agrees with the finding. The department's need to effectively standardize, aggregate and report on all data for adults and juveniles through the use of effective technology is consistently growing.

Finding F6.7: *The Strategic Plan developed by the Probation Department includes steps for improving staff development, communication, data collection and analysis, and facilities construction that could positively impact the Youth Center when enacted.*

MCS — Response F6.7: The respondent cannot answer as the Monterey County Probation Department is a separate County Department from the Monterey County Sheriffs Office. The Sheriffs Office has no authority or control over the Probation Department.

BOS — Response F6.7: The respondent agrees with the finding. These are the four areas identified as strategic long-term imperatives for the department.

Recommendations and Responses

Recommendation R6.1: *Necessary site improvements including dormitory remodeling and new classroom construction be completed in a timely manner.
[Related Findings: F6.1 and F6.2]*

MCS — Response R6.1: The recommendation has not been implemented because it is not within the authority or control of the Monterey County Sheriffs Office to do so.

BOS — Response R6.1: The recommendation has been implemented. The Youth Center has been re-structured in four pods (three of them housing 16 residents each, and the fourth housing 12 residents, for a total of 60 residents). A pod is designed as open-dorm style with a lounge area, housing small groups of residents.

Recommendation R6.2: *The Probation Department and Monterey County Board of Supervisors support development of additional transitional housing for aftercare participants of the Youth Center, either by construction of facilities within Monterey County or through contract with facilities in nearby counties. [Related Findings: F6.3 and F6.4]*

MCS — Response R6.2: The recommendation has not been implemented because it is not within the authority or control of the Monterey County Sheriffs Office to do so.

BOS — Response R6.2: The recommendation has not yet been implemented. The existing transitional housing is not sufficient to meet the needs of Monterey County. Additional transitional housing is included in Rancho Cielo's Master Site plan. Collaborative efforts, between County agencies and community-based organizations to develop more housing, particularly for youth 18-24, are ongoing. This is a long-term goal.

Recommendation R6.3: *The Youth Center obtains financial and technical support for the Probation Department's Strategic Plan Goal 4, "Strengthen the Department's use of technology," to develop a computerized data system to:*

- *Evaluate the success of the Missouri Model and the aftercare program*
- *Track recidivism of Youth Center graduates. [Related Findings: F6.5, F6.6 and F6.7]*

MCS — Response R6.3: The recommendation has not been implemented because it is not within the authority or control of the Monterey County Sheriffs Office to do so.

BOS — Response R6.3: The recommendation has not yet been implemented, but it is recognized as one of the department priorities. The Probation Department has outgrown its current databases and is in need of a comprehensive Case Management System (CMS) to track, monitor and report on juvenile and adult populations. This is critical, core infrastructure needed to track, analyze, and evaluate the success of programs and program participation. The Youth Center recommendation is closely related to, and part of, this project, as data related to all adult and juvenile populations cannot be kept in separate, stand-alone databases, and must be integrated in the CMS.

In recognition that this is a fundamental and long-term project, the Department has initiated the pre-implementation phase of the process to research and select a new case management system. This phase is critical to identify business needs, map processes and gap analysis, and determine data collection and reporting criteria. Through its involvement with PITMA (Probation Information Technology Managers Association), the Department is networking with other California counties to share information and leverage current technology solutions.

Section 7
Monterey County Ambulance Services

Purpose of the Investigation: The purpose of the investigation was to analyze and evaluate the effectiveness of the relationship between various County of Monterey (County) agencies and contracted ambulance provider, WestMed Ambulance Services, Inc. (WestMed).

Required Responses — Parties responsible for responding:

Monterey County Board of Supervisors (**BOS**): All Findings
assisted by All Recommendations
Director, Monterey County
Department of Health and
Director, Monterey County
Emergency Medical services Agency

Responses should include the following types of documentation:

- 1) Title(s) of individual(s) responsible for each action
- 2) Description of steps to be taken to develop plans or implement programs.

[NOTE: The responses from the Director of the Monterey County Department of Health and the Director of the Monterey County Emergency Medical Services Agency are included in the responses from the Monterey County Board of Supervisors.]

Findings and Responses

Finding F7.1: *The relationship between the County and its contracted ambulance providers has not been smooth since 1990.*

BOS — Response F7.1: The respondent agrees with the finding.

Finding F7.2: *The County now has less than one year to formulate a realistic and accurate RFP and create a contract with an ambulance provider.*

BOS — Response F7.2: The respondent agrees with the finding.

Finding F7.3: *Past RFPs have not given ambulance providers adequate information to offer realistic bids. The current situation offers EMS a new opportunity to provide an accurate RFP and establish a realistic contract.*

BOS — Response F7.3: The respondent disagrees partially with the finding. The previous Request for Proposal (RFP) process was made more difficult because American Medical Response (AMR) considered certain data to be proprietary and refused to make it available to other potential bidders. This situation has since been resolved as the data is now the property of Monterey County and will be made available to all prospective bidders.

Finding F7.4: *Since detailed statistics, such as response times, frequency of calls and types of emergencies, are now available from EMS, a better RFP and contract can be written.*

BOS — Response F7.4: The respondent agrees with the finding.

Finding F7.5: *The County is very diverse in population density. Current response times and coverages need to be redefined so realistic response times and coverages can be established.*

BOS — Response F7.5: The respondent disagrees partially with the finding. The Emergency Medical Services (EMS) Agency system demands are for an ambulance provider to provide service in a manner that requires active management of its resources in what is called a "high performance" EMS system. Ambulance providers will be required to properly assess, deploy and manage the resources to meet the contract parameters.

Finding F7.6: *All stakeholders have been involved in the formulation of the RFPs. However, not all of the stakeholders' recommendations can be fulfilled.*

BOS — Response F7.6: The respondent agrees with the finding.

Finding F7.7: *EMS has not had the authority to oversee the implementation of ambulance providers' contracts.*

BOS — Response F7.7: The respondent disagrees with the finding. Under State law and the Monterey County Code, the local Emergency Medical Services Agency has sufficient authority to oversee the implementation of ambulance provider contracts.

Finding F7.8: *The Board of Supervisors has required that the ambulance provider hire an incumbent workforce.*

BOS — Response F7.8: The respondent disagrees partially with the finding. The prior franchise agreement with Westmed Ambulance, Inc, and the current RFP approved by the Board of Supervisors contains language that provides some workforce protection. However, the language does not require that individual members of the incumbent workforce be hired if they did not successfully complete objective and job-related requirements such as background check, drug testing, and skills assessments.

Finding F7.9: *The Board of Supervisors has intervened in labor negotiations.*

BOS — Response F7.9: The respondent disagrees partially with the finding. The Board of Supervisors, in recognizing the value of a dedicated and experienced paramedic and Emergency Medical Technicians (EMT) workforce, amended the County's contract with Westmed to provide Westmed more resources for labor costs to ensure continuity of this critical life-safety service.

Recommendations and Responses

Recommendation R7.1: *EMS and the Board of Supervisors make optimum use of this interim period to write a well-researched RFP. [Related Finding: F7.2]*

BOS — Response R7.1: The recommendation has been partially implemented. The accelerated timeline necessitated by the issuance of an interim, one-year contract, dictated the rapid development of a Request for Proposal (RFP) to establish a long-term franchise agreement. The Emergency Medical Service (EMS) Director is primarily responsible for completing all actions listed in the recommendations.

Recommendation R7.2: *EMS and the Board of Supervisors establish a contract that will be feasible for all parties. The Grand Jury recommends devoting adequate time to the development of the new contract to ensure clear understanding among all parties. [Related Finding: F7.2]*

BOS — Response R7.2: The recommendation has been partially implemented due to the accelerated RFP development timelines. External experts contributed to the development of this RFP in order to ensure that it was both feasible and consistent with best practices within the industry. The new contract will be based on the responses to the RFP.

Recommendation R7.3: *EMS ensures that enough information is made available to the bidders so an accurate and realistic contract can be developed. [Related Findings: F7.3 and F7.4]*

BOS — Response R7.3: The recommendation has been implemented. All 2007 and 2008 EMS system data, which includes call volumes, location of responses, and response times, is posted on the EMS Agency web site, and is available for potential bidders to utilize in the design of their responses to the RFP. A pre-bidders conference is also scheduled to answer RFP questions.

Recommendation R7.4: *EMS undertakes an in-depth study of the County's population densities and develops a realistic plan for ambulance coverage and response times to be incorporated into the next contract. [Related Finding: F7.5]*

BOS — Response R7.4: The recommendation has been implemented. A detailed analysis of response locations and historical data has occurred. Expected response times included in the RFP take into account population density, call volume, and geography. Public input, including the County Fire Chiefs Association, was solicited as well. This information resulted in the proposed RFP response times.

Recommendation R7.5: *The Board of Supervisors identifies and supports a single agency or person to take a leadership role in making decisions regarding stakeholder input into the next ambulance provider contract. [Related Finding: F7.6]*

BOS — Response R7.5: The recommendation has been implemented. The EMS Director was designated as the lead in presenting the RFP draft during five public input sessions. The EMS Director then made decisions on the extent to which specific input was incorporated into the RFP, developed the final language, and forwarded his recommendations to the Board of Supervisors. The Board made several changes and approved the release of the RFP subsequent to its review and approval by the State EMS Authority.

Recommendation R7.6: *EMS creates an ambulance contract that:*

- *Covers all contingencies for all parties [Related Finding: F7.6]*
- *Includes specific alternate means of resolution, short of fines or termination, for breaches of contract [Related Finding: F7.7]*
- *Allows the ambulance provider to have the ability to hire candidates that they feel are most qualified [Related Finding: F7.8]*
- *Clearly defines the roles of the Board of Supervisors, EMS, and the management of the contracted ambulance service provider. [Related Finding: F7.9]*

BOS — Response R7.6: These recommendations have been partially implemented. The RFP addresses each of the recommendations. The contract that results from the RFP will also address these items.

Section 8

Emergency Management System Response

Purpose of the Investigation: The purpose of the investigation was to determine how the emergency management systems of City of Carmel-by-the-Sea (Carmel), City of Monterey (Monterey), City of Pacific Grove (Pacific Grove), and Pebble Beach Community Services District (Pebble Beach) used their preparedness training and plans to respond to an emergency caused by the severe winter storm of January 4, 2008, and to find out what processes and procedures worked and what should be changed to better respond to possible emergencies or disasters in the future.

Required Responses — Parties responsible for responding:

City of Carmel-by-the Sea (**CAR**): Findings: F8.1, F8.2, F8.3, F8.4, F8.7, F8.8, F8.9, F8.10

Recommendations: R8.1, R8.2, R8.3, R8.4, R8.5, R8.6, R8.7, R8.8

City of Monterey (**MTY**): Findings: F8.1, F8.2, F8.3, F8.4, F8.7, F8.8, F8.9, F8.10

Recommendations: R8.1, R8.2, R8.3, R8.4, R8.5, R8.6, R8.7, R8.8

City of Pacific Grove (**PG**): Findings: F8.1, F8.2, F8.3, F8.4, F8.7, F8.8, F8.9, F8.10

Recommendations: R8.1, R8.2, R8.3, R8.4, R8.5, R8.6, R8.7, R8.8

Pebble Beach Community Services District (**PB**):

Findings: F8.2, F8.3, F8.4, F8.7, F8.8, F8.9

Recommendations: R8.2, R8.3, R8.4, R8.5, R8.6, R8.8

Monterey County

Board of Supervisors (**BOS**):
Assisted by OES

Findings: F8.7, F8.8, F8.9, F8.11

Recommendations: R8.10, R8.11, R8.12

Responses from **CAR**, **MTY**, **PB**, and **PG** should include the following documentation:

- 1) Written plans for incorporating the hazards in their mitigation plans and EOPs.
- 2) Statements of requirements for training exercises.
- 3) Schedules for updating current EOPs and for reviewing and updating them in the future.
- 4) Written procedures and plans for consulting people with disabilities when making emergency plans.
- 5) Statements of requirements and protocols, with schedules for inspections.
- 6) Shelter implementation plans.
- 7) Statements of requirements for post-event critiques.
- 8) Written plans for setting up agency-media emergency information systems.
- 9) Written plans for developing and maintaining databases.

Responses from **BOS** should include the following documentation:

- 1) Information that demonstrates how the new system will meet the various communication needs of all residents of Carmel, Monterey, Pacific Grove and Pebble Beach.
- 2) Written plan for the campaign.
- 3) Identifying a person or persons to head an investigation committed to solving communication and coordination problems with PG&E.

[NOTE: All attachments may be found on the web at <http://www.monterey.courts.ca.gov/GrandJury>: a PDF file under Annual Reports: 2008: Responses to the 2008 Grand Jury Year-End Report.]

Findings and Responses

Finding F8.1: *Because the Monterey Peninsula has many trees and, aboveground utilities, severe winter storms and prolonged power outages are probable future hazards. Provisions for addressing these hazards warrant inclusion in the four jurisdictions' emergency planning.*

CAR — Response F8.1: The respondent agrees with the finding. The threat of a winter storm is recognized in the Carmel Emergency Operations Plan (CEOP), starting in "Concept of Operations." The City may elect to take readiness actions based on receipt of a special weather advisory. It is articulated in the CEOP on pages 24-29 (copies attached), the actions to be taken regarding preparing for and managing major winter storm events. The threat of a winter storm also is recognized in the CEOP on page 33 (copy attached), concerning the consequences of an extreme winter storm.

Regarding the City's hazard mitigation plan, additional analysis will be done to determine what appropriate amendments, if any, should be made to the plan concerning severe winter storms and disruption of services. This analysis will be completed by June 30, 2009.

MTY — Response F8.1: Agree

PG — Response F8.1: As to the finding regarding the City of Pacific Grove, the respondent agrees.

Finding F8.2: *If training exercises that involved activating EOCs, responding to storm related emergencies, dealing with power outages, and communicating with the public had been conducted prior to winter storm season, the four communities' emergency management responses might have been more effective.*

CAR — Response F8.2: The respondent agrees with the finding. The City of Carmel-by-the-Sea will plan, prepare and execute a "winter storm" training exercise that will include EOC activation and functional training for EOC assigned personnel prior to September 1, 2009. This exercise will include a written post-incident critique.

MTY — Response F8.2: Agree

PG — Response F8.2: As to the finding regarding the City of Pacific Grove, the respondent agrees.

Finding F8.3: *To be useful tools in emergency management, EOPs need to give clear, concise directions, be complete, and be current. Carmel's EOP, which is now being revised, was out-of-date when the storm occurred. Monterey's EOP is well designed and easy to follow, but contact names and phone numbers need to be reviewed and updated if necessary. Pacific Grove's EOP needs to be reviewed and revised. For example, it defines emergency levels differently in two different sections of the plan. Monterey County's EOP, which is used by Pebble Beach, was being updated at the time of this investigation. The "Pebble Beach and Del Monte Forest Coordinated Emergency Response Plan" is clear and inclusive, but, according to its guidelines, it is past due for review and revision.*

CAR — Response F8.3: The respondent agrees with the finding. [See CAR — Response R8.3]

MTY — Response F8.3: Agree with findings applicable to City of Monterey.

PB — Response F8.3: The PBCSD disagrees partially with Finding F8.3. Per the Pebble Beach-Del Monte Forest Coordinated Emergency Response Plan, Page 3, Section V.B., Plan Review, "It is the responsibility of the Monterey County Office of Emergency Services (OES) to biannually update this plan and all applicable documents." The paragraph continues to state "It is the responsibility of the all participating agencies to provide updated information to the Office of Emergency Services as appropriate" (see Attachment #1). PBCSD shall ensure that it is providing the Monterey County OES and members of the Executive Review Committee with written communication concerning any items needing review and update.

PG — Response F8.3: As to the finding regarding the City of Pacific Grove, the respondent agrees.

Finding F8.4: *Emergency response would have been more efficient if emergency equipment had been checked prior to the storm to ensure that it was working properly.*

CAR — Response F8.4: The respondent agrees with the finding. [See CAR — Response R8.5]

MTY — Response F8.4: Agree, although this did not adversely impact the City of Monterey's response.

PB — Response F8.4: PBCSD disagrees wholly with Finding F8.4. PBCSD fire department conducts and records periodic inspections of emergency equipment to ensure they are operable. The PBCSD fire department maintains a fleet of two engines, one truck and one wildland patrol vehicle at the Pebble Beach fire station. PBCSD also shares the cost of fire apparatus and staffing at the Carmel Hill fire station as part of the PBCSD emergency response. During daily routine firefighters are required to inspect, maintain and operate their assigned fire apparatus. This applies to all tools and other equipment carried on the apparatus. The PBCSD fire station's PG&E electrical supply is backed-up by a standby emergency generator. This generator is sufficient to maintain all systems for District administration, engineering, maintenance and fire operations. The emergency generator system is adequately equipped to restore the facility to full power within approximately 5 seconds. The emergency generator is fueled by either natural gas (PG&E provided) or liquefied petroleum gas (LPG). The primary fuel source is natural gas. In cases where the natural gas distribution system is damaged (e.g. earthquake) the emergency generator is fueled by LPG. The PBCSD maintains a minimum of 400 gallons and a maximum of 500 gallons of LPG on site; this is sufficient to provide electrical power

for a minimum of 3 days. The generator is maintained annually by a licensed electrical contractor; maintenance includes "load testing" to ensure full capacity can be met by the generator. The emergency generator system is started weekly by staff and run for 30 minutes.

PG — Response F8.4: The respondent agrees with the finding.

Finding F8.5: *The severity of the storm and its danger to public safety warranted activating the four jurisdictions' EOCs. Emergency operations leaders of Carmel and Monterey are to be commended for doing so. If the EOCs for Pacific Grove and Pebble Beach had been activated, centralized management of resources and coordination of efforts among their field agencies would have been more effective.*

MTY — Response F8.5: Agree that the activation of the Monterey EOC assisted the City with the ability to manage resources during the winter storm event.

PB — Response F8.5: The PBCSD disaerees [*sic*] wholly with Findins [*sic*] 8.5. The Pebble Beach Fire Department contracts for services with the California Department of Forestry and Fire Protection (CALFIRE). This contractual agreement provides for administration, operations and training, maintenance and communications services. Similar agreements are in place for neighboring Cypress and Carmel Highlands Fire Protection Districts.

Unlike other fire agencies in Monterey County, the CALFIRE Emergency Command Center (ECC), located at 2221 Garden Road in Monterey, provides a multi tiered command structure 24/7/365. The Monterey ECC is always under the direction of a fire control officer. The minimum rank of an officer assigned to the ECC is that of a Fire Captain; there is also a Chief Officer assigned to oversee the daily functions within the ECC. One of these persons is assigned as the Unit Duty Officer. The Unit Duty Officer reports to a pre-designated Chief Officer known as the Unit Duty Chief. This Unit Duty Chief has obtained the rank of Division Chief within CALFIRE. The Duty Chief is responsible for the overall fire and emergency response for Monterey and San Benito Counties. This person may also be functioning as the Area Fire Coordinator, responsible for emergency coordination of local government fire agencies.

In events such as the storms of January 2008, the Unit Duty Officer made the decision to increase staffing in the ECC due to the anticipated increased call volume with the pending storm. This increased staffing provided adequate coverage levels to coordinate our multi-agency responses to "normal emergency responses" as well as the increased volume related to the storm, hi the opinion of the Fire Chief of the Pebble Beach Fire Department, we met the operational need of an EOC as outlined by the Grand Jury.

Finding F8.6: *Emergency response field staff worked long hours in dangerous conditions to safeguard the public. We commend them for their efforts.*

MTY — Response F8.6: Agree

Finding F8.7: *Community emergency operations agencies did not adequately respond to extended power outages, a “disruption of essential services” hazard.*

CAR — Response F8.7: The respondent agrees with the finding. A plan will be developed to address how existing agency-media communication can be enhanced to ensure the public is informed and assisted in times of emergencies. This plan will be finalized by June 30, 2009.

MTY — Response F8.7: Partially agree; most if not all of the extended electrical power interruptions were the result of PG&E's inability [*sic*] to deal with the large number of storm-related problems associated with their electrical distribution system. This is beyond the control of the City of Monterey, although better communication and coordination between PG&E and the Monterey EOC would help minimize the duration of electrical power interruptions as well as greatly enhance the City's emergency communications with its residents.

PB — Response F8.7: PBCSD disagrees wholly with Finding F8.7. In anticipation of the storms, PBCSD brought on one additional Pebble Beach engine company, one additional CALFIRE engine company, 4 additional fire captains and 2 additional chief officers to respond to incidents within Pebble Beach. Through this augmented staffing, PBCSD was able to respond without delay to all 911 requests for assistance. Not only did PBCSD respond to initial calls, they also followed up with residents who might need additional help. PBCSD maintains a phone and address list of all residents who have registered for "Emergency Assistance." PBCSD feels that their campaign for registering people who might need assistance during an emergency is aggressive and all encompassing. Residents are informed of the list and its importance at the annual Open House and Safety Day—which brings in over 775 people, (see Attachment #2) on the District website (see Attachment #7), on the 1620 AM radio station, and by each edition of the biannual District Newsletter (see Attachment #3). During the storms of January 2008, Community Emergency Response Team (CERT) members assisted the fire department with making contact with everyone who had placed their name on the Emergency Assistance list. If positive contact was not made, fire department staff went to the home to confirm the resident was okay. This list was also utilized daily by the American Red Cross to check on residents, offer hot meals, and provide hotel information. The American Red Cross advised that they wished that every jurisdiction had a list like this. In addition, on January 3rd, a high wind warning was placed on the 1620 AM radio channel, and posted on the District's website (see Attachment #4). On January 4th, every 15 minutes fire department staff updated the 1620 AM radio channel with information regarding life safety. This included a list of roads where there were trees and power lines down (see Attachment #5). We have also added information on our website regarding what to do during an electrical outage, including not installing a generator in an unventilated area or without a free fire department inspection (see Attachment #6). Short of turning the electricity back on, PBCSD believes that they did everything within their control to warn, protect, and shelter residents during the extent of the storms and resulting power outages.

PG — Response F8.7: The respondent disagrees partially with the finding. "Disruption of essential services" largely occurred in the aftermath of the storm because of the large volume of calls for PG&E. Pacific Grove's police, fire and public works response to the storm was adequate. The "Community emergency operations agencies" as a whole, can not restore power outages without PG&E.

BOS — Response F 8.7: The respondent disagrees partially with the finding. Monterey County Office of Emergency Services (OES) and Emergency Communications Department began searching for a Telephonic Emergency Notification System (TENS) contractor in May 2008. The State of California provided grant funds for the purchase of such a system and a grant application was submitted by Monterey County that promised a "multi-jurisdictional" and

"multi-disciplinary" system capable of reaching every resident and business within the County. The grant application also stated that the system delivered through the grant would be available for use by each city and district within the County.

Upon award of grant funding, OES and Emergency Communications staff launched a rigorous effort to evaluate TENS systems and contractors. Some features of the various systems were rated on a scale while other critical "must have" features were rated as "Go/No Go". This included the availability of "unlimited minutes", the ability of businesses and residents to register their own contact information (cell phones numbers, email addresses, voice over internet protocol numbers) via the Internet, and the ability of the system to be "accessible" from an unlimited number of locations. These features were considered critical for the County system so that it could serve not only the residents of Carmel, Monterey, Pacific Grove, and Pebble Beach, but those of all cities and communities within the County.

On July 11, 2008, Monterey County entered into a contract with Twenty First Century Communications for TENS services. The system, and the County's contract with the vendor, allows for its use by any city, district, or community agency within the County, can send messages in a variety of languages, utilizes six redundant "call centers" to ensure fast twenty-four hour-a-day availability, incorporates maps covering the entirety of Monterey County, and accesses all popular communications systems and networks that are useful in providing emergency notifications to residents and businesses.

Finding F8.8: *The "Reverse 911" telephone emergency system in Pebble Beach did not reach enough people to be effective.*

CAR — Response F8.8: The respondent agrees with the finding.

PB — Response F8.8: PBCSD disagrees wholly with Finding F8.8. In a matter of minutes over 5,225 calls were placed through the PBCSD R911 telephone notification system advising District residents of the storm dangers and how to contact the fire department if they needed additional assistance. Due to resident phone equipment limitations beyond our control, we were unable to reach some residents. This exact number is and will always remain unknown. To state that PBCSD "did not reach enough people to be effective" would be an inaccurate statement and an assumption based on no real data. But in effort to get the R911 message to as many residents as possible we included the recommended phone system requirements on our website (see Attachment #6) and in the special edition District newsletter (see Attachment #3).

BOS — Response F8.8: The respondent cannot evaluate this finding. The Telephone Emergency Notification System in question is operated by the Pebble Beach Community Service District. It functions at a standard established by its administrators, and its effectiveness is not established by the County. Nonetheless, these telephone systems are evolving applications of technology and those that have already employed them are on the front edge of the learning curve. Monterey County, through its endeavors to establish a Multi- Jurisdictional Telephone Emergency Notification System, learned from the Pebble Beach Community Service District's earlier experience. The question remains how to increase effectiveness of these systems. One possible cause of this problem is the quality of data fed into the system. Both the County system and the system employed by the Pebble Beach Community Service District are dependent on AT&T, both for the database of landline telephone numbers, and the network and lines necessary to deliver large numbers of calls in a concentrated area. Data and network quality issues have been noted nationally by jurisdictions that employ these systems. As a result, both the State of California and the Federal Government have established committees that are developing standards designed to improve the effectiveness of such systems.

Finding F8.9: *Although Pebble Beach is making a good effort, the four jurisdictions do not currently have sufficient databases of the addresses and phone numbers of the homebound, elderly, and people with special needs who might require extra help during an emergency.*

CAR — Response F8.9: The respondent agrees with the finding.

MTY — Response F8.9: Agree as applicable to the City of Monterey.

PB — Response F8.9: PBCSD disagrees partially with Finding F8.9. Pebble Beach Community Services District 'Emergency Assistance' information is solicited in several different ways and can be received by the following:

- By visiting the Districts website at www.pbcسد.org and clicking on the "Reverse 911 and Emergency Assistance Registration Form" icon (see Attachment #7).
- By calling the District or fire department staff directly. Neighbors are encouraged to add those they feel might need extra assistance.
- By filling out the return mailer on the Districts quarterly newsletter (see Attachment #3).
- Collected at the annual Open House and Public Safety Day (see Attachment #2).

Upon receipt of this Grand Jury report, PBCSD staff contacted Meals on Wheels and Alliance on Aging. Both of these organizations advised that they were unable, due to privacy concerns, to share phone or residence information with the PBCSD fire department. However, both of these organizations did agree to hand deliver a PBCSD fire department prepared letter to all they serve in our jurisdictions (see Attachment #8). Staff has previously discussed this "Emergency Assistance" list with the Citizen Corp Council as staff is on the Citizen Corp Council Board. In addition, staff is currently utilizing the PBCSD Community Emergency Response Team (CERT) to go door-to-door and handout preparedness packets that include information on the "Emergency Assistance" list and how to sign up.

PG — Response F8.9: As to the finding regarding the City of Pacific Grove, the respondent agrees.

BOS — Response F8.9: The respondent partially disagrees with the finding. The new Countywide TENS system contains the ability for all user agencies to create and maintain multiple contact lists, such as for homebound and special needs individuals within their jurisdiction. Once created, such a contact list could be used to send a special or separate outbound notification message to these individuals. Note that such messages, using a local contact database, are subject to the same AT&T network congestion and delivery issues referred to in OES response under F8.8.

Finding F8.9 specifically suggests that the development of a database of residents who might require assistance in times of emergency could be done in conjunction with programs designed to register people in the new Countywide TENS. Serving as the TENS Administrator, the Emergency Communications Department is working with all local jurisdictions and developing a plan to coordinate and partner with many community organizations for the broadest possible campaign and ongoing programs to get all County residents registered. It will be up to local jurisdictions, however, to determine how best to serve their special needs populations, and how best to identify such needs and manage data in their contact lists.

Finding F8.10: *Post-event performance critiques or debriefings are essential for agencies*

involved with public safety during community-wide emergencies. Officials of Carmel, Monterey, and Pebble Beach are to be commended for conducting them after the storm event and for their honest appraisals and thoughtful recommendations that will help protect the public if there is an emergency or disaster in the future. Pacific Grove and the OES did not conduct such post-event reviews.

CAR — Response F8.10: The respondent agrees with the finding.

MTY — Response F8.10: Agree as applicable to the City of Monterey.

PG — Response F8.10: The respondent disagrees partially with the finding. The respondent agrees that post-event performance critiques or debriefings are essential for agencies involved with public safety during community-wide emergencies, however disagrees that the City of Pacific Grove did not conduct such post-event debriefing. The City Manager, the Assistant City Manger, Police Chief, Fire Chief and Public Works Director met on the afternoon of the storm (01/04/08), at approximately 2:00 pm, and verbally assessed the status of the storm, assessed the need to open the EOC, and debriefed as to the status of the City. There were further discussions and assessments of the storm damage in the following days and a Powerpoint presentation to the City Council, on January 16, 2008, that summarized the number of calls for service in responses to the storm, the damage caused by the storm and power outages.

Finding F8.11: *Communication and coordination with PG&E was the main problem for emergency agencies trying to deal with storm related hazards and proved to be their biggest obstacle as they worked to safeguard the public. Because prolonged electric power outages and downed power lines are hazards that can threaten public safety throughout the County – they usually accompany disasters such as severe earthquakes and tsunamis – it is essential that the problems encountered with the system that was in effect during the storm be prevented in the future.*

MTY — Response F8.11: Agree

BOS — Response F8.11: The respondent agrees with the finding.

Finding F8.12: *Throughout the storm, communication among levels of government emergency management seemed to have worked well in Monterey County. Local governments and the County OES communicated often and coordinated their efforts effectively.*

MTY — Response F8.12: Agree

Recommendations and Responses

The storm and its after-effects revealed strengths and exposed weaknesses in the Carmel, Monterey, Pacific Grove, and Pebble Beach emergency management systems. With the intent of helping to strengthen the ability of the four jurisdictions and other County jurisdictions to safeguard the public in case of future nature or human caused disasters, the Grand Jury recommends the following:

Recommendation R8.1: *To improve compliance with FEMA requirements and to follow the recommendations of the “Governor’s Checklist for Emergency Operations Plans,” Carmel, Monterey, and Pacific Grove include “Severe Winter Storms” and “Disruption of Essential Services” as probable hazards in their hazard mitigation plans and address them in their EOPs. [Related Findings: F8.1 and F8.3]*

MTY — Response R8.1: The City of Monterey is currently reviewing and revising its Emergency Operations Plan, which will include a section on winter storm preparedness. We also recommend that the County of Monterey update its Multi-Jurisdictional Hazard Mitigation Plan to include severe winter storms.

PG — Response R8.1: The recommendation has not yet been implemented, but will be by approximately August 2009. The City of Pacific Grove has employed a consultant, retired Monterey County Office of Emergency Director Harry Robins, to review and revise Pacific Grove’s Emergency Operations Plan, to ensure it is accurate, consistent and up to date and to include "Severe Winter Storms" and "Disruption of Essential Service".

Recommendation R8.2: *In addition to OES sponsored training exercises, each of the four jurisdictions conducts a yearly training exercise that involves activating its EOC and simulating response to at least one hazard addressed in its hazard mitigation plans and listed in its EOP (e.g., earthquakes, tsunamis, severe storms, disruption of essential services). [Related Finding: F8.2]*

MTY — Response R8.2: Although a training exercise prior to any event would be beneficial, the primary factor in this event was the lack of communication and coordination from PG&E and the overwhelming number of storm-related problems with their electrical distribution system, both issues beyond the control of the City of Monterey.

PB — Response R8.2: The PBCSD agrees with Recommendation R8.2. The Pebble Beach fire department made contact with Paul Ireland of Monterey County OES to obtain copies of their EOC Training Plans. These training plans will allow the PBCSD fire department to orient our employees to the roles and responsibilities of the County as it relates to EOC operations. The lesson plans expand in depth and complexity from basic working knowledge to extended EOC operations for natural and human caused emergencies. The PBCSD fire department will hold annual tabletop exercises with all fire crews.

PG — Response R8.2: The recommendation has not yet been implemented, but will. The City of Pacific Grove will have two training sessions in the year 2009. The first training session will be a table top exercise; the second will be a functional exercise that will exercise the Pacific Grove EOC Staff in a simulated emergency situation.

Recommendation R8.3: *Carmel, Monterey, and Pacific Grove immediately review their*

EOPs and update or revise them if necessary. Pebble Beach reviews and updates its "Coordinated Emergency Response Plan." Thereafter, all four jurisdictions review and update their plans at regularly scheduled intervals. [Related Finding: F8.3]

CAR — Response R8.3: The recommendation has been implemented. Carmel contracted with consultant Harry Robins to assist staff with writing an updated city disaster plan, now titled the "Carmel Emergency Operations Plan" (CEOP). A draft CEOP was introduced to the Carmel City Council on December 2, 2008. Mr. Robins and the Director of Public Safety presented the plan, and an opportunity for public comment was included in the process. After further discussion, the City Council adopted the plan, a copy of which is available in electronic or print form upon request.

MTY — Response R8.3: The City of Monterey is currently reviewing and revising its Emergency Operations Plan, including a recommended future review/update Interval, and hopes to complete this project within 18 months.

PB — Response R8.3: The PBCSD agrees with Recommendation R8.3. PBCSD fire department staff has begun to review the document and will have all updates to the Monterey County OES and Executive Review Committee by July 1, 2009. PBCSD would like to encourage the Monterey County OES to change the plan review date from biannually to annually and/or as needed.

PG — Response R8.3: The recommendation has not yet been implemented, but will be by approximately August 2009. The City of Pacific Grove has employed a consultant, retired Monterey County Office of Emergency Director Harry Robins, to review and revise Pacific Grove's Emergency Operations Plan, to ensure it is accurate, consistent and up to date.

Recommendation R8.4: *In accordance with the ADA, each of the four jurisdictions consults people with disabilities when making or revising emergency plans or actions so they can help identify special needs and make evaluations.*
[Related Findings: F8.3, F8.7, F8.8, and F8.9]

CAR — Response R8.4: The recommendation has been partially implemented and further action will be taken to ensure this recommendation is fully addressed. The CEOP (page 38-copy attached), includes vulnerable populations as a factor for consideration. City staff will develop a written plan to reach vulnerable populations, and will consult with other agencies which have expertise with ADA accommodations. It will be important to define the parameters of what population segments will be classified as vulnerable. The City anticipates completing this plan prior to October 1, 2009.

MTY — Response R8.4: The City of Monterey is currently reviewing and revising /te Emergency Operations Plan which will include a section addressing the needs of persons with disabilities.

PB — Response R8.4: PBCSD disagrees partially with Recommendation R8.4. The PBCSD fire department recommends that an ADA representative should be added to the "Executive Review Committee" of the Pebble Beach- Del Monte Forest Coordinated Emergency Response Plan (see Attachment #1). It should also be pointed out that the Pebble Beach Company employed a company to ensure that all their facilities are ADA compliant. Pre-identified Pebble Beach Company facilities would be used during an emergency to temporarily shelter special needs individuals and the general public.

PG — Response R8.4: The recommendation has not yet been implemented, but will be by approximately August 2009. The City of Pacific Grove will review and revise their Emergency Operations Plan and the revised EOP will provide for a response to those persons who suffer from disabilities or who constitute other vulnerable populations.

Recommendation R8.5: *Each of the four jurisdictions conducts and records periodic inspections of emergency equipment to ensure it is operable. When there is warning that an event might occur that endangers the public (e.g., a severe storm), each jurisdiction checks its emergency equipment immediately. [Related Finding: F8.4]*

CAR — Response R8.5: Effective 2008, this recommendation was implemented. EOC equipment, supplies, and communications systems are inspected or tested on a quarterly basis. The EOC generator engine is operated once weekly via a self-actuated testing program.

MTY — Response R8.5: The City of Monterey has established a regular testing, inspection, and maintenance schedule for all emergency equipment.

PG — Response R8.5: The recommendation has been implemented. Pacific Grove contracts with the City of Monterey for fire service. The Monterey Fire Department checks all of apparatus and equipment daily for emergency response readiness. The Fire Department maintains portable generators that are provided maintenance after every 100 hours. Pacific Grove's fixed facility generator is checked by City public works staff every month and maintained by a contractor every two months per Homeland Security Guidelines. In addition, portable generators are maintained as part of the department's rolling stock on a maintenance schedule within the mechanical division. Public works staff maintains equipment that would be used in an emergency regularly, as equipment is checked and maintained after each use, i.e. chain saws. Vehicles are fueled each week. The Police Department checks the operation of emergency equipment every 12 hours, at the beginning of each patrol watch.

Recommendation R8.6: *Each of the four jurisdictions has a designated temporary shelter available for special-needs residents, such as those who use respirators, during prolonged power outages. [Related Findings: F8.7 and F8.9]*

CAR — Response R8.6: The City of Carmel is exploring the feasibility of creating a Temporary Assistance Center by using the Carmel Youth Center, adjacent to the Police Department/EOC. The youth center is an ideal location for operating an assistance center because it is equipped with a fully operational kitchen and has a gymnasium with ample space for those needing to stay in a lighted, heated building. Undertaking such a project will require the City to procure a new generator. This, of course, is a future goal for the City, but will require identifying a funding source. When this project is funded, the Youth Center will be operated 24/7, serving as an assistance center to all segments of the city population. Service organization(s) have indicated a willingness to provide hot meals and subsistence for shelter visitors.

MTY — Response R8.6: The City of Monterey will address emergency sheltering in its current review and revision of its Emergency Operations Plan.

PB — Response R8.6: PBCSD disagrees wholly with Recommendation R8.6. Per Renate Rudolph, Director of the Carmel Area Chapter, "The American Red Cross is federally mandated to provide disaster shelters and disaster assistance." According to the Pebble Beach-Del Monte Forest

Coordinated Emergency Response Plan, Annex E: Care and Shelter, "The American Red Cross possesses the capability to respond to various emergencies and to provide specific forms of vital support to both responding agencies and victims."(see Attachment #12). This includes providing disaster shelters and staffing for emergency incidents. During the storms, the American Red Cross provided a list of 40 hotels (see Attachment #9) where residents could go if they were without power and adversely affected. Hotel vouchers were provided for those who could not afford a hotel. Pebble Beach Community Services District understands that in the beginning stages of a widespread disaster it might not always be feasible for the American Red Cross to immediately deploy people to our emergency site. In these respects, the Pebble Beach Community Services District has set up pre-determined safe refuge locations to be used temporarily. These locations can be found in the Monterey County Emergency Operations Plan. The owners/managers of these facilities are aware that they are on this list, and they understand what their responsibilities would be in the event of an emergency. These sites are prepared to safely hold residents, visitors and employees until the American Red Cross can set up a shelter site. The PBCSD pre-determined safe refuge locations will be used depending on the emergency type and its area of influence. The facilities have been chosen based on their varying geographic attributes and their abilities to withstand different emergencies. For example, the Inn at Spanish Bay was chosen because it has a generator that is capable of providing electricity for residents and visitors who might require power for medical reasons. The Robert Louis Stevenson School has been chosen because it is out of the Smeter run-up zone (most likely prediction) for tsunamis. A R911 phone database list of all the facilities — private and Pebble Beach Company owned, is reviewed and maintained annually to ensure that we can quickly and efficiently notify managers of our need to open their facility in the event of an emergency.

PG — Response R8.6: The recommendation requires further analysis. The term "special-needs" resident needs to be defined. The issued of providing a "temporary shelter", properly staffed and equipped for uncertain durations also needs to be identified and examined as to feasibility. This issue will be examined by the cities EOF consultant and temporary assistance/sheltering implementations will be specified in the revised EOF, to be completed in approximately August 2009.

Recommendation R8.7: *Each of the four jurisdictions conducts and records a post-event critique after each hazardous event that affects a large part of the community. A requirement to this effect could be stated in each EOP. [Related Findings: F8.3 and F8.10]*

CAR — Response R8.7: The recommendation was implemented. The CEOP contains forms for recording after-action information in accordance to NIMS/SEMS requirements. After-action reports will be prepared as described in the CEOP on page L-7 (copy attached). Forms that will be used to document after-action reports are attached as pages E-8-A thru E-8-I.

MTY — Response R8.7: The City of Monterey conducts post-event critique after all major incidents.

PG — Response R8.7: The recommendation has not yet been implemented, but will be specifically included in the revised EOF, scheduled for completion in August 2009.

Recommendation R8.8: *Each of the four jurisdictions sets up a system of contacts with the local media, especially newspapers, to ensure that emergency related information specific to the community (e.g., help-lines, power outage updates) is provided to the public. Contact information should be kept current. [Related Findings: F8.7, F8.8, and F8.9]*

CAR — Response R8.8: A plan will be developed to address how existing agency-media communication can be enhanced to ensure the public is informed and assisted in times of emergencies. This plan will be finalized by June 30, 2009.

MTY — Response R8.8: The City of Monterey adheres to National Incident Management System (NIMS) requirements and guidelines relative to information management. The City is also a partner in the County of Monterey Telephone Emergency Notification System (TENS).

PB — Response R8.8: PBCSD disagrees wholly with Recommendation R8.8. CAL FIRE has a media contact list (see Attachment #10) that the Pebble Beach Community Services District utilizes. During the storm event an official Press Release (see Attachment #11) was sent to all local media, newspaper and radio stations. Staff cannot be held responsible if media chooses not to print these releases. Before and during the event Pebble Beach Community Services District posted information on the District website (see Attachment #4) and on the 1620 AM radio station.

PG — Response R8.8: The recommendation has not yet been implemented, but will be implemented in the revised EOF, scheduled for completion in August 2009. A dedicated annex of the plan will address public information policies and procedures, as well as coordination with the Operational Area Public Information Section.

Recommendation R8.9: *Each of the four jurisdictions develops and maintains a database containing the addresses and phone numbers of residents who might require assistance in times of emergency. This could be done with the help of such organizations as the ADA Committee of each jurisdiction, Meals on Wheels, Alliance on Aging, Monterey County Citizen Corps Committee, Community Emergency Response Team (CERT), and other community outreach organizations. It could also be done in conjunction with programs designed to register people in the new countywide telephone emergency system (See R8.10 and R8.11). Pebble Beach has a model program that shows how the two efforts can be combined. [Related Findings: F8.7, F8.8, and F8.9]*

CAR — Response R8.9: The recommendation has been partially implemented, but additional analysis must be performed to fully implement the recommendation. The Director of Public Safety has obtained a list of special-needs residents from the Carmel Foundation. The City intends to expand this list by contacting other social service agencies such as Meals on Wheels, Alliance on Aging, and other agencies and organizations familiar with vulnerable residents living in Carmel. The City is considering other methods to identify special-needs residents, including: the use of the City website for self registration and using volunteers to conduct neighborhood door-to-door surveys. A written plan on how these efforts will be undertaken will be completed by September 1, 2009.

MTY — Response R8.9: The City of Monterey, as part of its current review and revision of its Emergency Operations Plan, is evaluating processes for establishing and maintaining a database of persons in need of special assistance during an emergency.

PB — Response R8.9: PBCSD agrees partially with Recommendation R8.9. Pebble Beach Community Services District 'Emergency Assistance' information is solicited in several different ways and can be received by the following:

- By visiting the Districts website at wwwAv.pbcisd.org [sic] and clicking on the "Reverse 911 and Emergency Assistance Registration Form" icon (see Attachment #7). -By calling the

District or fire department staff directly. Neighbors are encouraged to add those they feel might need extra assistance.

- By filling out the return mailer on the Districts quarterly newsletter (see Attachment #3). - Collected at the annual Open House and Public Safety Day (see Attachment #2). Upon receipt of this Grand Jury report, PBCSD staff contacted Meals on Wheels and Alliance on Aging. Both of these organizations advised that they were unable to share phone or residence information with the PBCSD fire department due to privacy concerns. However, both of these organizations did agree to hand deliver a PBCSD fire department prepared letter to all whom they serve in our jurisdictions (see Attachment# 8). Staff has previously discussed this "Emergency Assistance" list with the Citizen Corp Council as staff is on the Citizen Corp Council Board. In addition, staff is currently utilizing the PBCSD Community Emergency Response Team (CERT) to go door-to-door and handout preparedness packets that include information on the "Emergency Assistance" list and how to sign up.

PG — Response R8.9: The recommendation has not yet been implemented, but will be implemented in conjunction with Monterey County Communication Center "TENS" (Telephone Emergency Notifications System). The revised EOF will provide the criteria and instructions on the use of the TENS. The revision of the EOF is scheduled for completion in August of 2009. To the extent possible, the role of the Monterey-San Benito County Chapter of the American Red Cross will be addressed as well.

Recommendation R8.10: *The Monterey County OES includes cell phones and other pertinent means of communication in the new County-wide emergency telephone system in order to have an alternative for reaching residents whose cordless phones are inoperable during power outages and to meet the notification needs of people with special needs. [Related Findings: F8.7, F8.8, and F8.9]*

BOS — Response R8.10: The recommendation has not been implemented, but will be implemented in 2009. The Monterey County OES includes cell phones and other pertinent means of communication in the new Countywide emergency telephone system in order to have an alternative for reaching residents whose cordless phones are inoperable during power outages and to meet the notification needs of people with special needs. [Related Findings: F8.7, F8.8, and F8.9]

The Emergency Communications Department notes that cell phones, email, and text message capability will be part of the Countywide TENS campaign to register alternate means for receiving emergency messages. In addition, the campaign will include information on communication problems during power outages; especially the potential inability to receive emergency messages on cordless and VoIP (Internet) phones, and the need to keep cell phones charged.

Recommendation R8.11: *The OES, working with all jurisdictions in the County and public service agencies, conducts an aggressive campaign to inform the public about the new emergency telephone system and to register as many people in the system as possible. [Related Findings: F8.7, F8.8, and F8.9]*

BOS — Response R8.11: The recommendation has not yet been implemented, but will be implemented in 2009. An aggressive campaign, coordinated with all local jurisdictions and many community organizations is being planned. The campaign will include ways to register

residents' addresses, cell phones, and other devices, and the creation of bilingual materials that can be provided to new cell phone purchasers, sent with utility bills, provided by employers with paychecks, delivered with community services, and more. In addition, a follow-up campaign is planned one year later to remind people to register and/or refresh the database.

Recommendation R8.12: *The Board of Supervisors assigns responsibility to a person or persons to investigate possibilities and design solutions for establishing a new system of communication and coordination between the County's emergency operations agencies and PG&E. [Related Finding: F8.11]*

BOS — Response R8.12: The recommendation has not yet been implemented, but will be implemented in 2009. An After Action Review was conducted between Pacific Gas and Electric, CAL Fire, and the Office of Emergency Services that confirmed the communications and coordination problems identified in Finding F8.II. The principal challenge is obtaining actionable information. The secondary challenge is getting information to the public, by both the utility and the government agencies. To that end Monterey County has acquired and employed a Multi-Jurisdictional TENS, and is in the process of establishing, under the direction of the Emergency Communications Department's System Administrator, the appropriate policies and protocols for the operations of this system by all local governments.

Additionally, the introduction of a 2-1-1 information system by the United Way in early 2009 will broaden the capability to provide information and interface with the public. The OES will seek to co-chair a working group of local governments and key response agencies to explore means of improving information flow between agencies and providing actionable information. Target date for completion will be the Winter Storm Preparedness Conference held annually in the October/November 2009 timeframe.

Section 9
Hartnell Community College Measure H Bond

Purpose of the Investigation: The purpose of this investigation was to evaluate the accountability and effectiveness of the Hartnell Community College Board of Trustees and Hartnell Community College District Administration (the District) and Citizens' Oversight Committee (the Hartnell COC) regarding the school district's administration of the Measure H Bond (Measure H). Because Measure H represents a significant amount of money, and investment in education is a public priority, the 2008 Monterey County Civil Grand Jury (the Grand Jury) decided to investigate the management of the Measure H fund.

Required Responses — Parties responsible for responding:

The Hartnell Community College District Board of Trustees (**HC**): All Findings
assisted by the Hartnell Citizens' Oversight Committee All Recommendations

Responses should include the following types of documentation:

- 1) Name(s) and Title(s) of individual(s) responsible for each action
- 2) Description of steps to be taken to develop plans or implement programs.

Findings and Responses

Finding F9.1: *The District has not provided an individual, independent annual performance audit.*

HC — Response F9.1: Disagree in part. An independent performance audit was conducted annually; however, it was published as a separate chapter in the Annual Independent District Audit.

Finding F9.2: *The District has not provided an individual, independent annual financial audit.*

HC — Response F9.2: Disagree in part. An independent financial audit was conducted annually; however, it was published as a separate chapter in the Annual Independent District Audit.

Finding F9.3: *Individual Measure H audits embedded in district audits create difficulties for the public in understanding the use of the Measure H funds.*

HC — Response F9.3: Agree in part and have published the audits as separate documents beginning with 2007-2008.

Finding F9.4: *The District failed to comply with the Code when it named only six members of the Hartnell COC on January 21, 2003, and not the required seven.*

HC — Response F9.4: Agree - the seventh member was appointed April 14, 2003 and the Citizens' Oversight Committee (COC) has had seven members since then. One meeting was held in February, 2003 with six members.

Finding F9.5: *The District inconsistently complied with the Code in not designating which area of the community each member represented.*

HC — Response F9.5: Disagree in part - members were selected to represent the designated areas in compliance with the code; however, the website listing was not kept up-to-date.

Finding F9.6: *The Hartnell COC has failed to comply with its own bylaws and with the Code as one Hartnell COC member's term has exceeded the maximum length allowed by the Code. The Code allows two consecutive two-year terms. One Hartnell COC member has served continuously since the initial meeting of February 26, 2003.*

HC — Response F9.6: Agree - one member served five years instead of four. That member was replaced in October, 2008.

Finding F9.7: *The Hartnell COC has failed to comply with its own bylaws, as, according to posted minutes, annual organizational meetings have not occurred each July.*

HC — Response F9.7: Agree in part - Chair and Vice-Chair positions on the COC were filled every two years rather than annually in July.

Finding F9.8: *The District has failed to comply with the Code by not having a written Annual Report on the District's Internet website.*

HC — Response F9.8: Disagree - the annual report is published on the District's website under Measure H.

Finding F9.9: *The District's Internet website does not provide easy access to Measure H information and at times has even been completely inaccessible.*

HC — Response F9.9: Agree in part and describe the remedy in the Recommendation section of this report.

Finding F9.10: *On three occasions, the Grand Jury requested documents from the District, only to find the documents incomplete or non-existent.*

HC — Response F9.10: Disagree - staff are unaware of any document that District failed to produce or which was viewed by the reviewer as incomplete.

Finding F9.11: *Interviews with key District and Hartnell COC members revealed a lack of awareness of their oversight responsibilities to the community, as related to Measure H.*

HC — Response F9.11: Disagree in part with this opinion - District staff and oversight committee members are highly responsible to the community; however, two administrators had occupied their positions for less than one year.

Finding F9.12: *Since this investigation began, the District has shown a willingness to improve its compliance with the requirements for effective implementation of Measure H.*

HC — Response F9.12: Agree

Recommendations and Responses

Recommendation R9.1: *The District convenes a meeting with the Hartnell COC to review the requirements of the California Constitution Article XIII A; Code sections 15278-15282; Proposition 39, and the Hartnell COC's bylaws. The District might consider naming legal counsel to the Hartnell COC and providing ongoing training as new members of both the District and the Hartnell COC are elected, hired, or appointed. [Related Findings: F9.1, F9.2, F9.3, F9.4, F9.6, F9.7, F9.8, F9.9, and F9.11]*

HC — Response R9.1: Partially Implemented - Completion April 30, 2009.

A - Person Responsible: Dr. Phoebe K. Helm, Superintendent/President

B - District has held a workshop on Bond Funds for the Board of Trustees in April 2008 at its regular meeting in King City.

District staff, Citizens' Oversight Committee (COC) and the Board Chair participated in a Bond Workshop in February 2009.

District is developing a power point orientation and training program which will be reviewed with the Board of Trustees, COC members and District staff. The training will be provided each time new members are elected or appointed. In addition, this power point will be on the website for the public as well as the District, the Board, and the COC. This will be effective on or before April 30, 2009.

Recommendation R9.2: *The District contracts for individual, independent annual performance audits of Measure H. [Related Findings: F9.1 and F9.3]*

HC — Response R9.2: Implemented

A - Person Responsible: Barbara Yesnosky, Chief Business Officer

B - The District contracts for individual annual performance audits of Measure H. The audits have always been conducted and have been published separately since 2007-2008.

Recommendation R9.3: *The District contracts for individual, independent annual financial audits of Measure H [Related Findings: F9.2 and F.9.3]*

HC — Response R9.3: Implemented

A- Person Responsible: Barbara Yesnosky, Chief Business Officer

B- The District contracts for individual annual financial audits of Measure H. The audits have always been conducted and have been published separately since 2007-2008.

Recommendation R9.4: *The District maintains the required minimum number of Hartnell COC members, define the area each represents, and post the term dates of each. [Related Findings: F9.4, F.9.5, and F9.6]*

HC — Response R9.4: Implemented

A - Person Responsible: Phoebe K. Helm, Superintendent/President
James Fitch, Webmaster

B - The District has in place a "tickler file" to ensure appropriate notice, application and selection of COC members such that the appropriate number of members are maintained, representing each defined area as specified. The term dates of each is posted. The website lists the names, area represented, and term dates of each COC member.

Recommendation R9.5: *The District adheres to term limits and replaces any Hartnell COC member who exceeds these term limits. [Related Finding: F9.6]*

HC — Response R9.5: Implemented

A - Person Responsible: Phoebe K. Helm, Superintendent/President
James Fitch, Webmaster

B – See R.9.4. above. Memberships will comply with term dates.

Recommendation R9.6: *The District requires more Board of Trustee and high-level college administrator participation at Hartnell COC meetings to reduce the degree of noncompliance and neglect that has occurred in the past. [Related Findings: F9.1, F9.2, F9.3, F9.4, F9.5, F9.6, F9.7, F9.8, F9.9, and F9.11]*

HC — Response R9.6: Implemented

A - Person Responsible: Phoebe K. Helm, Superintendent/President

B - A senior administrator is assigned to participate in all Hartnell COC meetings. The Board of Trustees will continue to receive oral and written reports at each monthly meeting. Training will be provided as stated in R9.1.

Recommendation R9.7: *The District improves accessibility of its Internet website by adding Measure H access to its Home Page toolbar. [Related Finding: F9.9]*

HC — Response R9.7: Will be implemented on or before April 30, 2009.

A - Person Responsible: James Fitch, Webmaster

B - Measure H will be added to the homepage toolbar on or before April 30, 2009.

Recommendation R9.8: *The Hartnell COC provides a comprehensive, written annual report to the District and posts it on the District's Internet website. [Related Finding: F9.8]*

HC — Response R9.8: Implemented

A - Person Responsible: Phoebe K. Helm, Superintendent/President

B - The annual report will continue to be posted on the District's website.

Recommendation R9.9: *The District establishes and publishes, on the District's website and through other means of publicity, a plan that provides training for both the District and Hartnell COC to conform to the requirements of the California Constitution and the Code. [Related Findings: F9.1, F9.2, F9.3, F9.4, F9.5, F9.6, F9.7, F9.8, F9.9, and F9.11]*

HC — Response R9.9: Will be implemented on or before April 30, 2009.

A - Person Responsible: Phoebe K. Helm, Superintendent/President

B - District is developing a power point orientation and training program which will be reviewed with the Board of Trustees, COC members and District staff. The training will be provided each time new members are elected or appointed. In addition, this power point will be on the website for the public as well as the District, the Board, and the COC. This will be effective on or before April 30, 2009.

Recommendation R9.10: *The District periodically reviews its Resolution 03.2, dated January 21, 2003, to assure the community that the roles and responsibilities of the district and of the Hartnell COC comply with the oversight requirements of Measure H. [Related Finding: F9.11]*

HC — Response R9.10: Will be implemented on or before April 30, 2009.

A - Person Responsible: Phoebe K. Helm, Superintendent/President

B - The Board of Trustees will include Resolution 03:2, in its Board orientation for new members; Board Development for all members; and, the power point training program described in R9.1. (on or before April 30, 2009).

Section 10

Responses to 2007 Grand Jury Report

Purpose of the Investigation: The purpose of this investigation was to provide the public with clear and responsible answers to recommendations of the 2007 Monterey County Civil Grand Jury Final Report (2007 Report)

Required Responses — Parties responsible for responding:

City Council of King City;
King City Joint Union High School District and
King City Union School District Administrations; and
City Councils of the City of Marina, Sand City; and
Santa Rita Union School District Administration: Finding 10.2

City Councils of King City,
The City of Marina, and
Sand City: Finding 10.3

Responses should include the following type of documentation:

Agreement with the finding or disagreement, wholly or partially, with an explanation.

[NOTE: The required responders did not respond.]

Findings

Finding F10.1: *A relatively large proportion (9%) of responses in the 2007 Report to the 11 recommendations on which the Grand Jury focused its investigation failed to conform to the Code of Responses. Nonconforming responses are of little value to the public.*

Finding F10.2: *While a majority of respondents replied in a timely way to requests for addenda, officials of King City King city Joint Union High School District, King City Union School District, the City of Marina, Sand City, and the Santa Rita Union School District did not respond within 45 days and had no responded at the time of completion of this report.*

Finding F10.3: *Failure to respond by officials of King City, the City of Marina and Sand City to recommendations related to emergency preparedness could represent a risk to public safety.*

Finding F10.4: *Requests for addenda, where responses have been received, resulted in compliance to the Code of Responses. The addenda were more informative to the public and, as a result, of more value.*

Section 11

Engaging Students: PGUSD's "Dot" Program

Purposes of the Investigation: The purposes of this investigation were:

- to review the "Dot" program described in the Pacific Grove Unified School District's response to Recommendation 11.3 of the 2007 Monterey County Civil Grand Jury Final Report
- to discover whether the program is operating as described in the response
- to discover whether the program is replicable and/or worthy of replication in other school districts.

Required Response — Party responsible for responding:

Pacific Grove Unified School District: All Findings
All Recommendations

The response should include the following types of documentation:

- A) Records of "Dot" Program activities at all school sites in the district
- B) Documentation of plans for collecting, analyzing, and reporting evaluative data regarding the impact of the "Dot" Program, including descriptions of:
 - types of data to be collected
 - procedures to be used for analysis
 - protocols to be used for reporting analyses to the Pacific Grove School District Board of Education.

[NOTE: The Pacific Grove Unified School District's response to Findings and Recommendations were in a form of letters to the 2009 Civil Grand Jury foreman and presiding judge. Copies of the letters are at the end of this section.]

Findings

Finding F11.1: *The program is operating at the District's middle school as reported in the District's response to Recommendation R11.3 of the 2007 Monterey County Civil Grand Jury Final Report. At other schools the program is not fully operational.*

Finding F11.2: *The program has inspired new energy and focus amongst the staff at the middle school.*

Finding F11.3: *The program is helping realize the middle school staff's vision of the Pacific Grove Middle School graduate.*

Finding F11.4: *The program is being initiated at Pacific Grove High School.*

Finding F11.5: *Due to the lack of evaluation data, the replicability and/or value of replicating the program in other school districts has not been determined.*

Recommendations and Responses

Recommendation R11.1: *Continues the "Dot" Program as it is currently operating and expands the program to serve all students in the District. [Related Findings: F11.1 and F11.4]*

Recommendation R11.2: *Collects, analyzes, and reports evaluative data regarding the impact of the “Dot” Program for other schools and districts to use in deciding whether to undertake a similar program. [Related Finding: F11.5]*



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May 13, 2009

Darlene Billstrom
Foreperson
2009 Civil Grand Jury
P.O. Box 414
Salinas, CA 93902

Re: Responses to 2009 Monterey County Civil Grand Jury

Dear Ms. Billstrom:

Please accept our apology for not submitting a response to the 2008 Monterey County Civil Grand Jury Final Report. Upon reading the Complete Report for the Pacific Grove Unified School District's "Dot" Program, we were under the impression that no response was needed for the period covered in the Grand Jury Final Report; but that the "Required Response" information - record-tracking and data collection, analyzing and evaluation - would begin during the 2008/09 school year.

The "Dot" program was created from a brainstorming session during a meeting of Middle School and High School staff. It was implemented at the Middle School during the 2007/08 school year as a pilot program, with the intent that if it was successful, a more formal plan would be implemented the following school year - 2008/09.

Indeed, the "Dot" program was deemed successful, and this school year Middle School leaders have begun to put into place documentation of plans for collecting, analyzing, and reporting evaluative data.

Days after the Grand Jury Final Report came out, State Superintendent of Schools Jack O'Connell visited the Middle School to learn firsthand about the "Dot" program and asked that a process design be created for distribution and implementation to other schools throughout the State. State Superintendent O'Connell also suggested that the program be presented at the California School Boards Association Annual meeting in December in San Diego. A few weeks later the Middle School was notified that they were a recipient of the Distinguished Schools Award from the California Department of Education. The information that will be contained in the 2009 Grand Jury Report will include the program specifics that were created and implemented this year.

Sincerely,

Ralph Gómez Porras
Superintendent



Monterey County Office of Education

Leadership, Support, and Service to Prepare All Students for Success

Dr. Nancy Kotowski
County Superintendent of Schools

April 27, 2009

The Honorable Adrienne M. Grover, Presiding Judge
Superior Court of California, County of Monterey
240 Church Street, 3rd Floor, Room #305
Salinas, CA 93901

Dear Presiding Judge Grover:

On behalf of the school districts of Monterey County, I would like to acknowledge the 2008 Grand Jury's contribution to promoting best education practices of our schools by citing the successful "DOT" program in Pacific Grove Unified School District.

The Grand Jury applauded the "DOT" Program as a system to ensure every student is recognized and supported by faculty and staff at the school. The DOT Program is aimed at creating better connections between students and staff.

I am delighted that the Grand Jury has encouraged other schools and districts to evaluate the program and determine how it might be adapted and implemented in their schools. At the March 12th meeting of the Monterey County School District Superintendents, Ralph Porras, Pacific Grove Superintendent, presented the program and offered assistance to schools interested in implementing the program. Further, I invited State Superintendent of Public Instruction Jack O'Connell to visit Pacific Grove Middle School on February 18, 2009, to consider statewide promotion of the no cost, high impact DOT Program. Enclosed please find State Superintendent O'Connell's letter to school superintendents in throughout California which he promotes the program.

I close by thanking the Grand Jury for taking the time to explore the positive efforts in our society, as well as its traditional role. I am always delighted to assist the Grand Jury.

Sincerely,

Nancy Kotowski, Ph.D.
County Superintendent of Schools

Enc: Superintendent O'Connell's letter

RECEIVED

MAY 11 2009

This month we honor the fourth of our five 2009 California Teachers of the Year, Alastair Inman. Mr. Inman teaches science at Lexington Junior High School in the Anaheim Union High School District, Orange County.

In 2001, Mr. Inman resigned his position as a biology professor at Knox College, a nationally ranked liberal arts college in Galesburg, Illinois, to become a middle school science teacher. This was a move that he says few of his university colleagues understood. Although he was widely published in scientific journals and received a distinguished teaching award at Knox, he said in his California Teacher of the Year application, "My seven years at Lexington have been by far the most professionally satisfying of my career. Working with junior high school students, introducing them to the exciting world of hands-on science while playing a role in their overall development is incredibly gratifying work."

Students of this age are taking science as a separate course for the first time, a situation that some students find intimidating, he said. When he asks them to complete this sentence: "Science is..." many of them will write, "difficult," "a waste of time," "boring."

His challenge is to change their minds. He gets them actively participating with experiments, investigations, and projects where students are indeed scientists. "I take great satisfaction when students tell me that they like my class because it is 'fun,' 'exciting,' and sometimes even 'crazy.' After all, science is fun, exciting, and sometimes even crazy." These young students could well become America's scientific minds of tomorrow.

"As a science teacher, I would hope to make a special connection with other scientists and engineers, given the acute need for math and science teachers across the nation," he wrote. "Teaching science has allowed me to reap the best of two worlds: I am still a scientist engaged on a daily basis, but I also feel the added rewards that can only come from teaching young people and playing a role in their development. To raise the level of science literacy, we need to infuse a more active curriculum into our schools as early as possible. I believe that the key to getting and keeping students interested is ensuring that they are doing science, not just learning about science, from a very young age."

Mr. Inman earned a Bachelor of Science degree in Biology from McGill University in Montreal, Canada in 1984, and a Ph.D. in Zoology from the University of Oxford in 1990.

Pacific Grove District's Innovative Anti-Gang Program Receives High Marks

State Superintendent of Public Instruction Jack O'Connell recently visited Pacific Grove Middle School to learn more about the Pacific Grove Unified School District's Dot Program. The Dot Program was established as a proactive measure to prevent gang activity.

In effect since the 2007-08 school year, the Dot Program was lauded by the Monterey County Civil Grand Jury that state in its report released in January 2009, that the program has "inspired new energy and focus amongst the staff at the middle school."

Through the Dot Program, trained teachers "reviewed the list of students in their classrooms and placed a dot after the name of those students whom they knew outside the classroom, through some other activity. Those students with no dots, meaning no one at the school interacted with them outside the classroom, were assigned to a staff member who engaged with that student in a

mentor capacity. There were positive changes in those students' self esteem as they became more socially engaging and their grades improved."

According to the Grand Jury report, "In at least one instance a review of students at the middle school without dots led to 'adoption' of a challenged student by a faculty member. This resulted in a positive impact on that specific child in terms of academic performance."

O'Connell said after his meeting that the Dot Program appeared to be working in improving scholastic achievement that he believed to be a direct result of students feeling safer at school.

The Grand Jury recommended that the district collect, analyze, and report on the impact of the Dot Program for other schools and districts to use in deciding whether to undertake a similar program.

If you have any questions regarding the Dot Program, please contact Mary Riedel, Principal, Pacific Grove Middle School, at 831-646-6568 or by e-mail at riedel@pgusd.org.

Coming Soon: California Longitudinal Pupil Achievement Data System

More than 100 local educational agencies (LEAs), including some county offices of education and charter schools, will be testing the California Longitudinal Pupil Achievement Data System (CALPADS) beginning in April. The purpose of the User Acceptance Testing (UAT) is to allow those who will use the system in the future to test the way it works and to practice submitting data to CALPADS well before the fall of 2009. The UAT will provide valuable feedback to test functionality and make adjustments to the system prior to its release this fall.

The final date LEAs will be able to acquire new Statewide Student Identifiers (SSIDs) or enroll or exit students through the California School Information Services will be July 10, 2009. All SSIDs will be converted to CALPADS between July 11, 2009, and August 2, 2009, during which time LEAs will not be able to acquire or maintain SSIDs. School districts may want to obtain any SSIDs for kindergarten students or other students new to California public schools prior to July 10, 2009. After the SSIDs are moved over to CALPADS, the new system will be turned on for LEAs on August 3, 2009.

On a similar note, LEAs are currently reviewing and making data corrections to the 2007-08 graduation and dropout counts. The first public release of the 2007-08 graduation and dropout data is scheduled for May 12, 2009. There will be two more opportunities for LEAs to review and correct data between May and July with the final correction window ending on July 3, 2009.

If you have any questions regarding CALPADS, please contact the CALPADS Operations Office, at 916-324-6738 or by e-mail at cdecjsis@cde.ca.gov. You can also contact Keric Ashley, Director, Data Management Division, at 916-323-5007 or by e-mail at kashley@cde.ca.gov.

Forums at the Diagnostic Center, Central California

The Diagnostic Center, Central California (DCC), located in Fresno, is one of three diagnostic centers operated by the California Department of Education. It provides a range of assessment services to special education students from local educational agencies (LEAs) throughout the central valley. DCC staff members are also involved in a variety of staff development and capacity building activities to assist LEAs. To this end, the DCC recently conducted an Autism Forum