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Superior Court of California
County of Tuolumne

BY *Ruth Sonnenberger*
Clerk

Tuolumne County
2014-2015
Grand Jury Report



Photo courtesy of Tuolumne County Historical Society

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Grand Jury – County of Tuolumne



Tuolumne County Administration Center
2 South Green Street
Sonora, CA 95370

June 30, 2015

The Honorable Judge Donald Segerstrom
Tuolumne County Superior Court
60 North Washington Street
Sonora, California 95370

Dear Judge Segerstrom,

The 2014-2015 Tuolumne County Grand Jury is pleased to submit its final report to you. This report contains investigations and recommendations based on the findings of the members of the 2014-2015 Grand Jury.

The Grand Jury has addressed items of concern without attempting to place blame on anyone.

All of the jurors worked together. Their hard work and dedication to the task was exceptional.

The 2014-2015 Grand Jury would like to thank all of the County Offices for giving us assistance when needed. Their support was greatly appreciated.

It was an honor and a privilege to serve as the Foreperson with the 2014-2015 Tuolumne County Grand Jury.

Respectfully Submitted

Harvey Hickey
Harvey Hickey

Foreperson TCGJ 2014-2015

2014-2015 Members of the Grand Jury

Frank J. Andrews

Mark De Anda

John D. Egger

Michelle R. Hess -Foreperson ProTem/Secretary

Harvey Hickey - Foreperson

Karen Holderman

Gary Howell

Lee Kimball

Elizabeth Lipsius

John Lupo

Mary P. McHugh

Kathleen Moore

William Parson

Tami Sheppard

Lynnett L. Sweeney

Gilda Vanier

Richard Wagner

Sylva Wynne

2014-2015 TUOLUMNE COUNTY CIVIL GRAND JURY

2014-2015 Mission Statement

Tuolumne County is a desirable place to live, work, and raise-up a family. Our county government and the departments that serve you provide a vital role in helping to enhance this environment. Your 2014-2015 Grand Jury will diligently monitor fiduciary compliance, ethical standards of administration, stewardship, and professionalism. It will report and recommend reasonable improvements to our local government entities based on verifiable facts and objective findings. It is the mission of your Grand Jury to protect and educate the citizens of our community.

Introduction

The Superior Court in each of California's 58 counties is to assemble and impanel citizens to form at least one civil grand jury for each fiscal year. This is a requirement given forth from the State Constitution. Grand juries, as authorized in Penal Code section 925 under Article 2, are to investigate and report on the operations of local county governmental agencies. The Jury also looks at citizen complaints, allegations, charge of improprieties, etc, levied against departmental agencies and is thoroughly reviewed for possible warranted examination. In addition, mandatory investigations are to be conducted annually of the County Jail and any State Prison facility within the boundaries of the County, pursuant to Penal Code section 919 (a) (b).

The Grand Jury is a collegial body having power and authority vested equally in each of a number of colleagues, meaning it is a selected number of people meeting as equals. Pursuant to Penal Code sections 888.2 (c), the Tuolumne County Civil Grand Jury is made up of nineteen citizens, with an allocation of at least six alternates to serve if an original member is unable to fulfill the Jury's term. The charge of the jury falls to the designated Presiding Superior Court Judge who selects applicants he or she deems can dedicate themselves to a year of thorough investigations and reporting. The Grand Jury consists of men and women who possess varied professional backgrounds, skills, sound judgment, and character. They are people, such as yourselves, who have made a commitment to monitor your local government and to review questions and complaints the County's citizens may bring to the attention of the Jury.

Requirements

To be selected as a Grand Juror, a County resident must:

- not be currently serving in an elective (public) office;
- not have been discharged as a grand juror in any California court/county within one year of the beginning date of service;
- not be serving as a current trial juror in any California State Court;
- be an English-speaking United States citizen eighteen years of age or older and a resident of the county for at least one year prior to selection.

The service term for a California county civil grand juror is twelve months, beginning July 1 and ending on June 30. Upon taking the oath as a Grand Juror, as prescribed by the Presiding Judge, the nineteen members as one body can now choose its rules and proceedings: elect officers of the Jury (with the exception of the Presiding Judge choosing the Foreperson); select topics of investigations (to include written and verbal complaints from citizens); and set days and times for plenary Grand Jury sessions and committee meetings. Each selected juror is required by California law to complete a California Fair Political Practices Commission Form 700 - *Statement of Economic Interests* - in order to be compliant with the State's governing code. Grand Jury training is provided by the California Grand Jurors' Association (cgja.org), consisting of a two-day seminar held locally within the first two months of service. Additional training for the Grand Jury Editorial Committee is provided by CGJA within the first half year.

To Be A Grand Juror

A grand jury candidate pool is developed from voter registration and Department of Motor Vehicle records, as well as interested parties nominated by the Superior Court judges. One thousand questionnaires are mailed to randomly selected Tuolumne County individuals in the grand jury pool. An expressed desire to serve is reviewed by the Presiding Judge and a list of those applicants to be interviewed is set aside. From there the Presiding Judge determines qualifications to serve and forms a grand jury pool sufficient in number to replace the outgoing jury. If the Presiding Judge determines there are more than the minimum qualified applicants, to include alternates, a random drawing is held to select the primary nineteen jurors and additional alternates to form a new Grand Jury.

Prospective grand jurors must be willing to dedicate much of their own time to a one-year term. If selected as a Grand Juror, you will find that during this twelve-month period one will learn things about local government that will become perpetual interests, whereas little or no thought was probably given beforehand. Grand jurors have equal say in all matters affecting the Jury's work. One's talents can rise above when challenged to lead an investigation, interviewing people of the Jury's interest, or by writing and editing reports. The consensus of the Jury will always recognize and acknowledge an individual or jury committee's efforts in their obligation to the county it serves. To serve as a Tuolumne County Grand Juror, an application may be received from:

Tuolumne County Superior Court

41 West Yaney Street

Sonora, CA 95370

In addition to writing the Superior Court, information can be found on the County's government website: tuolumnecounty.ca.gov (government – grand jury).

Mail and Citizen Complaints

The Grand Jury is charged with reviewing all citizen complaints. All complaints received via US mail, electronic mail, verbal, or anonymously are recorded, assigned a number for reference, and are securely filed. Not all complaints can undergo an investigation, but the Grand Jury's Mail Committee can advise the body of the Jury if it warrants a vote of the Jury in favor of proceeding or not with an investigation. If the Jury votes to proceed with an investigation via citizen complaint, it can take precedence over an existing investigation.

All complaints are treated in a confidential manner and are not divulged to anyone outside of the Jury. A complainant may be asked to appear as a witness if an investigation ensues. Everyone who communicates to the Grand Jury will receive an acknowledgement letter in return stating that the Jury has thoroughly reviewed the correspondence or information received.

Mail received late in a sitting Grand Jury's term will more than likely be submitted to the following Jury commencing on July 1. The reason for this is the current Jury is finalizing and editing investigative reports undertaken and getting the final Grand Jury report compilation

ready for publication. It will be the following Grand Jury's decision to proceed or not with an investigation in regards to citizens' previous correspondence from that time on.

Responses To The Grand Jury's Final Report

Prior to the conclusion of a Grand Jury's term, a Final Report consisting of findings, recommendations, and responses is to be presented to the Presiding Superior Court Judge for approval. To the agencies representing governing bodies investigated and pursuant to Penal Code section 933, responses to the Final Report of the Grand Jury must be submitted no later than 90 days after the report is released to the public. Elected County officers or agency heads, for which the Grand Jury has responsibility pursuant to Section 914, shall comment within 60 days of public release to the Presiding Judge or court. All responses must be addressed to the Presiding Judge of the Superior Court.

Respondents are required to comment on the Final Report's findings and recommendations. Respondents can either agree or disagree, wholly or partially, for each identified finding/recommendation. To wholly disagree, a detailed explanation must be given as to why it cannot act on the Jury's recommendation. To agree with a finding/recommendation, the agency affected must demonstrate that it will acknowledge the Jury in correcting and what course of action it will take in order to see it thoroughly implemented within the time frame recommended.

Conflicts of Interest and Disclaimers

A **conflict of interest (COI)** is where a juror may have a personal involvement, a material, economic or financial interest, or could not be an impartial third party. The Grand Jury sought to prevent and identified all conflicts of interest. Certain jurors brought to the attention of the full Grand Jury any relationship with an agency that could be, or give the appearance of, a conflict of interest. The Juror(s) also agreed not to participate in any investigation involving that agency, including interviews or acceptance of any report, and were officially recused from said investigation by the Grand Jury Foreperson. The Grand Jury is usually composed of 19 Jurors and at least 12 Jurors must approve each individual report. There were a total of six jurors who recused themselves in two investigations due to conflicts of interest. The printed Grand Jury Final Report is composed of the approved individual reports, which are based on information

obtained from outside sources and none of the information was obtained from any excluded Grand Juror.

Confidentiality

The Grand Jury followed Penal Code Section 929 to assure confidentiality. No names, professional titles, quotations or facts that might lead to the identity of persons providing information to the Civil Grand Jury is included in any report. All reports, working papers, letters, emails and notes of the Civil Grand Jury are considered confidential, and as such, are protected by law. The intent of Section 929 is to encourage all persons contacted to give the Jury a full and honest assessment of their agency without fear of recrimination.

The Grand Juror's Oath

I do solemnly swear (affirm) that I will support the Constitution of the United States and of the State of California, and all laws made pursuant to and in conformity therewith, will diligently inquire into, and true presentment make, of all public offenses against the people of this state, committed or triable within this county, of which the grand jury shall have or can obtain legal evidence.

Further, I will not disclose any evidence brought before the grand jury, nor anything which I or any other grand juror may say, nor the manner in which I or any other grand juror may have voted on any matter before the grand jury. I will keep the charge that will be given to me by the court. -California Penal Code section 911

How to Read Committee Reports

Understanding the Format for Committee Reports

Each committee report is divided into five sections:

1. The **Introduction** briefly explains why each committee has chosen to investigate that particular government agency and previews each individual report contained in the Committee Reports section below.
2. The **Background** contains some general factual information intended to provide an overall view of the agency and issues investigated.

3. The **Investigation** explains which sources of factual evidence were explored during the investigatory process.
4. The **Committee Reports** section contains one or more individual reports, each of which is divided into four subsections as follows:

- The **Discussion** contains detailed factual information developed from the investigation and may be organized into subsections by topics relevant to the findings.

Example of a Fact: “Six department heads feed their payroll data to the county controller by different methods: paper forms, electronic transmittals, and time cards.”

- **Findings** bridge the gap between the facts in the Discussion section and the resulting recommendations and/or commendations. A finding is a conclusion or value judgment reasonably based on one or more facts from the Background or Discussion sections. Findings usually identify what needs to be fixed, improved, or corrected through a recommendation, or, may point to something that is being done well through a commendation.

Example of a Finding: “The Grand Jury finds that the non-standardization of payroll submissions to the controller is unnecessarily time-consuming, expensive, and subject to error.”

- **Recommendations and /or Commendations** must be reasonably based on at least one finding and state what the grand jury believes should be done, when, and by whom, or by which agency, to solve the problems identified in the findings. Recommendations should be specific, logically related to the problems identified in the findings, reasonably achievable and financially feasible, and not in violation of any laws.

Example of a Recommendation: “The Grand Jury recommends that the controller should reorganize all county payroll functions by December 31, 2015 so that there is a standard procedure for payroll submissions.”

- **Responses** direct the governing board, or elected official, who was the subject of the investigation to respond to the specific findings and recommendations. The grand jury can also invite other public officials, such as department heads or managers, to respond to findings and recommendations.
5. The **Conclusion** usually summarizes the information contained in the Committee Reports and may also offer questions and issues for future consideration by the public or the next grand jury.

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CONTINUITY COMMITTEE REPORTS

Review of Responses 2013-2014 Grand Jury

Responses from Former Juries

INTRODUCTION

The 2014-2015 Grand Jury Continuity Committee is required to review all responses from the previous year's Grand Jury. Legally adequate responses are responses that are timely, in the correct response format, and have correct content as defined in Penal Code sections 933 and 933.05.

BACKGROUND

Under California law, local government entities and officials that are investigated by the Grand Jury must respond to any recommendations in the Grand Jury's final report. Allowable responses explain whether the relevant entity or official:

1. Has taken the action recommended in the report;
2. Will take the action by a particular date;
3. Will study the recommendation within six months of the date the report was released, with a description of the study and a time frame; or,
4. Disagrees with the recommendation and will not take the action, with an explanation.

Public accountability is found in the responses from the governing bodies, elected officers, or agency heads; this must be done within either 60 or 90 days (Penal Code Section 933.05).

Response Monitoring

The 2014-2015 Grand Jury monitored the receipt and quality of the previous year's requested responses. If the Jury found responses that had not been received, were incomplete, and/or it required follow-up, the Jury contacted the agency via letter and requested a response. The Jury also sent letters and requested further clarification to specific responses.

To assure that the 2013-2014 agencies that had been investigated were held accountable to respond to the Report, the Grand Jury created a Microsoft Excel spreadsheet to log responses; noting when they were received, if they were adequate, and whether responses, or lack thereof,

required follow-up. Reports were judged complete if each finding and recommendation had received a legally adequate response and was in compliance with Penal Code 933.05. There were five reports and 58 required responses.

The Grand Jury determined that one report investigated, pertaining to the Tuolumne County Office of Emergency Services, warranted a follow-up.

CONTINUITY COMMITTEE REPORTS

Report #1

Tuolumne County Office of Emergency Services

DISCUSSION

The Offices of Emergency Services for Tuolumne County (County) responded to the Jury's 2013-2014 investigation regarding the Rim Fire. The 2014-2015 Jury sent two follow-up letters based upon the Findings and Recommendations #6. The Jury requested a status on assembling a team to review the Emergency Operations Plan since the action's effective date is in the 2014-2015 fiscal year. They are as follows:

Finding and Recommendation from the 2013-2014 Grand Jury

Finding 6: *The flexibility of the overall Emergency operations Plan and Annex G proved to be beneficial. The annexes can be used independently.*

Response 6: *Agree*

Recommendation 6: *Ensure that flexibility is allowed in future applications of the Plan. The OES Coordinator shall review and revise the Plan as necessary.*

OES Response: **Received on September 8, 2014. This recommendation has not been implemented but will be implemented in the future.**

Response from OES received on March 17, 2015: *"The team unanimously agreed that the plan was very effective during the Rim Fire. There were minor changes recommended to the Organizational Chart for the Emergency Operations Center, such as adding Air Pollution Control and making Medical a separate branch; and some wording changes on Pages 7, 10, and 12 - these are relatively insignificant changes to a plan that is not quite three years old. With that said, I have put making these minor changes on hold in light of the current demands within Emergency Services related to the drought. We do plan to follow up on this in the future."*

2014-2015 Grand Jury

The updated Emergency Operations Plan was approved by the Board of Supervisors in July 2012. The plan has not been through a review since its approval. However, the OES Coordinator will pull together a team to begin a thorough review in FY14/15.

The 2014-2015 Grand Jury sent a letter on October 1, 2014 requesting information as to the status of assembling a team to review the Emergency Operations Plan.

The response from OES was received on October 3, 2014. A meeting was held November 13, 2014 with a panel comprised of the OES Coordinator, Public Health, Human Services Agency, Community Resources, the Tuolumne Band of Mi-Wuk Indians, the Agricultural Commission, and the County Sheriff's Office. The team was to review the Plan and submit a report with recommendations for changes/edits to the Board of Supervisors. A subsequent letter was sent on January 8, 2015 for an update on the meeting.

FINDINGS, RECOMMENDATIONS, and RESPONSES

Finding #1: The Grand Jury finds that OES is sufficiently focused on updating the Plan while addressing the **seriousness** of an unprecedented drought and the extreme fire danger it poses.

Commendation #1: The Grand Jury commends the OES for its attention to the Plan in the midst of the current drought crisis.

Required Responses #1: None

Implementation Monitoring

The 2014-2015 Grand Jury Continuity Committee also reviewed and monitored items from previous grand juries. The Jury's continuity obligation was to review responses and follow-up to see if specific recommendations were adopted, and any process or procedure that required implementation was in fact completed. The 2012-2013 and 2013-2014 Grand Jury reports required *implementation* processes for the following investigated departments, agencies, or issues: Columbia Fire Protection District (CFPD), Tuolumne County Building Division, Columbia Union School District, Public Realignment AB 109 - Karpel Case Management (PBK), and Behavioral Health - 5150 Issue.

Report #2

Columbia Fire Protection District

Finding and Recommendations from the 2012-2013 Grand Jury

DISCUSSION

The 2014-2015 Grand Jury found a number of responses to previous grand juries' recommendations to be inadequate. The Grand Jury sent a letter dated September 17, 2014 to Columbia Fire Protection District requesting further clarification and information on Findings and Recommendations #5, #6, and #13 to the 2012-2013 Grand Jury report:

2012-2013 Finding and Recommendation #5:

Finding - *The hiring of administrative positions such as a Fire Chief, Administrative Captain or Captain are not subject to pre-employment background checks.*

Recommendation - *Develop an Outreach and Recruitment Policy which includes the objective of recruiting and retaining qualified administrative individuals (e.g. professional reference checks and background research at the level appropriate to the position being considered).*

Revised Response - *CFPD disagrees with the findings to the extent that it seems to require written procedures as opposed to documentation on those who volunteer. CFPD uses standard county employment application and questionnaires. In addition to departmental questionnaires that are completed, California driver's license and social security information is confirmed. Criminal record checks are performed through California Department of Justice. All applicants undergo physical agility tests that are documented. Many volunteers come to CFPD for supervised training and move onto better, full-time, paid positions. Some volunteers are off-season Cal-Fire firefighters. Thus CFPD has a high turnover rate for volunteers.*

2012-2013 Finding and Recommendation #6:

Finding - *The CFPD is not part of the California Department of Motor Vehicle Pull Notice Program to insure operators of District vehicles maintain satisfactory driving records at the required certification level.*

Recommendation - *Enroll the District in the California Department of Motor Vehicle Pull Notice Program (EPN). Establish minimum qualifications for operation of District vehicles.*

Establish a list of operators of the jointly owned utility vehicle. Establish procedures to ensure those drivers hold valid operator licenses with an acceptable driving record.

Revised Response - CFPD agrees with this finding. CFPD is enrolled in the California Department of Motor Vehicles pull notice programs mailed to DMV on 1/22/2014. Operators of CFPD equipment have 20 hours of behind the wheel supervised training on each apparatus and 40 hours of classroom instructions. Logs are maintained for each trainee as the(y) progress through training. State Fire Marshal Fire Apparatus Driver/Operator 1A is required training. State Fire Marshall Fire Apparatus Driver/Operator 1B certification is required to operating pumps.

2012-2013 Finding and Recommendation #13:

Finding - *The Board has no membership in larger State wide organizations that support Special Districts.*

Recommendation - *Consider membership in an organization such as California Special Districts Association which has many small district members.*

Revised Response - CFPD is in close contact with the President of the Fire District Association (FDAC) and would like to join it in the next six month, budget permitting. CFPD participates in regular formal meetings with other local fire districts, departments and Cal-Fire.

The 2014-2015 Grand Jury received a response letter on October 14, 2014. At the time of these inquiries, the CFPD just hired a new Administrative Chief who was in the process of getting acquainted and up to speed with Columbia Fire. The Grand Jury determined that all the responses except one was still inadequate, ambiguous, and needed further clarifications. The Jury sent another letter dated January 21, 2015 requesting amended responses to the following:

1. Please provide your written Standard Operating Procedure for hiring paid employees as well as volunteer employees.
2. Please advise how you ensure that all paid and volunteer employees, including personnel transferring into CFPD, have current and updated criminal clearance.
3. As the Pull Notice application to enroll in the program was sent to DMV on 1-22-14, please advise if you have implemented the Pull Notice Program and when.

The Grand Jury received an amended response letter on April 29, 2015 outlining what the District is doing to address these three open items. The Standard Operating Procedures will be updated by April 2016, while the criminal clearance response stated new and existing hires are to be run through a local background investigation with the anticipated completion date of

September 2015; and the Pull Notice program was implemented but not fully up-to-date. It is to be completed by July 1, 2015.

2014-2015 Grand Jury

FINDINGS, RECOMMENDATIONS, and RESPONSES

Finding #2: The Grand Jury finds that, according to CFPD, the Standard Operating Procedures have not been updated since 2003 and are outdated.

Recommendation #2: The Grand Jury recommends that CFPD establish a County Counsel approved Standard Operating Procedures by February 2016, including periodic review schedules.

Requested Response #2: Board of Directors - CFPD.

Finding #3: The Grand Jury finds that the terminology "*local criminal background investigation*," is vague, and current and updated criminal clearance checks have still not been completed for all employees and volunteers.

Recommendation #3: The Grand Jury recommends that CFPD have all employees and volunteers processed through LiveScan by September 1, 2015.

Requested Response #3: Board of Directors - CFPD.

CONCLUSION

CFPD has a number of recommendations from previous grand juries that have been ignored dating as far back as 2010. The Board's disregard is unacceptable since it is responsible for firefighters who enter private homes, operate heavy equipment, and are often first responders in life-saving situations, and further; all volunteer fire departments should use LiveScan checks to ensure public safety.

Report #3

Tuolumne County Building Division

DISCUSSION

The 2013-14 Grand Jury had additional Findings and Recommendations from the 2012-2013 investigation of the Tuolumne County Building Division. The Jury focused on the following finding and recommendation:

Finding and Recommendation from the 2013-2014 Grand Jury:

F6. *Due to low staffing at the Building Code Division, building inspections take precedence over collection of penalty fees.*

R6. *The 2013-2014 Jury recommends that the County increase the staffing at the Building Code Division to allow for the collection of penalty fees.*

The Board of Supervisors, County of Tuolumne – September 16, 2014 Response to the above finding and recommendation is as follows:

Disagree. There is no connection between Building Division staffing levels, building inspections and the collection of penalty fees. Perhaps the Grand Jury was trying to suggest that if there were more Building Inspectors, more time could be spent on code enforcement activities and the assessment of penalties were warranted. If that was the intent of this finding, the response would be: "agree."

2014-2015 Grand Jury

FINDINGS, RECOMMENDATIONS, and RESPONSES

Finding: None

Recommendation: None

Responses Required: None

Report #4

Columbia Union School District

DISCUSSION

As per the 2012-2013 Grand Jury report, the Columbia Union School District indicated that the 2011 Custodian of Records requirement would be implemented by the start of the 2013-2014 school years. The 2014-2015 Jury requested and received confirmation that the requirement was completed and in place on October 1, 2014.

FINDINGS, RECOMMENDATIONS, and RESPONSES

Findings: None

Recommendations: None

Responses Required: None

Report #5

Public Realignment AB109–Karpel Case Management System (PBK)

2012-2013 Grand Jury Report

DISCUSSION

The District Attorney's office received approval by the Board of Supervisors in April 2014 to contract with Karpel Solutions for a new case management system, costing close to \$100,000. The case management system, called "PBK" - or, Prosecutors By Karpel - was installed on October 27, 2014. PBK was chosen as it is specifically tailored for a county's prosecutor's office; and over one third of the counties in California currently use it. Training and integration is ongoing with two dedicated County IT analysts working with Karpel to ensure a smooth transition. Two software components that the District Attorney's Office needs are currently unavailable to them: the ability for the District Attorney's office to communicate and integrate with other county agencies and departments, such as the Sheriff's Office and Probation; and the DA's ability to use PBK through a secured wi-fi connection during court proceedings in Tuolumne County Superior Court. Both require coordination with the County and State IT Departments. County IT has indicated that an upgraded server is required for the PBK system. This will allow the DA's office to communicate with other departments.

The other issue deals with the current wi-fi connection requirements. The Tuolumne County Superior Court (Court) is managed by the State of California, and the County's DA office is prohibited from using the Court's wi-fi connection as each (State and County) is required to have separate and secured wi-fi access. The State's court system and the County each have their own separate IT departments. The DA is working with both IT Departments to set up a County secure wi-fi connection in Court so that it can use the PBK system during court appearances.

2014-2015 Grand Jury

FINDINGS, RECOMMENDATIONS, and RESPONSES

Findings #4: The Grand Jury finds that the DA's office paid close to \$100,000 for the Karpel software system, PBK, but cannot use all the software components that they purchased.

Recommendation #4: The Grand Jury recommends that the Board of Supervisors and the County Administrator direct the IT department to complete the purchase and installation of the required server hardware and establish the required county-secure wi-fi connection in the County Superior Court by October 1, 2015, so the PBK software installation can be completed and used as intended.

Required Responses #4: Board of Supervisors and County Administrator

Report #6

Tuolumne County Behavioral Health Department

DISCUSSION

5150 Issue Background

Definition

A person who, as a result of a mental disorder, is a danger to self or others, or is gravely disabled, may be held up to 72 hours for observation in a designated 5150 facility.

This issue is important to the community because, since the closure in 2007 of Tuolumne General Hospital, there has been no secured location; and up until April 2014 there was no formal policy on how this issue was to be addressed. The 5150 question has carried forward from

previous grand jury investigations. Past grand juries have asked for a secured 5150 location in the County for psychiatric patients. The Grand Jury once again investigated and reviewed this topic with the goal to resolve this issue and move forward.

This Jury reviewed the Grand Jury's 2013-2014 responses from the Board of Supervisors, Behavioral Health Department, Tuolumne County Sheriff's Office, and the Sonora Police Department for the need of a secured location for 5150 patients. Three agencies were invited to respond, but did not: they were the Sonora Regional Medical Center (SRMC), Sierra Conservation Center, and California Highway Patrol.

Finding and Recommendation from the 2013-2014 Grand Jury

F15. *There is no secured room currently available for patients awaiting medical clearance and/or mental health evaluations.*

R15. *The Jury recommends that SRMC and the community partners make every effort in FY 2014-15 to establish a secure room for potential 5150 patients.*

September 15 and 16, 2014 Responses from Behavioral Health and the Board of Supervisors: *The recommendation will be implemented to the greatest extent possible by the Behavioral Health Department as a partner to the team of care and response to potential 5150 patients awaiting acceptance and transfer of persons to secure settings for treatment of mental health needs. In addition to utilizing law enforcement partners to respond to uncooperative patients, the Behavioral Health Department is informed that SRMC hired security staff to provide an alternative solution to reduce risk and improve safety to potential 5150 patients. However, SRMC reported legal limitation preventing establishment of a secure room in its facility unless SRMC establishes itself as a facility designated to provide 72 hours of evaluation and treatment of mental illness.*

2014-2015 Grand Jury Update- 5150

Investigation

The 2014-2015 Grand Jury investigated the request that Tuolumne County get an acceptable secured location for 5150 patients. The Grand Jury conducted six interviews and

asked a different question this time: "Is it possible or viable for Tuolumne County to expect to see a secured 5150 location?" All the responses received spoke to the desire to put a 5150 secure location in place in the county, but the reality of that happening is not economically feasible at this time; other alternatives have been put in place to ensure 5150 patients are receiving the care they require.

The closest 5150 support locations are in moderate to large metro areas with a sustainable population to warrant a psychiatric hospital. In addition, there are no psychiatric doctors available in Tuolumne County to support a 5150 facility. The high cost to staff a secured location is prohibitive due to a very low State reimbursement for such services, as well as the requirement for at least 12 hospital beds and a 24-hour/365-day staff. When Tuolumne General Hospital supported a 5150 facility, as many as fifty percent of the psychiatric patients were from other counties. A different option for supporting 5150 patients was needed.

The option decided upon is the 2014 Tuolumne County 5150 Evaluation and Response Protocol Multi-Agency Agreement, or Memorandum of Understanding (MOU), (Attachment A). In April 2014, it was put in place to guide Tuolumne County agencies and law enforcement on how to approach and address a potential 5150 patient. The MOU comprises the following partners: Board of Supervisors, Behavioral Health Department, Sonora Regional Medical Center, Sheriff's Office, Sonora Police Department, California Highway Patrol, and Tuolumne County Correctional Facilities. All parties interviewed by the 2014-15 Grand Jury are confident that the MOU is providing the community with an acceptable framework for care. The Jury requested to interview the Sonora Regional Medical Center, but they did not respond; therefore, the Jury was unable to verify the response received from Behavioral Health and the Board of Supervisors that *"SRMC hired security staff to provide an alternative solution to reduce risk and improve safety to potential 5150 patients."*

The Grand Jury looked at how this MOU is working for the participants and the community; it seems to be working as intended. When a patient is taken to the emergency room at SRMC, law enforcement is required to stay with the patient until Behavioral Health and medical personnel have made the determination as to whether the patient will be transported to a 5150 location, or cleared and released. This has impacted law enforcement's ability to respond to other law enforcement matters as an officer or deputy may be required to stay with the patient for a number of hours until the decision to release or transport the patient is made. This, as well as

the cost to address 5150 issues at SRMC, has introduced a pilot program through Behavioral Health that uses California Senate Bill 82 grant funding.

Senate Bill 82 established the Investment in Mental Health Wellness Act of 2013. It authorizes selected counties to increase the capacity for client assistance and services in crisis management, stabilization, treatment, and mobile crisis support teams for mental health. Behavioral Health has been allotted \$225,000 for this pilot program. Two trained mental health personnel with 5150 expertise have been hired, and the intent is for Behavioral Health and law enforcement to provide support that may prevent a visit to the emergency room and to free up both law enforcement's time and the cost of an emergency room visit. Also, Behavioral Health, has a 24-hour walk-in clinic, may in some cases be able to reduce costs to patients or their families by utilizing its out-patient facilities in Sonora.

2014-2015 Grand Jury

FINDINGS, RECOMMENDATIONS, and RESPONSES

Finding #5: The Grand Jury finds that the current MOU described seems to be working well and as intended for the County. (See Attachment A)

Commendation: The Grand Jury commends the County for the implementation of this MOU and for the excellent work Tuolumne County Behavioral Health does for the County.

2014 TUOLUMNE COUNTY 5150 EVALUATION AND RESPONSE PROTOCOL MULTIAGENCY AGREEMENT

INTRODUCTION

The purpose of this protocol is to provide for a coordinated response and shared understandings by all Tuolumne County stakeholders of the roles, accountabilities and systems guiding the care of patients who are being evaluated for a 5150. The ability to provide consistent care to those Tuolumne County residents most in need is a value shared by all. While we recognize that resources will continue to be in short supply, there is no shortage of possibilities when all community stakeholders come to the table with a single purpose to ensure the best care possible for our patients with mental illness. This document is intended to provide that community framework for care.

DEFINITIONS

- a. **Lanterman-Petris-Short Act (1972):** This act, written in 1967 and signed into law in 1972, was intended to provide a system of care in each community for persons with severe and/or acute mental health issues. This Act spells out the parameters for providing both voluntary and involuntary mental health treatments.
- b. **Welfare & Institutions Code 5150:** This section of the W & I code states that a person who, *as a result of a mental disorder*, is a danger to self, a danger to others, or gravely disabled may be held up to 72 hours for observation in a 5150-designated facility. Related sections include 5151 – 5157.
- c. **Receiving facility:** This distinction applies to hospitals and other facilities who are equipped to provide medical clearance and other acute care services to a psychiatric patient in preparation for that patient's transfer to an inpatient psychiatric facility or discharge to outpatient care.
- d. **California Forensic Medical Group (CFMG):** The contract agency responsible for providing medical and psychiatric services to the inmates of the Tuolumne County jail and Juvenile Hall.
- e. **Law enforcement:** Includes those Tuolumne County sworn peace officers working for Municipal Police Departments, County Sheriff's Department, and the California Highway Patrol.
- f. **Individuals designated to write 5150 applications in Tuolumne County:** Pursuant to Welfare & Institutions Code Section 5150, the County Board of Supervisors has authorized the following persons and organizations to involuntarily detain individuals:
 - All sworn peace officers for the County and cities within Tuolumne County, including the California Highway Patrol.
 - Licensed and/or designated crisis response personnel of Tuolumne County Behavioral Health.

- g. **Medical clearance:** The definition of 'medically cleared', as defined by this County, includes tests, screenings, and clinical observations that allow a medical professional to conclude that a patient is medically stable, does not require further inpatient acute care hospitalization, and is physically suitable for transfer for further psychiatric care (either on an inpatient or outpatient basis).
- h. **Psychiatric hospitals:** Hospitals licensed in California to provide in-patient psychiatric care. There are *no* psychiatric hospitals in Tuolumne County.
- i. **CA Health and Safety Code 1799.111:** States that a licensed acute care hospital that is not a designated facility is protected to hold a 5150 patient for up to 24 hours.
- j. **Emergency Medical Treatment and Active Labor Act (EMTALA):** Was enacted by Congress in 1986 to enhance access by all persons to emergency services and prohibit discrimination regardless of financial or insurance status.

COMMUNITY PARTNERS

- a. Tuolumne County Board of Supervisors
- b. Tuolumne County Behavioral Health Department
- c. Sonora Regional Medical Center
- d. Tuolumne County Sheriff's Department
- e. Sonora Police Department
- f. California Highway Patrol
- g. Tuolumne County Correctional Facilities/Custody Detention Staff

ASSUMPTIONS, GENERAL AGREEMENTS AND PRINCIPLES OF THIS COMMUNITY PROTOCOL

1. Mental health is a community responsibility. No single agency, organization or facility in the community has the resources, scope of services, or skill sets to address the challenges on their own. Tuolumne County puts a high value on the respectful and collaborative process used to develop this protocol and is committed to using that same process as this protocol is implemented and refined over time.
2. Our shared goals are to ensure patient access to the right care at the right time in the right place. This commitment to will allow care to be provided with the most respect for an individual's rights and capacity to choose.
3. We agree to leverage the competencies of our community partners and to share training and knowledge unique to each stakeholder for the benefit of the larger community.
4. We are committed to maintaining individual and community safety. At times, individuals may require voluntary or involuntary treatment in order to assure their safety and the safety of others.
5. We recognize that individuals who may be experiencing serious psychiatric crises and who also violate the law must be held legally accountable for their actions.

6. We recognize that individuals who may be experiencing serious psychiatric crises may also have acute physical conditions and stabilizing their physical/medical needs is a priority.
7. This 5150 protocol applies to Tuolumne County residents (Additional procedures are required when TCBH staff are involved in finding placement of residents of other counties).

ROLES AND RESPONSIBILITIES: LAW ENFORCEMENT (SHERIFF'S DEPARTMENT, MUNICIPAL POLICE AGENCIES)

1. According to the Welfare & Institutions code, peace officers are authorized to complete a 5150 application and to take a person into custody for a mental health evaluation and assessment in a facility designated by the County and approved by the State Department of Mental Health. As there is no facility in Tuolumne County with the capabilities to provide the required mental health evaluation, assessment and/or treatment, peace officers in this County are authorized to take an individual into custody under this W & I code and transport them to the closest acute care hospital for medical clearance, assessment by a County-designated individual, and disposition to the appropriate inpatient or outpatient care centers.

2. Officer considerations and responsibilities

- ♦ Any officer responding to or handling a call involving a suspected or actual mentally disabled individual should carefully consider the following:
 - Individual's need for emergency medical attention.
 - Any available information which might assist in determining the cause/nature of the mental illness.
 - Community resources which may be readily available to assist the individual.
 - Services available by Tuolumne County Behavioral Health.

3. Transportation of 5150 patients who require no further law enforcement action

- ♦ If the person requires medical attention:
 - Transportation is by ambulance per established Tuolumne County EMS policies. The officer will escort the patient into the facility and place that person in a treatment room or waiting area as directed by a hospital staff member.
- ♦ If the person does not require medical attention:
 - Law enforcement may transport the individual directly to Sonora Regional Medical Center or call ambulance as per their department policies.

- ♦ Role of law enforcement after patient's arrival at the hospital:
 - Law enforcement personnel will meet and confer with hospital staff to ensure a smooth transition and to discuss issues regarding safety risks and concerns. Law enforcement may remain with the patient in the hospital depending on necessity. If law enforcement leaves and the hospital determines law enforcement presence is required again for the safety of the patient, hospital staff and other hospital patients/visitors, there will be a request for called-back.

4. Patient elopements

- ♦ Coordination and communication between law enforcement agencies in regard to patients that leave against medical advice, elope, or that continue to be a risk following discharge is essential.
 - Sonora Police Department and/or Tuolumne County Sheriff's Department and Tuolumne County Behavioral Health will be notified by Sonora Regional Medical Center of patient elopement if that patient has either been placed on a 5150 or is believed to be a danger to self or others or gravely disabled. Regardless of the law enforcement agency that transported the patient to the hospital, all will be involved, if needed.

5. Upon arrival at Sonora Regional Medical Center

- Patients accompanied by law enforcement personnel will be given priority after life & death, ambulance and other critically ill patients are cared for.
- The goal is to provide medical clearance and mental health evaluation within 60 minutes of arrival whenever possible.
- Hospital staff will notify Tuolumne County Behavioral Health regarding the need for a mental health evaluation when it is thought the patient will be medical cleared.

ROLES AND RESPONSIBILITIES: SONORA REGIONAL MEDICAL CENTER

1. Medical clearance

- a. Medical evaluations of patients who are thought to be a danger to self, others or gravely disabled.**
 - Individuals who are experiencing a psychiatric crisis and who are placed on a 5150 hold by law enforcement or other County-designated personnel are brought to the closest appropriate hospital's Emergency Department (ED) for assessment, treatment and stabilization of their physical conditions.
 - They are treated with the same medical evaluation, physical assessments, and triage principles as applied to any ED patient.
 - Until referred to another venue of treatment or discharged, each patient is under the primary care of the ED physician, unless otherwise noted.
 - For patients requiring transfer to an inpatient psychiatric facility, all require some level of medical clearance. The parameters of this clearance vary from facility to facility.

b. Patients requiring hospital admission

- If a patient under a 5150 hold is admitted into the hospital based on their medical condition, the 5150 hold is suspended.
- When that patient is ready for discharge from the hospital, medical personnel will complete a medical clearance and then contact Tuolumne County Behavioral Health staff (TCBHS).
- TCBHS will respond within 1 hour or less whenever possible and re-assess the patient's mental health status.
- If TCBHS determine that the patient continues to meet criteria for a 5150 hold, TCBHS will write a new 5150 hold and coordinate admission of the patient into an appropriate designated psychiatric facility for a 72-hour treatment and evaluation. If, however, the criteria for a 5150 hold are no longer met, the patient and the 5150 hold will be discharged.

c. Mental health evaluations of patients who may require a 5150 in the ED

- Upon completion of the medical clearance, ED nurse will notify TCBHS of the need for a mental health evaluation.
- TCBHS will respond in 30 minutes or less whenever possible.
- Patient transfers or referrals to designated inpatient psychiatric facilities or releases to outpatient services will be facilitated by TCBHS but remains the responsibility of the acute care hospital in accordance with EMTALA.

d. Accounting for the 72-hour hold time

- It remains the designation of Tuolumne County and the findings of the W&I Code Section 5150 and 5151 that the 72-hour hold time begins upon admission to an appropriate psychiatric facility designated by the County, and not before. If a patient is medically cleared and awaiting psychiatric placement for longer than 72 hours, the 5150 hold will need to be reassessed and a new 5150 will be written by Behavioral Health crisis worker as necessary and appropriate.

2. Documentation/medical record

- Documentation will be done per hospital policy.
- Copies of the patient's medical record will be sent with the patient upon transfer to a designated inpatient psychiatric facility, including the original 5150 application.
- For patients released to outpatient services, the original 5150 application will remain in the patient's hospital medical record.

3. Arranging for transportation of patient to accepting psychiatric facility

- ♦ Transportation to an accepting psychiatric facility is the responsibility of the sending medical facility in accordance with EMTALA.

4. Patient elopement

- ♦ Sonora Police Department and/or Tuolumne County Sheriff's Department and Tuolumne County Behavioral Health will be notified by Sonora Regional Medical Center of patient elopement if that patient has either been placed on a 5150 or is believed to be a danger to self or others or gravely disabled. Regardless of the law enforcement agency that transported the patient to the hospital, all will be involved, if needed.

ROLES AND RESPONSIBILITIES: TUOLUMNE COUNTY DEPARTMENT OF BEHAVIORAL HEALTH

1. Tuolumne County Department of Behavioral Health will complete 5150 evaluations and applications.

2. Psychiatric evaluations and other services

- ♦ Tuolumne County Behavioral Health designated staff have the ability to complete mental health crisis assessments, 5150 applications, crisis interventions, and other emergency interventions for persons in Tuolumne County as well as review, uphold and/or discontinue 5150 holds placed on individuals by other agencies.

3. Response times (hours of operation, response times)

- ♦ Tuolumne County Behavioral Health will respond to requests for crisis evaluations within 30 minutes of request of evaluation. Non-adherence to this standard might occur based on Tuolumne County Behavioral Health staff being currently engaged in another crisis evaluation. Tuolumne County Behavioral Health will track compliance to this standard and will work to ameliorate impediments as possible.
- ♦ Tuolumne County Behavioral Health can be contacted at 209-533-7000

4. Perform W & I code 5150 evaluation

- ♦ **Complete mental health crisis assessment:**
 - In the course of completing the 5150 assessment, the TCBHS will complete a mental health crisis evaluation.
 - TCBHS will consult with law enforcement and hospital staff, as appropriate, to provide additional information about a patient useful in the evaluation and subsequent treatment plan for the patient.
 - A copy of the crisis evaluation form is provided to medical facility for inclusion in their medical record.
- ♦ **To release an individual from a 5150 hold:**
 - If, after their assessment, the TCBHS determines that the individual does not meet the criteria for a 5150 application, they will discontinue the hold and inform patient regarding available community resources.

- ♦ **If individual meets criteria for a 5150 hold:**
 - TCBHS will work to locate an appropriate inpatient psychiatric facility to accept the patient.
- ♦ **Evaluation of hospital inpatients:**
 - When hospital staff requests a 5150 evaluation for those inpatients that are medically cleared and ready for discharge, TCBHS will respond to those requests in the same way that they do to an ED request.
- ♦ **Arranging for transportation of patient to the accepting psychiatric facility:**
 - Tuolumne County Behavioral Health will identify an appropriate psychiatric facility and arrange for admission to the facility. Coordination of transportation of the patient remains the responsibility of the sending medical facility as per EMTALA.
- ♦ **Consult with medical staff re: medical clearance evaluation:**
 - TCBHS will, as appropriate, consult with the hospital physicians in determining medical clearance as it applies to the ability to transfer the patient to an inpatient psychiatric unit. If the accepting facility's psychiatrist does not concur with the medical clearance, the treating hospital will maintain responsibility for the disposition of the patient until such time that the medical clearance is agreed upon. TCBHS may facilitate a physician-to-physician consultation.

5. Develop appropriate after-care plan for individuals who do not meet 5150 hold criteria

- ♦ Consult with individual/family members.
- ♦ Refer to appropriate outpatient treatment services (e.g. of Behavioral Health Services, private insurance providers, other social services agencies as appropriate).
- ♦ Consult with hospital staff.
- ♦ Documentation of criteria determined and after care plan.

ROLES AND RESPONSIBILITIES: AMBULANCE SERVICES/COUNTY EMS

1. Transport of individuals to medical facilities

Within Tuolumne County, this is consistent with Tuolumne County EMS Policies

2. Transport of individuals to in-patient psychiatric facilities

Within Tuolumne County, this is consistent with Tuolumne County EMS Policies

TRAINING

1. The community partners on this protocol agree to ensure that all agency personnel involved in carrying out the agreements shall be trained in this response protocol.
2. The community partners agree to establish a training plan/calendar for all agency personnel on issues dealing with this 5150 protocol and other related mental health issues and to share in the delivery of that training based on their respective areas of expertise.
3. In accordance with this community protocol, all parties shall verify and ensure that its employees and agents are in good standing with their boards of licensure or certification; shall verify and ensure that its employees and agents have the appropriate education, knowledge, experience and clinical competency, commensurate with their responsibilities and job duties.

QUALITY REVIEW AND IMPROVEMENT PROCESSES

1. A Tuolumne County 5150 Work Group will be formed with representation from all community stakeholders and will agree to meet at least annually to address issues including, but not limited to, this protocol; process improvement opportunities; case study reviews for training purposes; and related mental health issues that arise in the community.

TERMS OF AGREEMENT

1. This agreement shall be in effect from January 1, 2014 and shall remain in effect until revised. The terms of this agreement shall be reviewed at two year intervals.
2. This agreement may be amended or modified only if agreed upon by all parties. Such amendments or modifications shall become effective only after they have been submitted in writing and signed by all parties.

SIGNATURES OF COMMUNITY PARTNERS TO THIS PROTOCOL

County of Tuolumne:

Evan Royce 4/15/14
Evan Royce, Chairperson (Date)
Tuolumne County Board of Supervisors

Attest:

Alicia Jamar 4/15/14
Alicia Jamar (Date)
Deputy Clerk of the Board

Approved as to Legal Form:

Christopher Schmidt 3/20/14
Christopher Schmidt (Date)
Deputy County Counsel

Sonora Regional Medical Center:

Andrew D. Jahn
Andrew Jahn (Date)
President

California Highway Patrol:

Scott Clamp 3/25/14
Scott Clamp (Date)
Lieutenant Commander

Sonora Police Department:

Mark Stinson 26 March 14
Mark Stinson (Date)
Chief of Police

Rita Austin, LCSW 3/20/14
Rita Austin, LCSW, Director (Date)
Tuolumne County Department of
Behavioral Health

Jim Melz 3/26/14
Jim Melz, Sheriff (Date)
Tuolumne County Sheriff's Department

Ann Connolly 3/20/14
Ann Connolly, Director (Date)
Tuolumne County Ambulance

I hereby certify that according to the
provisions of Government Code
Section 25103, delivery of this
document has been made.

ALICIA L. JAMAR
Clerk of the Board

By: Alicia Jamar

Bibliography

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ADULT PROTECTIVE SERVICES COMMITTEE REPORTS

“Surfing the Silver Tsunami”

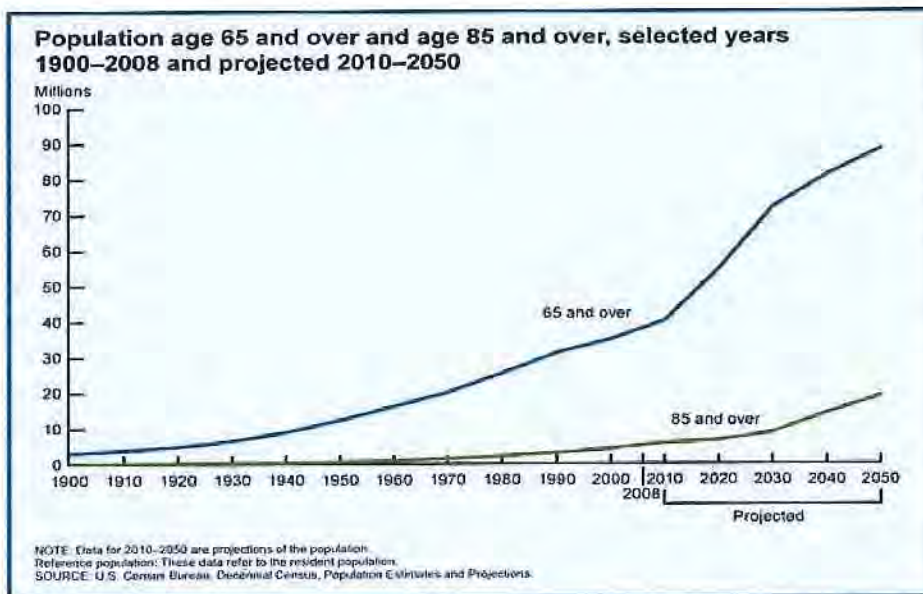
INTRODUCTION

The aging of baby boomers is creating a shift in the age of the U.S. population, and sadly, with a silver-haired population that is growing in numbers, the cases of elder abuse may be growing as well.

It has been ten years since the last Adult Protective Services (APS) review, prompting the 2014-2015 Grand Jury to see how the County’s adult population is currently being served by APS and how they are handling elder abuse. After a thorough investigation, this committee produced reports about the merger of Child Welfare Services (CWS) and APS, case management technology, staff performance, planning for the future aging population, and public education.

BACKGROUND

The Aging Population



According to the 2010 U.S. Census, adults over the age of 65 are the fastest growing demographic group in the United States. This group, known as “The Silver Tsunami,” will make up 20% of the US population by 2029; these are the baby

boomers (born between 1946–1964), and there are 76 million of them. Tuolumne County has one of the three oldest populations in California with approximately 1/3 of its population over the age

of 65, and that is not yet the crest of the wave, according to the California Department of Aging, (CDA), the elder population is projected to increase between 99% and 150% by 2020, and the unfortunate reality is, older people are more vulnerable to illness.

Aging populations and chronic illnesses increase the vulnerability of older people. Studies indicate as we see more adults with Alzheimer's disease and other types of dementia, the likelihood of abuse increases as well. A study by the National Center on Elder Abuse (NCEA), found that Alzheimer's disease is expected to grow exponentially in the coming decades... from 5.3 million to 16 million cases in 2050. Communities need to be ready to care for this growing demographic and more importantly, need to be alert and educated for the potential of increased abuse. In Tuolumne County, Adult Protective Services helps our aging population by being a conduit of referral for many types of services.

What is Adult Protective Services?

Definition

Adult Protective Services protects and intervenes for elder adults, and dependent adults, who are unable to protect themselves from harm or neglect. An "elder adult" is any person 65 years of age or older, a "dependent adult" is any person 18 through 64 years of age who has physical or mental limitations which restricts the ability to carry out normal daily activities.

Services and Reporting Requirements

APS is usually the first responders to reported or suspected abuse and are tasked to identify, investigate, and resolve abuse allegations. The client has the right to refuse services, if they so choose, as participation is voluntary and there are no income requirements to use their services.

According to a 2011 Government Accountability Office survey, only 14 States require all citizens to report abuse, 32 states only require mandatory reporting of abuse by professionals, and 4, including the State of New York have no reporting requirement. California only requires professionals to report abuse, but other people may report suspected elder abuse as well.

Any person with a reasonable concern about elder abuse may contact APS to file a report, and depending upon where the abuse takes place (for example, in the community versus in an institution), APS may not be the initial or only department to contact under California law.

In California, the law recognizes two types of reporters: non-mandated reporters and mandated reporters. Non-mandated reporters are persons who are not licensed by the Department of Health and do not meet the requirements of a mandated reporter. They are encouraged to report their suspicions, and can do so anonymously, but there are no legal repercussions for not reporting. There are different rules for mandated reporters.

According to the Welfare and Institutions Code Section 15630-15632, a mandated reporter is "Any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not he or she receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency, is a mandated reporter," but in the event of suspected financial abuse a mandated reporter also includes, "All officers and employees of financial institutions" [Welfare and Institutions Code Section 15630-15632]. Therefore when a mandated reporter has reason to suspect abuse they must make a direct telephone report to APS at (209) 533-5717 within two hours and follow up by filing the SOC 341 form within two days. (see Attachment A).

Research on Abuse

Research from the National Center on Elder Abuse (NCEA) tells us that...

- 1 in 10 people will be subject to some kind of abuse at least once.
- 90% of the perpetrators of abuse are trusted by the victim. They can be a primary caregiver (wife, husband, child, or sibling), an extended family member, a friend, a neighbor, a court-appointed guardian, or a health caregiver.
- For every report of abuse, 5 incidents go unreported. That is why some call Elder Abuse the silent crime...it is under reported and there is a reluctance to report it.
- APS is underfunded by federal as well as state governments.

APS Partnerships

APS, along with responding to abuse reports, also partners with a number of local organizations such as Meals on Wheels, Area 12, Catholic Charities, and Amador Tuolumne County Action Agency (ATCAA), that provide adult and senior services; these community partners may also refer clients to APS. Meetings with the partners are held on a monthly basis.

Who Funds APS?

The Grand Jury's research into types of funding provided to APS from state and federal governments revealed:

1. That there are no federal or state funding mandates.
2. County APS services are funded through state sales tax and vehicle license fees.

In 2010 the Elder Justice Act was passed as part of the Affordable Care Act (ACA), commonly referred to as Obamacare. The grant funding from the ACA is to be directed to states and be used to test methods to improve APS. However, to date, no funding has been authorized by Congress; as a result, the federal government currently has no funding mandate to address detection, prevention, or treatment of elder abuse. State funding is low and, compared to other protective services, only receives a small slice of the funding pie. Tuolumne County Social Services has an annual budget of approximately \$22 million, of which about \$145,000, or less than 1%, has been allocated for APS services in the 2014-2015 fiscal year. The budget allows very little funding for technology support or system upgrades.

Technology

Tracking APS referrals is vital and having an automated system in place ensures that compiling and responding to cases of reported abuses is done in a timely manner. The Tuolumne County APS uses an existing computer software system from Oracle called People Soft. A number of County departments have used this system since 2000 which was designed so analysts could tailor-make modules to specifically meet the needs of the user. The APS program module was built so staff could take abuse reports over the phone while inputting data directly into the system. The reporting requirements include the type of abuse and facts about the victim and the person reporting the problem.

The information gathered helps the APS worker develop and track interventions related to the reported concern. The system creates what is called an APS referral. When the details of a particular referral are completed in the system, they are placed in a pending status, prioritized, and then assigned to a caseworker by the supervisor, starting the work-flow time clock. All cases must be reviewed within 10 days. The system will time all cases starting from when the report of abuse is received until the case is closed manually by the caseworker assigned to the case; but unfortunately, sometimes during the course of a case, errors occur in the system.

The case system software does create errors that are immediately apparent to the user. The user knows of an error as the system will send a duplicate email of the case to the supervisor. These errors are caused if a case is set-up in the system and data is not entered in sequential order. The Information Technology (IT) department is made aware of the error and works with the APS employee or case worker to correct these files.

The data from the case management system is used for state reporting. Only one state mandated report is required to be submitted monthly to the State APS Department. It is called the SOC214 report. The SOC214 report is generated manually by the APS supervisor inputting specific data from the case management system into a Microsoft Excel spreadsheet. The APS system does not automatically generate the report. The data reported is for the previous month's activity and is reported at the following month's end.

This means the April 2015 report is due to the State by the end of May 2015. It is forwarded to the California Health & Human Services Department and gives details, by county,

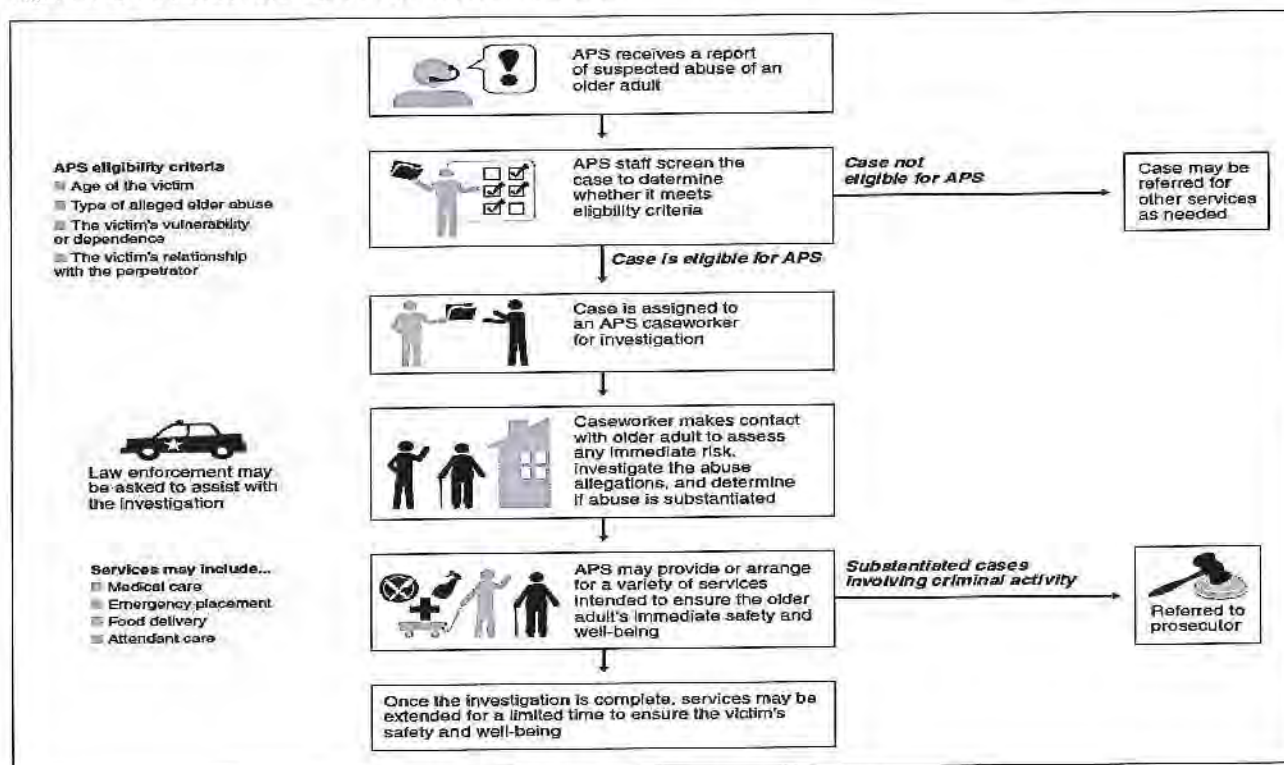
all APS case load management information. It reports all cases carried forward, ages of cases, investigation findings as to if abuse was confirmed; inconclusive or unfounded; the types of abuse, Support Services provided – In-person (emergency shelter/in-home protection service); Information & Referral to service. This report is available to the public. To view a recent report in its entirety, it can be found on the State website at:

<http://www.cdss.ca.gov/research/res/pdf/soc242/2014/SOC242Nov14.pdf>

Staff Performance

Although there are no specialized educational requirements, and on the job training is common, including working in both child and adult welfare services. Most APS personnel have a college degree and some hold advanced degrees in social work. The average number of years of work experience in the department is over ten years per person, and the APS staff is busy with a heavy case load.

Figure 1: APS Process for Addressing Alleged Elder Abuse



Investigations begin with a phone interview with the client, their family, or friends. APS will determine if abuse is present and what protective services are required. There are basic

eligibility criteria to determine if the complaint needs to be investigated, such as: the type of abuse, the age of the victim, their mental capacity, and the victim's relationship to the perpetrator. If after screening, APS has found no abuse exists, but perhaps the client requires other services, they will be referred to specific services. If APS determines there is suspected abuse, the case is assigned to an APS social worker.

THE INVESTIGATION

This report was not initiated by any complaint. All county agencies should be evaluated minimally every few years and it had been ten years since the last APS review. This prolonged interval since last review prompted the 2014-2015 Grand Jury to see how well the County's adult population is currently being served by APS and how they are handling elder abuse. This report is based on multiple types of investigative techniques.

To obtain the necessary information for this report, the Grand Jury conducted approximately 12 interviews while concurrently reviewing all policies, procedures, budgets, Memorandum Of Understanding contracts, use of credit cards, the Tuolumne County website, and any state and federal mandate requirements. In addition, the Grand Jury reviewed the case management methods and the case management computer system being used by department staff.

ADULT PROTECTIVE SERVICES COMMITTEE REPORTS

Report #1

The Merger

DISCUSSION

The 2011-2012 California budget called for a re-alignment of social services, moving control from Sacramento to each local county. The intent was to let counties decide what services to provide, based upon their demographic needs, with the goal of being more efficient while reducing costs. Implementation started in 2014 with a merger of two Tuolumne County agencies.

In early 2014 Child Welfare Services (CWS) and Adult Protective Services merged offices into a central location on Cedar Road in Sonora. Prior to this merger, the agencies were

two separate entities, in different locations, with separate staffing and budgets. At the time of the merger, additional social service programs came on line in the department as did the staffing of those services. Any cost savings of the merger were negated due to these additional services. Since there are very few dollars to support the agency on its own, this move extends the ability to provide services in a timely manner, and also increases the ability to train staff.

The merger combined staffing so other social services staff can train and cross-train between protective services: APS and CWS. APS staff cross-trained with, and provides back-up to, CWS. It is not uncommon that a primary caregiver to a dependent or elder adult also is raising a family and may require some sort of services from both protective agencies. This allows protective services to bring the family together as a whole and work to get them the help they need. This merger was not the last restructuring of Protective Services.

Due to an increase in staffing work load and lack of a full complement of CWS staff, in mid-February 2015, Protective Services once again restructured. The staff that provided back up to APS has been re-assigned to CWS while CWS shifted staff to APS operations for training and back-up support.

FINDINGS, RECOMMENDATIONS, COMMENDATIONS, and RESPONSES

Finding #1: The Grand Jury finds that post-merger -- APS has been able to provide needed services in an efficient and cost effective manner, in part, because the ability to cross-train between APS and CWS has created a multi-disciplinary team of protective services professionals.

Commendation: The Grand Jury commends Social Services and APS for providing protective services efficiently and effectively.

Responses Required: None

Report #2

Case Management Technology

DISCUSSION

The APS staff gave the Grand Jury a demonstration of the Adult Services Case Management Application System, which was built in 2008. The system works well and provides the information required to track reported allegations of abuse. APS also has a detailed user

manual created in 2008 for staff training; there are no known updates to this manual. There is no state mandated case management system for APS. Each county, depending upon funds and population needs, has developed their own case management system.

Some counties have the funds to purchase an “off-the-shelf” case management system, while others will build a system “in-house” and tailor it to their needs. A new case management system with data conversion and training on how to use it could cost between \$65,000 and \$100,000. In addition, there could be on-going expenses such as monthly maintenance and/or user license fees.

APS had a dedicated systems analyst who built and tailored the system to their needs, however, this ended around 2008 when the recession hit and the County experienced a number of layoffs and retirements. There is currently one APS IT technician who provides support and “troubleshoots” the APS system when errors occur. This staff member is retiring in October 2015. There is also a dedicated systems analyst who maintains the *entire* People Soft hardware in use countywide. This analyst will only perform updates to the hardware to keep it up to date, but will not perform specific software or report enhancements for APS requirements. California occasionally requires reporting updates.

The State, from time to time, will require new amended reporting updates for the monthly SOC214, and the County is required to do certain systems enhancements to accommodate these changes. As these changes take lead time and dedicated programming expertise, APS chose to continue to manually create the SOC214 report using an Excel spreadsheet.

FINDINGS, RECOMMENDATIONS, and RESPONSES

Finding #2: The Grand Jury finds that with the current APS Information Technologist retiring in October 2015, a replacement must be trained to keep the APS system current and running properly.

Recommendation #2: The Grand Jury recommends that Social Services choose an IT replacement. Staff selection and training shall begin by July 1, 2015 and be completed by October 1, 2015 so the replacement is trained and the transition is seamless.

Response Required #2: Director of Social Services and IT Coordinator.

Report #3

Staff Performance

DISCUSSION

There is one dedicated case worker. The average case load of open cases is approximately 64, and the average time a case is open is approximately 30 days. The most common referrals Tuolumne County APS encounters are self-neglect and financial abuse with a friend or family member often identified as the abuser. Not all complaint investigations result in a finding of abuse.

APS staff is required to do everything in their power to investigate abuse allegations, starting with a phone interview with the client and their family or friends. Criteria to determine if the complaint needs to be investigated include: type of abuse, age of the victim, mental capacity, and relationship to perpetrator. APS will conduct a site or home visit and if needed, may be accompanied by medical personnel and/or law enforcement. The victim must agree to any interviews. It may take multiple attempts on the part of the APS worker to gain trust and be allowed access to the victim's home. The client may be removed from a residence only if the living situation puts the client in grave and/or immediate physical danger, and if there is suspected abuse. After a detailed assessment is made by the APS worker, they decide what protective services or referrals are required for the client.

On the other hand, if APS has found no abuse, but the client requires other services to stay independently in their home, they may be directed to local adult social services such as Meals on Wheels, Senior Network, Area 12, Catholic Charities, or ATCAA.

FINDINGS, RECOMMENDATIONS, and RESPONSES

Finding#3: The Grand Jury finds that the APS Staff is diligent in their investigations, follows work-flows, and has a high timeliness rate.

Commendation: The Grand Jury commends APS personnel as dedicated and caring professionals who have developed deep ties to the County and whose years of work experience with the elderly is an asset to this community.

Response Required: None

Report #4

Planning for an Aging Population: Public Education

DISCUSSION

Adult Protective Services participates in committees and collaborates with statewide and regional service providers in an effort to direct and influence the future response plan for the Silver Tsunami. Unlike Child Protective Services, APS does not have many federal or state mandates for service levels, interventions, or tracking of issues between counties. This lack of mandates is important because federal mandates bring increased funding to states to help meet those requirements. Tuolumne County APS participates in the California Welfare Directors Association, and their subcommittees, in an effort to influence regional and state support for the needs of protective services providers on a large scale. Locally, APS education has a slightly different focus.

On a local scale APS will participate in community health fairs, but for the most part community education is directed at training the staff for other agencies that provide senior services. APS has not participated in public service announcements through local print or other media outlets as a means of educating or reaching out to the public. The literature or brochure APS uses, while informative, is generally distributed to clients and through the Health Fair, or to the organizations that are specifically focused on senior issues such as Area 12 Agency on Aging, Catholic Charities, and the Senior Center - managed by Sierra Foothill Management.

APS is receptive to formalizing a public education plan to assist the public in identifying problems that prevent seniors from aging successfully on their own terms. APS and other senior service providers occasionally collaborate to provide community education seminars on how to recognize the signs of self-neglect or financial abuse. They teach the public how to respond to these types of problems. Part of that education is letting people know that: APS does not routinely remove adults from their homes, there is no fee or income qualification for services and APS is the conduit to bring resources to help elders age with grace and dignity in their own homes.

FINDINGS, RECOMMENDATIONS, and RESPONSES

Finding #4: The Grand Jury finds that APS is meeting the current needs of the adult population of the County and is on track with its overall goal: "To wrap a safety-net around the adult person

to support their aging in place,” but could benefit the community by having a formalized public education plan.

Recommendation #4: The Grand Jury recommends that Social Services by September 1, 2015 direct APS staff to work with Area 12 Agency on Aging, Catholic Charities, ATCAA, and the Tuolumne County Senior Center and continue developing additional outreach and training seminars (at least one seminar each year starting January 2016) for the general public on the common types of abuse, such as self-neglect and financial abuse, how to recognize the signs of abuse, and how to address them.

Responses Required #4: Director of Social Services

Finding #5: The Grand Jury finds that APS’s general brochure is a tri-fold paper document because it is easily copied, and has only been distributed to a narrow audience.

Recommendation #5: The Grand Jury recommends that Social Services shall upgrade the brochure to a professionally produced product and distribute it to a wider Tuolumne County audience including doctors’ offices, the hospital and county libraries by September 1, 2015.

Responses Required #5: Director of Social Services

CONCLUSION

Tuolumne County is a wonderful place to live for people of all ages, and because the Silver Population is a rapidly growing demographic, it is best to have services poised to meet its needs. The Grand Jury investigated Adult Protective Services and found that post-merger, the staff, technology, and resources are in place to meet current needs, but also found that aging technology and tight funding may deny APS the tools necessary to successfully surf a future “Silver Tsunami” should it rise in our community as predicted. The public itself may need to be prepared to protect our elder citizens.

One of the great untapped resources for protecting the increasingly aging demographic in our community is the local population itself. The public needs to be engaged and educated in recognizing adult abuse. Funding for all protective services is limited, but with the number of

local organizations that specialize in senior issues, such as Area 12 Agency on Aging and Catholic Services, something to consider would be a healthy partnership between these groups, which could provide the necessary public connection and education; the framework is already in place, it only needs to be utilized.

CONFIDENTIAL REPORT - NOT SUBJECT TO PUBLIC DISCLOSURE

REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE

DATE COMPLETED: _____

TO BE COMPLETED BY REPORTING PARTY. PLEASE PRINT OR TYPE. SEE GENERAL INSTRUCTIONS.

A. VICTIM ☐ Check box if victim consents to disclosure of information [Ombudsman use only - WIC 15636(a)]

*NAME (LAST NAME FIRST)	*AGE	DATE OF BIRTH	SSN	GENDER ☐ M ☐ F	ETHNICITY	LANGUAGE (✓ CHECK ONE) ☐ NON-VERBAL ☐ ENGLISH ☐ OTHER (SPECIFY)	
*ADDRESS (IF FACILITY, INCLUDE NAME AND NOTIFY OMBUDSMAN)				*CITY	*ZIP CODE	*TELEPHONE ()	
*PRESENT LOCATION (IF DIFFERENT FROM ABOVE)				*CITY	*ZIP CODE	*TELEPHONE ()	

☐ ELDERLY (65+) ☐ DEVELOPMENTALLY DISABLED ☐ MENTALLY ILL/DISABLED ☐ PHYSICALLY DISABLED ☐ UNKNOWN/OTHER ☐ LIVES ALONE ☐ LIVES WITH OTHERS
B. SUSPECTED ABUSER ✓ Check if ☐ Self-Neglect

NAME OF SUSPECTED ABUSER	☐ CARE CUSTODIAN (type)	☐ PARENT	☐ SON/DAUGHTER	☐ OTHER
	☐ HEALTH PRACTITIONER (type)	☐ SPOUSE	☐ OTHER RELATION	
ADDRESS	*ZIP CODE	TELEPHONE ()	GENDER ☐ M ☐ F	ETHNICITY

C. REPORTING PARTY: Check appropriate box if reporting party waives confidentiality to: ☐ All ☒ All but victim ☐ All but perpetrator

*NAME (PRINT)	SIGNATURE	OCCUPATION	AGENCY/NAME OF BUSINESS
RELATION TO VICTIM/HOW KNOWS OF ABUSE	(STREET)	(CITY)	(ZIP CODE)
		(E-MAIL ADDRESS)	TELEPHONE ()

D. INCIDENT INFORMATION - Address where incident occurred:

*DATE/TIME OF INCIDENT(S)	PLACE OF INCIDENT (✓ CHECK ONE) ☐ OWN HOME ☐ COMMUNITY CARE FACILITY ☐ HOSPITAL/ACUTE CARE HOSPITAL ☐ HOME OF ANOTHER ☐ NURSING FACILITY/SWING BED ☐ OTHER (Specify)
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E. REPORTED TYPES OF ABUSE (✓ CHECK ALL THAT APPLY).

1. PERPETRATED BY OTHERS (WIC 15610.07 & 15610.63) a. PHYSICAL ☐ ASSAULT/BATTERY ☐ CONSTRAINT OR DEPRIVATION ☐ SEXUAL ASSAULT ☐ CHEMICAL RESTRAINT ☐ OVER OR UNDER MEDICATION b. ☐ NEGLECT c. ☐ FINANCIAL d. ☐ ABANDONMENT e. ☐ ISOLATION f. ☐ ABDUCTION g. ☐ OTHER (Non-Mandated: e.g., deprivation of goods and services; psychological/mental)	2. SELF-NEGLECT (WIC 15610.57(b)(5)) a. ☐ PHYSICAL CARE (e.g., personal hygiene, food, clothing, shelter) b. ☐ MEDICAL CARE (e.g., physical and mental health needs) c. ☐ HEALTH AND SAFETY HAZARDS d. ☐ MALNUTRITION/DEHYDRATION e. ☐ OTHER (Non-Mandated e.g., financial)
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ABUSE RESULTED IN (✓ CHECK ALL THAT APPLY) ☐ NO PHYSICAL INJURY ☐ MINOR MEDICAL CARE ☐ HOSPITALIZATION ☐ CARE PROVIDER REQUIRED
☐ DEATH ☐ MENTAL SUFFERING ☐ OTHER (SPECIFY) ☐ UNKNOWN

F. REPORTER'S OBSERVATIONS, BELIEFS, AND STATEMENTS BY VICTIM IF AVAILABLE. DOES ALLEGED PERPETRATOR STILL HAVE ACCESS TO THE VICTIM? PROVIDE ANY KNOWN TIME FRAME (2 days, 1 week, ongoing, etc.). LIST ANY POTENTIAL DANGER FOR INVESTIGATOR (animals, weapons, communicable diseases, etc.). ☐ CHECK IF MEDICAL, FINANCIAL, PHOTOGRAPHS OR OTHER SUPPLEMENTAL INFORMATION IS ATTACHED.**G. TARGETED ACCOUNT**

ACCOUNT NUMBER (LAST 4 DIGITS):	TYPE OF ACCOUNT: ☐ DEPOSIT ☐ CREDIT ☐ OTHER	TRUST ACCOUNT: ☐ YES ☐ NO
POWER OF ATTORNEY: ☐ YES ☐ NO	DIRECT DEPOSIT: ☐ YES ☐ NO	OTHER ACCOUNTS: ☐ YES ☐ NO

H. OTHER PERSON BELIEVED TO HAVE KNOWLEDGE OF ABUSE. (family, significant others, neighbors, medical providers and agencies involved, etc.)

NAME	ADDRESS	TELEPHONE NO. ()	RELATIONSHIP
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I. FAMILY MEMBER OR OTHER PERSON RESPONSIBLE FOR VICTIM'S CARE. (If unknown, list contact person).

*NAME	IF CONTACT PERSON ONLY ✓ CHECK ☐	*RELATIONSHIP
*ADDRESS	*CITY	*ZIP CODE
		*TELEPHONE ()

J. TELEPHONE REPORT MADE TO: ☐ Local APS ☐ Local Law Enforcement ☐ Local Ombudsman ☐ Calif. Dept. of Mental Health ☐ Calif. Dept. of Developmental Services

NAME OF OFFICIAL CONTACTED BY PHONE	TELEPHONE ()	DATE/TIME
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K. WRITTEN REPORT Enter information about the agency receiving this report. Do not submit report to California Department of Social Services Adult Programs Bureau.

AGENCY NAME	ADDRESS OR FAX #	☐ Date Mailed: ☐ Date Faxed:
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L. RECEIVING AGENCY USE ONLY ☐ Telephone Report ☐ Written Report

1. Report Received by:	Date/Time:
2. Assigned ☐ Immediate Response ☐ Ten-day Response ☐ No Initial Face-To-Face Required ☐ Not APS ☐ Not Ombudsman	
Approved by:	Assigned to (optional):
3. Cross-Reported to: ☐ CDHS, Licensing & Cert.; ☐ CDSS-CCL; ☐ CDA Ombudsman; ☐ Bureau of Medi-Cal Fraud & Elder Abuse; ☐ Mental Health; ☐ Law Enforcement; ☐ Professional Board; ☐ Developmental Services; ☐ APS; ☐ Other (Specify)	Date of Cross-Report:

REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE GENERAL INSTRUCTIONS

PURPOSE OF FORM

This form, as adopted by the California Department of Social Services (CDSS), is required under Welfare and Institutions Code (WIC) Sections 15630 and 15658(a)(1). This form documents the information given by the reporting party on the suspected incident of abuse of an elder or dependent adult. "Elder," means any person residing in this state who is 65 years of age or older (WIC Section 15610.27). "Dependent Adult," means any person residing in this state, between the ages of 18 and 64, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age (WIC Section 15610.23). Dependent adult includes any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility (defined in the Health and Safety Code Sections 1250, 1250.2, and 1250.3).

COMPLETION OF THE FORM

1. This form may be used by the receiving agency to record information through a telephone report of suspected dependent adult/elder abuse. Complete items with an asterisk (*) when a telephone report of suspected abuse is received as required by statute and the California Department of Social Services.
2. If any item of information is unknown, enter "unknown."
3. Item A: Check box to indicate if the victim waives confidentiality.
4. Item C: Check box if the reporting party waives confidentiality. Please note that mandated reporters are required to disclose their names, however, non-mandated reporters may report anonymously.

REPORTING RESPONSIBILITIES

Mandated reporters (see definition below under "Reporting Party Definitions") shall complete this form for each report of a known or suspected instance of abuse (physical abuse, sexual abuse, financial abuse, abduction, neglect, (self-neglect), isolation, and abandonment (see definitions in WIC Section 15610) involving an elder or a dependent adult. **The original of this report shall be submitted within two (2) working days of making the telephone report to the responsible agency as identified below:**

- The county Adult Protective Services (APS) agency or the local law enforcement agency (if abuse occurred in a private residence, apartment, hotel or motel, or homeless shelter).
- Long-Term Care Ombudsman (LTCO) program or the local law enforcement agency (if abuse occurred in a nursing home, adult residential facility, adult day program, residential care facility for the elderly, or adult day health care center).
- The California Department of Mental Health or the local law enforcement agency (if abuse occurred in Metropolitan State Hospital, Atascadero State Hospital, Napa State Hospital, or Patton State Hospital).
- The California Department of Developmental Services or the local law enforcement agency (if abuse occurred in Sonoma Developmental Center, Lanterman Developmental Center, Porterville Developmental Center, Fairview Developmental Center, or Agnews Developmental Center).

WHAT TO REPORT

Any mandated reporter who, in his or her professional capacity, or within the scope of his or her employment has observed, suspects, or has knowledge of an incident that reasonably appears to be physical abuse (including sexual abuse), abandonment, isolation, financial abuse, abduction, or neglect (including self-neglect), or is told by an elder or a dependent adult that he or she has experienced behavior constituting physical abuse, abandonment, isolation, financial abuse, abduction, or neglect, shall report the known or suspected instance of abuse by telephone immediately or as soon as practicably possible, and by written report sent within two working days to the appropriate agency.

REPORTING PARTY DEFINITIONS

Mandated Reporters (WIC) "15630 (a) Any person who has assumed full or intermittent responsibility for care or custody of an elder or dependent adult, whether or not that person receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency, is a mandated reporter."

Care Custodian (WIC) "15610.17 'Care custodian' means an administrator or an employee of any of the following public or private facilities or agencies, or persons providing care or services for elders or dependent adults, including members of the support staff and maintenance staff: (a) Twenty-four-hour health facilities, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code. (b) Clinics. (c) Home health agencies. (d) Agencies providing publicly funded in-home supportive services, nutrition services, or other home and community-based support services. (e) Adult day health care centers and adult day care. (f) Secondary schools that serve 18- to 22-year-old dependent adults and postsecondary educational institutions that serve dependent adults or elders. (g) Independent living centers. (h) Camps. (i) Alzheimer's Disease Day Care Resource Centers. (j) Community care facilities, as defined in Section 1502 of the Health and Safety Code, and residential care facilities for the elderly, as defined in Section 1569.2 of the Health and Safety Code. (k) Respite care facilities. (l) Foster homes. (m) Vocational rehabilitation facilities and work activity centers. (n) Designated area agencies on aging. (o) Regional centers for persons with developmental disabilities. (p) State Department of Social Services and State Department of Health Services licensing divisions. (q) County welfare departments. (r) Offices of patients' rights advocates and clients' rights advocates, including attorneys. (s) The Office of the State Long-Term Care Ombudsman. (t) Offices of public conservators, public guardians, and court investigators. (u) Any protection or advocacy

GENERAL INSTRUCTIONS (Continued)

agency or entity that is designated by the Governor to fulfill the requirements and assurances of the following: (1) The federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, contained in Chapter 144 (commencing with Section 15001) of Title 42 of the United States Code, for protection and advocacy of the rights of persons with developmental disabilities. (2) The Protection and Advocacy for the Mentally Ill Individuals Act of 1986, as amended, contained in Chapter 114 (commencing with Section 10801) of Title 42 of the United States Code, for the protection and advocacy of the rights of persons with mental illness. (v) Humane societies and animal control agencies. (w) Fire departments. (x) Offices of environmental health and building code enforcement. (y) Any other protective, public, sectarian, mental health, or private assistance or advocacy agency or person providing health services or social services to elders or dependent adults."

Health Practitioner (WIC) "15610.37 'Health practitioner' means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, licensed clinical social worker or associate clinical social worker, marriage, family, and child counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, any emergency medical technician I or II, paramedic, or person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, a psychological assistant registered pursuant to Section 2913 of the Business and Professions Code, a marriage, family, and child counselor trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code, or an unlicensed marriage, family, and child counselor intern registered under Section 4980.44 of the Business and Professions Code, state or county public health or social service employee who treats an elder or a dependent adult for any condition, or a coroner."

Officers and Employees of Financial Institutions (WIC) "15630.1. (a) As used in this section, "mandated reporter of suspected financial abuse of an elder or dependent adult" means all officers and employees of financial institutions. (b) As used in this section, the term "financial institution" means any of the following: (1) A depository institution, as defined in Section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. Sec. 1813(c)). (2) An institution-affiliated party, as defined in Section 3(u) of the Federal Deposit Insurance Act (12 U.S.C. Sec. 1813(u)). (3) A federal credit union or state credit union, as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. Sec. 1752), including, but not limited to, an institution-affiliated party of a credit union, as defined in Section 206(r) of the Federal Credit Union Act (12 U.S.C. Sec. 1786 (r)). (c) As used in this section, "financial abuse" has the same meaning as in Section 15610.30. (d)(1) Any mandated reporter of suspected financial abuse of an elder or dependent adult who has direct contact with the elder or dependent adult or who reviews or approves the elder or dependent adult's financial documents, records, or transactions, in connection with providing financial services with respect to an elder or dependent adult, and who, within the scope of his or her employment or professional practice, has observed or has knowledge of an incident that is directly related to the transaction or matter that is within that scope of employment or professional practice, that reasonably appears to be financial abuse, or who reasonably suspects that abuse, based solely on the information before him or her at the time of reviewing or approving the document, records, or transaction in the case of mandated reporters who do not have direct contact with the elder or dependent adult, shall report the known or suspected instance of financial abuse by telephone immediately, or as soon as practicably possible, and by written report sent within two working days to the local adult protective services agency or the local law enforcement agency."

MULTIPLE REPORTERS

When two or more mandated reporters are jointly knowledgeable of a suspected instance of abuse of a dependent adult or elder, and when there is agreement among them, the telephone report may be made by one member of the group. Also, a single written report may be completed by that member of the group. Any person of that group, who believes the report was not submitted, shall submit the report.

IDENTITY OF THE REPORTER

The identity of all persons who report under WIC Chapter 11 shall be confidential and disclosed only among APS agencies, local law enforcement agencies, LTCO coordinators, California State Attorney General Bureau of Medi-Cal Fraud and Elder Abuse, licensing agencies or their counsel, Department of Consumer Affairs Investigators (who investigate elder and dependent adult abuse), the county District Attorney, the Probate Court, and the Public Guardian. Confidentiality may be waived by the reporter or by court order.

FAILURE TO REPORT

Failure to report by mandated reporters (as defined under "Reporting Party Definitions") any suspected incidents of physical abuse (including sexual abuse), abandonment, isolation, financial abuse, abduction, or neglect (including self-neglect) of an elder or a dependent adult is a misdemeanor, punishable by not more than six months in the county jail, or by a fine of not more than \$1,000, or by both imprisonment and fine. Any mandated reporter who willfully fails to report abuse of an elder or a dependent adult, where the abuse results in death or great bodily injury, may be punished by up to one year in the county jail, or by a fine of up to \$5,000, or by both imprisonment and fine.

Officers or employees of financial institutions (defined under "Reporting Party Definitions") are mandated reporters of financial abuse (effective January 1, 2007). These mandated reporters who fail to report financial abuse of an elder or dependent adult are subject to a civil penalty not exceeding \$1,000. Individuals who willfully fail to report financial abuse of an elder or dependent adult are subject to a civil penalty not exceeding \$5,000. These civil penalties shall be paid by the financial institution, which is the employer of the mandated reporter to the party bringing the action.

GENERAL INSTRUCTIONS (Continued)

EXCEPTIONS TO REPORTING

Per WIC Section 15630(b)(3)(A), a mandated reporter who is a physician and surgeon, a registered nurse, or a psychotherapist, as defined in Section 1010 of the Evidence Code, shall not be required to report a suspected incident of abuse where all of the following conditions exist:

- (1) The mandated reporter has been told by an elder or a dependent adult that he or she has experienced behavior constituting physical abuse (including sexual abuse), abandonment, isolation, financial abuse, abduction, or neglect (including self-neglect).
- (2) The mandated reporter is not aware of any independent evidence that corroborates the statement that the abuse has occurred.
- (3) The elder or the dependent adult has been diagnosed with a mental illness or dementia, or is the subject of a court-ordered conservatorship because of a mental illness or dementia.
- (4) In the exercise of clinical judgment, the physician and surgeon, the registered nurse, or the psychotherapist, as defined in Section 1010 of the Evidence Code, reasonably believes that the abuse did not occur.

Per WIC Section 15630(b)(4)(A), in a long-term care facility, a mandated reporter who the California Department of Health Services determines, upon approval by the Bureau of Medi-Cal Fraud and the Office of the State Long-Term Care Ombudsman (OSLTCO), has access to plans of care and has the training and experience to determine whether all the conditions specified below have been met, shall not be required to report the suspected incident of abuse:

- (1) The mandated reporter is aware that there is a proper plan of care.
- (2) The mandated reporter is aware that the plan of care was properly provided and executed.
- (3) A physical, mental, or medical injury occurred as a result of care pursuant to clause (1) or (2).
- (4) The mandated reporter reasonably believes that the injury was not the result of abuse.

DISTRIBUTION OF SOC 341 COPIES

Mandated reporter: After making the telephone report to the appropriate agency, the reporter shall send the original and one copy to the agency; keep one copy for the reporter's file.

Receiving agency: Place the original copy in the case file. Send a copy to a cross-reporting agency, if applicable.

DO NOT SEND A COPY TO THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES ADULT PROGRAMS BUREAU.

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BUILDING AND SAFETY DIVISION COMMITTEE REPORTS

THE PERMIT APPLICATION PROCESS

INTRODUCTION

Since the days of the Gold Rush, the citizens of Tuolumne County have been building things, literally, from the ground up. The building process begins with a permit. In 2014, 1,247 building permit applications – and more than 2,500 combined the past two years – were filed with the Department of Building and Safety, a division of the Tuolumne County Community Resources Agency (CRA). This report is not complaint-driven as the Grand Jury did not receive any complaints about the Building and Safety Division prior to the Jury's investigation. What Tuolumne County citizens and contractors want to see are the legal boundaries they are entitled to, County government ethical standards being administered, and modern technical tools in play.

With that in hand, the initial permit application and processing begins at "The Counter," officially known as the Development Information Center (DIC) within CRA. This became the Grand Jury's focal point, where education and skills of CRA and DIC staff help a homeowner through the permit process. The goal for licensed contractors will be continuing updates in electronic advances and the eventuality of the E-TrakIt software system. As with all Grand Jury reports, this investigation will lead to findings and recommendations, and will report on four topics of the permit application process: Permit Fees, Permit Technicians, Technology, and the Development Information Center. The Grand Jury chose these topics of investigation because, in keeping with our history, many of our citizens may eventually engage in the permit application process with the Building and Safety Division of CRA.

BACKGROUND

The CRA

Formed in September 2011, the Community Resources Agency is now a composite of the former Community Development and Public Works Departments. This agency encompasses thirteen divisions, to include Building and Safety (formerly known as the Building Department). Its authority is governed by California law, namely, the California Building Standards Commission (CBSC). The Building and Safety Division of the CRA, since 2011, consolidated their permitting into one building (the A.N. Francisco building at 48 Yaney Avenue in Sonora), so applications are literally reviewed now under one roof. The streamlining effect here creates a professional forum for a timely, constructive, objective, and legally compliant overview of a permit application. This permit application overview may involve the recently transferred code compliance enforcement duties.

Code Compliance

In November 2014, Tuolumne County eliminated the code compliance enforcement responsibilities of the County Counsel's office and transferred those duties to the Chief Building Official representing CRA. This came as a result of a Board of Supervisors' decision. Amendments to Chapter 1.10 of the County Ordinance Code have been implemented by the County's development departments (Housing, Engineering, Environmental Health, et al) for compliance with regulations, procedures, and penalties. California's building codes are published every three years by three entities representing CBSC; they are: *International Code Council (ICC)*, *International Association of Plumbing and Mechanical Officials (IAPMO)*, and *BNi Building News*. In addition, Tuolumne County is graded every five years by Insurance Services Organization (ISO).

A Chicago, Illinois firm, ISO, and its regional representatives, collect building and inspection information from communities around the country, including levels of staffing at each county. ISO assigns a number grade ('1' being the highest grade with a downrange of '10' being the poorest) on a particular county's adoption and enforcement of building codes. The grading falls under two classifications: family residential property and commercial/industrial property. Tuolumne County was graded in 2009 as being a '3' overall. The Grand Jury and the Chief Building Official have yet to learn of the grade received for 2014.

The "New Philosophy Model"

The Building and Safety Division has adopted a "New Philosophy Model" for the benefit of the applicant; it is intended to streamline the application process. Reorganizing to achieve this philosophical goal, Building and Safety intends streamline not only permit applications, but also its plan(s) review, communications, and training standards. Two New Philosophy components to match this model are: creating specialized job classifications with limited crossover with other CRA employees, and improved in-house time standards/criteria reducing a plan review from a previous nine-week examination down to a projected four weeks. Target times, defined as regular business days, are factored into the process. As an example, for the timely issuance of a target-time permit, Building and Safety has established a Solar Energy System construct to be targeted for issuance within ten business days; a new building has a target issuance date of twenty business days. Efficient permit processing involves many things, including good communication between relevant County departments and agencies, and high quality standards – just two examples incorporating the cornerstone of the New Philosophy.

To set the stage for the New Philosophy, the protocols for inter-department communication have already been reinforced with "team communication at all levels" while "aggressively" addressing delays in the permit process. As with any business adopting a new philosophy into its method of operation – a higher quality standard being foremost – Building and Safety anticipates minimal response times to building industry changes and consumer needs.

With this in place, and Building and Safety's other designed goals, the consumer can now expect, even during spring and summer – the busy times for building – education and competency, while addressing the specific needs of the owner of a pending permit.

Although, in addition to seasonal application and workload increases, target times for completion of the process can be hindered due to temporary unexpected absences of specialized staff. County furloughs ended in December 2013 and according to County mandates, the Division now has met staffing commitments; ready, willing, and able to meet the needs of the permit applicant who submits a plan for a project.

Processing and Plan Review

When an applicant applies for a permit and submits a plan for a project, it is scrutinized for thoroughness by a Permit Technician before any consideration of routing the application. Building contractors must have their licenses verified through the California State Licensing Board, and homeowners must verify their property addresses (limitations vary depending on the scope and breadth of the project). Permit Technicians enter data from the application into a computer where it has now been assigned a permit number for tracking purposes. This process makes it an identified project for departmental staff and the permit owner to check the ongoing status of a pending permit.

Once Permit Technicians receive, date, and assign a permit number to a submitted plan, the routing of the permit application process begins. Each station, along the permit processing line, can track an application via computer software. The physical application documents are sent to undergo review by the Plans Examiner. All building plans are routed interdepartmentally. As of this investigation, the Grand Jury found that Building and Safety is approximately ten days behind on its plan checking and reviews. During the Grand Jury's investigation, it was learned that a yet-to-be-certified Plans Examiner was hired in November 2014. While recent history suggests that a majority of time has been spent trying to catch up, it is hoped that with a new Plans Examiner in place, Building and Safety will be on target with its stated goals under the New Philosophy Model. This Examiner's position is responsible for review of all required documents submitted with a permit application for compliance with California law, local ordinances, and adopted codes under the California Building and Standards Commission, namely Title 24.

Before issuance, if discrepancies are noted (code compliance being the most common), the applicant is notified that corrections need to be made. Those documents are now relegated to a pending file (further action required) for the applicant to retrieve from the DIC. From this point, necessary updates and/or changes need to be made; re-submittals are automatically sent forward into the plan review process, otherwise, the application is now targeted for approval and issuance. When the inter-departments under Building and Safety are all in agreement with a plan review, a permit is then readied to be issued.

Issuance

When a permit is issued, a literal “stamp of approval” is given and documents are then prepared for distribution. Building and Safety retains one copy of the plan(s) and the supporting documents for residential construction up to 180 days after the project is completed; contractors issued permits for a commercial build have their application documents filed indefinitely. Tuolumne County’s Assessor’s Office is also given one copy of approved building plans for future property appraisal valuations.

THE INVESTIGATION

What determines the cost of applying for a permit? The Grand Jury was interested in how your hard-earned tax dollars are applied to the permitting process, and if the permit application procedures are consumer-friendly, cost efficient, and streamlined for the benefit of the property owner. The Grand Jury wanted to learn what methodology Building and Safety uses from the time plans for a project are submitted to the actual issuance of a permit.

How the Grand Jury investigated and what was learned about the permit application process came through interviews, on-site inspections, and archival research. Expediting permitting for projects in the most efficient and modern means available and eliminating multiple visits are concerns for permit applicants. These are critical elements in the application process. The investigation led to findings that were thought to be noteworthy; some with recommendations for change, and a couple with commendations.

Interviews

During this investigation, the Grand Jury listened to people who had questions concerning building permits and how their particular applications were handled. They discussed permit-processing problems encountered that they never had in doing similar business with other counties. What was found, primarily for the applicant, is that time and consistency are indeed the most sought-after concerns in the permit application process. The Grand Jury confidentially interviewed individuals of professional building backgrounds. Interviews were conducted at the Grand Jury room, during three site visits to the Community Resources Agency, and one at the County Administrative Office.

Documents

The Grand Jury reviewed the following documents concerning the Building and Safety Division and Community Resources Agency:

- *Tuolumne County Community Resources Agency Annual Report, 2013 & 2014*
- *Tuolumne County Ordinance Code, Chapter 1.10 – Code Compliance*
- *Tuolumne County Ordinance Code, Chapter 3.40 – Fees*
- *Land Development Application and Indemnification Agreement*
- *Tuolumne County Fee Schedule for Building and Safety Services, July 1, 2013 & 2014*
- *Building and Safety job descriptions*
- *Community Development Department Annual Report, 2010*
- *California Building Standards Code, Title 24*
- *Community Development Department – Building Division Policy Manual, 2009*
- *Community Resources Agency Code Compliance Procedure Manual*
- *Inter-County Permit Fee Comparisons (neighboring counties; similar populations)*
- *Previous years' Grand Jury reports*
- *Selected Minutes recorded from Tuolumne County Board of Supervisors' meetings during this Grand Jury's term*
- *Tuolumne County Assessment Practices Survey – California State Board of Equalization Report, October 2014*
- *Tuolumne County government website (tuolumnecounty.ca.gov)*
- *Annual salary percentage increases of Tuolumne County Bargaining Unit employees*
- *Use Fee Development Guide, circa 1990*
- *Building Code Enforcement Evaluation Report – Insurance Services Organization, 2009 (Chicago, Illinois)*

BUILDING AND SAFETY DIVISION COMMITTEE REPORTS

REPORT #1

Permit Fees

DISCUSSION

It is the County of Tuolumne's policy, called "revenue neutral," to recover in Fee Scheduling one hundred percent of its cost for providing service. A quarter century-old User Fee Development Guide explains how specific time studies, outlining exact actions of each phase of County personnel in a particular service, and interviews conducted by department heads is the recipe to formulate a User Fee calculation. The hourly wage average serves as the impetus for the County's User Fee sum. The Grand Jury learned that the County's most recent fees adjustment attributed to an overall *decrease* in permit fees of nearly \$500.00. This decrease was weighed, item for item, in a comparison of Building and Safety's Services Fee Schedule for fiscal 2014-2015 against fees prescribed in the most recently published County Ordinance Code.

The consumer would, by reviewing Chapter 3.40.010, Section W, of the Code – titled *Building and Safety Division of the* "Community Development Department," a now obsolete name – learn that, as a whole, price valuations are *on average higher* than if he received a separate July 1, 2014 scheduled from Building and Safety. The July 2014 data figures are a presumed representation of the Code, but in its current form it as an advantage to the buyer with the Code losing out on its superior \$500.00 informative value. One particular fee that doesn't weigh less than officially listed in the Code, as an example, is a covered porch fee. It has a valuation figure of \$39.00 per square foot compared to \$42.25 per square foot as noted in the July 2014 Fee Schedule. Note here the consumer is asked to pay more per square foot than what is officially listed in the Code.

adjustments in Chapter 3.40.020 of the Ordinance Code (in fiscal year 2013-2014, there was a 6.2% overall fee inflator increase in the County service-providing payroll). The determined calculation comes from established User Fees – an excise tax levied to fund a public service – adopted by the County in 1982; a process involving the results of the local county Consumer Price Index.

2013-2014 Fee Adjustment Worksheet

EXHIBIT B

BARGAINING GROUP	# EMPLOYEES	% OF TOTAL	13-14 Restore/COLA	DATE OF INCREASE/S	WEIGHTED AVG
Exec/Conf	28	0.0513	14.50		0.7442
Mgmt	72	0.1274	14.30		1.8223
Professional	0	0.0000	0.00		0.0000
Roads	0	0.0000	0.00		0.0000
DSA	0	0.0000	0.00		0.0000
Misc	21	0.0372	0.00		0.0000
Safety	107	0.1894	1.08		0.2045
DDA	8	0.0142	7.00		0.0991
Health Care	41	0.0726	5.77		0.4187
General	285	0.5092	5.77		2.8207
Skilled Trades/Maintenance	0	0.0000	0.00		0.0000
Physicians	1	0.0018	12.85		0.0227
Others					
	565	1			6.2324

A valuation figure is attached to separate components of a structure as it relates to State fees for either residential or commercial building. In a public-provided fee schedule form for Building and Safety, *greater than/less than* symbols (> / <), representing square and lincal footage, break down the cost of a fee in relation to additions, improvements, or initial construction. This, and a Residential Fee Schedule form, are easy to read and are sectioned accordingly for the type of project and associated sum of payment. Fees listed range from \$1.15 per square foot for building a new house to \$6,128.75 for a commercial structure under 2,500 square feet (with \$0.15 for each additional square foot over). CRA has six months to update their fee scheduling for Building and Safety after a fiscal year's fees calculation is submitted to County Administration from designated department heads.



Community Resources Agency
 1400 Tracy Avenue, Suite 4
 Building 1 & 2, Chico, CA 95926
 (530) 891-4444
 (530) 891-4444 (fax)
 (530) 891-4444 (fax)
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 (530) 891-4444 (fax)
 (530) 891-4444 (fax)

RESIDENTIAL FEE SCHEDULE

Effective July, 2014

Application	Fee
Permit for Residence:	\$1.15 per sq ft.
County School Fee: Please contact the County Schools Office at (209)-536-2022	Varies
Community Resources Agency Div. of Environmental Health	
Site & Soil Evaluation 13.08	\$ 326.50
On-Site Sewage Treatment and Disposal System Permit	
a. New Standard System	\$ 414.25
b. Repair	
1. Major Repair	\$ 394.00
2. Minor Repair	\$ 135.75
c. Plan/Permit Revision	\$ 82.00/hr
Alternative/Engineered System	\$ 903.00
Special Design Systems	\$ 601.50
Water Well Permit	
a. New	\$ 490.75
b. Repair/Deeping	\$ 208.75
c. Abandonment	\$ 123.75
Encroachment on a County Maintained Roadway	\$ 382.50
Traffic Impact Mitigation Fees:	
Single Family less than 2 gross acres	\$3,197.00
Single family estate 2+ gross acres	\$4,320.00
County Service Impact Mitigation Fee Schedule	
Residential:	
Inside County Fire District:	
New Residence	\$2,929.00
Outside County Fire District:	
New Residence	\$2,147.00

*Fees are in US dollars and are subject to change without notice.

Permit Fees

FINDINGS, RECOMMENDATIONS, and RESPONSES

Finding #1: The Grand Jury finds that User Fees established for permitting procedures derives from a predetermined formula, circa 1990, of ten different public service Bargaining Units representing the County weighed against the local Consumer Price Index; there is no easily understood explanation for pricing made available to the public.

Recommendation #1: The Grand Jury recommends that the County Administrator annually update and display a self-explanatory User Fee Development Guide, to be available at the Development Information Center/CRA, and posted on the County website at the start of each fiscal year, beginning in 2016.

Response Required #1: County Administrator.

Finding #2: The Grand Jury finds in Chapter 3.40 of the Tuolumne County Ordinance Code, *Fees (Section W, pages 18-20)*, a disparity in price valuations for fee scheduling in contrast to what Building and Safety currently provides in similar valuations.

Recommendation #2: The Grand Jury recommends that the Board of Supervisors and CRA shall adopt a policy and procedure prior to end of year 2015 showing that the County Code reflects current and same fees valuations when the Fee Schedule for Building and Safety Services is made public.

Response Required #2: Tuolumne County Board of Supervisors and CRA Director.

Finding #3: The Grand Jury finds the term "Community Development Department" listed in the County Ordinance Code as obsolete.

Recommendation #3: The Grand Jury recommends that the Board of Supervisors change this Ordinance Code term and be re-titled with the proper term "Community Resources Agency" by end of year 2015.

Response Required #3: Tuolumne County Board of Supervisors.

Finding #4: The Grand Jury would like to commend and thank the County administration for a detailed explanation of User Fees versus the Consumer Price Index.

Recommendation #4: The Grand Jury recommends County Administration makes useful and liberal sharing of this knowledge.

Response Required #4: None.

REPORT #2

Permit Technicians

DISCUSSION

The role of a Permit Technician (I or II) is unique and has to always be up to date with the ever-changing dynamics of the building industry, as well as with County ordinances and California law. Permit Technician I is under the supervision of Technician II. Both classifications work equally at the same station but a Technician II's abilities and education exceeds that of a Technician I's requirement, as noted in a Building and Safety composite job description for both technicians. Currently, Building and Safety employs two people in the Technician II classification under supervision of a Senior Building Official (SBO). There is no Technician I currently employed.

Included in the Permit Technician's job description is assisting staff with State-mandated audits. The Grand Jury did not discover any evidence of an audit from the State ever being done. The Jury did learn that with programs in place, the County references – *ICC*, *IAPMO*, and *BNi* – checks and balances are established. Also, the Grand Jury deemed Building and Safety peer review (cross-checking each station's work), with lack of any outside monitoring from State government, sufficient within the ranks of CRA.

A professional accreditation through California Building Officials (CALBO) or an International Code Council certification is a requirement for the position of Permit Technician II, a journey level class in the Permit Technician series. Technician I's minimum requirement of experience as an entry level training class is working with a public agency – preferably building – or two years of college courses in construction and blueprint technology. The two technicians currently work under what is referred to as a "9/80" schedule (44 work hours one week, 36 hours the next) resulting in an offset four-day work week every other week – one being off every Monday and Friday. The Grand Jury noted that a third Permit Technician, at least in a Technician I classification, would fill the void here.

Regardless of classification, performing Permit Technician duties falls under the trendy term "multi-tasking." A good communicator, mathematical interpreter, and knowledge of the law and local ordinances, Permit Technicians are on the front line connecting the public to a proper permit application. The Grand Jury acknowledges that these technicians have to sometimes perform under a high degree of stress, notably while speaking with a disagreeable and volatile customer, all the while maintaining a professional demeanor.

Their duties include:

- Receiving and relaying payments, bookkeeping, balancing accounts
- Providing support duties and instruction for other departmental staff
- Interacting positively with the public, even in tense and potentially hostile situations

- Maintaining the flow of information to all developmental departments with CRA

In the event of a Technician's absence, or during an unexpected high volume of work, cross-covering will now come into play, namely from an SBO. However, at this time, work at the SBO's duty station is negated in the permit processing procedure since he has been pulled away to cover a Permit Technician's duty. If a long-term vacancy arises, CRA can pull from one of its inter-department divisions to satisfy – not replace – a critical shortage; particularly for Mondays and Fridays, which are reportedly the busiest days of the week. Temporary personnel may or will lack the qualification standards of a Permit Technician, which suppresses the productivity levels of the Building and Safety Division and is contradictory to the New Philosophy Model. The Grand Jury listened to complaints of budgetary matters and work area distractions, such as this, for CRA staff which have their own work to do, and learned it can be a definite contributor in the delay of issuing a permit.

Permit Technicians

FINDINGS, RECOMMENDATIONS, and RESPONSES

Finding #5: The Grand Jury finds the Development Information Center is understaffed by one critical element: a third qualified Permit Technician.

Recommendation #5: The Grand Jury understands all County agencies are under some form of budgetary restraint, but recommends that the Board of Supervisors allows CRA to hire a full-time Permit Technician I or II prior to end of year 2015.

Response Required #5: Tuolumne County Board of Supervisors.

Finding #6: According to the Permit Technicians' job descriptions, the Grand Jury finds that they are to assist staff during State-mandated audits which reportedly have not occurred.

Recommendation #6: The Grand Jury recommends the Community Resources Agency Director or designee delete this verbiage and any other job description requirements that are not performed by end of year 2015.

Response Required #6: Community Resources Agency Director.

REPORT #3

Technology

DISCUSSION

The Grand Jury was presented with a media tutorial meant to advocate the streamlining of the Permit Application Process. From the way business is done today, more and more commerce is being processed via electronic communication. The government does not overlook this technology and has systematically, through the years, kept pace with the digital society. Building and Safety has come with new ideas of their own.

One idea is called "Batch Permits," or, "Batching." In its second year, this program is chiefly designed for the inevitable maintenance of a home or business, such as: heating and ventilation, water heater replacement, re-roofing, and small re-models.

Batch Permits, a program available for licensed contractors, allows a permit applicant to group multiple blank permits throughout the year. The number of permits than can be "batched" at any one time is ten. A batched permit is valid for a contractor for six months after its permit number is activated. A contractor can activate the permit via telephone, e-mail, or in person at Building and Safety. Contractors activate their batched permit(s) as jobs become available, eliminating the need to personally inform the County each time a new project is about to get underway. However, at times, some contractors may start a project without prior approved batching, only to activate a permit after Building and Safety makes a site visit for a physical inspection. In addition to the Batch Permits, complaints are sometimes received from the public of suspected non-compliant building construction in progress. With available resources at hand, Building and Safety will conduct an inspection at the earliest opportunity.

Batch Permitting does not require paper to be passed across a countertop; the requirement for processing a plan submittal is either e-mailed or faxed to Building and Safety. To learn of Batch Permitting, one must pay a visit to Building and Safety's DIC. It was reported during the Grand Jury's first site visit that at least 113 batch permits have been issued since the start of this program.

Upon receipt and review of an application, Permit Technicians will enter the information into their computer database where it will be assigned a permit number. Monitoring will eventually be viewed in the forthcoming E-TrakIt system – a brand new tool scheduled to be implemented in July 2015. With E-TrakIt, contractors will be allowed Internet access on the County's website to view pending permit approvals and to see where their requests stand on the list for pending action. Currently, activation requests are processed and generally accepted on the same day. The Grand Jury viewed Batch Permitting during an on-site inspection and found the system sufficient to sustain itself with the technology at hand, though the Jury learned from professional staff that the technology can be improved to provide more real time data. Each

station in the chain of “batching” was alerted to a pending permit review once the application was submitted.

Trying to cut costs to the taxpayer, the County wants to minimize building inspections when an on-site inspection can be done through the use of technology. Building and Safety does this by allowing Batch Permitting participants to request “Electronic Inspection(s).” Digital photos of their work are taken by contractors and e-mailed to Building and Safety for review and, hopefully for the owner concerned, approval. Building and Safety considers this a special contracting benefit for licensed contractors and offers periodic training days to educate its proper usage. The Grand Jury views Electronic Inspections as an expedient mechanism in place to be widely used as a benefit to the taxpaying public.

Technology

FINDING, RECOMMENDATIONS, and RESPONSES

Finding #7: The Grand Jury finds that Information Technologists are trying to keep everything “up to date” and it is “progressing,” but, software upgrades are needed to make the Batch Permitting system more beneficial to both Building and Safety and permit owners.

Recommendation #7: The Grand Jury recommends Community Resources Agency maintain efficiency with software integration, within budgetary restraints, as the technology advances.

Response Required #7: Community Resources Agency Director.

Finding #8: The Grand Jury finds there are no intuitive reference questions on the County’s website for learning about proper Building and Safety Division permitting procedures and “Batching.”

Recommendation #8: The Grand Jury recommends an online detailed step-by-step permitting and “Batch” permitting application process in a “Frequent Questions” section during the next County website update cycle and/or prior to end of year 2015.

Response Required #8: Community Resources Agency Director.

Finding #9: The Grand Jury finds that applicants must telephone Building and Safety to learn of the daily inspection schedule, which wastes valuable time for both the staff and the applicant.

Recommendation #9: The Grand Jury recommends that prior to E-TrakIt implementation, scheduled for July 2015, Building and Safety e-mail the inspection schedule to all applicants and/or create a link on the County website to update permit owners – listing them by reference numbers, not by name.

Response Required #9: Community Resources Agency Director.

REPORT #4

The Development Information Center

DISCUSSION

Before a residential or commercial project can get started, a visit to Building and Safety's Development Information Center is the first step in the process. Under the New Philosophy Model, the permit application process and plan review standard will take up to as many as four weeks. However, for small jobs like structural repairs, generators, re-roofing, and water heater replacement, permits can be issued the same day: "Over-the-Counter."

Located at CRA's 48 Yaney Avenue address in downtown Sonoma, DIC's "The Counter" – as it is familiarly known – is where information leading to all things construction can be found. Committed to processing an application as quickly as possible, this is where application fees and plans are submitted and the permit application process begins.

Building and Safety Permit Technicians, who are the focal point of The Counter, are on hand to answer an applicant's needs in accessing the required documents and information to lawfully start their projects. Safety is paramount in any work setting and CRA and the Grand Jury are acutely aware of this. The physical layout of DIC offers minimal protection for those who work at or behind its counter, in the event a disruptive or aggressive person is present, as has reportedly occurred in the past. Access to DIC work areas is easily accessible by entering through either of the two open pedestrian portals located at opposite ends of the counter and is clearly a breach in physical security.

The Development Information Center

FINDINGS, RECOMMENDATIONS, and RESPONSES

Finding #10: The Grand Jury finds that some customers have exhibited aggressive behavior and created a safety hazard by actually violating the workspace of Building and Safety employees due to the lack of physical protection at the DIC.

Recommendation #10: The Grand Jury recommends that by end of year 2015, an upgrade to the physical security of DIC: including a locking door/gate mechanism at the counter's two access portals for employees to secure their workspace area and completely separate their side from the public side of "The Counter."

Response Required #10: Community Resources Agency Director.

Response Invited #10: Tuolumne County Chief Building Official.

Finding #11: The Grand Jury commends a Permit Technician and the Senior Building Officials and Administration of CRA who gave the Jury a detailed and explanatory insight to the Development Information Center and Building and Safety Division.

Recommendation #11: The Grand Jury recommends that this brand of professionalism on your behalf be presented to future Grand Juries.

Response Requested #11: None.

CONCLUSION

The permit process starts the oversight in correctly assessing properties and tax revenue. Tuolumne County's law-abiding citizens and contractors, who build for their own and others, carefully observe this process to not only enrich their lives and reputations but to make our community a desirable place to live. The Community Resources Agency and its Building and Safety Division benefit from this, and in return provide good service to the public.

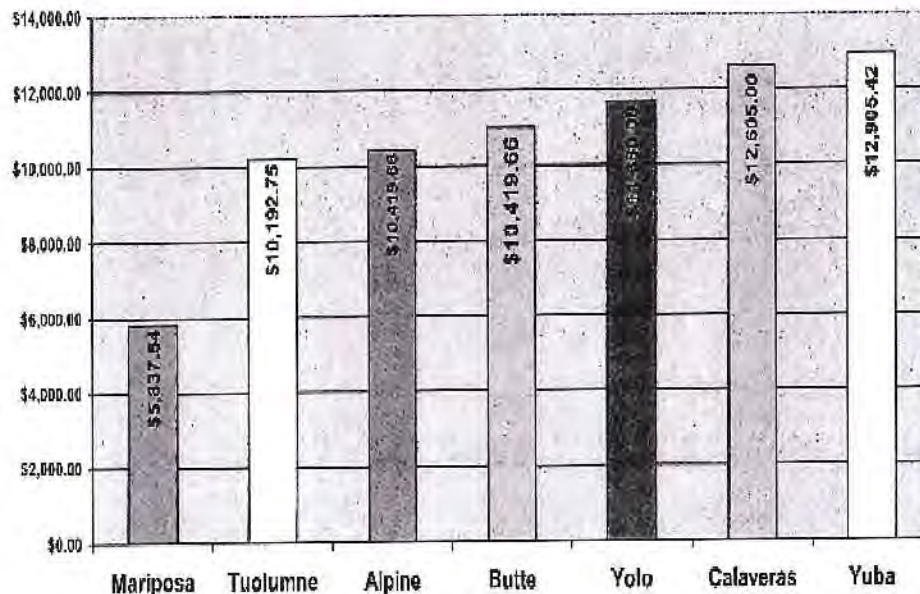
Taking into account the latest figures from the state of California, Tuolumne County's averaged annual family income is approximately 20% less than the State average (\$48,000 compared to \$61,000). From that percentage and dollar figures alone, one can reason a huge rural component exists here with vast square mileage beyond the County's core civilization. The County does not have the proper amount of resources to enforce permitting and code compliancy with every complaint received. The Board of Supervisors deems it only necessary to enforce non-compliance if a health and/or safety issue is a concern. Hence, the goal is to have efficient permitting procedures, and Building and Safety's use of technology to help consumers in the permit process to ensure legal and ethical building.

The ever-changing dynamics in the industry calls for continuing updates within CRA. Tuolumne County citizens can look to working with Building and Safety for the sharing of technology and information, keeping the consumer always abreast of modern methods of code adjustments, building procedures, price valuations, and permitting. With the E-TrakIt software program scheduled to go online in July 2015, the Grand Jury hopes that a total streamlining effect will take shape, especially for contractors, in the permit application process.

The cost of a permit and other valuations – for example, school fees that vary depending where you live and average \$3.00 per square foot – may seem ridiculously high to the ordinary county taxpaying citizen. Notwithstanding, Building and Safety is to be commended for their efforts in providing the public with comprehensive materials and professional instruction. Considering the current shortfall in staff and funding, the Grand Jury recognizes Building and Safety and its Development Information Center to be adept, professionally dedicated, and experienced in properly administering to Tuolumne County citizens and to professional contractors.

For a century and a half, an independent spirit has been the cornerstone in this part of California. This spirit alone can lead some to act on their own; to avoid lawful dictates and bypass permitting procedures in place to build without considering the safe and sanctioned protocols that have been established. For example, in the past two years Building and Safety has investigated approximately 250 citizen complaints about building without a permit. During the time aforementioned violations were discovered, over 2,500 building permits were lawfully and properly issued. Permit-defying citizens risk fines and tax assessments that can accrue over a period of time. The question is: "Do our fees encourage illegal building because they are too expensive?"

Permit Fee Comparison



(Approx. Fees for 2200 sq. ft. dwelling, 576 sq. ft. garage, septic, well and grading)

TUOLUMNE COUNTY JAIL COMMITTEE REPORTS

At the Risk of Repeating Ourselves

INTRODUCTION

The Tuolumne County Jail is owned by the County of Tuolumne and managed by the Tuolumne County Sheriff and is subject to investigation by grand juries under the authority of California Penal Code section 919 (b), which requires the civil grand jury in each county to "inquire into the condition and management of the public prisons within the county." For many years the Grand Jury reports have stated the need for *immediate construction of a new facility due to the deteriorating condition of the 50-plus year old building*. This Grand Jury focused on reasonable recommendations intended to improve the management of the Tuolumne County Jail until funding is complete and a new jail can be built. This report discusses the facility inspection and the logistics of reporting to jail.

BACKGROUND

History of the Jail

Hang 'em High

Tuolumne County is one of the original 27 California counties to be created in 1850 at the time of statehood. The city of Sonora, called Sonoran Camp during the Gold Rush, was the largest camp in the County. The name was eventually shortened to Sonora and became the county seat in 1851 when the town was incorporated.

The history of law and order during the Gold Rush mirrored the social, cultural, economic, and political turbulence of the time. The absence of social controls and hometown morality led to activities such as gambling, drinking, and prostitution which resulted in staggering law enforcement problems.

Murders became common, with individuals killed while sleeping or waylaid on the roads. Miners, quite frequently, took matters into their own hands; when a perpetrator was captured, a jury was immediately impaneled and a trial was held. Occasionally the jury found insufficient evidence and acquitted; more often than not, the perpetrator was found guilty and hung on the spot, only later to be discovered innocent.

With housing at a premium, detention was improvised by securing prisoners to a chain and locking them around a large oak tree. Eventually a 20x50 foot log building was constructed to house prisoners but the number of escapes indicated that this "jail" was not secure. In early 1853 the County purchased a building on the north bank of Sonora Creek (near what is now Save Mart Supermarket). This building served as the jail through 1857 until the public demanded something be done to prevent escapes and provide healthier living quarters for the prisoners.

As a result of the Grand Jury report of 1856, the Board of Supervisors purchased two city lots (now the present Tuolumne County Museum on Bradford Street) for the purpose of building the County Jail which was completed in 1857 at a cost of \$20,186.00.

The New Jails: 1865 and 1961

The jail was destroyed by a fire on December 20, 1865, set by one of the prisoners, the infamous Tom Horn, a local rabble-rouser from Columbia. The jail was rebuilt and used continuously until 1961, at which time a new jail had been constructed one block north at its current location, 175 Yaney Avenue. In the last half century, the new jail of 1961 has been remodeled several times.

As of today, the jail is continually at maximum capacity and staffed with at least the minimum required personnel according to Title 15 of the California Code of Regulations: *Minimum Standards for Local Detention Facilities*, and is frequently in need of repair. One reason for the perpetual maximum capacity is the Public Safety Realignment Bill 109 (AB 109).

AB109

California's Solution to Prison Overcrowding

In 2011, Governor Edmund G. Brown Jr. signed Assembly Bills 109 and 117: legislation to help California close the revolving door of low-level inmates cycling in and out of the State's prisons. It was the cornerstone of California's solution for reducing the number of inmates in the State's 33 prisons to 137.5 percent of design capacity by June 27, 2013, as ordered by the three-judge court and affirmed by the U.S. Supreme Court. Not all inmates in California's prisons were previously local residents in that prison's county, but when released to the local jurisdiction they tend to overwhelm the local county services, including county jails for repeat offenders.

According to Erin Fuchs, in her August 3, 2013 article *How California Prisons Got to Be So Insanely Overcrowded* published on **Business Insider's** website, the US Supreme Court in 2011 determined that overcrowding of state prisons is *cruel and unusual punishment*. In response to this decision, California Assembly Bills 109 and 117 passed, allowing low-level offenders to be released to probation for the remainder of their sentences. Repeat offenders become the responsibility of that local justice system. This significant change occurred during budget cut-backs, overwhelming local jail systems. Although there is a long history of overcrowding in our county jail, the release of AB 109 inmates is the straw that broke the camel's back in the need for a new jail.

The New Jail

21st Century

At the time of this writing, Tuolumne County is waiting for two legislative bills to pass which would complete funding and allow the County to start construction on the new facility.

The new facility will be located just to the south of Highway 108 on Old Wards Ferry Road. The property has been purchased and plans and infrastructure are complete.

THE INVESTIGATION

The Grand Jury inspected the jail facility on three separate occasions. The tours included the entire jail building, the rooftop recreation area, laundry and kitchen operations, and the daily jail protocols, including booking and the movement of prisoners. The Jury interviews followed guidelines set forth in the Grand Jury Procedures Manual.

Jail Tour Inspection Notes

November 20, 2014

INDIVIDUAL CELLS/ROOMS

- Allowable items are legal paperwork and letters, commissary items, and soft-covered books
- No graffiti was present
- There was ample bedding and regularly scheduled laundry exchange

LOCAL INSPECTIONS

- | | |
|------------------------------------|---------------|
| • Fire | Date: 11/9/12 |
| • Sprinkler System | Date: 9/10/14 |
| • Medical/Mental Health: | Date: 2/24/14 |
| • Environmental Health: | Date: 2/24/14 |
| • Nutritional Health: | Date: 2/24/14 |
| • Corrections Standards Authority: | Date: 12/5/12 |

HOLDING AREAS

- Inmates are checked every hour in a general holding area; every fifteen minutes in a “safety” or “sobering” cell (intoxication, threat to oneself, injuries, etc.). A deputy marks the time and initials on a Holding Cell log each time an inmate is checked.

INTERIOR OF BUILDING

- Not all chemicals are locked--they are stored in an area where inmates are not allowed, except for those who, under supervision, use them for assigned duties.
- The weapons locker is outside the sally port. A sally port is the space between the two automatic doors leading into a jail pod where prisoners wait to be escorted to various parts of the jail.

ORIENTATION OF INMATES

- Inmates are given their own Orientation Handbook
- Rules and grievance procedures are outlined in the book

MEALS/NUTRITION

- The kitchen area is clean and orderly
- Seven to eight inmates are assigned to prepare meals for inmates and staff

- The inmates working in the kitchen are trained by Trinity Services Group, a licensed food vending service
- Inmates assigned to the kitchen have a proper medical clearance and are supervised by Trinity food personnel and an assigned kitchen deputy
- Meals are served to inmates in the cell/dayrooms
- Title 15 allows inmates 15 minutes for each meal and, according to staff, the minimum is being met

PROGRAMS

- Exercise is outdoors on the jail house rooftop within an enclosed area
Inmates are allowed exercise three hours per week, broken down into three one-hour segments

PERSONAL APPEARANCE OF INMATES

- Inmates appear to be clean
- Title 15 requires inmates a shower every other day and is adhered to; inmates are allowed a shower daily, time permitting
- Clothing is clean and all sizes are available for each inmate
- Clergy make jail visits on a regular schedule; a Program Chaplain is available
- A life skills program is available - court-ordered for some inmates
- A doctor contracted with California Forensic Medical Group (CFMP) visits the jail every Wednesday (paid via the County Public Health budget)
- Inmates have access to mental health support
- A mobile X-ray machine, provided by CFMP, periodically comes to the jail
- Inmates can be certified in food preparation by Trinity Services Group; landscaping techniques and chainsaw instructor school
- Medical staff are on duty 20 hours per day
- Narcotics Anonymous and Alcoholics Anonymous programs are available through civilian sponsorship

DISCIPLINE OF INMATES

- 2-3 times per week an inmate may require discipline for breaking the rules
- Discipline includes: warnings, lockdowns, and/or removal of televisions

INMATE GRIEVANCES

- Mostly custodial issues - 24 grievances have been filed through the first quarter of 2015
- Complaints about food have been reduced to practically nil since a new food service was contracted in early 2014

TELEPHONE

- Inmates have unlimited use of collect call phone privileges when they are outside of their cells and not on a job assignment
- Inmates are granted use of a telephone for attorney consultation

VISITING

- Visitations are scheduled on the weekends - family/friends call morning of to set up appointment
- There are four visiting booths which are not as well maintained as the rest of the facility
- Provisions are made for special visits from attorney/clergy
- Visitation area is small and is used for other programs

EDUCATIONAL PROGRAMS

- None offered
- No law library, however, inmates may make a request for law library information

JAIL POPULATION

- Houses male and female inmates
- 297 bookings on average per month (approximately 9 per day)
- Maximum capacity - 147
- Houses minimum, medium and high risk category inmates

REPORT #1

Facility Inspection

DISCUSSION

The Grand Jury took three separate tours of the 54-year-old jail during the year and interviewed several jail employees. The Jury observed clean floors and walls, efficient kitchen and laundry operations, and on-going maintenance, including repairs to a solitary holding cell.

FINDINGS, RECOMMENDATIONS, and RESPONSES

Finding #1: The Grand Jury finds that, despite the age of the facility, the jail is well maintained and sanitary.

Commendation: In spite of all the deteriorating conditions, the Jury commends the Sheriff, Jail Commander, deputies and staff on the exceptional job they are doing.

Response Requested: None

REPORT #2

Reporting to Jail

DISCUSSION

The Jury attended misdemeanor arraignment court on one occasion and witnessed a defendant being sentenced to jail. No clear reporting directions were given, including address, where to park, specific reporting entrance or instructions on what to do upon arrival. The court imposes a fifteen-minute reporting time; the consequence of being late is the defendant will be remanded back to the sentencing court at the taxpayers' expense.

FINDINGS, RECOMMENDATIONS, and RESPONSES

Finding #2: The Grand Jury finds that signage from the courthouse locating the reporting entrance of the jail facility is inadequate and proper directions are not given to the defendant at the time of sentencing.

Recommendation #2: The Grand Jury recommends that by December 31, 2015, the Board of Supervisors approve and the County install four new signs as follows:

A) - One sign on the corner of Washington and Yaney streets (visible from either direction on Washington Street), that says "JAIL" with the address and arrows pointing in the appropriate direction.

B) - One sign, measuring 20" x 30", with lettering that is visible from 30 feet, on the front of the Tuolumne County Justice Building at 28 Lower Sunset directing persons around the corner to the Yaney Street entrance to the jail.

C) - One double-faced sign, hung perpendicular to Yaney Street, which clearly states this is the entrance to the jail.

D) - Install a sign in the lobby of the jail that clearly states "For Assistance or to Report to Jail Push Button" in no less than 3-inch letters and to make the button to call for assistance stand out by using a fluorescent color.

Response Requested #1: Board of Supervisors, Sheriff.

Recommendation #2: The Grand Jury recommends that the Sheriff create and provide to the court a map with directions to the jail and reporting instructions to be included in the defendant's sentencing paperwork, to be implemented by December 31, 2015.

Response Requested #2: Tuolumne County Sheriff

CONCLUSION

The Tuolumne County Jail was completed in 1961 and has had two separate additions over the past five decades. It is a three-story concrete structure located in historic downtown Sonora. The Jail was never intended to house inmates for longer than an 18-month sentence. However, with the passage of AB 109, the length of incarceration may be up to a maximum of seven years. Longer terms contribute to perpetual maximum capacity resulting in the early release of inmates either on to probation or back on the streets.

The Grand Jury is impressed with the attitudes of the jail management, deputies, staff, and maintenance personnel interviewed. They are to be commended for properly administering jail procedures within a facility that is outdated at best.

Something for future consideration would be investigating budget allocation of AB109 funding to ensure that adequate resources are available to all justice departments to meet the additional demands including: jail services, probation services, and educational programs.

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Tuolumne County Grand Jury Procedure Manual

PLANNING COMMISSION COMMITTEE REPORTS

Let's Be Reasonable

INTRODUCTION

Each year the grand jury looks into the business of local government agencies and makes recommendations intended to improve service to the public because citizens want to be involved with decisions that affect their lives and see how their tax dollars are being spent. This Grand Jury chose to investigate the Tuolumne County Planning Commission (Planning Commission) because it does important work and all residents and visitors here are affected by its decisions: "...whatever affects one directly, affects all indirectly" *Letter from Birmingham Jail* [1]. The focus of this investigation is public participation in Planning Commission Meetings.

Webster's Dictionary defines "the public" as "a group of people having common interests...in a particular activity," and "participation" as "...to have a part or a share in something" [2]. So in this case, public participation means all those people interested in having some part in the decision-making activities of the Planning Commission. Exactly what part citizens should have in the business of modern democracies has been discussed for centuries.

Swiss political philosopher Jean-Jacques Rousseau suggests that our freedom can be protected only if government can cooperate on an equal basis with "citizens in a community where they themselves are sovereign" *The Social Contract*, late 1700s. In other words: government represents the people, it does not rule the people [3]. The Planning Commission exists to serve the public, and if it wants to do the best job possible, it should encourage public participation in its meetings because if more people have a greater voice in the decision-making process, then the Planning Commission will be better informed and can make better decisions.

The background section below explains how the Planning Commission works, the 2013 consolidation of the planning process, and public meeting law: including the Brown Act, notice, and what is known as "public comment." The Grand Jury, in the spirit of cooperation, then presents two reports: *Attendance* and *Public Comment*, intended to improve public participation in Planning Commission meetings. The Planning Commission is important, it has decision-making power, and this is how it works.

BACKGROUND

The Planning Commission

Established in the early 1960s, shortly after Tuolumne County (County) adopted its first zoning ordinance in 1959, the Planning Commission considers proposals for changes and permits involving land use and development in the County. And when making a decision, its goal is to balance the needs of the individual against the needs of all residents, while encouraging economic growth, and promoting proper stewardship of our natural resources.

The Planning Commission is comprised of seven members from various parts of the County. They are nominated and appointed from a pool of applicants by the Tuolumne County Board of Supervisors (Board). Applications for membership are available on the County website. Five members represent each of the County's supervisory districts, and two serve the public as at-large members (members who serve the public as a whole, not a particular district). Each member serves a four-year term; there are no term limits, and they are paid a stipend of \$50.00 per meeting.

The Planning Commission makes recommendations to the Board on General Plan amendments, zoning changes, planned-unit development permits, developer agreements, and tentative subdivision maps. And, it is the decision-making body for conditional use permits, site development permits, site review permits, and variances. Simply put, when it comes to land use and development in this county, these seven people have a lot of power.

But the land use and development decision-making process was not always this centralized; before the 2013 consolidation there were more local boards, committees, and commissions whose open meetings were available to any interested person.

The Consolidation

In August of 2011 the Board discussed cost-saving measures for the fiscal year 2011-2012, one of which was to reduce the number of planning commissions and design review committees in Tuolumne County. In March of 2012 the Board created the seven-member Planning Commissions and Committees Task Force (Task Force) consisting of one member from the Board of Supervisors, one Tuolumne County Planning Commissioner, one Area Planning

Commissioner, one member from the Design Review Committee, one member from the Tuolumne County Building Industry, one member from the Tuolumne County Business Council, and one member of the Agricultural Advisory Committee, to examine, identify, and recommend alternatives to the various commissions and committees in existence at that time.

The Task Force did just that; it reviewed 12 commissions and committees, then recommended retaining the Tuolumne County Planning Commission and eliminating all the design review committees and the Jamestown, Columbia, and Southern County (Groveland-Big Oak Flat) local planning commissions. It also advised the Board that if it did retain any of those local planning commissions, it should reduce the membership on each from seven to five.

In July 2013, the Board disbanded all design review committees, two planning advisory committees, and three area planning commissions, leaving the Planning Commission available to members of the public who may wish to participate in the local democratic process concerning land use and development in the County. The way these important meetings are conducted is governed by California law known as the Ralph M. Brown Act (Brown Act).

Public Meeting Law

The Brown Act

Adherence to the rules for public meetings is vital, because even small errors or omissions can, over time, cause problems for our local democracy. Planning Commission meetings are subject to the Brown Act, which establishes the requirements for meetings and hearings for commissions, boards, councils, special districts, and other public agencies or legislative bodies [4]. The intent of the Brown Act is to facilitate public participation.

For example, the Brown Act requires that all regular meetings be open to the public, and all persons be permitted to attend, anonymously, but even before the public can choose to attend a meeting, it needs to have proper notice that a meeting has been scheduled.

Notice

One way the public is given proper notice of an upcoming meeting of the Planning Commission is through the posting of agendas. They must contain a brief general description of each item to be discussed and the time and location of the meeting. Agendas for meetings and hearings must be posted in a location that is freely accessible to, and can be read by, members of

the public at any time at least 72 hours (including weekends) before a regular meeting [5]. Interested persons may also request personal notice of upcoming meetings.

Any person who has filed a written request for personal notice with the legislative body must be mailed notice. In the case of special meetings, notice may be given in any way deemed practical by that public agency [6]. In addition to proper notice of upcoming meetings, the Brown Act guarantees that all people at Planning Commission meetings may, subject to reasonable limitations, freely express themselves, through public comment.

Public Comment

The term "public comment" is used to describe the extremely important process through which members of the public may participate in government decision-making by speaking on matters being discussed at an open meeting of a legislative body.

The Brown Act guarantees that agendas for regular and special meetings provide the opportunity for public comment concerning any item on the agenda for that meeting, either before or during its consideration of that item. Further, every regular meeting must allow the public to comment on any subject under the jurisdiction of the body. The person making public comment need not be a resident of the jurisdiction, a registered voter, or even a citizen; she must simply be present, and, according to the Supreme Court of the United States, she must be allowed the opportunity to speak anonymously [7]. Public comment is free speech.

In 1960, about the time the Planning Commission was established, a Los Angeles city ordinance forbidding the distribution of any handbill which did not have the name and address of the person who prepared, distributed, or sponsored it, was ruled unconstitutional in *Talley v. California* by the Supreme Court of the United States, which reasoned in part that:

"Before the Revolutionary War colonial patriots frequently had to conceal their authorship...even *The Federalist Papers*, written in favor of the adoption of our Constitution, were published under fictitious names...It is plain that anonymity has sometimes been assumed for the most constructive purposes" [8].

Nothing can be more constructive, and more American, than anonymous free speech, particularly if it encourages public participation in the democratic process. Persons wishing to

participate through public comment must be allowed to speak and be heard, for a reasonable amount of time.

In the opinion of the California Attorney General, public agencies have the discretion to limit the time allowed for public comment on each issue, and for each speaker, relative to the number of agenda items, the complexity of each item, and the number of persons wishing to address each item. Public agencies must exercise care that these time limits are reasonable, and do not violate the public right to freedom of expression [9]. Thus, the Planning Commission must have good reasons for the time limits it imposes on persons making public comment.

And sometimes they do. One good reason for limiting the time each member of the public may speak is that the legislative body should be allowed to end its meeting and go home at a reasonable hour. In this case, the official contact list for the Planning Commission on the County website explains the details of when and where it meets, and tells the reader that “Planning Commission Business, between the Commission and Staff only, begins at 6:00 p.m., with the public hearing immediately following. The meetings will last no longer than 10:00 p.m.” [10]. The Planning Commission has the right to end its meetings at a reasonable hour, but it must balance that with the right of the public to exercise its right to free speech. This is a large part of why public meeting law exists: to ensure that our local government agencies encourage public comment in their everyday business of decision-making, and this is why the Grand Jury is concerned with public comment: it is a very important forum for free speech.

THE INVESTIGATION

During the course of this investigation the Grand Jury attended three Planning Commission meetings, witnesses were interviewed, and relevant documents were examined, including the *Community Resources Agency Annual Reports* of 2013 and 2014. The investigation focused on the centralization and consolidation of the planning process, public meeting law, and the related behavior of the Planning Commission at its meetings. The reports below discuss the following issues related to public participation in meetings:

- What can reasonably be done to mitigate negative effects of the consolidation in order to improve public participation at meetings,

- How the current practice for providing notice of upcoming meetings can reasonably be addressed in order to improve public participation at meetings, and
- Whether the limitations placed on public comment at Planning Commission meetings are reasonable.

Report #1: Attendance

DISCUSSION

Low Attendance

Planning Commission meetings are scheduled twice a month on the first and third Wednesdays. If there is nothing on the agenda, meetings are cancelled. The Grand Jury attended three Planning Commission meetings: at the first two regular planning meetings there were between zero and two members of the public in attendance. The third meeting was a conditional use permit meeting where notice was mailed to the affected residents. This meeting was attended by approximately fifteen members of the public. At all three meetings there was an insufficient number of agendas available to those in attendance five minutes prior to the start of each meeting.

More than fifty thousand people live in the Tuolumne County, so when only one or two show up for important meetings, it is reasonable to believe that attendance is low. One reason for such low attendance may be the consolidation of the planning process.

The Consolidation and the Southern County

According to the 2013 *Memorandum regarding Recommendations of the Commissions & Committees Task Force*, there are positive and negative effects of the consolidation.

Some of the positive effects are:

- Saving the taxpayers possibly more than \$125,000.00 per year, primarily due to a reduction in staff time and stipends paid to commissioners for travel and training (approximately \$17,000.00 of which came from the elimination of the Southern County Planning Commission),
- Improving the public perception that there is too much government “red tape” in processing simple development projects, such as a design review permit,

- Less difficulty in filling vacant positions on the various committees and commissions, and,
- Greater equality among the communities in the County because before the consolidation three communities had area commissions and the others did not.

Some of the negative effects include:

- A loss of local control for communities in the decision-making process because decisions are made by people who may not know or care about their community,
- Local area commissioners and committee members were more able to identify code violations and monitor the progress of bringing property into compliance,
- There are fewer opportunities available for citizens to become members on a commission, board, or committee,
- Local commissioners and committee members were more able to participate in and interact with local groups, such as Jamestown Promotion Club, Yosemite Chamber of Commerce, and the Columbia State Park Citizens Advisory Committee, and,
- There is less opportunity for citizens to participate in government decision-making at the community level because there are fewer forums available for the public to attend and discuss local issues through public comment [11].

The Southern County is Unique

The Grand Jury focused on the Southern County (Groveland-Big Oak Flat-Don Pedro), which represents approximately 13% of the population in the County. Including a retirement community in Pine Mountain Lake, it has become an especially unique area primarily because it is geographically separated from the rest of Tuolumne County. The people in this area have learned to take care of themselves; they have built a museum, a library, and a skate park with volunteer help and local donations. From the Southern County to downtown Sonora, it is a 45-minute drive on a good day, and the steep, winding roads can be much slower and more dangerous in the foggy, snowy, icy, winter months. To expect the citizens from the Southern County to drive to Sonora in the evening hours to attend a Planning Commission meeting is, quite frankly, a lot to ask.

The benefits of having a local planning commission in the Southern County are many. People in the Groveland-Big Oak Flat-Don Pedro area take pride in their community and are involved in matters that concern them. Unlike much of the rest of the County, particularly the areas east of Sonora up to Pinecrest and Strawberry, which are surrounded by Forest Service land and are therefore unable to be developed, the Southern County has many acres of private land that can be developed. In the past, before the consolidation, local commissioners from the Don Pedro area would travel to the meetings in Groveland, but when there was an agenda that concerned their immediate community, the other local commissioners would travel to Don Pedro to hold their meetings. A local planning commission in the Southern County would once again give those citizens local representation from people that live and work in their community. They would know these representatives and feel that they could talk to them, and cooperate with them in the decision-making process, and be respected when they have opposing views. This is grassroots democracy waiting to happen.

Live Broadcasts

The only way to view Planning Commission meetings is via tape-delayed video presented on the County's local cable access channel, Channel 8, but because they are tape-delayed video, the public is not even passively participating in the actual decision-making process. There are currently no Planning Commission video broadcasts available on the County website. Other County agencies have live broadcasts via the Internet using *Granicus* software. Live broadcasts of our Planning Commission meetings would not only give the public the opportunity to share in this process, but could allow the Planning Commission to post agendas of upcoming meetings on the broadcast, thereby expanding notice to the public.

Interactive Meetings

If the meetings were broadcast live with available programming they could be interactive, allowing a viewer to submit real time questions via the County/Planning website; it would be possible for persons to participate in Planning Commission meetings without having to physically attend. And, there may be a number of people in the County that have neither Internet access nor television service at home, but may have transportation to and from our local public libraries, senior centers, and Columbia College, all of which have computers available to the public.

At this time, online interactive software programs and services such as *Granicus* and *Cisco Webex*, are available for a monthly fee: some starting as low as \$49.00 per month. The cost may rise as more interactive contacts are made between persons watching the live broadcast and the Planning Commission [12]. A monthly subscription with *Webex* has no limit on how many meetings are involved and no time limit for meeting length. And, the account could be used by more than one County department as long as they do not use it at the same time [13].

Logistics of this operation may include one person running the meeting on the interactive computer, and a tech support person, perhaps someone already working for the County, available as needed. Procedural and financial challenges will exist with a new program like this; for example, the Planning Commission will have to establish reasonable guidelines and expectations for people that want to join in this interactive public forum. And of course, time and money spent are always legitimate concerns for taxpayers and County administration alike, but this is an investment in our future that should not only help citizens participate in Planning Commission meetings soon, but might also serve as an example for other agencies, here and elsewhere, to change their procedures in order to facilitate an improved democracy.

As more interactive public voices are heard, a broader perspective is shared and trust in government is built in the community because the decision-making process becomes increasingly transparent and accessible, allowing citizens a convenient way to contribute ideas and feedback on items being discussed and considered by the Planning Commission. This forum not only encourages public participation, but also provides the government staff with organized information that can be distributed to elected or appointed officials, giving them a deeper understanding of public opinion before they make important decision that affect everyone [14].

Interactivity is the right thing to do because it is where the technology is guiding us into the future. Now we can take advantage of contemporary technology and be better connected to the democratic process, and the public can better share its collective opinion with government agencies, like the Planning Commission. The consolidation has closed some avenues formerly available to the public for participation in the democratic process; interactivity will open some new ones.

More Effective Notice

Although the Brown Act establishes rules for public meetings, these rules represent the minimum requirements. Planning Commission agendas are posted 72 hours before meetings in two places: on the County website and on the outside of the County Administration building, located at 2 South Green Street in Sonora.

Modernizing the way the Planning Commission gives notice, including posting notice of upcoming meetings on live and interactive broadcasts, should increase participation in the decision-making process. There are some more traditional methods that will help, too. For those people that are not technologically savvy, but still get out and about, mailing agendas to the libraries, senior centers, and the post offices may be a reasonable thing to do.

Again, of course, this costs money, but it is a small price to pay to help protect the democracy that so many have fought for. Live broadcasts, interactive meetings, and expanded notice are reasonable ways for the Planning Commission to facilitate public participation.

Report #1: Attendance

FINDINGS, RECOMMENDATIONS, and RESPONSES

Finding #1: The Grand Jury finds that the elimination of the Southern County Planning Commission especially disenfranchises the Southern County area from the decision making process.

Recommendation #1: The Grand Jury recommends that, no later than December 31, 2016, the Board reinstate the Southern County Planning Commission, at a cost of approximately \$17,000.00 per year, with 5 members instead of 7, to serve as an advisory body for the Planning Commission.

Response #1: Board of Supervisors.

Finding #2: The Grand Jury finds that delayed broadcasts of Planning Commission meetings, only on cable Channel 8, does not adequately encourage public participation.

Recommendation #2: The Grand Jury recommends that by December 31, 2016 the Planning Commission broadcast its meetings live on the Internet.

Response #2: Board of Supervisors, Planning Commission, Director of the Community Resources Agency

Finding #3: The Grand Jury finds that not having archived meetings available for the public to view on the County website results in less public participation.

Recommendation #3: The Grand Jury recommends that by December 31, 2016 the Board of Supervisors direct the Planning Commission to have video of past meetings posted on the County website.

Response #3: Board of Supervisors, Planning Commission, Director of Community Resources Agency

Finding #4: The Grand Jury finds that interactive Planning Commission meetings may have a positive effect on public participation.

Recommendation #4: The Grand Jury recommends that by December 31, 2016 Planning Commission meetings be broadcast with interactive capability.

Response #4: Board of Supervisors, Director of Community Resources Agency, Planning Commission

Finding #5: The Grand Jury finds that the procedures currently used by the Planning Commission for giving notice of upcoming meetings is the minimum required by the Brown Act.

Recommendation #5: The Grand Jury recommends that by December 31, 2015, the Planning Commission post notice in the community calendar section of the local newspaper, public libraries, all County post offices, by mail to local senior centers, and on its live broadcasts when they become available.

Response #5: Board of Supervisors, Director of Community Resources Agency, Planning Commission.

Finding #6: The Grand Jury finds that, at the three meetings it attended, there were insufficient numbers of agendas available to the public.

Recommendation #6: The Grand Jury recommends that, beginning with the next meeting, the Planning Commission makes sure that there is a sufficient number of agendas available to the public before each meeting starts.

Response #6: Director of Community Resources Agency, Planning Commission

Report #2: Public Comment

DISCUSSION

The Planning Commission may have been doing some procedural things wrong without realizing it, and this can mislead both it and the public because

“A long habit of not thinking a thing wrong gives it a superficial appearance of being right” Thomas Paine, author of *The Federalist Papers* [15].

For example, the County conducts Brown Act seminars available to members of local public agencies. At one meeting, in violation of Brown Act rules and the United States Constitution, persons wishing to offer public comment were asked to identify themselves before speaking.

The Brown Act encourages the public to speak, and the Planning Commission should know that for the average person, public speaking can be a very intimidating experience, and so it must be reasonable in its procedures concerning public participation through public comment.

Most persons wishing to offer public comment before any public agency are probably not polished professional speakers. The whole scenario can be intimidating: it takes a lot of courage for someone to walk up to the lectern in front of an audience, and video cameras, and talk directly to the members of the Planning Commission.

As discussed, the Planning Commission has the right to end its meetings at a reasonable hour, like 10:00 p.m., and has the discretion to limit the time for public comment, based on certain criteria. However, lacking any apparent connection to these criteria for determining the reasonable time limits for public comments, at a meeting starting at 6:00 p.m., with more than a dozen people in attendance to observe the decision-making process on an important land use

issue directly affecting their lives, and with only approximately eight people wishing to speak, the Planning Commission put a three-minute time limit on each speaker. Many of these speakers ran just short of finishing on time and left the lectern looking frustrated.

In addition, a person sitting at the table right next to the lectern waved a sign indicating the time remaining in her allotted three minutes, and if the speaker continued beyond the time on the sign, the Planning Commission would interrupt and instruct the speaker to stop talking.

The Grand Jury finds, recommends, and requests responses as follows:

Report #2: Public Comment

FINDINGS, RECOMMENDATIONS, and RESPONSES

Finding #7: The Grand Jury finds that asking persons wishing to offer public comment to identify themselves in any manner is a violation of the Brown Act.

Recommendation #7: The Grand Jury recommends that the Planning Commission immediately and permanently stop this practice and adhere to the Brown Act.

Response #7: Board of Supervisors, Director of Community Resources Agency, Planning Commission.

Finding #8: The Grand Jury finds that all public officials are required to attend ethics training and the Brown Act is part of the curriculum.

Recommendation #8: The Grand Jury recommends that all Planning Commission members complete the required ethics training, which includes the Brown Act as part of the curriculum, and each planning commissioner provide the Board of Supervisors with a copy of the training certificate.

Response #8: Board of Supervisors, Planning Commission

Finding #9: The Grand Jury finds that a three-minute time limit for public comment, although legal, is sometimes unreasonable and reflects neither the intent of the Brown Act nor the opinion of the California Attorney General.

Recommendation #9: The Grand Jury recommends that time limits for public comment must be reasonable and thus adjusted upwards to five minutes or more when necessary to respect the

intent of the Brown Act, based on criteria including but not limited to, the number of agenda items, the complexity of each item, the number of persons wishing to address each item, and the ability of the Planning Commission to end the meeting by 10:00 p.m.

Response #9: Board of Supervisors, Director of Community Resources Agency, Planning Commission

Finding #10: The Grand Jury finds that having someone sit near the lectern and wave a sign indicating the time remaining for public comment is unreasonable.

Recommendation #10: The Grand Jury recommends that the Planning Commission immediately stop this procedure and instead use the green, yellow and red light system as a tool to help speakers realize the time remaining for their public comment.

Response #10: Board of Supervisors, Director of Community Resources Agency, Planning Commission

CONCLUSION

Public meetings are intended to hear the voice of the people. The Planning Commission has to expect and respect such a voice because we are all affected, directly or indirectly, by its decisions, and the voice that is not heard is not part of this decision-making process. Increased notice and visual technology are reasonable and viable recommendations intended to improve public participation in local government, and Tuolumne County can become a leader in this area. This would reflect well on our County agencies because it can help more local citizens share in the democratic process through increased access, a better understanding of County government, and greater familiarity with its elected and appointed officials, who would then be able to make better decisions because they could hear more input and opinion from the public.

Throughout American history, great political leaders like Jean-Jacques Rousseau, Martin Luther King Jr., Thomas Paine, and Benjamin Franklin have believed that government agencies must be reasonable in their interaction with the public, and must do so in a way that facilitates public participation in the democratic process; that is what this investigation is all about.

“So convenient a thing it is to be a reasonable creature, since it enables one to find or make a reason for everything one has a mind to do” *Benjamin*

Franklin National Memorial, Philadelphia, Pennsylvania [16].

Being reasonable is such an important concept that the Brown Act, the California Attorney General, and Supreme Court of the United States expressly mandate that government agencies must have good reasons for what they do. That said, even when some procedures are found to need reasonable change, it is not forgotten that the Planning Commission performs an important public service for all those connected to this County.

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**SIERRA CONSERVATION CENTER
and
BASELINE CONSERVATION CAMP COMMITTEE REPORTS**



INTRODUCTION

The Grand Jury is mandated annually under California Penal Code Section §919 (b) to “...inquire into the condition and management of public prisons within the county.” This Grand Jury investigation resulted in three reports: The American Correctional Association, Substance Abuse Training and The Contraband Dog Program. The 2014-2015 Tuolumne Grand Jury scheduled three visits and conducted interviews and tours at Baseline Conservation Camp (BCC) and Sierra Conservation Center (SCC).

BACKGROUND

Sierra Conservation Center

Sierra Conservation Center (SCC), located at 5100 O'Byrnes Ferry Road in Jamestown, encompasses 450 acres, has an annual operating budget of 132.7 million dollars, and is a 50-year-old facility. There are 990 custody staff members working at SCC, not including medical, dental, or mental health staff. SCC is one of 34 institutions operated by the California Department of Corrections and Rehabilitation (CDCR) and one of only two prisons in the state responsible for training and placement of male inmates in the Conservation Camp Program.

The American Correctional Association (ACA)

All correctional systems throughout the United States are required to meet the efficacy and effectiveness standards set out by the Commission on Accreditation for Corrections, (CAC). The CAC, or the Commission, is the official accrediting body of the American Correctional Association (ACA). Created in 1974, the Commission is the official arbiter of accreditation status for all facilities and agencies of correction and detention. Currently, ACA, through the Commission, accredits just under 1,400 facilities across the United States and the world. These include Federal, state, local, and private facilities of all types and sizes under ACA's standards, which are the national benchmarks for the effective operation of correctional facilities. There are currently 22 published manuals of standards covering all areas of correctional operation. In order to reach accreditation a facility must meet the requirements for all applicable mandatory standards and no less than 90% of applicable non-mandatory standards. In August 2014, SCC scored 100% on the 62 mandatory standards and 98.8% on the 467 non-mandatory standards; making them one of only 16 CDCR prisons now accredited with the oldest and largest international correctional association in the world.

ACA accreditation is intended to improve facility operations through adherence to clear standards relevant to all areas/operations of the facility, including safety, security, order, inmate care, programs, justice, and administration. Certification renewal occurs every three years.

The Strategic Offender Management System

The Strategic Offender Management System (SOMS) is a statewide software system that was implemented two years ago and is now fully deployed at SCC. This system is used for inmate classification, inmate assignment for work detail, inmate head count and overall management of inmate population. All employees, depending on their security levels, have access on demand to this integrated system that provides the most current inmate information throughout the California prison system. A SOMS coordinator is responsible for the system updates and employee training. The facility's full design capacity population is 3,706 inmates; however, the inmate population is 4,576 as of January 2015 which is within the state mandated 137.5% of design capacity. An inmate's life at SCC begins with processing.

Processing

All inmates are processed into and out of SCC through the Receiving and Release Unit, where the buses arrive and depart with inmates. Each inmate undergoes a 14-day orientation period upon arrival. The intake process includes a picture ID card, counselor assignment, a medical evaluation, issuance of clothing, bedding, and dormitory assignment. Inmates that need medical, mental health, or dental services are referred to the appropriate department. Inmates are housed in various areas of the institution.

Facilities

Level I and Level II areas are housing for minimum and low-medium risk male inmates in dormitory-type facilities. The inmates housed at these two levels share a common outside yard area with no perimeter fences separating the two buildings. Cameras are in place at the facility yard, but no cameras are present in any of the living areas. Level III facilities are designed and operate differently in some ways from Level I and Level II areas of the prison.

Level III is a separate, medium to high custody facility for Sensitive Needs Yard inmates, including some who have life-term sentences. The buildings are designed so the custody staff has a 270-degree field of vision from the control booth. Like Levels I and II areas, there are cameras on the yard and no cameras in any of the living areas. There is also armed coverage inside the inmate housing units and yard area. Inmates at this facility are assigned to work at the Prison

Industries Authority (PIA) or various education and vocation programs; Substance Abuse Treatment (SAT) is offered at the Level III facility.

At all three levels of security housing, the facility appeared to be well-run and well-maintained. The inmate dormitories were clean and orderly. Each inmate is provided two sheets which are laundered or exchanged on a weekly basis. Also issued is one wool blanket during the year which can also be laundered weekly. During the winter months an additional blanket is issued. Level III inmates are housed with two inmates per cell. All inmates have access to health care.

Health care

The on-site medical clinic appeared to be clean, very organized, and efficient in serving the inmate population. Medical care of inmates is provided by physicians, physician's assistants, registered nurses, psychologists, and psychiatrists, all employed by the California Department of Corrections and Rehabilitation. The main medical clinic, which is being remodeled at the time of this report, is wheelchair accessible, in compliance with the American Disability Act (ADA), and provides health care services for inmates housed on Levels I and II.

The facility also houses a pharmacy, a dental clinic, radiology, and a 10-bed hospital used for basic medical and mental health care. The dental clinic has six dental chairs serving Levels I and II inmates. Due to the security level of inmates housed in Level III, it is equipped with a separate medical clinic, a pharmacy dispensing facility, and a dental clinic where there are two dental chairs. Part of preventive health care is providing inmates with nutritious and sanitary food service.

Food Service

The food service area provides inmates with two hot meals and a bag lunch every day, and is kept clean and organized. The cold room, where perishables are stored, is kept at optimum temperatures of 0-2 degrees Fahrenheit for freezers and 35-40 degrees Fahrenheit for refrigerators. Level I and II share access to a dining facility at different times; Level III has a dedicated dining facility. The meals that are provided meet the inmate's minimal USDA nutritional needs and caloric intake. Religious and medical diets for inmates are also available. The daily cost of food preparation is \$3.16 per inmate. In addition to necessary and basic programs like health care and food service, SCC also offers academic and vocational programs to inmates.

Academic Programs

Inmates are offered a wide variety of academic and vocational programs. The Grand Jury observed 10 classrooms where inmates are taught Adult Basic Education, and may prepare to get their General Equivalency Diploma (GED). Instructors are retired or former public school teachers as well as community volunteers. All academic programs are accredited by the Western Association of School and Colleges through the Sierra Adult School. Each classroom is equipped with a computer. Graduation ceremonies are held twice per year. The prison school has produced fifty-three graduates since July 1, 2014. Forty two of these graduates earned their diploma with the paper-based 2002 series exam. Computer-based testing began on October 20, 2014. Eleven students have earned their GEDs through this method. College degrees are also available ranging from Associate of Arts to Bachelor's Degrees as well as an evening literacy program, held twice weekly. There are two libraries on campus that offer services every day of the week with a librarian in attendance. Another educational program offered is the Substance Abuse Treatment Program (SAT or the Program).

The Substance Abuse Treatment Program

The Substance Abuse Treatment Program is a very important part of the educational programs offered. This is another tool offered to educate and reform inmates who have histories of drug, and/or alcohol abuse. The Program teaches the Hazelden Curriculum consisting of four workbooks: Socialization, Criminal and Addictive Thinking, Relapse Prevention and Release and Reintegration. This curriculum is based on a therapeutic community model which focuses on thinking, values, and positive behavior, stressing that it is up to the individual inmate to affect changes. An inmate who has six months left on his sentence is eligible; participation is strictly voluntary. Although the subject of anger management is addressed throughout the SAT program, separate classes are also offered in the evening. Enrollment is on voluntary basis or if court ordered, mandatory. In November 2014 the Grand Jury found that SAT was not being offered to the inmates at Baseline Conservation Camp. This important program, that was discontinued in 2008 due to lack of funding, has been reinstated this year. In addition, or as an alternative, to these rehabilitation and education programs inmates may also seek vocational training.

Vocational Programs

The Vocational Training facility offers inmates several options to polish or learn new skills that are vital to their outside employment possibilities upon release. These are:

- Automotive body work and automotive mechanics
- Masonry
- Building maintenance
- Carpentry
- Welding
- Woodworking, and
- Garment sewing and other fabric production

Most of the industry teachers are certified through The National Center for Construction Educational and Research. The Prison Industry Authority (PIA) makes apparel and other garments for CalFire, CalTrans and the State Parks System. There are 23 PIA training factories and farms throughout the California prison system. Inmates receive a certification upon successful completion of their training.



Baseline Conservation Camp

Baseline Conservation Camp, called Conservation Camp #30, is funded and operated under SCC, and is located on Peoria Flat Road in Jamestown, approximately six miles from the prison's main facility. This camp is one of 20 male camps located between central and southern California; it is staffed with eight correctional officers, one assistant camp commander, and one camp commander.

As of October 2014, 118 trained inmates were housed at the camp. Inmates are trained and placed in the Conservation (Fire) Camp Program, also known as the "*Fire Camp Program*" and participate in work projects at Sonora Unified School District, Tuolumne Parks and Recreation, US Bureau of Reclamation, US Forest Service and Rim Fire rehabilitation. Work can vary from fire suppression and aiding in emergencies, such as floods and earthquakes, to performing community projects, for example, clearing vegetation and debris, trail construction and improvement, creating fire breaks, and campsite and picnic area cleaning and maintenance. Only qualified inmates may participate in the Fire Camp Program.

The Conservation (Fire) Camp Program

These inmates must meet a number of requirements to qualify for the Conservation (Fire) Camp Program. They must have less than five years remaining on their sentences, and their convictions must not include sexual crimes, arson, or be violent in nature. They must pass health and fitness program requirements prior to acceptance for forestry (Fire) training. The inmates receive basic and firefighting training at SCC from the California Department of Corrections and California Fire Department (CDF) personnel. Additional fire, safety and work training continues at the Camp. CDF assures that the inmates are fire and emergency ready to do the job.

At Baseline Conservation Camp, inmates are required to work, and are paid \$1.45 per day for their labor. Skilled inmates earn up to \$2.56 per day. The California Department Correction and Rehabilitation website defines skilled workers as: mechanics, clerks, cooks, plumbers, welders, carpenters, electricians, and lead fire crew workers. When they are working on the fire line fighting fire, they get paid \$1.00 per hour. Fire-fighting inmates are fed a menu consisting of 2800 calories daily. The menu for inmates is rotated quarterly; however, the contraband dogs eat the same food every day without complaint!!

The Contraband Dog Program

CDCR uses specially trained dogs that can detect cell phones and narcotics in prisons. There are 29 canine teams total of which 11 are trained to detect contraband cell phones. Canine searches are scheduled at different institutions throughout the state on a random basis. In addition, these teams provide assistance to CDCR's Division of Adult Parole, specifically with the Parolee Apprehension Teams, during their operations to locate fugitive parolees in the community. K-9 teams also provide assistance to local law enforcement agencies by conducting searches of suspected drug houses during search warrant operations. Each dog is required to train at least eight hours a week as well as participate in monthly training conducted by the Statewide Canine Coordinator to ensure the dogs are working up to standards. SCC has worked with K-9 teams since November 2009.



Duchess, a six year old Belgian Malinois, who is certified in both contraband and narcotics detection, has been in the service of CDCR since August 2011. During her years on the job, Duchess has discovered 382 cellphones, 1 iPad, 17 blue tooth devices, 8 SIM cards, 74.8 grams heroin, 554.81 grams marijuana, 128.11 grams methamphetamine, 45 syringes, 10 smoking pipes, 66,738.71 grams tobacco, and 8 weapons in areas targeted for other contraband.

Because Duchess' officer handler has transferred to one of the Conservation Camps and due to the close relationship between dog and handler, Duchess has been retired and replaced by two new K-9 officers, Bo and Rooster.

K-9 officer Bo is a very friendly, nearly three year old yellow Labrador, and K-9 officer Rooster is a high energy level, two and a half year old black Labrador. Both dogs have finished basic academy training and are working the facility with their correctional officer handlers. They went back for additional training at the academy to be Air Scan certified, a new search method SCC has adopted. The Air Scan technique is where the officer handler takes the dog close to the suspected area of the concealed object by sweeping his hand in a zigzag manner. The dog follows the handler hand's low to high motion until the scent of contraband is detected.



The Grand Jury was given a demonstration showing how the dogs and their handlers work together to search for contraband, and both dogs did an extraordinary job in detecting where the samples were hidden. A third K-9 team is expected to SCC soon,

THE INVESTIGATION

During this investigation, Grand Jury members reviewed previous Grand Jury reports, perused the California Department of Corrections & Rehabilitation (CDCR) website, and visited the facility three times. The Grand Jurors' first visit was on October 15, 2014, with a second on November 19, 2014 and a final on March 16, 2015.

Members of the Grand Jury were given an overview of the facility by the staff, followed by a walking tour of the prison grounds. At the conclusion of the session, the Jury was provided with copies of reports which are listed in the glossary. Staff was gracious in answering Grand Jury questions while during tours and via email.

Our tours included the following areas:

- Level I, Level II and Level III yard areas
- Dormitories
- Educational facility and library
- Food preparation and services areas
- Gymnasium

- Receiving and Release
- Medical and Dental
- Prison Industry Authority (PIA)
- Vocational facilities, and
- Administrative Segregation (Ad Seg)
- Demonstration of the Contraband Detection Dogs

Report #1

The American Correctional Association (ACA)

DISCUSSION

The Commission on Accreditation for Corrections audited and inspected the SCC on February 10-13, 2014, this consisted of a week of staff interviews, building inspections, facility tours, and record audits. The goal of this accreditation is for SCC and BCC to meet the efficiency and effectiveness standards required for all the correctional systems throughout the United States. The SCC and BCC received a 100% mandatory compliance tally and were issued an accreditation certificate. This is an achievement the prison management is very proud of.

FINDINGS, RECOMMENDATIONS, and RESPONSES

Finding: The Grand Jury finds that SCC and BCC achieved the ACA accreditation on February 2014 and were in compliance with the national standards of the nation's correctional systems.

Commendation: The Grand Jury commends prison management for this accreditation. Keep up the good work

Responses required: None

Report #2

Substance Abuse Training (SAT)

DISCUSSION

During the grand jury's visit to the Baseline Conservation Camp (BCC), it was noted that SAT was not currently offered to the inmates due to lack of funding. There is a vacant building that was used for SAT training previously. [The 2012 CDCR Outcome Evaluation Report](#) states that "inmates who were assigned to camps have the lowest overall recidivism rate of all CDCR missions" and further concludes that "individuals who participated in in-prison SAP had much lower recidivism rates than those that did not..." Inmates that have less than six months remaining on their sentence can subjective benefit from the voluntary SAT program. This high-in-demand program can be conducted in the evening when inmates come back from their jobs off-campus.

FINDINGS, RECOMMENDATIONS, and RESPONSES

Finding: The Grand Jury found the SAT program was reinstated at the Baseline Conservation Camp on February 19, 2015.

Recommendation: The Grand Jury commends the Warden for reinstating the SAT program at the BCC.

Responses required: None

Report #3

The Contraband Dogs

DISCUSSION

Two K-9 dog officers are now working the prison's premises searching vehicles, buildings and visitors entering the facility, with a third K-9 due to arrive soon. The Grand Jury was given a demonstration showing how the dogs and their handlers work together to search for contraband, and both dogs did an extraordinary job in detecting where the samples were hidden.

FINDINGS, RECOMMENDATIONS, and RESPONSES

Finding: The Grand Jury finds that the Contraband Dog Program is successful in detecting drugs, paraphernalia, and weapons.

Commendation: The Grand Jury commends the management and staff for their time and work spent in training the canines, including Bo and Rooster. The program should be maintained.

Responses required: None

CONCLUSION

During this investigation the staff at SCC and BCC was cooperative and professional in answering all questions put to them by the Grand Jury. We found the facilities clean, buildings in good repair and surroundings well kept.

The 2014-2015 Tuolumne County Grand Jury, wish to extend our sincere appreciation to the management and staff for meeting with the Jurors, and would like to thank all the staff that guided the visits and provided information and answers to Juror questions.

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