



# **Mendocino County**

## **Grand Jury**

### **Final Report**

**2003 – 2004**

# Mendocino County Grand Jury

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California Penal Code §933

California Penal Code §933.05

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## 2003 – 2004 Grand Jurors

Oath to Grand Jurors:

“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.” (Penal Code §911)

Leonard Bader  
Redwood Valley

Richard Owens  
Redwood Valley

Peggy Clinton  
Potter Valley

Lillian Pacini  
Ukiah

Gayle Fillman  
Ukiah

Darwin Richardson  
Ukiah

Barbara Madden  
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Robin Saia  
Redwood Valley

Boyd Mathias  
Willits

Julie Strate  
Ukiah

Donald McCallum  
Ukiah

Katharine Wylie  
Mendocino

June 30, 2004

The Honorable Ron Brown  
Presiding Judge, Superior Court,  
County of Mendocino

It is with great pleasure and pride that the 2003-2004 Mendocino County Grand Jury presents to you the Final Report. This report represents the culmination of countless hours of hard work and dedication by those of us who had the privilege to serve the citizens of Mendocino County as members of the Grand Jury.

The final report is to be filed with the Mendocino County Clerk. We are submitting copies to each agency, which is the subject of a report, all County department directors, and the libraries.

When first empanelled, new grand jurors come together to form a collegial body and face the task of educating themselves on the vast complexities of public functions.

With so many local government entities and important issues, it would be impossible, in its tenure, for one Grand Jury to inquire into each one. The Grand Jury is required to make difficult decisions on prioritizing issues and directing its efforts. We sincerely hope that the issues we chose to pursue will enable the citizens of Mendocino County to gain a greater awareness, knowledge, and insight into local government agencies and that this report will be used constructively as an aid to improving governance, especially under the financial circumstances now prevailing.

Our experience as grand jurors has reinforced our belief in the grand jury system as a guardian of public trust. Through this report, may the residents of Mendocino County become more aware of the responsibilities of the grand jury and its role in assuring that local government effectively and efficiently serves its citizens and taxpayers.

Appreciation is acknowledged and extended to the numerous agency employees who were contacted and graciously took time to answer our questions and to explain the operations of their respective areas of responsibility. The court staff was most helpful at all times. Our gratitude to County Counsel for offering invaluable assistance and guidance on complex issues examined during our term.

Speaking on behalf of the 2003-2004 Mendocino County Grand Jury, it has been an education, a challenge and an honor to serve our community in this capacity. Just as it is the duty of all citizens to answer the call to serve on trial juries, those with the time, inclination and ability to serve on the Civil Grand Jury should consider doing so. It is not enough to worry or complain about what you may perceive are the ills of our government. Get out and do something about it by volunteering for the Civil Grand Jury.

Respectfully,  
Gayle Fillman, Foreperson

## **Preface**

The California Penal Code gives a Grand Jury the mandate to review the methods of operation of County departments, agencies, and special districts and to inquire into the needs of County officers. After such reviews and inquiries, the Grand Jury is required to submit to the Presiding Judge of the Superior Court a final report of its findings and recommendations that pertain to county government matters. The Grand Jury comprises 19 ordinary citizens who act as a watchdog for the citizens of the County.

The 2003–2004 Grand Jury wishes to thank the County staff, staffs of entities reviewed, and private citizens for their cooperation. Also, the Grand Jury thanks the staff of the County Administrator’s Office for their cooperation and professionalism.

## Preface

# Department of Information Services

## Introduction

This report examines various aspects of the Mendocino County Department of Information Services (DIS). The Mendocino County Board of Supervisors (BOS) has charged the DIS with purchasing and maintaining computer security. The DIS is charged with the responsibility of selecting hardware and software best suited for County departments.

The Grand Jury investigated DIS's fire security, response times, contractual relationship with private title companies, and the interface between DIS and the Office of Sheriff-Coroner.

## Method of Investigation

The Grand Jury conducted over 15 interviews including a member of the BOS, personnel of the DIS as well as those of other County departments that depend on DIS services to accomplish their missions. DIS records were reviewed which included email, weekly time sheets, various system backup logs, and other relevant operational documents. A tour of the DIS facility was conducted. County Policy 22, relating to the acquisition and delivery of computer information services to County departments, and BOS minutes were also reviewed.

## Findings

1. The County's computer hardware/software systems are contained in a small server room in the DIS. The DIS facility lacks adequate fire suppression for "mission critical" equipment, thus exposing County Government to a complete shutdown in the event of a fire.

**Response (Information Services):** The Department wholly agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

2. Hardware/software systems provide services for County payroll, email, and property tax records, State mandated systems for the Sheriff-Coroner, Social Services, Mental Health and Probation Departments. In the event of a catastrophic event such as a seismic disruption or facility fire, many or all of these services could be interrupted and unavailable for months.

**Response (Information Services):** The Department wholly agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

3. There is not a strategic plan in existence by the BOS to guide the County on policy and appropriations for the long-term acquisition and implementation of information services.

**Response (Information Services):** The Department wholly agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding. However, initial strategic planning efforts are presently being discussed with the Information Technology Committee with the anticipation of presenting a recommendation to the Board of Supervisors in June 2005.

4. Testimony reveals an informal agreement exists between the DIS and the Office of Sheriff-Coroner for on-site technicians to be supplied by the DIS to the Office of Sheriff-Coroner each Thursday and Friday. Testimony received from the Sheriff-Coroner's Department stated that technicians were "infrequently on site." DIS time sheets corroborate this testimony. In September 2003, DIS technicians were on site 90% of the agreed upon time, by January 2004, DIS technicians were on site 40% of the agreed upon time.

**Response (Information Services):** The Department wholly agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding pursuant to the response provided by Information Services. However, it should be noted that the Information Services Department is limited to the use of only two (2) technicians due to the stringent security requirements of the Sheriff's Department. The total number of technicians within the Information Services Department is six (6). Due to county-wide priority or urgency demands, this limits the Department's flexibility in providing the Sheriff's Department the level of support agreed upon.

5. The Grand Jury was unable to find written evidence regarding any agreement between DIS and the Office of Sheriff-Coroner and it was requested, from the DIS and the Office of Sheriff-Coroner it was not provided.

**Response (Information Services):** The Department wholly agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding, as it has been an informal agreement. To-date, there has not been a formal Memorandum of Understanding written. However, it is anticipated that this agreement will be formalized along with the initial strategic planning efforts which are presently being discussed with the Information Technology Committee. It is anticipated that a service agreement will be formally approved in June 2005.

6. Between September 1, 2003 and January 16, 2004 the help desk at DIS logged 2,338 calls for support. The Departments of Health and Child Support Services accounted for 38% of these calls.

**Response (Information Services):** The Department agrees in part with this finding. Service calls fluctuate throughout the year. If the Department of Health is in reference to Mental Health, they had a large software rollout, which consumed more hours than normal.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by Information Services.

7. The DIS contracts with two private title companies for which the fee structure has no indicator or agreement for rate adjustment. These contracts have not been reviewed since 1997.

**Response (Information Services):** The Department wholly agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding pursuant to the response provided by Information Services.

## **Recommendations**

1. The BOS provide the necessary funding for the installation of fire protection equipment at DIS. (Findings #1, 2)

**Response (Information Services):** The Department wholly agrees with this recommendation. Implementation date is dependant upon funding.

**Response (Board of Supervisors):** While the Board of Supervisors agrees with this recommendation and understands the risk involved, limited financial resources restrict the County's ability to provide the funding necessary for installation of fire protection equipment in the Information Services Department at this time. The Board of Supervisors agrees to have the Director of Information Services provide an analysis and prioritization of funding needs and amounts to be used when funding resources become available. The Department of General



Services is currently obtaining cost estimates for the installation and maintenance of a fire-suppression system in the main computer room of the Information Services Department.

2. The BOS create an information services strategic plan for the County that the DIS implement. (Finding #3)

**Response (Information Services):** The Department wholly agrees with this recommendation. Upon Board direction the Information Technology Committee and DIS are drafting a document addressing Memorandum of Understandings, Service Level Agreements, Strategic Planning and, Organizational Structure. This document is anticipated to be presented to the Board of Supervisor's in June 2005.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by Information Services.

3. The DIS and Sheriff-Coroner Departments formalize a Memorandum of Understanding (MOU) that clearly defines the terms, conditions and scope of technical services to be provided and the responsibilities of each department. The MOU be reviewed on an annual basis. (Findings #4, #5))

**Response (Information Services):** The Department agrees with this recommendation. Creation of the Memorandum of Understanding with the Sheriff-Coroner Department will be included in the Information Technology Committee process mentioned in the response to Recommendation #2.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by Information Services and anticipates reviewing a Memorandum of Understanding between the Information Services and Sheriff's Departments in June 2005.

4. Review the Departments of Mental Health and Child Support Services to see if additional computer training and/or computer personnel is needed. (Finding #6).

**Response (Information Services):** The Department agrees in part with this recommendation. As DIS is the central department for all computer support operations, when funding is available the DIS will hire staff as needed.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by Information Services and encourages the department to provide any additional computer training as needed by Mental Health and Child Support Services.

5. The DIS annually review contracts with private entities paying particular attention to fee structure. (Finding #7)

**Response (Information Services):** The Department wholly agrees with this recommendation. DIS will review contracts on an annual basis during the budget process.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the recommendation for Information Services to provide for an annual review of all service contracts assuring that fees cover cost for providing such services and the timeline for doing so as described by the Department.

### **Comment**

The Grand Jury recognized the County budget constraints and the need to trim budgets, however not to provide fire suppression for these mission critical services while promoting and funding private business interests presents a significant risk to the County operations that depend on DIS services.

**Information Services Department Comment:** The Department is not sure as to what this comment is in reference to as the Information Services Department does not promote and/or fund any private business interests.

**Response required:**

Board of Supervisors

**Response Requested:**

Department of Information Services

# **A Review of the Code Enforcement Division of the Department of Planning and Building**

The Code Enforcement Division (CED) of the Department of Planning and Building (DPB) is mandated by and responsible to the Board of Supervisors (BOS) to enforce building and code regulations in Mendocino County, ensuring the health and safety of the public.

**Planning and Building Services Comment:** In reviewing the Grand Jury Report, the reader should consider the following:

1. The Grand Jury review covered the year 2003. During much/most of this year, the Code Enforcement Division consisted of one full time experienced Code Enforcement Officer to address building and zoning violations over the entire County. To put this into perspective, consider what could, or could not, be accomplished if there were only one Sheriff's deputy responsible for law enforcement for the entire County.
2. For much/most of 2003, the support staff employee for the Code Enforcement Division worked full time in the Abandoned Vehicle Abatement program due to extended medical leave of a Code Enforcement Officer position.
3. The Department has experienced a near record level of building permit activity, necessitating assistance from Code Enforcement support staff to timely process permits. Furthermore, due to budget cuts, the Department laid off a support staff employee in the prior year.
4. In recognition of the importance of Code Enforcement, the Board of Supervisors in August of 2003 authorized and funded an additional Code Enforcement Officer full time-permanent position.

Therefore, the Department is now positioned to expand and enhance code enforcement services beyond the minimal level provided in 2003.

Over the past several months, the Department has been addressing several of the areas/issues identified in the Grand Jury Report and will strive to implement those recommendations that are feasible, cost effective and which enhance service. However, the reader should keep in mind that, even two Code Enforcement

Officers are inadequate in number to address all building and zoning violations in the unincorporated area of Mendocino County.

The Department's specific comments and responses to the Report are as follows:

### **Introduction**

The Code Enforcement Division of the Department of Planning and Building does not make a meaningful contribution to the DPB primary responsibilities, as articulated by the DPB.

**Planning and Building Services Department Comment:** The Department strongly disagrees with this conclusionary statement of the Grand Jury. Code Enforcement is an integral facet of the Department mission to "...protect and enhance the quality of life in Mendocino County." The Code Enforcement Division clearly makes a meaningful contribution toward (1) resolution of zoning and building violations and (2) abandoned vehicle abatement. This contribution has increased and will continue to increase with the funding (authorized in August 2003) of an additional full time Code Enforcement Officer.

The 1997-1998 Grand Jury found the DPB was unable to adequately monitor code violations and the DBP concurred. These conditions remain uncorrected today.

Code Enforcement Officers (CEO) view their mission as one of goodwill ambassadors rather than enforcing building and zoning code regulations.

**Planning and Building Services Department Comment:** The Department does not agree with this statement as written. Certainly, past practice has been to encourage Code Enforcement Officers to work with and persuade the violator to abate the violation, however, this is not to the exclusion of enforcing building and zoning regulations. It should be noted that the art of persuasion is often the most efficient method, but certainly not the only tool, available to abate building and zoning violations. With additional staff first funded in August 2003, and heightened expectations of the residents of the County toward code enforcement, the Department intends to take a more forceful approach toward abating violations.

The DBP has been burdened for many years with a perennial and growing backlog of unresolved violations/complaints for building and zoning code violation cases. Each year this backlog has increased while the number of cases opened has declined by 33 percent over the past four years.

## **Method of Investigation**

The Grand Jury did not include the vehicle abatement function of the division in its investigation.

The Grand Jury interviewed the Director of Planning and Building, Code Enforcement Officers, supporting staff of the Code Enforcement Division and staff from the County Counsel's Office. Detailed reviews were conducted of departmental records including over 450 opened and closed violation/complaint cases, that were filed by the public as well as those filed by the Department's Building Inspectors for the years 2000, 2001, 2002 and 2003.

The Grand Jury reviewed Code Enforcement Division policies and procedures, past Grand Jury reports and vehicle maintenance records.

## **Background**

The DPB is organized into five divisions, Building Inspection (BI), Planning, Cartographic, Code Enforcement (CE), and Support Staff. The CE function of the department is to investigate and seek the successful resolution of issues regarding the enforcement of building and zoning code violations.

Building and zoning code violation case files can be opened in one of two ways; (1) building inspectors observe violations in the field or (2) upon receipt of a citizen complaint of alleged building or zoning code violations. Violation case files are closed when the violator obtains a building permit or after the CEO resolves the violation.

In 2000 the department installed a computer software system, referred to as CRW, with the capability, but not limited to, document tracking, violation follow up, preparation of violation reports and letters, statistical summaries and code enforcement scheduling to name a few. In general CRW can provide the necessary tools to manage violation cases, however, it is not used to its fullest and is used primarily to generate low level documents of questionable use.

## **Findings**

### **Document/Record Keeping**

1. The department does not maintain complete records or documentation relating to the conduct and performance standards of the Code Enforcement Division (CED).

**Response (Planning and Building):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

2. The Grand Jury requested; (1) a tabular listing of all violations/complaints closed by the CED in 2003, (2) current cases being reviewed, and (3) a listing of all formal Notices of Violations (NOV) issued in 2003. In the written response to this request, the DPB stated, “The scope of your request will require a significant amount of time to make a meaningful response and complete the requested information.” The response continued, “For example, the CRW computer program utilized by Planning and Building to track code enforcement activities is currently unable to provide reports that tabulate the source of the complaint, the priority assigned to the complaints, the dates of site visits, the date of Building permit issuance or accurately identify the officer assigned to the file.”

**Response (Planning and Building):** The Department agrees with this finding, however, the quote in the finding above does not contain the entire sentence in the PBS response. More important is to note that, while a computer tracking system can provide a vast array of information and reports, it is dependent upon data entry. The value of the reporting capability must be measured against other workload priorities. In other words, time spent entering data is at the expense of performing other work (i.e., field investigations, permit processing, responding to public inquiries, etc.)

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding and the response provided by the Planning and Building Department.

3. Staff interviews support written evidence that the DPB staff spent over 90 hours attempting to compile the requested information. Subsequent to its request, the Grand Jury received the following written statement, “We would like to caution that the information recorded over the proceeding two years was not collected with the thought of data retrieval in mind.” The DPB continued, “The information appearing in the files may be incomplete, and offer only a partial picture of violation abatement efforts.”

**Response (Planning and Building):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

4. Incomplete documentation does not provide an accurate history of actions taken to close a violation/complaint.

**Response (Planning and Building):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

5. Working files are maintained in at least three separate locations and are not cross-referenced or synchronized.

**Response (Planning and Building):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

6. The Grand Jury reviewed the 35 building and zoning violation cases closed in 2003, of these, 31 were closed by the Building Inspection Division and did not require CE resolution.

**Response (Planning and Building):** The Department strongly disagrees with this finding. The number of closed cases involving Code Enforcement staff far exceeds the erroneous finding of the Report.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Planning and Building Department.

7. Violation correction notices that require the violator to respond by a certain date are infrequently followed up, if at all.

**Response (Planning and Building):** The Department could agree with this statement if the final phrase "...if at all." were removed. Staff is currently establishing a "tickler" system to address this issue.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department and acknowledges the efforts to rectify concern.

8. Some cases are more than 10 years old and are still considered active. Many of these cases contain multiple notices to correct violations. Some cases show multiple final notices to correct violation without any action or follow up being taken.

**Response (Planning and Building):** The Department agrees with this finding but would note that it is the result of lack of staffing, increased workload and inadequate tracking.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department.

9. The DPB does not have a policy regarding use and training on the CRW.

**Response (Planning and Building):** The Department agrees with this finding that a written policy does not exist. As stated in the adopted County budget for

2004/2005, the Department intends to fully investigate, integrate and implement a computerized tracking system over the next several months.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department.

### **Case Management**

10. The CRW has the capability to track cases and provide follow up actions, provide notices, case priorities, and staff assigned to the case. This program is under utilized and minimal training has been provided.

**Response (Planning and Building):** The Department agrees with this finding. See response to Number 9, above.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department.

11. Code Enforcement Officers have not been properly trained in the use of the CRW computer program.

**Response (Planning and Building):** The Department agrees with this finding. See response to Number 9, above.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department.

12. The computer CRW system is under utilized and only used for minimal record keeping.

**Response (Planning and Building):** The Department agrees with this finding. See response to Number 9, above.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department.

13. In 2003, the DPB opened 135 building code violations/complaints, and 69 Zoning code violations.

**Response (Planning and Building):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

14. Testimony stated Code Enforcement Officers spend 65% of their time in the field, contradictory testimony states 65% to 85% of Code Enforcement Officers time is



spent in the office. Code Enforcement Officers spend a disproportion amount of their time engaged in office activities and not enough time in the field investigating.

**Response (Planning and Building):** Since Department staff was not present during the testimony, we can neither agree nor disagree with the Grand Jury's recollection of what was stated.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department.

15. Testimony stated Code Enforcement Officer's travel in excess of 3400 miles per month in the CED vehicle. A review of vehicle maintenance records reveal the CED vehicle, which is used by three CEO's, averages 1200 miles per month.

**Response (Planning and Building):** Since the Department Director was not present during the testimony, he can neither agree nor disagree with the finding. He did write to the Grand Jury on January 14 and stated that:

"The County garage maintains monthly mileage records for County vehicles. Those records would identify the mileage for the vehicle dedicated to Code Enforcement. Other vehicles in the County fleet are shared, thus, it would not be possible to accurately identify the miles attributed exclusively to Code Enforcement."

The Director should have also noted that Code Enforcement Officers also utilize their private vehicles for site inspections.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department.

### **Policies and Procedures**

16. There are limited policies and procedures that the CED relies on in the performance of employee's day to day duties. Those in place fail to provide the necessary guidance for staff. The limited written policy and procedures results in inconsistent enforcement of building and zoning code regulations.

**Response (Planning and Building):** The Department would agree that, at the time of the Grand Jury review, there were limited written policies and procedures. Some policies have been established since the Grand Jury initiated its review and more are anticipated over the next year.

The Department would not agree that the written policies in place fail to provide necessary guidance for staff.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department.

17. Testimony of staff supports the need and desire for a comprehensive set of written policy and procedures.

**Response (Planning and Building):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

18. The DPB does not have a written policy or procedure regarding opening a case.

**Response (Planning and Building):** The Department agrees with this finding. Policy regarding opening a case is integrally related to a computerized tracking system and will be established as part of said system. See response to Number 9, above.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department.

19. The DPB does not have a written policy or procedure regarding closure of a case.

**Response (Planning and Building):** During the time of the Grand Jury review, the finding is/was correct. However, by memorandum dated June 27, 2004, written procedures were established for closing a violation case.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department.

20. The DPB does not have a written policy or procedure regarding establishing case priorities.

**Response (Planning and Building):** During the time of the Grand Jury review, the finding is/was correct. In August of 2003, a draft policy regarding violation case priorities was referred to Code Enforcement staff for review and comment. By memorandum dated July 24, 2004, official departmental policy regarding violation case priorities was established.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department.

21. The DPB does not have a written policy or procedure for reviewing cases.

**Response (Planning and Building):** Without additional information, the Department can neither agree nor disagree with this finding.

**Response (Board of Supervisors):** Without additional information, the Board of Supervisors can neither agree nor disagree with this finding.

22. The DPB does not have a written policy or procedure relating to number of days Violators are given to correct violations.

**Response (Planning and Building):** The Department agrees with this finding, however, a rigid formula and timeline for compliance is not feasible. Nearly every violation is unique in its type, scale, location, danger, egregiousness, ability of the violator to comply in a timely manner, etc., thus to a great extent, the Code Enforcement Officer must use his/her discretion and judgment.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department.

23. The DPB does not have a written policy or procedure for issuance of NOV's and follow up actions.

**Response (Planning and Building):** The Department agrees with this finding. As stated in Response Number 7, the Department is currently establishing a "tickler" system to follow-up on Notices of Violations. Additionally, this will be incorporated into the computer-tracking program. See response to Number 9, above.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department.

24. The DPB does not have a written policy or procedure relating to Final Notices to correct a violation/complaint and follow up.

**Response (Planning and Building):** The Department agrees with the finding. As stated in Response Number 7, the Department is currently establishing a "tickler" system to follow-up on Notices of Violations. Additionally, this will be incorporated into the computer-tracking program. See response to Number 9, above.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department.

25. The DPB does not have a written policy or procedure regarding issuance of a citation to correct a violation.

**Response (Planning and Building):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

26. The DPB does not have a written policy or procedure regarding formal or legal procedures for establishing compliance of violations.

**Response (Planning and Building):** Without additional information, the Department can neither agree nor disagree with this finding.

**Response (Board of Supervisors):** Without additional information, the Board of Supervisors can neither agree nor disagree with this finding.

## **Recommendations**

1. The BOS should direct the Department of Planning and Building to resolve or settle violations/complaints within a specific time. (Findings 8,9,20, 21,22, 23,25)

**Response (Planning and Building):** The Department disagrees, in part, with this recommendation. The addition of a full time-permanent Code Enforcement Officer in Fiscal Year 2003/2004, a more aggressive posture relative to violators, and more fully utilizing the computer tracking system will result in more expeditious settling or addressing of violations/complaints.

However, goals and objectives should be realistic and attainable. The Department should notify each complainant within 30 days of the status of their complaint, however, to establish arbitrary and rigid timelines for resolution of violations is unrealistic given (1) that two Code Enforcement Officers have responsibility for the entire unincorporated area of Mendocino County, (2) the backlog of open violation cases and (3) the unique circumstances applicable to each violation case (see response to Finding Number 22).

During the current fiscal year, the Department intends to address the issues contained in Findings Number 8, 9, 23 and 25. Item 20 has been addressed by memorandum dated July 24, 2004, which establishes criteria for prioritizing building and zoning violations.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Planning and Building Department.

2. The BOS direct the Department of Planning and Building to establish a comprehensive set of written Policy and Procedures relating to the performance of CED operations.(Findings 4,5,6,7,8,15,16,17,18,19,20,21,21,23,24,25,26)

**Response (Planning and Building):** The Department agrees with the recommendation that a more comprehensive set of written policies and procedures should be established.

During the current fiscal year, the Department intends to address the issues contained in Findings 4, 5, 7, 8, 16, 17, 18, 23, 24 and 25 through implementation of a more comprehensive computer tracking system and the establishment of written policies.

Written policies have been established for the closing and prioritization of violation cases (See Findings and Responses to Numbers 19 and 20.)

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department.

3. The BOS direct the Department of Planning and Building to establish a comprehensive set of written Policy and Procedure, including training, regarding department wide utilization of the CRW. (Findings 1,2,3,10,11,12,13)

**Response (Planning and Building):** The Department agrees with the recommendation that comprehensive written policies and procedures, including training, be established for utilization of the code violation computer tracking system.

During the current fiscal year, the Department intends to address the issues contained in Findings 1, 2, 3, 10, 11, 12 and 13 through implementation of a more comprehensive violation tracking system and the establishment of written policies.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department.

4. The BOS direct the Department of Planning and Building to escalate management of cases with violation/complaint age. (Findings 8,9)

**Response (Planning and Building):** The Department agrees with recommendation that the Department escalate **management** of cases with violation/complaint age.

During the current fiscal year, the Department intends to establish a workable plan to address the backlog of prior years' violation files based upon staffing, current workload and violation priority.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Department.

**Summary:** In summary, the Department and Board of Supervisors concur with most of the findings contained within the Grand Jury Report. Current staffing levels in the Code Enforcement Division provide opportunities, not previously feasible, to make significant progress toward (1) investigating, integrating, testing and implementing a more robust computer violation tracking program; (2) increasing the number of closed/resolved cases and (3) establishing written procedures regarding file location, citations, notices of violations, opening of cases, long term violations and training. However, we would again urge realistic expectations given that, even with the increased staffing, there are only two Code Enforcement Officers to cover the entire County. Further, the Department must efficiently balance the additional time necessary to enter violation data into the computer versus the benefits obtained from the computer reports and documentation.

**Response Required**

Board of Supervisors

**Response Requested**

Department of Planning and Building

# MENDOCINO COUNTY JUVENILE HALL

## Introduction

Pursuant to California Penal Code §919 section (b), states: “the Grand Jury shall inquire into the conditions and management of the public prisons within the county each year.”

## Method of Investigation

The Grand Jury made two visits to Juvenile Hall where they interviewed the Superintendent, several staff members, spoke with incarcerated youth, and made a complete tour of the facilities. The Grand Jury reviewed the following documents: 2003 Annual Inspection Reports, the California Code of Regulations Minimum Standards for Juvenile Facilities under Title 15 sections 1313, 1371, and 1488.

The Grand Jury reviewed the two previous years of GJ reports on Juvenile Hall, organization charts, budget reports, policy procedure manual, and the contract with Mendocino County Youth Project (MCYP).

## Background

The Mendocino County Juvenile Hall (MCJH), under the direction of the Chief Probation Officer, provides for the physical and emotional care of incarcerated youth in Mendocino County. There are three classifications of incarcerated youth: Code 1 (minimum security), Code II (medium Security), and Code III (committed a violent crime). The capacity of MCJH is 43 youths with an average occupancy of 34 youth. The violent offenders’ unit capacity is 12 with an average of seven youth.

Each Juvenile Facility, under Title 15§ 1313, requires an annual inspection from the following: Mendocino County Health and Safety Officer, State Fire Marshal, Mendocino County Health Department, County Superintendent of Schools. Fire drills are conducted and documented once a month, and all fire alarms are checked once a week.

In the past Juvenile Hall has operated a Juvenile Work Program, which involved inmates going out into the community doing a variety of service projects such as painting over graffiti, cleaning up trash, etc. This program gave youth the opportunity to invest in their community in a positive way and benefited the community through the projects they undertook. This program has been suspended due to lack of funding.

## Findings

1. There are 38 staff employees.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

2. In 2003, 723 youths were booked into Juvenile Hall.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

3. Documentation revealed that an average 76% incarcerated youth are male and 24%, female.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

4. An average of 45% to 50% of youth come in with gang affiliations.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

5. The Juvenile Hall policy prohibits any expression of gang affiliation.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.



**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

6. The Grand Jury found through a site visit that these facilities are well maintained.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

7. The meals served are planned by a licensed nutritionist and meet FDA standards.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

8. Recreation time is three hours on school days and five hours non-school days, which includes one hour of large muscle exercise.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

9. Inmates attend the on-site West Hills School, a Court Community School provided by the Mendocino County Office of Education, to continue their education.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

10. Transitioning of inmates to and from West Hills School and their regular school is required. The process is designed and functions in a way that causes the least amount of disruption in the inmates' education.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

11. The general MCJH population and Code III (violent offenders) male inmates are separated for all activities, including school, eating, recreation and housing.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

12. There is a \$15.00 per day charge to parents or guardians for each incarcerated youth, up to \$750.00 per stay.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

13. Juveniles, who reside outside Mendocino County, are held up to five days at no cost to the county of their origin, because of a reciprocal agreement between all counties.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

14. Agencies providing services at Juvenile Hall are: Public Health (Alcohol and Other Drug Program), Mendocino County Office of Education, MCYP, and Department of Mental Health.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

15. MCYP provides mental health services.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

16. Department of Mental Health provides a clinician under the direction of the Psychiatrist for medication and crisis intervention.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

17. Use of the telephone is an earned privilege.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

18. The Juvenile work program was suspended in 2003 due to budget reductions.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

19. Juvenile Hall provides medical care for incarcerated youth.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

20. The Juvenile Hall Superintendent has obtained a permit which allows medications, prescribed by a doctor, to be purchased at a reduced rate.

**Response (Probation):** The Department agrees with this finding.

**Response (Juvenile Hall):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

## Recommendations

1. The Grand Jury recommends the reinstatement the Juvenile Work Program when budgeting allows. (Finding 18)

**Response (Probation):** The Department agrees with this recommendation and will implement if and when the budget permits.

**Response (Juvenile Hall):** The Department agrees with this recommendation and will implement if and when the budget permits.

**Response (Board of Supervisors):** The Board of Supervisors recognizes the benefits derived from the Juvenile Work Program and agrees with this recommendation.

2. The Grand Jury recommends the Probation Department use whatever means available to them to collect delinquent revenues from parents who are required to pay the cost of incarcerated juveniles. (Finding 12)

**Response (Probation):** The Department agrees with this recommendation.

**Response (Juvenile Hall):** The Department agrees with this recommendation.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this recommendation. The Department has one individual with the responsibility of actively pursuing delinquent payments for incarcerated juveniles. The Department has reported that over the past year it has recognized a 25% increase in collections due to aggressive and successful pursuit of delinquent payments.

## Comments

1. During a tour, the Grand Jury noted the apparent positive attitude, mutual trust, and respect among the staff.
2. The Grand Jury commends the Juvenile Hall for low staff turnover, which maintains a consistency of care important to youth.
3. The Grand Jury encourages the staff of Juvenile Hall to review this Report.
4. The Grand Jury recognizes the Juvenile Work Program was a valuable program for Juvenile Hall, Probation Department, and the Juvenile courts.

### **Response Required**

Mendocino County Board of Supervisors

### **Response Requested**

Chief Probation Officer

Juvenile Hall Superintendent

# Mendocino Transit Authority Overview

## Introduction

The Mendocino County Grand Jury performed an oversight of Mendocino Transit Authority (MTA). The last oversight of MTA by the Grand Jury was performed in 1986.

## Methods of Investigation

The Grand Jury interviewed the MTA Administration and various MTA employees, performed an onsite visit to the Ukiah MTA facilities, reviewed Budget and Operations documentation, the 2003 fiscal audit, and the Joint Powers Agreement between the Mendocino County Administrator and city governments, and interviewed the Executive Director of Mendocino Council of Governments, (MCOG), which is the Regional Transportation Planning Agency (RTPA) responsible for distributing transportation funds to MTA.

## Background Information

In 1972, the State of California formed state-wide RTPA to make sure dollars were available to provide transportation throughout the state. This legislation designated one quarter cent of the sales tax be set aside for 48 state-wide RTPAs. This amounts to approximately \$2.5 million for MCOG, depending on sales tax revenue.

MCOG's priorities are:

1. Fund MCOG Administration (approximately \$240,000)
2. Set aside 2% of balance to bicycle and pedestrian projects (approximately \$45,000)
3. Transportation planning
4. Fund local transit (MTA) – This amounts to about two thirds of MTA's revenue. Other funds come from fares (approximately \$500,000) and the federal government (approximately \$140,000).

Since transit dollars are tied to sales tax revenue, MCOG has set up a 5% reserve account to take care of:

1. Revenues that don't materialize, i.e.: State Controller's projections are wrong.
2. Unforeseen expenditures, such as a dramatic increase in disability insurance.

In 1997 SB45 gave RTPA's control over state highway improvement funds, breaking it down to 75% going to RTPAs and 25% going to Cal Trans. MTA is a joint powers agency created in 1975 to provide transportation services within Mendocino County. Several Amendments to this agreement have been made, the most recent occurring in 1993. MTA board members are comprised of seven appointed members, three of whom are appointed by the Board of Supervisors, with the remaining four members representing

the cities of Ukiah, Willits, Point Arena and Fort Bragg, which appoint one member each. Members serve on two-year staggered terms. MTA is a member of two professional transportation organizations, the California Transit Association (CTA) and the California Association for Coordinated Transportation (CALACT). MTA's annual operating budget is approximately \$3 million. In addition to the dollars from MCOG, MTA generates additional revenue from other sources including ridership revenue, charters, grants, and contracting with the Ukiah Senior Center for the maintenance and storage of their bus fleet.

## Findings

### Management/Administration

1. There are detailed job descriptions for all Employees, and there is a current Policies & Procedures manual.
2. Four of the five managers have participated in the Leadership Mendocino program.
3. MTA has obtained numerous competitive grants which have resulted in the modernization of their entire fleet.
4. An MTA board member sits on the Executive committee of the California Transit Association (CTA), and the general manager serves on the legislative committee. The CTA created an insurance pool to provide stable transit insurance at a much lower cost.
5. The results of the December 2003 audit "disclosed no instances of noncompliance that are required to be reported under *Government Auditing Standards*."
6. MTA's external fiscal audit found that MTA's accounting procedures manual has not been updated.
7. To try and meet constituency needs, the MTA board's practice is to conduct their board meetings in the municipality where the most concerns have been expressed. This practice is commendable, but has led to some confusion about where board meetings will be held, which could impede proper meeting notification and citizen participation. At times meetings are conducted via video and audio conferencing.

### Routes

8. Local input to determine transit needs is addressed by the MTA board when they hold their board meetings in a variety of locations throughout the County so their constituents have the opportunity to express their needs.
9. MCOG conducts a public unmet needs hearing in December of each year to receive public input on transportation issues and are advised by citizen committees who offer suggestions.
10. Inland bus operating hours are 6:30 a.m. to 7:00 p.m.; Coast 7:30 a.m.-6:00p.m.; long coastal route to Santa Rosa, 7:00 a.m.-7:00 p.m. There is currently no service after 7:00p.m.
11. Dial-a-Ride operates from 7a.m.-7p.m. weekdays, 10a.m.-6p.m. on Saturdays. There is no service on Sundays or Holidays.

12. MTA has experienced a significant increase in the number of wheelchair trips over the past four years. This increase is affecting the productivity of the dial-a-ride services.
13. There is cooperation between MTA and Sonoma County Transit, demonstrated by a round trip route on the South Coast terminating at Santa Rosa, with Sonoma County bearing 56% of the cost of the route.
14. MTA has determined that their most important unmet needs are:
  - a. Evening bus service for student ridership to Mendocino College – route establishment will have an estimated cost of \$100,000, partially because of the cost of para-transit service being required.
  - b. To establish a Saturday service between Ukiah and the coast

### **Operations**

15. All drivers have completed mandated training and are state certified. They are also certified in both CPR and First Aid. They are all fingerprinted and have received a background check from the State of California Department of Justice.
16. Federal Drug & Alcohol regulations relating to drivers are followed.
17. Some expansion plans of MTA have been thwarted because of not having rights of eminent domain.
18. Vehicle safety checks are conducted daily and scheduled routine maintenance is performed.
19. Regular equipment replacement schedules are in place.
20. The California Highway Patrol inspects every vehicle annually. There were no violations last year.
21. Fuel purchasing goes out to bid every 4-5 weeks and fluctuates due to current market values. MTA is considering other purchasing plans. Their fuel Bill is approximately \$200,000 annually.
22. MTA is looking for a site on the coast where they can store their bus fleet.
23. A \$1.7 million grant from Cal Trans and the Federal Transit Administration for a Ukiah transportation hub expires on December 31, 2004.
24. Yearly ridership is approximately 500,000.
25. MTA and Sonoma County have a memorandum of understanding (MOU) regarding costs of service from the South Coast to Santa Rosa.
26. The coastal/Santa Rosa route agreement with Sonoma County started in the late 1970s. Sonoma County pays 56% and MTA pays 44% of the expenses of this route. This agreement benefits both Sonoma Transit and MTA because it is more cost effective for Sonoma Transit to pay MTA for this route and it is profitable for MTA.
27. MTA & Sonoma County collaborate to find solutions to transportation needs which cross over county lines.
28. A group of south coasters from Sea Ranch up to Elk formed the Redwood Coast Community Transportation Coalition (RCCTC) and received a grant to study coastal transportation solutions. A need was identified in Sea Ranch, where there was a transportation need to serve a low-income Apartment Complex with 150 units near the Gualala River. The cost for this route was determined to cost a total



- of \$6000 per year. North Coast Opportunities (NCO) pledged \$3000 of seed money. Sonoma County came up with the remainder. MTA has been successfully doing this route for a few months. In the 2004-2005 fiscal year, MTA will ask Sonoma County to provide total funding for this route. MTA exceeded the projected ridership projections, which gives some credibility to this group's work.
29. MTA averages only three to five complaints per month, most of which concern buses arriving too late or too early.

### **Safety**

30. During times of emergency road conditions, drivers are successful at finding alternate routes around road closures.
31. The primary tool for communication between drivers and dispatch is by radios and radio reception is marginal throughout the county, especially between Willits and the Coast.
32. MTA has "Policy of Passenger Conduct" brochures in each bus. Drivers may remove passengers from the bus if they violate the policy. Yearly there are approximately six incidents of unruly passengers. In 20 years there have been only two situations where a driver was assaulted by a passenger.

### **Special Services**

33. The Americans with Disabilities Act (ADA) requires that MTA have complimentary para-transit (Dial-a-Ride) available for any local route MTA establishes, which effectively doubles the cost of establishing each route.
34. All MTA vehicles are ADA compliant.
35. ADA regulations have a budget impact. Wheelchair ridership has greatly increased in the last few years which increases the average stop time, and negatively impacts the budget
36. Senior citizen, defined as anyone 62 years of age or older and handicapped riders receive half-fare rates.
37. MTA rates are as follows:
  - a. MTA provides a summer student pass for \$25.00 entitling students 18 years and younger, to unlimited rides during the months of June, July, and August.
  - b. Fare costs: Dial-A-Ride within a City is \$3/person.
  - c. Bus Fare is \$0.75 for each Zone. Bus fare increases by \$0.75 as you enter a new zone.
  - d. Fares from Ukiah to the Santa Rosa Airport: \$13 one way and \$21 roundtrip
38. MTA contracts with six of the seven the Senior Centers to subsidize their transportation programs, which includes the cost of purchasing and maintaining the Senior Center fleets.

## Recommendations

1. MTA should explore ways to reduce their fuel costs, including partnering with other counties and out-of-county agencies, such as government and school districts, to leverage their purchasing power. (Finding #21)
2. MTA should update the accounting manual and train staff on its use. (Finding #6)
3. MTA should investigate options to improve communication between their drivers and the dispatcher in order to provide more reliable communication for safety purposes. All units should be Global Positioning Satellite (GPS) equipped. (Finding #30, #31, and #32)
4. Market the Redwood Coast Community Transportation Coalition (RCCTC) as a model for other local communities to use in developing new transit routes. (Finding #8, #9, and #28)
5. The MTA board should hold regularly scheduled board meetings with video or audio meetings being the exception rather than the rule. (Finding: 7, 8)
6. The MTA Board should have at least one meeting a year in each of the outlying communities. (Finding #7 and #8)
7. MTA should advertise any meeting requesting public input, including MCOG's yearly meeting, inside their busses, in the "Passenger Newsletter", on new route schedules, on their website and any other appropriate media. (Finding #7, #8, and #9)
8. MTA should reconsider discounting fares for handicapped passengers. (Finding #12 and #14a)
9. The MTA board should consider increased advertising on their busses to gain revenue. (Finding #12, #14a and b, #17, #21, #33 and #35)

## Comments

The Grand Jury commends the MTA general manager for his excellent grant writing skills.

### **Response Requested:**

Mendocino Transit Authority

# **MENTAL HEALTH CONTRACTED SERVICES FOR CHILDREN/YOUTH AND THEIR FAMILIES IN MENDOCINO COUNTY**

## **Introduction**

The 2003-2004 Grand Jury conducted an overview of the mental health contracted services available for Children/Youth, and their families in Mendocino County.

Mendocino County Department of Mental Health, contracts with three organizational providers:

- A. Mendocino County Youth Project
- B. Redwood Children's Services Inc.
- C. Tapestry Services Inc.

## **Method of Investigation**

The Grand Jury interviewed the Director of the Mental Health Department, Assistant Director Mendocino County Department of Social Service. The Directors of the following; Organizational Providers; Tapestry Family Services Inc., Redwood Children's Services Inc., and Mendocino County Youth Project.

The Grand Jury visited Mental Health Department Crisis Service Center, Tele-psychiatry center, Tapestry Family Services, Redwood Children's Services, and the Mendocino County Youth Project.

The Grand Jury reviewed the following documents: State of California Codes, charts, budgets, Mental Health Department 2003-2004 Compendium of Services, Organizational Providers Policy and Procedure manuals, and Memorandum of Understanding and contracts.

## **Organizational Providers**

Organizational Providers Services under the Managed Care Plan are required to follow regulations as defined in Title 9, Section 1810.227 of the California Code of Regulations.

Each organization provides a qualified staff member to serve on the Multi-Provider Screening Team. The Mental Health Department Organizational Provider manual defines the following three designated levels of service;

Level One is for families seeking counseling regarding issues that result in behaviors classified as "mild". Level Two services is for families seeking counseling regarding behaviors that are moderate and chronic (lasting more than 6 months). Level Three services are for severely emotionally disturbed.

# Mendocino County Youth Project

## Introduction

Program services include: Share Youth Crisis, Crossroads Youth Drop in Center, Schools, Mental Health and Substance Abuse Treatment, Juvenile Hall, Family Enhancement, and Peer Helping Programs. Offices are located in Ukiah, Willits, Fort Bragg and Point Arena.

## Background

In 1974, Mendocino County, Youth Project, was a program of Mendocino County Office of Education (MCOE), from 1974 until 1992, at which time MCYP became autonomous. In 1979, MCYP formed a private non-profit organization, Mendocino Family and Youth Services (MFYS), which works in collaboration with MCYP. Since 1979, MCYP has operated a youth crisis program.

In 2000, MCYP developed Crossroads, a program funded by the state office of AIDS through Mendocino County Alcohol and Other Drug Program (AODP), a youth drop-in-center, which offered services to an average of 30 youth per night, one third of whom were homeless.

In October 2003, MCYP contracted with MHD as an organizational provider offering services to children/youth up to age 21 and their families, focusing mostly on Level 2 and some level 1 youth.

In 2003-2004, MCYP provides the following services:

Under contract with Mendocino County Consolidated Courts, MCYP offers a six- hour workshop, called Parenting Apart, a supervised visitation and safe/neutral exchange for families, ordered by the Family Courts into the program in Ukiah, Willits, and Fort Bragg. In-home service and parenting education are provided on the South Coast. MCYP provides Passages, an intensive outpatient substance abuse treatment program for adolescents referred by the Juvenile Drug Court. MCYP provides a 10-week Psycho-Educational Group (PEG) for first time adolescent substance abuse offenders, and three weeks for the parents of these teens focusing on substance abuse issues.

Para-professional facilitate, support groups and counseling in various elementary, middle, and high schools.

In March of 2004, MCYP received a 5-year federal grant, to provide a transitional living program for homeless youth ages 18 to 21 and emancipated minors 16 and 17, which will open in July. The program will house three to six youth at a time, for up to 6 months. In

2003-2004, MCYP contracted with the Mendocino County Probation Department (MCPD), to provide therapy service to Juvenile Hall 20 hours a week.

## Redwood Children's Service, Inc.

### Introduction

Redwood Children's Services, Inc. is a non-profit organization providing foster care, group homes, and mental health services for children/youth in Mendocino County.

Clients are referred from Department of Social Services, Mental health, Probation, and Redwood Coast Regional Center. Offices are located at 1201 Talmage Road, Ukiah.

### Background

In 1995, RCS began as a Foster Family Agency (FFA), to provide foster care placement for children from 0 to 18 who exhibited emotional and behavioral disturbances.

RCS developed two Rate Classification Level (RCL-10) group homes and foster homes located in Lake County to serve children from seven to 18 year olds for Mendocino County. RCS pioneered a very specialized transitional housing placement program (THPP) as one of nine statewide agencies that participated in a pilot program to prepare adolescents at least 17 year old, with special needs, for independence.

Youth, placed in out-of-home care, have the opportunity to participate in the Mendocino County Transitional Housing Placement Program (THPP).

In 2003, RCS contracted with the MHD, as an Organizational Provider, to provide foster care and mental health treatment for Level two children/youth, intensive foster care, residential treatment, counseling, and transitional housing services.

## Tapestry Family Services, Inc.

### Introduction

Tapestry Family Services Inc. is a licensed Foster Family Agency. Tapestry is a private non-profit organization, serving children with mental health issues since May of 2001.

Offices are located at 516-A So. School St. Ukiah, and the Tapestry Ranch, located 5 miles west of Ukiah on Orr Springs Rd.

## Background

Tapestry Family Services Inc. (Tapestry) as an Organizational Provider, contracting through MHD developed an integrated program, which involves three distinct components:

1. Treatment Foster Care Program (TFCP) targets children ages 0-18 with emotional and behavioral challenges and are unable to function at home or in regular foster care.
2. Intensive Treatment Foster Care Program (ITFCP) targets children between ages of 8 to 12 at risk of being placed in a group home.
3. Comprehensive Mental Health Treatment Program provides services for emotionally disturbed children and their families, and includes a Therapeutic After-School and Summer Activities Program at Tapestry Ranch.

The Intensive Treatment Foster Care program Foster families are recruited from the local community, trained, certified, and given support from Tapestry to care for very difficult children in a “less restrictive” long-term placement.

Tapestry’s Treatment Program provides services, aimed at improving level of functioning, family interactions, assisting the child in gaining the social integration, and developing appropriate functional skills.

## Findings

1. The organizational providers follow the services as delineated in Title 9 Chapter 11 of the Calif. Code of Regulations.

**Response (Mental Health):** The Department agrees with this finding.

**Response (Social Services):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

2. MCYP has a contract with the MHD to provide school-based mental health service in school districts, subject to districts providing a cash match to compensate for the cost of non-MediCal clients at school sites.

**Response (Mental Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** This information was provided by another agency. Without additional information the Board of Supervisors can neither agree nor disagree.

3. MCYP has clinicians who are familiar with Latino and Native American cultures and Para-Professionals who are fluent in Spanish.

**Response (Mental Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** This information was provided by another agency. Without additional information the Board of Supervisors can neither agree nor disagree.

4. Crossroads, a youth drop-in-center was closed March 2004 due to the lack of funding.

**Response (Mental Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** This information was provided by another agency. Without additional information the Board of Supervisors can neither agree nor disagree.

5. The MCYP 2003-04 MediCal budgeted MHD contract amount available is over 400 thousand dollars.

**Response (Mental Health):** The Department agrees with this finding.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding as confirmed by the Mental Health Department.

6. The Department of Social Services (DSS), Supportive and Therapeutic Options Program (STOP), provides partial funding for MCYP/Juvenile Hall contract to offer mental health services.

**Response (Mental Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding as confirmed by the Department of Social Services.

7. RCS served 24 foster care children by the end of their first year.

**Response (Mental Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** This information was provided by another agency. Without additional information the Board of Supervisors can neither agree nor disagree.

8. RCS currently serves 37 Mendocino County children/youth through their Foster Family Agency and Intensive Foster Care Program. RCS children's Therapeutic Services currently serves 35 children. The THPP program currently serves 9 Mendocino County youth.

**Response (Mental Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** This information was provided by another agency. Without additional information the Board of Supervisors can neither agree nor disagree.

9. Sixteen active treatment Foster Family Homes in Mendocino County serve 37 children; each home can house up to six children, but no more than two children per bedroom.

**Response (Mental Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.



**Response (Board of Supervisors):** This information was provided by another agency. Without additional information the Board of Supervisors can neither agree nor disagree.

10. RCS is currently developing a crisis stabilization program RCL 12 group home. This program is a public private collaborative between DSS, MHD, MCOE, and RCS.

**Response (Mental Health):** The Department agrees with this finding.

**Response (Social Services):** The Department agrees with this finding.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding.

11. The RCS 2003-04 MediCal budgeted MHD contract amount available is over 800 thousand dollars.

**Response (Mental Health):** The Department agrees with this finding.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this finding as confirmed by the Mental Health Department.

12. RCS funding sources include: AFDC contracts, Specialty Mental Health services EPSDT funding, contributions, grants, and RCRC contracts. Annual income is a little under 4 million dollars.

**Response (Mental Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** This information was provided by another agency. Without additional information the Board of Supervisors can neither agree nor disagree.

13. Tapestry provides 24-hour on-call support and a social worker for children and their foster families.

**Response (Mental Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** This information was provided by another agency. Without additional information the Board of Supervisors can neither agree nor disagree.

14. Tapestry has leased 20 acres on a 300 acre property used for an after school and summer activities program.

**Response (Mental Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** This information was provided by another agency. Without additional information the Board of Supervisors can neither agree nor disagree.

15. In June 2003, Tapestry had ten active Foster Families, seven Intensive Treatment Foster Families, and three Treatment Foster Families.

**Response (Mental Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** This information was provided by another agency. Without additional information the Board of Supervisors can neither agree nor disagree.

16. As of Jan 2004, Tapestry has served 84 children, 10 of whom are now in foster care, and seven were returned to their family or were adopted.

**Response (Mental Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** This information was provided by another agency. Without additional information the Board of Supervisors can neither agree nor disagree.

17. Because Tele-Psychiatry video conferencing is currently not available, Tapestry is taking some foster children to a child Psychiatrist in Sonoma County.

**Response (Mental Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree. It is true that Mendocino County was without tele-psychiatry for a few months while a new contract was being negotiated. Tele-psychiatry services are expected to resume in September 2004.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Mental Health Department.

18. Tapestry funding sources include: AFDC Foster Care, contributions, grants, and MediCal Mental Health funds contracted through MHD.

**Response (Mental Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** This information was provided by another agency. Without additional information the Board of Supervisors can neither agree nor disagree.

19. The Tapestry contract with MHD for MediCal funding is over one million dollars. Tapestry reimburses 15% of MediCal funds to MHD for administration of the contract.

**Response (Mental Health):** The Department agrees with this finding.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Mental Health Department.

20. The Organizational Providers are not listed in the 2003-2004 Mental Health Department Compendium of Programs and Services publication.

**Response (Mental Health):** The Department agrees with this finding.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Mental Health Department.

21. MHD, Crisis Center, is only available to Organizational Providers during the limited hours of operation.

**Response (Mental Health):** The Department disagrees with this finding. The Mental Health Department provides crisis services 24-7. Any child who is in crisis will receive a “5150” assessment and, when warranted, acute care hospitalization will be arranged. In Ukiah, children can be seen at the County offices on Low Gap from 8 a.m. until 11 p.m., seven days a week, or at any time at the UVMC emergency room. In Ft. Bragg, the clinic offices are open 8-5, M-Th, and Fridays 8 –noon. After hours, Crisis staff sees children at either UVMC or the Coast Hospital, whichever is closer for the client.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Mental Health Department.

22. A child psychiatrist and/or Tele-psychiatry video-conferencing is currently not available to Organizational Providers in Mendocino County.

**Response (Mental Health):** The Department disagrees with this finding. Mendocino County children have been receiving psychiatric services through tele-psychiatry for several years. When the provider suddenly declared bankruptcy last March, efforts were made to continue care using our own psychiatrists for direct services or as consultants to primary care physicians. Further, immediate action was taken to secure a new tele-psychiatry provider. As of September 2004, the Kingsview Corporation, which is now under contract with the Mental Health Department, will provide child tele-psychiatry out of the three clinic sites (Ukiah, Willits, and Ft. Bragg).

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The Board of Supervisors agrees with the response provided by the Mental Health Department.

## Recommendations

1. The Grand Jury recommends that every effort should be made to re-establish a youth drop-in-center (Finding #4).

**Response (Mental Health):** The Mental Health Department agrees with this recommendation and will write letters of support for any grant funding sought by the Mendocino County Youth Project to re-establish this program. The Mental Health Department also intends to continue its relationship with MCYP as a MediCal organizational provider which could result in another source of funding for a youth drop-in center.

**Response (Social Services):** The Department of Social Services agrees with this recommendation and encourages continued efforts by MCYP to establish a youth drop-in center.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this recommendation and the response provided by the Mental Health Department. It is anticipated that this will be an on-going effort.

2. The Grand Jury recommends that the Mental Health Department ask MCYP to develop and distribute to all school districts a specific list of their Mental Health Services available, with information on how to obtain these services (Finding #2).

**Response (Mental Health):** The Mental Health Department agrees with this recommendation and sent a letter dated August 17, 2004, to MCYP recommending that they send a letter to school districts.

**Response (Social Services):** The Department of Social Services agrees with this recommendation.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this recommendation and urges the Mental Health Department to confirm that this information has been distributed to all school districts.

3. The Grand Jury recommends the Mental Health Department explore with its contractors and others the creation of additional treatment foster family homes in Mendocino County, to reduce out of County placement costs (Finding #8, #9 and #15).

**Response (Mental Health):** The Mental Health Department agrees with this recommendation to the limited extent that it is involved in the recruitment and retention of foster families. The Mental Health Department is a partner in the Children's System of Care. It is this collaborative, which includes Social Services, Probation, Public Health, and the Schools, which is actively involved in promoting more community-based alternatives for Mendocino County children.

The Mental Health Department only has statutory authority in the certification of organizations to provide specialty mental health services for MediCal beneficiaries.

**Response (Social Services):** The Department of Social Services agrees with this recommendation and, with policy and financial support from the Mendocino County Board of Supervisors, has dedicated two Foster Family Specialist positions to provide for the recruitment, retention and support of relative caregivers and foster parents. As a partner in Children’s System of Care, MCDSS has actively supported Foster Family Agencies’ efforts to provide Intensive Treatment foster care homes within the county and community-based alternatives for Mendocino County.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this recommendation and the responses provided by the Department of Social Services and Mental Health Department.

4. The Grand Jury recommends that the Mental Health Department, Department of Social Services and Mendocino County Office of education explore with RCS the continued develop of the short term RCL level 12 group home in Mendocino County, to reduce out of County placement costs (Finding #10).

**Response (Mental Health):** The Mental Health Department agrees with this recommendation, although it notes that it is already underway. In fact, it was the Mental Health Department and CSOC Cabinet which recommended to RCS that they consider opening a Level 12 facility. We have been assisting RCS in this venture for over a year.

**Response (Social Services):** The Department of Social Services agrees with this recommendation and is committed to working with RCS towards development of a short-term RCL level 12 group home and continuing participation in the CSOC collaboration.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this recommendation and notes that efforts to develop short term RCL level 12 group home in Mendocino County is presently underway as stated by the Mental Health Department.

5. The Grand Jury recommends the Mental Health Department and Department of Social Services encourage RCS continue to work collaboratively with Children’s System of Care (CSOC) to enhance community resources, other agencies and families in order to provide permanence to Mendocino County children and youth (Finding #10).

**Response (Mental Health):** The Mental Health Department agrees with this recommendation although it notes that it is already underway (see aforementioned

response regarding the CSOC Cabinet). In addition, RCS, many other organizations, and all members of the CSOC Cabinet, participate on the Policy Council on Children and Youth (PCCY). The PCCY is responsible for ensuring the availability of services for children in our community.

**Response (Social Services):** The Department of Social Services agrees with this recommendation.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this recommendation and the response provided by the Mental Health Department.

6. The Grand Jury recommends that all Organizational Providers be added to the 2004-2005 Mental Health Department Compendium of Programs and Services publication (Finding #20).

**Response (Mental Health):** The Mental Health Department agrees with this recommendation and will include the organizational providers in its next Compendium which will be released by October, 2004. It should be noted that the contracts with the organizational providers for FY 03-04 were not completely operational at the time the current Compendium was written.

**Response (Social Services):** The Department of Social Services agrees with this recommendation.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this recommendation and the response provided by the Mental Health Department.

7. The Grand Jury strongly recommends that MHD contract with a child Psychiatrist to reside in the community to meet the mental health needs of children and in the interim that they make and immediate effort to contract with a reliable Tele-Psychiatry firm (Finding #17 and #22).

**Response (Mental Health):** The Mental Health Department agrees in part with this recommendation. Mendocino County has been unable to attract a resident child psychiatrist for many years. This is not uncommon in small, rural counties. However, Mendocino County was one of the first small counties to utilize tele-psychiatry. The former provider declared bankruptcy and gave its customers only a two-week notice of its intent to cease services. We immediately began the search for a new provider and have contracted with the Kingsview Corporation. Services will begin in September, 2004.

**Response (Social Services):** The Department of Social Services agrees with this recommendation, while acknowledging the scarcity of child psychiatrists in general and limitations in County resources specifically. The Mental Health Department and other agencies are working together to develop needed treatment services locally.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this recommendation and the responses provided by the Mental Health Department and Department of Social Services. The Board further acknowledges the innovative efforts of the Mental Health Department in the introduction and utilization of tele-psychiatry as a method for meeting the County's needs.

8. The Grand Jury recommends in the interim, that MHD make an immediate effort to contract with a reliable Tele-Psychiatry firm (Finding #17 and #22).

**Response (Mental Health):** The Mental Health Department agrees with this recommendation and notes that it has already been accomplished. As noted above, the former provider declared bankruptcy and gave its customers only a two-week notice of its intent to cease services. We immediately began the search for a new provider and have contracted with the Kingsview Corporation. Services will begin in September, 2004.

**Response (Social Services):** The Department of Social Services agrees with this recommendation and supports Mental Health Department efforts in this area.

**Response (Board of Supervisors):** The Board of Supervisors agrees with this recommendation, recognizing that it has already been implemented.

9. The Grand Jury recommends that MHD make children/youth crisis services a higher priority. (Finding #21).

**Response (Mental Health):** The Mental Health Department is unable to agree or disagree with this recommendation because we believe it was based on an incorrect finding. All crisis staff are available to work with children as well as adults 24-7. Crisis services for children specifically are a high priority. This is evidenced by the fact that the Department created a specific Children's Crisis Worker position several years ago. This position is staffed 5 days per week in the Ukiah office. In the outlying offices, Children's Services staff are available to consult with crisis staff when needed. In addition, The Crisis Center in Ukiah is open to the public, including parents and children, from 8 a.m. – 11 p.m., 7 days per week. After hours, families in crisis can be seen by Mental Health staff at UVMC or the Mendocino Coast Hospital. Finally, the Department has Parent Partners on staff who are available to assist parents who are experiencing a crisis with their child.

**Response (Social Services):** The Department of Social Services agrees with this recommendation to the extent that it is recognized that the Mental Health Department has currently made children/youth crisis services a very high priority despite severe resource limitations.



**Response (Board of Supervisors):** The Board of Supervisors agrees with this recommendation, recognizing that children/youth crisis services has always been a very high priority of both the Department and this Board. It should be noted that the Board of Supervisors is committed to providing the highest level of care possible within the limited resources available.

### Comments

The Grand Jury recognizes the Mental Health Department Compendium of Programs and Services publication for Mendocino County, as a valuable resource.

The Grand Jury commends organization providers for the valuable services they provide to children/youth and their families in Mendocino County.

The Grand Jury recognizes the Crossroad Program was a valuable service for youth in Mendocino County.

The Grand Jury commends RCS for pioneering a very specialized Transitional Housing Placement Program as one of nine statewide agencies that participated in a pilot program to prepare older adolescents, with special needs, for independence and for the ten THPP graduates, employed or/and attending school.

### Response Requested

Mendocino County Department of Mental Health  
Department of Social Services  
Mendocino County Office of Education

# **Parlin Fork and Chamberlain Creek Conservation Camps**

## **Introduction**

Pursuant to Penal Code Section 919(b), the Grand Jury is mandated to inquire into the conditions and management of the prisons within the county.

## **Method of Investigation**

Grand Jury members toured both Parlin Fork and Chamberlain Conservation Camps including the Water Treatment plant and the working sawmill, located at Parlin Fork and the cabinet shop located at Chamberlain Creek. The Grand Jury interviewed California Department of Corrections (CDC) and California Department of Forestry (CDF) officers and several inmates. The 2002-2003 reports of the State Board of Health, Board of Corrections and State Fire Marshal's reports and inspections were reviewed.

## **Background**

Parlin Fork Conservation Camp, established in 1947, and Chamberlain Creek Conservation Camp, established in 1959 are located on Highway 20 in Jackson State Forest, between Willits and Fort Bragg. These camps are two of 38 in the State of California and function under the direction of the (CDC) and in partnership with the (CDF). Each camp has a camp commander, sergeant, and seven officers. Each camp has a CDF division chief and ten fire crew captains. The combined camps have a population of 220 inmates, who are Level One minimum custody offenders with an average placement stay of one to two years.

There is a strong emphasis on physical fitness. After careful screening each inmate must pass a one week physical fitness training class followed by two weeks of training in fire safety, fire suppression and physical fitness.

Each fire crew has a maximum 17 inmates, is supervised by a CDF officer. Fire crews work 12 hour shifts or longer during the fire season, under extreme conditions, often in steep terrain, wearing heavy, insulated clothing and carrying 30 pound packs of equipment in high heat and oxygen deficient conditions.

When there are no fires, the crews work 8 hours a day doing community service projects under the supervision of the CDF, or they may work in the camps. While in the Camps they are under the jurisdiction of CDC Officers.

## Findings

1. Inmates prefer to serve their time at the Conservation Camps because of the better living and working conditions available to them.
2. Inmates understand violating rules of these correction facilities may result in return to the main prison system.
3. The Conservation camps stress harmony and equality through integration of work teams, recreation, living arrangements, and community service.
4. The water treatment plant at Parlin Fork received an award for being in the top-ten of small water treatment plants (50,000 gals per day) in the United States.
5. The milled, kilned, dried lumber from Parlin Fork's saw mill is used for making products for State agencies and is available for purchase at a reduced rate by tax supported entities, such as schools, and municipalities.
6. Family living units in each camp are available for family visitation.
7. Crews have received Letters of Commendation for their contributions to the community for clearing brush, preparing food for the needy, and creating artfully crafted objects for Make-A-Wish Foundation, Victims of Crime association, and speaking to high schools about drugs and alcohol.
8. Mendocino County Mobile Library serves both camps, and is highly valued.
9. Inmates have the opportunity to prepare for a Graduation Equivalency Diploma (GED).
10. Inmates develop skills while supporting and maintaining the camps in the following areas:
  - A. Fire fighting
  - B. Food Services
  - C. Gardening: maintaining a vegetable garden where crops are grown and used in the kitchen facilities.
  - D. Mill work: grading, drying, and identification of woods
  - E. Carpentry: furniture, flooring, and cabinetry
  - F. Building and grounds maintenance
  - G. Laundry
  - H. Welding
  - I. Auto mechanics, body repair, and painting
  - J. Basic first aid and CPR
  - K. Crafts
11. The following support groups are available: Alcoholics Anonymous, Narcotics Anonymous and Religious Services.

## Comments

The Grand Jury commends the staff for extensive mentoring and skill development programs offered to inmates. The volunteer work and donations to charitable groups such as the Make-A-Wish Foundation and Victims of Crime is to be commended.

The work crews of these minimum-security camps are to be applauded for their efforts that enhance and contribute to saving lives, homes, and property through forestry maintenance, fire prevention and protection.

Parlin Fork and Chamberlain Creek Conservation Camps are well maintained, organized and are an impressive asset to Mendocino County and the State of California.

**Response Requested**

California Department of Forestry  
California Department of Corrections

# **2002 – 2003 Grand Jury Final Report Editing Production Distribution**

## **Summary**

The Mendocino County Grand Jurors Manual, Mendocino County Foreperson's Handbook, Penal Code Sections 916, 933, 933.05, Charge to the Grand Jury by Presiding Judge, opinions of the District Attorney and County Counsel provide ample structure and guidance for the process of editing, production and distribution of the Grand Jury's Final Report. Ineffective leadership allowed a small group to violate the Grand Jury report process outside of mandated and agreed upon procedures and guidelines.

Some Grand Jury reports were edited and publicly distributed without the consent of knowledge of the Grand Jury. A Grand Jury report that was disapproved by the full panel was included in the final bound report. Grand Jury reports were not always approved by the Presiding Judge and County Counsel.

The Final Report distribution did not comport to Penal Code Section 933 or Grand Jury Rules of Procedure for mandated documentation including admonitions, confidentiality statements, and instructions for responding. The Final Report public distribution was by personal delivery, postal mail, and e-mail and did not include several subjects of the investigation or the Presiding Judge.

The Board of Supervisors (BOS) were provided with a report that was represented as a final public report. That report was subsequently altered prior to public release.

## **Reason for Investigation**

The 2003-2004 Grand Jury noted only partial compliance with Penal Code 933.05 in the responses to the Grand Jury's 2002-2003 Final Report.

## **Method of Investigation**

The Grand Jury reviewed the Mendocino County Grand Jurors Manual, Mendocino County Foreperson's Handbook, Penal Code Sections 916, 933, 933.05, the Charge to the Grand Jury by Presiding Judge, opinions of the California Attorney General, District Attorney and County Counsel.

The Grand Jury interviewed past Grand Jury members as well as sitting members of the 2003-2004 Grand Jury. Past Grand Jury files and computer records that related to the editing, production, and distribution of its reports were reviewed. In addition report distribution documentation was acquired from County Counsel and subjects of the past

Grand Jury's investigations. The 2002-2003 Grand Jury Final Report posted on the county web site was also reviewed.

## Discussion

The Grand Jury determined from interviews and documented evidence including the county web site that at least three versions of the 2002-2003 Grand Jury report were circulated to government agencies and the public. Grand Jurors participating in the editing of these reports stated that the partial compliance with mandated law and Grand Jury policies was, in considerable measure, due to inadequate and failed leadership. The Foreman was not often available or accessible to provide necessary guidance to the editing process. This negligent conduct does not appear to be of a criminal nature.

The future creditability and effectiveness of the Mendocino County Grand Jury obliges full and unfettered compliance with state statutes and Grand Jury Rules of Procedure in addition to competent leadership.

## Findings

1. Witness interviews confirm the Mendocino County Grand Jurors Manual was adopted by the 2002-2003 Grand Jury as its rules of procedure as required by Penal Code §916 Selection of Officers – Setting Rules of Procedure. Although witnesses stated that the Mendocino County Grand Jurors Manual, Mendocino County Grand Jury Forepersons Handbook, and Penal Code were used in conducting the Grand Jury's business. The Grand Jury found that not to be so. There are significant gaps in documentation that relates to the continuing operation of the Grand Jury between July 2002 and August 2003 or to the editing, publishing, and distribution of its reports.
2. Under a Memo of Understanding (MOU) between the Grand Jury and the Mendocino County Board of Supervisors (BOS) the Grand Jury is required to assist the County Administrator's Office (CAO) in the publication of a tabloid edition of the Grand Jury Final report which contains the Grand Jury's findings and recommendations along with the responses from the investigative subjects. The tabloid edition has a printing and distribution between 2000 and 2500 copies vs. the bound final report printing of 150 copies and enjoys broader distribution throughout the county community. The 2002-2003 Grand Jury misplaced the responses to the 2001-2002 Grand Jury report. There were no attempts made to contact the respondents in order to obtain copies of the responses and comply with the MOU. The tabloid edition was not published.
3. The 2002-2003 Grand Jury held a full panel meeting on June 12, 2003. On June 25, 2003 the Grand Jury's Final Report was delivered to the printer for printing and 150 printed copies were returned to the Grand Jury on June 27, 2003.

Between June 12, 2003 and June 25, 2003 a small group, less than six, conducted extensive editing of several Committee reports. Most noticeable of these The Ukiah Valley Water Districts report. The leadership was noticeably absent during this period attending one morning meeting in the courthouse.

Reports that were edited during this period were not returned, after review comments, to Grand Jury, full panel, Presiding Judge, or County Counsel for review, concurrence, and approval before being distributed.

4. The 2002-2003 Grand Jury provided the BOS with a 90 page report which was, some weeks later, edited to 33 pages without committee or full panel concurrence. On or about June 4, 2003 the BOS was provided with a report titled "The Ukiah Valley Water Districts", 90 pages, which was materially different than the report released to the public, 33 pages. This report was represented to the BOS as the Final Report of the Grand Jury. Between June 12, 2003 and June 25, 2003 significant changes were made to this report after it's first public release and it was again publicly released. The BOS was not provided with a copy of the second release.
5. The bound version of the 2002-2003 Grand Jury report contained a report titled "The Mendocino County Grand Jury Report on Adoption Proceedings". The 2002-2003 Grand Jury specifically voted not to include this report in its final bound report. Attempts were made to physically remove the report from the printed bound version, however, some bound copies containing the report were publicly distributed. Efforts to track the distribution of 150 copies of the bound final report were not successful and the investigation was unable to reasonably account for all printed copies.
6. Penal Code § 933 (f) mandates "A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge." In addition the Grand Jurors Manual and the Grand Jury Foreperson's manual which were adopted by the 2002-2003 Grand Jury as it's rules of procedure require that:

"The Foreperson writes a letter that specifies at least the following instructions:

1. A notice that the report is a Grand Jury report that will be released publicly in two working days after the date of the letter.
2. A warning that the public disclosure of the report contents before the official release date is prohibited.
3. The governing body of the affected agency is required to respond to the report. Include a summary of Penal Code §933.05 in the form of procedure steps, as well as the complete text of Penal Code §933 and 933.05.
4. Specify that the responses be submitted both in hard copy and on disk."

Most reports were released to the affected agency at the same time they were made public and in some cases after the report was made public. The only

direction provided to the affected agency was the agency “Should reply according to Penal Code 933” and in one case stated “...according to Grand Jury Regulation 933.” Some reports were sent to the affected agency by e-mail without any instructions or admonishments. In one case the affected agency did not receive a copy of the 2002-2003 report.

7. While conducting a routine review of responses to the 2002-2003 Grand Jury Final Report, discrepancies were noticed between the Final Report posted on the county web site and the bound, distributed, version of the report. The bound version was returned from the printer on June 27, 2003 and mailed on or about July 1, 2003. The web site Final Report was edited on July 15, 2003 and posted to the web well into the term of the 2003-2004 Grand Jury on August 22, 2003.
  1. The 2003-2004 Grand Jury was sworn in on August 1, 2003 and did not authorize, or have the authority to make changes to the 2002-2003 Grand Jury Final Report.
  2. The Technical Terms Appendix of The Ukiah Valley Water Districts report is not included in the web version of the Final Report.
  3. Differences exist in the web posting which materially change the content of both findings and recommendations of the Mendocino County Employees Retirement Association report. This report was first publicly released in February, 2003.

## Recommendations

1. Grand Jury Rules of Procedure must be strengthened and made more visible to insure that the Presiding Judge, County Counsel, and Grand Jury are able to determine the status, progress and approvals of Grand Jury Reports throughout the entire process from editing through distribution. Each Grand Juror has a responsibility to abide by the Grand Jury Rules of Procedure as well as speaking out when these procedures are not adhered to.

It is recommended that the 2003-2004 Mendocino County Grand Jury adopt the attached proposal as an amendment to the current Grand Jury Manual and Foreperson’s Manual for the editing, publication and distribution of it’s final reports.
2. The current method for selection of the Grand Jury Foreperson is flawed and fails to address the required skills and experience of the Foreperson that are so essential to a well functioning Grand Jury. The Presiding Judge must establish criteria for the selection of the Foreperson. This criteria should emphasize:
  - Leadership, first and foremost, that embraces the qualities of; intellect, integrity and human understanding. Of these human understanding is the most important. The ability to inspire experienced mature peers to productivity. Orchestrating, in some cases, loft egos for progress in all endeavors.



- ❑ Commitment, the desire and willingness to serve often in an advisory, decision making, or in some cases hands on capacity. The understanding of Grand Jury expectations, the willingness to accept these challenges and the resolve, and desire to follow through.
- ❑ Knowledge of the law and the functioning of governments in the county are also highly desirable qualities.