

Grand Jury

P.O. Box 1819
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December 16, 1996

The Honorable John M. Phillips
Presiding Judge, Superior Court
County of Monterey
240 Church Street
Salinas, CA 93901

Dear Judge Phillips:

The 1996 Civil Grand Jury is a cross section of local residents with very different backgrounds. We had one thing in common: a commitment to produce a high quality product. We wanted our recommendations to offer constructive solutions to some of the difficult problems which face local governments.

Each member of the 1996 Civil Grand Jury was ready to go the extra mile to ensure that we "got it right." The product of the many hours of hard work and devotion to the complex task of inquiring into local government is contained in our Final Report which we hereby present to you, to the residents of Monterey County and to the public agencies covered by the report. As required by the California Penal Code this Report was adopted by a vote of at least 12 of the 19 members of the Jury.

Will Rogers observed that "We are lucky that we do not get all of the Government we pay for!" Monterey County citizens "get" more services than we pay for because of the many citizen volunteers involved in local government.

Hundreds of individuals serve on governing boards, commissions, advisory boards and committees. Some are elected but most are appointed. These boards, commissions and committees make decisions which deal with air quality, land development, water issues, health services, the education of our children, public safety, emergency services and myriad other issues which affect our lives. Most of these individuals have the knowledge and skills necessary to carry out their important responsibilities. They devote extraordinary time and effort to making the system work. Their only compensation is the satisfaction of a job well done.

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A common theme emerged from our inquiries. Local government agencies will be no better than the competence of their governing boards and their management. When members of governing boards are not trained in exercising oversight and supervision of management, do not understand their roles and responsibilities and do not understand budgets and how to monitor budget compliance, operational and financial problems will occur. When this happens citizens will not receive value for the billions of dollars we spend annually for local government services.

We found one weak thread in the fabric of local government. Some individuals assume that the very fact that they are elected or appointed to a governing position means that they have the knowledge, skills and judgment which are essential for overseeing and supervising complex government agencies. But unless elected and appointed members of governing boards avail themselves of training programs covering their roles and responsibilities, how to work together as a team in problem solving, how to exercise supervision and oversight of management, how to understand and monitor budgets, all of which are learnable skills, the agencies which they oversee will frequently incur problems.

We hope that the findings and recommendations resulting from our year-long effort are helpful to those agencies which were the subject of inquiry and are worthy of consideration by other County Departments, and the governing boards and the management of the multitude of other local agencies in Monterey County.

We cannot adequately express our appreciation for the support and service we received from Eileen Wright, Administrative Aide to the Grand Jury. Her assistance along with the ever available help of Sherri Pedersen, the Administrator of the Monterey County Superior Court, enabled us to accomplish our tasks. We could not have produced this report without them. Their knowledge, experience and understanding of Grand Jury procedures and requirements were a critical contribution to our effort. Their delightful humor made the year enjoyable as well as productive.

We also want to express our appreciation to Judge Jonathan Price who was assigned to work with us. He was a pillar of support for the 1996 Grand Jury. His availability and assistance demonstrated his strong belief in the importance of the Grand Jury process. He was there when we needed him, which was often.

This Grand Jury enjoyed the benefits of a remarkably talented, innovative, witty and wise Foreman Pro Tem, Mr. Peter Blackstock. He devoted an incredible amount of time and energy

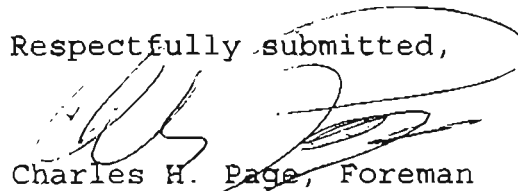
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to this effort even though he had a "second job," his own local business. He was an inspiration to all of us. He set the positive tone which guided our efforts.

And, to the other 17 individuals who worked so hard, doing research, reading masses of materials, preparing for and conducting inquiries, verifying facts and writing reports with remarkable diligence and energy, and always with good humor, I offer my very special thanks. It was a great pleasure to have been a part of this unique group who worked together as a team without letting egos or personal attitudes get in the way of the significant tasks we undertook. If our report contributes to better local government it is due to these enthusiastic public spirited individuals.

When a Grand Jury works hard, significant demands are made on busy public servants and volunteers who serve on local agencies. They spend valuable time compiling materials and meeting with Grand Jury teams, committees or the full Jury. The response we received from most officials and volunteers demonstrated respect for and belief in the Grand Jury system. Their response reflected a genuine desire to serve better the citizens of Monterey County. We appreciate this cooperation. We commend those who willingly gave of their time and engaged in a mutual effort to improve local government. They enhanced our product. They also made us feel that our efforts were worthwhile.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. H. Page', is written over a large, hand-drawn oval scribble.

Charles H. Page, Foreman
1996 Monterey County Civil Grand Jury

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TO THE READER

Many citizens ask: "What is the Civil Grand Jury, what does it do?"

The concept of citizen juries dates back to the Norman times in the 800's. This concept was incorporated into the Magna Carta in 1215. The Massachusetts Bay Colony impaneled the first U. S. Grand Jury in 1635.

In California the formation of a County Grand Jury each year is required by law.

The principal functions performed by the Civil Grand Jury include:

1. Inquiring into the operations of the County, local Cities, and Special Districts, including School Districts, to ensure that their duties are being performed in a reasonably efficient and effective manner.

2. Investigating citizen complaints about governmental failures, inefficiencies or misconduct (not criminal misconduct). The 1996 Civil Grand Jury received many complaints. When they were received early enough in the year, described conduct or situations which fell within our jurisdiction (non-criminal conduct of local Government departments or agencies), and the facts were verifiable, we took appropriate action. There were complaints about non-profit agencies, personal disputes, criminal conduct, or which contained facts which proved to be inaccurate. As to these we took no action.

3. Visiting the State and County Correctional facilities located in Monterey County, as required by Section 919(b) of the California Penal Code.

Correctional facilities visited in 1996 were:

- Salinas Valley State Prison
- Soledad Correctional Training Facility
- Wellington M. Smith, Jr., Juvenile Hall
- Youth Center (The Camp)
- Monterey County Jail

In addition the 1996 Grand Jury visited the Natividad

Medical Center.

At the beginning of each year the new Civil Grand Jury decides what local issues and concerns should be the subject of inquiry. At the end of the year the Jury files a public report. The 1996 Civil Grand Jury filed a Mid-Year Final Report dealing with Domestic Violence in Monterey County, an issue of serious concern. This report along with a follow-up is included in this Final Report.

Except for its Reports, Grand Jury proceedings and inquiries are secret. Grand Jurors are prohibited from disclosing what they are doing. Since witnesses are guaranteed confidentiality, the Grand Jury can gather information and gain insights not available through any other process.

Grand Jurors must set aside assumptions about "government" and any agenda or personal dispute they may have with local "government." Jurors must be willing to gather and verify facts and be willing to let the facts speak for themselves. Service on the Civil Grand Jury is a fascinating, challenging endeavor which makes one understand and appreciate our democratic system like no other experience.

For those who feel that they have a store of accumulated wisdom and opinions which they want to "share" with public servants and who want to tell public officials "how to do it," service on the Grand Jury will not be a fulfilling experience.

Grand Jury service is enlightening and fulfilling in direct proportion to one's willingness to engage in a disciplined and focused effort. Gathering facts, verifying information and developing constructive, realistic and practical suggestions for improving local government is the charge of the Grand Jury.

The 1996 Civil Grand Jury was impressed with the dedication and commitment of our local public servants and the many volunteers who serve on the vast variety of Boards, Commissions and Committees. Without the dedicated effort of so many individuals, both public servants and volunteers, our communities could not function.

MEMBERS OF THE 1996 CIVIL GRAND JURY

OFFICERS

Charles H. Page, Foreman

Peter E. Blackstock, Foreman Pro Tem

Robert M. Stevens, Secretary

Kitty M. Douglas, Secretary Pro Tem

David M. Alex	Pacific Grove
Robert C. Bilek	Salinas
Peter E. Blackstock	Pebble Beach
Mahlon M. Coleman	Pebble Beach
Kitty M. Douglas	Prunedale
Faith O. Eden	Seaside
Raymond W. Espinosa	Salinas
Forrest B. Howard	Salinas
Arthur H. Jackson	Monterey
Robert T. LeFevre	Salinas
Claudia E. Massa	Salinas
Charles H. Page	Carmel
Daniel P. Phillips	Marina
Cynthia Rivera	Carmel
Joseph W. Roberts	Salinas
Cecile R. Scuto	Carmel
Robert M. Stevens	Pacific Grove
James D. Tallman	Pebble Beach
Walter A. Weber	Carmel

1996 MONTEREY COUNTY GRAND JURY



FRONT ROW: (left to right)

Eileen Wright, Grand Jury Staff;
Peter Blackstock, Foreman Pro Tem;
Presiding Judge John Phillips, Superior Court;
Charles Page, Foreman
Sherri Pedersen, Court Administrator

MIDDLE ROW:

Cecile Scuto, Kitty Douglas, Faith Eden,
Robert Stevens, Claudia Massa, Cynthia Rivera

BACK ROW:

Raymond Espinosa, Daniel Phillips, Art Jackson,
Robert Bilek, Joseph Roberts, Forrest Howard,
James Tallman, David Alex, Mahlon Coleman,
Robert LeFevre, Walter Weber

RESPONSE REQUIREMENT

The Penal Code regulates who must respond to Grand Jury findings and recommendations, when the response must be made, and what must be done with the responses. The following is an excerpt from the Penal Code:

PENAL CODE SECTION 933(c)

"(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elective county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All such comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years."

CONCERNING CONFIDENTIALITY

For the purpose of maintaining confidentiality, lists of witnesses, documents examined and other supportive information are not included with the reports.

In order to conduct thorough and impartial investigations, the Grand Jury has, in every applicable case, interviewed complainants, appropriate County officials and employees and others who could contribute relevant information. Where necessary, State and County codes, laws and statutes were researched.

GOVERNING AND MANAGING MONTEREY COUNTY

BACKGROUND:

The 1996-97 Monterey County final budget shows estimated revenues of \$333,609,476 and expenditures of \$382,563,802. The scope and magnitude of the responsibilities and functions required of the County are remarkably diverse and complex. These responsibilities include:

Welfare, child protective services, roads, public works, health care provider of last resort, public health, environmental health, public safety (law enforcement, fire protection, emergency services), elections, parks, libraries, planning, zoning and building permits and inspections and monitoring of zoning compliance, tax collections, property assessments, prosecution of public offenses, providing attorneys for accused indigents, jails, mental health facilities, probation systems, custodial and treatment facilities for juvenile offenders, water resources, veterans' services, affordable housing, court systems, planning, construction, maintenance and management of over 100 buildings (over 1,200,000 square feet) and other public facilities, management of financial and other public resources and myriad other projects.

In order to deal with these responsibilities the Board of Supervisors needs to work together as a team, setting goals, doing long-range planning, establishing priorities, setting guidelines for resource allocation and exercising oversight and supervision of the County Administrative Officer (CAO). The CAO must establish and administer management systems which are efficient, effective, which identify problems and which utilize the talent and experience of Department Heads and provide systems for employee input and participation. Without this combination, major functional and financial problems are inevitable.

ISSUE:

An accumulation of well publicized problems caused the 1996 Civil Grand Jury to look at the governing and management of

Monterey County to see how our governing board and the management meet these responsibilities.

INQUIRY PROCESS:

Each member of the Board of Supervisors, the CAO, a number of Department Heads, CAO staff members, a number of County employees and the Executive Officers of a number of County agencies were interviewed. A Management Survey (Exhibit 1), was prepared and submitted to non-elected Department Heads under the supervision of the County Administrative Officer for completion. Some appointees of the Board of Supervisors were interviewed. A survey of some other counties was conducted. What other organizations are doing to improve governing and management was researched. (Bibliography attached as Exhibit 2.)

DISCUSSION:

There is no process in place for the Board of Supervisors to engage in strategic planning and participate as a team in setting goals, establishing priorities and guidelines for resource allocation. The absence of such a process or system keeps power disbursed among the individual Supervisors and provides no effective way for the public to participate in setting goals and priorities.

The annual budget review and hearings are the only way the Board of Supervisors defines and establishes priorities. This is done on an annual basis in response to departmental requests. It is a demand-based system rather than a program or goal-based system.

A County Strategic Plan can be developed if the CAO is directed to bring before the Board a list of priorities and resource allocation guidelines. The Board can, with public input, adopt a plan which defines priorities and serves as a guide for the CAO and Department Heads in dealing with County issues and problems, developing and modifying departmental programs, preparing budgets and allocating resources.

A strategic planning process will increase public awareness and enhance public participation. At present the public has input only on decisions at the margin; i.e., whether particular departments can add or expand a program, add a few more employees or have to "cut back." There is no opportunity for participation in setting priorities for resource allocations. In the absence of such a process the public is almost powerless.

In the era of Proposition 13 limitations, preemption of local revenues by the State, unfunded mandates by the State and Federal governments, the proliferation of lawsuits and social

problems such as drugs and gang violence, County government has been described, by one commentator, as "a structure of government that (cannot) work...." (See reprint, Exhibit 3.) In such a political and economic environment it is critically important that the governing and management of Monterey County be efficient and effective.

The Supervisors and management have the essential qualities of honesty, good intentions, commitment and dedication to good government. There are many members of County staff in key positions with extraordinary talent, knowledge and skills. But it is clear that such qualities are not enough to guarantee efficient and effective government. There need to be systems in place which establish performance standards and performance verification. The County structure and environment must enable talented and skilled individuals to participate in and make effective contributions to the planning and decision making process.

While it might seem logical to look at governing and management as separate, individually defined functions, the Grand Jury found that the governing and management process and styles are so inextricably linked that it is impossible to consider the respective functions in isolation.

FINDINGS:

1. It is the perception of many observers, including some members of the Board of Supervisors, that the Board is not a cohesive body, does not work together as a team, and does not have in place a system or process for:

- a. Identifying issues and needs of the County;
- b. Doing long-range planning, defining long-range goals, and establishing priorities to meet such goals;
- c. Allocating County resources in accordance with a long-range plan and defined priorities; and
- d. Exercising supervision and oversight of the CAO's office.

Approximately 85% of County funds are committed funds. The decision making process for the 15% subject to the discretion and judgment of the Supervisors must be well organized and well understood.

2. In 1992 the County Organization was changed to centralize supervision and oversight of County departments and functions in the CAO. Prior to the adoption of Ordinance 3610 Section 3, in 1992, Department Heads reported directly to the Board of Supervisors.

3. It is the general perception that even though four years have elapsed since the change, the transition of the management system is not complete and lines of authority, supervision and oversight are blurred.

4. County staff and employees are not insulated from "politics." Supervisors contact staff and Department Heads directly, without observing established lines of authority. This results in subtle or overt political pressure on County employees.

5. Actions which result from contacts by a Supervisor may or may not be in the best interests of the County, but such actions are not exposed to the deliberative process and the public scrutiny which the law requires. Actual or perceived political pressure from individual Supervisors gives the appearance of political or personal favors or "power plays." This increases cynicism and negative attitudes about government's ability and commitment to fair and equal treatment in dealing with citizens and employees. For example, in a recent public meeting, a Supervisor claimed that it had been "necessary" to intervene on behalf of County employees who "felt" that they were not receiving adequate response to grievances.

6. Some Supervisors assume that the "Department Heads Council" functions as a management council which enables Department Heads and key staff to participate in County management. In fact the Department Heads Council is a once a month gathering of Department Heads with the CAO. A speaker is usually scheduled, and then the members engage in an informal, social exchange. The general perception is that these gatherings are pleasant and promote good fellowship, but that an organized, collaborative, executive management system which enables input and participation by Department Heads and key staff in addressing County issues and problems is critically needed.

7. The management survey was designed to determine whether there is in place a comprehensive, well understood system for oversight and supervision of County departments and whether there is a system for participation by Department Heads and key staff in addressing County issues of general concern.

Except for the submission and negotiation of budget requests, there is no process for active participation by Department Heads in countywide issue identification, problem solving, submission and discussion of innovative ideas and solutions. There is no system for conducting planning and defining long-range goals, setting priorities, developing problem alert systems, and developing preventive and remedial measures. Many respondents to the survey and inquiry expressed strong opinions that such a formalized system is definitely needed.

8. Some County staff felt that an executive management

system will not work because some County departments are headed by elected officials. But the budgets of departments headed by elected officials are subject to review by the CAO's office and must be approved by the Board of Supervisors.

Department Heads should be provided a structure and an opportunity to participate in developing a strategic plan for Monterey County which identifies and prioritizes the County's needs. They should be requested to submit a detailed analysis of the departmental needs for the next three to five years which estimates funding requirements, provides justification for assigning priorities and identifies the impact on the citizens of Monterey County if these needs are not met.

From this process the CAO can then develop a proposed strategic plan and a list of recommended priorities.

This proposal should then be the subject of a public hearing by the Board of Supervisors with adequate opportunity for the public and the Department Heads to discuss the merits of the proposal.

If Department Heads, elected or appointed, are afforded the opportunity to participate in such a collaborative executive management process and refuse to engage in a good faith effort to make the system work, their credibility before the Board of Supervisors at budget hearings will be seriously impaired.

9. Some departments have employee incentive programs, but there is no countywide system which encourages or enables employees to improve operational procedures. It is clear that such systems work. A study of a joint management-union quality improvement process at the Internal Revenue Service revealed that the process resulted in an increase of 300% in the number of suggestions from employees and a return of \$48 for every dollar invested! ("The IRS and TVA Are Leading the Way," by Cynthia J. Guffey and Marilyn M. Helms, QUALITY PROGRESS, October 1995.)

10. The County decision making process needs to be better organized. At present:

a. Supervisors receive reports analyzing issues which are on their weekly agendas or about which the staff needs policy direction. These reports are prepared by or under supervision of appropriate Department Heads. These reports are reviewed by the County Administrative Office, and if necessary revisions suggested before the reports are approved for submission to the Supervisors. These reports define the issues, discuss the reasons why the project is needed, how the project affects other departments, the cost and funding sources and recommended course of action.

b. Since there is no County strategic plan which

defines long-range goals, and priorities for resource allocation, the reports received by the Supervisors do not address how the proposed action or project fits into a framework of priorities, and whether the benefits of the proposal justify subordinating competing projects.

c. The cumulative effect of weekly decisions on significant issues defines County priorities and allocates County resources. This fragmented system may or may not best serve the needs of County residents. But, the absence of a defined set of goals and priorities related to an inventory of the County's long-range needs, makes it difficult for the Supervisors to make coherent decisions which are program based and keyed to a plan which County staff and the public understand. Under such a system it is virtually impossible for the public to participate in defining goals and establishing priorities.

11. The new Youth Center (recently renamed "The Camp") is a prime example of the serious problems which can result if political pressure overwhelms the process, and if a project is opportunistic and not program based, and if there is no long-range plan or strategy nor agreed upon priorities to guide decision making. This is what occurred:

a. In 1994 Monterey County was sending juveniles to facilities outside the County and paying for their care at a rate which appeared to be higher than what the County could provide if local facilities were available.

b. It was the opinion of those in charge that if juveniles could be treated in the County, they could be closer to their families and offered greater opportunities for family integration and rehabilitation.

c. A facility became "available" and uncommitted funds were available from Proposition 172 (the State initiative measure which earmarked a portion of State sales tax revenues for "Public Safety") to fund projects which could be characterized as "Public Safety" projects.

d. The Board of Supervisors and the Probation Department decided that the opportunity offered by the "available facility and available funds" should be used for a new Youth Center in Monterey County.

e. This collaboration enabled the project to bypass a reasonable process of investigation and analysis.

f. The estimated cost of acquiring, remodeling and equipping the facility was \$2,335,184.

g. The estimated cost to date is over \$4,300,000, not including furnishings, telephones or program development

requirements. The final cost is yet to be determined.

h. Rather than a program being developed and a facility planned and designed to implement the program it is now necessary to fit the program to the facility.

i. Some observers are of the opinion that the facility will require more permanent staffing to operate than a facility planned from scratch to meet a well-designed program.

j. It is also the opinion of some observers that if a program for treatment of juvenile offenders had first been developed and a facility designed to meet the program needs, the resulting facility would be more effective in meeting the goals of rehabilitation and more cost efficient than the new Youth Center.

k. Because the Supervisors rushed into the project and required the staff to investigate the project under impossible deadlines, and because the Board of Supervisors and the Probation Department failed to develop a program based action plan, adequately consider alternatives and pursue a program designed to achieve a well thought out juvenile treatment system, the County has a project which will cost as much or more than a facility which would be more effective and efficient, in rehabilitating juvenile offenders.

12. The County has no post completion system for evaluating projects to determine whether the process worked effectively and whether mistakes were made which can be avoided in the planning and development of future projects.

13. There is no County system for prioritizing, scheduling and budgeting deferred maintenance of County facilities.

14. There is a countywide centralized purchasing system in place but some departments do not comply with the program. One department, which purchases millions of dollars of furniture, fixtures, equipment and supplies, bypasses the County purchasing system.

RECOMMENDATIONS:

The 1996 Civil Grand Jury recommends that the Board of Supervisors:

1. Develop an action plan which enables it to work effectively as a team in a routine and systematic way. The following options should be considered.

a. Scheduling a series of workshops directed by an experienced facilitator to address:

- (1) Working together as a cohesive team;
- (2) Recognizing, and setting aside personal agendas in the deliberative process;
- (3) Issue identification and problem alert systems; and
- (4) How to:
 - (a) Develop and implement a strategic plan with long-range goals;
 - (b) Establish priorities as a guide for budgeting, decision making, and resource allocation; and
 - (c) Establish a system for monitoring the performance of County management to ensure that defined priorities become the framework and point of reference for budgeting, resource allocation and decision making.

2. Develop a system to ensure that the governing and management structure and process adopted in 1992 (Ordinance 3610 Section 3, 1992) operates as set forth therein, and that effective prohibitions be enacted to insulate management and County staff from political pressure from one or more Supervisor.

3. Direct the County Administrative Officer to work with the Auditor-Controller's office to expedite the development of a performance audit system and at least one full time performance audit team, for doing routine performance audits of County departments and agencies. The system should include a series of training programs and workshops for Department Heads and Executive Officers of appropriate agencies to assist them in establishing effective and reliable internal performance measurement systems (Exhibit 4).

4. Direct the County Administrative Officer to implement the recommendations of the 1996 Civil Grand Jury set forth below.

The 1996 Civil Grand Jury further recommends that the Monterey County Administrative Officer:

5. Establish a formalized and well understood management system which enables Department Heads and key staff to participate in and contribute to the process of:

a. Identifying issues and needs of the County and its residents;

b. Developing a strategic plan defining long-range goals and setting priorities with a system for monitoring and updating priorities;

c. Establishing a system for resource allocation using the strategic plan and its priorities as a guide;

d. Developing cost saving measures;

e. Improving operational systems, methods and procedures; and

f. Developing problem alert systems.

6. Investigate the benefits which might be derived from an independent review and study of Monterey County's management system by experienced specialists who have a verifiable reputation for and a demonstrated expertise and effectiveness in public management systems. The review should focus on:

a. The structure and organization of Monterey County's management system;

b. Changes which may be necessary or desirable to deal more effectively and efficiently with County needs; and

c. Inadequacies in the system of oversight and supervision of County departments, agencies and functions which are resulting in or might result in operational and financial problems.

7. Present to the Board of Supervisors a system to ensure that the process adopted in 1992 (Ordinance 3610 Section 3, 1992) operates as set forth therein, identifying the specific benefits to be derived from such a system and the commitment required from the Board of Supervisors for the system to work. The CAO should request the Board to direct the implementation of the system with its full backing.

8. Develop and present to the Board of Supervisors a program and project analysis system and decision making process which identifies:

a. The issues and the alternatives;

b. The advantages and disadvantages of each alternative, the risks involved, the consequence of each alternative and the consequences of the failure to act;

c. The fiscal and budgetary implications of each alternative and what other projects or programs will have to be subordinated to the action recommended;

d. The reasons for the recommended course of action and what impact it will have on other programs and priorities;

e. The long-range implications of the decision including: the commitment of future funds and resources, the future staffing needs, the reliability of future funding sources, and whether the County can terminate the program or project without significant fiscal and employee problems;

f. How the decision meets the long-range goals, and priorities set forth in a County strategic plan; and

g. How the success of the project will be evaluated.

9. In cooperation with Department Heads and key staff, develop and implement a countywide program which encourages and enables County employees to:

a. Submit suggestions for improving operational methods, systems and procedures;

b. Develop cost saving methods and procedures;

c. Submit suggestions for improving employee morale;

d. Identify and report on unmet needs; and

e. Identify problems which come to their attention with suggestions for remedies.

The program should include a system of rewards for cost saving suggestions.

10. Develop a procedure for post completion project review and analysis and evaluation to ensure that future projects benefit from the methods which worked effectively and identifies problems which occurred during the project, why they occurred and how to avoid such problems in the future. The Youth Center project and the Natividad Medical Center should be used as the framework for developing such a procedure.

11. The County centralized purchasing system should be reviewed with two goals:

a. To determine if the system can be better designed and organized to ensure that equipment, furniture, fixtures and supplies are being acquired at the best available price; and

b. To build in an education, training, and compliance system which will ensure that the system accommodates the needs of all County departments, that every department and their key employees understand the system, have the opportunity to suggest changes and improvements, and that there is a monitoring and

enforcement process which ensures compliance with the system.

12. Work with Department Heads to establish a countywide system for employee training in decision making procedures so that decisions can be made at the point closest to the performance of essential tasks and by employees who deal with the public or their immediate supervisors. This program should include training in problem analysis, risk identification, problem solving and how to deal with difficult people.

13. Develop and present to the Board of Supervisors for review and adoption a deferred maintenance program for the County's buildings and facilities, with a list of priorities, a schedule and a budget. The program should include a system for facilities monitoring and priority updates.

14. Along with Department Heads, key staff and the Executive Officers of the Local Agency Formation Commission, Special Districts and Joint Powers Agencies (JPAs) whose Boards have some or all members appointed by the Board of Supervisors, the CAO should initiate a process for performing a periodic needs assessment and evaluation of the Agencies, Districts and JPAs focusing on:

- a. Whether an Agency, District or JPA is still needed;
- b. Whether the functions performed are essential and affordable;
- c. Whether the functions, if still needed, can be performed as well or better by another agency;
- d. Whether consolidation of some agencies will result in more effective and efficient operations and providing of services;
- e. Whether a performance audit is needed; and
- f. Whether training updates for Board members and Agency staff are needed.

Such a joint effort could take the form of an Agency Management Council which should share and coordinate innovative management techniques, quality control systems, and effective operational methodologies. Such a Council could also focus on identifying overlapping and duplicative functions in the County or the region with an eye to reducing the cost of government services and providing better services. An example might be a centralized or at least a coordinated purchasing system. Other consolidation or coordination of essential services or functions could emerge from such a Council.

SOME FINAL THOUGHTS:

The reader is reminded that in these days of ever increasing demands on County government and declining revenues and resources the governing and management of every California county is fraught with problems. With its massive area, unique terrain, its broad economic base and its cultural diversity, Monterey County government faces unique and formidable challenges. The 1996 Civil Grand Jury is impressed with many of the individuals responsible for making the County work, and their commitment to serving effectively the needs of the residents. The 1996 Civil Grand Jury is convinced that the County can benefit from a restructuring of the management process and the development, by the Board of Supervisors, of a vision for Monterey County in the form of a strategic plan with defined goals and priorities.

RESPONSES REQUIRED:

Monterey County Board of Supervisors

Recommendations # 1 through # 14

Monterey County Administrative Officer

Recommendations # 1 through # 14

EXHIBIT 1

MANAGEMENT SURVEY

1. Please provide a narrative description of your understanding of the system of oversight and supervision of your Department by the CAO's office. Is oversight and supervision effective? Is there constructive criticism? Is oversight and supervision proactive or reactive? Is there a system for setting priorities?

2. After you have completed the narrative description please respond to the following questions:

a. Outline the formal policy and procedure, if any, for communication with and reporting to the CAO office.

b. Describe the actual process for communication with and reporting to the CAO office. Regardless of the policy and procedure, how is communication and reporting carried out?

c. What communication is there between your office and the CAO staff other than by reports initiated by you:

(1) Routine written reports on a scheduled basis, quarterly, monthly, weekly, other?

(2) Informal discussions initiated by you, by the CAO office?

(3) "Call me if there is a problem" system?

(4) Other (please explain).

d. Is there a system for participation by Department Heads in management decisions, issue identification and problem solving, such as regular cabinet meetings involving all Department Heads and the CAO staff:

(1) If such a system exists, is it effective?

(2) Can the process be improved, if so, how?

(3) Do you feel that a process involving all Department Heads, identifying issues, problem solving, discussing innovative ideas and solutions, and management and administration issues would be useful and constructive?

(4) If you do not feel that such a process would be useful, it is because:

(a) The CAO staff would not be responsive to

such a process.

- (b) Administering such a process is not a priority or emphasis of the CAO staff.
- (c) You do not feel that there would be any follow-up to suggestions.
- (d) Political problems would hinder the process.
- (e) Other, please explain.

- (5) Do you feel that the CAO staff would be responsive to and effective in organizing and administering a Cabinet process in which all Department Heads become involved in identifying issues and problem solving?
- (6) If you feel that a process involving Department Heads in identifying issues and problem solving would not be useful, please explain why and explain what process you think would be most effective.

3. Do you feel that inquiries, pressures or demands from individual members of the Board of Supervisors interfere with the effective management of the County?

4. If you were convinced that a Management Study would be done well, by experienced, talented, dedicated experts in County management, do you feel that a Management Study of the CAO's office and its management system would be useful, constructive and productive? If not, please explain why you feel that such a study would not be effective and useful.

a. If you feel that political pressures interfere with the effective management of the County, please provide specific details of your observations, judgments or understandings.

5. Please prepare a list of issues and problems which you feel should be addressed in a Management Study of the CAO's office and its supervision and oversight of Monterey County operations along with your reasons why such issues and problems need to be addressed.

6. If you were a member of the Grand Jury, what questions would you ask about:

- a. Management of the County and its Departments.
- b. The method used for setting priorities, allocation

of resources, performance reviews, cost controls and methods for improving Departmental operating systems.

7. If you were asked to serve as CAO for a two-year period and were directed to take steps to improve the effectiveness and cost effectiveness of the County's operations, and you were assured of political support for your efforts, please explain in detail what changes you would make and assign priorities to the suggested changes.

8. Does your Department have a system for identifying unmet needs and setting priorities for meeting these needs. Please provide details.

9. Does your Department have a system for employee participation and input on issues such as:

a. Improving operational methods, systems and procedures?

b. Cost saving ideas?

c. Morale improvement?

Please provide details. (Please note this question is not addressed to grievance procedures.)

10. Does your Department have any "alert" system which enables you and your staff to anticipate potential problems and deal with them before they occur and before they produce serious and costly consequences? Please provide details.

11. Do you have any incentive program to encourage staff and employees to develop cost saving ideas and improved methodologies? Please provide details?

12. Does your Department have a system of routine performance reviews, evaluations and constructive critiques? Please provide details.

13. Does your Department have continuing education programs? Do you and your staff consult and confer with Departments and Agencies in other counties and communities to research and discover new ideas for improving departmental efficiency, effectiveness and cost effectiveness? Please provide details.

14. Does this Survey stimulate any thoughts, ideas, suggestions or areas of inquiry? Please give us the benefit of your reactions, suggestions and ideas regarding how to make this inquiry more constructive and effective.

Thank you for taking the time to seriously consider these questions and for offering your reactions, thoughts, ideas and suggestions.

EXHIBIT 2

Bibliography

New Paradigms for Government, by Patricia W. Ingraham, Barbara S. Romzek and Associates, Jossey-Bass Publishers, San Francisco, 1994.

Beyond Reengineering, by Michael Hammer, published by Harper Business, a Division of Harper Kollina Publishers, First Edition 1996.

Really Reinventing Government, by Peter F. Drucker, The Atlantic Monthly, February 1995.

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DAN WALTERS

County government structure fatally flawed

SACRAMENTO — If one set out to design a structure of government that could not work, it probably would resemble county government in California, to wit:

■ There are five co-equal county supervisors and no elected administrative head of government, so no one is really accountable;

■ Many of a county's most critical functions, including law enforcement, are administered by separately elected officials who have no mandate to cooperate with the supervisors on any overall policies;

■ A county must provide certain services to everyone within its boundaries but city governments largely control land use, which affects transportation, sales tax distribution and population growth;

■ Most of a county's spending, especially in health and welfare



matters, is dictated by the governor and Legislature;

■ A county has virtually no revenue flexibility. The state can, and often does, arbitrarily grab even local property tax revenues and divert them to make the state's books balance, leaving county officials to cope as best they can.

These conditions afflict all of California's 58 counties (except for the City and County of San Francisco, which has its own unique structure), from Alpine County, which has about 1,200 residents, to Los Angeles County, with more than 9 million. The system doesn't work well anywhere, but it works

at least well in the state's highly urbanized counties, with their myriad social and economic conditions and confrontational, media-heavy, race- and class-based politics.

The bankruptcy of Orange County was a direct result of the organizational structure. A separately elected county treasurer engaged in highly speculative investments and county supervisors looked the other way, unwilling or, they say, unable to curb what he was doing.

The near-bankruptcy of Los Angeles County is another case in point, one underscored by the resignation this month of Sally Reed, who had been the county's chief administrative officer for three years.

Reed quit — to become the state director of motor vehicles — in frustration at having to deal with a highly fragmented Board of Supervisors, which responded to a years-long financial crisis, born of recession and the state's cavalier attitude toward county finances, by burying its collective head in the sands of the county's flabbed beaches.

Divided along ethnic and ideological lines, the board refused to make the tough choices that Reed presented. Supervisors borrowed and mortgaged and when bankruptcy loomed, they appealed, in effectually, to the state for a bailout. Unable to present a united front, individual supervisors schemed among themselves and used friendly legislators in Sacramento as surrogates for their internal wars, often changing their demands 180 degrees or smight.

The supervisors got virtually nothing from the Capitol, but President Clinton stepped in with a federal bailout to keep county health clinics from shutting their doors. It didn't solve anything and merely bought some time.

Los Angeles' supervisors compounded the problem by their internal discord, but the root of their dilemma was a structure of county governance and financing that defies logic and cannot, in the long run, function effectively. It's a system designed for 19th-century rural counties that has been distorted by 20th-century politics and is incapable of dealing with the issues of the 21st century.

Doing something about that structure, something that would improve accountability and flexibility, should occupy a high place on the political agenda, but the Legislature and governor ignore the problem and the California Constitution Revision Commission's proposed reforms merely nibble at the edges.

(Dan Walters writes for Scripps-McClurely Western Service.)

XXXXXXXXXX

EXHIBIT 4

Because of problems which were well known and had continued for years and had become worse and worse, a "performance audit" was conducted of the Family and Children's Services Division of the Department of Social Services. Rather than audit the entire Department to determine how such a situation could occur and persist, without correction, the audit focused only on the specific Division.

This situation caused the 1996 Grand Jury to inquire into whether there is a system for and a capability within County government to do scheduled performance audits of County departments, and County agencies. An effective day-to-day management system will have difficulty identifying all potential and actual problems when one considers the scope and diversity of the responsibilities and functions of County government. A process for periodic and independent performance measurement is essential to ensure that County departments are fulfilling their functions in an effective and cost efficient way and not lapsing into an attitude of "well that's just the way the system works" when the system is not working.

APPOINTMENTS BY THE BOARD OF SUPERVISORS TO
BOARDS, COMMISSIONS AND COMMITTEES

BACKGROUND/INQUIRY PROCESS:

On the basis of interviews conducted by the 1996 Grand Jury it is evident that there is no standard procedure for recruiting, screening, and training for the Board of Supervisors' appointees to Boards, Commissions and Committees. Some appointees oversee multi-million dollar budgets, and complex agencies and issues. Many of these Boards, Commissions or Committees have some or all of the following responsibilities:

1. Defining mission, establishing policies, approving programs, setting priorities;
2. Hiring, supervising, evaluating and, when necessary, terminating the Chief Executive Officer of the Agency;
3. Reviewing and approving budgets and monitoring budget compliance;
4. Monitoring agency performance;
5. Monitoring customer satisfaction; and
6. Reviewing need for continued existence of an agency, considering the possible merger of an agency with another agency, i.e., can the mission of the agency be transferred to another agency or is consolidation with another agency advisable.

ISSUE:

Would it be beneficial for the County to have a standard procedure for recruiting, screening, selecting and training appointees to various Commissions, Committees and Boards?

FINDINGS:

1. The Board of Supervisors has to make appointments to some 52 Commissions, Committees, and Boards, most of which have a minimum of five members.

2. Each Supervisor has a unique approach to recruiting, screening and selecting appointees.

3. Any orientation and training is left to the discretion of the individual agency and its existing Board.

4. There is no system for monitoring or enforcing appointee attendance.

RECOMMENDATIONS:

The 1996 Civil Grand Jury recommends that the Monterey County Board of Supervisors:

1. Adopt policies for recruiting and screening appointees to Agencies, Commissions and Advisory Committees.

2. Encourage Boards, Commissions and Committees to develop formal orientation and briefing programs for new appointees.

3. Require appointees to attend orientation and briefing programs.

4. Require agencies to adopt attendance guidelines and establish a policy for removal of members who do not meet these standards.

5. Require training of appointees which includes the appointees' responsibilities as a Board, Committee or Commission member, the mission of the Agency and the legal responsibilities of the appointee and a full understanding of the Brown Act.

6. The recommendations stated above could be carried out by a sub-committee established by the Board of Supervisors.

RESPONSE REQUIRED:

Monterey County Board of Supervisors

MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT

BACKGROUND:

The Monterey Bay Unified Air Pollution Control District is a three-County Agency, covering Monterey County, Santa Cruz County and San Benito County. Its 1996-97 budget is \$7,000,000 plus. The District has 43 permanent, full-time employees. The Executive Director of the Agency is called the Air Pollution Control Officer. In 1994 the District Board terminated the Air Pollution Control Officer.

There has been no recent independent inquiry into the operations of the District by a Monterey County Civil Grand Jury. In light of the termination of the previous Air Pollution Control Officer, the 1996 Civil Grand Jury interviewed the new Air Pollution Control Officer, reviewed the 1995-96 and 1996-97 budgets, interviewed the Chair of the Board of the District and reviewed other materials related to the operations of the District.

ISSUES:

Because of the very specific and technical nature of its mission, the District has usually employed individuals with only technical education, training, background and experience to manage the District. As noted, the Executive Officer's title implies that his or her essential responsibility is to "control" air pollution. While this is the mission and responsibility of the District, at least fifty per cent (50%) or more of the functions and responsibilities of the Air Pollution Control Officer are:

1. Management of the Agency on a day-to-day basis;
2. Personnel management: hiring, supervising and overseeing the employees of the Agency, establishing and monitoring performance standards, establishing training systems, and standards, ensuring that employees meet the standards, and taking the necessary steps to enforce the standards by appropriate discipline and termination procedures;
3. Monitoring legislative and regulatory changes and updating local regulations and job assignments to ensure

compliance;

4. Reviewing District goals and priorities and presenting to the Board of Directors proposed updates or changes in the goals and priorities;

5. Supervising the compilation of District budgets and monitoring budget compliance;

6. Reviewing and revising organizational, and operational systems and methods to ensure effective and efficient operations; and

7. Organizing issues and agendas for the Board of Directors of the Agency covering:

a. District policies;

b. Priorities;

c. Short-term and long-range goal planning; and

d. Identifying and defining financial and staffing implications and risk factors involved in any decision item presented to the Board.

It is apparent that many of the functions and responsibilities of the Air Pollution Control Officer are management functions. While the Chief Executive Officer of such an Agency must have enough technical knowledge and insight to be able to oversee and monitor the effort to carry out its mission, the title and job description should reflect the actual role expected of the individual. Otherwise recruitment and screening of applicants for the position can result in the hiring of an Executive Director with exceptional technical qualifications but without the essential management training and skills which are essential for the effective operation of an Agency with over 40 employees and a \$7,000,000 budget.

The present Air Pollution Control Officer has a technical background. He acknowledges that at least fifty per cent (50%) of the job is management. He has pursued the development of management skills through on the job training, courses and seminars throughout his career and continues to refine these skills.

The 1996 Grand Jury commends the effort of the Air Pollution Control Officer to improve his management skills and the management of the Agency.

As is the case with most public agencies, there are insufficient revenues, staff and resources to do "everything" that is desirable to improve and maintain the quality of our

precious and vital air resources in the region. It is therefore essential that the District carefully inventory what needs to be done, and establish a system of priorities which will guide the enforcement effort. To this end the Air Pollution Control Officer should bring before the District Board, in a workshop setting and structure, a review of what needs to be done, what is being done and what can't be done because of lack of funding, staff or resources. This inventory, review and analysis should include a recommended set of priorities for the Board to review, refine and adopt.

Such an effort will enable the public as well as the Board to review the priorities and provide input. This process will also avoid confusion among the staff, the Board and the public about the Agency's goals and priorities and provide clear direction to the staff.

The regulation and the monitoring and enforcement activities of the District significantly affect the operations of many local businesses. Since emissions do not remain within political boundaries, air quality is, of necessity, a regional issue. It is logical, therefore, that the District embrace three counties. However, this arrangement diffuses responsibility and results in some isolation of the Agency. While residents receive daily reports from the media about the activities of City Councils and the County Board of Supervisors and the consequences of their action there are few reports and little awareness among the general population of the governing and operation of the Air Pollution Control District.

Those businesses subject to regulation and enforcement action and which frequently deal with District employees are, of course, aware of the District and its powers and responsibilities. The District has practically no visibility to the general public unless there is a problem within the Agency.

Since the District's actions impact all of our lives and certainly impact regulated businesses it seems appropriate for each city within the District and the County Board of Supervisors to have a detailed briefing about the activities of the District and its impact on local businesses and agencies at least once a year. Such briefings should be well publicized.

FINDINGS:

1. The Monterey Bay Unified Air Pollution Control District with 43 employees and a budget of over \$7,000,000 needs a Chief Executive Officer with demonstrated management training and skills.

2. The emphasis on technical education, training and experience as the primary qualification for the Chief Executive Officer (Air Pollution Control Officer) of the District and the

failure to require demonstrated management training, skills and experience may have been one of the sources of past problems of the District.

3. The present Air Pollution Control Officer recognizes that the position requires management skills and training. Although his education and training are technical, he has taken management training and has developed management skills and experience through his work in other agencies. He is continuing his development and training in management.

4. The District has not undertaken a formal, detailed needs assessment as a basis of establishing a set of priorities for air quality regulation and enforcement within the available revenues, and resources of the District.

5. The District has no formalized system for briefing City Councils and Boards of Supervisors on its activities and priorities.

RECOMMENDATIONS:

The 1996 Civil Grand Jury recommends that the District Board:

1. Review the job description for the Chief Executive Officer (Air Pollution Control Officer), the job qualifications, and the requirements of the position, to determine whether the qualifications should include education, training and experience in management and demonstrated management skills.

2. Direct the Air Pollution Control Officer to conduct a needs and a capability assessment of the District based on reasonable revenue expectations and its ability to provide staffing to meet the identified needs within the District. Based on this review and analysis, the Air Pollution Control Officer should be directed to propose a set of priorities which can be reasonably achieved within the District's revenues and resources. These proposed priorities should be reviewed, revised as needed and adopted and used as a guide for staff in carrying out the mission of the District.

3. Request that each City Council in the District and the Boards of Supervisors schedule a special session, at least annually, for a briefing by the District staff covering the priorities and the activities, of the District with particular emphasis on how the activities within each jurisdiction affect the air quality of the region and how the regulatory activities of the District impact the businesses within the jurisdiction. The briefing should be well publicized so that local businesses and the public can participate.

RESPONSES REQUIRED:

Monterey Bay Unified Air Pollution Control District Board -

Recommendations # 1 and 2

All Monterey County City Councils - Recommendation # 3:

Carmel

Del Rey Oaks

Gonzales

Greenfield

King City

Marina

Monterey

Pacific Grove

Salinas

Sand City

Seaside

Soledad

Monterey County Board of Supervisors -

Recommendation # 3

FACILITIES AND CONSTRUCTION CAPITAL PROJECT PROCEDURES
IN MONTEREY COUNTY

BACKGROUND/INQUIRY PROCESS:

Because of publicity regarding budget over-runs in the new Youth Center, the Grand Jury undertook an inquiry to determine whether there was adequate planning, architectural designing, technical analysis, and costing-out for the evaluation of comparison cost estimates for the renovation of the Alisal Community Hospital facilities located at 970 Circle Drive in Salinas and/or the Natividad Boys Ranch for use as a Youth Center and delinquency Prevention Facility.

The Grand Jury looked into whether the technical analysis of the Community Hospital facilities was conducted in a "hasty" manner as a result of political pressure, thereby causing acceptance of inaccurate cost estimates and evaluations for both projects?

In addition, the Grand Jury looked into whether there were adequate written procedures in place for monitoring on-site construction costs with emphasis being placed on the prevention and control of over-run costs for County Youth Center construction project in the planning, costing-out and administration phases of the capital projects?

The Grand Jury reviewed County reports and inspections, and reports submitted by: the "architect of record" for the Community Hospital; "architect of record," general contractor and sub-contractors for the Youth Center, and minutes of the Board of Supervisors. A detailed history of the handling of the project is set forth in Exhibit 1.

On-site visits were conducted at the Community Hospital and Natividad Ranch properties.

Interviews were conducted with personnel from the following County offices:

Board of Supervisors

County Administrative Officer

Support Services (Facilities and Construction Management)

Management and Finance

Department of Public Works

Department of Probation

ISSUE:

1. Two locations were considered for the Department of Probation's program: Natividad Boys Ranch and the Alisal Community Hospital which were both vacant at the time of the site selection. The selection of the hospital was based on erroneous and incomplete data which was gathered in an accelerated manner, and the cost of the renovation of this building resulted in unnecessary expense to the County.

2. Was there an effective planning, architectural designing, technical analysis, and cost-out (construction dollars) for the Department of Probation's Youth Center and Delinquency Prevention facility?

3. Was there an effective system for monitoring and on-site managing of this facility construction project by the County during the construction phase?

4. Could the excessive cost over-run for the Youth Center and Delinquency Prevention facility construction project have been eliminated or reduced by improved County planning, technical analysis, costing-out, administering, and managing of this project?

5. Was the time frame established by the Board of Supervisors and Department of Probation for the site selection, technical analysis, planning (including scope and budget) of the Youth Center politically motivated by an effort to accelerate the decision making process?

FINDINGS:

1. The process for obtaining approval from the Board of Supervisors by the Department of Probation for the site selection and construction costs was done outside the scope of normal County procedures resulting from political pressure.

2. The time allowed as established by the Department of Probation and the Board of Supervisors for this capital project was unrealistic thereby leaving no time for an adequate technical analysis of the Community Hospital facility by County Departments.

3. The report prepared by the hospital's "architect of

record" was insufficient, allowing no time for verification by the County Departments.

4. The Board of Supervisors and County Departments failed to give full consideration for utilizing the Natividad Boys Ranch as a youth "Camp." The prior use of this property as a "Camp" program for juveniles provided an income source for the County.

5. Department of Probation took the lead role in this project without the required expertise in facilities and land acquisition, and relied on misleading and incomplete reports.

6. Changes by the Department of Probation in the scope and budget of the program during the renovation process contributed to the ongoing increases in expenditures for this project.

RECOMMENDATIONS:

The 1996 Civil Grand Jury recommends that:

1. The Board of Supervisors follow the County's established procedure for detailed evaluation and technical analysis of all capital projects for their approval. This would control initial project expenditures and better control budgeted-cost over-run.

2. The County Administrative Office and Support Services provide adequate time for each capital project to allow adequate planning and technical analysis.

3. The Board of Supervisors require a detailed, accurate, and timely evaluation of the Natividad Boys Ranch property be conducted to assess its desirability for future income producing programs. This will ensure that the property will not remain "unused" and continue to deteriorate.

4. County Administrative Office be completely responsible for managing all facility projects from initial planning phase to completion of construction/renovation. This would include post-completion review of the project to ensure that engineering expertise was utilized throughout the entire project.

5. County user departments must demonstrate a finalized program description prior to approval by the Board of Supervisors to prevent major costly change orders during the construction/renovation of facilities.

RESPONSES REQUIRED:

Monterey County Board of Supervisors

Recommendations # 1 through # 5

County Administrative Officer

Recommendations # 1, 2, and 4

Monterey County Probation Department

Recommendations # 3 and 5

Support Services of Monterey County (Facilities and
Construction)

Recommendations # 1, 2, 4, and 5

Exhibit 1

The following facts were gathered from various written reports and minutes from the Board of Supervisors' meetings:

- December 7, 1993- Board of Supervisors directed Probation Department to move as "rapidly" as possible identifying funding and program (Delinquency Prevention facility) initiatives with Prop. 172 and to report back to the Board on March 1, 1994.
- February, 1994 Department of Public Works established a Task Force (Department of Health, Planning and Building Inspections, Support Services) to assess feasibility of converting the Natividad Boys Ranch or the Community Hospital into a Youth Center and delinquency Prevention facility. These two sites were visited on February 11, 1994 and March 4, 1994.
- March 4, 1994 County Administrative Office advised Probation to obtain a professional and technical evaluation of the hospital if site was to be used for a Youth Center.
- March 7, 1994 Public Works issued a Preliminary Field Assessment of \$2,680,000 for Natividad Boys' Ranch to be brought up to "code", and to provide the additional module buildings necessary to complete the desired physical plant.
- March 15, 1994 Site selection for the Youth Center shifted from the Natividad Boys' Ranch Property to the Community Hospital facility. Department of Probation reported to the Board of Supervisors the purchase price for the hospital was \$1,650,000. The costs for building repairs and code compliance, abate asbestos, bathrooms/showers, etc., **were not determined at this time.** Board of Supervisors approved in concept, and directed that a technical study on the hospital be conducted, and report back to the Board on April 12, 1994. (Report was not submitted until May 3, 1994).
- March 18, 1994 "Architect of record" for the Community Hospital estimated the cost of conducting a "cursory survey" of the building and parallel schematic design at \$8,000.
- April 13, 1994 Survey of hospital was conducted by "architect of record", and maintenance (includes electrical, plumbing, mechanical, and asbestos removal) cost

estimated at \$119,600. Report stated that building was in "good condition". Probation wanted to begin occupation of the facility by **January 1, 1995**.

- April 28, 1994 Preliminary budget of \$400,000 - \$450,000 for remodel of Community Hospital was estimated by General Contractor.
- May 3, 1994 Probation reported to Board of Supervisors that financing and budgeting was based on a 60-bed Youth Center.
- May 11, 1994 Appraisal received in the amount of \$1,150,000 covering the Community Hospital.
- May 17, 1994 Board of Supervisors authorized County Administrative Office and County Counsel to negotiate purchase price for property.
- June 21, 1994 Purchase price for hospital property was negotiated at \$1,100,000. Facility modifications were estimated at \$1,094,000 (original budget).
- December, 1994 Architect was chosen (RFP process) for the project, at which they expressed serious concern about a number of facility deficiencies and necessary code upgrades as required by the change in occupancy use. The architectural and engineering designs are to be completed in two phases.
- April 25, 1995 The project was revised in scope and budget for an estimated cost of \$2,392,316 with the increase in total number of beds (87) which included a girls' unit, and increase in kitchen capacity.
- September 5, 1995- Board of Supervisors authorized advertising for construction bids covering the Community Hospital property.
- October 24, 1995- Contract for construction was awarded in the amount of \$2,020,163 plus ten percent contingency amount of \$202,016 for a total of \$2,222,179. Total budget amount increased to \$2,690,580.
- March 26, 1996 Change order to increase contingency fees by an additional \$160,000 for a new amount of \$363,016. Total budget increased to \$2,850,580.
- May 21- June 12, 1996- Change order for \$280,266 requested. Total budget increased to \$3,130,846.

September 24, 1996- Change order for \$113,031 requested. Total budget increased to \$3,243,877.

November 5, 1996- Probation requested to change designation from Youth Center and Delinquency Prevention facility to "The Camp." Approved by the Board of Supervisors despite being rejected as a use for the Natividad Boys Ranch property in March, 1994.

Estimated cost to-date for acquisition of property (32,160 sq. ft. - \$97.00 per square foot), and renovation is approximately \$4.3 million.

SECURITY AND PUBLIC SAFETY
IN
MONTEREY COUNTY COURTHOUSES

BACKGROUND:

During every business day many individuals spend time in Monterey County Courthouses. They are there because they need permits or services which are only available from the County. People are there because it is where they work. Individuals seeking relief from the courts, along with their lawyers and support staff use the courthouse. Other citizens are there because their presence is legally required as jurors, or witnesses.

All Monterey County Courthouses offer uncontrolled access. Even some of the most sensitive areas of the Courthouses are accessible to members of the public.

Violent events have occurred in Courthouses throughout the United States. There have been shootings by dissatisfied litigants in child custody, domestic relations and criminal cases. Many will remember the mother who, a few years ago, shot the defendant accused of sexually abusing her child, right in the courtroom. A few years ago a prisoner in a Monterey County courtroom tried to grab a Bailiff's gun and was shot and killed on the spot.

Monterey County Courthouses are often crowded with people there for court proceedings. Some are friends and families of individuals accused or convicted of serious and violent crimes. Some are witnesses to crimes. With the increasing gang activity in the County, members of gangs are frequently in the Courthouse. Some are present because one of their gang members is before the court accused or convicted of a crime. Others may be present because a fellow gang member has been killed or injured by a member of a different gang who is on trial or has been convicted of the crime.

Other individuals may be present as friends, families or supporters of litigants in domestic disputes or child custody cases. While these cases are more benign than gang related incidents, they are still charged with passion and potential for violence.

Anyone can walk into Monterey County Courthouses with a weapon or an explosive device. Since there are no monitoring systems at any of the access points, individuals, who are so armed, will not be discovered unless they attempt to enter a courtroom which has a monitoring device in operation.

Access to courtrooms is sometimes monitored when there is a high profile case which the Judge feels poses a security risk. But even in those cases, witnesses, families, friends and observers, friendly or otherwise, enter and leave the courtroom and gather in the hallways. They may have weapons in their possession. Under present conditions there is no way of knowing whether anyone has weapons in their possession.

Many individuals accused or convicted of violent crimes are brought from the County jail into the North Wing of the Salinas Courthouse for court appearances. From a holding area they are escorted through an open area to the Courthouse. Even though these individuals are "secured" with chains or handcuffs or both, they are vulnerable to attack while in the open area. Since their route is well known it has been reported that friends have planted weapons and drugs within easy reach as the prisoners walk to the Courthouse.

Concerns over "Security" in the Salinas Courthouse prompted the County to budget \$13 million to relocate all non-court functions to another facility and concentrate all Salinas based court functions in the North Wing of the Courthouse. This plan is designed to "secure" all of the Salinas based court facilities, the Judges and their chambers, the courtrooms, support personnel, and the Clerk's office.

It will be approximately eight years before this "secure" arrangement is in place. Meanwhile, the public and the employees of the facility will remain at risk. Furthermore, because the North Wing will have to be retrofitted to provide security, there is concern whether the retrofit will provide a workable solution. Since the administrative functions housed in the Courthouse have little or no need for controlled access and security arrangements, the decision to relocate administrative functions in a new facility and retrofit the older facility to provide security for the court system should be re-evaluated.

INQUIRY PROCESS:

The Grand Jury interviewed members of the Board of Supervisors, Court Officials, other County employees and the Sheriff's Department. During 1996 members of the Grand Jury observed the comings and goings in the Salinas Courthouse complex, the Courthouse in Monterey, and the Juvenile Court. The Grand Jury observed the access to sensitive areas and observed the monitoring or lack of monitoring of access to such areas.

Members of the Grand Jury observed people leaving courtrooms in agitated states and gathering in the hallways. We observed law enforcement officers entering the Courthouses with weapons exposed and so positioned that, to a layman's eye, it appeared as if anyone who desperately wanted to seize a weapon could do so.

ISSUE:

Are members of the public who have to use Monterey County Courthouses being exposed to undue risk because of lack of security measures?

FINDINGS:

1. Access to Monterey County Courthouses is uncontrolled and not subject to monitoring.

2. From information developed by the Grand Jury it is evident that control of access to Courthouses, and sensitive areas, can be accomplished without major physical changes or undue expense.

3. Controlled access to Courthouses will cause some inconvenience to individuals who seek services from County Departments which are not Court related.

4. The inconvenience to members of the public, caused by controlled access to Courthouses, will be more than offset by the elimination of security risks to the public who has to use the Courthouses.

5. The present arrangement, allowing anyone to enter County Courthouses, without any monitoring, subjects those whose presence is required, to an unreasonable risk.

6. Monitoring access to Courtrooms during high risk cases is not an adequate security measure to protect the public whose presence in the Courthouse is required.

7. The general perception is that a tragedy in one or more of the Courthouses is inevitable unless adequate security measures are promptly installed.

8. The cost of installing adequate security measures in Monterey County Courthouses, and the inconvenience to the public from maintaining controlled access to the facilities, will be less than the financial and human costs of a tragedy or tragedies which seem likely to occur.

RECOMMENDATIONS:

The 1996 Civil Grand Jury recommends that:

1. The Board of Supervisors direct the County Administrative Officer promptly to develop, in cooperation with the Sheriff's Department and the Courts, a plan for providing controlled and monitored access to Monterey County Courthouses and sensitive areas in the Courthouses.

2. The Sheriff's Department work with the County Administrative Officer's office in the development of such a controlled access plan.

3. The Board of Supervisors assign a high priority to the Courthouse security problem in the 1997-98 budget.

4. The Sheriff's Department promptly develop a plan, along with a cost analysis, which will avoid the necessity of bringing prisoners into the North Wing of the Salinas Courthouse except when absolutely necessary under current legal requirements. The plan should be presented to the Board of Supervisors for review at the earliest possible date.

5. The 1996 Grand Jury urges the 1997 Grand Jury to undertake a detailed inquiry into the issue of Courthouse security, the decision to concentrate all Salinas Courts in the North Wing of the Salinas Courthouse, and the risks and problem faced by the public if this problem is not appropriately and timely addressed.

RESPONSES REQUIRED:

Monterey County Board of Supervisors

Recommendations # 1 and 3

County Administrative Officer

Recommendations # 1 and 2

Monterey County Sheriff

Recommendations # 1, 2, and 4

CITY OF SALINAS -
PROCEDURES FOR MAKING APPOINTMENTS
TO BOARDS AND COMMISSIONS

BACKGROUND:

The inquiry into the City of Salinas' procedures for making appointments to City Commissions was initiated following reports by the news media and local civic organizations of poor attendance by City Council appointed Commission members and long-term vacancies on City Commissions resulting in lack of quorums for scheduled meetings.

INQUIRY PROCESS:

The 1996 Grand Jury interviewed the Mayors of Salinas and Greenfield, interviewed the President of the League of Women Voters of Salinas, and conducted a survey of the cities of Carmel, King City, Monterey and Seaside on their procedures for recruiting, screening, appointing, orienting, training and evaluating of Board and Commission members (Exhibit 1).

Salinas City documents outlining procedures for recruiting, screening, appointing, orienting, training and evaluating performance and attendance of Board and Commission members were reviewed.

ISSUE:

Does the City of Salinas (hereafter referred to as "City") have an effective process for:

1. Recruiting and screening applicants for appointments to Boards and Commissions?
2. Orienting new appointees to Boards and Commissions?
3. Monitoring the attendance of the appointments to Boards and Commissions?
4. Determining causes of poor attendance by members of Boards and Commissions?

5. Determining causes for prolonged vacancies on Boards and Commissions resulting in the lack of quorums for scheduled meetings? Is the present system of tying the tenure of the appointee to the tenure of the appointing council member creating a vacancy or quorum problem?

FINDINGS:

1. A section of the City Code ties the term of members of some City Commissions to the term of the appointing Mayor or Council members. This has resulted in vacancies on Commissions for prolonged periods. These vacancies have contributed to the lack of quorums, thus causing scheduled meetings to be cancelled.

2. The lack of uniform attendance standards for all city Boards and Commissions has contributed to the poor attendance.

3. There is no formal orientation program for newly appointed members of Boards and Commissions.

4. The City policy statement for appointments to Boards and Commissions provides for a well diversified makeup of the community.

RECOMMENDATIONS:

The 1996 Civil Grand Jury recommends that:

1. The Mayor and City Council of Salinas establish a policy for appointments to Boards and Commissions that incorporates the following:

a. Advance posting/publishing notices of vacancies and their specific requirements;

b. Posting availability and location of applications;

c. Establishing a screening committee and defining its duties; and

d. Establishing a system for making recommendations for appointments.

2. The Mayor and City Council of Salinas develop a orientation program for all new appointees.

3. The Mayor and City Council of Salinas develop a training program for Board and Commission members and encourage members to attend conferences, workshops, and to utilize other opportunities for personal and professional training. All Board and Commission members should be briefed on the City's policy for training and

travel reimbursement.

4. The City adopt standard procedures for attendance and specified grounds for removal for lack of attendance.

5. Require that Boards and Commissions submit to the City attendance records for all members.

6. The City consider a specific term of office for all members of Board and Commissions.

7. The City appropriately acknowledge the service of appointees on completion of the term or on resignation for good cause.

CONCLUSION:

In our survey of cities we found that the City of Monterey has in place an excellent program for recruiting, screening, briefing and training applicants for City Boards, Commissions and Committees. The City monitors attendance and performance of members of its appointive bodies. Monterey has an exemplary program for acknowledging the service of and expressing appreciation for the contributions of the public spirited citizens without whose volunteer time and services the City could not function effectively. The Monterey program could serve as a model for other cities.

RESPONSES REQUIRED:

Mayor of the City of Salinas

City Council, Salinas

Grand Jury



P.O. Box 414
Salinas, CA 93902
(408) 755-5020

August 22, 1996

The 1996 Monterey County Civil Grand Jury is interested in the process followed by cities in recruiting, screening, appointing, briefing, training, and monitoring the performance of members of Boards, Commissions, and Advisory Committees which are appointed by City Councils.

We will sincerely appreciate your response to the following questions. Realizing the significant demands on your time, it will be very helpful to have your response by September 30, 1996.

1. What recruiting, selection and screening process is used for selection and appointment of members to Boards and Commissions?

a. How many positions on Committees, Boards or Commissions are subject to appointments by the City Council?

2. Do you review the background and experience of potential appointees to Boards and Commissions?

a. What qualifications (education, community experience, other experience, or other qualifications) are required of appointees to City Boards and Commissions and Committees?

3. Do you have formalized briefing, orientation and training programs for appointees to Boards and Commissions? We respectfully request that you provide us with copies of any briefing materials or guidelines used by you or your Departments for briefing, orientation and training of appointees to Commissions or Boards.

4. Do members of Boards and Commissions receive formal orientation or training before they begin making decisions?

5. Do your briefings, orientations and training programs cover:

- Boards?
- a. Roles and responsibilities of members of governing Boards?
 - b. How to be an effective member of a governing Board?
 - c. Exercising effective oversight and supervision of staff and programs.
 - d. Board organization, management and effective committee structure.

6. Are training programs offered to appointees? (Does the City pay tuition, travel expenses or per diem for appointees to attend training programs?)

7. Do you have any system for monitoring attendance at meetings, participation in ongoing training, continuing education, participation in subcommittees and efforts to develop innovative programs by Board members appointed by the City Council?

8. If you have such a monitoring system, please provide us with any written guidelines, procedures or manuals used for such monitoring.

9. Do you have any system in place for evaluating the performance of appointees? If so, please provide us a copy of your policies.

10. Do you feel that you have in place an effective selection and screening process for selecting, appointing and monitoring the performance of Boards and Commissions?

11. Please share with us any procedure which you have found effective in recruiting, training and monitoring the performance of members of Boards and Commissions.

12. Are you considering any changes for selecting and screening appointments to Boards and Commissions? If so, we will appreciate your sharing any proposed changes.

13. Do any of your Agencies or Departments have a Total Quality Management Program? Have you considered requiring the staff to implement such a program?

14. Do you have any programs or efforts for making service on the Boards and Commissions rewarding for the members and effective in accomplishing the mission and goals of the Agencies?

a. If so, please share with us information of such programs or efforts.

15. Do any of your appointees receive any form of compensation?

16. Do you have difficulty recruiting and obtaining members for Boards and Commissions who have adequate background and experience to carry out their responsibilities effectively?

17. When vacancies occur on Boards and Commissions are there significant delays in filling vacancies? Do you maintain a list of potential appointees?

18. Are appointments to Boards and Commissions actually made by City Council members and approved, without actual review, through a courtesy system?

19. Are terms of office for appointees tied to Council member terms in office?

20. Please share with us any special programs, ideas, and procedures which your city has developed, has in place, or has in the planning stages, to improve the effectiveness of Boards and Commissions and the appointment process.

Thank you for your assistance in this matter.

Sincerely,

Charles H. Page (Elw)

Charles H. Page, Foreman
1996 Monterey County Civil Grand Jury

CHP:elw

HOUSING FOR LOW-INCOME RESIDENTS IN MONTEREY COUNTY

BACKGROUND:

The problem of providing housing for low income residents has plagued elected officials and the staffs of public agencies in Monterey County for decades. This "problem" has been the subject of repeated inquiries by Monterey County Civil Grand Juries.

Mark Twain once observed that "Everyone talks about the weather but no one does anything about it!" In Monterey County everyone talks about the housing problem, and tries to "do something." Politicians express concern. We get "NEW" ordinances. Sincere, well intentioned studies and efforts are launched by various public and non-profit agencies. Some projects are built. Some progress is made, but, in the end the problem continues and seems to get worse. It appears to be the proverbial "riddle wrapped in a mystery inside an enigma." (Winston Churchill, Oct. 1, 1939)

With declining local revenues and reduced funding from the State and Federal Government, local communities are left with limited tools for dealing with this issue. Coercive measures such as inclusionary housing requirements or "in lieu fees," have provided limited relief. These measures are inadequate to deal effectively with the problem, in part because there are 12 cities, a County Government and a Housing Authority all doing their own thing. It appears unlikely that the low-income housing problem will ever be dealt with effectively unless and until the 12 Monterey County cities, the County, the Housing Authority, the Fort Ord Reuse Agency (FORA), and the Local Agency Formation Commission (LAFCO), undertake a coordinated effort and pool resources to deal with this critical issue.

INQUIRY PROCESS:

The 1996 Grand Jury interviewed each member of the Board of Supervisors, each member of the Board of Directors, the former Executive Director and the new Executive Director and the new Chief Financial Officer of the Monterey County Housing Authority, Mayors of some cities, the Planning Director of the County of Monterey and some cities, representatives of local non-profit agencies who have been involved in providing low-income housing, and representatives of private developers.

The 1996 Grand Jury reviewed the Housing Element of local General Plans, the Association of Monterey Bay Area Governments (AMBAG) Regional Housing Needs Plan, the Draft City-Centered Growth Principles and Submissions by the Monterey Peninsula League of Women Voters who have studied this issue for many years.

Representatives of the 1996 Grand Jury attended a number of meetings of the Monterey County Housing Advisory Committee and meetings of the Monterey County and Cities Summit.

FINDINGS:

1. There is no coordinated effort by the 12 local cities, the County of Monterey, the Monterey County Housing Authority and other local agencies such as LAFCO, and AMBAG, to address the low-income housing problem.

2. Each Monterey County city, the County and the Monterey County Housing Authority wants to "solve" the low-income housing problems. However, each agency acts independently. Each has staff dealing with these issues, adopting regulations and seeking funding. They wrestle with infrastructure problems and attempt to deal with the myriad problems which accompany the growth of the population who cannot afford market rate housing. This results in an expensive duplication of effort with limited results. This disjointed approach dilutes and disperses resources and funding, making it difficult to achieve effective countywide solutions.

3. The cost of land is the number one barrier to developing feasible solutions to the low-income housing problem.

4. Minimum densities must be allowed and required of developers. Unrealistic maximum densities preclude any possibility of effectively dealing with the low-income housing problem.

5. Attempts to provide ownership units for low-income residents, while a noble objective, is an ineffective vehicle for dealing with this significant problem. Using available funds for low-income rental units produces much more housing. Well managed rental units offer the only practical means of dealing with the problem.

6. Funding for land purchases is a critical need in addressing this problem.

7. In lieu fees, rather than site contributions or inclusionary units, are much more practical and effective tools for providing housing for low-income residents.

8. In lieu fees collected in Monterey County must be pooled, administered and managed effectively if there is to be any hope of achieving reasonable solutions to the low-income housing problem.

9. The low-income housing problem cannot be effectively addressed unless there is the political will to confront controversial issues such as density of land development and funding needs. The 1996 Grand Jury was unable to identify such political will in the political agencies which were questioned.

RECOMMENDATIONS:

The 1996 Civil Grand Jury recommends that:

1. Monterey County, each Monterey County city and the Monterey County Housing Authority, in cooperation with LAFCO and AMBAG, undertake a coordinated countywide effort to:

a. Identify unmet needs for housing for low-income residents;

b. Identify unused housing resources such as facilities at Fort Ord.

c. Identify appropriate locations for low-income housing to meet these needs; "appropriate" meaning housing accessible to employment, public transportation, schools, parks, recreation and adequate infrastructure (roads, water, sewage facilities.)

d. Consolidate the public management of the effort by designating a lead agency. Since the sole mission of the Monterey County Housing Authority is to address the need for housing for low-income residents in the County, the Housing Authority appears to be the logical lead agency to deal with this problem.

e. Assemble a management team from the Planning Department staff of the cities, the County and the Housing Authority. The team can seek assistance from the private sector, developers, land use lawyers and the staff of non-profit agencies who deal with and produce low-income housing.

f. Back this team with political authority. This can be done by the County, each of the Cities in Monterey County and the Monterey County Housing Authority agreeing on a mission statement and directing and authorizing the team to:

- (1) Compile an inventory of the resources which can be pooled and devoted to solving the low-income housing needs such as:

- (a) In lieu fees;
- (b) Transient occupancy taxes where it can be demonstrated that employees of facilities generating such revenues reside in other communities because of housing costs. (When employees work in one community, but cannot afford to live there, the commute produces traffic which impacts local roads and law enforcement. The employees also impact their place of residence by use of the infrastructure and schools)
- (c) State and Federal Grants.
- (d) Foundation Grants.

g. Identify staffing, facilities and functions which can be eliminated if the responsibility and authority for dealing with this issue is assigned to one agency.

h. Delegate to the lead agency the authority to manage the planning and development and funding of low-income housing in Monterey County and fund this agency with the resources which would otherwise be managed by the cities and the County.

RESPONSES REQUIRED:

Monterey County Board of Supervisors

City Councils:

Carmel

Del Rey Oaks

Gonzales

Greenfield

King City

Marina

Monterey

Pacific Grove

Salinas

Sand City

Seaside

Soledad

Monterey County Housing Authority

Local Agency Formation Commission

Association of Monterey Bay Area Governments

Fort Ord Reuse Agency

HOUSING AUTHORITY OF MONTEREY COUNTY

BACKGROUND:

The Housing Authority of the County of Monterey is an independent public agency empowered by the State of California Health and Safety Code to provide housing assistance to very low to moderate income families and individuals in Monterey County. The Agency is governed by a seven-member Board appointed by the Monterey County Board of Supervisors. Two of its members represent the Housing Authority resident population, one a senior representative and one a family representative. The Housing Authority is funded by tenant rents, monies received under contract from the Federal, State and local governments and fees for housing services provided.

The Housing Authority of the County of Monterey has a very diversified program to fulfill its mission, which has increased through the years to include low income rental apartments, low income Section 8 rental subsidy assistance to the private market, family self-sufficiency and resident initiative programs, drug elimination program, congregate housing, assistance with PG&E bills, weatherization for energy conservation, low interest rehabilitation assistance, disaster recovery repairs and reconstruction, tax credit certification for first-time home buyers, home ownership counseling, tax-exempt bond financing for housing construction, and eligibility certification for security deposit guarantee program, County inclusionary housing program, and the farmers' home administration program.

The Housing Authority's 1996-97 budget is \$31 million. The Agency has 115 permanent, full-time employees. The administrative management of the Agency is the responsibility of the Executive Director, governed by the seven-member Board of Commissioners.

Because of publicly reported management problems within the Housing Authority of Monterey County, an inquiry was conducted by the Grand Jury into the supervision and oversight of the Agency by the Board of Commissioners.

INQUIRY PROCESS:

The 1996 Monterey County Civil Grand Jury:

1. Interviewed the former Executive Director, the Interim Executive Director, the new Director of Finance, and the new Executive Director of the Monterey County Housing Authority.

2. Interviewed the seven Commissioners on the Board.

3. Reviewed the minutes and supporting documents of all Board meetings for the years 1994, 1995, and January through May of 1996.

4. Conducted a written survey of the seven Commissioners of which six responded (Exhibit 1).

5. Surveyed three counties on their procedures for recruiting, screening, appointing, orienting, training and evaluating performance of Boards and Commissions in their County. (See Exhibit 1 attached to Report on "City of Salinas, Procedures for Making Appointments to Boards and Commissions.")

6. Visited several facilities managed by the Housing Authority.

ISSUES:

1. Does the Board of Commissioners exercise adequate supervision and oversight of the Executive Director?

2. Does the Board of Commissioners have in place a system for the identification of management problems?

3. Does the Board have in place a system for oversight and supervision of the Agency's finances?

4. Does the Housing Authority have a formalized orientation and training program for all appointees?

5. Does the Monterey County Board of Supervisors have a system for the recruiting, screening, and appointing qualified candidates to serve on the Board of Commissioners?

6. Does the Board of Commissioners have a policy of keeping the public informed of the services available through the Housing Authority of Monterey County?

FINDINGS:

1. Representatives of the Department of Housing and Urban Development conducted an evaluation of the management of the Monterey County Housing Authority for 1993 and 1994. The Authority was rated as average for both years.

2. A financial audit by a private accounting firm in 1993 found problems with the internal controls of the Agency.

3. In attempting to audit the records for fiscal year ending June 30, 1994, the auditors discovered severe problems in the records of the Agency. The Auditors found that the books were closed very late; year-end reports had been sent to financial entities prior to close and without reconciling to the general ledger; bank records were not reconciled and questions arose about three-quarters of a million dollars that could not be tracked. Management noted the above deficiencies were the result of the computer conversion. This situation continued for months.

4. In July 1995 the Executive Director was unable to present year-end reports for fiscal year 1994 and 1995 and recommended the Director of Finance be terminated and a new Director be employed.

5. The audit progress report in January 1996 for fiscal year ending June 30, 1995 indicated failure in the Agency's budgeting controls.

6. From March through October 1996 the Interim Director brought order to the Agency and informed the Board what needed to be done, worked with the Board in selecting a Director of Finance and installed a workable financial system. During this difficult period the Interim Director focused the Board and the Agency staff to resolve the problems of the Housing Authority.

7. When the Board failed to receive timely financial reports prompt action should have been taken to relieve the problem.

8. On March 18, 1996 the Board of Commissioners placed the Executive Director on paid administrative leave and assigned an Interim Director. The Board then voted not to renew the Executive Director's contract.

9. Prior to 1996, newly appointed Commissioners received a very limited orientation and briefing on the management of the Monterey County Housing Authority.

10. Prior to 1996, most newly appointed Commissioners failed to take advantage of management training funded by the Agency.

11. Commissioners have an awesome responsibility overseeing the management of large sums of money, a large number of employees, many residents in a number of projects, building and contracts, and the general public. The Board of Supervisors has no system in place to evaluate the performance of their appointments to the Board of Commissioners of the Monterey County Housing Authority prior to reappointment.

RECOMMENDATIONS:

The 1996 Civil Grand Jury recommends that:

1. The Board of Supervisors define qualifications for appointments to the Housing Authority of Monterey County Board of Commissioners.

2. The Board of Supervisors establish a recruiting and screening system to ensure that minimum qualifications are met.

3. The Board of Commissioners of the Housing Authority establish a formalized orientation program for new Commissioners and adopt a schedule for training and continuing education for all Commissioners.

4. The Board of Supervisors review attendance records of Commissioners prior to reappointments.

5. The Housing Authority of Monterey County develop a brochure which explains the responsibilities of a Commissioner, a brief mission statement, and a brief statement of Housing and Urban Development policy to give to applicants for Commissioner. Minimum qualifications for Commissioners be developed by the Board of Supervisors for the use in recruiting and screening applicants.

6. The Housing Authority create a public awareness program describing the services and programs available.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Recommendations # 1, 2, and 4

Board of Commissioners, Monterey County Housing Authority

Recommendations # 3, 5, and 6

EXHIBIT 1

QUESTIONNAIRE

Board of Directors
Monterey County Housing Authority

(Please use additional sheet[s] if needed in your answers.)

1. What was the approximate date of your first appointment to the Board?
2. Do you know what selection and screening process was used for your selection and appointment to the Board?
3. Do you know how and why you were chosen for appointment to the Board? If so, please explain.
4. Please give a brief summary of your background and experience at the time you were appointed to the Board.
5. Did you receive any orientation and training before you were seated on the Board and began making decisions?
6. Have you ever received any orientation or training other than your service and staff briefing?
7. Do new members of the Board receive any formal orientation or training before they begin making decisions?

8. Since your appointment to the Board, have you attended any seminars or programs dealing with any of the following subjects:

- a. Roles and responsibilities of members of governing Boards.
- b. How to be an effective member of a governing Board.
- c. Exercising effective oversight and supervision of staff and program.
- d. Board organization, management and effective committee structure.

9. Plead rate your performance in exercising oversight and supervision of staff and program.

Excellent ____ Good ____ Fair ____ Poor ____ Inadequate ____

10. Please rate the Board as a whole in exercising oversight and supervision of staff and program.

Excellent ____ Good ____ Fair ____ Poor ____ Inadequate ____

11. Please explain your evaluation and provide details on what you consider effective and innovative Board procedures and efforts. Please also provide details on problem areas which the Board has incurred.

12. Since you have been on the Board has there been a management audit (not a financial audit but a performance audit)? If so, when was such an audit performed? If this was not a routine, scheduled audit, what circumstances caused the Board to have such an audit performed?

13. Is there a routine management audit on a scheduled basis? Is this required by regulations or is it a local policy?

14. What do you see as the most important function you perform in accomplishing the mission and achieving the goals of the Housing Authority: providing housing assistance to the very low to moderate income families and individuals in Monterey County.

15. Does the Agency conduct customer satisfaction surveys? If so, when was the last such survey? Are such surveys designed and conducted by the staff of the Housing Authority or by independent agencies or contractors?

16. If you were responsible for making appointments to the Board of the Housing Authority, what qualifications, background and experience would you require for appointment to the Board? Please explain.

17. What type of screening process would you use to select members of the Housing Authority if you were responsible for appointing members to the Board.

18. Do you feel that there is in place an effective selection and screening process for selecting and appointing members to the Housing Authority Board.

19. What changes would you recommend for selecting and screening appointments to the Board?

20. If you were responsible for appointments to the Board of the Housing Authority, would you require mandatory attendance by Board Members to programs dealing with Board service, training in Housing, Housing Authority Finance and Budget issues and Housing Authority management issues and problems? Would you require a minimum number of hours of such training for Board members? Would you be in favor of automatic removal of Board members if they did not meet such minimum training requirements within a specified period of time after their appointment?

21. Does the Agency have a Total Quality Management Program? Has the Board considered requiring the staff to implement such a program?

22. When does your term expire?

23. Would you want to be reappointed to the Board at the end of your term? If not, is the reason:

___ You feel that you have served long enough; or

___ Something else. Please explain.

24. What suggestions do you have for making service on the Board more rewarding for the Board member and more effective in accomplishing the mission and goals of the agency?

25. Please evaluate an comment on the process for communication between the Executive Director and the Board. What problems do you see in the process? What would you suggest to improve the communication between the Executive Director and the Board?

26. Do you feel that issues are analyzed, organized and presented to the Board with sufficient information, analysis of the alternatives and the advantages and disadvantages of each alternative, so that you can make informed decisions with reasonable understanding of the probabilities of the success or failure of the project?

27. Please estimate how many hours each week you spend preparing for and attending meetings and working on Housing Authority issues and problems.

28. Please comment on and rate your performance as a Board Member. If the Housing Authority were a private, for profit, Corporation and you were a shareholder, do you feel that the present Board would effectively oversee and supervise the management of the Corporation? Would you feel that your "investment" was safe with the present Board overseeing and supervising management. If you would not feel comfortable investing in a company with a Board of Directors composed of the present Board of the Housing Authority, please explain your concerns and what changes you would recommend?

29. What, if anything, would you do differently if you were a new member of the Board but knew what you now know after serving on the Board?

SALINAS UNION HIGH SCHOOL DISTRICT

"When a local public school is lost to incompetence, indifference, or despair, it should be an occasion for mourning, for it is a loss of a particular site of possibility. When public education itself is threatened, as it seems to be threatened now--by cynicism and retreat, by the cold rapture of the market, by thin measure and the loss of civic imagination--when this happens, we need to assemble what the classroom can teach us, articulate what we come to know, speak it loudly, hold it fast to the heart."
(From the book POSSIBLE LIVES by Mike Rose [Houghton Mifflin Company, Boston.] copyright 1995 by Mike Rose.)

BACKGROUND:

In a three-year period the Salinas Union High School District went from a fiscally sound District to one with a deficit of \$2.3 million and a District under the control of the County Superintendent of Schools.

How this happened, the role of the Trustees and their failures and the steps necessary for avoiding a repeat of this situation are analyzed and concisely explained in the "Salinas Union High School District Fiscal Review" dated June 11, 1996 (hereafter "Fiscal Review"), the "Confidential Management Team Report" dated May 14, 1996 (hereafter "Team Report") and the "Proposed Recommendations from Financial Subcommittee" dated June 11, 1996 (hereafter "Subcommittee Recommendations").

Fiscal Review Page 2:

"... nine factors the team believes played a role in the district's growing fiscal problems. These include:

- . Ineffective communication;
- . Lack of accountability;
- . Lack of teamwork;
- . Inadequate information sharing;

- . Inadequate position control procedures;
- . Duplicated efforts that produced inconsistent data;
- . Inadequate staff training;
- . Lack of agreed upon procedures and processes;
- . Salary settlements in excess of cost of living adjustments;
- . Lack of monthly monitoring; and
- . Incomplete recognition of all expenses."

Fiscal Review, page 6:

"The board of trustees has not shown necessary support for the administrative team. When the administration prepared schedules detailing potential budget reductions, the board appeared unwilling to take the administration's recommendations and instead preferred to receive suggestions from the public and employee groups."

Fiscal Review, page 7:

"1. The board and administrative team, working with a facilitator, should identify each member's role and responsibilities for the major district processes and procedures including the manner and timing for how information will be shared....

(Paragraphs 2-4 omitted)

"5. The board and cabinet level administrators should work with a facilitator to establish improved working relationships and to develop a process for making the necessary budget reductions.

"6. The board and the superintendent need to develop agreed upon formats for presenting information needed for administrative and financial decision making. These formats need to provide answers to board member questions submitted to the administration in advance of a board meeting. It is important to develop these formats with a focus on an efficient use of staff time."

Team Report, page 3:

"The district will not solve its problems unless a strong, cooperative relationship can be built among

the Board of Trustees, the management team, and district's unions. If the district's leaders cannot work together, the problems will grow worse, the community's confidence will decline further, and the children will ultimately pay the price."

Team Report, page 6:

"2. The trustees and the management staff should undergo training in order to better understand their roles and responsibilities. These roles and responsibilities should be clearly defined in writing and mutually agreed upon."

Subcommittee Recommendation, page 1:

"The board needs to be educated in two areas:

1. Understanding what a board member's responsibilities and authorities are and,
2. Understand the importance of how to work with each other."

Our Constitution and laws establish no qualifications for election to a school board other than an age of 18 years, citizenship in the State and residence in the school district. We can elect to school boards individuals with no background or experience which enables them to understand the complexities of governing and operating a system in which hundreds of teachers educate thousands of young people every day. But, unless we elect individuals who spend the time and effort to understand their role, responsibilities and functions, how to employ, and supervise a superintendent, how to understand budgets and monitor budget compliance, and what is involved in school system management, our educational system is doomed to failure, and our young people will not receive the education which is essential to function in our society.

As late as August 1996, the Grand Jury found that even though board members acknowledged the validity of the findings and recommendations of the three reports, some board members had no understanding or comprehension of the findings and recommendations.

For example, some board members acknowledged that "yes, we must work together," but, when questioned, it was clear that they had no idea what this meant, and they were quick to recite their own agendas.

Some Board members said "yes, we need to learn more," but they did not seem to understand that this meant:

Attending programs and learning:

How to be an effective board member;

How to resolve conflicts;

How to exercise oversight and supervision of staff;

How to avoid personal agendas;

How to understand budgets and monitor budget compliance; and

How management systems work and how to monitor the management of the school system.

Some Trustees acknowledged that they had "read" the reports on the problems but did not fully understand all of the findings and recommendations. They acknowledged that they should have made an effort to try to understand the budget, the financial problems and "what went wrong" but had not done so.

Rather than expressing concerns about effective use of available funds to provide the best education which citizens are willing to finance; rather than acknowledging that it was essential to devote the time and effort necessary to make the system work, some trustees stated that the most important priorities are:

1. Having a "bi-lingual and bi-cultural superintendent. (These trustees were unable to explain how this would ensure an effective education for the students in the district.)
2. Having a Superintendent who can "communicate with the children."
3. Having a curriculum for the 21st century. (There was no coherent explanation of what this meant.)
4. Making sure that the "citizens" agreed on what kind of superintendent "they" wanted. (When questioned the Trustees could not explain how the "citizens" could define the essential qualifications of a superintendent)
5. That the Trustees and the citizens are "empowered." (They could not explain what this meant.)
6. Making sure that the voting districts are configured so that as many "hispanics" as possible are elected.

Some Trustees, who were in a minority, when they were unable to prevent inappropriate expenditure of funds, and when they were unable to obtain current and accurate financial information

seemed to give up in frustration, apparently assuming that any further efforts to correct the problem were futile because they could not convince the majority that there were problems, and that the course of action was leading to disastrous consequences.

When one or more Trustees of a school district find that the majority of the Board is leading the district on a path to financial disaster, whatever the motive or the cause, the concerned Trustee or Trustees must have a disaster plan. If there is no other way to intervene and avoid improper expenditures or other improper actions, a complaint filed with the Grand Jury setting forth the specifics of the improper action may be the only constructive way to remedy the problem. The confidentiality of the Grand Jury process will enable a Trustee to provide detailed information on what is occurring and bring about a prompt investigation and intervention, if warranted.

Had one or more of the Salinas Union High School District Trustees filed a complaint with the Grand Jury, when it first became apparent that problems were developing and essential financial information was not available, it might have been possible to correct the problems before financial disaster resulted.

There seemed to be a complete lack of comprehension by some Trustees of the essential role and function of a school Superintendent.

The role of the Superintendent of a Public School District is to manage the District so that the teachers can educate students. This involves recruiting, training, supervising and retaining staff who can manage school finances, compile budgets, monitor revenue sources, establish and monitor systems for insuring budget compliance, maintain a sound curriculum, manage physical plants, and manage personnel systems. This also involves developing reporting methods which will ensure that the system is working. Unless the Superintendent understands the various components of the system for which he or she is responsible it will not be possible to manage the system and ensure that it functions properly.

The primary responsibility of a Board of Trustees of a Public School District is to ensure that a competent Superintendent is in place to carry out policies established by the Board, that each Board member understands the functions and the responsibilities of the Superintendent so that he or she can exercise oversight and supervision of the incumbent, monitor district operations and have in place reporting systems which ensure that the District is fulfilling its mission; educating students. The Board must ensure that potential problems are identified and solved, and that when the system is not working they must intervene promptly to correct the problem. Trustees must have a working knowledge of school finance and budgets so

that they can monitor budget compliance.

In order to carry out these responsibilities Trustees must understand their roles, responsibilities and functions, learn how to analyze issues, resolve conflicts over priorities, know how to work with other Board members to resolve problems and, most importantly, understand the essential qualifications of a good superintendent and take steps to ensure that such a person is in place.

If the school system becomes a battlefield for pursuing political and social agendas the students will be the battlefield victims.

It became clear during our inquiry that the political agenda of some Trustees overwhelmed the process. Unless politics are set aside and an effective management system is maintained the Salinas Union High School District will not be able to fulfill its mission: Educating the students in the District within the available revenue sources.

The students of the District are not well served if the Trustees abandon their primary responsibility and ask the parents about "what kind of Superintendent they want," a question that parents are not equipped to answer. The students will be better served if the Trustees undertake an effort to organize parent groups to assist in the schools. In this way they can participate with their children and become a part of the educational process. Such a project will improve the system, result in a cooperative educational program and involve the parents in a constructive process which will enhance the family and accelerate the learning process.

Asking parents "what kind of Superintendent they want" may be perceived as political pandering. It is an attempt to avoid the difficult task of identifying the needs of the District, screening and evaluating candidates who can fulfill those needs and making the very tough decision about which candidate can most effectively manage the district. At worst it is an attempt to avoid responsibility for the mistake if the person chosen does not work out.

INQUIRY PROCESS:

The 1996 Grand Jury interviewed all present Trustees, former Trustees, the Superintendent in office when the problems occurred, two assistant Superintendents, the County Superintendent of Schools, the Superintendent of North Monterey County School District, former employees of the District, the Interim Superintendent and the Chair of the Board of Trustees of another local school district with a diverse constituency.

Minutes of meetings of the Board and financial reports of the District were reviewed. The "Fiscal Review," the "Team Report" and the "Subcommittee Recommendations" were reviewed. Numerous articles and a book on current educational problems were studied.

ISSUE:

Are there members of the Board of Trustees who do not understand their roles and responsibilities as Board Members and the method for, and importance of, working together as a team?

FINDINGS:

1. The nine factors which played a role in the District Fiscal Policies as set forth on page 2 of "The Fiscal Review," and quoted above were verified.

2. A majority of the Board, in place when the problems occurred, committed funds at the request of employee groups and District residents when funds were not available.

3. No school system the size of the Salinas Union High School District can maintain reliable financial controls without a position control system.

4. Salinas Union High School District had no position control system.

5. The lack of adequate computer systems does not excuse the failure to have in place a position control system.

6. The lack of a position control system is an indication of inadequate knowledge, training and competence in the office of the Assistant Superintendent for Business Services.

7. Being elected to a school Board does not mean that the person elected has the knowledge, training or skills which are necessary to function effectively as a Board Member and carry out the significant responsibilities which the position requires.

8. The knowledge and skills necessary to be an effective school Board member can be learned through training programs which are offered locally by the County Superintendent of Schools and State-wide by the California School Boards' Association and through other available programs.

9. The educational and training programs offered by the California School Boards' Association cover the essential components required of a Board Member. These include, among other subjects:

- a. Orientation for new Trustees;
- b. Budget responsibilities;
- c. A leadership institute; and
- d. A curriculum institute.

10. All Trustees who have not taken advantage of these programs can benefit from such training.

11. The failure of some Trustees to learn governing skills, the fundamentals of effective boardmanship and how to deal with and understand budget and fiscal issues was a violation of their obligation to the voters, the parents and the students of the school district.

RECOMMENDATIONS:

The 1996 Civil Grand Jury recommends that:

1. The new Superintendent review the performance of the present management team, identify problems and take remedial measures to ensure that the District has adequate systems and controls in place and competent personnel to manage the systems to avoid the recurrence of the recent fiscal problems.

2. Each Board Member review their knowledge and understanding of the role and responsibility of a school board member and consider whether he or she would benefit from training programs on how to be an effective board member, programs which will provide a working knowledge and understanding of budgets and the Board's responsibility for monitoring the compilation of budgets, monitoring budget compliance and enforcement and programs on how to supervise and oversee the performance of a superintendent.

3. In cooperation with the new Superintendent the Board should establish a series of Board workshops devoted to:

a. Working together as a team, identifying issues and establishing priorities;

b. Effective decision making;

c. Developing reliable reporting systems to ensure that the Board is fully informed of and understands the financial circumstances of the District.

d. Understanding the source of the problems incurred by the District and developing a process which will avoid the recurrence of such problems; and

e. Reaching a working knowledge and understanding of the three reports referred to earlier: "Fiscal Review," "Team Report," and the "Subcommittee Recommendations" and how to implement the recommendations set forth therein.

CONCLUSION:

1. Each member of the Board is commended for:

a. Setting aside personal feelings, attitudes and agendas and working with each other to employ an exceptionally well qualified interim Superintendent;

b. Working with the interim Superintendent to define the qualifications, skills and experience for a new Superintendent who can effectively manage the District;

c. Working together with the interim Superintendent to conduct an effective recruiting, screening and hiring process; and

d. Reaching unanimity on the hiring decision.

The experience of the last three plus years demonstrates the necessity for Board members to engage in training, education and development of skills in being effective Board members and working together in dealing with the increasingly complex problems of operating a school district. The shortage of resources along with the difficult and complex social conditions which exist in our society create enough problems for local districts in providing effective education for our children. Board members have a responsibility to help the Superintendent and staff overcome these difficult problems and maintain an effective system. The failure to do so adds to the problem of the education of our children. The 1996 Grand Jury urges the Salinas Union High School District Board to continue its recent constructive process and continue to work together in addressing the problems of the District.

RESPONSES REQUIRED:

Each Trustee of the Salinas Unified High School District

Superintendent of the Salinas Unified High School
District

Monterey County Superintendent of Schools

GRAVES SCHOOL DISTRICT

BACKGROUND:

Graves School District is located in Salinas. The District has one school consisting of classes 1 through 6. It has a total of approximately 30-35 students. The School Board is composed of three members elected from the District. The total staff of the school consists of a Principal/Teacher, one other teacher, one secretary and other part-time personnel, as needed.

The 1996 Grand Jury received a complaint claiming mismanagement of the District and the School, inappropriate conduct by the Principal/Teacher, and a lack of communication between the Board, staff and parents.

INQUIRY PROCESS:

The Grand Jury interviewed:

Complainant;

Principal/Teacher of the District;

Monterey County Superintendent of Schools; and

Director, Monterey County Special Education Local Plan Area.

The Grand Jury reviewed:

The Complaint and supporting documents;

A petition submitted to the District Board; and

A report on the investigation conducted by the Monterey County Office of Education of Community Grievances, dated July 10, 1996.

ISSUES:

Frequent confrontation occurred between some parents and the Principal/Teacher. The parents demanded action by the School

Board and submitted a petition to the Board. On advice of counsel the Board refused to accept the petition. The Board has no "policy" for dealing with such petitions. The Grand Jury found that the Board had few policies in place to guide their actions and for helping staff and parents understand how to seek relief when problems arise.

After the petition was submitted, the Board asked several parents of students who resided outside the District to remove their children from the school. This was perceived as retaliation for having signed the petition and seeking relief.

FINDINGS:

1. The Principal/Teacher needs to take steps to ensure that there is communication between the staff, the Board, the parents and the community.

2. The Principal/Teacher is overloaded with duties and responsibilities.

3. The Principal/Teacher has inadequate management procedures in place.

4. There is conflict between staff members and Board members which interferes with the effective operation of the District and the school.

5. There are policies to guide the Board in supervising and overseeing the operation of the school and the management of its funds; however, there are no well understood policies for guiding the staff in managing and operating the School.

6. There is no process for evaluating the Principal/Teacher.

7. The members of the Board have an inadequate understanding of their roles and responsibilities as members of a School District Board.

RECOMMENDATIONS:

The 1996 Civil Grand Jury recommends that:

1. The Board develop policies and guidelines for supervision and oversight of the school and take steps to ensure that the school has a staff that is capable of operating a school where students can receive a quality education.

2. The Board develop and implement a system of performance standards and process for evaluating compliance with these

standards.

3. Board members must avoid personal agendas in carrying out their responsibilities as Board members.

4. Each Trustee of the District attend training programs in the roles and responsibilities of school Board members.

5. Written job descriptions be developed for each member of the staff.

6. The Board seek assistance in establishing and maintaining effective communication between the Board, the staff, parents, and the community.

7. The Board consider the advantages and disadvantages of consolidating with another District or contracting for administrative services, assistance and oversight.

In a District with only one school, a staff of only three and only 35 students "familiarity can breed contempt." A close knit school family can offer significant advantages not available in a larger District. However, unless this small family has guidelines which are well understood, this "closeness" can develop antagonisms which interfere with the educational process. The Grand Jury recognizes that a small District offers unique educational opportunities and value systems which are not available in a larger system. However, an adequate structure must be maintained in order to avoid conflict which can arise out of the intimacy and the close relationship of such a small school family. These recommendations should alleviate some of the problems which have occurred.

RESPONSES REQUIRED:

Each School Board Member

Recommendations # 1 through # 7

Principal/Teacher

Recommendations #1 through # 7

Monterey County Superintendent of Schools

Recommendations # 1 through # 7

**HEALTH CARE IN MONTEREY COUNTY
PROBLEMS FOR CONSUMERS AND TAXPAYERS**

BACKGROUND:

Hardly a day goes by without reports in regional and national newspapers about hospitals merging in order to survive and reports of take over of local hospitals by conglomerates.

(In Dickson, Tennessee, a county with a population of 35,000, a conglomerate bought, for \$80,000,000, a "squat brick building" whose owners "found it difficult to win managed-care contracts and attract doctors, many of whom were concerned whether the tiny hospital could compete with giants...." (The Wall Street Journal, November 6, 1996.)

As of July 1, 1997 University of California San Francisco Medical Center (UCSFMC), University of California San Francisco Mount Zion Hospital (UCSFMZH), Stanford University Hospital (SUH) and Lucile Packard Children's Hospital will be jointly operated by a private, non-profit corporation governed by a board representing both UCSFMC and SUH. Spokesmen stated that the merger will enable Stanford and UCSFMC "to stop a medical arms race that has forced the two institutions, barely 40 miles apart, to duplicate the purchase of costly high-tech medical equipment." (San Francisco Chronicle, November 15, 1996, page A13) The arrangement will apparently also give the two institutions more leverage in negotiating contracts with Health Maintenance Organizations (HMOs) "which have been steering patients needing specialty services to competing hospitals offering lower prices." (San Francisco Chronicle, page 13)

Managed care companies are consolidating. There are reports of confusion and malaise among local doctors about what to do, with which hospital or HMO to "sign up." Some experienced doctors have simply dropped out of the fray.

Hospital care is changing so rapidly that hospitals which have not anticipated the dramatic changes and adapted rapidly are at financial risk. Surgeries which used to "require" three to five days in the hospital are now being done at clinics with no overnight stay. Managed care companies are assigning patients to lower cost regional hospitals. This channels critical health care dollars out of local communities.

In this volatile environment two publicly owned hospitals, and a non-profit hospital, in the same market area of Monterey County, are expanding their physical plants and duplicating facilities, and services. In the Salinas area this is creating a head-to-head competition which everyone agrees is a design for economic and health care upheaval. Residents and taxpayers face a major drain on local resources and County general funds and a possible loss of control of one or more local hospitals.

INQUIRY PROCESS:

The 1996 Grand Jury interviewed the Chief Executive Officer and the Chief Financial Officer of Natividad Medical Center (NMC), the Chief Executive Officer of Salinas Valley Memorial Hospital (SVMH) and the Chairs of the Board of Trustees of both institutions. The President of a local non-profit hospital was interviewed as well as local specialists in health care economics. Justifications and feasibility studies for merger proposals of some public hospitals in Northern California were reviewed. Financial statements, financial projections and strategic plans of the NMC and financial materials provided by SVMH were also evaluated. The Anti-Trust Section of the U. S. Attorney's office was interviewed.

Numerous research reports, articles and essays on the crisis in national health care and the multiple problems facing communities, taxpayers and health care consumers were consulted.

ISSUES:

There is general agreement about the problems which face Monterey County local health care consumers, and local taxpayers because of the head to head competition and lack of collaboration between NMC and SVMH.

The Community Hospital of the Monterey Peninsula (CHOMP), the other major player in Monterey County, is somewhat insulated because of its geographic location, its consumer base, its local financial support and the results of its long-range planning. The Mee Memorial Hospital, a community non-profit hospital located in King City is not a full care facility and is also somewhat insulated because of its location.

There is no consensus about the final outcome of the competition between local hospitals in Monterey County, who will survive, who will be "taken over" and what remedial measures should be taken. It is generally agreed that the two publicly owned facilities are on a collision course, at full speed with no brakes and that "something" has to be done.

The historic benefits of competition in the private sector

has not been replicated in the health care industry. This fact is obvious to anyone who has had the misfortune to require hospital care or seek significant medical care recently. Competition in the health care industry does not improve the quality or cost of care. In most cases it has the opposite effect. There seems to be a consensus that aggressive competition between hospitals, particularly publicly owned hospitals in the same market area, results in economic waste and expensive duplication of facilities and services to the detriment of consumers and taxpayers.

Collaboration between public hospitals in the same market area can and should:

1. Reduce or eliminate duplication of facilities, equipment, functions, staffing and services;
2. Produce more effective allocation of resources and services;
3. Result in greater efficiencies and more effective and cost effective medical care;
4. Eliminate confusion and uncertainty among medical providers and produce a more stable and reliable income for doctors and other medical providers; and
5. Reduce economic waste which increases the cost of medical care.

If there is collaboration between all local hospitals, public and non-profit, then the benefits to the consumer and the taxpayer are even greater.

It is the opinion of many knowledgeable local observers that Monterey County and our local hospitals, could suffer serious economic problems and service disruption unless the Boards and the executive staffs of all four area hospitals promptly undertake an effort to collaborate.

FINDINGS:

1. Monterey County is modernizing the NMC, the County owned hospital and medical center.
2. If operating revenues are insufficient, then Monterey County general revenues are liable for the principal and interest payments on the approximately \$100,000,000 cost of modernization.
3. When the County approved the modernization program and financing plan it was assumed that Federal Disproportionate Share funding (SB 855) would be sufficient to pay the principal and

interest on the debt.

4. There has been a 30% decline in these revenues. The amount of future revenues to NMC from this source is uncertain.

5. NMC must make up this decline in revenue by either increasing market share, raising prices when possible, or reducing expenses or a combination of the above.

6. Competition from community non-profit and other public hospitals for disproportionate share funds will continue to increase.

7. Competition in the region for patients whose care is "covered" by either public or private funding is already intense and becoming more aggressive.

8. The number of "covered" full time, permanent workers has dropped from 92% in 1989 to 82% at last count. (The Wall Street Journal, November 11, 1996)

9. Public funding sources are subject to political decisions and are unpredictable and unreliable.

10. HMOs exercise some control over where patients go for care and can direct patients to facilities outside the area.

11. The competition for "signing up" Doctors in plans with incentives for the use of a particular hospital is intense.

12. NMC is providing medical care to a growing number of uninsured and underinsured residents. Many of these residents are undocumented aliens who are attracted here for jobs in the agricultural industry.

13. NMC is a critical public resource and is the health care provider of last resort (the safety net) for many residents who have no other access to health care.

14. Recent political decisions, such as the new Federal welfare legislation and the Governor's Executive Order cutting off State funding for prenatal care for undocumented aliens, pose funding threats to NMC which cannot be quantified.

15. SVMH is a profitable hospital with no indebtedness. Its present financial circumstances could be threatened if NMC incurs severe financial problems, and it becomes necessary for the Board of Supervisors to sell the Center to a conglomerate. A conglomerate with access to invested capital, which does not require interest payments or debt service, would offer significant or possibly destructive competition for SVMH if it operated in this small market in a modern facility such as the new NMC. Conglomerates, with their huge capital

resources, can reduce administrative costs and cut prices until they take over the market and eliminate the competition.

16. There is no collaboration between the two local public hospitals to identify and address the issues which threaten both of them.

17. Anti-trust "restrictions" are offered as the reason for the failure of the two public hospitals to collaborate.

18. Waivers of anti-trust restrictions may be obtained where it can be demonstrated that a collaborative effort is in the public interest. There has been no effort by the parties to consider a plan which might best serve the interests of the residents and taxpayers of Monterey County and which might qualify for waiver of anti-trust restrictions.

19. The failure of the County Board of Supervisors and the Board of Directors of SVMH to identify and address the problems of duplication of facilities and services of the two publicly owned hospitals, in the current economic and political environment, is likely to result in serious disruption of medical services and significant economic problems for both hospitals to the detriment of the local consumers and taxpayers.

20. Taxpayers within the SVMH District pay taxes to support both NMC and SVMH. Any threat to the economic viability of either or both facilities will have a disproportionate impact on the taxpayers within the SVMH District.

21. At present it is the policy of the County of Monterey to provide medical treatment to both temporary and permanent residents, regardless of the scope of the treatment needed, the cost of the treatment or the ability to pay. There is underway an analysis of the economic problems facing the County if it continues this policy.

22. Our inquiry determined that there would be strong support for an independent review and analysis of health care needs and facilities in Monterey County, and for the independent development of a plan for collaboration which will avoid waste, duplication of facilities and services and possible loss of local control of key health care facilities. Support for such a review, analysis and plan was expressed by officials in Monterey County, at NMC and SVMH as well as health care experts in the private sector.

RECOMMENDATIONS:

The 1996 Civil Grand Jury recommends that:

1. The Board of Supervisors and the SVMH Board promptly commission an independent review and analysis of the health care issues and economic issues facing the County and the SVMH which are caused by the competition between NMC and SVMH in a market area with limited resources. The review and analysis should be by a reputable firm with recognized expertise in health care and hospital economics. The effort should be jointly financed by the County and SVMH and be designed to achieve the following:

a. Identify the present and estimated need for health care facilities, services, functions and staffing over a period which can be reasonably estimated;

b. Identify the present and planned public and private facilities, equipment, functions, services and staffing;

c. Assess any mismatch of assets and needs;

d. Identify measures which are best suited to remedy the mismatch;

e. Evaluate the most appropriate collaborative plan for the two public hospitals, taking into account local private hospitals and the possibility of their collaboration, to reduce or eliminate duplication of facilities, equipment, functions, services and staffing and maximize the services to consumers and minimize the cost of services and the impact on taxpayers; and

f. Develop a recommendation for collaboration which could be favorably considered for a waiver of anti-trust restrictions.

2. The County Board of Supervisors and the Board of Trustees of SVMH consider the appointment of a Blue Ribbon Committee to accomplish the following:

a. Investigate firms, interview and screen firms and recommend a firm to design and perform the review and analysis;

b. Oversee and supervise the design and performance of the review and analysis;

c. Make recommendations to the County and the SVMH based on the outcome of the review and analysis; and

d. Oversee the implementation of the recommendations.

3. Such a committee will ensure the independence and objectivity of the review, analysis and recommendations.

4. Other local hospitals be invited to participate in the review and analysis. Such participation will be of benefit to

local consumers and is encouraged by the 1996 Grand Jury.

5. Completion of planned facilities and new equipment and staffing commitments by NMC and SVMH should be postponed, if possible and appropriate, until completion of the review and analysis, and receipt of recommendations, if the facilities, equipment and staffing commitments might result in unnecessary duplication and redundancy under a collaborative action plan.

The County and the SVMH must acknowledge that the residents and taxpayers of Monterey County are at risk. Unless "something" is done we face a significant drain on County resources, and Hospital District resources, possible loss of control of one or more local hospitals and serious disruption of our local health care systems. It is essential that insular attitudes and egos be subordinated to serving effectively the health needs of the residents with cost effective systems. The current situation and risks must be objectively and independently analyzed and remedies developed and implemented before we are confronted with insurmountable problems and unacceptable systems imposed by outsiders with no concern about local health care consumers and taxpayers.

The governing bodies of NMC and SVMH must act to ensure that these two critically important health care centers not only survive but have long-term economic feasibility and the capability to continue delivering quality health care in a cost effective way under local control.

The Board of Supervisors and the Board of Trustees of SVMH, must undertake a good faith effort to collaborate in solving the economic and health care issues facing the two public hospitals, local residents, and taxpayers, and this effort should be coordinated with other local hospitals. This should reduce duplication of local facilities and services. Such coordination will lead to the most efficient and cost effective health care delivery systems for local residents and eliminate unnecessary costs.

RESPONSES REQUIRED:

Monterey County Board of Supervisors

Natividad Medical Center Board of Trustees

Each member of the Board of Trustees of the Salinas Valley
Memorial Hospital District

DOMESTIC VIOLENCE IN MONTEREY COUNTY
Follow-up to Mid-Year Final Report

On July 22, 1996 the 1996 Monterey County Civil Grand Jury filed its Mid-Year Final Report on "Domestic Violence in Monterey County," hereafter referred to as "Report."

Since filing this Report there have been more deaths in Monterey County resulting from Domestic Violence, including a batterer who killed his mate and then committed suicide and the death of a Sheriff's Deputy responding to a Domestic Violence call.

The California Penal Code requires that public agencies respond to the recommendations of the Grand Jury. Local law enforcement agencies were among the public agencies which were required to respond to the Report.

Most local police departments responded positively to the Report and recommendations (Exhibit 1). Some departments were defensive; stating that the Grand Jury had "failed" to understand what they were doing. One department was simply cynical; characterizing the report as a "Knee Jerk" reaction to a complex problem. This particular Police Chief apparently misinterpreted the statistics in the report and assumed that since "his" community was small, the statistics were wrong. He failed to understand that the statistics demonstrated that at least one law enforcement department in Monterey County is either failing to respond to, investigate, enforce or report Domestic Violence incidents or is failing in all of the above.

Most Monterey County officials who deal with Domestic Violence expressed the opinion that the Report attracted media and community attention to a problem which most people prefer to ignore.

WHAT HAS CHANGED SINCE THE REPORT WAS FILED?

The primary focus of the Grand Jury inquiry was: Are local law enforcement agencies complying with the Penal Code which requires that:

1. Every Domestic Violence incident be reported (Exhibit 2);

2. Local Domestic Violence policies be in writing and available upon request at law enforcement agencies. (See Report, page 9, Finding 12 for details.)

As the Report discloses, compliance with the Penal Code requirements was spotty. Since the Report was filed the Grand Jury has visited local law enforcement agencies to determine whether there is current compliance with the Penal Code.

The Domestic Violence Coordinating Council of Monterey County has published a pamphlet which should be a model for informing victims, or those who wish to assist victims or potential victims, of their rights and available resources. This pamphlet is an ideal public information item which could be placed in a conspicuous place in every local law enforcement agency. This pamphlet appears to comply with the requirements of Penal Code Section 13701(c).

In its inquiry leading to the Report, the Grand Jury found that the Monterey County Sheriff's Department is either failing to investigate, enforce or report Domestic Violence incidents in the unincorporated areas of Monterey County. There is no one in the Sheriff's Department who is charged with the responsibility of dealing with this serious issue. As a result it appears that Domestic Violence incidents in unincorporated Monterey County may be the subject of attention by the Sheriff's Department only when a tragedy occurs.

The Sheriff's response to the Report acknowledged that there is no one in the Department who is designated to deal with Domestic Violence, develop expertise, monitor required training, and ensure compliance with and enforcement of the laws and do the required reporting. In its response the Department stated that this will be solved by January 1997.

Many local law enforcement agencies are committed to increasing the sensitivity to this serious issue and improving the training, enforcement of, and compliance with, Domestic Violence laws. This includes a commitment to an effective public information program which is essential to make victims aware that help is available and that they do not have to try to "live" in at risk environment.

However, there are still some local departments who do not "get it." Domestic Violence is still a non-priority or even a non-issue in some local law enforcement agencies notwithstanding the laws which have been on the books for ten years requiring detailed policies and procedures and reports by local law enforcement agencies.

The 1996 Grand Jury urges the 1997 Grand Jury to monitor the enforcement of the Domestic Violence laws by local agencies and to inquire into the compliance with the recommendations contained

in the Report.

There was some confusion among some Police Departments about Recommendation Number seven (7) of the Report. The Grand Jury recommended formation of a Police Officers' Domestic Violence Coordinating Council." A number of departments thought that this was the same as the Domestic Violence Coordinating Council, a countywide agency composed of a diverse group of citizens, including a representative of the Monterey County Police Chief's Association.

There are a number of reasons for having a separate "council" composed of officers from each local law enforcement agency, officers who are specially trained and designated to deal with Domestic Violence in their own communities. Rather than having 13 separate departments "reinvent the wheel" these officers can identify common problems, share effective policies, procedures, manuals, public information techniques, training systems and solutions to problems.

The Chief of each local law enforcement agency is encouraged to read Recommendation Number seven (7) in the Report and consider the benefits which can be derived by their personnel, the victims and the public, from the formation of a Council composed of officers specially trained in the field of Domestic Violence, as recommended

INQUIRY PROCESS FOLLOWING THE FILING OF THE REPORT:

1. Teams of no less than two members of the Grand Jury returned to the 12 Police Departments, the Sheriff's Department and two sub-stations to determine if local Domestic Violence policies were available in writing to the public.

2. The following people were interviewed:

- a. Interim Coordinator;
- b. Chief Probation Officer;
- c. Sheriff; and
- d. Victims of Domestic Violence.

3. Also reviewed was information provided by Specialized Training On Preventing Domestic Violence (STOPDV), those responses received from the Police Departments, the Sheriff's Department, Monterey County Board of Supervisors, the City Councils in Monterey County, the District Attorney and the Monterey County Domestic Violence Coordinating Council.

FINDINGS:

1. The following Police Stations did not have any information readily available or in a public display area:

Del Rey Oaks

2. The following Police Stations had information available, but only after speaking to an officer or clerk, and making a specific request:

Carmel
Greenfield
Seaside
King City
Monterey
Soledad

3. The following Police Stations had information displayed in a public, readily accessible place:

Gonzales
Sand City
Marina
Salinas
Pacific Grove

4. Neither the Sheriff's Station, or the three Sub-Stations had information immediately accessible.

5. The District Attorney's Office has printed a small card size information sheet, complete with emergency phone numbers. They also provide a card in Spanish. These are available upon request to the Sheriff's Department and the Police Departments.

6. The Domestic Violence Coordinating Council of Monterey County has published a pamphlet that is aimed at informing victims Domestic Violence is a crime, who to call if they feel they are in danger, what to expect and how to respond to the officers who answer the call, information on Restraining Orders, information that the abuser may be released, plus a Battered Woman's Safety Plan and a list of resources. This would be ideal for every Police Department and the Sheriff's Department to keep on public display, available to the public without their needing to make a specific request.

7. Victims experience many difficulties when leaving their abusers. They are the ones who must leave their home, disrupting their life and that of their children, and they must find a safe place for self and children, for they are often literally fleeing for their lives. Faced with financial, social, and family pressures, they often return to their home and abuser. This creates a cycle, as the abuser has not changed and the repetitive

pattern creates severe problems for the victim and any children in the relationship. It also severely strains public resources, such as law enforcement, Courts, and Social Services.

RECOMMENDATIONS:

The 1996 Civil Grand Jury recommends that:

1. Each law enforcement agency print, or obtain a currently existing list, with the information as required by California Penal Code Section 13701(c) and keep copies of this available to the public, who can just walk in, pick it up, and not be required to get involved in a question and answer session with an officer or clerk.

2. All law enforcement agencies, Judges, and Probation Officers obtain a copy of the "Lethality List," which they then can use to determine if the abuser is a deadly threat to anyone else or to themselves. At the time of investigating an incident, this should be used in determining whether to charge accused with a misdemeanor or felony. Judges can use it to determine setting bail amount. Probation can use it to determine if probation is being violated.

3. The Probation Department be assisted in its efforts to obtain the electronic devices which would help to warn victims if the abuser is within lethal range. This money could come from the Monterey County Board of Supervisors or grants.

4. The Monterey County Police Chief's Association seek funding or grant to train at least one officer from each city to be that department's expert on Domestic Violence.

5. All law enforcement officers become familiar with the Emergency Protective Orders (EPOs), and use the Lethality List to assist them in determining when one should be issued.

6. Local agencies look at ways to invest in stopping the cycle of violence with funds devoted to preventive and educational services. This could reduce the financial burden on law enforcement agencies, Courts, medical services, and Child Protective Services and more importantly, it could save lives.

RESPONSES REQUIRED:

Monterey County Board of Supervisors

Sheriff's Department

All Monterey County Police Departments:

Carmel

Del Rey Oaks

Gonzales

Greenfield

King City

Marina

Monterey

Pacific Grove

Salinas

Sand City

Seaside

Soledad

EXHIBIT 1
RESPONSES TO DOMESTIC VIOLENCE MID-YEAR REPORT
AS OF NOVEMBER 11, 1996

RECOMMENDATION #2:

“That the County, in cooperation with Monterey County Cities and private, non-profit Social Service organizations develop and conduct a coordinated publicly funded, public information program advising victims and potential victims of their rights, the assistance and resources available to them and the adverse consequences of trying to live with and survive Domestic Violence.”

NAME OF AGENCY

RESPONSE

Carmel-By-The-Sea City Council

This was another area that should be addressed by the Domestic Violence Coordinating Council.

Marina City Council

Education is an objective of the Domestic Violence Council and a committee of the Council is focusing on the recommendation.

Pacific Grove City Council

The City of Pacific Grove agrees that a coordinated public information program informing victims and potential victims of their rights would be extremely beneficial. They have such information on display in the lobby of the police station. Information is also available that addresses victim’s rights, and describes what assistance and resources are available to the victim. The City is ready to cooperate with other agencies to ensure that public information is consistent, accurate and plentiful..

RECOMMENDATION #4:

“4a. Every Police Department and the Sheriff’s Department make available to the public in a conspicuous place, which is accessible 24 hours a day, every day, the information specified by Penal Code section 13701. 4b. That the availability of the information be publicized frequently in a variety of media, designed to reach every segment of the community, in order to ensure that individuals who need assistance are aware that help is available and that such information can be obtained without having to explain the reason for obtaining the information or for whom it is needed.”

AGENCY:

Carmel-By-The-Sea Police Dept.

RESPONSE:

The Department's Domestic Violence Policy material is available in the general public in the lobby of the Police Department 24 hours a day, and also carried in the field by every sworn police officer on the Department.

City of Monterey Police Dept.

The Police Department has been in compliance with Penal Code Section 13701 since it first became law over 10 years ago. Their written directive (85-04) on this subject has been updated several times. The handbook on Domestic Violence has been revised many times, and is given to victims of Domestic Violence by the officers and made available to anyone. Staff has been reminded that pamphlets on Domestic Violence are available to the public and are now in a conspicuous place within their lobby.

Monterey County Sheriff's Dept.

- a. This has been accomplished at all three Sheriff's stations and will be monitored by the Domestic Violence sexual assault investigator to make sure that we maintain the needed material and the exposure as recommended.
- b. System has been set in place that will allow our public information section to disseminate information on a regular scheduled basis that will meet the needs of the community.

RECOMMENDATION #7:

"That a permanent, County wide, **Police Officers' Domestic Violence Coordinating Council** be formed to deal with Domestic Violence issues. The Council should be composed of specially designated officers or, if no officer is designated, then the Police Chief or the Chief's designee or the Sheriff or his designee.

AGENCY:

Carmel-By-The-Sea City Council

RESPONSE:

This recommendation would also be appropriately addressed by the Domestic Violence Coordinating Council and by the full membership of the Monterey County Law Enforcement Officers' Association.

Carmel-By-The-Sea Police Dept.

The Department would actively participate and interact with such a council. It is our understanding that the newly formed version of the Monterey County Domestic Violence Coordinating Council will fulfill this role.

King City Police Department

This Department will participate in the county-wide Police Officer's Domestic Violence Coordinating Council, and Sergeant Bruce Miller is the designated member who will represent the department.

Marina City Council/Marina Department of Public Safety

The Monterey County Chief Law Enforcement Officer's Association is represented on the Domestic Violence Council. The responsibility of the representative is to provide input to the Council and to keep members of the Chief's Association informed as to the activities of the Domestic Violence Council. It is the intention of the Chief's Association to insure that there is compliance with all of the issues surrounding the problem of domestic violence listed by the Grand Jury in sections "a." through "l." of this recommendation. Members of the Chief's Association recently completed a four hour block of instruction on Domestic Violence. This training was provided by the District Attorney's Office, the Women's Crisis Center, the Monterey County Probation Department and the Presiding Judge of the Superior Court. We have worked closely with all of these organizations and individuals in order to improve the coordinated response to Domestic Violence needed to adequately address this problem.

The City Council for the City of Marina and the Marina Department of Public Safety concur with the recommendations of the Grand Jury and will continue to work with the Chief Association and the Domestic Violence Council to carry out the spirit of those recommendations.

City of Monterey Police Dept.

The recommendation to use a coordinating committee to deal with Domestic Violence is an excellent one! He believes the structure for such a group exists. The Monterey County Chief Law Enforcement Officers Association could form a permanent sub-committee of its members and identify that sub-committee as the Domestic Violence Coordinating Council and begin working on the goals set forth in the Grand Jury Recommendation. Also, the sub-committee could coordinate its work with the Superior Court formed Domestic Violence Task force, thereby networking all of the resources that are currently working on this issue.

Pacific Grove City Council

The City commits to be a willing and active member of a county-wide "Police Officers' Domestic Violence Coordinating Council" as described in the Grand Jury Report. Lt. Miller will be the City's representative and will be guided by the goals and functions referenced in the report.

EXHIBIT 2

DOMESTIC VIOLENCE INCIDENTS IN MONTEREY COUNTY

JANUARY 1, 1996 THROUGH SEPTEMBER 30, 1996

<u>AREA</u>	<u>POPULATION</u>	<u>CASES REPORTED</u>	<u>NO. OF ARRESTS</u>	<u>CASES PROSECUTED</u>
<u>SALINAS</u>	122,390	608	383	UNKNOWN
<u>UNINCORPORATED COUNTY</u>	115,000	107 (8/13/96)		UNKNOWN
<u>MONTEREY</u>	32,587	116		34
<u>SEASIDE</u>	30,102	116		114
<u>MARINA</u>	18,000	267 (10/31/96)	114	UNKNOWN
<u>PACIFIC GROVE</u>	16,800	38		17
<u>KING CITY</u>	10,000	48		35
<u>SOLEDAD</u>	9,255	27		21
<u>GREENFIELD</u>	9,159	97		25
<u>GONZALES</u>	6,600	08	08	08
<u>CARMEL</u>	4,512	09	09	04
<u>DEL REY OAKS</u>	1,692	02		01
<u>SAND CITY</u>	200	05		01

DOMESTIC VIOLENCE IN MONTEREY COUNTY

ISSUES

1. Is Domestic Violence a problem in Monterey County?
2. What is the scope and impact of the problem?
3. Are local agencies, who are responsible for dealing with the various facets of Domestic Violence, carrying out their legal responsibilities and effectively dealing with the problem?
4. Are additional efforts needed? Phrased another way, what needs to be done which is not being done or planned?

DISCUSSION

Citizens of Monterey County may legitimately ask "why would the 1996 Grand Jury undertake an inquiry into the issue of Domestic Violence?"

There were two-thousand-twenty-eight (2,028) incidents of Domestic Violence in Monterey County in 1995.

These 2,028 incidents were documented because the Police were called; they responded, and the incidents were reported. See Exhibit 1 - Reported Cases of Domestic Violence in Monterey County - 1992 through April 1996. (The word "Police," unless otherwise indicated, means City Police and Sheriff's Deputies.)

Those who deal with Domestic Violence are convinced that not all incidents are reported. Some observers estimate that only 10% of incidents are reported to Police. Incidents are not reported for many reasons: family pressure, cultural acceptance of violence, religious pressure "to forgive," fear of loss of income if the sole income provider is jailed, and a variety of cultural and social pressures as well as intimidation from the perpetrator.

Whether the total number of incidents is 2,028 or ten times that number, this is a very serious problem in Monterey County.

Domestic Violence has been characterized as a "Family Secret," a "Dirty Secret," and a "Deadly Secret." Recent well publicized local events, which resulted in the death of the victims, point up the significant risk of not dealing with this

problem in a systematic and coordinated way.

The FBI reports that approximately one-third of female homicides in the U.S. each year are committed by either husbands or boy friends. The Journal of the American Medical Association (Vol 264 #81 Page 943 Aug 1990) reports that 22% to 35% of visits by women to hospital emergency rooms were because of Domestic Violence.

Cancer, Alzheimer's Disease, Diabetes, and other problems which are not personally embarrassing to the victims and their families, receive significant community support in the form of volunteer efforts and monetary contributions. Domestic Violence is not an issue which rallies the involvement and support of the community. Few citizens want to acknowledge or become involved in Domestic Violence problems. Historically, even public agencies charged with the legal responsibility for dealing with the multiple facets of this issue have characterized incidents as "family problems" and not "criminal" problems and have failed to carry out their legal mandates.

Violent acts committed against a non-family member, are considered serious crimes and the perpetrator is arrested, confined, prosecuted and punished. The same acts committed against family members have long been treated as a "family problem," one which the family had to work out on its own.

The consequences of Domestic Violence are well documented:

1. Death;
2. Severe physical, emotional, and psychological impacts on the victim;
3. If either the perpetrator or the victim is a parent, the children are "hidden victims" since children model their conduct after their parents;
4. Juvenile delinquency and youth crime are products of the cycle of violence generated by Domestic Violence;
5. Loss of family income and family resources; and
6. Absenteeism from jobs and emotional problems which interfere with job performance. (A recent report on the NBC business network [CNBC] estimates the annual cost of Domestic Violence to business and industry at between three and five billion dollars a year. If this is the documented cost to business and industry the cost to federal, state and local governments from absenteeism and poor job performance is also significant.)

Domestic Violence involves and affects the following local government agencies, among others:

1. Local Police and Sheriff's Departments;
2. District Attorney;
3. Public Defender;
4. Municipal and Superior Courts;
5. County jails;
6. Probation Department;
7. Department of Social Services;
8. Schools; and
9. County Hospital.

The Grand Jury is not an agency which can develop remedies for the sources of Domestic Violence. We are not qualified to recommend preventive measures for this extremely complex social issue which cuts across all socio-economic groups.

But Domestic Violence imposes extraordinary demands and financial impacts on local agencies and substantially increases the tax burden. The direct and indirect cost to residents and taxpayers is high.

The Grand Jury can inquire into how our local agencies respond to this problem. Is this a high priority issue? The Grand Jury can look at what local agencies **say** they are doing and what they are actually doing. The Grand Jury can monitor the compliance with and enforcement of legal mandates by local agencies.

Here are some comments which we heard during our inquiry:

1. "Domestic Violence is a national disgrace."
2. "The Courts ignored this problem too long."
3. "The County systems for dealing with Domestic Violence need improvement."
4. "Domestic Violence is a crime and must be treated as such."
5. "Until recently Domestic Violence was a much neglected crime."

These are comments one would expect to hear from victims. But, these are concerns expressed by public officials. These dramatic observations and insights reflect a deep concern by some Monterey County law enforcement officials about the impact of

Domestic Violence and the need for vigorous, innovative measures to deal with the problem.

LEGAL DEVELOPMENTS

In 1984 the California Legislature, in a preface to enactment of statutory mandates to local law enforcement agencies, declared:

- "(a) A significant number of homicides, aggravated assaults and batteries occur within the home between adult members of families. Research shows that 35 to 40 percent of all assaults are related to domestic violence.
- "(b) The reported incidence of domestic violence represents only a portion of the total number of incidents of domestic violence.
- "(c) Twenty-three percent of the deaths of law enforcement officers in the line of duty results from intervention by law enforcement officers in incidents of domestic violence.
- "(d) Domestic violence is a complex problem affecting families from all social and economic backgrounds.

"The purpose of this act is to address domestic violence as a serious crime against society and to assure the victims of domestic violence the maximum protection from abuse which the law and those who enforce the law can provide. It is the intent of the Legislature that the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior in the home is criminal behavior and will not be tolerated...."

Based on these findings the Legislature enacted a statutory mandate requiring that every law enforcement agency develop local Domestic Violence policies by January 1, 1986. (See Finding #12.)

Sometimes in our system of "Laws" we pass a law and assume that the problem is solved. But the enactment of laws does not change cultural and social attitudes which have prevailed for centuries.

Ten years have passed since this law was enacted. How have local agencies responded to these mandates?

In recent years local judges, the District Attorney, and most law enforcement officials have acknowledged that without a coordinated effort among responsible agencies the cycle of

violence will continue and that local police efforts will provide only a temporary interruption of the pattern of violent conduct.

Recognizing the scope and impact of the problem the Monterey County District Attorney developed a comprehensive Domestic Violence Policy which provides in part:

"Domestic Violence is Criminal Conduct and Prosecutors have the same responsibility to respond to these cases as they do other violent crimes."

The District Attorney also established:

1. A special Domestic Violence prosecution unit; and
2. Victim Assistance units in Salinas and King City.

In 1994 a local Superior Court Judge, who is now the Presiding Judge, recognized the seriousness of the problem, its scope, its impact, and the necessity for the local Courts, the District Attorney, and the Probation Department to initiate a coordinated effort to deal with the problem at every level of law enforcement.

The Judge formed a Monterey County Domestic Violence Task Force. He brought together a Municipal Court Judge, the District Attorney, the Sheriff, the Chief Probation Officer, a Police Chief (representing all Police Chiefs in Monterey County), and representatives from Social Services, the YWCA, the Women's Crisis Center, and a Family Mediator.

The objectives of the Task Force are to:

1. Develop a protocol which all agencies can adopt for the investigation and prosecution of Domestic Violence matters;
2. Improve the court processes for issuance of Domestic Violence Restraining Orders;
3. Develop and simplify the processes for informing law enforcement of the existence of valid restraining orders;
4. Develop a program for advising the public of the remedies available from the courts and law enforcement, and the appropriate procedures for accessing relief;
5. Support the development and maintenance of programs designed to treat both victims and abusers;
6. Promote public education concerning domestic violence, its causes and its impact on families and the community, heighten public awareness of the magnitude of the problem of Domestic Violence and to dispel myths concerning the same;

7. Provide an ongoing forum for resolution of issues regarding Domestic Violence;

8. Coordinate the efforts of all governmental and non-governmental agencies which deal with Domestic Violence; and

9. Review the need for a permanent Domestic Violence Response Program Coordinator position charged with the responsibility of coordinating the efforts of the Task Force with all governmental and non-governmental entities which deal with Domestic Violence.

The Task Force has accomplished the following:

1. The Chief Probation Officer of Monterey County arranged to bring in a technical assistance team with expertise and experience in developing coordinated community responses to Domestic Violence;

2. Brought together representatives from local public and private non-profit agencies, who deal with Domestic Violence issues, for a two-day workshop with the Technical Assistance team;

3. Received a report and recommendations for a coordinated Monterey County program for dealing with Domestic Violence. (The Technical Assistance Report and Recommendations: A COORDINATED COMMUNITY RESPONSE TO DOMESTIC VIOLENCE, Monterey County, California, hereafter "The Technical Assistance Report."). (This report has been available since September 1995 but it has not been distributed to all Monterey County Police Departments.)

4. Attended a forum on Domestic Violence conducted by the YWCA of the Monterey Peninsula;

5. Developed short-term and long-term goals for addressing Domestic Violence problems in Monterey County;

6. Hired an Interim Coordinator to work with public and private agencies to develop a coordinated Monterey County effort for dealing with Domestic Violence; and

7. Appeared before the Monterey County Board of Supervisors seeking support and endorsement of the objectives of the Task Force.

The 1996 Monterey County Civil Grand Jury hereby commends the Presiding Judge, the District Attorney, the Chief Probation Officer, and members of the Domestic Violence Task Force for their demonstrated commitment and their aggressive effort to address this critical problem. Their effort is timely and important. It is a source of encouragement and support to those who deal with Domestic Violence every day.

GRAND JURY ACTION

The Grand Jury performed an independent review and analysis of Domestic Violence in Monterey County. The Jury reviewed the current state of compliance with and enforcement of Domestic Violence laws. The Grand Jury analyzed the need for other efforts. The recommendations which follow are designed to assist the effort to deal more effectively with this critical issue. The inquiry of the Grand Jury, its findings and recommendations, should be considered as cooperative, supportive and supplemental to the efforts of the Monterey County Domestic Violence Task Force. The support of the County Board of Supervisors and City Councils for this effort is essential.

GOALS OF THE 1996 GRAND JURY IN FOCUSING ON DOMESTIC VIOLENCE

1. Determine the scope of Domestic Violence in Monterey County.
2. Attempt to determine the impact and consequences of the problem.
3. Inquire into the compliance with and the enforcement of Domestic Violence laws by local law enforcement agencies.
4. Determine whether there is a discrepancy between the stated commitment of local law enforcement agencies and their departmental programs and efforts.
5. Determine whether there is consistency in how local Police Departments define and report Domestic Violence incidents.

INQUIRY PROCESS

The 1996 Grand Jury:

1. Interviewed every Police Chief in Monterey County and other members of some police departments.
2. Interviewed representatives of the YWCA, the Women's Crisis Center, and Shelter Plus.
3. Interviewed a national expert and consultant on Domestic Violence.
4. Was briefed by the District Attorney, his staff and the Chief Probation Officer.
5. Interviewed the Public Defender.
6. Interviewed the Sheriff and other members of his staff.

7. Interviewed the Chief Probation Officer.

8. Reviewed the Quincy Report, the Technical Assistance Report, U. S. Senate reports, a CNBC special report, the 1996 Peace Officer Standards and Training Guidelines for Law Enforcement Response to Domestic Violence, Programs for dealing with Domestic Violence developed by the City of Berkeley, and numerous articles, commentaries, and editorials.

9. Sent teams of no less than two members of the Grand Jury to Police Departments to determine whether local Domestic Violence policies were available to the public as required by California Penal Code Section 13701.

FINDINGS

1. The California Penal Code requires that every Domestic Violence incident be reported.

2. Domestic Violence is a significant problem in Monterey County, and the problem is increasing. The reported incidents of Domestic Violence in Monterey County during the years 1992, 1993, 1994, 1995, and through April 30, 1996 are set forth in Exhibit 1.

3. Reported incidents of Domestic Violence in Monterey County are less than the number of incidents which occur.

4. Since many Domestic Violence incidents are not reported it is impossible to determine the actual number of incidents.

5. More effective determination of the causes of injuries by medical providers will improve the capability of institutions to identify Domestic Violence incidents and enable them to deal with the problem more effectively.

6. Domestic Violence occurs in all socio-economic groups and where accurate statistics are kept the incidents do not vary significantly from one socio-economic group to another.

7. Research conducted by the Grand Jury indicates that communities of similar size and make-up will experience a similar number of Domestic Violence incidents. Exhibit 2 lists each city in Monterey County and the unincorporated areas in order of population. The Exhibit also lists the number of Domestic Violence incidents for each 1,000 residents. There are remarkable variations in the number of incidents reported for each 1,000 residents. Unless there is a difference in the way Domestic Violence is defined and reported the variations in the number of reported incidents for each 1,000 residents is impossible to explain.

8. The difference in the cultural and economic status of

Monterey County communities does not explain the remarkable variations in the reported incidents of Domestic Violence.

9. The variations in the reports of Domestic Violence incidents by Monterey County communities in relation to their population indicate that there is a lack of consistency in the reporting process.

10. The lack of consistency in reporting demonstrates the need for a coordinated effort to establish a common understanding and a uniform protocol to be followed by all Police Agencies in Monterey County in defining "Domestic Violence" and reporting incidents.

11. A system for monitoring compliance with the Penal Code requirements for reporting Domestic Violence incidents needs to be implemented.

12. Since January 1, 1986, "California Penal Code Section 13701(c) has required that every law enforcement agency in the State of California develop, adopt, and implement written policies and standards for officers' responses to Domestic Violence calls. These policies are required to be in writing and be available to the public upon request and include specific standards for the following: (Direct reference from text of Penal Code.)

- a. Felony arrests.
- b. Misdemeanor arrests.
- c. Use of citizen arrests.
- d. Verification and enforcement of temporary restraining orders when the suspect is present and the suspect has fled.
- e. Verification and enforcement of stay-away orders.
- f. Cite and release policies.
- g. Emergency assistance to victims, such as medical care, transportation to a shelter, and police standbys for removing personal property.
- h. Assisting victims in pursuing criminal options, such as giving the victim the report number and directing the victim to the proper investigative unit.
- i. Furnishing written notice to victims at the scene, including, but not limited to, all of the following information:
 - (1) A statement informing the victim that despite official restraint of the person alleged to

have committed domestic violence, the restrained person may be released at any time.

- (2) A statement setting forth who can be contacted for further information about a shelter.
- (3) A statement setting forth who can be contacted for information about other services in the community.
- (4) A statement informing the victim of domestic violence that he or she may ask the District Attorney to file a criminal complaint.
- (5) A statement informing the victim of the right to go to the Superior Court and file a petition requesting any of the following orders for relief:
 - (a) An order restraining the attacker from abusing the victim and other family members.
 - (b) An order directing the attacker to leave the household.
 - (c) An order preventing the attacker from entering the residence, school, business, or place of employment of the victim.
 - (d) An order awarding the victim or the other parent custody of or visitation with a minor child or children.
 - (e) An order restraining the attacker from molesting or interfering with minor children in the custody of the victim.
 - (f) An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so.
 - (g) An order directing the defendant to make specified debit payments coming due while the order is in effect.
 - (h) An order directing that either or both parties participate in counseling.
- (6) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any

other related expenses incurred by the victim or any agency that shelters the victim.

The clear purpose of this law is to make it possible for a victim of Domestic Violence or a victim's family or friend to obtain, anonymously, essential information which would explain how to gain necessary assistance. This information is required to be available in the most visible and accessible public agency - the local Police Department. It should be available without having to explain the purpose for which, or for whom the information is needed. It is essential that local police not only comply with this law but that the availability of this critically important information be publicized.

13. Grand Jury teams visited every Police Department and Sheriff's office in Monterey County to determine whether such "written policies and standards" were available to the public upon request.

14. The following are the only Departments which had policies and standards available upon request of the "public":

Gonzales
King City
Greenfield (The office is not always open.)
Marina

15. The following are the only Departments which reported that they have officers designated to deal with Domestic Violence issues, monitor compliance, keep up with new developments and maintain contact with Social Service Agencies:

Marina
Monterey
Soledad

16. There are 12 incorporated cities and numerous unincorporated population centers in Monterey County. These communities are diverse. The Police Departments vary in size. Because of these differences, it is difficult to develop a coordinated and consistent approach to the problem of Domestic Violence in the County.

17. Cultural and language problems complicate the efforts to deal with Domestic Violence.

18. If Domestic Violence is ignored or not dealt with as criminal conduct, with effective follow-up, a cycle of violence tends to occur within the affected family.

19. Some local police officials and some non-profit agencies, which deal with Domestic Violence, feel that the District Attorney should establish a special Domestic Violence prosecution team and a Victim's Assistance unit on the Monterey

Peninsula.

20. A number of Chief Law Enforcement Officers in Monterey County state that Domestic Violence is a priority issue in their Departments, but the Grand Jury found that:

a. In most Departments there is no officer designated to deal with Domestic Violence, monitor compliance, keep up with new developments and maintain contact with Social Service Agencies.

b. The number of Domestic Violence incidents reported by some Departments are very small compared to the number of incidents reported by communities of similar size. (See Exhibit 2.)

c. At least one Chief Law Enforcement Officer in Monterey County did not know about Emergency Protective Orders (EPO's) which can be obtained by an officer, on behalf of a victim, at a scene where there is potential for the occurrence of a Domestic Violence incident or during the occurrence of an incident.

d. The number of incidents of Domestic Violence per 1,000 of population reported by some Departments indicates that some departments are not reporting Domestic Violence incidents as required by the Penal Code.

e. Since January 1, 1986 all Police Officers are required to complete a basic training course in Domestic Violence. Since 1995 all Police Officers below the rank of Supervisor, who normally respond to Domestic Violence calls, must complete an updated course in Domestic Violence every two years. The Commission on Peace Officers Standards and Training (POST) has developed a two-hour training tape to meet this requirement. Domestic Violence experts and local Police officials who have expertise in dealing with the issue feel that the State mandated training is inadequate and must be supplemented by local Departments. Most Monterey County Police Departments offer no training in Domestic Violence other than the minimum training required by the State.

f. A number of Chief Law Enforcement Officers are unaware of "The Technical Assistance Report and Recommendations" produced by the Technical Assistance team.

g. A number of Chief Law Enforcement Officers fail to initiate programs to deal effectively with Domestic Violence.

21. Unless Police Chiefs and key departmental staff initiate programs for dealing with Domestic Violence their verbal commitments that Domestic Violence is a high priority in their departments will be ignored by frontline officers. Such programs should include:

a. Training and continuing education programs which exceed the minimum training required by the State.

b. Specific departmental systems, strategies and methods for dealing with Domestic Violence which are well understood and the subject of reinforcement through periodic briefings and departmental seminars.

c. Ongoing efforts to identify and implement innovative methods, systems and training developed and operated by other police agencies.

d. Required progress reports to the Police Chief in order to remind the staff and front line personnel that this problem is a high priority issue and that the Chief is monitoring the effort.

e. Periodic sessions for review and analysis of departmental compliance with and enforcement of Domestic Violence laws along with a review of programs and training used by other departments.

22. The following Police Departments have active programs for dealing with Domestic Violence issues:

**King City
Marina
Monterey**

**Pacific Grove
Salinas
Soledad**

RECOMMENDATIONS

The 1996 Grand Jury recommends:

1. That a coordinated effort be undertaken to monitor compliance with and enforcement of Domestic Violence laws by local law enforcement agencies (Police Departments and Sheriff) and that the effort be under the direction and supervision of an independent department or advisory committee.

2. That the County, in cooperation with Monterey County Cities and private, non-profit Social Service organizations develop and conduct a coordinated publicly funded, public information program advising victims and potential victims of their rights, the assistance and resources available to them and the adverse consequences of trying to live with and survive Domestic Violence.

3. That each Police Department in the County, and the Sheriff's office designate an officer, or officers to develop expertise in Domestic Violence issues.

4. That:

a. Every Police Department and the Sheriff's Department make available to the public in a conspicuous place, which is accessible 24 hours a day, every day, the information specified by Penal Code section 13701.

b. That the availability of the information be publicized frequently in a variety of media, designed to reach every segment of the community, in order to ensure that individuals who need assistance are aware that help is available and that such information can be obtained without having to explain the reason for obtaining the information or for whom it is needed.

5. That the District Attorney examine the need for a special Domestic Violence Prosecution Team and a Victim's Assistance Unit on the Monterey Peninsula, and if it is determined that there is no present need that the situation be monitored for future needs.

6. That the Monterey County Courts establish a special Domestic Violence Court or Courts to ensure a coordinated approach to the handling of Domestic Violence cases.

7. That a permanent, County wide, **Police Officers' Domestic Violence Coordinating Council** be formed to deal with Domestic Violence issues. The Council should be composed of specially designated officers or, if no officer is designated, then the Police Chief or the Chief's designee or the Sheriff or his designee. The goals and function of such a Council would be:

a. Monitoring compliance with and assuring effective enforcement of Domestic Violence laws.

b. Developing and operating continuing education programs for local law enforcement personnel on Domestic Violence issues.

c. Identifying problems and unmet needs and developing solutions.

d. Researching successful programs in other California communities as a means of improving local programs.

e. Providing routine reports to City Councils and the Board of Supervisors on Domestic Violence, resources needed, and remedial efforts in place or needed.

f. Encouraging other City and County departments and City Councils and the Board of Supervisors, to undertake continuing efforts to deal with Domestic Violence and seek a better understanding of the problems and cost of compliance with and enforcement of Domestic Violence laws.

g. Working with the District Attorney and special

Domestic Violence units to coordinate prosecution of Domestic Violence crime and uniform enforcement of restraining orders.

h. Working with the Presiding Judge of the Superior Court to improve the judicial administration and handling of Domestic Violence cases.

i. Working with public and private Social Service agencies to improve compliance and enforcement, to develop better victim assistance programs, and develop more effective preventive and remedial efforts.

j. Conducting ongoing reviews of protocols with the goal of adapting the common protocol to changing conditions and circumstances, and improving its effectiveness.

k. Performing ongoing reviews of Domestic Violence training programs and developing suggestions for more effective training.

l. Reviewing and updating the Technical Assistance Report and Recommendations and encouraging each department to adopt the procedures and methods recommended in the report, as revised and updated.

8. The Board of Supervisors, in cooperation with City Councils should consider forming a permanent Advisory Committee composed of residents from each city, and from unincorporated population centers, such as Chualar, Del Monte Forest and Carmel Valley. The goals and functions of such a committee should be:

a. Monitoring compliance with Domestic Violence laws.

b. Doing research on what other California communities are doing and recommending enactment of programs and efforts which have proven effective.

c. Working with City Councils, the Board of Supervisors and their staff to ensure that compliance with and enforcement of Domestic Violence laws and the development of effective preventive and remedial programs.

d. Seeking support and funding for effective efforts and programs from City Councils and the Board of Supervisors.

e. Monitoring public information programs and recommending improvements.

f. Working with the District Attorney and the Presiding Judge of the Superior Court to develop and implement effective policies and procedures for dealing with Domestic Violence cases.

g. Working with public and private agencies to improve victim assistance and support programs.

h. Working with the Probation Department to assist in effective referrals of Domestic Violence offenders to rehabilitation programs and follow-up efforts.

i. Working with the Public Defender to assist in developing effective and constructive policies and approaches for dealing with Domestic Violence offenders.

j. Making annual reports to City Councils and the Board of Supervisors on the status of Domestic Violence in Monterey County, the preventive and remedial efforts by public and private agencies and the compliance with and enforcement of Domestic Violence laws by local law enforcement agencies.

9. The Monterey County Domestic Violence Task Force has hired an "Interim Coordinator" to assist in implementing a County wide coordinated program.

The Task Force also intends "to review the need for a permanent Domestic Violence Response Program Coordinator" "charged with the responsibility of coordinating the efforts of the Task Force with all governmental and non-governmental entities which deal with Domestic Violence."

The Grand Jury further recommends that:

a. The job description and the goals to be achieved by the "Coordinator" be carefully defined with input from the public and private non-profit sector.

b. If a decision is made to hire a permanent Coordinator, the person hired should have proven administrative skills and management experience; but more importantly, have at least some knowledge, training and experience in dealing with Domestic Violence. This will ensure that there is empathy and insight into the issues and problems, and that the person understands the complexities of the issue.

c. The following issues be carefully analyzed and discussed with all constituents before a Coordinator is "assigned" to a County department:

- (1) Who will define the role and responsibilities and functions of the Coordinator?
- (2) Who will supervise and oversee the function?
- (3) If the Coordinator is placed under the District Attorney or the Superior Court, is there a potential incompatibility of roles, relationships and responsibilities, i.e., does the Coordinator need independence and objectivity in order to effectively "coordinate" the "effort?"

The project might involve assisting in the development of prevention programs (family education and counseling), development of public information programs, monitoring compliance and enforcement by local police agencies, working with the District Attorney to ensure that there is effective and consistent prosecutorial efforts throughout the County, working with victim assistance projects, working with the Public Defender and Probation Department to ensure that a reasonable effort is made to counsel, educate and rehabilitate the offender, working with the courts to ensure that there is consistent and coordinated approach in dealing with offenders, and finally, synthesizing the knowledge and information gained through working with the diverse components of the community, and using such knowledge and experience to develop a more effective County wide effort to deal with this complex problem.

Is it possible for a "Coordinator" to maintain independence and develop innovative approaches for addressing this problem if the Coordinator's duties are defined by the District Attorney or the Superior Court and if the day-to-day functions are under the supervision of either office? This issue needs careful analysis and discussion with all constituencies.

d. That the Task Force consider expanding its membership to include a business executive, the Public Defender, a member of the Clergy, a victim, a health-care provider, and a rehabilitated Domestic Violence perpetrator.

e. Unless elected officials and department heads, who are members of the Task Force attend the meetings and participate, their lack of personal involvement will deliver the message to their departments that they are not committed to this effort.

Finally, the 1996 Grand Jury emphasizes the importance of the work of the Monterey County Domestic Violence Task Force and its commitment to a coordinated action plan for dealing with Domestic Violence, possibly the root cause of much of the crime in our society.

EXHIBIT 1
DOMESTIC VIOLENCE INCIDENTS
IN MONTEREY COUNTY
1992 THROUGH APRIL 30, 1996

AREA	POPULATION*	1996				APRIL 30 1996
		1992	1993	1994	1995	
SALINAS	122,390	1,182	861	1,013	970	170
UNINCORPORATED COUNTY	115,000	207	248 AG** 213 GJ***	208 AG** 214 GJ***	182	44 (3/31/96)
MONTEREY	32,587	153	204	163	184	40
SEASIDE	30,102	99	76	92	125	34
MARINA	18,000	236	229	280	267	112
PACIFIC GROVE	16,800	27	28	35	22	11
KING CITY	10,000	44 AG** 66 GJ***	55 AG** 110 GJ***	63	79	38
SOLEDAD	9,255	31	23	26	36	19
GREENFIELD	9,159	122	94	105	132	29
GONZALES	6,600	15	16	11	22	46
CARMEL	4,512	12	13	5	6	4
DEL REY OAKS	1,692	23	19	6	3	1
SAND CITY	200	3	2	3	0	4

* As reported by the Agencies
** Reported by Attorney General to Grand Jury
*** Reported to Grand Jury by City

EXHIBIT 2

DOMESTIC VIOLENCE INCIDENTS PER 1,000 RESIDENTS
AS REPORTED BY MONTEREY COUNTY POLICE DEPARTMENTS AND
SHERIFF'S DEPARTMENT

1992 THROUGH APRIL 30, 1996

AREA (IN ORDER OF POPULATION)	POPULATION	1996				
		1992	1993	1994	1995	AS OF APRIL 30
CITY OF SALINAS	122,390	9.7	7.0	8.3	7.9	1.4
UNINCORPORATED COUNTY AREAS	115,000	1.8	2.2	1.8	1.6	.4
CITY OF MONTEREY	32,587	4.7	6.3	5.0	5.6	1.2
CITY OF SEASIDE	30,102	3.3	2.5	3.1	4.2	1.1
CITY OF MARINA	18,000	13.1	12.7	15.6	14.8	6.2
						(As of 3/31/96)
CITY OF PACIFIC GROVE	16,800	1.6	1.7	2.1	1.3	.7
CITY OF KING CITY	10,000	4.4	5.5	6.3	7.9	3.8
CITY OF SOLEDAD	9,255	3.4	2.5	2.8	3.9	2.
CITY OF GREENFIELD	9,159	13.4	10.3	11.5	14.5	3.2
CITY OF GONZALES	6,600	2.3	2.4	1.7	3.3	7.
CITY OF CARMEL	4,512	2.6	2.8	1.	1.3	.9
CITY OF DEL REY OAKS	1,692	13.5	11.2	3.5	1.8	.6
CITY OF SAND CITY	200	15.	10.	15.	0	20.

(Rounded to nearest 10th)

RESPONSES REQUIRED

RECOMMENDATIONS # 1, 2, AND 8:

Monterey County Board of Supervisors
All City Councils in Monterey County

RECOMMENDATION # 3:

Monterey County Board of Supervisors
All City Councils in Monterey County
All Monterey County Police Departments
Sheriff's Department

RECOMMENDATION # 4:

All Monterey County Police Departments
except Gonzales, King City and Marina
Sheriff's Department

RECOMMENDATION # 5:

Monterey County Board of Supervisors
District Attorney

RECOMMENDATION # 6:

None

RECOMMENDATION # 7:

All Monterey County Police Departments
All City Councils in Monterey County

RECOMMENDATION # 9:

Monterey County Board of Supervisors
Monterey County Domestic Violence Task Force

**EFFORTS OF MONTEREY COUNTY
TO DEAL WITH THE HOMELESS PROBLEM**

SUMMARY:

Homelessness is not a new issue confronting Monterey County. Homelessness in our day is rarely caused by a single factor. It is often thought of as a symptom which includes a number of problems. The Monterey County Homeless Services Plan, September 1990, states four causes of Homelessness:

- "1. The high cost of housing in California;
2. The de-institutionalization of the mentally ill and the shortage of accommodations for them;
3. Structural unemployment/underemployment.
4. The break-up of traditional family structures."

Fiscally, the Homeless situation is a strain on resources of the County and Citizens of the County. The physical, emotional and psychological impact of Homelessness on individuals and families is severe. Much effort has been expended, but the problem is still here.

ISSUES:

1. Does Monterey County have a Homeless problem that is severe enough for special attention?
2. Does Monterey County have a plan to serve its Homeless population?
3. Does the Monterey County Homeless effort parallel the available funding sources?
4. Does the Monterey County Administration of the McKinney Program Funding as it pertains to the former Fort Ord area help or hinder services for the Homeless?
5. Does incorporating Homeless Programs to the former Fort Ord area make service to the Homeless for food, shelter, counselling, job training, job finding, transportation, clothing,

transitional housing, etc., more expeditious and more effective?

INQUIRY PROCESS:

1. Interviewed Homeless Coalition personnel with Department of Social Services.

2. Interviewed all five members of Monterey County Board of Supervisors.

3. Interviewed Director and Assistant Director, FORA (Fort Ord Re-use Authority).

4. Interviewed Directors of several agencies representative of service to the Homeless.

5. Interviewed several agencies active in I-Help Program.

6. Interviewed a number of Homeless persons.

7. A Study of Homeless in Monterey County, Northcutt & Associates, 1989.

8. The Many Faces of the Homeless, Monterey County Homeless Task Force, September, 1990.

9. Results of The Soledad Street Needs Assessment, prepared by Monterey County Department of Social Services, February 1994.

FINDINGS:

1. Several figures are presented about the Monterey County Homeless population. In planning a service delivery system for the Homeless, an accurate assessment of the target population must be accomplished. Several methods have been used resulting in disparities in numbers. A report by HUD (Housing and Urban Development Agency) estimated that in 1990, Monterey County had 910 Homeless. Another method developed by the U. S. Conference of Mayors would make Monterey County with 1130 Homeless. The Northcutt Report estimated the Homeless to number between 1300 to 2200 persons. The Department of Social Services added a criterion to Homeless, "No Permanent Dwelling," and came to a figure of close to 4800 Homeless in Monterey County. The Task Force of 1990 accepted the Northcutt findings. **There is a Homeless Problem in Monterey County deserving of special attention.**

2. Based on the recommendation of the Northcutt Study in 1989, the Board of Supervisors formed a Monterey County Homeless Task Force which presented the Board of Supervisors with recommendations and a plan for addressing the homeless problem.

A plan was adopted for five years and a coalition of agencies dealing with the Homeless was formed with the Department of Social Services given the leadership role in this effort.

3. The Department of Social Services organized the Homeless effort, created staff, and sought available funding sources. Successes were achieved and services for the Homeless moved forward. Several agencies report that they noticed a decline in the need for their services. The Department of Social Services' efforts were tied very loosely to funding from State and Federal sources.

4. Monterey County Department of Social Services is no longer directly involved in Leadership with the Homeless Coalition of Monterey as of 1995. At the present time the Department seeks out Homeless persons utilizing mobile vans and assisting clients with services of the Department.

5. In 1994 County employees presented a plan for discussion about the former Fort Ord area which involved the McKinney Funding Program. From that point the County employees went from servicing Homeless to advocating agencies that either worked or might work with the Homeless. One person described the situation as "they came out of the woodwork." These County employees assisted these groups in how to form and make application and then organized what the community, Cities, FORA, refer to as "Cherry Picking" (choosing the best available). Agencies went through Fort Ord and picked out buildings that they wanted for reasons which are not clear. FORA has taken the stand that out of area agencies and cities cannot send their Homeless here.

6. Except for a few agencies working with Homeless that have good community support, much of the other effort has come to a standstill for Homeless effort. Agencies picked areas right in the middle of a City's development and the University development. Some exchange was promised for the University area. These agencies are now realizing the tremendous cost to refurbish these buildings to bring them up to code--estimated at \$30,000 to \$50,000 per building. In addition there are the usual Government fees, fees to add utilities, and start-up costs. They also discovered that there is a deed restriction on the land so that, at sale, only expenses can be recovered.

7. Infrastructure at Fort Ord to service the Homeless is minimal. The area is away from regular transportation, jobs, training, etc., and will be very inconvenient.

RECOMMENDATIONS:

The 1996 Civil Grand Jury recommends that:

1. The Board of Supervisors convene another Homeless Task

Force similar to that of 1990 which can assess the Homeless situation in the County and present a plan for the County.

2. FORA assure the public that the Homeless coalition and the program at Fort Ord area is not open for "outside area" agencies and cities to transport their Homeless populations to Monterey County.

3. Board of Supervisors encourage the establishing of transitional housing as past studies have indicated a strong need for this type of housing.

4. Board of Supervisors encourage establishing more housing facilities for migrant farm workers.

5. Monterey County Department of Health, Mental Health Division, expand case management services utilizing existing staff and resources to mentally ill individuals who volunteer for services and who may be at risk or require hospitalization or to remain in a Homeless status.

RESPONSES REQUIRED:

Monterey County Board of Supervisors

Recommendations # 1, 3, 4, and 5

Fort Ord Reuse Agency

Recommendation # 2

Monterey County Department of Health, Mental Health Division

Recommendation # 5

**MANAGEMENT OF THE
MONTEREY COUNTY DEPARTMENT OF SOCIAL SERVICES**

BACKGROUND:

The 1985 Management Study and the 1996 Performance Audit indicates that management problems continue at the Department of Social Services. These problems are of concern to the staff and affect the services upon which clients of the Department depend.

The Department has a unique mission: providing financial assistance to eligible beneficiaries and helping to resolve or reduce problems incurred by families and individuals. This mission tends to isolate the Department from other County Departments.

The Department's combined budget is slightly over \$90 million with 558 employees. The majority of those expenditures are offset by Federal and State reimbursements (around 90%). The reimbursement process is complicated. Reimbursement for each of several categories must be claimed separately.

Complying with detailed regulatory constraints requires well trained staff. There are frequent regulatory changes. Some changes are retroactive.

The Department has experienced rapid growth. Within ten years the budget has more than doubled. The number of employees has nearly doubled. This has required increased space and departmental reorganization. The administrative functions have been consolidated. There are now a Deputy Director and three Assistant Directors. The Assistant Directors report to the Deputy Director who reports to the Director.

INQUIRY PROCESS:

1. Interviewed the Director of Social Services;
2. Interviewed the Staff Analyst in the County Administrator's Office responsible for the Department of Social Services;
3. Interviewed some Program Managers, Line Supervisors, and Line Workers in the Department of Social Services;

4. Interviewed members of the Board of Supervisors of Monterey County;

5. Reviewed the Management Study Monterey County Department of Social Services, April 1985; and

6. Reviewed the Performance Audit Monterey County Department of Social Services, Family and Children's Services Division, April, 1996.

ISSUES:

1. Does the Department of Social Services have effective management in place?

2. Do Department personnel understand the mission and goals of the Department?

3. Does the County Administrative Officer's office and the Board of Supervisors have in place an effective system for overseeing the Department and the funding sources and requirements which fund its operation and mission?

4. Is employee turnover a problem for the Department, and does turnover affect the Department's ability to deliver services?

5. Does the caseload exceed the Department's capabilities?

FINDINGS:

1. The management structure of the Department of Social Services is going through significant changes. The present system is not functioning effectively and is not well understood. This is making it difficult for the Department to carry out its mission.

2. The training programs for staff are not coordinated with their schedules and interferes with the performance of their duties.

3. Some programs require matching funds from the County. There has been overmatching of some program funding. Program priorities need to be reviewed to avoid waste of local funds.

4. Personnel turnover in the Department of Social Services is high. Orientation and training of new employees is expensive and time consuming and imposes undue burdens.

5. Caseloads are excessive and must be standardized. Employee turnover and inadequate case management jeopardizes the

mission of the Agency.

6. In order to provide sufficient services the Department must have an adequate data processing system.

RECOMMENDATIONS:

The 1996 Civil Grand Jury recommends that:

1. The management of the Department of Social Services should establish clear lines of authority and a more effective system of supervision.

2. The County Administrative Officer (CAO) evaluate the system which is resulting in overmatching of program funds.

3. The CAO evaluate the cause of employee turnover and develop a program to ensure higher rates of employee retention.

4. The Department of Social Services standardize Line Worker case loads.

5. The Department of Social Services modify the present training program for managers and line supervisors so that these meetings do not interfere with job duties.

6. The County Administrative Officer's office make the installation of an adequate data processing system a high priority.

RESPONSES REQUIRED:

Monterey County Board of Supervisors

Recommendations #1 through # 6

Director, Monterey County Department of Social Services

Recommendations # 1 through # 6

County Administrative Officer

Recommendations # 2, 3, and 6

**COMPLAINT CONCERNING
WELLINGTON M. SMITH JR. JUVENILE HALL**

BACKGROUND:

The 1996 Grand Jury visited Wellington M. Smith Jr. Juvenile Hall on February 27, 1996. Additional visits were made on July 17, 1996 and August 7, 1996 as direct responses to a complaint. The Grand Jury interviewed the Juvenile Hall Division Manager, the complainant, juveniles, Juvenile Hall Line Staff, Juvenile Institution Officers, the Chief Probation Officer, and Probation Department Management Personnel.

ISSUE:

A complaint was received concerning Wellington M. Smith, Jr. Juvenile Hall. The complainant expressed concern about four major areas:

1. Management and staff communication;
2. Overall morale;
3. Clothing; and
4. Health and hygiene.

FINDINGS:

1. There is a lack of communication among the Chief Probation Officer, management, staff and Juvenile Institution Officers. There are no regular staff meetings. One Juvenile Institution Officer complained that there had only been one staff meeting in the past year. There appears to be an attitude among the Juvenile Institution Officers and other staff interviewed by the Grand Jury that management is simply unapproachable. Symbolic of this unapproachability is the fact that the Juvenile Hall Division Manager keeps his door closed, despite announcing that he has an open door policy. Staff doesn't believe there is an "open door" policy. They also feel insecure, airing their concerns for the juveniles. It is worse when they complain about conditions at Juvenile Hall and air their own grievances. Complaints are often dismissed by management as the "cadre" of

malcontents.

2. Morale at Juvenile Hall among the Juvenile Institution Officers and the staff was found to be poor. This poor state of morale can be attributed to an apparent failure of supervisors to implement a true two-way communication process. The staff feels there is no support from the Chief Probation Officer down to the Division Manager. Grievances from the staff are not addressed. Several comments were received concerning the lack of promotion possibilities, management's refusal to release personnel for necessary training to qualify for promotion and personnel hired from outside the system to fill slots. In conversations with individual Juvenile Institution Officers and other staff, it was obvious that the Division Manager and his assistants spend little time in individual and group meetings with Juvenile Institution Officers and other line staff.

3. The present decision making process is not participatory; information flows down from the Chief Probation Officer through his supervisors at Juvenile Hall and then finally on to the line staff. It is recognized that not all decisions require "input" from the line staff, but the impression gained by the Grand Jury in three visits, was that the line staff felt isolated from the decision making process.

4. There is no formal on-the-job training process for the Juvenile Institution Officer after they have attended the Academy. Part-time officers are not involved in any on-the-job training. There is no training officer at Juvenile Hall.

5. The supply of clothing, shoes, sandals, socks and underwear is not sufficient for the number of juveniles housed. During the Grand Jury tours, the supply rooms contained little in the way of supplies. For example, one store room contained only seven bottles of bleach and only three cases of toilet paper. The condition of the clothing was extremely poor and juveniles were observed wearing ill-fitting clothing. "White" underwear fresh from the laundry was dingy and grey. Laundry is being done as time permits on the night shift by juveniles and night shift staff. The supplies storeroom is locked on weekends with only one key in the possession of someone usually unavailable on weekends. The Grand Jury also noted that many juveniles were without warm clothing during the official tour on February 27, 1996.

6. Washing and drying all of the clothing at Juvenile Hall is not being done on a daily basis which causes the juveniles to wear dirty clothing. The size of the loads and the lack of bleach in the wash contributes to the grey look of the clothing.

7. There is a shortage of bedding. This is compounded by the need to wrap blankets in sheets because there are no non-wool items for juveniles with allergies.

8. There is no program in place to address the hygiene and health needs of the juveniles. Basic hygiene items such as toilet tissue, tooth paste and shampoo are often not available.

Some female minors complained to the Grand Jury about the availability of feminine hygiene supplies to fit their individual need and situation. Sometimes bloodstained bedding and undergarments are issued because of the inefficiency of the washing process.

A policy of keeping windows open only two inches apparently has led to health problems because there is insufficient ventilation. This policy was put in place by the Chief Probation Officer to preclude juveniles using the opening to incite other juveniles or even hurting each other.

9. Athlete's foot, rashes and other skin problems are recurring problems. This may be attributable to the lack of bleach in the socks, switching of shoes without disinfecting them and socks that are either not available or full of holes. Disinfectant is not routinely available in the shower areas. Medicine is available on weekends, only in emergencies.

10. The staff has security concerns that need to be addressed. One teacher at Juvenile Hall complained that he felt insecure in his classrooms because the room's "panic button" is on the wall. If a problem develops away from that button, the teacher felt he would have to fight one or more juveniles to reach the button.

11. There is an overcrowding problem in the educational program.

12. There is no established employee counseling program.

CONCLUSIONS:

1. Wellington M. Smith Jr. Juvenile Hall is not being managed in the best interests of the citizens of Monterey County and the juveniles at the Hall.

2. The majority of the problems observed at Wellington M. Smith Jr. Juvenile Hall can be solved by effective and efficient management of the resources available.

RECOMMENDATIONS:

The 1996 Civil Grand Jury recommends that:

1. An independent performance audit of the Chief Probation Officer's management and oversight of the Wellington M. Smith Jr.

Juvenile Hall be promptly conducted.

2. The Chief Probation Officer develop a standard operating procedure for all personnel at Juvenile Hall.

3. There be clear direction from the Chief Probation Officer through his Division Manager to the line personnel concerning training, scheduling, and personal security.

4. The Chief Probation Officer establish a policy for regular scheduled staff meetings, written communication with the staff and Juvenile Institution Officers and a formal counseling system.

5. An independent evaluation be performed on the current purchase and supply procedures in order to determine how the Juvenile Hall's problems with clothing, personal hygiene and other supply items can be resolved.

6. The 1997 Grand Jury investigate the Probation Department and its management.

RESPONSES REQUIRED:

Monterey County Board of Supervisors

Recommendations # 1 through 5

Monterey County Chief Probation Officer

Recommendations # 2, 3 and 4

MONTEREY COUNTY SHERIFF'S DEPARTMENT

BACKGROUND/INQUIRY PROCESS:

During the course of inquiries, interviews and research by the 1996 Civil Grand Jury, a number of issues arose involving the responsibilities and functions of the Sheriff's Department and how these responsibilities and functions are being performed.

The 1996 Grand Jury did not conduct a detailed inquiry into the management and operation of the Department. However, facts which came to the Grand Jury's attention raised concerns about the management of the Department, the adequacy of training standards and programs and the compliance with certain law enforcement and reporting obligations. There was evidence of a lack of performance standards and accountability systems and the lack of a system for establishing priorities.

Problems were noted in compliance with laws dealing with Domestic Violence, for example. There is no one in the Department who has primary responsibility for supervising and overseeing compliance with Domestic Violence laws and reporting requirements. The low number of Domestic Violence incidents reported by the Department, in the unincorporated areas of Monterey County, demonstrate that there is either inadequate investigation, enforcement or reporting of incidents by the Department or possibly all of the above.

The Sheriff was listed as a "Member" of the Monterey County Domestic Violence Task Force. The Task Force commissioned a special team of consultants to look at Domestic Violence in Monterey County and how local law enforcement agencies were dealing with the issue. Their report included specific recommendations for law enforcement agencies based on successful experiences in other communities. The Sheriff's Department was unaware of the report and recommendations more than ten months after the report was released. There was also a lack of awareness of some important victim protective measures by some members of the Department.

The explanation for the low number of reported Domestic Violence incidents, within the jurisdiction of the Sheriff's Department, was that Deputies "work with the community to avoid the problem." The Grand Jury was unable to identify any program, policy or procedure which matched this explanation.

In the September 30, 1996 response to the Mid-Year Final Report on Domestic Violence by the 1996 Civil Grand Jury, the Sheriff's Department acknowledged that there was no one in the Department with expertise or specific responsibility for dealing with Domestic Violence issues. The Department stated in its response that a person will be assigned to this task in 1997.

ISSUE:

The Sheriff's Department is responsible for law enforcement throughout the diverse areas of Monterey County (See Exhibit 1). The effective management and operation of the Department is a vital issue of public safety to local residents. Our personal safety, the security of our homes, and the safety of public facilities in unincorporated areas is a matter of constant concern to citizens of Monterey County.

FINDINGS:

1. The Penal Code requires that specific information, regarding the remedies available to Domestic Violence victims, be available in local law enforcement agencies. The Sheriff's Department did not have this information available at the time of publication of the Mid-Year report. In its response to the Mid-Year Report the Department stated that this problem had been corrected and that the information is now available "at all three Sheriff's stations." A follow-up check by the Grand Jury in November 1996 disclosed that the information is not available without explanations and delays which barely complies with the letter of the law and certainly not the spirit.

2. An escape from the prisoner recreation yard, by a dangerous felon, resulted in correction of a situation which had existed and been known as a problem. The existence of this situation and the urgent need for correction should have been a high priority matter before an escape occurred.

3. An attack on a prisoner in the County Jail, by a fellow prisoner, using a weapon fashioned from blades from disposable razors, brought to the Grand Jury's attention the lack of controls and monitoring of disposable razors. The blades can easily be turned into lethal weapons. The explanation was that the Department is required by law to make it possible for inmates to shave and it would be impossible to monitor disposable razors. We were informed that "in any event there are lots of things from which weapons can be made if they want to make them."

4. Prisoners are transported to courts daily for "required" court appearances at significant expense. This exposes the public and courthouse employees to personal safety risks. Access to the courthouse is uncontrolled. Anyone can walk into the

courthouse with a gun, a bomb or other weapons. As the Chief Law Enforcement Officer in Monterey County, and as an elected official the Sheriff has an obligation to bring this risk to the attention of the Municipal and Superior Court Judges and the Board of Supervisors in an organized and emphatic way. All of the responsible parties need to explore alternatives for handling routine court appearances which will minimize the risk to the public and courthouse personnel and which will be more cost effective.

5. Staffing and security controls at the County Jail were described as very inadequate.

6. The problems which came to our attention indicate the possible lack of a management system with effective direction, supervision, oversight, monitoring, reporting and accountability.

RECOMMENDATIONS:

The 1996 Civil Grand Jury recommends that:

1. The Board of Supervisors direct the County Administrative Officer's office to conduct a performance audit of the Sheriff's Department. The audit should include:

a. Whether there is in place in the Department a management system which, at minimum:

- (1) Identifies and defines public safety issues and brings them before the Board of Supervisors for public review and discussion;
- (2) Identifies unmet needs on an ongoing basis along with a process for establishing well understood priorities for meeting these needs;
- (3) Has up to date training standards and performance standards and a process for monitoring and enforcing the standards; and
- (4) Has well understood reporting and accountability policies.

b. Whether there should be an assessment to determine the staffing and facilities needs to meet minimum law enforcement requirements in unincorporated Monterey County and a process established to keep the needs assessment updated and routinely brought before the Board of Supervisors for review.

c. Whether there are significant instances of non-compliance with State laws as in the case of the Penal Code requirements dealing with Domestic Violence.

d. Whether the management of the Sheriff's Department is "reactive." Rather than having internal systems in place to identify potential problems and develop remedial measures, does the Department wait until a problem occurs and only then respond?

2. That the Sheriff promptly develop a specific proposal, with a cost analysis, for modifying the system of prisoner and detainee court appearances which will avoid both the security problems and the cost of the present system. This proposal should be submitted to the Monterey County Municipal and Superior Court Judges and the Board of Supervisors for early public review and discussion.

3. The 1996 Grand Jury also recommends that the 1997 Grand Jury conduct a detailed inquiry into the management and operation of the Sheriff's Department.

SOME FINAL THOUGHTS:

The Board of Supervisors has designated "Public Safety" as the number one County priority. The Sheriff is the Chief Law Enforcement Officer in the County. The 1996 Civil Grand Jury urges the County Board of Supervisors promptly to require that a performance audit be conducted as outlined above.

RESPONSES REQUIRED:

Monterey County Board of Supervisors

Recommendations # 1 and 2

Monterey County Sheriff

Recommendation # 2

DUTIES AND RESPONSIBILITIES OF SHERIFF - CORONER - PUBLIC ADMINISTRATOR

INTRODUCTION

The Monterey County Sheriff-Coroner-Public Administrator has five primary areas of responsibility. They are as follows:

1. Chief Law Enforcement Officer of the County, enforcing criminal law in the unincorporated county area. In this regard, the Sheriff provides protection through uniform patrol vehicles and support services through the Investigation Division and other related Units. The Sheriff also acts as the first line of defense, giving backup capabilities to any police department or other agency requesting our assistance. We also issue traffic citations for vehicle code violations but mostly in flagrant or unusual situations.
2. The second major function of the Sheriff is acting as "Ministerial Officer of the Courts." In this duty, the Sheriff of Monterey County is also the ex-officio Marshal of the Municipal Courts and Executive Officer of the Superior Courts. The Sheriff provides a bailiff to each of the Municipal and Superior Courts to act as a "Sergeant at Arms," maintaining court discipline and accountability for defendants. As Ministerial Officer of the court, the Sheriff is required to serve a variety of civil process and process civil writs of execution, which deal with the levying on both real property, and the service of subpoenas and orders. This responsibility is carried out by the Sheriff's Civil/Public Administrator's Division.
3. The third basic duty of the Sheriff is acting as "Keeper of the County Jail." As the County Jailer, the Sheriff is responsible to maintain the County Jail, the Adult Rehabilitation Facility, and auxiliary services which require the accepting of any person arrested over the age of 18 and holding that person in pretrial capacity until the case is properly disposed of in the court. It is also the Sheriff's duty to maintain custody of inmates who have been sentenced as a result of a conviction, to operate the Work Furlough Program and the Work Alternative Program.
4. The fourth concern of the Sheriff is that of Coroner. As Coroner, the Sheriff is required to look into all unattended, violent or sudden deaths. The Coroner's division must inquire into, investigate, and determine the cause of death. This service is county-wide and as Coroner he must investigate all of these deaths, regardless of jurisdiction. The Coroner must notify the next-of-kin, make arrangements for removal of the deceased to any appropriate location, and conduct autopsies when necessary. The Sheriff's Coroner Division is required to carry out these responsibilities.
5. The Sheriff is also the "Public Administrator" of the County. As Public Administrator, the Sheriff must take control and safely keep all the Assets and property of the deceased and in certain specified cases, act as the administrator of those persons dying intestate, without a will, or where no person will volunteer to act or is qualified to act as the administrator of the estate. When necessary, the Public Administrator must sell certain properties, and after deducting appropriate fees, disperse that money to the rightful heirs. The Sheriff is also the Indigent Burial and Cemetery Officer for the County. Those persons who die in an indigent capacity are buried or cremated at public expense.