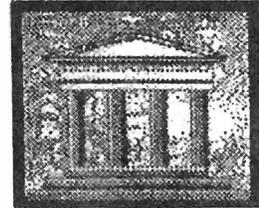


Grand Jury County of Monterey

P.O. Box 414
Salinas, CA 93902
(831) 775-5594



December 29, 2006

The Honorable Stephen A. Sillman
Presiding Judge, Superior Court of California
County of Monterey
240 Church Street
Salinas, CA 93901

Dear Judge Sillman:

This letter forwards the Final Report of the 2006 Monterey County Civil Grand Jury. On January 5, 2006 you charged us with performing inspections of all public prisons, as required by law, and safeguarding the public's interests by investigating selected county and municipal entity operations. The Grand Jury has received and evaluated numerous complaints made by members of the public. In some cases, these complaints were determined to be outside the jurisdiction of the Civil Grand Jury, and forwarded to the District Attorney as alleging criminal activity. A number of complaints were received too late in the year to be adequately investigated by the 2006 Civil Grand Jury, and these will be forwarded to the 2007 Civil Grand Jury for consideration. For each investigation, the Grand Jury took exceptional care to assure that members with perceived or potential conflicts of interest abstained from participation.

The Grand Jury decided early in the investigative cycle to differentiate fully facts from findings. To determine a fact, we used the criterion of a "preponderance of evidence" to determine authenticity. From a series of discerned facts, we reached findings that then led to recommendations. The report indicates which governmental entities are required to respond to the findings and recommendations for each of the investigated topics. We formed committees to perform the individual investigations, but this report is from the Grand Jury as a collegial body. Each section stands on its own, although in some cases a subsequent investigation emerged from the facts of an earlier inquiry.

The Grand Jury reviewed official responses to the 2005 Civil Grand Jury Final Report for completeness or egregious failures to respond to the findings and recommendations. Section 1 of this report addresses those responses.

The Grand Jury wishes to acknowledge the assistance of Ms. Maria Robledo, Ms. Maria R. Garcia, and Ms. Liz Fuentes of the Jury Commissioner's Office for the timely support and assistance they provided. We acknowledge the Offices of the District Attorney and County Counsel for their guidance and assistance in the discharge of our duties. The Grand Jury is also fully appreciative of your Honor's guidance and assistance.

Respectfully submitted,


Philip J. Galanti
Presiding Juror

2006 Monterey County Civil Grand Jury
Final Report

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2006 Monterey County Civil Grand Jury

Officers

Philip J. Galanti, Pacific Grove, Presiding Juror

Evelyn R. Epstein, Aromas, Presiding Juror Pro Tempore

Pamela A. Norton, Carmel Valley, Secretary

Members

Jon L. Alota	Monterey
Robert E. Boynton	Monterey
Nancy C. Hagler	Salinas
Virginia A. Jameson	Salinas
Donna S. Jett	Carmel-By-The-Sea
Debra Sue Langlois	Salinas
Gary A. Lauber	Salinas
Judith J. MacClelland	Carmel Valley
John E. Meeks	Salinas
Judith C. Ritchie	Pebble Beach
Henry H. Van Brocklin	Salinas
Margretta E. Verteletsky	Monterey
Robert F. Wemheuer	Monterey

Civil Grand Jury Mission and Response Requirements

Empowered as part of the judicial branch of local government, the Civil Grand Jury operates under the aegis of the Superior Court of the State of California in and for the County of Monterey. The Judges of the Superior Court nominate 30 citizens who have volunteered from throughout the County to be selected as officers of the Court in a public drawing of 19 Jurors and 11 Alternates held during a court proceeding convened during the first week after the New Year holiday.

The primary mission of a Civil Grand Jury in the State of California is (1) to examine county and city governments as well as districts and other offices in order to ensure that the responsibilities of these entities are conducted lawfully and efficiently, and (2) to recommend measures for improving the functioning and accountability of these organizations which are intended to serve the public interest.

According to Section 888 of the California Penal Code: "Each grand jury...shall be charged and sworn to investigate or inquire into county matters of civil concern, such as the needs of county officers, including the abolition or creation of offices...or changes in the method or system of, performing the duties of the agencies subject to investigation pursuant to Section 914. 1."

Section 925 states, "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in ex officio capacity as officers of the districts." Additionally, Section 919(b) prescribes that, "The grand jury shall inquire into the condition and management of the public prisons within the county," and Section 919(c) prescribes that, "The grand jury shall inquire into willful or corrupt misconduct in office of public officers of every description within the county."

All who appear as witnesses or communicate in writing with the Jury are protected by strict rules of confidentiality, for which violators are subject to legal sanction. The minutes and records of Jury meetings are protected by law and cannot be subpoenaed or inspected by anyone.

Section 933(a) declares: "Each grand jury shall submit...a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year." Every "elected county officer" and "governing body" to whom a Finding or Recommendation has been addressed must respond in writing to the Presiding Judge within 60 and 90 days respectively.

Section 933(b) declares: "One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately

forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity."

According to its statutory authority, the Jury investigates activities (1) by responding to written complaints from County residents about alleged irregularities in local government, and (2) by initiating inquiries about "offenses and matters of civil concern" (Section 915). Jury initiatives may involve investigations commenced by previous juries (Section 924.4), including evaluation of governmental responses to Findings and Recommendations given to prior Final Reports.

Residents of Monterey County may request complaint forms or correspond with the Grand Jury by contacting the Office of the Monterey County Civil Grand Jury at (831) 775-5400, ext. 3014. Residents may also view the Final Report or obtain complaint forms through the Grand Jury's web site address at www.monterey.courts.ca.gov.

Sections 933 and 933.05 of the California Penal Code (excerpts on following two pages) describe who must respond to Findings and Recommendations published in the Final Report of a Civil Grand Jury, when the response must be submitted, and the format of the response. Penal Code requirements are mandatory.

Pursuant to Penal Code Section 933(b), responses to the Final Report of the 2006 Monterey County Civil Grand Jury are due as follows:

ELECTED COUNTY OFFICERS: (60-Day Response Period)
Due on or before March 5, 2007.

GOVERNING BODIES OF PUBLIC AGENCIES: (90-Day Response Period)
Due on or before April 2, 2007.

ADDRESS FOR DELIVERY OF RESPONSES TO THE PRESIDING JUDGE:

Mailing Address and Street Address:

The Honorable Russell D. Scott
2007 Presiding Judge of the Superior Court
County of Monterey
240 Church Street
Salinas, CA 93901

PENAL CODE SECTION 933(c)

“Comments and Reports on Grand Jury Recommendations.

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

“PENAL CODE SECTION 933.05 Responses to findings.

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

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

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

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- 2) The recommendation has not yet been implemented, but will be implemented in the future with a timeframe for implementation.
- (3) The recommendation requires further analysis with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being

investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

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

2006 Monterey County Civil Grand Jury Final Report

Introduction and Report Format

This document is the Final Report of the 2006 Monterey County Civil Grand Jury. The 2006 Grand Jury was seated on January 5, 2006 and served until December 31, 2006. The mission and purpose of the Grand Jury are presented in the section of this report titled Civil Grand Jury Mission and Response Requirements, presented earlier.

The work of the Grand Jury was performed by a combination of committee and subcommittee effort, with all investigatory and approval actions approved by a minimum of 12 jurors present and voting at full Grand Jury meetings. Investigations ranged in scope from purely administrative functions of County and city government to the threat of E. coli and Avian Influenza to Monterey County residents. The Grand Jury investigated all three public prisons within the county for management and condition, as required by statute. The 15 sections of the report that follow present those investigations that the Grand Jury as a whole agreed to conduct and present to the citizens of Monterey County. Not all investigations conducted are included. Some complaints were unsubstantiated. Other complaints alleged criminal activity, and these were forwarded to the District Attorney for his consideration.

The 2006 Monterey County Civil Grand Jury encountered well-motivated and experienced employees in all areas investigated. Findings and recommendations are intended to assure that the efforts of these individuals are effectively and efficiently employed within the parameters of their department's methods and procedures.

In presenting these investigations, each section begins with a short summary, describing the scope of the investigation. A second element of each section describes the background and conditions deemed necessary to understand the reasons the investigation went forward from its initial stages. The investigative methodology is described in a third element. In most cases this methodology included a number of face-to-face interviews, requests for documents, and structured questionnaires to determine the facts surrounding the investigated activity. A fourth element includes facts relevant to the investigation.

The fifth and sixth elements of each section present the findings and recommendations of the Grand Jury regarding the activity investigated. Each finding results from specific facts that emerged during the investigations, and each recommendation is intended to present an alternative to deal with the findings. The letter F or R and the associated section number uniquely identify each finding and recommendation. The last element of each section lists those governmental agencies that are required to respond to the specific findings and recommendations, in accordance with the timeframes presented in the mission and response section of this report. In some cases, no response is required.

Each use of the words “Grand Jury” in this report refers to the 2006 Monterey County Civil Grand Jury. Where another Civil Grand Jury is referenced, it is identified with the year it was seated. There are no references to any Criminal Grand Jury.

2006 Monterey County Civil Grand Jury
Final Report

Section 1 – 2005 Grand Jury Report Agency Response

Summary: Monterey County governmental agencies are required to respond to findings and recommendations contained in the preceding year's Civil Grand Jury report. The Grand Jury was charged by the Presiding Judge to review the agencies' responses for completeness or egregious failures to respond.

Background: Response requirements for public agencies are described in the earlier section of this report entitled Civil Grand Jury Mission and Response Requirements. Elected County officers have a 60-day response period; those responses were due on or before March 3, 2006. Governing bodies of public agencies have a 90-day response period; those responses were due on or before April 4, 2006. Once responses were compiled, the current Grand Jury reviewed them in accordance with instructions from the Presiding Judge.

Investigative Methodology: The Grand Jury reviewed each response. All Grand Jury members were asked for their input on the original responses, and asked to forward their concerns to the Presiding Juror. Responses that stated a target date by which an action was to have been accomplished but had passed were listed, and letters were sent to the relevant agency inquiring as to the status of the action. Upon receipt of the second response, the original responses were re-evaluated.

Facts Relevant to the Investigation:

1. Four target dates from recommendation responses and one target date from a finding response by the County Administrative Officer had passed.
2. Answers to follow-up queries regarding these responses revealed that each action had been accomplished or was well on the way toward accomplishment.
3. In two cases, the action had been combined with another action for implementation and was being accomplished as part of a package.
4. Several cities used the exact same wording in several answers in responding to the findings and recommendations for Open Government.
5. The Grand Jury Report specifically gives the address to which responses are to be directed.
6. Receipt of some responses was delayed because agencies had sent them to wrong addresses.

Findings:

F 1.1 The Grand Jury commends the County Administrative Officer for the vigorous actions taken in response to the recommendations contained in the 2005 Grand Jury Report.

F 1.2 Several cities did not fully address the issues of Open Government. Moreover, several used copied wording in their responses. This failure is not considered egregious, but a matter of concern as it demonstrates a lack of seriousness in addressing Grand Jury recommendations.

F 1.3 A lack of seriousness was further indicated by the failure of some agencies to send responses to the listed address. As a result, review of all responses was delayed.

Recommendations:

R 1.1 Each Monterey County city government should review its process for responding to Grand Jury recommendations to assure that the responses provide a true evaluation of the city's position.

R 1.2 Each Monterey County government agency should assure that responses to the Grand Jury are sent to the correct address.

Response Required:

None

2006 Monterey County Civil Grand Jury
Final Report

Section 2 - 2004 Grand Jury Report Agency Response

Summary: The 2006 Civil Grand Jury reviewed County agency responses to the 2004 Grand Jury Report for those items that were to have been accomplished within the following fiscal year. In several instances compliance was to have been accomplished through the use of a new fiscal and accounting system. Most recommendations not requiring a new fiscal and accounting system have resulted in compliance. However, in some cases actions related to the response were not completed.

Background: The 2006 Monterey County Civil Grand Jury reviewed several previous Grand Jury Reports. The 2004 Grand Jury had provided an in-depth investigation of the auditing and budgeting practices of the County. That investigation included an independent audit of the budgeting process performed by an outside consultant. The investigation resulted in 42 recommendations from the 2004 Grand Jury which required a response. Generally, the responses indicated agreement with the recommendations, and 21 responses indicated compliance would be reached within the next fiscal year. In some cases where more than one agency responded, there was disagreement in the action required. The 2006 Grand Jury initiated a review to identify areas of compliance with the 2004 Report recommendations.

The County's responses to the 2004 Grand Jury recommendations requiring implementation of a new fiscal and accounting system before compliance can be achieved are addressed in Section 3 of this 2006 report. Interviews and documents reviewed relating to the County's progress toward its proposed new fiscal and accounting system raised some questions in the areas of Human Resources and the County's 457 Deferred Compensation Plan. These are addressed in Sections 4 and 8 of this 2006 Report.

Investigative Methodology: An initial review of the 2004 report determined which specific actions from agency responses were reasonably expected to be completed. Letters were sent to agencies involved, asking for the status of these actions. Interviews were conducted with County officials and management personnel. Pertinent documents were reviewed.

Facts Relevant to the Investigation:

1. Recommendation 2.4 of the 2004 Report, Audit and Finance Section, is that the Board of Supervisors should request the Auditor Controller to provide a governmental finance training program for the Board of Supervisors commencing FY 2005-06.
2. A Board of Supervisors Continuing Education Workshop was held on August 22, 2005. It included a section addressing government finance.
3. Recommendation 2.5 of the Report is that the Board of Supervisors should develop topics for two special study sessions each fiscal year, beginning FY 2005-06 and request the Auditor Controller to develop training material and to facilitate these study sessions.

4. The Board of Supervisors' response, March 15, 2005, indicates agreement with Recommendation 2.5
5. Recommendation 3.1 of the Report includes the creation of Internal Service Funds (ISF) for the purpose of managing vehicles, equipment, and information technology needs.
6. There has been no evidence of progress in establishing ISFs for vehicles, equipment, or information technology.
7. Recommendation 3.7 of the Report includes the establishment and/or formalization of prudent self-insurance, vehicle, equipment, and information technology reserve policies and strategies.
8. The Board of Supervisors' response, March 15, 2005, indicates agreement with Recommendations 3.1 and 3.7 and that the Board will consider the advisability and affordability of establishing ISFs for these areas.
9. Finding 1 of the Report under the title Worms and Viruses Oh My! states in part, "Some systems are not being audited on a regular basis because access [to the systems] has been denied."
10. Recommendation 6.1 of the Report calls for recognition of the State Criminal Alien Assistance Program funds as an ongoing revenue source to offset the Sheriff's Department net county costs. The Board of Supervisors' response is "The recommendation [6.1] will be implemented this fiscal year."

Findings:

- F 2.1 The government finance training section of the Supervisors Continuing Education Workshop held on August 22, 2005 does fulfill the Recommendation 2.4 for FY 2005-06. However, there is no apparent policy to assure that this is an annual event.
- F 2.2 Two training sessions, "State Triple Flip" and Enterprise Resource Planning, with the Monterey County Board of Supervisors occurred in FY 2005-06. These sessions are consistent with Recommendation 2.5 of the Report. However, there is no apparent policy to assure that this training is an annual event.
- F 2.3 General Liability and Workers' Compensation self-insurance funds have been converted to Internal Service Funds. There has been no progress in establishing ISFs for vehicles, equipment, and information technology needs.
- F 2.4 Fifteen percent of the 295 computer servers detectable on the County's network cannot be accessed by the Chief Security and Privacy Officer or his team. Appropriate rights have not been extended by the systems' administrators.

F 2.5 The Board of Supervisors agreed to implement Recommendation 6.1 regarding State Criminal Alien Assistance Program funds during FY 2005-06. As of the end of that FY, this recommendation had not been implemented.

Recommendations:

R 2.1 Monterey County should adopt a policy to assure that a finance training session for the Board of Supervisors is held annually.

R 2.2 Monterey County should adopt a policy to assure that the two special study sessions called for in the 2004 Monterey County Civil Grand Jury Report are held annually.

R 2.3 The Monterey County Board of Supervisors, with the Auditor Controller and County Administrator's Offices, should create internal service funds for the purposes of managing vehicles, equipment, and information technology needs.

R 2.4 The Monterey County Board of Supervisors, together with the County Administrative Officer and the Information Technology Manager, should assure that appropriate rights are extended to the Chief Security and Privacy Officer to allow all systems to be audited on a regular basis.

R 2.5 Recommendation 6.1 of the 2004 Monterey County Civil Grand Jury Report regarding State Criminal Alien Assistance Program funds should be implemented.

Response Required:

Monterey County Board of Supervisors - All Findings and Recommendations

Monterey County Auditor-Controller - All Findings and Recommendations

Monterey County Sheriff - Finding F 2.5 and Recommendation R 2.5

2006 Monterey County Civil Grand Jury
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Section 3 – CORE/Enterprise Resource Planning

Summary: The 2006 Civil Grand Jury reviewed county agency responses to the 2004 Grand Jury report for those items that were to have been accomplished within the following fiscal year. In several areas, compliance was to have been accomplished through the use of a new fiscal and accounting system. Investigation revealed that effort toward implementation of the new system had been halted because of ongoing financial difficulties at Natividad Medical Center and the level of effort needed to prepare for the transition. Consequently, some actions expected were not accomplished.

The information system now in use is antiquated and beyond its useful life. Preparation for and implementation of a new system are of paramount importance to Monterey County.

Background: The 2006 Monterey County Civil Grand Jury reviewed several previous Grand Jury reports. In the answer to a follow-up to the 2004 Agency Response to the Grand Jury Report, it was stated that several actions requiring a new finance and accounting system had yet to be implemented.

The Monterey County budget averages \$800 to \$900 million annually, with a large proportion going to salaries and benefits of employees. Sources of discretionary income, such as the transient occupancy tax, provide about \$150 million. That amount is then leveraged into about \$500 million of the final budget figure. In recent years, monetary shortfalls at the Natividad Medical Center (NMC) have severely restricted the amount of discretionary funds available to the County. As discretionary funds were used in responding to NMC needs, other County programs intended for implementation had to be deferred.

The investigation revealed that the County uses an antiquated computer financial system based on technology from the 1970s. That information is not a surprise to the County officials who use the system on a daily basis. The County currently uses a system (the Advantage Financial System) that is at the end of its useful life, and vendor support for the system will be suspended in the near future. The current system is so old that it is difficult to hire employees willing to work on it. Since it is almost totally unresponsive to modern requirements, a number of individual, uncontrolled systems have been put in place within the departments to provide information for the processes and reports they are required to administer. Because of the lack of control, these ad hoc systems are especially vulnerable to fraud.

Many of the recommendations of the 2004 Grand Jury report cannot be adequately addressed with the current system. Several responses to the 2004 report indicated that the County was pursuing a new CORE/Enterprise Resource Planning system that would enable the County to properly budget and plan the use of its services. CORE is a financial system with an accounting base, and the Enterprise Resource Planning system comprises CORE

plus additional sub-systems that support specific departments. Budgeting is a planning process and CORE represents reality, so the two systems should be implemented simultaneously. Monterey County had money in the budget to begin the process of acquiring and implementing the new systems, to include forming a steering committee and hiring the consulting firm that had assisted other counties in making the transition. Since many of the recommendations of the 2004 Grand Jury Report concerned the budgeting process, the 2006 investigation was expanded to include the new CORE/Enterprise system and its implementation. Investigation revealed that work had been halted on the new system due to continuing difficulties at NMC, and the growing realization that the County was not ready to implement a new system without major structural changes within the accounting, administrative, and human resources systems.

The consultant hired by the County indicated that substantial effort will be required to prepare for and implement the new system. The chart of accounts, the reporting structure, and the financial structure must be revised to accept the parameters of the new system. The plethora of subordinate systems now in use in the various departments must be structured so they are acceptable within the new system. County officials admit they are not yet ready to implement the CORE/Enterprise system.

Members of the 2006 Grand Jury visited a neighboring county which has recently undergone a transition similar to the one Monterey County must make. Several items necessary for the transition were noted. These had been presented to Monterey County officials during an earlier visit. That county employed the same consulting firm Monterey County used. The contract of the consulting firm has been suspended until Monterey County is ready to resume the transition.

System security is of paramount importance. Several cases of embezzlement and misuse of County funds in recent years have been the result of the decentralized system that has grown in place because of the antiquated central system. The new system will require more stringent security than the old system. It will be universally used, and more people will have access to it.

New system implementation will require a coordinated effort by all departments and officials of the County. The use of a steering committee should allow all departments to provide input into implementation, and should provide a mechanism for individual department processes to be recognized and added. A steering committee has been formed, but does not include representatives of all departments.

Investigative Methodology:

An initial review of the 2004 Grand Jury report determined which specific actions from agency responses were reasonably expected to be completed. Letters were sent to affected agencies, asking for the status of these actions. Answers to the letters indicated strong reliance on the CORE/Enterprise system for compliance.

Based on these answers, interviews were scheduled with Monterey County officials and management personnel concerned with the audit, finance, and controller functions. When

necessary, individuals were re-interviewed for clarification or to gather additional data. Documents reviewed included County budget and expense documents, security procedures, personnel procedures, and security and risk management practices. The interviews disclosed that work on the new system had been started but halted for the reasons described above.

Members of the Grand Jury visited a county that had changed systems within the last few years. The transition for Monterey County could be expected to parallel that experienced by the other county. Following the visit, several re-interviews were conducted to confirm what actions Monterey County was taking or intended to take to pursue implementation.

Facts Relevant to the Investigation:

1. The current financial and accounting system is antiquated. Vendor support for the system will be suspended in the near future. If a new system is not brought in, the County will lose the ability to manage and control even the most basic activities.
2. Some resistance to full implementation can be expected if departments do not feel part of the process.
3. No outside funding sources exist that could assist the County in the transition. Very few grants cover administration or core functions.
4. The County halted conversion to the CORE/Enterprise system due to the adverse impact of Natividad Medical Center (NMC) on the budget.
5. The new agreements with NMC and other local hospitals could assist in clearing the roadblocks to implementation of the new system.
6. Monterey County is not yet ready to implement a new system. Much preparatory work must be completed before implementation can be started.
7. Security of the new system will become even more important than within the current system, because of broader use by all departments.
8. Not all departments have system security managers. Individuals assigned as security liaison to central security perform that function.
9. There is no centralized system security training or training requirement for County system security personnel.

Findings:

F 3.1 Monterey County appears to be on the right track, but must make internal changes before it is ready to start implementation of a new financial and accounting system.

F 3.2 Spending and accountability are often intermingled within the County financial system. In many cases, the individuals who approve expenditures are the same individuals who make the expenditures.

F 3.3 Monterey County cannot afford to defer further the implementation of a modern financial information system. Further delay will lead to loss of grants and funding.

F 3.4 Individual departmental financial systems must be brought into alignment with the parameters of the new system to establish control over County processes.

F 3.5 Preparation for and implementation of a new system will require extensive coordination between the County Administrative Officer and the Controller, and the participation of all departments of the County.

Recommendations:

R 3.1 The County Administrative Officer and the Auditor should take immediate steps to begin the preparation for implementing a new information system to replace the existing antiquated system, using an outside consultant as required to assure that the change progresses as smoothly as possible.

R 3.2 The new system should be implemented in two stages. The first stage would include the financial and audit processes, and the second the human resource and payroll processes.

R 3.3 Monterey County should use the audit report contained in the 2004 Grand Jury Report as a guide to final development of the new system.

R 3.4 The steering committee already in place should be strengthened to include all departments.

R 3.5 Implementation of the new system should be firmly programmed, and quarterly reports to the Board of Supervisors should be required to assure progress.

R 3.6 Monterey County should consolidate and centralize information security operations.

R 3.7 Methods should be established for assuring that the spending and accountability functions of County agencies are separate, with specific checks and balances.

R 3.8 The Board of Supervisors should fully fund the implementation of the CORE/Enterprise system.

Response Required:

Monterey County Auditor-Controller - All Findings and Recommendations except R 3.8

Monterey County Board of Supervisors - All Findings and Recommendations

2006 Monterey County Civil Grand Jury
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Section 4 – Human Resources

Summary: County agency responses to the 2004 Grand Jury report noted that several items slated for accomplishment in the area of Human Resources were to be accomplished in conjunction with the development of a new fiscal and accounting system. Investigation revealed that efforts to implement changes in the County Human Resources program have not come to fruition. Further, the current decentralized Human Resources processes are less than adequate to provide the talented, competent, and reliable people necessary to offer quality services to the approximately 425,000 residents of Monterey County.

Background: Monterey County currently has approximately 4,000 employees, spread across 30 departments ranging from Administrative Services to the Water Resources Agency. Presently the Monterey County Human Resources (HR) process is decentralized, requiring each of the 30 departments to provide HR professionals to ensure that talented individuals are hired, assigned, developed, managed, and rewarded in an effective and timely manner. A central HR manager and small staff provide limited oversight, with the everyday functions of HR left to the individual departments. Rationale for the decentralization was the lack of central HR management to accommodate the needs of individual departments in a timely manner, as well as the complicated and out-of-date governing policies and procedures. Since decentralization of HR processes in the year 2000, department managers have enjoyed complete autonomy regarding HR management and processes. This decentralization of HR activities without appropriate oversight has resulted in departments making inconsistent and unknown interpretations of HR and compensation policies and practices. It has also led to a proliferation of position classifications and unique, inconsistent benefit packages.

Investigative Methodology: Detailed study of Monterey County HR processes was undertaken, including but not limited to reviewing memoranda, letters, studies, and reports concerning the functioning of the HR process. The 2001 through 2005 Grand Jury reports were also reviewed. Members of the Grand Jury conducted interviews with various department HR managers and their staffs. Also interviewed were members of the central HR organization and of the County senior executive management team (both elected and appointed).

Facts Relevant to the Investigation:

1. The Monterey County Human Resources (HR) policies are very complex.
2. Monterey County's HR program is decentralized with each department conducting its own HR processes.
3. Monterey County has a central HR manager and small staff, which provide extremely limited oversight of everyday functions of independent departmental HR programs.

4. Individual department managers are extremely satisfied with the level of service provided to their departments by the decentralized HR organizations that work for them and report directly to them.
5. Monterey County's basic documents governing HR are the Personnel Policies and Practices Resolution Manual, the Operations Personnel Services Manual, the classification structure, and job descriptions.
6. The Personnel Policies and Practices Resolution Manual has not been revised since it was published in 1998. Some sections of this document have been amended at various times.
7. The Personnel Policies and Practices Resolution Manual is considered by individual County department managers and decentralized HR staff to be overly technical and not user friendly. As a consequence, many individual departments do not use it.
8. Individual County department managers and decentralized HR staff consider the Operations Personnel Services Manual to be overly technical, out-of-date, and not user friendly. As a consequence, many individual departments do not use it.
9. A third manual, the Monterey County Human Resources Administrative Policies and Guidelines Manual, is a compilation of other County HR policies and implementation documents that central HR does not consider part of the HR infrastructure. It is out-of-date and requires significant revision. Some sections are dated as early as 1995 and others as late as 2000.
10. Monterey County has more than 800 position classifications for its approximately 4,000 employees.
11. Many of the 800 classifications as well as job descriptions are more than 20 years old, making it difficult to compare new classifications to old ones or conduct meaningful performance evaluations.
12. Documentation indicates that the proliferation of classifications has resulted in compacted, narrow-band wage distributions for employees.
13. At least two independent studies of the County's current decentralized HR system have found significant problems in Countywide policy and procedure implementation, documentation, and accountability. Those problems leave significant gaps in the consistency, traceability, reproducibility, and transparency of the County's overall HR processes.
14. Consensus among County senior executive managers is that the rules and procedures that currently govern HR functions are confusing and outdated.

15. Consensus among County senior executive managers is that the County's classification system is in need of comprehensive review and overhaul.

16. In 2004 there was a backlog of more than 60 classification study requests that were not, and still have not, been completed.

17. Monterey County has over 400 distinct benefits package combinations for its approximately 4,000 employees.

18. Decentralization of the HR program has created numerous stand-alone and shadow HR systems throughout the various individual County departments. Approximately 70 percent of the County's custom software development is to support these shadow and stand-alone systems.

19. Negotiations between the unions and individual County departments have contributed to the proliferation of 800 position classifications and 400 distinct benefits packages.

20. Both central and decentralized HR employees have expressed a desire to have a work environment that permits them professional job progression and growth opportunities.

21. Monterey County does not have a Countywide program requiring individual departments to conduct performance appraisals or performance reviews annually, prior to salary increases, or to justify promotions of employees or managers.

22. County senior executive managers have recognized that the current County HR process will require some degree of re-centralization to ensure that key HR functions are administered in a consistent, fair, and equitable manner.

23. County senior executive managers have recognized that the current County HR processes, procedures, and their associated manuals are in need of revision. They are committed to these revisions.

Findings:

F 4.1 Decentralization of HR activities without appropriate oversight results in County departments making inconsistent and unknown (outside the department) interpretation of HR compensation policies and pay practices.

F 4.2 Individual department stand-alone and shadow HR systems do not contain all elements necessary to operate an effective Countywide HR program. Lack of consistency makes the accuracy of data reported questionable. This includes, but is not limited to, effective dating of HR events (such as employment periods), step increases, and leaves of absence.

F 4.3 Individual department decentralization of HR activities through multiple computer applications and shadow systems makes integrated benefits administration across the 30 County departments extremely difficult, if not impossible.

F 4.4 Key County HR functions are not administered in a consistent, fair, and equitable manner across the County.

F 4.5 Most Monterey County employee job descriptions are outdated and inaccurate.

F 4.6 Most Monterey County classification analyses are outdated and invalid.

F 4.7 Most Monterey County employee benefit packages are inconsistent and outdated.

F 4.8 Monterey County does not have a mandatory program of performance appraisals and evaluations for County managers and employees.

F 4.9 Monterey County does not have a Countywide integrated program that categorizes similar job skills into a single broad-band classification scheme regardless of department affiliation, in order to facilitate intra-county sharing of limited personnel assets across department boundaries.

F 4.10 Monterey County does not have union-negotiated comprehensive programs for Countywide employee development, performance evaluations and appraisals, merit pay increases, and revised job descriptions.

F 4.11 Decentralization of HR payroll activities has created inconsistencies in timekeeping practices, as well as limited or no capability to capture labor expenses associated with grants, projects, work orders, and programs.

F 4.12 Decentralization of risk management creates labor-intensive and error-prone systems that lead to resolving workers' compensation claims in an inconsistent manner.

F 4.13 Monterey County's lack of central control and oversight of the County's HR processes creates inconsistencies in the application of County policies and processes in areas such as the development of performance appraisals, training, position control, grievances, complaints, and discipline tracking.

Recommendations:

R 4.1 Monterey County senior executive managers should ensure that the current HR processes and procedures, and their associated manuals, are revised as necessary so that key HR functions are administered in a consistent, fair, and equitable manner across all departments.

R 4.2 Monterey County senior executive managers should create a re-centralized HR Department that will provide Countywide consistency, accountability, and accuracy of HR processes. This should be done without substantially detracting from the individual department managers' current level of HR recruitment, screening, and hiring services provided by their individual HR staff. These actions should be retained at the individual department level in order to address specific requirements of individual departments.

R 4.3 In re-establishing a central HR department, focus should remain on maintaining and increasing levels of customer services that are currently provided by independent decentralized HR organizations spread throughout the County.

R 4.4 A centralized HR department should have responsibility for implementation of Countywide programs such as Affirmative Action/EEOC, employee development (training), and HR professional development.

R 4.5 Personnel from the re-centralized HR Department, along with individual department managers and labor relations personnel, should participate in union negotiations in order to ensure that uniform Countywide HR policies and processes are articulated and maintained. These negotiations should include gaining union concurrence in evaluating and revising outdated job descriptions, revising classification analyses, and realigning or consolidating benefit packages.

R 4.6 Creation of a re-centralized HR Department should be undertaken in conjunction with the development of the CORE/Enterprise Financial System to ensure sufficient time is available to realign, modify, and fix the HR processes and procedures prior to integrating the HR system into the second phase of the County's CORE/Enterprise System implementation (See Section 3 of this Report.)

R 4.7 The re-centralized HR Department manager in conjunction with individual department managers should develop and introduce performance standards and metrics for HR effectiveness, at both the central and individual department levels, on a regular basis.

R 4.8 The re-centralized HR Department manager, in conjunction with individual department managers of HR employees, should work to establish specific performance objectives and professional career progression paths for each HR employee.

R 4.9 Monterey County needs to conduct reviews, validations, and revisions of outdated and inaccurate County job descriptions and classification analyses.

R 4.10 Monterey County needs to review and validate as well as update, realign, and consolidate benefit packages.

R 4.11 Monterey County needs to establish a mandatory program of performance appraisals and evaluations for County managers and employees.

R 4.12 Monterey County needs to consider establishing a Countywide integrated program that categorizes similar job skills into a single broad-band classification scheme regardless of department affiliation, in order to facilitate intra-county sharing of limited personnel assets across department boundaries.

R 4.13 Monterey County needs to negotiate with individual unions to establish comprehensive programs for Countywide employee development, performance evaluations and appraisals, merit pay increases, and revised job descriptions.

Response Required:

Monterey County Board of Supervisors - All Findings and Recommendations

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Section 5 – Carmel Valley Fire Protection District

Summary: Consolidation of the Carmel Valley Volunteer Fire Department and the Central Valley Fire Protection District was completed in 2005. An investigation determined that the District and the Department were in compliance with their established processes and procedures.

Background: During and after the consolidation, the 2005 and 2006 Civil Grand Juries received citizen complaints alleging misconduct and misuse of district property.

Investigative Methodology: The Grand Jury reviewed the Carmel Valley Fire Protection District Listing of Positions as of April 10, 2006; The District's Personnel Rules and Regulations; fiscal year budgets for the years ending June 30, 2004 through June 30, 2006; and the Memorandum of Understanding between the Carmel Valley Fire Protection District and the Carmel Valley Professional Firefighters Association, IAFF Local 4096 for the period July 1, 2004 to June 30, 2008. The Grand Jury submitted written questions and requests for information to the District and reviewed the responses.

Facts Relevant to the Investigation:

1. The consolidation has been completed.
2. The District has 20 full-time personnel and 6 volunteers qualified to work as part-time staff.
3. The District has 50 volunteers.
4. All requested information was provided to the Grand Jury.

Findings:

F 5.1 Carmel Valley Fire Protection District is in compliance with its current policies and procedures.

F 5.2 The District has a budget and is operating within its budget.

F 5.3 The District is providing safety and fire protection to the consolidated area.

Recommendations: None

Response Required: None

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Section 6 - City of Marina Reorganization

Summary: The Grand Jury received a citizen complaint alleging that during its recent reorganization the City of Marina endangered both the planning process and public safety. Investigation revealed that the allegations were unsubstantiated, and that the City of Marina has done a commendable job in its transition to a reorganized city structure. Other cities choosing to reorganize may want to confer with Marina regarding its experience in the process.

Background: The Grand Jury received a citizen complaint alleging that in its recent reorganization the City of Marina endangered both the planning process and public safety. The complaint further alleged that there was no transition plan for the reorganization and that experienced personnel were replaced with inexperienced consultants at considerable expense. It also alleged unnecessary delays in hiring employees to fill newly created positions, and failure to improve city services while incurring excessive costs.

The City of Marina is a small city (population 18,824 as of January 2006) which historically has not separated the fire and police functions, utilizing the same personnel for both. The City is faced with rapid growth as portions of the former Fort Ord are redeveloped and annexed. Anticipating mounting costs of improvements to serve the City's growth, Marina has projected large budget deficits. Failure to renew its utility tax has further exacerbated Marina's financial standing. Marina has chosen to seek reorganization to improve city services while conserving its severely stretched city funds. On June 28, 2005 the City adopted its reorganization plan. While reorganization has gone smoothly, the process is still evolving.

Investigative Methodology: The Grand Jury interviewed employees of the City of Marina and reviewed City documents relevant to the investigation including those pertaining to planning and implementation of its reorganization. Safety Department policies and practices and the feasibility study for a joint fire station operation with the City of Seaside were also reviewed.

Facts Relevant to the Investigation:

1. On June 28, 2005 the City of Marina adopted the plan for reorganization of the City's structure, resulting in the creation of five new management positions and the elimination of six positions.
2. City employee workdays remain the same as before reorganization; however, city hall is closed to the public on Wednesdays and the hours it is open to the public on other weekdays have been shortened.
3. As of June 14, 2006 there have not been any complaints about the reduced number of hours that the Marina City Hall is open to the public.

4. The City of Marina, in adopting its reorganization plan, intended to hire permanent employees to fill the newly created positions.
5. The City of Marina hired interim employees to fill the newly created positions.
6. As of August 14, 2006 only one of the newly created positions was filled with a permanent employee.
7. The overall cost of using interim employees is less than the cost of hiring full-time permanent employees, but full-time permanent employees add greater stability to city operations.
8. The Marina Department of Safety now consists of a Police Division and a Fire Division with police officers having duties in both.
9. The City of Marina has authorized the hiring of three new police officers and three new firefighters.
10. There are times when fire and police events occur nearly simultaneously.
11. The Police and Fire Divisions have reciprocal support agreements with neighboring jurisdictions to obtain additional personnel when the situation so warrants.
12. The City Manager has authorized a minimum staffing of four police officers per shift, but the City Council has not adopted a written policy regarding the minimum staffing levels for police and fire shifts.
13. Interviews indicated that only one or two individuals per 100 applicants eventually qualify to become police officers in Marina. It takes approximately one year for a successful applicant to complete training and become a police officer.
14. As of August 17, 2006 the City of Marina had nine police officer vacancies.
15. By providing service from two fire stations, the City of Marina would improve geographic distribution of resources. However, Marina does not have the funds to build another station.
16. The City of Marina conducted a feasibility study on the joint operation of a fire station with the City of Seaside.
17. Operation of a joint fire station would result in additional costs to Marina but would be less expensive than independently opening a new station. A joint fire station operation would benefit both the City of Marina and the City of Seaside.

18. City of Marina Resolution No. 2005-79 authorizes staff to proceed with actions and activities for the formation of a Joint Powers Authority for the consolidation or integration of fire protection services with the City of Seaside.

Findings:

F 6.1 As of August 14, 2006 four of the five newly created management positions for the City of Marina were still operating with interim employees.

F 6.2 The reduction in the hours that City Hall is open to the public has given city employees more time to process documents, resulting in greater efficiency and a reduction of backlog.

F 6.3 The City of Marina was not without police protection at any time during its reorganization although the dual fire and police role does at times require police officers to perform fire duties, leaving fewer police officers available for police duties.

F 6.4 The Fort Ord Military Fire Department, which contracts for fire protection with California State University – Monterey Bay, lessens the need for a joint fire station in the Fort Ord reuse area. However, it is possible that the Fort Ord Military Fire Department will close sometime in the future.

F 6.5 The separation of the Police and Fire Divisions will result in increased efficiency and protection.

Recommendations:

R 6.1 The City of Marina should fill all positions created as a result of the reorganization as quickly as qualified applicants can be located.

R 6.2 The City Council should clarify its minimum shift staffing policy for the Police and Fire Divisions in a written policy statement.

R 6.3 The City of Marina should follow through with the separation of the Police and Fire Divisions as soon as possible.

R 6.4 The City of Marina should aggressively recruit applicants to fill the existing and new vacancies in both the Police and Fire Divisions.

R 6.5 The City of Marina must work actively toward finding funding for operating a joint fire protection facility with the City of Seaside.

Response required:

City of Marina City Council - All Findings and Recommendations

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Section 7 - Elected Officeholders Residency Requirements

Summary: Several citizen complaints concerned alleged non-compliance with election practices and requirements for candidates to run for or to hold office as elected public officials in Monterey County. The Grand Jury investigated these complaints. Results of this investigation indicate that several County or city elected officials use business addresses as residences.

Background: Cities in Monterey County are incorporated as “General Law” or “Charter” cities. General law or a city’s charter detail requirements for becoming a candidate for or holding elected office. Each city requires a candidate for public office to be a registered voter, to be a resident of the city in which he or she is running for office, and to reside within the city limits. Members of the Monterey County Board of Supervisors must comply with Election Code Sections 100, 104, 8061, and 10704 and the Code of Civil Procedure Section 2015.5, be registered voters in Monterey County, and reside within their districts.

Investigative Methodology: Detailed reviews of candidate election documentation were conducted for each member of the Board of Supervisors, each Mayor, and each City Council member in Monterey County. The Grand Jury obtained documentation and conducted interviews with Monterey County election officials, city attorneys, and city clerks and visited the listed residences of elected officials.

Facts Relevant to the Investigation:

1. Each city in Monterey County is governed by its charter or general law.
2. Each charter or general law contains detailed requirements necessary to be a candidate for elected public office, along with specific residency requirements.
3. Each charter and general law city in Monterey County requires a candidate for public office to be a registered voter, to be a resident of the city in which he or she is running for office, and to reside within the city limits.
4. Candidates for the Board of Supervisors in Monterey County are required to be registered voters, to be residents of the County, and to reside within their districts.
5. In cities where office holders are elected by district, candidates must reside within the specific district in which they are seeking office.
6. State of California and Monterey County election procedures allow individuals seeking elected public office to file a “Monterey County Petition in Lieu of Filing Fee” and require them to file a “State of California, County of Monterey Voter Registration” form.

7. Monterey County election procedures require each person seeking elected public office to comply with residency requirements listed in California Elections Code Sections 100, 104, 8061, and 10704 and Code of Civil Procedure Section 2015.5.

8. "Monterey County Petition in Lieu of Filing Fee" and "State of California, County of Monterey Voter Registration" forms require candidates or voters to list their residence.

9. "Monterey County Petition in Lieu of Filing Fee" and "State of California, County of Monterey Voter Registration" forms state that a business address may not be used unless the candidate's or voter's business address is also his or her residential address.

10. "Monterey County Petition in Lieu of Filing Fee" and "State of California, County of Monterey Voter Registration" forms require the applicant to provide sworn testimony that the information provided is correct.

11. Falsification of information contained in the "Monterey County Petition In Lieu of Filing Fee" and "State of California, County of Monterey Voter Registration" forms is punishable by fine, imprisonment, or both.

12. The Monterey County Elections Office looks to the Board of Supervisors, County Counsel, each City Council, and each City Attorney to determine compliance with the provisions of the filing forms.

13. The Grand Jury reviewed all of the "Monterey County Petition In Lieu of Filing Fee" and "State of California, County of Monterey Voter Registration" forms for all current Supervisors, Mayors, and City Council members who were elected in 2004.

14. Members of the Grand Jury conducted visual surveys of residences of all current Supervisors, Mayors, and City Council members who listed their business address as their address of residence.

Findings:

F 7.1 Review of "Monterey County Petition In Lieu of Filing Fee" and "State of California, County of Monterey Voter Registration" forms showed that two members of the Board of Supervisors, one Mayor, and two City Council members listed a business address as their residence.

F 7.2 Visual surveys of residences of all Supervisors, Mayors, and City Council members who listed their business address as their address of residence indicated that all but one appeared to be a residence in addition to being a business. The one exception was a Pacific Grove City Council member who listed a business address that could not possibly be a residence.

Recommendations:

R 7.1 The City Attorney of each city in conjunction with the Monterey County District Attorney should review and determine the residency of its Mayor and City Council members. If any Mayor or City Council member is found not to meet the residency requirements for elected public office as required by the city's charter or general law, the Mayor or Council member should be required to vacate his or her office.

R 7.2 The County Counsel, in conjunction with the Monterey County District Attorney, should review and determine the residency status of each member of the Board of Supervisors. If any member is found not to meet the residency requirements of the County, the Board of Supervisors member should be required to vacate his or her office.

Response Required:

All City Councils within Monterey County - All Findings and Recommendation R 7.1

Monterey County Board of Supervisors - All Findings and Recommendation R 7.2

Monterey County District Attorney - Recommendations R 7.1 and R 7.2

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Section 8 – Monterey County 457 Eligible Deferred Compensation Plan

Summary: The Grand Jury reviewed the County's 457 Eligible Deferred Compensation Plan and uncovered several deficiencies. The appointment of a new County plan administrator is expected to resolve these issues.

Background: A 457 Deferred Compensation Plan is a supplemental retirement saving program that allows employees to make contributions on a pre-tax basis through payroll deduction. During the investigation of the Enterprise Resource Planning system (see Section 3 of this Report), the Grand Jury found that there was a concern that the County has been breaking its own contract procurement rules by repeatedly awarding its 457 Plan administrative services contracts to the Great West insurance company, as opposed to putting the contract up for competitive bid. A review of pertinent documents revealed that the contract has been awarded, and extended, to Great West several times, and that other service providers have not been thoroughly evaluated. The current size of the County fund managed by Great West is over \$100 million.

Investigative Methodology: The Grand Jury reviewed several documents, including the County's contracts with Great West, Board of Supervisors' meeting minutes, and an operational compliance review of the 457 Plan by Aon Consulting. The new County fund manager was interviewed.

Facts Relevant to the Investigation:

1. Great West has managed Monterey County's 457 Eligible Deferred Compensation Plan since June 1, 1991.
2. Approximately half of all County employees are enrolled in this plan.
3. In 2006, the County hired Aon Consulting to conduct an independent review of the plan. According to Aon's report, County employees were not aware of their responsibilities regarding the plan, and lacked appropriate training. In addition, Aon found that County record keeping was inadequate. Many documents could not be produced for review.
4. County regulations exist for competitive bidding of contracts valued at \$25,000 or more, leading to a greater likelihood of acquiring the best possible service at the lowest cost to the County.
5. The plan has not been actively managed by the County for the past three years.
6. Administration of the plan has recently been transferred to the Treasurer-Tax Collector.

Findings:

F 8.1 The contract between Monterey County and Great West for the management of the County's 457 Eligible Deferred Compensation Plan has been renewed or extended several times without competitive bid, and without formally evaluating other administrative service providers.

F 8.2 The transfer of the plan administration to the Treasurer-Tax Collector is expected to result in stronger County administration of the program.

F 8.3 Communications between the County and its employees regarding the plan have been insufficient.

Recommendations:

R 8.1 Monterey County should put the contract for the County's 457 Eligible Deferred Compensation Plan up for competitive bid. This would lead to a greater likelihood of acquiring the best possible service at the lowest cost to the County.

R 8.2 Aon Consulting recommendations should be implemented.

R 8.3 The County should provide additional information to County employees regarding participation in the plan.

R 8.4 The new County plan administrator should continue to aggressively administer the plan according to County regulations.

Response Required:

Monterey County Board of Supervisors - All Findings and Recommendations

Monterey County Treasurer-Tax Collector - All Findings and Recommendations

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Section 9 – Food Service Inspections and Agricultural E. coli

Summary: The Grand Jury investigated two areas of environmental health in Monterey County. The first was a follow-up of the 2005 Civil Grand Jury investigation to determine the effectiveness of the Consumer Health Protection Service Gold Seal Health Inspection and Certification Program. The Gold Seal investigation expanded to include potential food-related illnesses associated with unlicensed vendors. The second was a food-related health issue of Escherichia coli (E. coli), which has been found on or in some agricultural products grown in Monterey County.

Background:

Food Service Inspections:

The Grand Jury investigated the Consumer Health Protection Services (CHPS) Gold Seal Inspection Program and procedures for consumer health inspections of restaurants, schools, mobile catering services, and unlicensed vendors. There are over 2,000 licensed food vendors in Monterey County. All restaurants, schools, and mobile catering services are required to be inspected on a biannual basis. However, sometimes a biannual inspection must be delayed due to the inspector's workload. Other duties of inspectors include, but are not limited to, inspection of public swimming pools, the county jail, juvenile hall, other holding facilities, and food preparation for special events. Childhood lead prevention inspections and California OSHA asbestos inspections must also be performed. Additionally, inspectors perform on-site septic waste water, solid waste, and garbage inspections and monitor for disease-carrying organisms of the West Nile Virus and Avian Influenza. When complaints are received, they also perform housing inspections.

All food vendor facilities are required to be licensed and inspected, with the exception of nonprofit organizations. County inspectors have no citation authority. Only the District Attorney's Office may issue citations. One person from each food preparation facility is required to have a Food Safety Certificate in order to provide on-site training capability in food safety practices. Many times the Food Safety Certificate holder is the restaurant owner—who may not live in the County and is seldom present at the food preparation site.

The Gold Seal has become a visual standard that most restaurants in Monterey County strive to achieve. Approximately 74 percent of all regulated food outlets in Monterey County have earned a Gold Seal. CHPS is in the process of expanding the Gold Seal Program to include an "Award of Excellence" recognizing sustained excellence in meeting Gold Seal standards.

The greatest problem area facing CHPS geographically is in East Salinas. Of particular concern to environmental health inspectors are mobile catering services and unlicensed door-to-door or out-of-their-garage vendors. These vendors are found mostly in East Salinas and County rural areas where farm workers live and work. Of special concern is the

fact that only one Environmental Health Inspector is assigned to East Salinas. CHPS can confiscate the unlicensed vendor's equipment which usually consists of a grocery store cart and a cooler. An unlicensed vendor can easily get another grocery cart and cooler.

Agricultural Escherichia coli (E. coli):

E. coli is a species of bacteria. The Center for Disease Control (CDC) estimates that there are 79,420 cases of E. coli infection in the United States each year. Illness may be mild to severe depending on the strain of E. coli involved. The most common strain of E. coli infection that causes illness in people is E. coli O157. Young children are more likely to be severely affected, with kidney failure and death as a common result. The most deadly form is E. coli O157:H7. CDC further estimates that E. coli O157:H7 accounts for 73,000 cases of infection and 61 deaths each year. According to the USDA, in the last decade more than 500 people have been diagnosed with E. coli O157:H7 from uncooked leafy produce. The September 2006 outbreak of E. coli O157:H7 is the 20th since 1995 linked to lettuce or spinach. This outbreak, which affected 199 people with three confirmed deaths and two others under investigation, was traced back to raw spinach grown in Monterey or San Benito County.

There are 103 spinach growers in Monterey County. In fact, Monterey County's Salinas Valley is one of the world's most intensely farmed regions producing 75 percent of the nation's lettuce and spinach. This produce is shipped across the US and to other nations.

As part of the Grand Jury investigation, members of the Grand Jury accompanied federal USDA, state, and local health department employees during an on-site survey of Santa Rita Creek on May 9, 2006. Sheep, horses, pigs, chickens, goats, and cattle were observed on separate parcels of land throughout the survey site. In one instance fecal material was overflowing toward the creek on a parcel containing a pig. The owner of this parcel had a previous citation for this same infraction resulting in the removal of the pig. The survey team took water samples from numerous locations along the creek. On one parcel cattle and a llama had unrestrained access to the creek. Fecal material and water samples were taken from this parcel. All samples were sent to the California Department of Health Services where they were tested for E. coli O157:H7. These samples produced negative results—although these samples were not tested for any other forms of E. coli.

During years of heavy winter rainfall many sloughs, creeks, streams, and other tributaries overflow their banks onto the floodplain depositing contaminated water or material on agricultural land. These deposits may contaminate crops that are subsequently planted in the contaminated soil. The Health Department's proposed solution to the problem is twofold. First, keep animal feces away from watershed creeks, streams, sloughs, and rivers. Second, any floodplain agricultural land found to be contaminated should grow only produce that must be cooked.

Investigative Methodology: The Grand Jury investigation involved numerous site visits and face-to-face interviews with county employees from the Health Department and its Consumer Health Protection Services. The investigation of the Gold Seal Program focused

upon the food service inspection criteria for restaurants, schools, mobile catering services, and licensed vendors.

Facts Relevant to the Investigation:

Food Service Inspections:

1. Many newly graduated entry level Environmental Health Specialists (EHS) come to Monterey County to receive their training.
2. EHS training takes two years and costs \$100,000 or more per trainee, including the trainee's salary and benefits.
3. Interviews revealed that within two years after completing training, up to 55 percent of the Environmental Health Inspectors leave Monterey County for better paying jobs in surrounding counties due to the heavy workload, low pay, and cost of housing in Monterey County.
4. Interviews revealed that CHPS staff morale is low because salaries are lower than in surrounding counties. Notable salary disparities exist between supervisors and staff. Poor communication between CHPS administration and staff further contributes to low morale. Staff meetings are infrequently held.
5. All restaurants, school food preparation areas, and mobile catering services are required to be inspected biannually. Due to the heavy workload, inspections may not be completed on schedule.
6. On average each food outlet inspector is required to inspect 216 food outlets twice a year totaling 432 inspections. To perform these inspections he or she must complete at least two inspections per work day, in addition to other duties.
7. Only one person at each food preparation facility is required to have a Food Safety Certificate. There is no requirement that this person be someone who actually prepares food.
8. Approximately 74 percent of all regulated food outlets in Monterey County have earned the Gold Seal award. The Gold Seal has become a visible standard to their customers.
9. The Monterey County Health Department Consumer Health Protection Service is developing a follow-up program to the Gold Seal to recognize sustained excellence.
10. Many mobile catering trucks do not remain mobile and when parked lack proper food temperature controls. Failure to maintain a proper temperature can cause food-borne illnesses.
11. A significant CHPS concern is that home-cooked food is sometimes sold from mobile catering trucks and by nearly all the unlicensed vendors in East Salinas. Unlicensed door-

to-door or out-of-their-garage vendors sell home-cooked foods such as elotes (cooked corn covered with unrefrigerated cheese and mayonnaise), tamales, enchiladas, menudo, and meat and bean burritos.

12. Unlicensed vendors sometimes sell unprocessed cheese from Mexico, which is a felony.

13. Many Salinas households, primarily in the eastern part of the city, purchase home-cooked foods from either licensed catering trucks or unlicensed door-to-door vendors.

14. When licensed mobile catering truck owners or unlicensed vendors are found to be selling home-cooked food, the only penalty may be a \$228 fine.

15. Given significant cause, the vendor's license may be suspended. However, a licensed vendor's equipment may not be impounded.

16. Any unlicensed vendor selling home-cooked food can have his or her equipment confiscated. However, this is not a hindrance since the vendor can easily and cheaply get another cart and cooler.

17. Inspectors have no citation authority. Only the District Attorney's office may issue citations.

18. There is only one Environmental Health Inspector for all of East Salinas.

Agricultural E. coli:

1. In the past, E. coli contamination in green onions has been traced back to Monterey County.

2. In 2004, outbreaks of E. coli were traced back by California Health Services to one particular farm in Monterey County.

3. In 2005 the Monterey County spinach crop was valued at \$188 million.

4. During the May 2006 Santa Rita Creek inspection, 14 parcels of land were observed to contain either solid waste materials or animal feces. The solid waste materials consisted of cans, tires, bed frames, and mattresses. Disposing of materials by dumping is a violation of Monterey County Code 10.41.

10.41.020. E. STORAGE AND DISPOSAL GENERALLY. Unlawful Accumulations. A person shall not accumulate, or allow to accumulate, any solid waste, either on the surface of the ground or buried beneath the ground, on any premises owned or leased by him or her, or under his or her possession or control, except that a person may accumulate food waste, yard waste, or green waste for the purpose of composting and to bury dead animals.

5. In the last decade there have been several outbreaks of E. coli illness, the latest one in June 2006 occurring at a restaurant in North Ogden, Utah, which sickened 73 people, including three cases of kidney failure. The only common denominator found among these 73 people was they had all eaten iceberg lettuce which came from Monterey County.

6. In August and September 2006, E. coli was found in spinach grown in Monterey or San Benito County. This outbreak affected 199 people in 26 states and Canada. There were 30 cases of kidney failure, 98 hospitalizations, and 3 confirmed deaths. The Center for Disease Control and Prevention is investigating whether a more potent strain of E. coli was involved in this latest outbreak. Normally 25 to 30 percent of those sickened with E. coli are hospitalized. In the September outbreak the rate was 50 percent.

7. E. coli has been found in the soil of some Monterey County floodplain agricultural property.

8. Animal feces can contaminate waterways.

9. Water is an efficient carrier of E. coli.

10. Many creeks and streams near the region's spinach fields, including the Salinas River, Santa Rita Creek, Gabilan Creek, Towne Creek, Tembladero Slough, and Old Salinas River Estuary, are known carriers of E. coli. Only one waterway in the lower Salinas River watershed does not violate federal E. coli standards. Some waterways are so contaminated they contain 30 times the Environmental Protection Agency's standard.

11. E. coli has been found at the cellular level in some leafy green vegetables and other traditionally uncooked foods. E. coli at the cellular level cannot be washed off.

12. The Monterey County Health Department has no authority to require a farmer to grow a particular crop even if the property is known to be contaminated. However, if the State Health Department finds a crop to be contaminated, it has the authority to order the crop destroyed.

Findings:

Food Service Inspections:

F 9.1 Failure to correct the lack of salary parity has essentially established Monterey County as a "training ground" for environmental health personnel.

F 9.2 Consumer Health Protection Service supervisors and employees are well educated, well trained to perform their duties, and dedicated to their jobs.

F 9.3 Insufficient salary, staffing, and funding, as well as excess overtime hours, have caused low morale to become a major issue with non-supervisory level CHPS inspectors.

F 9.4 Training new health inspectors constitutes a substantial drain on department resources. This impact is exacerbated by the departure of approximately 50 percent of these

employees who go to other county health departments within two years after completing their training.

F 9.5 One health inspector is insufficient to deal with the inspection issues found in and unique to East Salinas, such as home-cooked foods.

F 9.6 Lack of citation authority requires additional time and effort by health inspectors and the District Attorney's office.

F 9.7 Lack of enforcement of applicable codes allows residential overcrowding to exist.

F 9.8 CHPS does not have the authority to impound catering trucks even when home-cooked foods are found.

Agricultural E. coli:

F 9.9 The Monterey County Health Department Consumer Health Protection Services Division has taken a proactive stance in E. coli investigation.

F 9.10 The Grand Jury concurs with the observation of the Monterey County Health Department Consumer Health Protection Services Division that contaminated fecal material enters the watershed due to runoff from animal-contaminated parcels or unrestricted animal access to tributaries such as Santa Rita Creek.

F 9.11 E. coli outbreaks traced back to produce grown in Monterey County have had and will continue to have a devastating financial impact on all of Monterey County.

F 9.12 During the September 2006 spinach E. coli outbreak the Monterey County Consumer Health Protection Service was diligent in keeping both federal and state agencies informed. However, this information flow was one way with federal and in some instances state agencies refusing to provide any information to Monterey County.

Recommendations:

Food Service Inspections:

R 9.1 The Board of Supervisors should provide funding to hire one or more additional health inspectors to deal with health and inspection enforcement issues in East Salinas.

R 9.2 The Board of Supervisors should give Consumer Health Protection inspectors the authority to issue citations.

R 9.3 The Board of Supervisors should provide additional funding to the Gold Seal inspection program to implement the "Award of Excellence" inspection program.

R 9.4 The Consumer Health Protection Service should post restaurant inspection results on the internet.

R 9.5 The Board of Supervisors should increase health inspector salaries to a level competitive with neighboring counties.

Agricultural E. coli:

R 9.6 The Monterey County Health Department (MCHD) and the Consumer Health Protection Service should assure that a proactive stance is taken by all persons involved in the growth, processing, packaging, and shipment of Monterey County produce to ensure food safety.

R 9.7 The Board of Supervisors should aggressively support the efforts of federal, state, and local health official inspections to trace E. coli sources.

R 9.8 The Board of Supervisors should establish and fund ongoing MCHD testing of floodplain agricultural property for E. coli contamination.

R 9.9 The Board of Supervisors should establish and fund ongoing MCHD on-site testing of all produce susceptible to E. coli contamination before harvesting.

R 9.10 The Board of Supervisors should establish and fund ongoing MCHD on-site testing for E. coli of all irrigation water supplies.

R 9.11 The Board of Supervisors should establish and fund ongoing MCHD tests of all watershed tributaries on or near floodplain farms and ranches for E. coli contamination.

R 9.12 MCHD in conjunction with the District Attorney's office should enforce existing requirements of Monterey County Code 10.41.020 prohibiting disposal of materials by dumping.

R 9.13 MCHD should promote the enforcement of existing requirements of California Health and Safety Code sections 116990 – 117075 to protect waterway contamination from cattle and other animals.

Responses Required:

Monterey County Board of Supervisors - All Findings and Recommendations

Monterey County District Attorney - Finding F 9.6 and Recommendation R 9.12

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Section 10 – West Nile Virus, Avian Influenza A H5N1, and Tuberculosis

Summary: Due to the potential threat to Monterey County from West Nile Virus, the Grand Jury followed up on the 2005 Grand Jury investigation. The initial investigation expanded into other aspects of Environmental Health to include the County's preparation for a potential Avian Influenza pandemic, and the threat of tuberculosis in Monterey County.

Background: The Department of Health and Human Services is responsible for the enhancement, promotion, and protection of the health of Monterey County's individuals, families, communities, and environment.

West Nile Virus (WNV):

WNV is a mosquito-borne virus that can cause inflammation of the brain or inflammation of the layers of tissues that cover the brain and spinal cord. In rare circumstances, it can be fatal for humans and horses, as well as certain domestic and wild birds. Human-to-human transmission generally does not occur. WNV is spread to humans by the bite of a mosquito infected by biting a bird that has WNV. First discovered in the United States in 1999, WNV has continued to spread to 48 states including California. Outbreaks of WNV generally follow a two-year cycle. During the first year, dead birds and mosquitoes carrying the virus are found. It is generally during the second year that human deaths occur from the virus. This cycle has not occurred in Monterey County. The Monterey County Health Department theorizes that there have not been any human cases in the county because of two factors: the aggressive program of mosquito abatement by the Health Department and the North Salinas Valley Mosquito Abatement District, and the unique climate of Monterey County where it is cool and breezy in the morning and evening. This Salinas Valley climate may have an effect on both the virus-carrying mosquitoes and the human population. Most people outside in the morning and evening wear coats or sweaters and are therefore less likely to be bitten. Also, mosquitoes feed less aggressively in this cool morning and evening climate than in warmer climates.

Avian Influenza A (H5N1) (Bird Flu):

Bird Flu is an influenza A virus subtype that occurs mainly in birds and is highly contagious among birds. The threat of Bird Flu has been in the news as a potential pandemic. Every year 36,000 to 40,000 people die from influenza. A pandemic in the US could result in 90 million becoming ill with 2 million dying. A Bird Flu pandemic would have three requirements:

1. It must be a new or novel virus subtype of A. (Bird Flu was first discovered in South Africa in wild birds.)
2. It must be capable of bird to human transmission. (This occurred in Hong Kong in 1997.)

3. It must be capable of being spread efficiently from human to human. This would require mutation of the current Bird Flu. (Subtype A viruses are constantly mutating.)

Outbreaks of highly pathogenic Bird Flu among poultry and wild birds are ongoing in a number of countries. A small number of human cases have been reported. Most of the reported cases have occurred due to direct or close contact with infected poultry or contaminated surfaces. In human cases Bird Flu normally kills about 50 percent of those infected. Rare cases of human to human transmission have occurred, but there is no evidence of transmission of the virus beyond one person.

Tuberculosis (TB):

Tuberculosis is a disease caused by bacteria called *Mycobacterium tuberculosis*. The bacteria usually attack the lungs, but TB bacteria can attack any part of the body such as the kidney, spine, and brain. If not treated properly TB can be fatal. TB was once the leading cause of death in the United States. There are two forms of tuberculosis: active TB and latent TB. Active TB is an illness in which the bacteria multiply and attack different parts of the body. This form of TB is highly contagious. The bacteria are put into the air when a person with active TB of the lungs or throat coughs or sneezes. People nearby may breathe in these bacteria and become infected. Latent TB is a non-communicable condition in which the TB bacteria are alive but inactive. Latent TB may become active and communicable if not treated. Many migrant workers coming into Monterey County from Mexico, Central America, and South America have tested positive for latent TB. The Monterey County Health Department is concerned that this latent TB will become active and communicable. The Health Department is also concerned that new drug-resistant strains of TB are beginning to appear in California.

Investigative Methodology: The investigation involved numerous site visits and face-to-face interviews with employees from both Health and Human Services and Consumer Health Protection Services. The investigation of West Nile Virus and Bird Flu focused on the Health and Human Services preparations for an outbreak of either of these two potentially deadly viruses. The investigation of TB involved document searches, research, and an interview with the Monterey County Health Officer.

Facts Relevant to the Investigation:

West Nile Virus:

1. WNV is generally transmitted from infected birds to humans by mosquitoes. Four additional routes of transmission to humans have been documented: blood transfusion, organ transplantation, transplacental transfer, and breastfeeding. There are no known cases of transmission directly from an infected bird to a human. WNV was first discovered in California in 2002 with the identification of one human case.
2. From the first reported case in 2002 to September 2006 there have been 1,874 reported cases of WNV in humans in California; 37 persons have died.

3. In 2003, three human cases occurred in California. WNV activity (human cases, infected mosquito, or infected dead birds) was found in six southern counties.
4. In 2004, there were 830 human cases in California, with WNV activity observed in all 58 counties.
5. In 2005, there were 593 human cases in California, with WNV activity in 48 of 58 counties.
6. Two years ago dead birds infected with the virus were found in Monterey County, and there were two known cases of equine deaths in the Aromas area.
7. In August 2006, two dead birds tested positive for WNV in Monterey County (one in Salinas and one in Pacific Grove).
8. As of September 2006, there have been 159 human cases in 51 of 58 counties with no human cases in Monterey County.
9. The case-fatality rate in the United States has been 7 percent overall and 10 percent for patients with the neuroinvasive type of WNV (inflammation of the brain).
10. WNV does not respond to antibiotics.
11. WNV continues to be a threat of potentially great consequence.

Avian Influenza A H5N1 (Bird Flu):

1. People are not easily infected with Bird Flu.
2. In 2003, there were four confirmed cases of Bird Flu in humans: one in China and three in Vietnam. All four persons died.
3. In 2004, the numbers increased to 46 cases with 32 deaths; the affected countries were Thailand and Vietnam.
4. In 2005, the number of cases was 97 with 42 deaths in four countries.
5. By September 2006, there had been 99 cases with 66 deaths in nine countries.
6. By September 2006, reported cases in animals occurred in 51 countries from England, across Europe, throughout Asia to Siberia, and as far south as Nigeria. There have been no reported cases in either animals or humans in North, Central, or South America.
7. The Monterey County Health Department estimates that at any one time 20 to 30 percent of the workforce would be unable to work if a pandemic occurred.

8. Monterey County Department of Health has a “Pandemic Influenza Plan for Businesses” consisting of the following ten steps.

“1. Inform and educate employees about Avian Influenza and its potential to cause a pandemic.

2. Educate employees about the importance of developing a personal family survival plan, and give them guidelines on doing this.

3. Identify a worksite preparedness coordinator.

4. Involve employees in developing a Pandemic Influenza Plan for your business. Then share the plan with employees and get their buy in.

5. Prioritize all functions/processes of the business (including periodicity and frequency issues) from most critical to least critical. Criticality is established and defined by the particular business based on certain relative criteria. Plan for scenarios that might result in an increase or decrease in demand for services/products during a pandemic.

6. Cross train and establish redundancy in critical functions/processes. Create abbreviated emergency training guidelines to train employees to be able to perform unfamiliar tasks during a staff shortage.

7. Develop scenarios for how the business would function in the event of a 5 percent, 20 percent, and 40 percent reduction in staffing.

8. Exercise the plan.

9. Establish policies and procedures to encourage employees to stay home from work during the early stages of a respiratory illness.

10. Encourage and track annual influenza vaccines for employees.”

9. The County plan recognizes that it is generally more difficult to get a sick employee or student to stay home than it is to get them to come to work or school where they would possibly infect others. The primary cause of this reluctance to stay home is that many part-time employees are not paid if they do not work. Many times parents must work and cannot afford child care, so children are sent to school even when they are ill.

10. Dissemination of information to the public is central to the County’s plan. Information would be shared among federal, state, and County health agencies working together. Locally, information would be disseminated through the Monterey County Emergency Operations Center – Office of Emergency Services, broadcast fax (one page transmissions) to County agencies, and the Center for Disease Control. Information would also be

disseminated through the Monterey County Center for Community Advocates for Migrant and Minority relations.

11. Monterey County is part of the Pacific Flyway used by wild migratory birds traveling from Alaska to South America. It is along this migratory route that the first dead Bird Flu infected birds will be found.

12. The Monterey County Health Department Consumer Health Protection Services monitors sentinel chicken flocks throughout the County for both WNV and Bird Flu.

Tuberculosis (TB):

1. There are 35 to 45 new cases of TB in Monterey County each year.
2. It is estimated that over 50,000 county residents have latent TB.

Findings:

F 10.1 Although there have been no reported human cases of WNV infection, the virus is present and a viable threat in Monterey County.

F 10.2 Both the Northern Salinas Valley Mosquito Abatement District and the Monterey County Health Department work to abate existing mosquito breeding sources and to prevent new ones from developing.

F 10.3 Chronic breeding sources are controlled through routine inspection and larvaciding of standing water, subdivision drains, sloughs, ravines, flood channels, and roadside ditches.

F 10.4 In Monterey County a pandemic could sicken hundreds of thousands of people. For Bird Flu to become a pandemic, it would have to become efficiently transmittable. As with West Nile Virus, the first indications of the arrival of Bird Flu would be the discovery of dead, infected migratory birds.

F 10.5 The Monterey County Department of Health has taken an aggressive and proactive posture in preparation for any Bird Flu pandemic.

F 10.6 Education of the public concerning the threat of WNV and Bird Flu is a primary goal of the County Health Department.

F 10.7 Education of the public concerning tuberculosis and how it is transmitted from human to human becomes more important as new strains of antibiotic-resistant TB are found in California.

F 10.8 The Monterey County Health Department considers educating the public an essential part of controlling latent TB so that it ceases to be a "time bomb waiting to go off."

Recommendations:

R 10.1 The Board of Supervisors should continue funding the County Health Department and North Salinas Valley Mosquito Abatement District West Nile Virus and mosquito abatement programs.

R 10.2 The Board of Supervisors should continue funding the Monterey County Health Department's efforts to educate the public about WNV and Bird Flu prevention programs.

R 10.3 The Board of Supervisors should continue funding the Consumer Health Protection Services' monitoring of sentinel chicken flocks throughout the County for both WNV and Bird Flu.

R 10.4 The Board of Supervisors should provide funding so that the Monterey County Health Department may continue to aggressively monitor for TB outbreaks.

Responses Required:

Monterey County Board of Supervisors - All Findings and Recommendations

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Section 11 – Family and Children’s Services

Summary: Based on citizen complaints, the Grand Jury initiated an investigation into the procedures for placement of children into foster care. The initial investigation expanded into other aspects of child protective services.

The investigation involved numerous site visits and face-to-face interviews with county employees. Community agencies supporting child welfare services provided valuable additional information. The investigation focused on how children enter, pass through, and exit the child welfare system, and the overall management of the system.

The Grand Jury determined that changes are necessary in the Monterey County child welfare system to enable it to provide efficient and effective services. The Differential Response Pilot Program, in place from March through June 2006, offers promise for effective change.

Background: After reviewing citizen complaints, the Grand Jury investigated placement of children into foster care within Monterey County. Responsibility for child protective services rests with the Family and Children’s Services Division (FCS) of the Department of Social and Employment Services (DSES). The Director of DSES reports directly to the County Administrative Officer. FCS is managed by a Deputy Director of DSES. FCS maintains principal offices in Salinas with satellite offices in King City and Seaside. The five main program areas of FCS are Emergency Response, Family Maintenance, Family Reunification, Permanent Placement, and Adoptions. Services range from counseling and foster care placement to parenting training and case management. Program Managers direct the three main organizational divisions of FCS:

- Operations and Community Support/Family to Family
- Pre-Placement Preventative
 - Screening and Stand-by
 - Emergency Response
 - Family Maintenance
- Placement
 - Court Services
 - Family Reunification
 - Permanent Placement
 - Adoptions

Coordination among the divisions and units is essential for the rapid resolution of problems and the effective placement of at-risk children into safe surroundings.

Reports of suspected child abuse or neglect first come to a member of the hot line screening unit (Intake Specialist) in Salinas who completes an Emergency Response

Referral Information form and the State-required Suspected Child Abuse Referral (SCAR). Intake Specialists (screeners) enter the referral data into the statewide automated system and it is sent to a centralized database in Boulder, Colorado. Information from Monterey County is available on-line from the database for action on the referral as well as for state and county reporting requirements.

Screeners use the on-line Response Guidance Tool to categorize referrals. The answers to this structured questionnaire provide guidance in developing a recommended action. If no action is deemed necessary, the referral is classified as evaluated out (“assessed out”). If the decision is to proceed, screeners use the Structured Decision Making system, evaluating against predetermined criteria to determine how quickly response to the referral is required: either 24 hours or 10 days. An immediate emergency response may involve law enforcement personnel.

If the child is not separated from the family, action for the case comes from the Family Maintenance Unit. For children placed into foster care, the Family Reunification Unit attempts to reunite the family within 12 months. If reunification is not feasible, FCS attempts to have the child adopted within 24 months of the initial report.

In March 2004, FCS implemented a limited Team Decision Making (TDM) process to improve child welfare outcomes. TDM meetings are held when a child’s safety or well-being in the home is of concern, when a child has been removed, or when a child is facing a placement change.

From March until June 2006, Monterey County conducted a trial program titled “Differential Response” (DR), a collaborative effort between DSES and four community partners: Community Human Services, Alisal Community Healthy Start, Door to Hope, and the ACTION Council of Monterey County. The pilot program was intended to prevent family problems from escalating to the point where court intervention is necessary. DR was implemented for referrals classified as Path 1 and Path 2. Path 1 was appropriate if the referral indicated low risk and would have been “assessed out” in the traditional child welfare system. Attempts to engage the family were made by community agencies; there was no child welfare system response. Path 2 was restricted to cases involving substance abuse, including alcohol. An FCS social worker conducted a safety assessment; if no significant risk was indicated, the case was turned over to the DR community worker. If risk was indicated, the case was handled through the traditional child welfare system; this is Path 3, which was not a part of the DR pilot program.

Once a case is in the system there are a number of alternative possibilities, such as placement in a foster home, support from the Family Reunification Unit, or services from other private and public agencies. In many cases court intervention is necessary to determine the proper placement of children. Options may include short- or long-term foster care (including placement out of the county), placement with relatives, or adoption. Permanent Placement services are provided to ensure that children who cannot return to live safely with their birth parents can grow up in a permanent, safe, and stable living

arrangement. Federal policy favors adoption (including kinship adoption) as the preferred option. Legal guardianship, preferably with a relative, is the second favored choice.

If these options are not available, children may continue in foster care with regular reviews until their 18th birthday, when they “age out” of the child welfare system. This deadline may be extended for a year to allow completion of high school.

As youth in foster care reach their 16th birthday, they are referred to the Independent Living Program (ILP). This program offers job and life skills training, coaching, and mentoring. ILP also offers incentives for youth to participate in the program, including work experience, educational opportunities, transitional housing, and cash awards. ILP services are available to youth through the age of 21.

FCS management and administration are under the County Department of Social and Employment Services (DSES), with that department’s integral human resource and procurement functions. The human resource function for most DSES employees is provided through a state-mandated system called Merit Systems, because the county does not have a civil service system. Other Monterey County departments use a specific county system rather than Merit Systems for human resource support; some workers in DSES are under the county system.

Investigative Methodology: The initial investigation by the Grand Jury was directed toward Emergency Response, a part of Pre-Placement Preventative Services. As the investigation continued, it expanded into other programs, as well as into the overall management and supervision of FCS.

The investigation focused on four distinct perspectives of FCS:

- Into the system – how children enter the foster care system,
- Through the system – what happens to children once they are in the system,
- Exiting the system – what happens to children after they leave the system, and
- The system itself – its organizational structure, policies, procedures, and management effectiveness.

The Grand Jury conducted numerous individual interviews with DSES employees at managerial, supervisory, and caseworker levels. The interviews were supplemented with reports from DSES and documents provided by FCS. Employees of nonprofit community agencies providing services to FCS were also interviewed. Where feasible, Grand Jury members made site visits to observe these agencies. Interviews often resulted in the need for follow-up interviews to verify methods and practices, or to supplement initial information. Resources developed through interviews added to the overall effectiveness of the investigation.

Facts Relevant to the Investigation:

1. Federal law requires that reasonable efforts be made to enable birth parents to assume their parental responsibilities.

2. The FCS hot line receives approximately 5,000 calls annually.
3. Approximately 50 percent of hot line calls received are currently evaluated out (“assessed out”), approximately 30 percent are 10-day response, and approximately 20 percent are Immediate Emergency Response.
4. The State’s requirement for emergency response is 24 hours; however, Monterey County’s goal is 2 hours.
5. Children enter Monterey County’s Dependency Court system due to severe neglect, mental abuse, physical abuse, or sexual abuse. Approximately 70 to 80 percent of involved parents have some level of substance abuse. Some estimates range as high as 90 percent. Methamphetamine use is the most prevalent substance abuse.
6. In response to the prevalence of methamphetamine abuse, Monterey County has implemented a program (Prevalence Study) at all four hospitals in the County to test newborns for prenatal drug exposure.
7. Proposition 36, passed by California voters in November 2000, allows most people convicted of first and second time nonviolent simple drug possession to receive community-based substance abuse treatment instead of incarceration.
8. In Monterey County, methamphetamine use was the primary reason for 40 percent of Proposition 36 admissions in FY2003-04, for 46 percent in FY2004-05, and for 59 percent in FY2005-06.
9. All children and families entering the Dependency Court system receive a comprehensive psychosocial and mental health family assessment through a collaborative agreement between Children’s Behavioral Health and DSES. Parents identified with substance abuse problems receive direct treatment services through Children’s Behavioral Health and may also be referred to supportive services within the community.
10. Parental mental health problems are a cause of child neglect.
11. The Mental Health Services Act (Proposition 63), passed by California voters in November 2004, provides funds to counties to expand mental health services.
12. Monterey County’s three-year Community Services and Supports Plan specifies how the Proposition 63 funds are spent. This plan includes strategies and funding to provide: multi-lingual parenting classes, services to youth at risk of being removed from their home and entering the foster care system, services to children in the foster care system who have been identified as having their own mental health issues in addition to the issues that brought their family into the child welfare system, and a continuum of services to prevent failed adoptions.

13. Proposition 63 funds provide an increase in the level of integrated services for individuals with both mental illness and substance abuse disorders. Substance abuse and mental health services will be received simultaneously, not sequentially, from one team with one service plan for one person.
14. Poverty is a significant risk factor for abuse and neglect. Research has shown that children from families with annual incomes below \$15,000 were over 22 times more likely to experience some form of maltreatment than children from families with annual incomes above \$30,000.
15. Limited education and job skills contribute to family poverty.
16. Six months in the FCS system is insufficient for some dysfunctional parents who need longer-term help.
17. Parenting training is available through Family Ties and the Salinas Adult School Parent Education Program.
18. As of March 2006, Team Decision Making (TDM) was used in four Monterey County geographical areas with a goal of countywide implementation.
19. As of January 2006, there were 466 children in Monterey County foster care plus 34 children in juvenile hall.
20. Monterey County loses about one-third of its foster homes each year.
21. Recruiting foster homes in Monterey County is a continuing problem.
22. Monterey County Screening for Assessment, Referral, and Treatment (MCSTART) is a program to identify, assess, refer, and treat children who have been prenatally exposed to alcohol and other drugs.
23. California Senate Bill 2030 (SB 2030) mandated a Child Welfare Services Workload Study which contains social work guidelines.
24. Voluntary Family Maintenance (VFM) involves a case plan monitored with monthly social worker visits. In Monterey County the average VFM caseload is 23; the State's 2030 guideline for FM is a caseload of no more than 14.
25. The DR pilot program was developed in response to a State of California audit finding that Monterey County was evaluating out ("assessing out") 70 percent of referrals (i.e., dismissing them without investigation).
26. In the DR pilot program, 84 referrals were assigned to Path 1 and 61 were assigned to Path 2. The most frequently identified service needs for both Path 1 and Path 2 cases were counseling and mental health, and parenting education.

27. The ACTION Council of Monterey County developed the “Monterey County Differential Response Pilot Implementation Evaluation Report” and presented it in September 2006.

28. “Concurrent planning” is a two-track process where foster parents are told that the County wants them to help reunify children with their birth parents; however, the foster parents agree that they will adopt the child if reunification is not achieved.

29. The standard for reunification is “minimum sufficient level of care.”

30. FCS client service data for March 2003 through March 2006:

Category	3/03-3/04	3/04-3/05	3/05-3/06
Emergency Response			
Immediate	302	309	373
10-Day	601	466	870
Total	903	775	1,243
Case Findings by Outcome			
Substantiated	377	416	366
Inconclusive	517	534	738
Unfounded	294	396	495
Total	1,188	1,368	1,243
Family Maintenance Services	433	689	725
Family Reunification Services	625	789	787
Permanent Placement Services	1,153	1,167	1,154
Final Adoptions	23	76	43
Foster Care			
Applications	73	100	102
Exits	Not available	100	190
Total Foster Care in March Quarter	545	500	494

31. Some units of FCS appear over-staffed (court and adoptions) while others seem to be overworked with individual caseloads increasing.

32. About 65 percent of FCS clients are monolingual Spanish speakers. There are also monolingual clients speaking other languages who need interpreters.

33. There are insufficient programs and systems to support emancipated foster children (those who “age out”).
34. In Monterey County about 40 percent of emancipated foster youth are homeless.
35. In Monterey County about 75 percent of the homeless population have been in foster care.
36. In Monterey County about 18 percent of emancipated foster youth end up in prison.
37. Proposition 63 funding addresses the lack of housing options for youth in out-of-home placements who are aging out of treatment or care.
38. Proposition 63 provides funding for 22-25 year olds to help them transition to independence, including a Transition Age Youth (TAY) Wellness Center, managed by transition age youth and their families. A specific emphasis will be on TAY vocational needs.
39. The DSES Information Technology (IT) Unit issues about 40 statistical reports. Because the current inadequate IT computer systems do not readily produce these reports, considerable analysts’ time is required to develop them.
40. FCS workers on extended leave receiving workers’ compensation cannot be replaced on a contingency basis.
41. FCS employees may take a two-year leave of absence under a stipend program from the State to earn an MA in social work from San Jose State University. During that period, the county must hold the position open.
42. DSES is under the State-controlled Merit Systems for human resources activities. However, countywide, the human resources system is decentralized.
43. Caseworker relations between FCS and outside organizations are very good. However, conflicts exist at management levels.
44. The 2006 DSES Employee Satisfaction Survey asked responders to indicate degrees of agreement with 16 measures of satisfaction, on a scale of 1 to 5. A table of the survey results indicated that the lowest average score was given to the following: “This last year, our management team has communicated organizational issues and changes timely and effectively.” The highest average scores were given to: “I know what is expected of me at work” and “My supervisor knows where I am working throughout the day.”
45. In June 2006, SEIU Local 535 conducted its third Staff Morale Survey for DSES workers (previous surveys were done in 2002 and 2004). This survey indicated that over 50 percent of union members felt that morale is the lowest it has been since 2002. The primary

reasons for low morale identified this year are: workspace, transfers of new employees, personnel issues, and workload. On the positive side, workers identified supervisors who were using strength-based approaches in their supervision. With managers, in general, there was less trust and a feeling of lack of support: 59 percent stated they were treated with respect by their immediate supervisor; only 38 percent felt they were treated with respect by a manager.

Findings:

F 11.1 The Grand Jury performed its own investigation of the Differential Response (DR) pilot program and agrees with the following conclusions arrived at by the ACTION Council in its evaluation:

- a) A tremendous level of need was observed in the families served; some communities lacked adequate resources to address those needs.
- b) Most of the staff reported the experience as positive, especially in being able to provide services to families in a prevention and early intervention model.
- c) Comprehensive and ongoing joint-training activities are needed, with both DSES and community agencies participating. This is crucial in developing a positive and trusting relationship between DSES and community partners.
- d) The pilot program demonstrated that there is widespread support for the concept of DR within DSES and in the community.

F 11.2 A standardized approach to family assessment is necessary to achieve fairness and equity in judgments.

F 11.3 Additional bilingual and bicultural workers are needed.

F 11.4 A broad foster-home base is necessary to reduce multiple placements and to keep children in their home community.

F 11.5 Specialized foster care is needed for some under-aged parents together with their children.

F 11.6 Both temporary and permanent foster homes are needed, especially for teenagers, sibling groups, and children with serious emotional issues.

F 11.7 Greater job resources are needed to enable parents with limited education and skills to earn a living.

F 11.8 There is a need for additional substance abuse treatment services, readily available without waiting lists.

F 11.9 The increasing use of methamphetamine hinders FCS reunification efforts.

F 11.10 Support of families and prevention of child neglect and abuse is not only good practice but also cost effective.

F 11.11 FCS and community partners act together to preserve and strengthen families.

F 11.12 FCS program management is critical to setting the tone for the organizational climate and creating a healthy working environment.

F 11.13 Challenges by employees to FCS managerial decisions are not well received. Employees fear reprisal and retaliation.

F 11.14 Problems brought to the attention of FCS management often result in the social worker being blamed for the problem.

F 11.15 Recent events related to foster care, for example, the death of a child in foster care, have increased the level of stress within FCS.

F 11.16 Interpersonal conflicts between employees tend to escalate because of a lack of appropriate intervention by supervisors and managers.

F 11.17 FCS generally suffers from a lack of on-going training and from inadequate communication.

F 11.18 Inability to fill positions on a contingency basis adds to employee workload and turmoil within FCS.

F 11.19 There are no current job descriptions for the positions in FCS. The job specification, which lists conditions for hiring, serves as the job description.

F 11.20 Inconsistent actions result from decentralized human resource responsibility. This is especially apparent in performance evaluations, job transfers, and labor grievances. (See Section 4 of this Report.)

Recommendations:

R 11.1 Family and Children's Services should concentrate more on "screening in" (helping) families rather than "screening out" referrals.

R 11.2 DSES should re-evaluate, strengthen, and expand Differential Response (DR), based on the Pilot Implementation Evaluation Report.

R 11.3 The Board of Supervisors should provide funding for additional readily accessible substance abuse treatment services.

R 11.4 DSES should encourage nearby educational institutions to develop graduate level Social Work programs, especially for bilingual and bicultural students.

R 11.5 Social worker caseloads should conform to the California SB 2030 Study guidelines.

R 11.6 DSES should prepare current job descriptions for all FCS positions.

R 11.7 DSES should be allowed to hire on a contingency basis to fill long-term vacancies such as workers' compensation injuries or stipend program participants.

R 11.8 The Board of Supervisors should take action to re-centralize specific human resources functions to assure consistent actions on personnel matters. Re-centralized activities could include performance evaluations, labor grievances, and job transfers. (See Section 4 of this Report.)

R 11.9 DSES should provide training for FCS managers and supervisors in communication, coaching, mentoring, and other constructive ways to help workers improve their performance.

R 11.10 DSES should provide training for FCS managers and supervisors in conflict resolution and how to constructively intervene in contentious situations before they escalate.

Response Required:

Monterey County Board of Supervisors - All Findings and Recommendations

2006 Monterey County Civil Grand Jury
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Section 12 – Use of Tasers by Law Enforcement Agencies

Summary: The Grand Jury conducted an investigation into the use of Taser weapons by Monterey County's law enforcement agencies. This investigation was undertaken based on several newspaper accounts that alleged possible misuse of the Taser weapon by County law enforcement officers in the performance of their duties.

Background: Twelve of the fifteen law enforcement agencies in Monterey County use Tasers: Carmel-by-the-Sea Police Department, Del Rey Oaks Police Department, Monterey Police Department, Sand City Police Department, King City Police Department, Gonzales Police Department, Greenfield Police Department, Marina Police Department, Pacific Grove Police Department, Salinas Police Department, Seaside Police Department, and the Monterey County Sheriff's Office.

Investigative Methodology:

The Grand Jury reviewed the law enforcement agencies' Taser policies and procedures for training and certification, adherence to policy and procedure guidelines, warnings before use, medical treatment, and discharge reporting. Individual officers were interviewed.

Facts Relevant to the Investigation:

1. Taser weapons are designated as non-lethal devices that are explicitly designed and primarily employed to incapacitate while minimizing fatalities or permanent injury and reducing damage to property and the environment. In some cases, death has occurred from circumstances associated with Taser use.
2. The City of Soledad, the Salinas Valley State Prison, and the Correctional Training Facility are the only Monterey County law enforcement agencies that do not utilize Taser weapons.
3. All Monterey County law enforcement agencies that utilize the Taser have written policies and procedures for its use.
4. All Monterey County law enforcement agencies that utilize the Taser have mandatory training and certification requirements before officers are armed and authorized to use it.
5. All Monterey County law enforcement agencies that utilize the Taser have a requirement in their policies and procedures that verbal warnings be given prior to use.
6. All Monterey County law enforcement agencies that utilize the Taser require the reporting of Taser discharge.
7. The policies and procedures of all Monterey County law enforcement agencies that utilize the Taser require medical evaluation and necessary treatment after Taser use.

8. The policies and procedures of most Monterey County Law Enforcement Agencies that utilize the Taser require collection of discharged Taser equipment as evidence.
9. All Monterey County law enforcement agencies that utilize the Taser provided arrest or incident reports to the Grand Jury covering the use of Taser weapons in their jurisdiction.
10. All Monterey County law enforcement agencies that utilize the Taser provided certification and training records to the Grand Jury for all personnel authorized to carry and use Taser weapons.
11. All Monterey County law enforcement agencies that utilize the Taser provided reports to the Grand Jury that demonstrated that Taser warnings, reports of Taser use, medical evaluation and treatment of suspects, and collection of evidence were performed as outlined in their policies and procedures.
12. Law enforcement agencies in Monterey County have been utilizing Taser weapons, on average, for the past three years.
13. Of the twelve Monterey County agencies that use Tasers, Del Rey Oaks Police Department is the only one that has not discharged a Taser weapon in the performance of law enforcement activities.
14. The City of Greenfield Police Department recently added a "Taser-cam" to each weapon to provide audio and visual records of Taser use.

Findings:

- F 12.1 The use of Taser weapons is an effective and reasonable non-lethal mechanism to facilitate the control of and to assure compliance of physically combative suspects.
- F 12.2 Taser weapons are generally utilized to subdue suspects who are on illicit drugs or alcohol, have a mental illness, or through a combination of these factors are either oblivious to or highly resistant to pain. Pepper spray and other non-lethal weapons may not be effective in these cases.
- F 12.3 In the case of a fatality allegedly caused by the employment of a Taser weapon, reported by the Police Department of Salinas, the use was justified under the circumstances described in the police report provided.
- F 12.4 All Monterey county law enforcement agencies that utilize the Taser have demonstrated compliance with their agencies' Taser policies and procedures.
- F 12.5 Taser utilization has generally limited physical harm to law enforcement officers in dealing with belligerent suspects.
- F 12.6 The use of Taser weapons by Monterey County law enforcement agencies has reduced the need for officers to use deadly force in dealing with belligerent suspects.

F 12.7 The use of Taser weapons by Monterey County law enforcement agencies has reduced physical harm to belligerent suspects.

Recommendations:

R 12.1 Monterey County law enforcement agencies should continue the use of Taser weapons.

R 12.2 Monterey County law enforcement agencies not utilizing the Taser should evaluate its use by their agencies.

R 12.3 All Taser-using agencies should evaluate the use of the “Taser-cam.”

Response Required:

City of Soledad City Council - Recommendation R 12.2

Salinas Valley State Prison Warden - Recommendation R 12.2

Correctional Training Facility Warden - Recommendation R 12.2

All City Councils within Monterey County except the City of Greenfield - Recommendation R 12.3

Monterey County Sheriff - Recommendation R 12.3

2006 Monterey County Grand Jury
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Section 13 – Salinas Valley State Prison - Soledad

Summary: The Grand Jury investigated the Salinas Valley State Prison - Soledad as part of its mandated requirement. The management and operations of Salinas Valley State Prison are considered by the Grand Jury to be adequate. Numerous management, leadership, communication, education, and staff turnover issues are addressed in this report.

Background: As mandated in Penal Code Sections 919 (b) and 921 the Grand Jury conducted an investigation into the management and operation of public prisons within Monterey County. Salinas Valley State Prison - Soledad (SVSP) is located near the City of Soledad approximately 125 miles south of San Francisco. SVSP is a large (300 acres), complex, multi-mission institution with inmates classified in Level 1 (minimum custody), Level 2 (special needs offenders), Level 3 (medium custody), and Level 4 (maximum custody). The prison is divided into five distinct facilities (yards) based on the classification of the inmates. There are two stand-alone medical or mental health units at the prison: a 22-bed Correction Treatment Center providing general medical, health crisis, and specialized outpatient services and a 64-bed Psychiatric Mental Health Unit providing mental health and crisis intervention services. The entire California Department of Corrections and Rehabilitation (CDCR) medical care system was placed into federal receivership in October 2005 by court order.

Investigative Methodology: The Grand Jury investigation included written questions to prison officials; five prison site visits; and reviews of written reports and studies, inmate records, and storage of medical records. Interviews with prison management, as well as correctional and medical personnel, were conducted during the site visits. The Grand Jury investigation looked specifically at the operations and facilities associated with the two health care operations inside SVSP.

Facts Relevant to the Investigation:

1. SVSP is one of the Central Region Correctional Institutions controlled by CDCR.
2. SVSP, opened in May 1996, was designed to hold 2,224 inmates.
3. SVSP housed 4,267 inmates as of March 2006.
4. SVSP is completing a transition from an inmate population that included only Level 1 and Level 4 inmates to a population that contains all levels.
5. The core mission as stated by the current SVSP warden is to protect public safety by providing a safe and secure environment for inmates and staff.

6. Rank and file members of the correctional custody work force indicate that their mission is reactive in nature, never proactive, and that the primary focus is on “getting the job done” and “following the rules.”

7. SVSP employed 1,157 full-time staff, of whom 817 were uniformed custody personnel, as of March 2006.

8. In 2005, SVSP declared a “State of Emergency” due to an abnormally high rate of vacancies in critical staff positions throughout the institution (258 vacant staff positions out of 1,458 authorized).

9. Monterey County has a lack of affordable housing for SVSP personnel and their families.

10. SVSP personnel do not have cost-of-living or adequate housing allowances to offset Monterey County’s high cost of living.

11. The California Correctional Peace Officers Association (CCPOA) has negotiated contracts with CDCR that allow correctional officers to transfer from one prison to another after a minimum of one year. This policy contributes to a transient correctional officers and supervisors workforce at SVSP.

12. Shortages in staffing levels have created the need for mandatory overtime for staff members at SVSP in order to maintain a baseline of operations.

13. CDCR has imposed a temporary transfer freeze that has kept correctional officers and supervisors in place at SVSP. The freeze has contributed to a temporary reduction in correctional officer and supervisor staff shortages.

14. The current warden is the twelfth in the last 10 years (five since 2004).

15. SVSP correctional officers and first-line supervisors demonstrated a strong sense of camaraderie and teamwork.

16. Interpersonal communication within the rank and file correctional officers and first-line supervisors appears to be good. However, communications up and down the chain of command appear to be weak or nonexistent. An example of the lack of vertical communication is evident in the staff’s inability to articulate a clear SVSP mission statement while senior managers have no problem providing the mission statement. Additionally, information regarding exceptional accomplishments, as well as commendable service to the institution by correctional officers, supervisors, and other SVSP staff, is very difficult—and sometimes impossible—to transmit through the various vertical communications channels up to senior management.

17. SVSP supervisors and managers (including the Medical Department) have no discretionary method to reward good employees with incentives.

18. SVSP has “pat-on-the-back” programs for recognition of good employees. Examples are “Peace Officer of the Month,” “Letters of Appreciation,” or “Letters of Commendation.”

19. SVSP has a number of behavioral and mental health programs available to inmates, including Narcotics Anonymous and Alcoholics Anonymous. Also included are traditional education programs (Adult Basic Education, General Education Development, English as a Second Language) as well as computer-assisted instruction to help inmates with their reading, math, and language skills.

20. Inmate gangs and drug use are the major problems at SVSP. Control of gangs and drugs by authorities equates to control of violence within the prison. If violence is controlled, inmates will be able to take advantage of educational, vocational, and jobs programs.

21. Inmates cannot take advantage of the educational, vocational, and jobs programs when their area of the prison is in a lockdown status.

22. Lockdown status is defined as inmates being confined to their cells and permitted out only for medical appointments and mandatory out-of-cell time for showers and minimal recreation.

23. There is little for inmates to do when locked down for prolonged periods without work assignments, academic programs, or vocational training.

24. In order to deal with inmate problems, SVSP management is considering implementation of a Behavioral Management Unit (similar to military basic training) to deal with inmates who consistently violate prison rules.

25. The Behavioral Management Unit would utilize privilege removal and emphasize educational programs such as lifestyle management or anger management to foster compliance with their program.

26. SVSP has reduced educational programs and eliminated vocational training programs over the last two years because of the rise in inmate violence, prolonged lockdowns, and funding shortages.

27. Studies have shown that failure to provide inmates with new skills diminishes options for successful re-entry into society.

28. SVSP terminated a large number of Prison Industry Authority (PIA) work programs during the past two years because of the rise in inmate violence, prolonged lockdowns, and funding shortages. One PIA work program that is still available to Level 1 (minimum security) inmates is the dairy operation located in the prison complex.

29. SVSP is currently planning to re-establish and increase the size of its educational programs to their pre-reduction levels, provided funding is available from CDCR. The SVSP Educational Department also plans to re-establish the vocational training programs previously eliminated and to add emphasis on “certification of skills” at the completion of the training (funding pending from CDCR).
30. Administration, record keeping, and inmate processing are well organized and managed. However, almost all record-keeping systems are manual, labor intensive, and subject to human error. The only computerized records system at SVSP generates inmate arrest and conviction histories (“rap sheets”).
31. SVSP personnel indicated that HIV testing of inmates who have contaminated staff or other inmates with feces or bodily fluids is not rapid enough to provide definitive positive or negative results prior to the contaminated person having to take a complete spectrum of HIV treatment drugs.
32. In October 2005, the medical component of CDCR was placed into federal receivership, including the facilities located at SVSP.
33. The lack of well-trained medical employees is the biggest problem for the medical unit.
34. The principal reasons SVSP medical personnel leave prison employment are low salaries and the high cost of living in Monterey County.
35. The court-appointed receiver recently mandated large salary increases for some prison medical personnel throughout the state.
36. SVSP has a differential pay program for medical personnel, based on a sliding scale for specialty, but has no cost-of-living or housing allowance.
37. Pharmaceutical needs of inmates are a pressing concern to medical staff. Between 1,000 and 1,200 prescriptions are filled every day, most for a two-week period.
38. Of the medications prescribed, 60 to 70 percent are for psychological needs.
39. Of medical laboratory testing required, 60 percent is done at SVSP. The remaining 40 percent is provided by contracts administered by CDCR at a cost of approximately \$20,000 per month.
40. SVSP laboratory personnel have no input into developing the contracts awarded and administered by CDCR for outside services. Contracts have been awarded to providers located in Los Angeles County; facilities closer to SVSP do similar work at comparable cost.

41. The average physical age of an inmate is 20 years higher than his chronological age, requiring additional medical care.
42. Plans are underway to increase the current 64-bed Psychiatric Mental Health Unit to 128 beds, as well as converting two existing housing areas to similar units, for an anticipated total of 250 spaces.
43. The 22-bed Correction Treatment Center has three beds occupied by comatose or terminal patients, and 15 inmates in long-term care. Four options are available to deal with comatose or terminal patients: transfer to a hospice in Vacaville, relocation to an elder care facility (currently with a six-month waiting period), a compassionate release program for terminal non-life-sentence inmates, and a "recall of commitment" (Governor's pardon) option.
44. There are no plans to convert SVSP into a psychological care facility, although the adverse heat reaction characteristics of some psychotropic medications make the facility a candidate for conversion because of the location's relatively mild climate.
45. Approximately two years ago, all vocational programs at SVSP were discontinued.
46. Approximately two years ago, educational programs at SVSP were reduced or discontinued. There are now 6 teachers, down from a high of approximately 60, none of which provide vocational training. Money has been allocated to hire additional teachers.
47. A substantial percentage of inmates desire vocational training. They have expressed frustration at having no opportunity to acquire skills that would prepare them for future employment.
48. Interviews elicited the observation that with no vocational training and drastically reduced educational training, the only education readily available to inmates is how to commit more crimes.
49. The cessation of vocational and work programs has adversely affected the medical treatment of inmates. Inmates have more time on their hands and tend to seek more medical treatment and appointments, stretching already limited resources.
50. SVSP has been given authority to re-establish educational and vocational programs. These programs would include certification for inmates meeting specified standards or passing certain tests.

Findings:

F 13.1 SVSP continues to be severely overcrowded.

F 13.2 CDCR has not provided SVSP with stable and consistent leaders at the warden level over the last ten years. The present warden served over 23 months in an acting capacity.

F 13.3 Vertical communication, both up and down the chain of command, appears to be inadequate.

F 13.4 Interpersonal communication, both up and down the chain of command, appears to be lacking and ineffective.

F 13.5 There is a lack of consistent understanding of the mission of SVSP across a wide spectrum of mid- and working-level SVSP staff.

F 13.6 CCPOA's reluctance to change or re-negotiate the existing contract regarding minimum length timeline for inter-prison transfers contributes to the transient nature of the correctional officer workforce at SVSP.

F 13.7 Mandatory overtime for the correctional officers, supervisors, medical, and other key staff at SVSP, in order to meet baseline operations, has generated additional personnel transfer requests.

F 13.8 High vacancy rates, promotion opportunities at other prisons, and lateral transfers to other institutions all contribute to the instability and inconsistency of SVSP management.

F 13.9 Imposition of a temporary transfer freeze by CDCR has reduced the current staffing shortfall, but is not a permanent solution to the staffing problems.

F 13.10 SVSP administration, record keeping, and processing, while well organized and managed, need to be modernized.

F 13.11 SVSP management has no program to provide a cost-of-living or adequate housing allowance for employees who live in Monterey County's high-cost environment.

F 13.12 SVSP management has a limited program to reward or recognize superior performance by its work force.

F 13.13 SVSP management has no discretionary method to reward employees with incentives such as salary increases, spot bonuses, or recognition dinners.

F 13.14 The elimination or curtailment of SVSP educational, vocational, and jobs program has contributed to the restlessness and agitation of inmates.

F 13.15 Correctional officers and first-line supervisors are concerned about being exposed to the HIV virus and the long-term effects of frequent and repetitive use of HIV-treatment drugs.

F 13.16 The high cost of living in Monterey County is one of the principal reasons for SVSP medical and other non-correctional staff personnel leaving prison employment.

F 13.17 Low salaries, compared to compensation offered by surrounding medical facilities, contribute to the lack of well-trained and qualified medical employees at SVSP. The recent pay raises ordered by the Receiver may mitigate the problem. Impact of the raises cannot be determined at this time.

F 13.18 Personnel turnover problems could be eased partially by locally controlled differential pay and merit pay programs for non-correctional staff at SVSP.

F 13.19 Laboratory services could be enhanced with input from SVSP medical personnel into the procurement of off-site service contracts.

F 13.20 Cessation of vocational and work programs and reduction in educational programs have increased the requests for medical appointments and drugs.

F 13.21 SVSP does not offer inmates sufficient opportunities to acquire education or learn skills that would facilitate their re-entry into society. However, programs are planned to be expanded in the future.

F 13.22 Alternatives to confinement in the prison medical facility for comatose or terminally ill inmates would free bed space for other inmates.

F 13.23 The SVSP medical facility, despite difficulties, appears to be a well-run operation where the needs of the inmates are the primary focus of the staff.

Recommendations:

R 13.1 SVSP and CDCR should continue efforts to reduce overcrowding.

R 13.2 SVSP management should communicate to CDCR that institutions like SVSP need to have permanent, stable, long-term personnel assignments (e.g., permanent rather than acting wardens) that will help create a positive long-term relationship between senior management and staff.

R 13.3 SVSP management should develop, implement, and measure new programs for enhancing vertical and interpersonal communications among members of the staff.

R 13.4 SVSP management should request that CDCR renegotiate the contract with the CCPOA to require a minimum of two years duty at a prison before transfers may be requested.

R 13.5 SVSP management should request that CDCR consider revising assignment policies to allow overlapping time periods for key positions at the institution. This would enhance continuity and facilitate cohesive leadership in key staff positions while still allowing for promotion opportunities and lateral transfers between institutions.

R 13.6 SVSP should collaborate with Correctional Training Facility (CTF) to support and facilitate the development of the program designed to provide affordable housing for corrections personnel on the grounds of the two prisons. (See section 14 of this report.)

R 13.7 Because of the extremely high cost of housing in Monterey County, SVSP management should request that CDCR consider providing a local, non-union-negotiated, differential cost-of-living or adequate housing allowance (similar to those allowances given to military personnel who reside in high cost areas of the country) to correctional officers and medical staff.

R 13.8 SVSP management should request that CDCR consider making testing for HIV a requirement for all prisoners entering California's prison system.

R 13.9 SVSP management should request that CDCR consider instituting a merit pay system for non-correctional personnel that would be administered locally at each institution, in order to compete with salaries in the private sector.

R 13.10 SVSP management should request that CDCR automate and update the antiquated records management system throughout CDCR institutions.

R 13.11 SVSP management should continue plans to expand educational opportunities and to re-establish vocational and work programs to facilitate inmate re-entry into society. These programs may also contribute to a reduction in inmate requests for medical appointments and drugs.

R 13.12 SVSP management should request that CDCR consider using the expertise of SVSP laboratory personnel when developing contracts and selecting providers of off-site services.

R 13.13 SVSP and CDCR should consider the alternatives to continued confinement in the prison's medical facility for inmates who are comatose or terminally ill.

Response Required:

Salinas Valley State Prison Warden - All Findings and Recommendations

2006 Monterey County Civil Grand Jury
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Section 14 – Correctional Training Facility - Soledad

Summary: Article 919 of the California Penal Code requires each Grand Jury to investigate and report on the condition and management of public prisons within the County. The Grand Jury visited the Correctional Training Facility, located in Soledad, in partial fulfillment of that requirement. Site visits, interviews with staff, and written correspondence were used in the evaluation.

The Grand Jury determined that the institution continues to be extremely overcrowded, but nevertheless is a well-managed facility fulfilling its primary mission. Management is aggressively addressing staff shortages caused by various economic, social, and housing factors. Findings and recommendations of the Grand Jury focus primarily on the programs of the Correctional Training Facility in addressing these staffing concerns.

Background:

An institution of the California Department of Corrections and Rehabilitation (CDCR), the Correctional Training Facility (CTF) is a three-facility prison, with each facility functioning separately. The mission of CTF is to provide housing and services for medium custody inmates. The original south facility was built in 1946, the central facility in 1951, the north facility in 1958, and three dormitories in 1996. CTF was designed for 3,325 inmates. Inmates are all Custody Level 1, 2 or 3, with no Level 4 at present. Levels are based on a variety of factors, with Level 1 designating those inmates requiring the least custodial supervision. CTF employs a staff of 1,551 including 1,145 classified as peace officers.

The primary focus of the institution is to house inmates in a safe and secure manner and to ensure the public safety. Rehabilitation is also important. The Prison Industry Authority maintains several successful operations at the institution, including a dairy, textiles, a warehouse operation, and a wood products factory. Vocational and academic programs are available depending on the inmate's level of custody. Vocational programs include appliance repair, graphic arts, plumbing, electronics, and carpentry, among others. Educational programs include GED, literacy, and English as a Second Language. Procedures are in place for the custody of undocumented prisoners who have an Immigration and Customs Enforcement hold. Programs seeking to reduce recidivism, such as substance abuse and violence management, are coupled with educational programs teaching life application skills to facilitate transition back into society.

Investigative Methodology: In addition to a visit by the full Grand Jury, a variety of actions and resources were used. These included, but were not limited to, interviewing selected CTF staff and reviewing final reports of previous Grand Juries and the CTF Report dated March 2006. The Warden's response to a comprehensive letter of inquiry sent by the Grand Jury prior to the visit formed the basis of interviews and guided the Grand Jury during its investigation. The California Department of Corrections and Rehabilitation

Strategic Plan, dated January 2006, was reviewed to provide background to the investigation.

Facts Relevant to the Investigation:

1. Although designed for 3,325 inmates, the three facilities of CTF house 7,038 inmates as of March 2006.
2. All available gymnasiums and common-use structures have been converted into inmate dormitories.
3. With few exceptions, individual cells designed for one inmate are being used for two inmates.
4. Grand Jury Reports for the last five years have commented on the overcrowded facilities at CTF.
5. Overcrowding is a primary cause of tension and disputes among inmates.
6. Staff morale appears high. Morale of the inmates could not be evaluated.
7. Of the 1,145 peace officer positions 87 were vacant, and of the 406 other staff positions authorized, 54 were vacant as of March 2006.
8. CTF has traditionally suffered staff shortages and has had difficulty retaining staff due to the high cost of living in Monterey County.
9. CDCR has recently funded local recruitment teams targeting candidates who would be less likely to transfer upon completion of the probationary period.
10. CTF has begun a program to assist in solving the local housing problem, seen as a prime cause for transfer of new personnel. This program involves the use of the Prison Industry Authority in conjunction with local construction trade unions to construct studio and one-bedroom units on state land for short-term affordable housing.
11. There is currently no differential housing allowance available for CTF personnel.
12. CTF and the co-located Salinas Valley State Prison are jointly seeking to establish a branch of the correctional officer's training academy on site to provide training for local recruits.

Findings:

F 14.1 CTF continues as an overcrowded prison facility, as it has for several years.

F 14.2 The management and operation of the facility are satisfactory. Leadership at CTF appears very qualified and motivated.

F 14.3 Overall, CTF is a well-run facility with staff cognizant of the mission and committed to achieving it.

F 14.4 CTF is performing its mission of rehabilitation with the various academic, vocational, and counseling opportunities available.

F 14.5 Programs coordinated by both CDCR and CTF are targeted at reducing the problems of high staff turnover and affordable housing affecting staffing at the prison.

Recommendations:

R 14.1 CTF and CDCR should continue efforts to reduce overcrowding.

R 14.2 CTF should accelerate its program to provide affordable housing for staff, and consider approaching CDCR for a differential housing allowance.

R 14.3 CTF should accelerate its program to attract new correctional officers from the local area.

R 14.4 CTF should review the recommendations of Section 13 (Salinas Valley State Prison – Soledad) of this report concerning salaries, assignment policies, and cost-of-living allowances in order to coordinate activities in these areas with SVSP.

Response Required:

Correctional Training Facility Warden - All Findings and Recommendations

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Section 15 – Monterey County Jail

Summary: The Monterey County Jail was evaluated by the Grand Jury in partial fulfillment of the mandated evaluations of public correctional facilities located in Monterey County. Recently established law enforcement programs, such as the “Joint Gang Task Force,” have increased the jail population. These programs, along with outdated jail facilities, contribute to an extremely overcrowded jail environment. In spite of the overcrowded conditions, the Sheriff’s Department manages this facility and its inmate population in an excellent manner.

Background: The Monterey County Sheriff’s Department serves a total county population of approximately 425,000 residents. The Sheriff’s Department is the third largest within the Monterey County government structure. The Monterey County jail facility houses both male and female inmates. They are housed in pods or single cells. Pods are large dormitory-style rooms, divided by walls into sections, with a central control room to monitor inmate activities. Each pod and recreation room has a television for use by the inmates. The pod control rooms and a central command area are equipped with audio equipment, video monitors, and other equipment that provide audio and visual surveillance of activities taking place in the pods. Security cameras are placed in several locations within each pod. Additional cameras are located in areas isolated from the central pod or command area correctional officers’ view, such as hallways, classrooms, utility areas, entrances, and exits. The use of these cameras greatly enhances the ability of the Sheriff’s correctional officers to control the activities of a large number of inmates in various pods and cells. The food service operation is contracted out to a private corporation which utilizes prisoners serving misdemeanor sentences to assist in kitchen duties.

Investigative Methodology: The Grand Jury reviewed the Monterey County Sheriff’s Department 2006 budget, 2006 Annual Report, jail population statistics, educational services documents, and the 2005 Grand Jury Report. The Grand Jury visited the jail facility twice, obtained documentation, and conducted interviews with the Monterey County Sheriff and members of his staff.

Facts Relevant to the Investigation:

1. The Monterey County Jail was designed for 813 inmates. In July 2006 it housed 1,146 male and female inmates.
2. Thirty percent of the inmate population at the Monterey County Jail have been tried and sentenced to serve one year or less (14.6 percent felony and 15.4 percent misdemeanor convictions).
3. Seventy percent of the inmate population at the Monterey County Jail are awaiting trial or have not been sentenced. Sixty percent of those awaiting sentencing are convicted felons.

4. Ninety-nine convicted inmates have been waiting six months to one year for sentencing.
5. The Monterey County Sheriff's Department has a budget of approximately \$66 million out of the County's budget of approximately \$800 million for fiscal year 2005-2006.
6. The Monterey County Jail facility was constructed in 1977 as a single-occupancy cell correctional facility. Additional dormitory pods and other structures were added in 1987, 1993, and 1995.
7. The Monterey County Joint Gang Task Force arrested 365 people in fiscal year 2005-2006, contributing to the overcrowding.
8. Costs to incarcerate inmates that have been arrested, tried, and convicted through the efforts of the Monterey County Joint Gang Task Force and through other federal and state law enforcement programs are not covered by federal or state grants and have not been added to the Sheriff's Department budget by the County.
9. The food services contractor provides three meals to the inmates daily (cold breakfast, cold lunch, and hot dinner with the exception of weekends during which inmates are provided a hot breakfast) at a cost of approximately \$2.64 per inmate per day.
10. Monterey County Jail offers educational and rehabilitation services to inmates serving sentences of one year or less.
11. Monterey County Jail population's ethnic breakdown is approximately 66.9 percent Hispanic, 20.5 percent Caucasian, 10.5 percent African-American, and 2.1 percent Other.
12. Peace and correctional officers are primarily represented by the Deputy Sheriffs' Association Union. Compensation and benefits are negotiated with the County Administrative Office and administered by contract.
13. A large number of peace and correctional officers leave the Sheriff's Department because of inadequate compensation (second lowest pay scale of any law enforcement agency in Monterey County) and the high cost of living in Monterey County.
14. Monterey County has a lack of affordable housing for new Sheriff's Department recruits and their families.
15. Currently Sheriff's Department personnel do not have a cost-of-living or differential housing allowance to offset Monterey County's high cost of living.
16. The Monterey County jail facility requires extensive repairs and restoration because of the age and poor condition of the facilities.

17. Sheriff's Department peace and correctional officers have additional duties to perform outside the jail complex, such as providing transportation services for inmates from the jail and prisons in the County.

18. Because of Sheriff's Department understaffing, overtime for peace and correctional officers is often mandatory.

19. Joint Gang Task Force activities and other externally funded law enforcement programs have contributed to the drain on manpower needed to operate the jail and perform the Sheriff's Department law enforcement mission.

20. Communications between the Sheriff's Department and Immigration and Customs Enforcement (ICE) do not take place rapidly enough to facilitate early identification and deportation of criminals to their country of origin to serve their sentences or to ensure timely pick-up of illegal or undocumented inmates for deportation upon release at the completion of their sentences.

21. The Sheriff's Department currently has authorization and budgeting for 469.5 full time positions consisting of 345 peace and correctional officers and 124.5 professional staff.

22. On average approximately 22 positions for peace and correctional officers and 28 professional staff positions in the Sheriff's Department are vacant.

23. In the past two years the jail's inmate population of illegal immigrants has more than doubled, from 7 percent to 15 percent.

24. Interviews revealed that illegal or undocumented inmates require 50 percent more time to process and to maintain in custody than American citizens. For example, extra efforts are required to determine the identity of some inmates.

25. Morale of the management, peace and correctional officers, and staff at the jail appears to be good.

26. Increases in the jail inmate population are projected based on increases in County population, the influx of illegal immigrants, and the continuation of special federal and state law enforcement programs such as the Joint Gang Task Force.

27. There are areas of the jail where audio or visual surveillance is not available, but which could be covered with additional equipment.

Findings:

F 15.1 Severe overcrowding in the present jail facility requires that large financial outlays be made by the County to insure the safety and security of both inmates and correctional officers.

F 15.2 The current budget for the Sheriff's Department is inadequate to meet projected County jail incarceration needs.

F 15.3 The current County jail facilities are inadequate to meet current or future incarceration requirements.

F 15.4 The Sheriff's Department has difficulty recruiting and retaining a sufficient number of qualified peace and correctional officers because of low compensation and the high cost of living in Monterey County.

F 15.5 The mission of the Sheriff's Department (community safety and the safety and security of inmates, peace and correctional officers, and staff) is being accomplished through prudent use of resources, overtime, technology (video and audio surveillance), and good management.

F 15.6 Communications between the Sheriff's Department and Immigration and Customs Enforcement (ICE) are not rapid enough to facilitate early identification and deportation of criminals to their country of origin to serve their sentences or to ensure timely pick-up of illegal or undocumented inmates for deportation upon release at the completion of their sentences.

F 15.7 Funding of incarceration costs associated with the implementation of the Monterey County Joint Gang Task Force and other federal and state law enforcement programs has not been included in the federal and state grants or added to the Sheriff's Department budget by the County.

F 15.8 Enhanced video and audio surveillance, enhanced fingerprint identification and analysis, and iris scan are available and could be used to help the Sheriff's Department meet the safety and security needs created by inadequate jail facilities.

Recommendations:

R 15.1 The Board of Supervisors in conjunction with the Sheriff's Department should seek funding for additional or new jail facilities to meet the current and projected needs for incarceration.

R 15.2 The Board of Supervisors should fund budget requests made by the Sheriff's Department for technology such as enhanced video and audio surveillance, enhanced fingerprint identification and analysis, and iris scan equipment.

R 15.3 The District Attorney's Office should expedite the trial and sentencing of inmates housed at the jail facility in order to reduce overcrowding. The Grand Jury cannot and did not investigate the Superior Court in relation to this matter. However, the Superior Court should also expedite trial and sentencing whenever possible.

R 15.4 The Board of Supervisors in conjunction with the Sheriff's Department should provide additional compensation for peace and correctional officers to bring them into parity with higher paying law enforcement agencies in Monterey County.

R 15.5 The Board of Supervisors and the County Administrative Officer, in conjunction with the Sheriff's Department, should provide a local, non-union-negotiated, differential cost-of-living or housing allowance to peace and correctional officers working for the County Sheriff's Department in order to recruit and retain highly qualified officers.

R 15.6 The Sheriff's Department should proactively seek to enhance communications and interactions with Immigration and Customs Enforcement (ICE) to facilitate early identification and deportation of criminals to their country of origin to serve their sentences or to ensure timely pick-up of illegal or undocumented inmates for deportation upon release at the completion of their sentences.

Response Required:

Monterey County Sheriff - All Findings and Recommendations

Monterey County Board of Supervisors - All Findings and Recommendations

Monterey County District Attorney - Recommendation R 15.3