



# MONTEREY COUNTY CIVIL GRAND JURY

## 2008 YEAR-END FINAL REPORT

January 12, 2009



# Monterey County Civil Grand Jury

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Salinas, CA 93902  
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January 12, 2009

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

Dear Judge Grover:

This letter forwards the Final Report of the 2008 Monterey County Civil Grand Jury. The Grand Jury reviewed issues raised by citizen complaints and concerns, including those of members of the Jury. Some citizen complaints were received too late for investigation in the 2008 calendar year and have been forwarded to the 2009 Grand Jury for consideration.

This year the Final Report is printed in an efficient, reader-friendly format: two-sided and spiral bound. We are also distributing the report on CD and posting it at the County's website. These procedures are being used in an effort to reduce the consumption of paper.

When the Jury convened on January 24, 2008, we reviewed complaints from 2007 that had not been addressed by the prior Grand Jury because of time limitations. We then began to develop our own list of topics for possible investigation. We also carefully considered complaints received through October 1, 2008. While we pondered issues, we kept in mind the saying "a small group can make a difference." As dedicated citizens of Monterey County, we knew that if we applied a collegial effort to the issues before us, we could make a difference by objectively investigating aspects of county, special district, education, and city agencies to ensure that those bodies were being effectively governed and that public monies are being judiciously managed.

In reviewing the responses to the 2007 Grand Jury Final Report, the Jury found some to be inadequate in that they failed to conform to California Penal Code

Section 933.05 to provide the public with a clear and responsible answer to recommendations. The Jury reviewed all responses to the 2007 Grand Jury Final Report, contacted jurisdictions and agencies that filed inadequate responses, and requested addenda to their original responses to bring them into compliance with the Code. Some 18 letters requesting responsible and complete responses were mailed to these jurisdictions and agencies. Addenda to responses to the 2007 report are discussed in a section of this report.

The Jury decided to approach our investigations from the point of view of residents of the County and to pursue matters of significant interest to them. The Jury formed five committees: Law Enforcement; Cities, Counties and Special Districts; Health and Social Services; Education; and Edit/Response.

Investigations were conducted on 11 issues during the 2008 term.

- **Assembly Bill 900 and Monterey County Jail** The Monterey County Jail is overcrowded, housing 140 percent of the population for which it was designed. Assembly Bill 900, The Public Safety and Offender Rehabilitation Services Act of 2007 (AB 900) is an effort by the State of California to provide funding for renovation of county jails and build re-entry facilities throughout the state to prepare inmates for a crime-free life upon return to the community. Monterey County participated in the “Request for Proposal” and was granted initial approval for an \$80 million grant for expansion of the County Jail provided the County could offer a site upon which the State would construct a re-entry facility and meet other criteria. The Jury issued a mid-year Final Report on July 16, 2008 regarding AB 900. This year-end Final Report reviews the situation that has developed since the mid-year Final Report was published and recommends actions needed now that the County has been removed from eligibility of an AB 900 grant. It is unfortunate that County Supervisors did not take action a year ago to educate and engage the public in the process. Delay of public outreach to the time of final decisions made it almost impossible to be successful. Re-entry facilities will now be built in other counties and renovation of the Monterey Jail must be funded without help from the government of the State of California. A section of the year-end Final Report documents investigation of the conditions and operations of the Jail that are not directly related to overcrowding.
- **Monterey County Juvenile Hall** Monterey County Juvenile Hall is in terrible condition. The Grand Jury report for 2007 recommended the facility be renovated. The design and condition of the facility create safety risks for both the staff and children in their care. Most cells are “dry” with no toilet or water facilities. In some areas walls are separating resulting from seismic damage. Senate Bill 81, the Local Youthful Offender Rehabilitative Facility Construction Funding Program (SB 81), will offer funding for renovation of juvenile facilities.

The Probation Department and the County should actively pursue SB 81 funds and participate in the "Request for Proposals" in January 2009. Additionally, they should designate a specific team to implement a public outreach effort and to prepare the community for the change and enlist its support to fund matching funds and ongoing costs.

- **Monterey County Prisons** To fulfill its mandate to investigate the condition and operation of prisons in Monterey County, the Jury conducted tours and interviews at Salinas Valley State Prison and the Soledad Correctional Training Facility. Prisons are by their nature worlds unto themselves, and the public remains largely removed from, and unaware of, the realities behind the walls. The Jury interviewed inmates as well as correctional officers and staffs of mental health and medical sections of the facilities. In general we found the facilities in good order and properly managed. The Jury found a lack of evaluation of the effectiveness of education and training programs and a need to provide more training for staff in dealing with inmates who are mentally ill. Recommendations dealing with these issues are in a separate report section for each institution.
- **Monterey County Youth Center** The Monterey County Youth Center (the Center) continues to work with youthful offenders. According to guidelines the youth are sentenced for one year while the staff tries to bring them back into the community and help them resist activities that would return them to the facility or another correction program. The program attempts to expose young people to education and treatment programs and includes a newly constructed vocational classroom. The facility has also been expanded. As is the situation in the prisons, the staff lacks a means to collect performance data and thus determine whether investments in programs actually assist young offenders. Development of a simple database and cooperation with probation officials could bring about that change. The report spells out needs to be fulfilled at the Center.
- **Monterey County Ambulance Services** Ambulance services for Monterey County experienced difficulty for many months. The County has loaned money to WestMed in order to maintain continuous service in the County. County Supervisors interfered with the management of the ambulance provider. This situation ultimately led to a mutual agreement between the County and WestMed to cease operations. The County has since entered into a one-year agreement with American Medical Response. The report outlines the areas of difficulty in the WestMed agreement and specifically suggests targets for ambulance response times and coverage be redefined so any contract agreement is feasible for all parties. County politicians should remain clear of the management of the companies with whom they agree to contract and limit their oversight to performance agreements.

- **Emergency Management System Response** The Grand Jury investigated effectiveness of the Carmel, Monterey, Pacific Grove, and Pebble Beach emergency management systems during the January 4, 2008 severe winter storm and its aftermath. The investigation focused on the four jurisdictions' emergency plans, training, preparedness, response, and coordination with the public and PG&E. During the investigation, the Jury found that all the jurisdictions need to ensure that their Emergency Operations Plans are up-to-date, that their emergency equipment is inspected on a regular basis and that their systems for contacting and aiding the disabled and elderly during times of emergency are improved. The Jury found that PG&E's poor communication and coordination with the jurisdictions during the storm and in the days after—when there were lengthy power outages—severely hindered the work of the jurisdictions' emergency workers.
- **Hartnell Community College Measure H Bond** Citizens' oversight committees are an effective way of assuring the public that bond measure funds are being effectively applied according to the terms of the bond. Measure H, a bond measure for improvements at Hartnell College, required that a Citizens' Oversight Committee (COC) be formed, and spelled out requirements of oversight. The 2008 Monterey County Civil Grand Jury investigated the Measure H oversight in detail and has reported their findings and recommendations for COC improvement. The many shortcomings in Measure H oversight could undermine public confidence in the management of bond funds.
- **Responses to the 2007 Grand Jury Report** The Jury requested addenda to original responses to the 2007 Grand Jury Report that did not comply with California Penal Code. Findings related to the addenda are included in this report
- **The Pacific Grove Unified School District "Dot" Program** The "Dot" program is a leading-edge effort to ensure that teachers and staff have constructive relationships with every student at Pacific Grove Middle School. The District plans to implement the program more widely. The 2008 Grand Jury encourages other school districts in the County to examine the program and determine how it might be implemented in their schools.

The Jury adopted, as its rules of procedure, the California Grand Jurors' Manual published by the California Grand Jurors' Association with a few modifications. The modifications are in an Addendum document that is available for future grand juries. The suggestions will also be made available to the Court, the Grand Jury Association and the 2009 Grand Jury for their consideration.

Finally, we wish to extend our sincere appreciation to the Court for assigning Ms. Elizabeth Fuentez to assist in our administrative needs. Ms. Fuentez's knowledge and professionalism certainly made our tasks much easier. The Jury wishes to express our gratitude to Ms. Fuentez, along with the Office of the District Attorney, the County Counsel, Judge Russell Scott, and you for your guidance and advice throughout the year.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce J. Obbink". The signature is fluid and cursive, with a large initial "B" and a long, sweeping tail.

Bruce J. Obbink  
Foreperson

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## MEMBERS OF THE 2008 MONTEREY COUNTY CIVIL GRAND JURY

Bruce J. Obbink, Foreperson	Pacific Grove
Meg Aliano	Salinas
Karen Brown	Salinas
Robyn Buechel	Monterey
David Burton	Royal Oaks
Leonor Contreras	Salinas
Joseph DeSante	Salinas
Thomas Dusel	Monterey
Phyllis Edwards	Del Rey Oaks
John Greenwald	Monterey
Peggy Michael	Monterey
Tama H. Olver, Foreperson Pro Tem	Pacific Grove
Sheila Lee Prader	Aromas
Sarah Rees	Monterey
Robert E. Rice	Monterey
James G. Robinson	Salinas



**Standing:** Thomas Dusel, Joseph DeSante, Phyllis Edwards, Bruce J. Obbink, Meg Aliano, Robert E. Rice, James G. Robinson, John Greenwald, David Burton

**Seated:** Karen Brown, Robyn Buechel, The Honorable Russell D. Scott, Sheila Lee Prader, Tama H. Olver

**Not pictured:** Leonor Contreras, Peggy Michaels, Sarah Rees



## **CIVIL GRAND JURY MISSION AND RESPONSE REQUIREMENTS**

The primary mission of a civil grand jury in the State of California is to examine county and city governments, as well as districts and other offices, in order to ensure that the responsibilities of these entities are conducted lawfully and efficiently. The civil grand jury is also responsible for recommending measures for improving the functioning and accountability of these organizations, which are intended to serve the public interest.

**Jury Selection** Each year, citizens of the county who apply for civil grand jury service are invited to an orientation session for an overview of the process. The court then interviews them, and approximately 40 names are forwarded for inclusion in the annual civil grand jury lottery. During the lottery, 19 panel members are selected, with the remaining to serve as alternates. Those selected to serve are sworn in and instructed in their charge by the presiding judge. Civil grand jurors take an oath of confidentiality regarding any civil grand jury matters for the rest of their lives.

**Investigations** Each civil grand jury sets its own rules of procedures and creates committees to investigate and create reports. California Penal Code Section 925 states, "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in ex officio capacity as officers of the districts." Additionally, Section 919 prescribes that, "The grand jury shall inquire into the condition and management of the public prisons within the county," and that, "The grand jury shall inquire into willful or corrupt misconduct in office of public officers of every description within the county."

The public may submit directly to the Monterey County Civil Grand Jury complaints requesting that it investigate issues of concern regarding public agencies or officials in Monterey County. The public may request complaint forms by contacting the office of the Monterey County Civil Grand Jury at (831) 775-5400, ext. 3014, or through the Grand Jury's website address at <http://www.monterey.courts.ca.gov/GrandJury>. Grand juries conduct proceedings behind closed doors, as required by law, primarily for the protection of people who file complaints or who testify during investigations. All who appear as witnesses or communicate in writing with a grand jury are protected by strict rules of confidentiality, for which violators are subject to legal sanction.

**Reports** Section 933(a) of California Penal Code declares: "Each grand jury shall submit . . . a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year." The civil grand jury

summarizes its findings and makes recommendations in a public report, completed at the end of its yearlong term. Each report is presented to the appropriate department or agency.

Section 933(b) declares: “One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.”

Each report is distributed to:

- Public officials
- Libraries
- The news media
- Any entity that is the subject of any of the reports.

The public may also view each year’s final report through the Monterey County Civil Grand Jury’s website at <http://www.monterey.courts.ca.gov/GrandJury>.

**Content of Responses** Section 933.05 of the California penal code declares: “The responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

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

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

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

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.”

**Timeline of Responses** Section 933(c) declares: “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 elected 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....All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury.”

**Address for Delivery of Responses**

The Honorable Adrienne Grover  
Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street, 3<sup>rd</sup> Floor, Room #305  
Salinas, CA 93901

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**SUMMARY**

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

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

**Summary of Findings** The Grand Jury found that:

- Overcrowding remains a problem at the Monterey County Jail (the Jail) and creates risks to public safety.
- Preparing now to participate in the second phase of AB 900 would be worthwhile.
- In the absence of help from the government of the State of California (the State), residents of the County will need to fund expansion of the Jail.
- Public engagement in the issues of Jail overcrowding and the opportunities presented by AB 900 has been late and inadequate.

**Summary of Recommendations** The Grand Jury recommends that:

- County authorities continue to seek a site for a re-entry facility in preparation for participation in the second phase of AB 900
- The Monterey County Sheriff's Office develops a plan for renovations to the Jail using County funds
- County authorities review the AB 900 process, especially with respect to public education and engagement, and publish a report of lessons learned from that review.



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**COMPLETE REPORT**

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

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

**Background for the Investigation** Overcrowding in correctional facilities, including the Monterey County Jail (the Jail), has been a finding of the Monterey County Civil Grand Jury every year since 1999 and was highlighted in the 2003 report of the Monterey County Civil Grand Jury as follows: "Overcrowding in prisoner housing impacts all other problems." The 2007 report from the Monterey County Civil Grand Jury included a website address for the California Department of Corrections and Rehabilitation (CDCR), <http://www.cdcr.gov>. From that website the Grand Jury learned about AB 900.

AB 900 took effect in April 2007 to address the problem of overcrowding in county jails by providing funds for construction of new facilities. The legislation contains a number of provisions. However, the following have the greatest impact on the County.

- AB 900 authorizes the government of the State of California (the State) to issue bonds to fund \$1.22 billion for construction of county jail facilities within California in two phases. The first phase will allocate up to \$750 million and the second phase, up to \$470 million.
- The second phase of funding will be available only after a significant number of jail beds and re-entry beds are under construction or sited.
- The money will be distributed through grants and grants are awarded using a competitive bid process. The State issued a Request for Proposals that invited counties to compete by submitting grant requests.
- The competitive bid process gives preference to counties that commit to providing sites where the State will build re-entry facilities at State expense. The competition also favors counties who commit to providing community services, such as mental health services, that support the re-entry facilities.
- Counties of the size of Monterey are required to provide a 25% match for construction funding if they receive a grant.

When they are released from State prisons, 90% of inmates are required to return to the community of their last known address before they entered prison. Re-entry facilities are designed to house inmates during the last 12 months of their sentences and to prepare them for crime-free lives after returning to their communities. The

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CDCR considers construction of re-entry facilities to be the “centerpiece of real reform” in California’s correctional system.

Their investigation led the Grand Jury to recognize that AB 900 presented a very important opportunity for the County to:

- Expand the Jail
- Improve public safety through programs that the State-funded re-entry facility would provide to prepare inmates for their release from prison into the community.

The Grand Jury also recognized that the AB 900 grant process was moving quickly and required immediate action to increase the likelihood of sharing the cost of a Jail expansion with the State. The Grand Jury took the unusual step of publishing a mid-year Final Report (mid-year Report) on AB 900 on July 16, 2007. In that report, the Grand Jury recommended that specific actions be taken to increase public awareness of the issues addressed by AB 900 and the opportunities it presents to improve public safety. The Grand Jury also recommended continued support from the Monterey County Board of Supervisors (Board of Supervisors) to obtain State funding and provide close oversight for execution of the project.

**Investigative Methodology** The following methods were used for investigation:

- Reviews of prior reports from Monterey County Civil Grand Juries (1999-2007)
- Research into public sources about AB 900, including the websites of the CDCR, Corrections Standards Authority (CSA), and the California Legislature
- Interviews with County and State employees knowledgeable of AB 900 and related issues
- Collection and study of documents such as the County’s response to the Request for Proposals and a related resolution by the Board of Supervisors
- Collection and assessment of financial analyses of costs associated with AB 900
- Observations, inquiries, and interviews during tours of the Salinas Valley State Prison, Soledad Correctional Training Facility, and the Jail
- Attendance at the Board of Supervisors meetings on April 15 and July 22, 2008 when AB 900 was discussed
- Attendance at the Salinas City Council meeting on July 8, 2008 where AB 900 was discussed
- Attendance at a City of Salinas Town Hall Meeting regarding AB 900 on August 7, 2008
- Attendance at the Board of Supervisors meeting on September 30, 2008 when the response to the mid-year Report was approved.
- Reviews of media sources.

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**Information Gathered from the Investigation** The Grand Jury collected the following information:

### Overcrowding in the Jail

- Although numbers vary from day-to-day, the Jail continues to house approximately 140% of its designed inmate capacity on a typical day.
- Because the total inmate population has increased while Jail capacity has remained the same, less violent offenders continue to be placed in alternative programs; space in the Jail has been reserved for the more violent offenders.
- While overall rates of violent crime in the County are not increasing, the profile of the inmate population in the Jail has become increasingly violent.
- There are not enough secure individual cells to house all the potentially violent inmates at the Jail. As a result, inmates, whose prior crimes and other histories indicate the potential for violence, are housed in open dormitory settings with other inmates. These open dormitories increase the risk of violent incidents and endanger custodial staff and inmates
- Twenty California counties have court-ordered population caps on their jails. An additional 12 counties have self-imposed population caps in order to reduce the risks created by overcrowding.
- When there is a population cap in place and a jail is full, a prisoner is released every time a new prisoner enters the jail.
- The Sheriff of Fresno County began release of prisoners in September 2008 as a result of overcrowding and budget constraints. Release of prisoners stopped after the city restored \$2.8 million in funding for operations of the Fresno County Jail. Fresno City officials have sued to determine whether the Sheriff has the authority to release prisoners in response to a budget shortfall.
- Though the Jail is not at this time subject to a court-ordered or self-imposed population cap, inmates are often released two days early in order to make room for incoming offenders. Early release requires authorization by the Monterey County Superior Court.
- It is the consensus of correctional facility administrators that increased early release of inmates will be required in the County unless new facilities are constructed.
- Early release of inmates could result in increased risk to public safety.

### Benefits of Re-Entry Programs

- According to CDCR, services that a re-entry facility would be designed to provide would help prepare inmates to lead crime-free lives after returning to our community. Representatives of CDCR stated that such services have been proven in other states, such as New Mexico and that California's prison system has fallen behind in its ability to reduce recidivism.
- Members of the public, many of them former inmates of the State prison system, spoke on behalf of the benefits of re-entry facilities during public comment at Board of Supervisors and town hall meetings where AB 900 was discussed. The following paraphrases a comment of one such speaker: "At



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one time I would have said that inmates get no training while in prison. Believe me, they get training – in how to be a better criminal.”

- The Board of Supervisors included support for the concept of re-entry in their resolutions related to AB 900. Individual members expressed support in comments made at Board of Supervisors and town hall meetings.

The County’s Participation in AB 900

- The \$1.22 billion funding for new jail construction authorized by AB 900 will take place in two phases:
  1. \$750 million is being granted through a competitive bid process in 2008.
  2. An additional \$470 million will be available after at least 4,000 of the local jail beds from Phase I funding are under construction or sited and at least 2,000 re-entry beds are under construction or sited.
- With authorization from the Board of Supervisors, the Monterey County Sheriff’s Office (Sheriff’s Office) submitted a response to the AB 900 Request for Proposals on March 18, 2008. The County’s proposal requested \$80 million for construction of new Jail facilities, to include:
  1. A new central control
  2. Program spaces
  3. Intake/release area
  4. Expanded support services space
  5. Renovations of other areas
  6. A net gain of 448 maximum- and medium-security beds for a facility that currently houses approximately 1100 inmates.

The proposal indicated support from the Board of Supervisors to offer a site for a State re-entry facility within the County. A resolution by the Board of Supervisors documents that support.

- If the County met all conditions set by the State to qualify for the grant, the County would need to provide \$20 million in matching funds for construction (25% of \$80 million).
- To make the new Jail a reality, the County would also need to provide funding for one-time costs and ongoing operating expenses. At the April 15, 2008 meeting of the Board of Supervisors an estimate of \$39 million in one-time costs and \$11.2 million to \$15.6 million in annual operating costs was presented. The components of the estimate are:
  1. \$39 million in costs related to construction of the Jail:
    - \$30 million in planning, architecture, site preparation, and related expenses
    - \$3 million to relocate departments currently occupying space required for the expansion
    - \$6 million for debt insurance and reserves
  2. \$8 million in annual operating costs for the new facility, largely for increased correctional staffing
  3. \$3.2 million in annual costs for increased behavioral health services to support the State-funded re-entry facility

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4. \$4.4 million in annual costs of borrowing money required for construction (included in some planning options).
- The sum of grant requests by all applicants under AB 900 exceeded the total authorized by legislation.
  - During the grant proposal development and review processes, the State made changes, such as increasing the importance in the final RFP of proposing a site for the re-entry facility.
  - On May 8, 2008 the CSA notified the County of its initial ranking in the grant request process. The County's ranking qualified for the requested \$80 million grant, pending identification of a site acceptable to the State for the construction of a State-funded re-entry facility and satisfaction of other criteria, such as translation of the Jail expansion proposal into architectural plans and demonstration of the ability to fund the local match. Only 8 of 14 counties that made grant applications received a conditional grant at that time.
  - On July 1, 2008 the Sheriff's Office announced that a re-entry site on the old Natividad Hospital grounds in Salinas had been selected after evaluation of 21 sites.
  - After the Monterey County Sheriff (Sheriff) requested and was granted an extension by the CDCR, the deadline for resolutions from the Board of Supervisors and Salinas City Council approving a site for a re-entry facility was set for September 18, 2008.
  - On July 8, 2008 the Sheriff made a presentation to the Salinas City Council asking for their support to make the Natividad Hospital site available to the State for construction of a re-entry facility. The Salinas City Council did not make a decision at that time and indicated that there would be appropriate engagement with the public before a decision was made.

Education and Engagement of the Public

- On July 22, 2008 the Board of Supervisors heard a presentation from the Sheriff about the proposed site for a re-entry facility. The Board of Supervisors directed that the Sheriff's Office involve appropriate people from the CDCR in meetings to engage the public and educate them about the issues and benefits associated with the AB 900 grant.
- Officials of the City of Salinas conducted town hall meetings on August 7 and September 4, 2008 that included representation from the Sheriff's Office, Board of Supervisors, and CDCR. Members of the public spoke in opposition to constructing a re-entry facility on the Natividad Hospital site on the basis of proximity to schools and residences, impact on traffic and the environment, and concerns about whether the State would turn the re-entry facility into a higher-security prison over time. Members of the public also spoke in support of the facility on the basis of the value of re-entry services to inmates in their successful return to the community.
- Representatives of CDCR repeatedly stated that:

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1. Ninety percent of inmates with a last-known addresses in the County are required by law to return to the County after leaving prison. Without re-entry services, many of these former inmates arrive at the bus station with \$200, minus the cost of the bus ticket to get here, and little else.
  2. Inmates of the re-entry facility in the County would be individuals who would return here after leaving prison. If there is no re-entry facility in the County, inmates returning to the County will not have the benefits of re-entry services.
- Concerns about the ability of the State to deliver on its commitments were raised often in public discussions of AB 900. One often-repeated concern was whether the State would redeploy the facility as a different kind of prison without the approval of the local community. CDCR representatives pointed out that the proposed design of the facility would make it suitable for use as a re-entry facility and unsuitable as a high-security prison. For example, a re-entry facility includes transitional housing within its walls that prepares inmates to live independently in a community setting. Such housing is not suitable for incarcerating maximum-security inmates. Another often-repeated concern was whether the State would keep its commitment to deliver funding.
  - On September 9 and September 16, 2008 the Board of Supervisors met and received updates on status of site selection and the grant approval process. Key outcomes from the meetings were to:
    1. Authorize the Sheriff to continue negotiations with the CSA and seek the following additional provisions in the siting agreement to be negotiated with the State:
      - Restriction in use of the re-entry site unless the County consented in writing to a change
      - The right to terminate the agreement if there is no guarantee of grant funding
      - Commitment by CDCR to press the State to fund increased behavioral health services that the County would provide inmates after release
      - Final selection of a site to be dependent on community involvement and feedback
    2. Direct the Sheriff to request a 6-month extension in the deadline for identifying a site for the re-entry facility
    3. Adopt a resolution requesting a secure re-entry facility be built in the County on a site in an unincorporated area
    4. Authorize the Sheriff, Chairman of the Board of Supervisors, and Project Manager for the Jail expansion to meet with the CSA and present the requests.
  - On September 18, 2008 the Sheriff, Chair of the Board of Supervisors, and Project Manager for the Jail expansion attended a meeting of the CSA Board. They proposed the guarantees sought by the County as well as the request for a 6-month extension in the deadline for site selection. They also requested

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that the State allow the County to remain eligible for a grant under AB 900 after September 18, 2008. The CSA Board denied their requests.

- On September 18, 2008 the CDCR made public their decisions regarding outstanding grant applications under AB 900. The grant applications for 9 counties were approved. Applications for 3 counties, including Monterey County, were denied because re-entry sites had not been identified. Grant money freed by this denial of grants was made available to counties whose grant applications failed to qualify on March 18, 2008. Six counties not previously eligible for a grant now have provisional approval for grant funding.

Mid-Year Report and the Board of Supervisors' Response

- On July 16, the Grand Jury released a mid-year Report on AB 900.
- On September 30, the Board of Supervisors approved a response to the mid-year Report.
- The Board of Supervisors' response agreed, partially agreed, or partially disagreed with findings of the mid-year Report. The areas of partial agreement or disagreement focused on:
  1. Clarifying Board of Supervisors' support for security in the Jail
  2. Noting the complexity of the grant approval process, specifically that it included conditions beyond identification of a site for a re-entry facility
  3. Describing changes that occurred in the AB 900 grant proposal process, such as extension of the deadline for site selection that occurred very near the date when the mid-year Report was released.
- The mid-year Report recommended that the Board of Supervisors immediately:
  1. Identify specific responsibility and accountability for implementing broad and intense public information programs related to the window of opportunity represented by AB 900
  2. Develop objectives for the program.
- The Board of Supervisors responded that the recommendations had been implemented. The response included a set of "Secure Re-entry Outreach Performance Target Goals" that describe the program as:
  1. Targeted at County residents and neighborhoods within a three-mile radius of the facility
  2. Providing full transparency and detail regarding the re-entry facility and Jail Expansion Project
  3. Employing primarily a minimum of two neighborhood (high school) or/and town hall meetings; however, also including:
    - A brochure with frequently asked questions (FAQ) in bilingual format
    - A website to post the FAQ
    - E-mail to stakeholders
    - Public service announcements

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- Documentary of first-person stories to humanize inmates and show how continuum of care services impacted their ability to become productive citizens
- The mid-year Report recommended use of quantitative and qualitative information to educate residents of the County about the benefits of a re-entry facility. The report requested that the County Administrative Office provide a financial analysis to demonstrate the economic value of a reduction in crime rates. The Board of Supervisors responded that the recommendation would not be implemented because it is unreasonable; the State is responsible for quantifying and communicating the benefits of a State re-entry facility.
- The mid-year Report recommended continued support for site selection for a re-entry facility. The Board of Supervisors responded that this would not be implemented and provided a detailed explanation of the process that led to removal of the County from continued eligibility for a conditional grant under AB 900.
- The mid-year Report recommended that the Board of Supervisors ensure that people involved in the Jail construction project be well qualified. The Board of Supervisors responded that the recommendation had been implemented and provided details, such as the names and qualifications of the individuals.

**Findings of the Investigation** The Grand Jury makes the following year-end findings regarding AB 900:

- F1.1. Overcrowding at the Jail continues to create risks to safety of staff and an increasingly violent inmate population.
- F1.2. The County would benefit from construction of new beds at the Jail in two ways:
  - Improved safety within the Jail for staff and inmates by reducing the number of potentially violent inmates housed in dormitories
  - Improved public safety by reducing the risk of early release of inmates.
- F1.3. While the opportunity to apply for a grant from Phase II of AB 900 is several years in the future, it would be worthwhile to prepare now.
- F1.4. Absent a grant from the State, the residents of the County need to fund improvements to the County Jail.
- F1.5. The AB 900 grant application developed by the Sheriff's Office, Public Works Department, County Administration Office, and others, was well prepared as demonstrated by success in receiving a conditional grant from the State on March 18, 2008.
- F1.6. Changes in the process of applying for a grant under AB 900 resulted in a moving target. Because the target changed, it was more difficult to be successful. However, other counties were successful.
- F1.7. The Board of Supervisors and Sheriff's Office were aware of AB 900 many months before the deadline for selection of a re-entry site. Public engagement was initiated very late in the process, August 2008.

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- F1.8. The public information program related to AB 900 consisted of two town hall meetings focused on the City of Salinas and selection of a re-entry site. Other elements of the “Secure Re-Entry Outreach Target Performance Goals” were not implemented. The program as implemented falls short of what the Grand Jury expected when it recommended broad and intense public information programs.
- F1.9. The AB 900 grant application process includes a series of milestones or hurdles that counties must meet. Throughout the process, the focus by employees of the County appears to have been solely on the next hurdle, rather than with foresight of and preparation for future hurdles. Because the process took place over a short period of time, addressing one hurdle at a time was insufficient to achieve success.
- F1.10. The Board of Supervisors’ response that financial analysis of the benefits of a re-entry facility was a State responsibility missed both the point and spirit of the Grand Jury’s recommendation. The County badly needs a new Jail. Educating the public and engaging them in support of funding a new Jail should be a priority for County government, even if it requires seeking support from sources outside the County.

**Recommendations of the Grand Jury** The Grand Jury believes that now is the time for residents to “bite the bullet” and assume the costs of a critically important infrastructure investment. To that end, the Grand Jury recommends that:

- R1.1. The Sheriff’s Office, Public Works Department, and County Administration Office work with officials of appropriate cities to determine whether there is a suitable site for a re-entry facility on property in Monterey County outside the limits of any city or town. Knowing whether such a site exists will be very helpful if participation in Phase II of AB 900 becomes possible. [Related Findings: F1.1, F1.2, and F1.3]
- R1.2. The Sheriff’s Office develops a plan for renovation of the Jail using sources of funding other than an AB 900 grant from the State and educate the Board of Supervisors about the plan. [Related Findings: F1.1, F1.2, and F1.4]
- R1.3. The Board of Supervisors and Sheriff’s Office:
- Conduct a review of the AB 900 grant application process with a focus on lessons learned, especially about public education/engagement and foresight/preparedness during the process
  - Make a public report of the results.
- [Related Findings: F1.7, F1.8, F1.9, and F1.10]
- R1.4. The Sheriff’s Office, supported by the County Administration Office makes a best effort to develop quantitative information (such as the costs related to housing violent inmates in dormitory settings) that can be included in the plan for a new Jail. [Related Finding: F1.10]

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**Required Responses** Parties responsible for responding:

Monterey County Sheriff: Findings F1.1, F1.2, F1.3, F1.5, F1.6, F1.7, and F1.9;  
Recommendations R1.1, R1.2, and R1.3

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

Responses should include the following types of documentation:

- A) Titles of staff accountable for implementation
- B) Objectives of the activity or review
- C) Estimated dates of completion.

Responses must comply with the following:

CALIFORNIA PENAL CODE SECTION 933.05

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

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**PUBLIC SOURCES OF INFORMATION**

- A. California Department of Corrections and Rehabilitation, AB 900 Prison Reforms: Achieving Results  
[http://www.cdcr.ca.gov/News/AB\\_900\\_Achievements/index.html](http://www.cdcr.ca.gov/News/AB_900_Achievements/index.html) (accessed during the period June 22 through September 27, 2008)

Information obtained from this source:

1. Change in philosophy represented by AB 900
2. Benefits of re-entry facilities and related services
3. Benchmarks for success of AB 900

- B. Corrections Standards Authority, AB 900 Final Request for Proposals  
[http://www.cdcr.ca.gov/Divisions\\_Boards/CSA/CFC/Index.html](http://www.cdcr.ca.gov/Divisions_Boards/CSA/CFC/Index.html) (accessed during the period June 22 through September 27, 2008)

Information obtained from this source:

1. Request for Proposals
2. Current status of responses to the Request for Proposals
3. Changes to the law to support AB 900 (Title 15 regulations/AB 900 Jail Construction Program)

- C. 2008 Monterey County Civil Grand Jury, 2008 mid-year Final Report, Superior Court of California, County of Monterey  
<http://www.montereycourts.org/GrandJury/Reports.aspx> (accessed October 1, 2008)

Information obtained from this source:

Findings and recommendations of the Grand Jury related to Monterey County participation in the AB 900 grant process

- D. 2008 Monterey County Civil Grand Jury, 2008 Responses to the mid-year Final Report, Monterey County Board of Supervisors  
<http://www.montereycourts.org/GrandJury/Reports.aspx> (accessed during the period October 1 through October 8, 2008)

Information obtained from this source:

Responses from the Monterey County Board of Supervisors to findings and recommendations in the Grand Jury mid-year Final Report





## Section 2 MONTEREY COUNTY JAIL

### SUMMARY

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

**Summary of Findings** Investigations conducted by the 2008 Monterey County Civil Grand Jury (the Grand Jury) found that there is a need to renovate and expand the Monterey County Jail. Related findings and recommendations are in *Section 1 Assembly Bill 900* of the full 2008 Monterey County Civil Grand Jury Final Report.

The Grand Jury also found:

- Top leadership of the Jail is very experienced as a team and will be hard to replace if they leave or retire.
- The Jail is always understaffed. This leads to safety risks for staff and inmates.
- Custodial officers are not sufficiently trained to handle the increasing number of incidents associated with mental illness.
- There is no evaluation of the impacts of educational programs on success of inmates following their release from the Jail.

**Summary of Recommendations** The Grand Jury recommends that management of the Jail:

- Develops a comprehensive staff succession plan
- Continues efforts to recruit staff locally
- Increases training for custodial officers about mental illness
- Evaluates the impacts of programs on success of inmates following their release from the Jail.



## Section 2 MONTEREY COUNTY JAIL

### COMPLETE REPORT

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

**Background for the Investigation** Prior reports of the Monterey County Civil Grand Jury identified problems with the condition of the Jail, especially those related to overcrowding and the age of the facility. Findings related to those problems are documented in *Section 1 Assembly Bill 900* of the 2008 Monterey County Civil Grand Jury Final Report.

To ensure that the major problems of overcrowding and age of the facility did not overshadow other important issues, the 2008 Monterey County Civil Grand Jury (the Grand Jury) separately conducted a broader investigation into matters not directly related to overcrowding and age of the Jail.

**Investigative Methodology** The Grand Jury utilized the following methods for collecting information:

- Tours of the facility including all modules, cells, intake areas, common areas, medical facilities, kitchens and laundries
- Meetings with management in the Sheriff's Office, Custody Operations
- Review of the 2008 inspection report of the Jail published by the Correction Standards Authority
- Review of case studies by the New Mexico State Department of Corrections and the Urban Institute Justice Policy Center.

**Information Gathered from the Investigation** The Grand Jury collected the following information regarding the Jail:

#### Staff Experience

- The Jail is under the management of Custody Operations. The Deputy Chief and three Commanders who comprise top management have from 20 to 31 years of experience in the organization. Some are nearing retirement.
- Responses to questions about succession plans to replace top leadership were varied. For example, one response described a formal process for sergeants to stand in for commanders as preparation for succession. Another response indicated that there were no visible activities underway.

#### Facility Condition

- The existing Jail was built in phases without a master plan. It consists of separate modules, many of which were built to different designs.
- The Jail is undergoing a major renovation of showers that will be completed within a year.
- The inspection report of the Jail from the Correction Standards Authority for 2008 noted that the facility was in compliance with code. The report also noted that the facility was "clean and well-maintained."

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### Inmate Population

- The Jail was designed for a primary population of low-risk offenders, inmates sentenced to terms of one year or less.
- Approximately 900 low risk offenders are now serving their sentences in community service and spend no time in jail.
- The Jail would be adequate to house the current population of low risk offenders.
- The Jail currently houses higher risk inmates, many of them in dormitory housing that was designed for low risk, less violent inmates.
- Typically 80% or more of inmates in the Jail are awaiting sentencing. Many have been convicted of violent crimes and felonies and will be sentenced to more than one year in prison.
- Gang members are identified and segregated from one another via housing units within the institution.
- Communications between incarcerated gang members and gang members outside the Jail continue, despite procedures to limit them.

### Staffing

- Custody Operations (the personnel who operate the Jail) is never fully staffed. Recruiting for new staff members is ongoing.
- On June 4, 2008 Custody Operations had 42 deputies and was authorized to have 52. There were 5 sergeants on board with authorization to have 6.
- Competition for staffing comes from city police departments, such as Salinas, where earning capacity, including overtime, is higher.
- Staff recruitment is complicated by the fact that young officers prefer assignments on patrol to those in Custody Operations. Fighting crime on the streets is seen as more appealing work than providing food and medication to inmates and escorting them to medical appointments.
- No formal program exists to build and maintain staff morale.

### Mental Health

- The Sheriff's Office and the Health Department estimate that at least 15% of inmates of the Jail (approximately 165 people) are mentally ill. Of those, approximately 20% (approximately 35 people) show symptoms of a psychotic disorder, most often "co-occurring" with a substance abuse disorder.
- Sheriff officers take six hours of "development disabilities and mental illness" training. Twice a year five Sheriff Officers, who may or may not include Jail personnel, are selected to take 32 hours of Crisis Intervention Training.
- According to Jail management, the number of mentally ill inmates housed in the Jail increases every year

### Educational Programs

- Educational programs for inmates include computer skills, General Education Development high school equivalency certificate (GED), and janitorial work. Turning Point, a non-profit organization, helps offset costs of testing for the GED.
- There is no tracking of former inmates following release from the Jail to determine the impacts of training. When asked how they know their programs

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- are successful, one staff member said that at least two or three former inmates who completed training have not re-offended following release from the institution.
- ACT, an independent, not-for-profit organization, provides assessment, research, information, and program management services in the broad areas of education and workforce development.
  - A case study published by ACT describes a program that was implemented by the New Mexico State Department of Corrections. The program employed assessment tools to identify gaps between the skills inmates have and those they will need to hold a job after they return to the community. It also provided education programs focused on closing those gaps, especially in soft skills such as being punctual and maintaining a neat appearance. In the case study, an official of the New Mexico Department of Corrections' Education Bureau reports: "Our recidivism rate within the state — people that return to incarceration after release — is around 44 percent. For those who complete the ... program, it's around 33 percent."
  - A case study published by the Urban Institute Justice Policy Center describes a program implemented in the State of Illinois that provides training for inmates focusing on promotion of maturity, responsibility, and positive self-image. According to the study, of the first 1,388 program graduates, 25 percent were returned to prison within three years after their release. Thirty-five percent of the comparison group of parolees who did not participate in the program returned to prison for a new crime.

### Commissary and Recreation

- The commissary operates under a contract with Aramark, a food services company. A percentage of the proceeds go to the Jail's Inmate Welfare Fund, which provides board games, cards, basketballs, and other recreational items for inmates.

**Findings of the Investigation** The Grand Jury makes the following findings regarding the Jail:

- F2.1. Top leadership of Custody Operations has many years of experience working together as a team at the Jail. Their experience and working relationships will be hard to replace as they approach retirement. Other staff need to be prepared to take their places.
- F2.2. While it is an old facility, the Jail is well maintained and would be adequate if it housed low risk offenders for which it was originally designed with one inmate in a cell. The inmate population is larger and more violent today and the facility is no longer adequate. Section 1, AB 900, of this report makes recommendations for addressing overcrowding and the condition of the Jail.
- F2.3. The Jail continues to remain understaffed. This situation results in increased risks to the safety of staff and inmates.

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- F2.4. Custodial officers are not sufficiently trained to handle the increasing number of incidents associated with mental illness (e.g., attempted suicides, unprovoked violent attacks) that endanger staff and inmates.
- F2.5. Tracking the impact of training programs on inmates' future success is feasible and has value.
- F2.6. Since the effectiveness of educational programs delivered at the Jail is not evaluated, it is impossible to tell whether the funds directed toward those programs are well spent.

**Recommendations of the Grand Jury** The Grand Jury recommends that:

- R2.1. Custody Operations prepares a comprehensive succession plan for leadership and key staff positions. The plan should focus on senior positions where incumbents are nearing retirement and include specific development plans for leading internal candidates. Where there are no internal candidates who can be developed to assume key roles, the plan should identify strategies for recruiting outside talent. [Related Finding: F2.1.]
- R2.2. Custody Operations continues to recruit staff locally and use the above succession plan as a recruiting tool. [Related Finding: F2.3]
- R2.3. Custody Operations significantly increases the hours and comprehensiveness of training about mental illness so that officers can improve their ability to recognize signs of mental illness, use effective interaction methods with mentally ill inmates, use effective methods to defuse potentially violent situations, and recognize signs of possible suicides. [Related Finding: F2.4]
- R2.4. Custody Operations designs and implements procedures for evaluating the effectiveness of educational programs. This could be accomplished in part through coordination with Probation Department. [Related Findings: F2.5 and F2.6]

**Required Responses** Parties responsible for responding:

Monterey County Sheriff: all Findings and Recommendations

Responses should include the following types of documentation:

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

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Responses must comply with the following:

CALIFORNIA PENAL CODE SECTION 933.05

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

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

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

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

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.



**Section 2**  
**MONTEREY COUNTY JAIL**

**PUBLIC SOURCES OF INFORMATION**

- A. Case Study: New Mexico Department of Corrections, ACT, case study dated April 2008, <http://www.act.org/workkeys/case/newmexico.html> (accessed September 24, 2008)

Information obtained from this source:

A success story that evaluated the impact of training on recidivism

- B. LaVigne, Nancy G., Mamalian, Cynthia A., "A Portrait of Prisoner Reentry in Illinois", Urban Institute Justice Policy Center, [http://www.urban.org/UploadedPDF/410662\\_ILPortraitReentry.pdf](http://www.urban.org/UploadedPDF/410662_ILPortraitReentry.pdf) (accessed September 24, 2008)

Information obtained from this source:

A success story that evaluated the impact of training on recidivism

**Section 3**  
**MONTEREY COUNTY JUVENILE HALL**

**SUMMARY**

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

**Summary of Findings** Investigations conducted by the 2008 Monterey County Civil Grand Jury (the Grand Jury) found that:

- Juvenile Hall staff keep the facility clean and serviceable despite its poor condition.
- Because of its design and condition, Juvenile Hall is inadequate to fulfill its purpose of providing a safe and secure environment for young offenders.
- Senate Bill 81, the Local Youthful Offender Rehabilitative Facility Construction Funding Program (SB 81), provides an excellent opportunity for Monterey County to share the cost of constructing a new Juvenile Hall with the government of the State of California.
- Public support for the program to build a new Juvenile Hall will be critical to the success of the program.

**Summary of Recommendations** The Grand Jury recommends that:

- The Monterey County Probation Department (the Probation Department), who is responsible for Juvenile Hall, aggressively pursues a grant under SB 81.
- The Probation Department pursues an aggressive education and information campaign to enlist public support for constructing a new Juvenile Hall including provision of matching funds and acceptance of the impact of the construction project on the community.
- The Board of Supervisors provides support needed for the Probation Department to achieve public education and engagement and to submit a grant proposal under SB 81.



**Section 3**  
**MONTEREY COUNTY JUVENILE HALL**

**COMPLETE REPORT**

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

**Background for the Investigation** The Monterey County Civil Grand Jury Final Report for 2007 noted problems with the condition of Juvenile Hall and stated in its Final Report that, because of its age and condition, a new Juvenile Hall “must be built.” This concern led the 2008 Monterey County Civil Grand Jury (the Grand Jury) to conduct an investigation into the current condition and operations of the facility.

Juvenile Hall is a short-term detention facility for juveniles awaiting adjudication of their cases. It is a 114-bed facility that houses minors who have been charged with criminal acts and/or probation violations. While in custody the juveniles are under constant supervision of the facility’s juvenile institutions officers. Juvenile Hall is managed by the Monterey County Probation Department (the Probation Department).

While investigating Assembly Bill 900, The Public Safety and Offender Rehabilitation Services Act of 2007 (AB 900), which provides funds for renovation of county jails, the Grand Jury became aware of Senate Bill 81, the Local Youthful Offender Rehabilitative Facility Construction Funding Program (SB 81), which provides funds to renovate local facilities that house juvenile offenders.

**Investigative Methodology** The Grand Jury utilized the following methods for collecting information:

- Reviews of the 2007 Monterey County Civil Grand Jury Final Report
- Tours of the Juvenile Hall facility
- Interviews with Juvenile Hall management staff
- Analyses of SB 81
- Analyses of documentation provided by Juvenile Hall such as “Monterey County Juvenile Detention Needs Assessment, “Probation Department Annual Report” and “Division of Juvenile Justice Realignment Proposal.”

**Information Gathered from the Investigation** The Grand Jury collected the following information regarding Juvenile Hall:

Senate Bill 81

- SB 81 was passed on August 4, 2007.
- Of the many provisions of SB 81, the following are of special relevance to the County. SB 81:

### **Section 3 MONTEREY COUNTY JUVENILE HALL**

1. Bans future commitments of non-violent juvenile offenders to the institutions managed by California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ), formerly the California Youth Authority.
  2. Reduces the population of juveniles housed in DJJ facilities from 2,500 to about 1,500 incarcerated juvenile offenders within two years.
  3. Requires that county governments take responsibility for the custody and care of juvenile offenders who can no longer be sent to institutions managed by DJJ.
  4. Provides counties with block grant funds to pay for local alternatives to commitment of juvenile offenders to DJJ institutions at an average of \$117,000 per ward.
  5. Authorizes up to \$100 million statewide in construction bond funds for the design and construction of new or renovated county facilities for youthful offenders; \$35 million is available for medium sized counties. Monterey County is in the medium-sized category.
- SB 81 requires that funds awarded through the grant proposal process be used for construction.
  - SB 81 requires that the county receiving a grant award provide a 25% match to funds granted by the State of California. Counties can match up to 20% of the grant in soft costs, such as design and specific operating costs. Unlike similar legislation (AB 900) that authorized funding for renovation of county jails, SB 81 does not require that the match to be all in cash and used solely for construction. At the same time, the citizens of each county will ultimately bear the cost of matching funds and any increased costs of operations as a result of SB 81.
  - The California State Corrections Standards Authority (CSA), a part of CDCR, manages the grant application process for SB 81.
  - The CSA issued a Request for Proposals (RFP) to apply for grants under SB 81 on July 17, 2008. Proposals in response to the RFP are due on January 9, 2009.
  - The CSA will accept proposals in advance of the due date for early evaluation and feedback.
  - Management of Juvenile Hall believes that they are well prepared to submit a thorough, timely response to the SB 81 grant proposal.
  - The impact of constructing a new Juvenile Hall will affect nearby residents in the same way any major construction project impacts a neighborhood. There will be concerns, for example, about traffic, noise, and security during and after the project.

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## **MONTEREY COUNTY JUVENILE HALL**

### Juvenile Hall Population

- The juveniles in custody at Juvenile Hall generally fall into these categories:
  1. Minors pending further investigation immediately after admission
  2. Minors detained pending further court proceedings
  3. Minors awaiting court-ordered placement
- On June 19, 2008, there were 150 juveniles in custody at Juvenile Hall. The CSA, the organization that oversees standards and quality for California's prison system, rates its capacity at 114.
- The Probation Department projects that, if current trends continue, the average daily population in Juvenile Hall will be 166 in 2010, 185 in 2020, and 204 in 2030.
- The average offender's stay in Juvenile Hall is 28-30 days.
- According to Juvenile Hall management, the population of Juvenile Hall is becoming more violent every year. For example, on June 19, 2008, seven juveniles in one unit were being held because of attempted murder charges.
- On average, approximately 62% of the juvenile population are gang members.
- According to interviewees, the percentage of juveniles with mental health issues has steadily increased since 2002. There are no separate housing units for these juveniles.
- There is no medical housing unit at Juvenile Hall. Juveniles needing medical attention are sent to local medical facilities.
- On average, 12% to 15% of the Juvenile Hall population are girls. Ten percent of the girls are pregnant.
- Eighty percent of the juveniles are repeat offenders.

### Juvenile Hall Facilities

- Juvenile Hall was constructed in the late 1950s. It was built in a linear design with sleeping rooms, or cells, along a single, extended corridor connecting three housing units. [See Figure 1.]
- In 1992 and 2003, earthquakes damaged the facility. In 1994, to ease crowding, a ten-bed dormitory and a twenty-bed dormitory were added. [See Figure 2.] The kitchen was converted into a twelve-bed dormitory in 1999. Between 2003 and 2004, renovation was completed to repair seismic damage and to install new heating and electrical systems.
- Two of six academic classrooms are in temporary structures, separate from the main building. [See Figure 3.] The gymnasium also serves as the visiting room for families and detained juveniles. [See Figure 4.] There is no kitchen or laundry.
- The exterior of the building shows evidence of seismic damage and repairs. For example, metal bars have been inserted to hold together sections of the roof that were separated during earthquakes. [See Figures 5 and 6.]

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## **MONTEREY COUNTY JUVENILE HALL**

- The design of the facility makes it difficult to visually supervise the facility's perimeter and its exercise yards. There is no central oversight station. [See Figures 7 and 8.]
- Makeshift barriers have been added to the existing windows to keep juveniles from escaping the building. To prevent juveniles from climbing to the roof, coiled razor wire has been placed in corners where wings of the building abut. [See Figure 9.]
- There is no protected entry to Juvenile Hall, creating a dangerous situation for officers escorting juvenile offenders into the building. Additional staff must go outside to assess security conditions before juveniles enter or leave the building.
- The entry opens directly into the booking area, which contains rooms for other purposes; juveniles waiting to be booked and juveniles already in custody are crowded together, creating a dangerous environment.
- Rooms meant for one purpose are now used for other purposes because of overcrowding. [See Figure 10.] For example, the room in which Juvenile Hall clothing and supplies are issued to incoming juveniles is so small that it is difficult for more than two people to move around in it. The supervisor's table and chair are jammed against a washbasin. One of the counseling rooms for juveniles is in a space that formerly served as a laundry room with large pipes attached to the walls. [See Figure 11.]
- Seismic damage and subsequent repairs are evident inside the building. Cracks on the walls have been covered over with stucco. Long cracks run along the floors. Floor tiles and baseboards are stained and crumbling. [See Figure 12.] Walls and ceilings show evidence of water damage. [See Figure 13.]
- Despite its condition, Juvenile Hall is kept clean and in serviceable repair.
- Of the 72 sleeping rooms for juveniles, only 18 are "wet," having washbasins and toilets. Title 24, California's Building Energy Efficiency Standards established in 1978 under the oversight of the California Energy Commission, requires that all sleeping rooms contain washbasins and toilets. However, Juvenile Hall was grandfathered in under an older standard that did not require them. [See Figure 14.] To serve the basic human needs of juveniles confined in rooms that do not have toilet facilities, custody staff must escort groups to and from the three communal toilet rooms. [See Figures 15 and 16.]
- The sleeping rooms are on two sides of linear corridors that are darkened to enable custody staff to see inside rooms. Visual supervision is difficult where corridors and dormitories abut; staff must be stationed in the corridors to monitor juvenile activity. [See Figures 17 and 18.]
- Custody staff must accompany juveniles to and from the two detached classrooms.

### Section 3 MONTEREY COUNTY JUVENILE HALL

#### Juvenile Hall Staff

- During tours of the facility, the Grand Jury observed that Probation Department officers, Behavioral Health staff, nursing staff and teachers who work in Juvenile Hall go beyond the scope of their duties to assist and encourage female and male minors in their charge. For example, staff members described forming individual relationships with juveniles and their families and volunteering in community organizations outside Juvenile Hall. These efforts demonstrated a shared goal to provide services that will help the minors' reintegration back into the community. The Grand Jury also observed relaxed and positive interactions between staff and juveniles.

**Findings of the Investigation** The Grand Jury makes the following findings regarding Juvenile Hall:

- F3.1. The facility is kept clean and in repair despite its poor condition. We commend the staff for their dedication to this effort.
- F3.2. Because of its antiquated design and its changing juvenile population, the current Juvenile Hall is inadequate to fulfill its purpose of providing a safe and secure environment. It is a dangerous place for both staff and detained juveniles.
- F3.3. SB 81 provides an excellent opportunity for the County to share the cost of constructing a new Juvenile Hall with the government of the State of California.
- F3.4. Because SB 81 requires matching funds from the County and the new Juvenile Hall will involve construction that affects nearby residents, public support of the program will be critical to its overall success.

**Recommendations of the Grand Jury** The Grand Jury recommends that:

- R3.1. The Probation Department, working with the Department of Public Works and the County Administrative Office, aggressively pursues a grant under SB 81. The grant proposal should be submitted well ahead of the deadline, in order to get feedback and optimize the final proposal. [Related Findings: F3.2 and F3.3]
- R3.2. Before the grant proposal deadline the Probation Department pursues an aggressive public education and engagement program to enlist support for the construction of a new Juvenile Hall. The program should involve all parties who will be impacted including constituencies near the construction and residents of the county who will support the provision of matching funds. [Related Findings: F3.2, F3.3, and F3.4]
- R3.3. The Board of Supervisors provides the support needed by the Probation Department in order to implement Recommendation R3.2. [Related Finding: F3.4.]



**Section 3**  
**MONTEREY COUNTY JUVENILE HALL**

**Required Responses** Parties responsible for responding:

Monterey County Sheriff, assisted by the Chief Probation Officer: all Findings and Recommendations R3.1 and R3.2.

Monterey County Board of Supervisors: all Findings and Recommendations R3.2 and R3.3.

Responses should include the following types of documentation:

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

Responses must comply with the following:

CALIFORNIA PENAL CODE SECTION 933.05

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

**Section 3**  
**MONTEREY COUNTY JUVENILE HALL**

**PUBLIC SOURCES OF INFORMATION**

- A. Monterey County Probation Department, The Wellington M. Smith, Jr. Juvenile Hall, <http://www.co.monterey.ca.us/probation> (accessed October 7, 2008)

Information obtained from this source:

1. Responsibilities and mission of the Probation Department
2. Location and capacity of Juvenile Hall

- B. Monterey County Probation Department, Annual Report 2006-2007, <http://www.co.monterey.ca.us/probation/quick%20links/AnnualReport-2006-07.pdf> (accessed October 10, 2008)

Information obtained from this source:

Instructional and educational programs provided at Juvenile Hall

### Section 3 MONTEREY COUNTY JUVENILE HALL



*Figure 1*  
Linear design with cells along single, extended corridors



*Figure 2*  
Twenty-bed dormitory added to ease overcrowding



*Figure 3*  
Temporary classrooms separate from main building



*Figure 4*  
Gymnasium that also serves as visiting room



*Figure 5*  
Bars holding sections of roof together



*Figure 6*  
Separation of roof sections resulting from seismic damage

**Section 3  
MONTEREY COUNTY JUVENILE HALL**



*Figure 7*  
No central oversight station on juvenile exercise yard



*Figure 8*  
County jail on perimeter of juvenile exercise yard



*Figure 9*  
Coiled razor wire to deter juveniles from climbing building



*Figure 10*  
Rooms now used for other purposes due to overcrowding



*Figure 11*  
Counseling room formerly served as laundry room.



*Figure 12*  
Floor tiles and baseboard stained and crumbling

**Section 3**  
**MONTEREY COUNTY JUVENILE HALL**



*Figure 13*  
Walls and ceilings show evidence of water damage.



*Figure 14*  
Sleeping room with no toilet or sink facilities



*Figure 15*  
Communal toilet rooms and sinks



*Figure 16*  
Communal shower facilities



*Figure 17*  
Visual supervision is difficult due to building design.



*Figure 18*  
Darkened hallways allow staff to see inside rooms.

**Section 4**  
**SOLEDAD CORRECTIONAL TRAINING FACILITY**

**SUMMARY**

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

**Summary of Findings** Investigations conducted by the 2008 Monterey County Civil Grand Jury (the Grand Jury) found opportunities for improvement related to security, educational programs, and training for correctional officers. Specifically, there are challenges related to:

- Staffing levels
- Possession of cellular telephones by inmates
- Value of investments in educational programs
- Capability of correctional officers to work with inmates who have mental health problems.

**Summary of Commendations** The Grand Jury commends the Prison Industry Authority (PIA) for its furniture factory at the CTF. This program produces economic value for the government of the State of California (the State), equips inmates with marketable skills they can employ when they return to the community, and reduces the potential of violence toward staff and inmates. It is a model that should be emulated wherever possible.

**Summary of Recommendations** The Grand Jury recommends that management of the CTF:

- Continues discussions with authorities regarding changes in California Penal Code to regulate possession of cellular telephones by inmates
- Institutes a program to monitor the impact of academic and vocational training on inmates’ success when they return to the community
- Secures funding for additional low-cost housing to address cost of living for staff
- Increases in-service training for correctional officers related to their work with inmates who have mental health problems.



**Section 4**  
**SOLEDAD CORRECTIONAL TRAINING FACILITY**

**COMPLETE REPORT**

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

**Background for the Investigation** The CTF in Soledad was opened by the government of the State of California (the State) in 1946 as a camp center (a place to house inmates assigned to work outside the prison) administered by San Quentin State Prison. Today it is operated by the State as an expanded facility that houses minimum security and medium security inmates of the State prison system.

**Investigative Methodology** The 2008 Monterey County Civil Grand Jury (the Grand Jury) used the following methods for collecting information:

- Tours of the facilities at the CTF including cells; dormitories; common areas; cafeterias and kitchens; medical, dental, and mental health treatment facilities; canteens; exercise yards; chapels and areas available for native American religious practices; academic and vocational training facilities; libraries; control rooms; and support areas such as laundry facilities
- Interviews and conversations with management and staff
- Interviews with inmates
- Reviews of prior Monterey County Civil Grand Jury final reports (2006 and 2007)
- Reviews of documentation provided by CTF Staff, such as the brochures *Correctional Training Facility Soledad* and *Inmate Employability Program* from the Prison Industry Authority (PIA)
- Reviews of *California Code of Regulations Title 15: Crime Prevention and Corrections*
- Analyses of Coleman v. Schwarzenegger, 2008 U.S. Dist. LEXIS 70224 (E.D. Cal. Sept. 15, 2008) (Coleman) and Plata v. Schwarzenegger, 2008 U.S. Dist. LEXIS 57924 (N.D. Cal. July 1, 2008) (Plata) court decisions.
- Review of Washington University in St. Louis School of Law material about civil rights legislation
- Reviews of American Psychiatric Association online publications related to prison mental health services
- Analyses of “Achieving a Constitutional Level of Medical Care in California’s Prisons, The Federal Receiver’s Draft Strategic Plan (2),” April 21, 2008.

**Information Gathered from the Investigation** The Grand Jury collected the following information regarding the CTF:

Prisoner Classification

- Upon intake into a state penal institution, inmates are classified using a point system that is based on a number of factors including the crimes of which



## **Section 4**

### **SOLEDAD CORRECTIONAL TRAINING FACILITY**

they have been convicted, cooperation with work and education programs offered by the facility, and infractions of the rules of incarceration. Inmates' classifications are reevaluated periodically and can be changed or remain the same over time depending on their behavior.

#### The Facility

CTF consists of a complex of three facilities:

- The South Facility houses Level I, minimum security, inmates with scores from 0 to 18 points in the inmate classification system. These inmates require the least intensive security.
- The Central Facility houses Level II inmates and is a training and work-oriented facility. It provides academic, vocational, and industrial programs. Inmates with scores of 19 to 27 points in the inmate classification system, who require more intensive security, are housed in the Level II facility. Armed correctional officers guard this facility.
- The Central Facility also includes the institution's Administrative Segregation Unit. Administrative segregation is a means of separating inmates who require additional security for their own safety or the safety of others.
- The North Facility is a training and work-oriented facility that provides academic, vocational and industrial programs and houses Level II and Level III inmates. Inmates with scores of 28 to 51 points in the classification system are classified as Level III. These inmates require a high level of security by armed correctional officers and are closely guarded at all times.
- CTF South Facility was opened in 1946 as a camp center administered by San Quentin State Prison. The Central Facility was opened in 1951 and expanded in 1984. The North Facility was opened in 1958 and expanded in 1996. The South Facility was also expanded in 1996.
- The CTF facility currently has a variety of housing arrangements including dormitories, single cells, and high security single cells. All were designed without taking into account the special needs of the mentally ill.
- The Prison Industry Authority (PIA), a State of California agency that provides work programs for inmates, operates several programs at the CTF including a factory that manufactures furniture sold to State facilities, a textiles program, and a dairy.

#### Inmate and Staff Capacities

- The CTF was designed to house 3,301 inmates with one inmate in each cell. Because the current population of the prison is significantly larger than the capacity for which it was designed, in general two inmates are housed in each cell.
- Before 2007 overcrowding led to some inmates being housed in gymnasiums and common areas at the CTF. In 2007, the Governor of California signed Assembly Bill 900, the Public Safety and Offender Rehabilitation Services Act of 2007 (AB 900). AB 900 authorized the transfer of up to 8,000 inmates from California prisons to out-of-state prisons by March 2009. As a result of these transfers and normal return of prisoners to the community, overcrowding at

## Section 4 SOLEDAD CORRECTIONAL TRAINING FACILITY

- the CTF has been reduced. The CTF at present does not house inmates in gymnasiums.
- The CTF remains overcrowded. On May 13, 2008, the facility housed 6,477 inmates: 977 Level I inmates at South Facility, 2,576 Level II inmates at Central Facility, 378 Level II inmates at North Facility and 2,266 Level III inmates at North Facility.
  - AB 900 also authorized construction of new re-entry facilities to house inmates during the last 12 months of their sentences. Transition of inmates to re-entry facilities may additionally reduce the inmate population and overcrowding at CTF.
  - The size and scope of the CTF requires a large staff, which in turn requires continuous recruitment and retention of employees.
  - Many new graduates of the Correctional Officer Academy take their first assignments at the CTF but request transfers to locations with lower housing costs, higher pay and/or lower costs of living as soon as they are eligible to do so.
  - On May 12, 2008 the CTF had enough staff for 6,527 inmates, more than the 6,477 that were housed on that day.
  - On August 5, 2008, 90 correctional officers had pending requests to transfer from the CTF to other institutions.
  - According to CTF staff, the State owns property at CTF that could be used for additional low-cost housing.

### Cellular Phones

- CTF management noted that the largest ongoing risk to security within the facility is illicit possession of cellular phones.
- In order to prevent criminal activity and risks to safety of staff and other inmates, the State has made possession of a cellular phone by an inmate a misdemeanor.

### Desegregation of Inmates

- Segregation of inmates by gang affiliation is a practice for maintaining order at CTF. Because gang affiliation is often associated with race or ethnicity, segregation by gang affiliation often results in segregation by race or ethnicity.
- A 2005 ruling by the U.S. Supreme Court (Johnson v. California, 543 U.S. 499, 504 (U.S. 2005)) led to federal court mediation and an agreement between the State and the federal court that double cells would be desegregated.
- Court-mandated desegregation of California prisons began in 2008 but had not yet begun at CTF at the time of the investigation.
- Prison management expressed their intent to cooperate with the order to desegregate the prison despite reservations about a potential increase in the number of violent incidents.

### Educational Programs

- The Western Association of Schools and Colleges (WASC) is one of six regional accrediting associations in the United States. The primary goals of

## Section 4 SOLEDAD CORRECTIONAL TRAINING FACILITY

accreditation are:

1. Certification to the public that the school is a trustworthy institution of learning and
  2. Improvement of the school's programs and operations to support student learning.
- WASC certification requires periodic audits and implementation of recommendations for improvement from those audits.
  - The education department at the CTF is WASC certified. The most recent audit in 2007 resulted in a two-year certification and the next audit will be conducted in 2009.
  - Education staff at the CTF is accredited teachers. Six have master's degrees and one has a doctorate. The institution requires that vocational teachers have a minimum of five years of trade experience at the journeyman level.
  - The education department at the CTF offers academic programs, (such as a General Education Development high school equivalency certificate (GED)), skills training (such as computer skills), vocational training (such as janitorial skills), and practical training (such as how to run a small business).
  - At the time of the Grand Jury investigation, approximately 900 students, 27% of the population at CTF, were enrolled in academic and vocational training.
  - Management in the education department noted that studies have shown a 30% decrease in recidivism for inmates receiving a GED and a larger decrease in recidivism for those who receive an Associate of Arts degree. The Grand Jury was not able to locate studies that document such reductions.
  - There is no endeavor to study inmates after they re-enter the community to determine whether inmates who have completed educational programs are more successful than those who have not.

### Central Facility East Dormitory (East Dormitory)

- PIA operates a furniture factory in the East Dormitory. Inmates who work in the factory are the only ones at the CTF who currently live in a desegregated dormitory setting and work in a factory located at the same site. The factory builds furniture that is sold to State facilities, such as universities and office buildings.
- Inmates living in the East Dormitory get job training and have other privileges, such as permission to have an individual television set at their bunk and facilities for doing their own laundry.
- Prison authorities require that inmates in the East Dormitory maintain a high standard of behavior. They are required to obey the rules and to cooperate with each other and with corrections officers. They are also required to refrain completely from gang-related activity.
- In the East Dormitory, violent incidents have not occurred even though it is a desegregated facility.

### Class Action Litigation Related to Conditions in California State Prisons

- The State has been a defendant in significant class action law suits related to conditions in its prisons, for example:

## Section 4 SOLEDAD CORRECTIONAL TRAINING FACILITY

1. Coleman v. Wilson, 912 F. Supp. 1282, 1295 (E.D. Cal. 1995), later Coleman v. Schwarzenegger, 2008 U.S. Dist. LEXIS 70224 (E.D. Cal. Sept. 15, 2008) was filed in 1990 and alleged that mental health care in California prisons violated the constitutional rights of inmates. In 1995, a federal court issued a permanent injunction based on findings that the CDCR had been deliberately indifferent to systemic deficiencies in inmates' mental healthcare, including inadequate screenings, understaffing, delays in access to care, deficiencies in medication management and involuntary medication, inadequacy of medical records, inadequately trained staff, improper housing of mentally ill inmates in administrative segregation, and the deliberately indifferent use of tasers and 37mm guns on inmates with serious mental disorders. The court appointed a Special Master<sup>1</sup> to oversee reforms. Between 1998 and 2006, the Special Master filed numerous compliance reports documenting progress over time related to filling vacancies in mental health staffing, training, suicide prevention, outpatient beds, transfers of inmates to places that would better serve their mental health needs, and other measures.
2. Plata was filed in 2001. Plaintiffs alleged that medical services in California's prisons were inadequate and in violation of the constitutional rights of inmates as well as the Americans with Disabilities Act, and section 504 of Rehabilitation Act. In 2005 with the litigation still pending, the court placed the medical services in California's prisons under a Receiver.<sup>2</sup> In 2008, the Receiver published a strategic plan (Strategic Plan) focused on improvements in medical services including timely access to competent medical and clinical personnel who are informed by accurate patient records and supported by appropriate housing, medical facilities, equipment and processes; and timely access to prescribed medications, treatment modalities, specialists and appropriate levels of care. After two years, in 2007, progress had not met the expectations of the court and a new Receiver was appointed. The new Receiver is currently working toward the goals of the Strategic Plan. One means for doing so is to conduct periodic audits of California prisons, including the CTF.
  - In 2007, the federal district judges in Coleman and in Plata consolidated plaintiffs' motions for convening of a three-judge district court, to consider imposition of a prison population cap. A hearing on the motion was held June

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<sup>1</sup> A special master, in law, is an authority appointed by a judge to make sure that judicial orders are actually followed. Cases involving special masters often involve situations where it has been shown that governmental entities are violating civil rights. Cases where special masters have been utilized in recent years include some high-profile ones where states have been ordered to upgrade their prison facilities, which were held to be violative of the constitutional provision barring cruel and unusual punishment, and often state mental hospitals and similar institutions, which have been found to be so substandard as to be inherently violative of the rights of their inmates.

<sup>2</sup> A receiver, in law, is a person appointed by a court administrator to take into custody the property or funds of others, pending litigation.

## Section 4 SOLEDAD CORRECTIONAL TRAINING FACILITY

27, 2007; the judges ordered that a three-judge panel be convened. If the three-judge panel directs a population cap for California prisons, CDCR might be compelled to release prisoners in order to improve medical and mental health services for the remaining population.

### Mental Health

- CTF management reports that the frequency of receiver-mandated monitoring tours has decreased, an indication that the prison is progressing in its efforts to comply with Coleman.
- At the time of the Grand Jury investigation, there were approximately 900 mentally ill inmates housed in the prison.
- CTF staff reported that inmates identified as mentally ill contribute substantially to the number of violent incidents in the facility.
- According to CTF staff, when correctional officers fail to recognize an inmate's symptoms, such as hallucinations and delusions, or to bring them to the attention of a prison's mental health professionals for treatment, the inmate's problems usually become more pronounced and often result in behavior that endangers staff, other inmates, and the inmate himself.
- Between April 2007 and April 2008, there were six attempted inmate suicides and three successful inmate suicides.
- According to CTF staff, when custodial officers are not sufficiently trained in how to distinguish between suicidal inmates and those who are deliberately breaking rules, the risk of inmate suicides increases.

### Medical Facilities and Upgrades

- In 2007, the receiverships of Plata and of Coleman were consolidated and the Plata Receiver took control of both medical and mental health operations in the CDCR.
- Two years ago at the CTF there was one physician for each 1,100 inmates. The Receiver's Strategic Plan requires 1 physician per 550 inmates. This will require increasing staff from 6 to 12 physicians.
- The California State Medical Board does not license CTF medical facilities.<sup>3</sup> As a result, the facility cannot perform many types of examinations and procedures. It is necessary for correctional officers to transport inmates to outside facilities to receive these examinations and procedures.
- Prior to the time of the Grand Jury investigation, heart, neurological and oncology cases needing hospital services were sent to Salinas Valley Memorial Hospital. Negotiations by the State to continue a contract with Salinas Valley Memorial Hospital (SVMH) have failed. Therefore, these patients will be sent to a hospital in San Luis Obispo for medical services until such time as a new contract with SVMH is signed. Cases needing other hospital services continue to be transported to Natividad Medical Center.

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<sup>3</sup> The Medical Board of California is a state government agency which licenses and disciplines medical doctors. The Board provides two principal types of services to consumers: public-record information about California-licensed physicians, and investigation of complaints against physicians.

## Section 4 SOLEDAD CORRECTIONAL TRAINING FACILITY

### Dental Care

- The dental facility at CTF is equipped with modern equipment similar to what would be seen in private practice. At the time of a tour by the Grand Jury on May 12, 2008, a majority of the equipment needed maintenance and was not in working order, according to CTF dental staff.

**Findings of the Investigation** The Grand Jury makes the following findings regarding the CTF:

- F4.1. The illicit possession of cellular telephones by inmates poses a serious potential risk to the security of correctional staff and other inmates. Such unmonitored telephone use allows inmates to communicate with people outside the institution and plan or continue illegal acts. Security within the CTF would improve if inmate possession of cellular phones were a felony, rather than a misdemeanor.
- F4.2. The education program at the CTF is staffed by qualified personnel and offers a variety of academic and vocational programs. The WASC certification process contributes to maintenance of program quality by conducting audits and making recommendations.
- F4.3. There is no evaluation of the impact of educational programs on inmates' outcomes after they return to the community. Without evaluation, it is not possible to know which programs make a difference and to focus efforts on those that do. The Parole Services of CDCR maintains information about how well inmates succeed after they return to the community. That information could be useful in evaluating the correlation between education and inmate success.
- F4.4. For several years, CTF has been unable to fill all its vacant employee positions for correctional officers because the cost of living in the area, particularly for housing, renders employee retention difficult.
- F4.5. Because the design of CTF was to house criminals rather than house and treat mentally ill inmates, compliance with Coleman is very difficult.
- F4.6. Compliance with the reforms resulting from Coleman would not only help mentally ill inmates, it would also improve safety within the prison. By improving diagnosis, treatment and condition of inmates with mental illness, related incidents of violence toward staff and other inmates would be reduced.
- F4.7. CTF custodial officers are not currently required to have comprehensive education and training on identification and management of mentally ill inmates.

**Commendations of the Grand Jury** The Grand Jury commends the PIA for its furniture factory at the CTF. This program produces economic value for the State, equips inmates with marketable skills they can employ when they return to the community, and reduces the potential of violence toward staff and inmates. It is a model that should be emulated wherever possible.

## Section 4 SOLEDAD CORRECTIONAL TRAINING FACILITY

### **Recommendations of the Grand Jury** The Grand Jury recommends that:

- R4.1. CTF management meets with State authorities to prioritize the security issue presented by inmate possession of cellular phones and the benefits of a change in the law to make possession of a cellular phone by an inmate a felony. [Related Finding: F4.1.]
- R4.2. Management of the education program continues to comply with WASC certification and the Warden supports their efforts to do so. [Related Finding: F4.2.]
- R4.3. Management of CTF collaborates with probation authorities to develop means for evaluating the impact of education and training on inmates' success versus likelihood of committing new offenses after they return to the community. [Related Finding: F4.3.]
- R4.4. Management of CTF develops and implements a plan for additional affordable housing units for correctional officers to be constructed on the State-owned property adjacent to the prison. An increase in affordable housing would address a major barrier to recruitment and retention. [Related Finding: F4.4]
- R4.5. Management of CTF significantly increases, under the guidance of mental health staff, the hours and comprehensiveness of in-service custodial staff training so that officers can improve their ability to recognize signs of mental illness, effectively interact with mentally ill inmates, effectively defuse potentially violent situations, and recognize and prevent suicide attempts. [Related Findings: F4.5, F4.6, and F4.7]

### **Required Responses** Parties responsible for responding:

Warden of the Soledad Correctional Training Facility: all Findings and Recommendations.

Responses should include the following types of documentation:

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

**Section 4**  
**SOLEDAD CORRECTIONAL TRAINING FACILITY**

Responses must comply with the following:

CALIFORNIA PENAL CODE SECTION 933.05

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

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

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

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

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.



**Section 4**  
**SOLEDAD CORRECTIONAL TRAINING FACILITY**

**PUBLIC SOURCES OF INFORMATION**

- A. California Department of Corrections and Rehabilitation, Correctional Training Facility, <http://www.cdcr.ca.gov/Visitors/Facilities/CTF.html> (accessed September 24, 2008)

Information obtained from this source:  
General background on the facility

- B. State of California, California Department of Corrections and Rehabilitation, Adult Institutions, Programs, and Parole. *Operations Manual*. State of California, updated through January 1, 2007.

Information obtained from this source:

1. Organizational Structure
2. Custody and Security Operations
3. Health Care Services

- C. State of California, California Department of Corrections and Rehabilitation. *California Code of Regulations Title 15. Crime Prevention and Corrections, Division 3. Adult Institutions, Programs and Parole, Chapter 1. Rules and Regulations of Adult Operations and Programs*. State of California, updated through September 7, 2007.

Information obtained from this source:

1. Specific rules and regulations inmates are required to follow during their incarceration at California Department of Corrections and Rehabilitation institutions.
2. General and specific rules and regulations California Department of Corrections and Rehabilitation institutions are required to adhere to regarding inmates.

- D. Coleman v. Schwarzenegger, 2008 U.S. Dist. LEXIS 70224 (E.D. Cal. Sept. 15, 2008), No. CIV S-90-0520 LKK JFM, June 23, 2007.

Information obtained from this source:  
Details of the history leading to court action on the mental health crisis in California's prison system

- E. Plata v. Schwarzenegger, 2008 U.S. Dist. LEXIS 57924 (N.D. Cal. July 1, 2008), No. C-01-1351 THE, August 1, 2001.

Information obtained from this source:

**Section 4**  
**SOLEDAD CORRECTIONAL TRAINING FACILITY**

Details of the history leading to court action on the medical health crisis in California's prison system.

- F. Kelso, J. Clark, "Achieving a Constitutional Level of Medical Care in California's Prisons, The Federal Receiver's Draft Strategic Plan (2.)", The Federal Judiciary, U.S. Federal Court, April 21, 2008.

Information obtained from this source:

Recent history of the mental health crisis in California's prison system.

- G. The Civil Rights Litigation Clearing House, Washington University in St. Louis School of Law, <http://clearinghouse.wustl.edu/>, (accessed September 25, 2008)

Information obtained from this source:

History of Plata v. Schwarzenegger, 2008 U.S. Dist. LEXIS 57924 (N.D. Cal. July 1, 2008) and Coleman v. Schwarzenegger, 2008 U.S. Dist. LEXIS 70224 (E.D. Cal. Sept. 15, 2008) at a summary level.



**Section 5**  
**SALINAS VALLEY STATE PRISON**

**SUMMARY**

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

**Summary of Findings** Investigations conducted by the 2008 Monterey County Civil Grand Jury (the Grand Jury) found that:

- Staffing at SVSP is currently adequate as a result of efforts to recruit locally.
- Violent incidents are frequent events at SVSP and the potential for violence results in an atmosphere of tension.
- Training and educational opportunities are limited and their effectiveness is not evaluated.
- Approaches to mental health issues lack focus, correctional officers lack related training, and the effectiveness of programs is not evaluated.

**Summary of Commendations** The Grand Jury commends SVSP management, correctional officers and staff for their daily dedication and hard work to protect the public and the inmates at their facility.

**Summary of Recommendations** The Grand Jury recommends that SVSP leadership:

- Continues to recruit staff locally in order to maintain adequate staffing levels.
- Reviews inmate grievances for a six-month period within the last year to identify any practices that contribute to a hostile atmosphere or violent behavior.
- Evaluates the impacts of inmate training and educational programs in order to understand which have positive impacts and to focus limited resources on them.
- Increases the comprehensiveness and amount of training for correctional staff in recognizing mental illness and taking appropriate action.



## Section 5 SALINAS VALLEY STATE PRISON

### COMPLETE REPORT

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

**Background for the Investigation** SVSP is a maximum-security prison operated in Monterey County by the California Department of Corrections and Rehabilitation (CDCR). Over the past several years, the institution has experienced changes related to new legislation and class action lawsuits. A new Warden was appointed to SVSP two or three years ago. The 2008 Monterey County Civil Grand Jury (the Grand Jury) investigated the current condition and operations of the institution with a focus on how outside influences, such as the class action lawsuits, and the change in leadership have affected the institution.

**Investigative Methodology** The Grand Jury utilized the following methods for collecting information:

- Tours of the SVSP facility, including cells; dormitories; common areas; cafeterias and kitchens; medical, dental, and mental health treatment facilities; canteens; exercise yards; chapels and areas available for native American religious practices; academic and vocational training facilities; libraries; control rooms; and support areas, such as laundry facilities
- Interviews and conversations with management, staff and medical staff
- Interviews with prisoners
- Reviews of prior Monterey County Civil Grand Jury Final Reports (2003-2007)
- Reviews of COMPSTAT<sup>4</sup> report, 4<sup>th</sup> Quarter 2007, provided by the SVSP Warden
- Reviews of brochures provided by SVSP education director: *Academic Programs, Arts in Corrections, Behavioral Modification Unit, Enhanced Education Services (Distance Learning), Education Assessment (Testing), Inmate Recreation Programs, Library Services and Literacy Programs*
- Reviews of documentation provided by SVSP staff, such as *Prison Reforms: Achieving Results*
- Reviews of *California Code of Regulations Title 15: Crime Prevention and Corrections*
- Reviews of *CDCR Operations Manual*

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<sup>4</sup> COMPSTAT is an abbreviation for *Computer Statistics* or *Comparative Statistics*. It is a means for quantifying performance measures, gathering accurate performance data, identifying areas of concern, and developing solutions. COMPSTAT and associated reporting was adopted by the California Department of Corrections and Rehabilitation in July 2005 as part of a major program of reforms.

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- Analysis of the Coleman v. Schwarzenegger, 2008 U.S. Dist. LEXIS 70224 (E.D. Cal. Sept. 15, 2008) court decision
- Reviews of American Psychiatric Association online publications related to prison mental health services
- Analyses of "Achieving a Constitutional Level of Medical Care in California's Prisons, The Federal Receiver's Draft Strategic Plan (2)," April 21, 2008.

**Information Gathered from the Investigation** The Grand Jury collected the following information regarding SVSP:

### Prisoner Classification

- Upon intake into a state penal institution, inmates are classified using a point system that is based on a number of factors including the crimes for which they have been convicted, cooperation with work and educational programs offered by the facility, and infractions of the rules of incarceration. Inmates' classifications are reevaluated periodically and can be changed or remain the same over time depending on their behavior.

### History of the Facility

- SVSP was opened in May 1996 as an institution for Level IV inmates, those who score 52 points or more in the inmate classification system. The institution covers 300 acres. It was constructed to meet the access requirements of the Americans with Disabilities Act.
- SVSP is operated by the CDCR and provides long-term housing and services for minimum and maximum custody male inmates of the State of California (State) prison system. The facility consists of: A Yard, B Yard, C1 and C2 Yards, D1 and D2 Yards, E Yard, Correctional Treatment Center and a division of the Department of Mental Health (DMH).
- SVSP was designed to house Level I, III and IV inmates. Level I inmates have 0 to 18 points in the prisoner classification system; Level III inmates have 28 to 51 points, and Level IV inmates have 52 points or more. Inmates with more points committed more serious crimes and/or engaged in conduct within the prison system that violated the rules.
- Inmates are housed in five independently operating yards:
  1. A and B Yards are high security facilities with 5 housing units each. Each housing unit has 100 cells. With two inmates per cell, the maximum capacity of each yard is 1,000 inmates.
  2. C Yard is a high security facility with 8 housing units that contain 64 cells each. With two inmates per cell, the maximum capacity of the yard is 1,024 inmates.
  3. D Yard is a high security facility with 8 housing units, two of which have been modified for medical reasons. Its maximum capacity is 879 inmates.
  4. E Yard is a minimum security facility that has two dormitories capable of housing 150 inmates each. The maximum capacity of the yard is 300 inmates.

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- SVSP is equipped to house inmates who meet the criteria of the CDCR's Disability Placement Program for permanent mobility impairment.
- SVSP has a 100-cell Administrative Segregation Unit. The Administrative Segregation Unit is used to separate inmates whose behaviors threaten the safety of other inmates or SVSP staff.
- The facility also provides a Correctional Treatment Center, a Correctional Clinical Case Management System, an Enhanced Outpatient Program and Crisis Bed mental health services.
- SVSP contains, on its grounds within a secured perimeter<sup>5</sup>, a division of the DMH, the Salinas Valley Psychiatric Program. This Program is an intermediate care inpatient psychiatric program servicing primarily Level IV, high security inmates who have major mental disorders that have diminished their abilities to function within the prison environment. DMH is operated independently. The facility has two housing units that were previously maximum security facilities similar to C Yard. One unit has been modified to house inmates who are mentally ill. The second one is in the process of being modified.
- SVSP has a variety of housing arrangements including a dormitory, single cells, and high security single cells. The facility was designed to house one inmate in each cell. At the time of this investigation, two inmates were housed in each cell because the population of the facility is significantly larger than the capacity for which it was designed.

### Staffing

- On April 23, 2008, the facility housed 4,104 inmates and had enough staff (1,403 staff members) to properly manage 4,103 inmates. In other words, the institution was fully staffed for the inmate population on that day. Two hundred authorized positions were unfilled.
- Management at SVSP and the Soledad Correctional Training Facility have worked together to increase local recruiting in order to increase staff retention. Over 1,000 local candidates have taken the test to apply for positions as correctional officers with CDCR.
- Prison management believes that high local real estate costs and costs of living are the major causes of the high staff transfer rate to other positions. On April 23, 2008, SVSP had 93 open requests for transfers from the facility.

### Facility Capacity

- On April 23, 2008, SVSP housed 4,104 inmates. Design capacity of the facility, assuming one inmate per cell, is 2,328. The inmate population exceeded design capacity by 1,716 inmates. The facility was at 179% of capacity.
- Of the 4,104 inmates:

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<sup>5</sup> Separated from the rest of the facility by physical barriers and secured by guards who control entry and exit of individuals.



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1. 56.8% are classified as Close Custody<sup>6</sup> (2,332);
  2. 42.9% are serving sentences of life or life without parole (1,803);
  3. 38.3% have been diagnosed with mental illness and participate in the Mental Health Services Delivery System (1,572). Many of them were homeless before entering prison.
- Before 2007, overcrowding led to some inmates being housed in gymnasiums and common areas at SVSP. In 2007, the Governor of California signed Assembly Bill 900, the Public Safety and Offender Rehabilitation Services Act of 2007 (AB 900). AB 900 authorized the transfer of up to 8,000 inmates from California prisons to out-of-state prisons by March 2009. As a result of these transfers and normal return of prisoners to the community, overcrowding at the SVSP has been reduced. At present, SVSP does not house inmates in gymnasiums. Prison management is developing plans for redeploying the space to other uses.
  - SVSP administrative staff believes that construction of re-entry facilities authorized by AB 900 might provide housing for inmates who would otherwise be at SVSP during the last 12 months of their sentences.
  - The DMH manages a portion of SVSP as a State mental health facility. On April 23, 2008, it housed 162 inmates. It was staffed by 285 out of 310 budgeted positions. In July 2008, the DMH facility added 139 staff positions.

### SVSP Culture and Management

- Senior management of the facility reported that a key reason they joined the SVSP management team was the leadership of Warden M.S. Evans.
- A majority of prison senior management reported that safety of staff and inmates was the number one concern that “kept them up at night.”
- In response to incidents such as assaults on staff or inmates, intrusion of unauthorized people at the perimeter, and suspected escape attempts, a prison may be put in a lockdown status. Lockdown means that all or a portion of the facility is affected by suspension of required programs or services, and inmates are not released except as determined by the facility administration on an individual, case-by-case basis.
- Lockdown allows prison authorities to account for everyone and reduces the risk of additional or continuing incidents. At the same time, when a facility is in lockdown, inmates are confined to their cells or dormitories and unable to participate in recreational, educational or work programs. The longer an institution is in lockdown status, the more stressed inmates might be at the time the lockdown ends.
- Eighteen months prior to the Grand Jury’s visit, 80% of the population was locked down; currently only 20% of the inmates are locked down.
- For the year ending March 31, 2008, there were 87 assaults or attempted assaults on staff.

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<sup>6</sup> Inmates classified as Close Custody present the highest risk within a correctional institution. They are kept in single cells with built-in toilet and sink facilities. They are always supervised when outside their cells and armed officers guard the perimeter of the facility.

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- During 2007, there were 843 incidents of violence, averaging 2.3 per day. Seventy percent of the incidents involved inmates suffering from mental health conditions.
- Inmates use a grievance process to register complaints with management of the institution.
- There is lack of agreement among SVSP management regarding “constitutional minimums” and therefore a lack of consistency in how those rights are protected and/or observed.

### Education, Training, Work Assignments

- SVSP has 1,900 openings for 4,100 inmates to participate in work assignments or training; slightly more than half of the inmates have neither an opportunity to attend training nor a chance to learn job skills by working.
- During the prison tour and presentation, the Education Director, who has been in his position for two years, was asked to explain how the impact of education on inmate success was tracked. His response was that SVSP has no tracking/monitoring of graduates of educational programs in place to evaluate effectiveness, nor any plans to develop such a program.

### Gang Influence

- In order to ameliorate gang influence within the facility, gang members are identified and segregated via housing units; cell searches and activity monitoring is ongoing; observed/documented gang activities result in an “offense,” accumulation of which results in loss of privileges. The ultimate penalty for gang activity is placement in the Security Housing Unit (SHU), popularly known as solitary confinement. Inmates of the SHU live and exercise alone.
- Various court decisions have resulted in limitations on ways staff may identify gang affiliations and document gang activity.

### Integration of Inmates

- A 2005 ruling by the U.S. Supreme Court (Johnson v. California, 543 U.S. 499, 504 (U.S. 2005)) found that certain practices in California state prisons, such as separating prisoners by gang affiliation, resulted in segregation by race. The ruling led to federal court mediation and an agreement between the State and the federal court that double cells would be desegregated.
- Prison management expressed their intent to cooperate with the order to desegregate the prison despite reservations about a potential increase in the number of violent incidents.
- Court-mandated desegregation of California prisons began in 2008 but had not yet begun at SVSP at the time of the investigation.

### Canteen and Inmate Diet

- SVSP has five yards, each with its own canteen. Each canteen offers 134 different products for sale to inmates including toiletries, snack items, precooked foods, and rice and noodles that require hot water to prepare. Many sales appeared to be junk food. All of the products are provided by the Inmate Welfare Fund, which is managed by the CDCR.

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- Inmates purchase canteen products through a finance account that is established when they enter the facility. Accounts may be fortified with cash from families or with funds the inmates receive through work assignments.
- Each month general population inmates are allowed to spend \$180; Administrative Segregation Unit inmates are allowed to spend \$45 for necessary toiletries only.
- The five SVSP canteens gross monthly sales of approximately \$72,257.
- On April 23, 2008, the Grand Jury observed inmates purchasing large, duffle-bag-sized bags of food from the canteens.
- The CDCR makes efforts to provide inmates with healthy diets in the cafeteria, including special diets, such as kosher, vegetarian, diabetic and medical.

### Health Care

- In 1995, a federal class-action lawsuit, Coleman v. Wilson, 912 F. Supp. 1282, 1295 (E.D. Cal. 1995), now Coleman v. Schwarzenegger, 2008 U.S. Dist. LEXIS 70224 (E.D. Cal. Sept. 15, 2008) (Coleman), found that the CDCR had violated the Eighth Amendment “with respect to the provision of constitutionally adequate mental health care to inmates. . .” A Receiver<sup>7</sup> was appointed to direct needed improvements. In July 2007, after 12 years, and “at least seventy-seven substantive orders,” the court found that, despite progress in some areas, California prisons’ mental health care delivery system had “not come into compliance . . . at any time since this action began.” A new Receiver was appointed and at the time of this investigation was working to ensure compliance. One means for doing so is to conduct periodic audits of California prisons, including SVSP.
- SVSP staff reports that:
  1. The number of Coleman audits and inspections has been reduced as a result of the facility’s progress toward compliance.
  2. Staff are pursuing the following five elements of prison mental health care considered essential in the Coleman decision:
    - Proper screening to identify individuals with serious mental disorders upon admission and throughout their course of incarceration
    - Active recruitment of competent staff to identify and treat inmates suffering from serious mental disorders
    - Timely access to appropriate levels of care, including access to inpatient and outpatient beds, structured mental health programs and access to appropriate psychotropic medications
    - Improved maintenance of medical records
    - Vigorous, comprehensive suicide prevention processes
- Coleman audits and inspections originally scheduled for four times per year at SVSP are now conducted every two years. Results of these audits and

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<sup>7</sup> A receiver, in law, is a person appointed by a court administrator to take into custody the property or funds of others, pending litigation.

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- inspections indicate that SVSP has made progress in complying with 45 of the 51 Coleman Corrective Action Plan items: 32 Resolved, 3 In Compliance, 10 Partial Compliance, 5 Non-compliance, 1 Insufficient data.
- At the time of this investigation, SVSP mental health staff reported that approximately 38% of the inmates housed in the facility are mentally ill. They attribute this large and growing population to California's decision in the 1960s to close its mental health hospitals. According to one staff member, "People who once would have been put in mental health facilities are now finding homes in prisons."
  - Responsibility for mental health services is divided between CDCR and DMH staffs. The Grand Jury observed clear understanding of the roles of CDCR and State DMH staffs in treating inmates as well as collaborative efforts toward correct placement/treatments of mentally ill inmates.
  - The seriously mentally ill are placed in segregated housing for their safety.
  - Sometimes mentally ill inmates are confined in small cages because of past violent behavior and the potential for harming themselves and others. Such confinement may also be required because there is not enough staff to monitor mentally ill inmates while they are outside their cells for necessary appointments.
  - When correctional officers are not sufficiently trained in how to distinguish between suicidal inmates and those who are deliberately breaking rules, the risk of inmate suicides increases.
  - SVSP reports that between April 2007 and April 2008 there was 1 inmate suicide and 57 attempted inmate suicides.
  - According to SVSP interviews, each correctional officer receives approximately four hours of in-service training a year pertaining to mentally ill inmates. Suicide prevention training is part of the four hours.
  - According to SVSP mental health staff interviews, "Compliance (with Coleman) is difficult because we cannot compete with metropolitan areas that offer higher pay to qualified mental health workers."
  - When an inmate's symptoms, such as hallucinations and delusions, are not recognized and not reported to the prison's mental health professionals for treatment, the inmate's mental problems usually become more pronounced, often resulting in behavior that endangers staff, other inmates, and himself.

**Findings of the Investigation** The Grand Jury makes the following findings regarding condition and operations of SVSP:

- F5.1. SVSP currently operates with adequate staff for its inmate population. To continue to do so will require ongoing efforts to recruit aggressively and from local communities.
- F5.2. While SVSP occupancy remains over capacity, there is no evidence that the situation is a major cause of problems.

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- F5.3. On average, violent incidents are daily events at SVSP and there is a resulting atmosphere of tension that is evident in practices and human interactions.
- F5.4. Training, education and work opportunities at SVSP are unavailable to more than half of the inmates.
- F5.5. There is no means for determining whether training programs lead to a better outcome for inmates after they return to the community. Without evaluations of training program effectiveness it is impossible to tell whether the funds directed toward those programs are well spent.
- F5.6. In the interests of the inmates, the division of responsibility in delivery of mental health services between CDCR staff and DMH staff is well managed.
- F5.7. There is no tracking, monitoring, or evaluation for treated inmates' progress after they return to the community. Without tracking, monitoring, and evaluation it is not possible to understand program effectiveness.
- F5.8. The original purpose of SVSP, and of other prisons in California, was to serve as a detention center for convicted criminals. Today, however, one of its roles is to house offenders who are mentally ill.
- F5.9. Compliance with the five elements of prison mental healthcare established by Coleman would improve treatment of mentally ill inmates. Adequate screening, diagnosis, medication, and ongoing treatment would also help reduce violent behavior.
- F5.10. It is essential that correctional officers who work with mentally ill inmates have comprehensive training about mental illness.
- F5.11. While SVSP management has reported significant improvement from the worst of recent past experience when the facility was locked down 80% of the time, there is a need for continued progress toward a safe environment. Evidence of the current state of the environment might be available in records of inmate grievances.

**Commendations of the Grand Jury** The Grand Jury commends SVSP management, correctional officers and staff for their daily dedication and hard work to protect the public and the inmates at their facility.

**Recommendations of the Grand Jury** The Grand Jury recommends that the staff at SVSP:

- R5.1. Continues to work with the Soledad Correctional Training Facility to recruit local candidates for open staff positions and to leverage the opportunity to learn from a seasoned management team and respected Warden as a tool for retention. [Related Finding: F5.1]
- R5.2. Conducts a systematic review of inmate grievances for a recent six-month period to identify any practices that foster a hostile atmosphere or violent behavior. [Related Findings: F5.3 and F5.11]

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- R5.3. Designs and implements procedures to evaluate the effectiveness of educational programs. [Related Finding: F5.5]
- R5.4. Develops a means for tracking outcomes for inmates who receive training and those who do not, with the objective of evaluating the impact of training on inmates' ability to lead crime free lives after returning to the community. This will require that SVSP coordinate with other agencies, such as parole offices. [Related Findings: F5.4 and F5.5]
- R5.5. Uses the results of evaluations recommended in R5.3 and R5.4 to focus limited resources on programs that are known to contribute to the ability of inmates to lead a crime-free life after returning to the community. [Related Finding: F5.5.]
- R5.6. Designs and implements procedures to evaluate the effectiveness of mental health services. Establish procedures for responding to results of the evaluation. [Related Finding: F5.7]
- R5.7. Significantly increases, under the guidance of mental health staff, the hours and comprehensiveness of in-service correctional staff training so that officers can improve their ability to recognize signs of mental illness, use effective methods with mentally ill inmates, use effective methods to defuse potentially violent situations, recognize signs of possible suicides, and apply other skills pertinent to mentally ill inmates. [Related Findings: F5.8, F5.9, and F5.10]

**Required Responses** Party responsible for responding:

Warden of Salinas Valley State Prison: all Findings and Recommendations.

Responses should include the following types of documentation:

- A) Statements of commitment to continue programs
- B) Descriptions of steps to be taken to develop plans or implement programs
- C) Target dates and purpose of meetings scheduled to address the recommendation
- D) Names or positions of people accountable addressing the recommendation.

Responses must comply with the following:

**CALIFORNIA PENAL CODE SECTION 933.05**

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

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

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

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

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

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**PUBLIC SOURCES OF INFORMATION**

- A. California Department of Corrections and Rehabilitation, Salinas Valley State Prison, <http://www.cdcr.ca.gov/Visitors/Facilities/SVSP.html>. (accessed September 29, 2008)

Information obtained from this source:  
General background of the prison

- B. State of California, California Department of Corrections and Rehabilitation, Adult Institutions, Programs, and Parole. *Operations Manual*. State of California, Updated through January 1, 2007.

Information obtained from this source:

1. Organizational structure of CDCR
2. Custody and security operations of CDCR
3. Health care services of CDCR
4. Definitions of many terms used in the report such as 'prisoner classification' and 'Security Housing Unit'

- C. State of California, California Department of Corrections and Rehabilitation. *California Code of Regulations Title 15. Crime Prevention and Corrections, Division 3. Adult Institutions, Programs and Parole, Chapter 1. Rules and Regulations of Adult Operations and Programs*. State of California. Updated through September 7, 2007.

Information obtained from this source:

1. Specific rules and regulations inmates are required to follow during their incarceration at California Department of Corrections and Rehabilitation institutions.
2. General and specific rules and regulations California Department of Corrections and Rehabilitation institutions are required to adhere to regarding inmates.

- D. Coleman v. Schwarzenegger, 2008 U.S. Dist. LEXIS 70224 (E.D. Cal. Sept. 15, 2008), No. CIV S-90-0520 LKK JFM, June 23, 2007.

Information obtained from this source:  
History of the mental health crisis in California's prison system

- E. "Achieving a Constitutional Level of Medical Care in California's Prisons, The Federal Receiver's Draft Strategic Plan (2.)". April 21, 2008.

Information obtained from this source:  
Recent description of the mental health crisis in California's prison system





**Section 6**  
**MONTEREY COUNTY YOUTH CENTER**

**SUMMARY**

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

**Summary of Findings** Investigations conducted by the 2008 Monterey County Civil Grand Jury (the Grand Jury) found that:

- The Youth Center is in the process of changing its treatment program to create a more positive, less punitive approach.
- Youth Center facilities are being remodeled to support the new treatment program.
- The Youth Center does not currently systematically identify, collect or analyze program data in order to evaluate its programs effectively.
- There is a need for additional transitional housing for youth offenders in the aftercare program.

**Summary of Recommendations** The Grand Jury recommends that:

- Remodeling of the Youth Center facility takes place according to plan.
- Monterey County Board of Supervisors and the Probation Department support development of additional transitional housing for youth offenders in aftercare.
- The Youth Center obtains financial and technical support to develop a computerized data system to evaluate effectiveness of programs.



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**MONTEREY COUNTY YOUTH CENTER**

**COMPLETE REPORT**

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

**Background for the Investigation** In response to a citizen's complaint, the 2008 Monterey County Civil Grand Jury (the Grand Jury) conducted an investigation into the Youth Center to determine the effectiveness of the programs for its residents.

The Youth Center, located in East Salinas, is a low-security, residential treatment facility and aftercare program for male offenders between the ages of 13 and 18. It is one of only a few secured juvenile treatment centers in the State of California and was designed for wards of the Juvenile Court sentenced to one-year terms. The Youth Center is a placement alternative between Monterey County Juvenile Hall, designed for short-term detention, and Department of Juvenile Justice sentencing for long-term incarceration in a Department of Juvenile Justice facility.

Residents are sentenced to the Youth Center for 12-month treatment programs. For the first nine months of custody, residents generally live at the Youth Center in dormitories. The later stages of the program involve graduation from the Youth Center followed by three months in the supervised aftercare program, when youth offenders return home or enter transitional housing.

When youth offenders first enter the aftercare program, they are fitted with electronic monitoring devices. During the three months of aftercare, Probation Officers continue to monitor their progress. The aftercare program allows youths to reunify with their families and reintegrate back into their respective communities if family placement is appropriate. In addition to alcohol and substance abuse treatment, youth offenders in the aftercare program take classes in pregnancy prevention, young fatherhood, and gang-involvement topics. Family therapy is a cornerstone of the treatment process and family group therapy is offered weekly. The Youth Center's goal is to repair and/or enhance the original family structure.

The Youth Center is comprised of three dormitories with a total capacity for 85 male residents. Probation officers and aides, Juvenile Institution officers, Children's Behavioral Health (CBH) therapists and teachers from the Monterey County Office of Education (MCOE) work cooperatively and collaboratively with outside providers in a team approach that helps residents and their parents and/or guardians understand and address the causes of the residents' delinquent behavior, gang involvement, and/or drug or alcohol addictions. Outside providers include California Forensic Medical Group (CFMG), providing medical and psychiatric services; Foundation for Honey's Children, offering the "Power of Words" class to help residents improve

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communication skills; and community volunteers who teach horticulture and other practical skills to residents. The Youth Center's therapeutic environment is designed to help residents develop insight into their personal situations, to instill impulse control by improving personal coping mechanisms, and to encourage pro-social attitudes and behaviors.

The Youth Center offers residents off-campus educational opportunities, including attendance at Monterey Peninsula College, Hartnell College and Regional Occupational Programs through the Salinas Union High School District. Rehabilitation opportunities are offered through collaboration with other county agencies as well as private and business sectors of the community.

**Investigative Methodology** The Grand Jury utilized the following methods for collecting information:

- Interviews and conversations with management, key personnel and staff at the Youth Center
- Two on-site tours of the Youth Center treatment and aftercare facilities
- Reviews of documentation provided by Youth Center staff, including Youth Center Organization Chart, Youth Center Schedule, Daily and Ongoing Youth Center Program descriptions, and staff job descriptions
- Reviews of online information about the Youth Center
- Reviews of online information about the Missouri Division of Youth Services (DYS), specifically the Missouri Model
- Reviews of online information about the Missouri Youth Services Institute, a private consulting firm under contract with County of Santa Clara Probation Department
- Reviews of "Monterey County Probation Department Strategic Plan 2006-2007."

**Information Gathered from the Investigation** The Grand Jury collected the following information regarding the Youth Center:

- Youth Center management and staff provided information about the operations, educational and vocational programs and counseling services available to the residents.
- After investigating a Santa Clara County Youth Services program called the Missouri Model, the Youth Center decided to adopt the same program to house and treat its residents. This model is described by Youth Center staff as a more positive, less punitive treatment and rehabilitative approach than the current program. For example, the Missouri Model employs awarding of points for good behavior instead of deducting points for negative behavior.
- John Steward, the former director of the DHS, claims that the Missouri Model program resulted in:
  1. Dramatic reductions, by 7-8% annually, in the rate at which youth were re-committed to DHS custody

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2. Significant reductions, by 7-8% annually, in the number of DYS youth incarcerated in one of Missouri's prisons within a five-year period following their release from DYS
  3. Better educational attainment in that 91% of DYS youth earned high school credits while in the program, compared to 46% nationally.
- The main Youth Center building is a converted hospital facility and is currently undergoing remodeling to facilitate adoption of the Missouri Model treatment program. The dormitories are undergoing conversion into subsections called "pods" to conform to the Missouri Model. According to Youth Center staff, the pods will facilitate more positive interaction between staff and residents as smaller groups share daily living and group process activities in each pod instead of dispersing for treatment as often as in the current program.
  - The educational programs at the Youth Center are provided by the MCOE.
  - The existing portable classrooms are substandard and are currently being replaced by modular classrooms.
  - One area of the facility is being remodeled for vocational training.
  - Although the Youth Center maintains some statistics, no formal database has been established. No criteria have been developed for evaluating the success of the current treatment programs or new treatment programs. No criteria have been developed for tracking individual residents after release from the Youth Center.
  - CBH therapists and outside providers from CFMG are the primary trained treatment providers at the Youth Center. At the time of the Grand Jury visits, there were plans for Youth Center Probation officer and Juvenile Institution officer staff training to implement the Missouri Model.
  - Placement of released Youth Center residents is often hampered by the fact that the homes from which they came and to which they would return are unsuitable. In these instances, these residents are placed in transitional housing if it is available. Transitional housing for juvenile wards consists of accommodations for two released residents with one 24-hour-per-day supervisor.
  - According to Youth Center staff, transitional housing in Monterey County and nearby counties has limited potentially available placements for juvenile wards. There is not enough available transitional housing to accommodate the released residents who need it.
  - In 2006-2007, the Probation Department developed a department-wide Strategic Plan whose goals and strategies would impact the Youth Center. The plan's four goals and associated strategies are:
    - Goal 1: To ensure a professional, high performing workforce.
      - Strategy 1.1: Develop a coherent and pro-active Recruitment Plan.
      - Strategy 1.2: Develop a Human Resource Management Plan that effectively represents the type of employees the Department needs to successfully operate.

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**MONTEREY COUNTY YOUTH CENTER**

- Strategy 1.3: Develop and implement a structured Department Training Plan that promotes on-going learning and acceptance of change as important tenets in meeting the challenges of the future.
- Strategy 1.4: Establish a Compensation Plan consistent and comparative with other counties and local law enforcement agencies.
- Goal 2: To achieve excellence in communication within the Department, among our collaboratives, and throughout the community.
  - Strategy 2.1: Develop a Communication Plan to foster effective communication, dissemination of accurate and timely information, and integration and sharing of data among key partners.
  - Strategy 2.2: Provide employees with orientation and training for intranet use.
  - Strategy 2.3: Introduce a campaign for smart and efficient use of email.
  - Strategy 2.4: Create opportunities for Management to communicate with staff.
- Goal 3: To develop a facilities plan to ensure current and future facilities enhance the Department's efforts to fulfill its long-term mission.
  - Strategy 3.1: Build a master site, state of the art campus facility for Probation to enhance operational efficiency and the development and provision of quality services.
- Goal 4: To strengthen the Department's effective and efficient use of progressive and innovative technology while maintaining security and confidentiality.
  - Strategy 4.1: Maximize utilization of technology resources.
  - Strategy 4.2: Use technology to streamline and standardize processes.
  - Strategy 4.3: Capture and evaluate measurable results.
  - Strategy 4.4: Enhance effective decision-making.

**Findings of the Investigation** The Grand Jury makes the following findings regarding the Youth Center:

- F6.1. The Missouri Model being adopted by the Youth Center will create smaller treatment groups (pods) and a more positive treatment approach when it is enacted.
- F6.2. Completion of construction of new classroom facilities will facilitate resident education.
- F6.3. Although family reunification and community reintegration are stated goals for residents of the Youth Center, for some residents these outcomes are not possible.

**Section 6**  
**MONTEREY COUNTY YOUTH CENTER**

- F6.4. Sentencing requires that the Youth Center residents be released to the aftercare program at the end of nine months. Since transitional housing placements are limited in Monterey County and in nearby counties, there is a need for more transitional or alternative housing for residents who cannot be placed at home.
- F6.5. Since the Youth Center currently does not systematically identify, collect or analyze program, exit or recidivism data, there is no way to evaluate the effectiveness of its programs.
- F6.6. Since the Youth Center does not have a standardized database in which to enter data or track graduates, it is limited in its ability to share information with the greater justice system.
- F6.7. The Strategic Plan developed by the Probation Department includes steps for improving staff development, communication, data collection and analysis, and facilities construction that could positively impact the Youth Center when enacted.

**Commendations of the Grand Jury** The Grand Jury commends the Youth Center staff and the Probation Department for their efforts to improve the Youth Center program and facilities, for adoption of the Missouri Model to institute a more positive treatment approach, and for the dormitory remodeling, new modular classrooms and thoughtful design of a new vocational training area to give the residents greater opportunity to succeed.

**Recommendations of the Grand Jury** The Grand Jury recommends that:

- R6.1 Necessary site improvements including dormitory remodeling and new classroom construction be completed in a timely manner. [Related Findings: F6.1 and F6.2]
- R6.2 The Probation Department and Monterey County Board of Supervisors support development of additional transitional housing for aftercare participants of the Youth Center, either by construction of facilities within Monterey County or through contract with facilities in nearby counties. [Related Findings: F6.3 and F6.4]
- R6.3 The Youth Center obtains financial and technical support for the Probation Department's Strategic Plan Goal 4, "Strengthen the Department's use of technology," to develop a computerized data system to:
- Evaluate the success of the Missouri Model and the aftercare program
  - Track recidivism of Youth Center graduates. [Related Findings: F6.5, F6.6 and F6.7]



**Section 6**  
**MONTEREY COUNTY YOUTH CENTER**

**Required Responses** Parties responsible for responding:

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

Monterey County Board of Supervisors: All Findings and Recommendations

Responses should include the following types of documentation:

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

Responses must comply with the following:

CALIFORNIA PENAL CODE SECTION 933.05

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
  - (1) The respondent agrees with the finding.
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
  - (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

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**MONTEREY COUNTY YOUTH CENTER**

**PUBLIC SOURCES OF INFORMATION**

- A. Monterey County Probation Department, Youth Center  
<http://www.co.monterey.ca.us/probation/> (accessed during the period May 1 through November 4, 2008)

Information obtained from this source:  
General information and background on the Youth Center facility

- B. Monterey County Probation Department, The Monterey County Probation Department Strategic Plan 2006-2007  
[http://www.co.monterey.ca.us/probation/quick links/Strategic Plan FINAL 2006.pdf](http://www.co.monterey.ca.us/probation/quick%20links/Strategic%20Plan%20FINAL%202006.pdf) (accessed October 2008)

Information obtained from this source:  
Four goals and associated strategies for Monterey County Probation Department to prevent and reduce frequency, severity and impact of criminal and delinquent behavior on citizens of Monterey County

- C. "Santa Clara County Juvenile Justice Commission Inspection Report, William F. James Boys' Ranch, 2006"  
<http://www.sccsuperiorcourt.org/juvenile/JJCReports/2006/WJJBoysRanchJJCReport.pdf> (accessed October 2008)

Information obtained from this source:  
Details on planned implementation of Missouri Model at William F. James Boys' ranch in Santa Clara County

- D. State of Missouri, Department of Social Services, Division of Youth Services, DYS Frequently Asked Questions  
<http://www.dss.mo.gov/dys/faq/genopt.htm> (accessed October 2008)

Information obtained from this source:  
Description of the Missouri approach to juvenile therapeutic rehabilitation on which the Missouri Model is based

- E. Youth Today, online newspaper, "Mighty Missouri Model Honored by Harvard; Now What?" feature story by John Kelly, dated October 1, 2008 (accessed October 2008)  
[http://www.youthtoday.org/publication/article.cfm?article\\_id=2341](http://www.youthtoday.org/publication/article.cfm?article_id=2341)

**Section 6**  
**MONTEREY COUNTY YOUTH CENTER**

Information obtained from this source:

Context information on the Missouri Model and its growing use in locations other than Missouri

- F. Missouri Youth Services Institute, <http://mysiconsulting.org/> (accessed October 2008)

Information obtained from this source:

Statistics on success criteria from locales adopting the “Missouri Approach”

- G. Missouri Youth Services Institute, “[Missouri] Department of Youth Services Honored as Innovations in American Government Award Winner[;] Harvard University’s Ash Institute & the Annie E. Casey Foundation Recognize Program’s Work Curbing Juvenile Delinquency,” press release dated September 9, 2008 <http://mysiconsulting.org/news/Honored.pdf> (accessed October 2008)

Information obtained from this source:

1. Description of Missouri Model treatment program
2. Contrast between Missouri Model and more traditional punitive juvenile justice model

- H. The Foundation for Honey’s Children, Current Project with Monterey County Probation Department and Power of Words  
<http://www.honeyschildren.org/programs.html> (accessed during the period May 1 through November 4, 2008)

Information obtained from this source:

1. Description of relationship between the Probation Department and Honey’s Children
2. Description of “Power of Words” program

**Section 7**  
**MONTEREY COUNTY AMBULANCE SERVICES**

**SUMMARY**

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

**Summary of Findings** Investigations conducted by the 2008 Monterey County Civil Grand Jury (the Grand Jury) found that:

- The relationship between the County and its contracted ambulance providers has not been smooth since 1990.
- The County now has less than one year to formulate a realistic and accurate Request for Proposal for ambulance services.
- Targets for ambulance response times and coverages need to be redefined.
- The Monterey County Board of Supervisors (the Board of Supervisors) has interfered with the management of the ambulance provider.

**Summary of Recommendations** The Grand Jury recommends that:

- County agencies establish an ambulance provider contract that will be feasible for all parties.
- Data from an in-depth study of the County's population densities are incorporated into the next ambulance provider contract.
- County agencies create an ambulance provider contract that is clearly defined, enforceable, and specific about the roles of all participating entities, including the Board of Supervisors.



**Section 7**  
**MONTEREY COUNTY AMBULANCE SERVICES**

**COMPLETE REPORT**

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

**Background for the Investigation** The Monterey County Board of Supervisors (the Board of Supervisors) oversees the Monterey County Emergency Medical Services Agency (EMS). According to the Monterey County Health Department website, "The EMS Agency's mission is to foster the most effective and rational system for the provision of medical care to pre-hospital emergency patients throughout Monterey County." Contracted ambulance providers' responses and treatment of County residents and visitors are the responsibility of EMS and ultimately the Board of Supervisors. Concerns of County citizens about the inability of the ambulance providers, EMS and the Board of Supervisors to obtain a smoothly functioning relationship have resulted in this investigation.

From 1990 to 2005, the County, through the Monterey County Department of Health, contracted with American Medical Response (AMR) for ambulance services. AMR did not renew their contract ending December 31, 2005. Subsequently the County conducted a competitive bid process for a new contract. AMR submitted a bid; however, WestMed was awarded the contract. After WestMed took over in January 2006, they were unable to financially fulfill their contracted obligations. In January 2007, the Board of Supervisors authorized a loan to WestMed for one million dollars to keep them solvent. Since WestMed began its operations in the County, there have been five amendments to the ambulance contract. These changes to the original contract were agreed upon by WestMed, EMS and the Board of Supervisors in an attempt to provide ambulance services to County residents more realistically. One reason for making these amendments was to allow WestMed the opportunity to realize cost savings while they also improved response times in some locations and lowered the number of required ambulance units in the system. On August 31, 2008, a sixth amendment to the WestMed contract was approved by the Board of Supervisors, which resulted in termination of the contract with WestMed. The amendment was mutually agreed upon, and AMR signed an interim contract with the Board of Supervisors to commence on September 1, 2008 and continue for a period of one year. During that time, a Request for Proposal (RFP) will be developed and distributed for bid to ambulance providers nationwide. Once bids have been received and evaluated, a new contract will be executed with the new provider.

## Section 7 MONTEREY COUNTY AMBULANCE SERVICES

**Investigative Methodology** The 2008 Monterey County Civil Grand Jury (the Grand Jury) utilized the following methods for collecting information:

- Examination of the following documents:
  1. Monterey County Emergency Medical Services Agency Agreement between the County of Monterey and WestMed Ambulance, Inc., dated July 12, 2005
  2. WestMed Ambulance Response Data Overview document for 2007
  3. WestMed Contract Compliance document dated April 1, 2008
  4. Minutes from Emergency Medical Services Agency meetings of 2007 and 2008
  5. Newspaper articles
  6. Internet research
- Interviews with key individuals involved with ambulance services in the County.

**Information Gathered from the Investigation** The Grand Jury collected the following information regarding the relationship between the County and the contracted ambulance providers:

- Since 1990, neither ambulance provider, AMR nor WestMed, has been able to comply with the County contracts. As an example, contracts called for a cost-neutral relationship, yet the County subsidized both AMR and WestMed.
- Until 2008, EMS did not maintain detailed statistics regarding response times, types of emergencies, frequency of emergencies and other essential data.
- Interviews with people in key leadership positions revealed several problems related to the contract between the County and WestMed:
  1. The County has extremely diverse population densities. The cities of Salinas and Monterey are densely populated, while large areas of North and South County are sparsely populated and the Big Sur community is isolated.
  2. The contract between WestMed and the County lumps the response times for the entire Monterey Peninsula together rather than clearly delineating the various population densities. For instance, the area designated “Peninsula” contains the cities of Monterey, Seaside and Marina, which are readily served within designated response times. However, the Peninsula also includes the more sparsely populated areas to the north that are not readily served within designated response times.
  3. Interviewees stated that input from many sources is required to formulate an ambulance contract. There are many stakeholders within the County with vested interests in the operations of the contracted ambulance provider. For example, fire departments and ambulance services must work hand-in-hand and coordination between them is essential. Stakeholders have many different opinions and recommendations, not all of which can be fulfilled.

**Section 7**  
**MONTEREY COUNTY AMBULANCE SERVICES**

4. According to the WestMed Contract Compliance document dated April 1, 2008, WestMed was out of compliance in 71 out of 74 contract requirements as of that date. According to the interviews, some of the areas of compliance that were evaluated were more significant than others and many areas of compliance were deemed unattainable with resources available.
5. When the County negotiated its contract with WestMed in July 2005, the Board of Supervisors required that WestMed hire the incumbent workforce. AMR employees living in the area applied political pressure on the Board of Supervisors to protect their positions. Many of those interviewed believed this interfered with WestMed's ability to manage its employees.
  - During 2007, negotiations between WestMed and the employees' union were at an impasse concerning financial compensation for employees. When negotiations stalled, the union leadership met with the Board of Supervisors to air their grievances. The Board of Supervisors intervened in negotiations between WestMed and the employees' union. The Board of Supervisors agreed that the County would fund a pay increase to the WestMed union employees. Those interviewed felt that the incident undermined the management of WestMed, leaving it unable to assert any authority over its employees.
  - According to interviewees, EMS has not had the authority to enforce the implementation of the ambulance provider's contract. When ambulance providers are out of compliance, there have been limited resolution methods available.

**Findings of the Investigation** The Grand Jury makes the following findings regarding the relationship between the County and the contracted ambulance providers, AMR and WestMed:

- F7.1. The relationship between the County and its contracted ambulance providers has not been smooth since 1990.
- F7.2. The County now has less than one year to formulate a realistic and accurate RFP and create a contract with an ambulance provider.
- F7.3. Past RFPs have not given ambulance providers adequate information to offer realistic bids. The current situation offers EMS a new opportunity to provide an accurate RFP and establish a realistic contract.
- F7.4. Since detailed statistics, such as response times, frequency of calls and types of emergencies, are now available from EMS, a better RFP and contract can be written.
- F7.5. The County is very diverse in population density. Current response times and coverages need to be redefined so realistic response times and coverages can be established.



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**MONTEREY COUNTY AMBULANCE SERVICES**

- F7.6. All stakeholders have been involved in the formulation of the RFPs. However, not all of the stakeholders' recommendations can be fulfilled.
- F7.7. EMS has not had the authority to oversee the implementation of ambulance providers' contracts.
- F7.8. The Board of Supervisors has required that the ambulance provider hire an incumbent workforce.
- F7.9. The Board of Supervisors has intervened in labor negotiations.

**Recommendations of the Grand Jury** The Grand Jury recommends that:

- R7.1. EMS and the Board of Supervisors make optimum use of this interim period to write a well-researched RFP. [Related Finding: F7.2]
- R7.2. EMS and the Board of Supervisors establish a contract that will be feasible for all parties. The Grand Jury recommends devoting adequate time to the development of the new contract to ensure clear understanding among all parties. [Related Finding: F7.2]
- R7.3. EMS ensures that enough information is made available to the bidders so an accurate and realistic contract can be developed. [Related Findings: F7.3 and F7.4]
- R7.4. EMS undertakes an in-depth study of the County's population densities and develops a realistic plan for ambulance coverage and response times to be incorporated into the next contract. [Related Finding: F7.5]
- R7.5. The Board of Supervisors identifies and supports a single agency or person to take a leadership role in making decisions regarding stakeholder input into the next ambulance provider contract. [Related Finding: F7.6]
- R7.6. EMS creates an ambulance contract that:
  - Covers all contingencies for all parties [Related Finding: F7.6]
  - Includes specific alternate means of resolution, short of fines or termination, for breaches of contract [Related Finding: F7.7]
  - Allows the ambulance provider to have the ability to hire candidates that they feel are most qualified [Related Finding: F7.8]
  - Clearly defines the roles of the Board of Supervisors, EMS, and the management of the contracted ambulance service provider. [Related Finding: F7.9]

**Required Responses** Parties responsible for responding:

Monterey County Board of Supervisors, assisted by the Director, Monterey County Department of Health and the Director, Monterey County Emergency Medical services Agency: All Findings and Recommendations.

Responses should include the following types of documentation:

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

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Responses must comply with the following:

CALIFORNIA PENAL CODE SECTION 933.05

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

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**MONTEREY COUNTY AMBULANCE SERVICES**

**PUBLIC SOURCES OF INFORMATION**

- A. Monterey County Emergency Medical Services Agency Agreement between the County of Monterey and WestMed Ambulance Service, Inc., July 12, 2005

Information obtained from this source:  
Ambulance contract information

- B. WestMed Ambulance Response Data Overview – RightCad System, 2007

Information obtained from this source:  
Statistics regarding response times, types of emergencies and frequency of emergencies

- C. WestMed Contract Compliance, April 1, 2008

Information obtained from this source:  
Data regarding breaches of contract

- D. Monterey County Board of Supervisors Agenda, July 8, 2008

Information obtained from this source:

1. Board of Supervisors' authorization regarding termination of contract with WestMed
2. Board of Supervisors' authorization regarding interim contract with American Medical Response

- E. Emergency Medical Services Division of the Monterey County Health Department, <http://www.co.monterey.ca.us/health/EMS>. (Accessed during the period from March 2008 through October 2008.)

Information obtained from this source:

1. Minutes of the meetings of the EMS Council, 2007 and 2008
2. General background information of EMS

## **Section 8 EMERGENCY MANAGEMENT SYSTEM RESPONSE**

### **SUMMARY**

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

**Summary of Findings** Investigations conducted by the 2008 Monterey County Civil Grand Jury (the Grand Jury) found that:

- Severe winter storms and prolonged power outages are likely on the Monterey Peninsula.
- While emergency response field staff worked long hours in dangerous conditions to safeguard the public during and after the storm, community emergency operations agencies did not respond adequately to the extended power outage.
- Contributing factors to the inadequate response included:
  1. Lack of preparedness (such as advance training)
  2. Out-of-date or incomplete Emergency Operations Plans (EOPs)
  3. Inadequate capability to deliver important information to residents by telephone
  4. Inadequate capability to serve the homebound, elderly and residents with special needs.
- Post-event critiques were thoughtfully conducted in Carmel, Monterey, and Pebble Beach. They were not conducted in Pacific Grove and Monterey County's Office of Emergency Services (OES).
- Lack of communications with Pacific Gas and Electric Company (PG&E) about status of power outages and restoration activities was a major problem.

**Summary of Recommendations** The Grand Jury recommends that:

- Carmel, Monterey, and Pacific Grove immediately review their EOPs, include severe winter storms in their EOPs as probable hazards, and make other updates and necessary revisions.
- Each of the four jurisdictions:
  1. Consults people with disabilities when revising their plans
  2. Designates a temporary shelter for special-needs residents
  3. Creates a database of contact information for special-needs residents
  4. Conducts annual training exercises for probable hazards
  5. Conducts periodic inspections of emergency equipment.
- The Monterey County Office of Emergency Services:
  1. Includes alternate means for contacting residents in the event of an emergency, where available, such as cell phone numbers

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2. Conducts a campaign to register people in the new countywide emergency telephone system.
- The Board of Supervisors designates someone to be responsible for creating a new system of communication and coordination with PG&E during major power outages.

## **Section 8 EMERGENCY MANAGEMENT SYSTEM RESPONSE**

### **COMPLETE REPORT**

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

**Background for the Investigation** The storm and its aftermath tested the preparedness and response of four Monterey Peninsula communities' emergency management systems. Carmel, Monterey, Pacific Grove, and Pebble Beach were hit hard by the storm. Downed trees and prolonged power outages caused by heavy winds and rain created hardships and unsafe conditions for the public. There was a need for quick, responsive implementation of emergency operations plans and procedures. Good leadership, coordination of efforts, and communication with the public and other agencies were essentials for protecting and safeguarding citizens. Public concerns about how well the four communities met these needs prompted the 2008 Monterey County Civil Grand Jury (the Grand Jury) to conduct this investigation.

**Investigative Methodology** The Grand Jury utilized the following methods for collecting information:

- Reviews of the 2007 Monterey County Civil Grand Jury Final Report related to the preparedness of the Monterey County Office of Emergency Services (OES) and Monterey County Emergency Operations Center (EOC)
- Reviews of local newspaper reports, interviews, and letters to the editor about pre-storm, storm, and post-storm events
- Examinations of January 4 storm warnings
- Examinations of how the OES and community emergency response agencies coordinate their efforts (source: OES website)
- Tours of the Monterey County OES facility and the Carmel EOC facility
- Research into Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS), emergency management training programs required by law
- Reviews of OES publications and documents, including "Elected Officials Guide to Emergency Management," "Multi-Jurisdictional Hazard Mitigation Plan," "Briefing Book for Director of Emergency Services, Emergency Management in Monterey County," and "How to COPE with Emergencies"
- Examinations of Emergency Operations Plans (EOPs) and other emergency plans of the four communities most affected by the storm
- Examinations of emergency management storm logs, reports, and post-storm critiques

## Section 8 EMERGENCY MANAGEMENT SYSTEM RESPONSE

- Interviews with emergency response managers from Monterey County, Carmel, Monterey, Pacific Grove, Pebble Beach and citizens affected by the storm
- Reviews of Americans with Disabilities Act of 1990 (ADA) documents
- Reviews of “Checklist for Reviewing Emergency Plans,” published by the Governor’s Office of Emergency Services.

**Information Gathered from the Investigation** The Grand Jury collected the following information:

### Pre-Storm Emergency Preparedness

According to Monterey County’s “Multi-Jurisdictional Hazard Mitigation Plan,” (Mitigation Plan) published in September 2007, the emergency management systems of Carmel, Monterey, and Pacific Grove had met the Federal Emergency Management Agency (FEMA) requirement that participating communities have mitigation plans, which “identify the area’s most likely hazards and the actions that will reduce the damage from such events.” (Pebble Beach was not included in the Mitigation Plan.) The hazards identified and addressed by the three cities in the Mitigation Plan are coastal erosion, dam failure, earthquake, flood, hazardous materials event, landslide, tsunami, and wildland fire. Pebble Beach’s most probable hazards are identified and addressed in its “Pebble Beach-Del Monte Forest Coordinated Emergency Response Plan.” The “natural hazards” included in the plan are flooding, fire, earthquake, severe storms, landslides and mudflows. The “technological and resource hazards” include transportation disruption and inoperable essential services (e.g., electric power outages). The “Checklist for Reviewing Emergency Plans” from the Governor’s Office of Emergency Services recommends that a jurisdiction’s hazards be summarized in its EOP. The ADA requires that jurisdictions consult with people with disabilities (e.g., mobility, vision, hearing, cognitive) when making or revising emergency plans or actions so that they can help identify special needs and make evaluations.

Emergency response personnel are required by the federal government to complete Standardized Emergency Management System (SEMS), National Incident Management Systems (NIMS), and Incident Command System (ICS) training. According to Carmel, Monterey, Pacific Grove, and Pebble Beach emergency response managers, all but the newest employees had completed the required levels of training at the time of the storm. Training exercises are conducted by the OES for emergency agencies under its jurisdiction. In these exercises, emergencies or disasters are simulated, and the agencies respond to them. Cities in the County have the discretion to schedule and conduct their own simulated emergency training sessions.

The “Elected Officials Guide to Emergency Management” defines an EOC as a “pre-designated facility established by an agency or jurisdiction to coordinate the overall

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agency or jurisdictional response and support to an emergency.” It emphasizes that the most critical factor for a jurisdiction is making sure its “EOC is equipped for immediate activation.” There are three levels of activation: Level 1 is usually for minor to moderate incidents, Level 2 is for moderate to severe emergencies, and Level 3 is for major local or regional disasters. At the time of the storm, all four communities had EOCs that could be activated to respond to an emergency. Carmel and Monterey have “dedicated, in-place” EOC facilities. Pacific Grove’s EOC equipment is in storage and must be set up when an emergency occurs. Pebble Beach’s EOC is at the OES in Salinas.

Every community is required to have an EOP. According to the “Elected Officials Guide to Emergency Management,” EOPs should detail how a jurisdiction will “conduct emergency operations and define areas of responsibility.” They should be “complete and current.” The following plans were in effect when the storm occurred:

Carmel’s EOP, entitled “Management Operations Plan,” was written in 1993. (At the time of this investigation it was being updated and revised.) It contains information about the location, access, and activation of the EOC. It describes the duties and functions of emergency management staff during a hazardous situation. It gives instructions on the number of staff and resources to be used at Level 1, Level 2, and Level 3 states of emergency.

Monterey’s EOP, entitled “Disaster Plan,” was last revised in 1999. It contains instructions on how emergency management staff should function in times of emergency. It gives detailed instructions on how to set up its EOC. It provides an EOC activation guide, which describes Level 1, Level 2, and Level 3 activations, and gives instructions on when to activate, who should activate, and how to activate and deactivate. It includes “Severe Winter Storms” on its list of most likely hazards and rates this hazard as having a “High” vulnerability.

Pacific Grove has three plans: “Pacific Grove Multi-Hazard Plan,” which is to be activated when a Local Emergency has been proclaimed; “City of Pacific Grove Emergency Operations Center Standard Operating Procedures,” a guide to emergency management’s responsibilities; and the Pacific Grove Fire Department’s “Monterey County Operational Area Tsunami Incident Response Plan” (Tsunami Plan). The Tsunami Plan was developed in November 2006. The other two plans are undated. The most comprehensive of the three plans, the “Pacific Grove Multi-Hazard Plan,” describes the conditions under which the EOC is activated and establishes the criteria for operating at Level 1, Level 2 and Level 3 states of emergency.

Pebble Beach’s EOP is the “Monterey County Emergency Operations Plan,” which was being updated at the time of this investigation. Officials responsible for Pebble Beach also use the “Pebble Beach-Del Monte Forest Coordinated



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### **EMERGENCY MANAGEMENT SYSTEM RESPONSE**

Emergency Response Plan,” developed for use by personnel coordinating the actions of field units in the area and by the Monterey County EOC. This plan was written in 2001 and was to have been updated in 2003. It addresses the area’s potential hazards, identifies emergency staff and their responsibilities, tells when to activate the EOC, and requires that “post-incident” critiques be conducted.

According to interviews and weather reports, emergency management agencies had 24 hours or more advance warning that the storm was approaching. Emergency operations managers in each of the jurisdictions reported that they had had ample time to prepare for the storm.

#### Emergency Response During the Storm

According to emergency management interviews and agency weather reports, the storm was a major one. More than four inches of rain was recorded in some areas. There were winds of “hurricane force,” sometimes exceeding 80 MPH. Many trees fell, bringing power lines down, causing damage to houses, crushing cars, and forcing the closure of streets. The storm itself lasted for approximately twelve hours; power outages in some areas lasted for seven days.

The “Elected Officials Guide to Emergency Management” states that EOCs can be activated for, among other things, a “winter storm causing major damage.” On the morning of January 4, Monterey and Carmel activated their EOCs to a Level 1 emergency situation and, shortly after, raised it to a Level 2. Pacific Grove set up its EOC but chose not to activate, deciding that its field agencies (e.g., fire, public works, and police departments) could handle the situation using their usual emergency procedures. Pebble Beach also chose not to activate its EOC.

Emergency response field staff worked in very dangerous conditions. According to interviews and post-storm critiques, flying limbs hit emergency vehicle windshields and endangered workers. Live electric wires made traveling and emergency work dangerous. There were numerous calls for emergency assistance. For example, on January 4 the Carmel EOC responded to over 60 storm related calls, Monterey Fire Department responded to over 60, the Pacific Grove Fire Department responded to approximately 70, and the Pebble Beach Fire Department responded to approximately 60.

Interviews and post-storm critiques indicate that there were some problems with emergency equipment during the storm. For example, at the Carmel EOC, some headset equipment did not work properly, and Monterey’s EOC had an inoperable radio system and a broken fuel pump. Pacific Grove had difficulty getting its generator started, which caused two of its pump stations to lose power, sending some sewage into the bay. Pebble Beach officials reported their need to expand the area’s radio signal coverage.

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When the storm subsided, Carmel and Monterey deactivated their EOCs. Emergency conditions caused by power outages, however, continued after the storm. According to emergency operations officials, most safety issues and response problems occurred in the aftermath of the storm, when power outages and poor communication with Pacific Gas and Electric Company (PG&E) “frustrated” emergency response workers in their efforts to locate and safeguard people who might need help.

#### Communication and Coordination with the Monterey County OES

The Operational Level — in Monterey County it is the OES — is the link between local government and the regional and state emergency operations systems. On the morning of the storm, Carmel and Monterey informed the OES that they had activated their EOCs, and at this time radio communication between their EOCs and the OES was established. Thereafter, they communicated throughout the day of the storm. The OES notified Pacific Grove and Pebble Beach that it had activated to Level 1 and called them periodically to determine whether or not the two communities needed help. On the day of the storm, the OES notified the Regional (Coastal Region) Operations Center in Oakland that it had activated to a Level 1 state of emergency; the Regional Operations Center also activated to Level 1.

#### Communication with the Public

The four communities’ emergency response agencies relied primarily on OES warnings to alert the public that a major storm was approaching and to make necessary preparations. On January 3, 2008, the OES warned residents, through the media, that they should prepare to survive without outside help for 72 hours and provided a list of suggested supplies to keep on hand. During the storm and its aftermath, the four jurisdictions reported that they had difficulty getting information out to their communities about the location and estimated duration of power outages and about whom to contact for help.

During the storm and its aftermath, Pebble Beach used a “Reverse 911” system, a telephone emergency system, to inform the public about hazardous conditions but reported that it was not very effective because most people have home telephones that are cordless and fail to operate during a power outage. Alternative means for contacting residents, such as cell phone numbers, were not registered in the system. Pacific Grove has a “Reverse 911” system, but it was reported to be “too antiquated to use.” Carmel and Monterey did not have “Reverse 911” systems at the time. While this investigation was being conducted, the County Department of Emergency Services received a grant from the state Office of Homeland Security to set up a countywide telephone emergency system.

Pebble Beach used its “limited” database of homebound citizens and people who might need emergency assistance to call those people and determine if they needed help. (Currently, Pebble Beach is attempting to expand its database with a program

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that combines registration in its “Reverse 911” and “Emergency Assistance” systems.) Carmel, Monterey, and Pacific Grove did not have such databases and relied primarily on the homebound and people with special needs to notify them if help was needed. They did not check on convalescent hospitals or assisted living facilities. Carmel did keep in touch with local older-adult organizations, such as the Carmel Foundation and Alliance on Aging, to see if there were any storm related emergencies with the people those agencies serve. The Pebble Beach Fire Department made warm meals available to residents who came to the fire station, and it provided information about housing possibilities (i.e., hotels, motels) to people who inquired. Prolonged power outages created emergency conditions for residents, especially the elderly, homebound, and disabled. In some cases, people were without heat and light long after a 72-hour emergency supply would have run out.

#### Communication/Coordination with PG&E

According to PG&E, key personnel at the company have yearly training sessions on how to deal with power outages caused by winter storms. When PG&E officials learned in January that a major storm was approaching, they opened their two “storm rooms” in the region, one in Salinas and one in Monterey. PG&E provided a direct 911 telephone number to emergency management agencies, but a company representative admitted that there were many difficulties in communication. The storm created “major problems” for them because of its magnitude, with winds “close to 100 miles per hour” causing trees to topple and fall on power lines. PG&E relied on customer “call-ins” to notify its personnel about power outages because they do not have the capability, on their own, to find out who is without power. PG&E work crews from different parts of the state came to the area to try to repair widespread power failures.

According to emergency management interviews and post-storm debriefings, EOC management staff, field agency staff, and the public could not get information from PG&E about the location and possible duration of outages. Emergency workers had to spend hours guarding downed lines while waiting for PG&E crews to arrive, and there were inconsistent PG&E responses. No one at PG&E seemed to have the authority to prioritize PG&E work or to coordinate efforts with emergency response agencies. For example, the PG&E representative stationed at the OES when it activated had no authority to make decisions related to emergency management. OES management has been trying to work out a more effective system with PG&E in case of future emergencies or disasters but advises that, as of this report, there has been little meaningful change.

#### Post-Storm Debriefings

After the storm, Carmel, Monterey, and Pebble Beach made detailed, recorded critiques of their response efforts during the storm emergency and made plans for changes that would help them better safeguard the public in case of disaster situations. Pacific Grove and the OES did not conduct formal critiques or debriefings.

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**Findings of the Investigation** The Grand Jury makes the following findings regarding emergency response to the storm:

- F8.1. Because the Monterey Peninsula has many trees and, aboveground utilities, severe winter storms and prolonged power outages are probable future hazards. Provisions for addressing these hazards warrant inclusion in the four jurisdictions' emergency planning.
- F8.2. If training exercises that involved activating EOCs, responding to storm related emergencies, dealing with power outages, and communicating with the public had been conducted prior to winter storm season, the four communities' emergency management responses might have been more effective.
- F8.3. To be useful tools in emergency management, EOPs need to give clear, concise directions, be complete, and be current. Carmel's EOP, which is now being revised, was out-of-date when the storm occurred. Monterey's EOP is well designed and easy to follow, but contact names and phone numbers need to be reviewed and updated if necessary. Pacific Grove's EOP needs to be reviewed and revised. For example, it defines emergency levels differently in two different sections of the plan. Monterey County's EOP, which is used by Pebble Beach, was being updated at the time of this investigation. The "Pebble Beach and Del Monte Forest Coordinated Emergency Response Plan" is clear and inclusive, but, according to its guidelines, it is past due for review and revision.
- F8.4. Emergency response would have been more efficient if emergency equipment had been checked prior to the storm to ensure that it was working properly.
- F8.5. The severity of the storm and its danger to public safety warranted activating the four jurisdictions' EOCs. Emergency operations leaders of Carmel and Monterey are to be commended for doing so. If the EOCs for Pacific Grove and Pebble Beach had been activated, centralized management of resources and coordination of efforts among their field agencies would have been more effective.
- F8.6. Emergency response field staff worked long hours in dangerous conditions to safeguard the public. We commend them for their efforts.
- F8.7. Community emergency operations agencies did not adequately respond to extended power outages, a "disruption of essential services" hazard.
- F8.8. The "Reverse 911" telephone emergency system in Pebble Beach did not reach enough people to be effective.
- F8.9. Although Pebble Beach is making a good effort, the four jurisdictions do not currently have sufficient databases of the addresses and phone numbers of the homebound, elderly, and people with special needs who might require extra help during an emergency.

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- F8.10. Post-event performance critiques or debriefings are essential for agencies involved with public safety during community-wide emergencies. Officials of Carmel, Monterey, and Pebble Beach are to be commended for conducting them after the storm event and for their honest appraisals and thoughtful recommendations that will help protect the public if there is an emergency or disaster in the future. Pacific Grove and the OES did not conduct such post-event reviews.
- F8.11. Communication and coordination with PG&E was the main problem for emergency agencies trying to deal with storm related hazards and proved to be their biggest obstacle as they worked to safeguard the public. Because prolonged electric power outages and downed power lines are hazards that can threaten public safety throughout the County – they usually accompany disasters such as severe earthquakes and tsunamis – it is essential that the problems encountered with the system that was in effect during the storm be prevented in the future.
- F8.12. Throughout the storm, communication among levels of government emergency management seemed to have worked well in Monterey County. Local governments and the County OES communicated often and coordinated their efforts effectively.

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

- R8.1. To improve compliance with FEMA requirements and to follow the recommendations of the “Governor’s Checklist for Emergency Operations Plans,” Carmel, Monterey, and Pacific Grove include “Severe Winter Storms” and “Disruption of Essential Services” as probable hazards in their hazard mitigation plans and address them in their EOPs. [Related Findings: F8.1 and F8.3]
- R8.2. In addition to OES sponsored training exercises, each of the four jurisdictions conducts a yearly training exercise that involves activating its EOC and simulating response to at least one hazard addressed in its hazard mitigation plans and listed in its EOP (e.g., earthquakes, tsunamis, severe storms, disruption of essential services). [Related Finding: F8.2]
- R8.3. Carmel, Monterey, and Pacific Grove immediately review their EOPs and update or revise them if necessary. Pebble Beach reviews and updates its “Coordinated Emergency Response Plan.” Thereafter, all four jurisdictions review and update their plans at regularly scheduled intervals. [Related Finding: F8.3]

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- R8.4. In accordance with the ADA, each of the four jurisdictions consults people with disabilities when making or revising emergency plans or actions so they can help identify special needs and make evaluations. [Related Findings: F8.3, F8.7, F8.8, and F8.9]
- R8.5. Each of the four jurisdictions conducts and records periodic inspections of emergency equipment to ensure it is operable. When there is warning that an event might occur that endangers the public (e.g., a severe storm), each jurisdiction checks its emergency equipment immediately. [Related Finding: F8.4]
- R8.6. Each of the four jurisdictions has a designated temporary shelter available for special-needs residents, such as those who use respirators, during prolonged power outages. [Related Findings: F8.7 and F8.9]
- R8.7. Each of the four jurisdictions conducts and records a post-event critique after each hazardous event that affects a large part of the community. A requirement to this effect could be stated in each EOP. [Related Findings: F8.3 and F8.10]
- R8.8. Each of the four jurisdictions sets up a system of contacts with the local media, especially newspapers, to ensure that emergency related information specific to the community (e.g., help-lines, power outage updates) is provided to the public. Contact information should be kept current. [Related Findings: F8.7, F8.8, and F8.9]
- R8.9. Each of the four jurisdictions develops and maintains a database containing the addresses and phone numbers of residents who might require assistance in times of emergency. This could be done with the help of such organizations as the ADA Committee of each jurisdiction, Meals on Wheels, Alliance on Aging, Monterey County Citizen Corps Committee, Community Emergency Response Team (CERT), and other community outreach organizations. It could also be done in conjunction with programs designed to register people in the new countywide telephone emergency system (See R8.10 and R8.11). Pebble Beach has a model program that shows how the two efforts can be combined. [Related Findings: F8.7, F8.8, and F8.9]
- R8.10. The Monterey County OES includes cell phones and other pertinent means of communication in the new County-wide emergency telephone system in order to have an alternative for reaching residents whose cordless phones are inoperable during power outages and to meet the notification needs of people with special needs. [Related Findings: F8.7, F8.8, and F8.9]
- R8.11. The OES, working with all jurisdictions in the County and public service agencies, conducts an aggressive campaign to inform the public about the new emergency telephone system and to register as many people in the system as possible. [Related Findings: F8.7, F8.8, and F8.9]

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

### **Required Responses** Parties responsible for responding:

Findings F8.1 and F8.3 and Recommendation R8.1: Carmel, Monterey, and Pacific Grove city councils respond to the Recommendation with written plans for incorporating the hazards in their mitigation plans and EOPs.

Finding F8.2 and Recommendation R8.2: Carmel, Monterey, and Pacific Grove city councils and the Pebble Beach Community Services District respond to the Recommendation with statements of requirements for training exercises.

Finding F8.3 and Recommendation R8.3: Carmel, Monterey, and Pacific Grove city councils and the Pebble Beach Community Services District respond to the Recommendation with schedules for updating current EOPs and for reviewing and updating them in the future.

Findings F8.3, F8.7, F8.8, and F8.9 and Recommendation R8.4: Carmel, Monterey, and Pacific Grove city councils and the Pebble Beach Community Services District respond to the Recommendation with written procedures and plans for consulting people with disabilities when making emergency plans.

Finding F8.4 and Recommendation R8.5: Carmel, Monterey, and Pacific Grove city councils and the Pebble Beach Community Services District respond to the Recommendation with statements of requirements and protocols, and with for schedules for inspections.

Finding F8.7 and F8.9 and Recommendation R8.6: Carmel, Monterey, and Pacific Grove city councils and the Pebble Beach District respond to the Recommendation with shelter implementation plans.

Findings F8.3 and F8.10 and Recommendation R8.7: Carmel, Monterey, and Pacific Grove city councils respond to the Recommendation with statements of requirements for post-event critiques.

Findings F8.7, F8.8, and F8.9 and Recommendation R8.8: Carmel, Monterey, and Pacific Grove city councils and Pebble Beach Community Services District respond with written plans for setting up agency-media emergency information systems.

Findings F8.7, F8.8, and F8.9 and Recommendation R8.9: Carmel, Monterey, and Pacific Grove city councils and Pebble Beach Community Services District

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respond to the Recommendation with written plans for developing and maintaining databases.

Findings F8.7, F8.8, and F8.9 and Recommendation R8.10: The Board of Supervisors, assisted by OES, responds to the Recommendation with information that demonstrates how the new system will meet the various communication needs of all residents of Carmel, Monterey, Pacific Grove and Pebble Beach.

Findings F8.7, F8.8, and F8.9 and Recommendation R8.11: The Board of Supervisors, assisted by OES, responds to the Recommendation with its written plan for the campaign.

Findings F8.11 and Recommendation R8.12: The Board of Supervisors responds to the Recommendation by identifying a person or persons to head an investigation committed to solving communication and coordination problems with PG&E.

Responses must comply with the following:

#### CALIFORNIA PENAL CODE SECTION 933.05

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

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

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

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

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.



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**PUBLIC SOURCES OF INFORMATION**

- A. Monterey County Office of Emergency Services, Elected Officials Guide to Emergency Management, page 5, page 7, and “Checklist,” February 2007.

Information obtained from this source:

1. Definition of an Emergency Operations Center (EOC)
2. Requirements of an Emergency Operations Plan
3. Requirements for training of emergency response personnel
4. Requirements for procedures, such as activation of an EOC

- B. URS Corporation, Multi-Jurisdictional Hazard Mitigation Plan, Monterey County Office of Emergency Services, September 2007.

Information obtained from this source:

Identification for each jurisdiction of the hazards for which they should prepare

- C. Monterey County Office of Emergency Services, How to COPE with Emergencies, undated.

Information obtained from this source:

Guidance for citizens to prepare for emergencies

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**HARTNELL COMMUNITY COLLEGE MEASURE H BOND**

**SUMMARY**

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

**Summary of Findings** Investigations conducted by the Grand Jury found several areas of minimal compliance including:

- Minimal compliance with bond oversight for Measure H, as required by the California State Constitution (the California Constitution), the California Education Code (the Code) requirements, District Resolution 03.2, dated January 21, 2003, and the Hartnell COC's bylaws.
- Minimal involvement by the District and inadequate effort in informing the community of the activities of the Hartnell COC
- Lack of transparency in independent performance and financial audits
- Insufficient Hartnell COC membership and excessive member term lengths
- Inconsistency in maintaining required Internet website posting of information.

**Summary of Recommendations** The Grand Jury recommends that the District:

- Performs annual independent performance audits and separate independent financial audits
- Improves the quality and consistency of website-posted agendas, minutes and future scheduled meeting announcements
- Appoints more Committee members and remove Committee members who have served beyond the legal term limits
- Places a higher priority on the importance of the Committee as a community watchdog and make its activities more transparent and accessible to the community.
- Establishes and publishes, on the District's website and through other means of publicity, a plan that provides training for both the District and Committee to conform to the requirements of the California Constitution and the Code
- Designates the roles and responsibilities of the District and the Hartnell COC.



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**HARTNELL COMMUNITY COLLEGE MEASURE H BOND**

**COMPLETE REPORT**

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

**Background for the Investigation** It was due to the need for improvements at Hartnell College, that a bond measure, called Measure H, was brought to the voters in 2002. The official ballot for Measure H asked, "Shall Hartnell Community College District issue \$131 million in bonds at legal rates with a Citizens' Oversight Committee, annual performance and financial audits, with no money to administrators' salaries?"

It is the responsibility of the Board of Supervisors of Trustees of the Hartnell Community College District, comprised of seven elected members, to establish such an independent Citizens' Bond Oversight Committee. The Hartnell College Board of Trustees is the governing body for the Hartnell Community College District and is charged with establishing the policies by which the District is to operate. It is the responsibility of the chief administrator of a community college district to operate within those established policies.

On November 5, 2002, voters of the District, passed Measure H by a 65.7% margin, obligating the district to \$131 million. The official ballot, dated Tuesday, November 5, 2002, described Measure H as the "Hartnell College Repair and Safety Measure." The Measure's stated intent was "To prepare students for skilled jobs, four-year colleges, train nurses and public safety officers by:

- Repairing leaking, decaying walls,
- Upgrading fire safety,
- Removing hazardous materials,
- Upgrading wiring for computer technology,
- Repairing, acquiring, constructing, equipping buildings, classrooms, libraries, sites, science/computer labs".

**Investigative Methodology** The Grand Jury utilized the following methods for collecting information:

- Reviews and analyses of applicable statutes including:
  1. California State Constitution (the California Constitution) Article XIII A, Sec 1 (b)(3)
  2. California Education Code (the Code) Sections 15-278—15-282

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3. District Resolution 03:2
  4. Hartnell COC Bylaws
- Reviews and analyses of all Committee minutes as posted on the District website and published in hardcopy
  - Interviews of members of the community, the Committee, and the District
  - Reviews and analyses of “Measure H Independent Accountants’ Reports on Applying Agreed-upon Procedures” for the years 2003-2004, 2004-2005, 2005-2006, 2006-2007
  - Reviews of performance audits for selected jurisdictions including:
    1. Long Beach Community College District Construction Bond Measure E
    2. Columbia Union School District General Obligation Bond Measure G
    3. Monterey Peninsula College Measure I
    4. Evergreen Community College, San Jose, Measure G
  - Reviews of the “Monterey Peninsula Community College District Citizens’ Bond Oversight Committee Annual Report 2005-2006”
  - Reviews of the 2007 Santa Cruz County Civil Grand Jury Report, “Window Dressing or Effective Oversight? Citizen Oversight Committee, Measure D Bonds, Cabrillo Community College District.”

**Information Gathered from the Investigation** The Grand Jury collected the following information regarding Measure H:

Legal Context

- Prior to November 2000, the California Constitution required a two-thirds vote to approve local bonded indebtedness.
- In November 2000, voters of California voted on Proposition 39, the "Smaller Classes, Safer Schools and Financial Accountability Act," that would amend Articles XIII A and XVI (Section 18) of the California Constitution to give community colleges and K-12 school districts the option to seek a 55% "supermajority" for approval of local bonds for school construction.
- Proposition 39 passed in November 2000, and amended the California Constitution as it pertains to school facilities, bonds and accountability requirements.
- Proposition 39 triggered accompanying legislation, Assembly Bill (AB) 1908, which limits the amounts of bond proposals and the subsequent increases in property taxes.
- Article XIII requires a community college board to:
  1. “Conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.”
  2. “Conduct an annual, independent financial audit of the proceeds from the sale” of school facilities bonds.
- An “audit” is defined as “an examination by a trained accountant of the financial records of a business or governmental entity, including noting improper or careless practices, recommendations for improvements, and a balancing of the books. An audit performed by employees is called ‘internal

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audit,' and one done by an independent (outside) accountant is an 'independent audit'."

- Code section 15278(b):
  1. Outlines the purpose and responsibilities of a citizens' oversight committee. For example, the Code states that, "The citizens' oversight committee shall actively review and report on the proper expenditure of taxpayers' money for school construction."
  2. States in part that "The citizens' oversight committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year. Minutes of the proceedings of the citizens' oversight committee and all documents received and reports issued shall be a matter of public record and be made available on an Internet website maintained by the governing board."
  3. States that one of the required responsibilities of a citizens' oversight committee is to inform the public about the District's expenditures of bond proceeds. Fulfillment of that responsibility has been limited to two community presentations in five years, press releases that give notification of future meetings, and inconsistent Internet website posting of agendas of upcoming meetings.
- Code section 15282 outlines the size of a citizens' oversight committee, the terms of service, and the specific disposition of its members. For example, the Code states "The citizens' oversight committee shall consist of at least seven members to serve for a term of two years without compensation and for no more than two consecutive terms.
- Code section 15280(b) requires that a citizens' oversight committee post minutes of their meetings on a District's Internet website. No Internet website posting was made from June 13, 2007 until July 2008, when the Grand Jury brought the matter to the attention of the District.

### Operations and Performance of the Hartnell COC

- On January 21, 2003 the District passed Resolution No. 03:2 establishing the Hartnell COC, approving the bylaws of the Hartnell COC and appointing the original members of the Hartnell COC.
- Of the required seven minimum members of the Hartnell COC, six were appointed on January 21, 2003. Of the six appointed, five attended the first regular meeting of the Hartnell COC on February 26, 2003.
- In over 40% of the Hartnell COC's meetings, fewer than seven members were on the Hartnell COC.
- The Grand Jury researched other citizens' oversight committees of other community colleges' bonds in California for comparisons of numbers of meetings per year, attendance of committee members, and status regarding the presence of quorums needed to conduct business at meetings.
- The Grand Jury researched citizens' oversight committees of other community college bonds in California and found it was not uncommon for

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their oversight committees to be composed of more than the seven member minimum required by Code section 15282.

- The frequency of Hartnell COC meetings was inconsistent, varying from five to nine times per year.
- Between February 26, 2003 and July 9, 2008, thirty-eight Measure H Hartnell COC meetings occurred. For five of these meetings, or over 13%, attendance was insufficient to meet a quorum.
- Although initially District representatives were present at Hartnell COC meetings, their attendance has diminished since 2006. Nearly all information supplied to the Hartnell COC came from one member of the District's hired construction management firm.
- The District had contracted with the certified public accounting firm of Vavrinek, Trine, Day & Co., LLP of Rancho Cucamonga, California "to perform Agreed-Upon Procedures in accordance with attestation standards established by the American Institute of Certified Public Accountants." Reports for 2003-2004, 2004-2005, 2005-2006, and 2006-2007 were titled: "Independent Accounting Reports," not audits. They are listed on the District's website as "Performance Audits." Other community colleges contracted with Vavrinek, Trine, Day & Co., LLP to conduct an audit of financial statements of their General Obligation Bond Measures and referred to them as "Independent Auditor's Reports." An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements and is considered a reasonable basis for an opinion.
- The District has incorporated a Measure H Financial Audit into its annual financial audit.
- There is no evidence of any written item titled "Annual Report" from the Hartnell COC to the District.

**Findings of the Investigation** The Grand Jury makes the following findings regarding Measure H oversight:

- F9.1. The District has not provided an individual, independent annual performance audit.
- F9.2. The District has not provided an individual, independent annual financial audit.
- F9.3. Individual Measure H audits embedded in district audits create difficulties for the public in understanding the use of the Measure H funds.
- F9.4. The District failed to comply with the Code when it named only six members of the Hartnell COC on January 21, 2003, and not the required seven.
- F9.5. The District inconsistently complied with the Code in not designating which area of the community each member represented.

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- F9.6. The Hartnell COC has failed to comply with its own bylaws and with the Code as one Hartnell COC member's term has exceeded the maximum length allowed by the Code. The Code allows two consecutive two-year terms. One Hartnell COC member has served continuously since the initial meeting of February 26, 2003.
- F9.7. The Hartnell COC has failed to comply with its own bylaws, as, according to posted minutes, annual organizational meetings have not occurred each July.
- F9.8. The District has failed to comply with the Code by not having a written Annual Report on the District's Internet website.
- F9.9. The District's Internet website does not provide easy access to Measure H information and at times has even been completely inaccessible.
- F9.10. On three occasions, the Grand Jury requested documents from the District, only to find the documents incomplete or non-existent.
- F9.11. Interviews with key District and Hartnell COC members revealed a lack of awareness of their oversight responsibilities to the community, as related to Measure H.
- F9.12. Since this investigation began, the District has shown a willingness to improve its compliance with the requirements for effective implementation of Measure H.

**Recommendations of the Grand Jury** The Grand Jury recommends that:

- R9.1. The District convenes a meeting with the Hartnell COC to review the requirements of the California Constitution Article XIII A; Code sections 15278-15282; Proposition 39, and the Hartnell COC's bylaws. The District might consider naming legal counsel to the Hartnell COC and providing ongoing training as new members of both the District and the Hartnell COC are elected, hired, or appointed. [Related Findings: F9.1, F9.2, F9.3, F9.4, F9.6, F9.7, F9.8, F9.9, and F9.11]
- R9.2. The District contracts for individual, independent annual performance audits of Measure H. [Related Findings: F9.1 and F9.3]
- R9.3. The District contracts for individual, independent annual financial audits of Measure H [Related Findings: F9.2 and F.9.3]
- R9.4. The District maintains the required minimum number of Hartnell COC members, defines the area each represents, and posts the term dates of each. [Related Findings: F9.4, F.9.5, and F9.6]
- R9.5. The District adheres to term limits and replaces any Hartnell COC member who exceeds these term limits. [Related Finding: F9.6]
- R9.6. The District requires more Board of Trustee and high-level college administrator participation at Hartnell COC meetings to reduce the degree of noncompliance and neglect that has occurred in the past. [Related Findings: F9.1, F9.2, F9.3, F9.4, F9.5, F9.6, F9.7, F9.8, F9.9, and F9.11]



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- R9.7. The District improves accessibility of its Internet website by adding Measure H access to its Home Page toolbar. [Related Finding: F9.9]
- R9.8. The Hartnell COC provides a comprehensive, written annual report to the District and posts it on the District's Internet website. [Related Finding: F9.8]
- R9.9. The District establishes and publishes, on the District's website and through other means of publicity, a plan that provides training for both the District and Hartnell COC to conform to the requirements of the California Constitution and the Code [Related Findings: F9.1, F9.2, F9.3, F9.4, F9.5, F9.6, F9.7, F9.8, F9.9, and F9.11]
- R9.10. The District periodically reviews its Resolution 03.2, dated January 21, 2003, to assure the community that the roles and responsibilities of the district and of the Hartnell COC comply with the oversight requirements of Measure H. [Related Finding: F9.11]

**Required Responses** Parties responsible for responding:

The Hartnell Community College District Board of Trustees, assisted by the Hartnell Citizens' Oversight Committee: All Findings and Recommendations.

Responses should include the following types of documentation:

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

Responses must comply with the following:

CALIFORNIA PENAL CODE SECTION 933.05

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
  - (1) The respondent agrees with the finding.
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
  - (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency

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when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

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**PUBLIC SOURCES OF INFORMATION**

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[http://www.vcccd.edu/bond/board\\_resolution.shtml](http://www.vcccd.edu/bond/board_resolution.shtml).

Information obtained from this source:

Comparisons of oversight committee performance for Measure S.

- B. "Citizen Bond Oversight Committee. Citizen Bond Oversight Committee.  
<http://www.sjeccd.org/html/Community/CBOC.html> (accessed June, 2008)

Information obtained from this source:

Comparisons of oversight committee performance for San Jose/Evergreen Community College District, Measure G

- C. "Citizen's Bond Oversight Committee Home." Monterey Peninsula College - Home. <http://www.mpc.edu/mpcbond/CitizensBondOversight/Pages/default.aspx> (accessed June, 2008)

Information obtained from this source:

Comparisons of oversight committee performance for Measure I

- D. "EdSource I Home." <http://www.edsource.org/> (accessed June, 2008)

Information obtained from this source:

Proposition 39: Relying on a "super-majority" to approve local school bond measures

- E. "Find California Code." Official California Legislative Information.  
<http://www.leginfo.ca.gov/calaw.html> (accessed June, 2008)

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Education Code sections 15278-15282

- F. "Jones Hall." <http://www.joneshall.com/> (accessed June, 2008)

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Summaries of Proposition 39 and related legislation

- G. "law.com Law Dictionary."  
<http://dictionary.law.com/default2.asp?typed=audit&type=1> (accessed October 2008)

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Information obtained from this source:  
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- H. "League of Women Voters of California." <http://ca.lwv.org/> (accessed June, 2008)

Information obtained from this source:  
Proposition 39: school facilities, 55% local vote, bonds, taxes, and accountability requirements

- I. "Long Beach City College." [http://bondprogram.lbcc.edu/performance\\_audit.htm](http://bondprogram.lbcc.edu/performance_audit.htm). (accessed June, 2008)

Information obtained from this source:  
Comparison of oversight committee performance for Long Beach Community College District Construction Bond Measure E

- J. "Monterey County Elections." <http://montereycountyelections.us/>. (accessed June, 2008)

Information obtained from this source:  
Copy of the official ballot: Consolidated General Election, Tuesday November 5, 2002

- K. "Santa Cruz County Grand Jury Final Report for 2006 - 2007." Santa Cruz County Government. [http://www.co.santa-cruz.ca.us/grandjury/GJ2008\\_final/index.html](http://www.co.santa-cruz.ca.us/grandjury/GJ2008_final/index.html) (accessed June, 2008)

Information obtained from this source:  
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- L. "Search State Constitution." Official California Legislative Information. <http://www.leginfo.ca.gov/const.html> (accessed June, 2008)

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Article XIII of the California Constitution

- M. "Welcome to Hartnell College!!." <http://www.hartnell.edu/> (accessed June, 2008)

Information obtained from this source:  
Documents related to oversight committee performance for Measure H, including meeting minutes, bond audits, bond oversight updates, and press releases.



**Section 10**  
**RESPONSES TO 2007 GRAND JURY REPORT**

**COMPLETE REPORT**

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

**Background for the Investigation** California Penal Code Section 933.05 (the Code for Responses) requires that the person or entity responding to recommendations in a civil grand jury report state one of the following actions:

- The recommendation has been implemented, with a summary of the implemented action.
- The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- The recommendation requires further analysis, with:
  1. An explanation
  2. A description of the scope and parameters of the analysis
  3. A timeframe for completion not to exceed 6 months from the date of publication of the grand jury report.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation.

After analysis of all responses to the 2007 Report, the 2008 Monterey County Civil Grand Jury (the Grand Jury) focused their investigation on 11 recommendations in three areas deemed to be of significant public interest:

- Recommendations related to emergency preparedness in:
  1. Section 5: Emergency Services, Emergency Preparedness of Monterey County Cities, 2007 Report Recommendations R5.1 and R5.2
  2. Section 15: Law Enforcement, Monterey County Coroner's Office and the County Morgue, 2007 Report Recommendation R15.2
- Recommendations related to gang violence in Section 11: Monterey County Gangs: Suppression, Intervention and Prevention, 2007 Report Recommendations R11.1 through R11.5
- Recommendations related to vocational training for youth in Section 9: Youth Services, Mission Trails Regional Occupation Program, 2007 Report Recommendations R9.1 through R9.3.

**Investigative Methodology** The Grand Jury utilized the following methods for collecting information:

- Reviews of all responses to recommendations of the 2007 Report
- Analyses of whether responses conformed to the Code for Responses
- Preparation and mailing of letters to respondents requesting addenda to original responses within 45 days:
  1. Regarding emergency preparedness
    - Letters to 9 cities dated August 21, 2008

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- A letter to the Monterey County Coroner dated July 30, 2008
- 2. Regarding gang violence, letters to 4 cities and 3 school districts dated June 10, 2008
- 3. Regarding the vocational training for youth, letters to 2 school districts dated June 10, 2008
- Inclusion of a copy of the Code for Responses with each letter
- Analyses of responses to requests for addenda
- Research into whether a commitment to update an emergency protocol had been met.

**Information Gathered from the Investigation** The Grand Jury collected the following information regarding responses to recommendations in the 2007 Report and responses to requests for addenda:

- Thirty-six entities (such as cities, school districts, the Monterey County Board of Supervisors, and the Monterey County Sheriff) were responsible for responses to one or more of the 11 recommendations on which the Grand Jury focused the investigation. Those entities were responsible for a total of 288 responses to the 11 recommendations.
- Twenty-six (9%) of the 288 responses from 17 (47%) of the 36 entities failed to conform to the Code for Responses. Nonconforming responses came from cities and school districts.
- A response to the 2007 Report from the Monterey County Sheriff/Coroner's Office committed to complete a revised emergency protocol by June 30, 2007. The revised protocol was not available by that date.
- Officials of King City, the City of Marina, and Sand City did not respond within the requested 45 days to requests for addenda related to emergency preparedness. As of the time of this report, those responses were still pending.
- King City Joint Union High School District and King City Union School District did not respond within the requested 45 days to requests for addenda related to gang violence and vocational training for youth. As of the time of this report, those responses were still pending.
- Officials of King City and the Santa Rita Union School District did not respond within the requested 45 days to requests for addenda related to gang violence. As of the time of this report, those responses were still pending.
- All other responses to requests for addenda were received within the requested 45 days and conformed to the Code for Responses.

**Findings of the Investigation** The Grand Jury makes the following findings regarding responses to the 2007 Report and requests for addenda:

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

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**RESPONSES TO 2007 GRAND JURY REPORT**

- F10.2. While a majority of respondents replied in a timely way to requests for addenda, officials of King City, King City Joint Union High School District, King City Union School District, the City of Marina, Sand City, and the Santa Rita Union School District did not respond within 45 days and had not responded at the time of completion of this report.
- F10.3. Failure to respond by officials of King City, the City of Marina and Sand City to recommendations related to emergency preparedness could represent a risk to public safety.
- F10.4. Requests for addenda, where responses have been received, resulted in compliance to the Code for Responses. The addenda were more informative to the public and, as a result, of more value.

**Required Responses** Parties responsible for responding:

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

City Councils of King City, the City of Marina, and Sand City: Finding 10.3.

Responses should include the following type of documentation:

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

Responses must comply with the following:

CALIFORNIA PENAL CODE SECTION 933.05

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

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

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

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency



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when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

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**RESPONSES TO 2007 GRAND JURY REPORT**

**PUBLIC SOURCES OF INFORMATION**

- A. 2007 Monterey County Civil Grand Jury Final Report, January 4, 2008

Information obtained from this source:

Recommendations of the 2007 Monterey County Civil Grand Jury

- B. Responses to the 2007 Monterey County Civil Grand Jury Final Report,  
<http://www.montereycourts.org/GrandJury/Reports.aspx> (accessed from June 16  
through October 28, 2008)

Information obtained from this source:

1. Responses to the 2007 Monterey County Civil Grand Jury Final Report
2. Responses to addenda requests, 2007 Monterey County Civil Grand Jury  
Final Report



**Section 11**  
**ENGAGING STUDENTS:**  
**PACIFIC GROVE UNIFIED SCHOOL DISTRICT'S "DOT" PROGRAM**  
**COMPLETE REPORT**

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

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

**Background for the Investigation** The 2007 Monterey County Civil Grand Jury Final Report sought responses from school districts regarding activities designed to ameliorate gang influences in the county's schools and community. One recommendation to which school districts were required to respond stated:

R 11.3 Each school district within the County should encourage after-school activities that are made available in all communities for all children, including kids at risk.

In its response to this recommendation the Pacific Grove Unified School District noted an innovative activity called the "Dot" program. The response described the program as follows:

*Teachers at all school sites reviewed the list of students in their classrooms and placed a dot after the name of those students whom they knew outside the classroom, through some other activity. Those students with no dots, meaning no one at the school interacted with them outside the classroom, were assigned to a staff member who engaged with that student in a mentor capacity. There were positive changes in those students' self esteem as they became more socially engaging and their grades improved.*

**Investigative Methodology** The 2008 Monterey County Civil Grand Jury (the Grand Jury) utilized the following methods for collecting information:

- Interviews with key District personnel
- Observation of artifacts related to the "Dot" Program
- Review of documents related to the "Dot" Program.

**Information Gathered from the Investigation** The Grand Jury collected the following information regarding the "Dot" program:

- The program began at Pacific Grove Middle School at the outset of the 2007-2008 school year.
- The program is not unique; rather, it represents a cutting-edge practice in school leadership.
- District records indicate that staff at the middle school was trained in issues related to the program, including collaborative visioning and goal setting.

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- Artifacts and records of the ongoing implementation of the program at the middle school are posted for frequent staff review. These artifacts include a statement of the staff's vision of the Pacific Grove Middle School graduate.
- The program is discussed regularly at middle school staff meetings at the Middle School.
- In at least one instance a review of students at the middle school without dots led to "adoption" of a challenged student by a faculty member. This resulted in a positive impact on that specific child in terms of academic performance.
- Anecdotal information indicates that the program has brought about some positive results for individual middle school students. For example: Some students who, early in the school year, had been in danger of not graduating to the next grade level, were expected to graduate at the end of the school year. Several students' attitudes toward school activities had improved.
- The program is being initiated at Pacific Grove High School but is not fully operational there or at elementary schools in the district.
- While implementing such a program might be more challenging in other settings, middle school staff opined that, even if the program only begins with one child, it would have positive results.
- No methodical evaluation of the impact of the program has been completed and no plans for such an evaluation were reported.

**Findings of the Investigation** The Grand Jury makes the following findings regarding the "Dot" program:

- F11.1. The program is operating at the District's middle school as reported in the District's response to Recommendation R11.3 of the 2007 Monterey County Civil Grand Jury Final Report. At other schools the program is not fully operational.
- F11.2. The program has inspired new energy and focus amongst the staff at the middle school.
- F11.3. The program is helping realize the middle school staff's vision of the Pacific Grove Middle School graduate.
- F11.4. The program is being initiated at Pacific Grove High School.
- F11.5. Due to the lack of evaluation data, the replicability and/or value of replicating the program in other school districts has not been determined.

**Commendations of the Grand Jury** The Grand Jury commends the Pacific Grove Unified School District for its innovative and inspiring "Dot" Program. [Related Findings: F11.1, F11.2, and F11.3]

**Recommendations of the Grand Jury** The Grand Jury recommends that the District:

**Section 11**  
**ENGAGING STUDENTS:**  
**PACIFIC GROVE UNIFIED SCHOOL DISTRICT'S "DOT" PROGRAM**

- R11.1 Continues the "Dot" Program as it is currently operating and expands the program to serve all students in the District. [Related Findings: F11.1 and F11.4]
- R11.2 Collects, analyzes, and reports evaluative data regarding the impact of the "Dot" Program for other schools and districts to use in deciding whether to undertake a similar program. [Related Finding: F11.5]

**Required Response** Party responsible for responding:

Pacific Grove Unified School District: all Findings and Recommendations

The response should include the following types of documentation:

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

The response must comply with the following:

CALIFORNIA PENAL CODE SECTION 933.05

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

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

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

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

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.