

Dedication

The members of the 2008-2009 Grand Jury
dedicate this Final Report to
Donald W. Prange, Sr.,
our Foreman
in recognition of his three years of
tireless and invaluable work
on behalf of the citizens of the
County of Sacramento.



Sacramento County **GRAND JURY**



Donald W. Prange Sr.,

Michael Broderick

Georgia Bastian

Russ Campbell

Robert Cervantes

Irene Cervantes

Richard Cochran

Robert Devoe

Ann Early

David Feldstein

Jerry Jagers

Susan Husa

Rosemary Kelley

Ramona Lavelle

Paul McAmis

James Monteton

Robert Segal

Robin Whiting

Hon. Judge Raymond Cadei
Advisor Judge to the Grand Jury

Dear Judge Cadei and Sacramento Citizens.

It is an honor for me to present The Grand Jury Final Report for 2008-2009. This report is an effort by a group of dedicated citizens working together as a Grand Jury. Along with our advisor Judge Raymond Cadei, County Counsel Robert Ryan, the District Attorney's office and staff and the Sheriff's office provided advice and counsel as needed which enabled us to complete our investigations.

I am so proud to be associated with the members of the Grand Jury selected at random to serve the Citizens of Sacramento County. We struggled on investigations, some very complex that dealt with issues of great concern to citizens of the County. We lost a few of the original 19 members they were replaced by the alternates that had been selected at the empanelment.

This Grand Jury issued over 85 subpoenas and took sworn testimony from individuals, department heads and staff along with requesting necessary documents, so that we might complete our report. While most of the time was spent on civil investigations, we did perform the functions of a criminal grand jury on a few occasions, and issued indictments.

I want to acknowledge Rebecca Castaneda, the Grand Jury Coordinator. She scheduled hearing dates, made appointments and worked to keep 19 people supplied and informed. The Grand Jury overcame some difficulties in obtaining information and we had to take stern measures to obtain compliance

I want to thank the majority of the individuals that appeared before the grand jury and the citizens that cooperated in our investigations. I believe that the report shows the efforts that all the Grand Jury members made to complete this document.

Sincerely,

Donald W. Prange Sr.
Foreman, Sacramento County Grand Jury

Table of Contents

2008-2009 Grand Jury Members	4
The 2008-2009 Grand Jury	5
Formation and Organization of the Sacramento County Grand Jury.....	6
2008-2009 Reports	
Child Protective Services: “Nothing Ever Changes – Ever”	9
In Home Support Services: “For the Needy, Not the Greedy”	29
Natomas Unified School District: “Right Idea, Wrong Price”	43
Office of the Registrar of Voters	50
Sacramento Fire Agencies: “Where There’s Smoke, There’s Fire”	52
Department of Utilities: “Credit Where Debit is Due”	55
Responsibilities of Elected Officials: “Government Stretched Thin”	57
Haggin Oaks Golf Course: “Teeing Off on Safety”	61
Environmental, Public Works and Special Districts Committee.....	64
Criminal and Juvenile Justice Committee.....	66

2008 – 2009 Grand Jury Members

Georgia Bastion	Legislative Consultant, retired	Sacramento
Michael Broderick	Department of Justice Manager, retired	Sacramento
Russ Campbell	General Telephone & Electronics, retired	Gold River
Irene Cervantes	Social Worker	Sacramento
Robert Cervantes, Ph.D.	Educator, retired	Sacramento
Richard Cochran	Credit Union CEO, retired	Sacramento
Robert DeVoe	Attorney, US Air Force, retired	Foothill Farms
Ann Early	Real Estate	Folsom
David Feldstein	Social Worker, retired	Sacramento
Susan Husa	AT & T, retired	Gold River
Jerry Jagers	Lockheed Director, retired	Sacramento
Ramona Lavelle	Executive Director, retired	Sacramento
Rosemary Kelley	Attorney	Sacramento
Paul McAmis	Motion Picture/TV Executive, retired	Sacramento
James Monteton	AT & T Manager, retired	Citrus Heights
Donald W. Prange, Sr.	Police Chief, retired	Gold River
Robert Segal	Training Manager, retired	Gold River
Robin Whiting	Registered Nurse	Carmichael

Formation and Organization of the Sacramento County Grand Jury

The California State Constitution, Article I, "DECLARATION OF RIGHTS," Section 23, states, "One or more grand juries shall be drawn and summoned at least once a year in each county". The law governing grand jury formation, authority, powers, and proceedings, is found in Part 2, Title 4 of the California Penal Code, §§ 888-939.1.

The Sacramento County Grand Jury is comprised of qualified citizens of the County who have volunteered, or been selected at random, and who have been nominated by a Superior Court judge. Before June 30 of each year a new grand jury of 19 such individuals is chosen by lot, impaneled and sworn in by the Superior Court. A number of "alternates" is also chosen, should any sworn member be unable to complete his or her term. The law requires that any action taken up by the Grand Jury must be authorized by 12 of the 19 jurors.

Sacramento County residents interested in serving on the Grand Jury can find an application at the web-site: www.sacgrandjury.org.

The Grand Jury is sworn to inquire of ". . .public offenses committed or triable within the county. . ." and to investigate or inquire into ". . .county matters of civil concern. . .". The Sacramento County Grand Jury possesses and exercises both criminal and civil investigative authority. Its civil authority extends to reviewing the function and operations of the County, of cities, school and special districts, of joint power authorities, and specified private nonprofit organizations within the County of Sacramento.

Criminal matters may be presented to the Grand Jury by the County District Attorney or by the State Attorney General. If it is determined that there is "probable cause" to believe an accused person(s) has committed a felony, the Grand Jury will return an indictment, to which the accused must enter a plea in Superior Court.

The 2008-2009 Grand Jury had five investigative committees: Administrative and Municipal Affairs; Education; Criminal and Juvenile Justice; Environment, Public Works and Special Districts; and, Health and Human Services. "Ad hoc" committees are established to consider subjects which transcend more than one of the investigative committees. Five such ad hoc committees were formed during the 2008-2009 Grand Jury term: The In-Home Supportive Services (IHSS) Ad Hoc Committee; the Child Protective Services (CPS) Ad Hoc

Committee; The Natomas Ad Hoc Committee; The Elections Commission Ad Hoc Committee; and the Elected Officials Workload Ad Hoc Committee.

There were also two “in-house” committees. Continuity was responsible for the coordination of internal processes and for the interrelationship of processes with predecessor and successor grand juries. This committee also provided “on the job training” for alternate members sworn in. The Edit Committee was responsible for the accuracy, clarity, and integrity of the Grand Jury’s reports.

The proceedings of the Grand Jury are held in strict confidence. Witnesses are prohibited from disclosing any testimony or proceedings of the Grand Jury. Grand Jurors also may not disclose any testimony or proceedings except what is presented in publicly released reports.

An individual may file a complaint with the Sacramento County Grand Jury. A complaint form may be found on the back page of this report, at www.sacgrandjury.org, or by calling the Grand Jury Office at (916) 874-7578.

Sacramento County Grand Jury

2008-2009 Reports

Child Protective Services

“Nothing Ever Changes – Ever”

Introduction

The Grand Jury’s decision to examine Sacramento County’s Child Protective Services (CPS) Program came on the heels of the death of 4-year old Jahmaurae Allen in July of 2008. His death brought renewed media attention and questions concerning CPS’ ability to carry out its responsibility to protect children from abuse and neglect.

CPS faces the dilemma of whether to leave a child at home and work with the family so that it can be successful or remove the child to be raised in a different environment. These competing philosophies are called “preserve the family” and “protect the child”.

The Grand Jury has pointed out areas where improvements are needed and long overlooked. The Grand Jury recognizes that CPS has many dedicated and competent staff. A ride-along gives one a taste of the world in which social workers find themselves on a daily basis. It is a world consisting of abusive parents, drug and alcohol dependence, poverty, unemployment, homelessness, domestic violence, and lack of basic parenting skills. Social workers do not get the attention and credit they deserve for the countless children that are safe due to their personal intervention.

This report documents the facts and findings of the 2008-2009 Grand Jury’s investigation.

The Grand Jury findings and recommendations are designed to help CPS improve services to its clients and to weave a tighter safety net to reduce or eliminate needless injuries and deaths to our most vulnerable population group, our children.

Issue

How can Child Protective Services improve the safety and well being of children?

Reason for Investigation

CPS is a significant part of the Department of Health and Human Services (HHS). It has persistent, recurring and systemic problems resulting in child abuse related deaths. The responsible authorities have failed to take corrective actions recommended in previous reports.

The deaths of children under the supervision of the CPS and the related news media reports became a major concern to the Grand Jury. The Grand Jury received complaints about CPS from citizens and social workers following the death of Jahmaurae Allen. The appearance of the HHS Director on TV stating, "We could have done more to prevent the death" caused great concern regarding CPS.

Method of Investigation

The Grand Jury investigation did not encompass all of CPS, but limited itself to specific issues which form the body of this report.

The Grand Jury conducted interviews and took sworn testimony with: the HHS Director, Executive Managers of CPS, supervisors, social workers, human resource personnel, a union representative and child advocate organizations. Lengthy reports with findings and recommendations from at least five previous grand juries revealed that CPS did not comply with the standards one would expect from a child protective agency.

The Grand Jury examined emergency protocols and procedure manuals, reviewed supervisory practices and visited CPS In-take sites to observe how calls were handled. Over 40 subpoenas were issued.

The Grand Jury reviewed its investigations of the County's Department of Health and Human Services over the past 15 years. Seventeen investigations have been conducted, of these seven involved CPS programs, and five involved other aspects of childcare. In both 1996 and 1998 the investigations focused on child abuse and neglect. The 2006-2007 Grand Jury looked at "In-take Services," also a major concern of this Grand Jury.

The Grand Jury takes note of, and has reviewed, other investigations and reports including:

- The Critical Case Investigation Committee (CCIC), a publicly appointed citizens group. A comprehensive report was published in 1996.
- Annual reports from the Sacramento County Children’s Coalition and the Child Protective Systems Oversight Committee that were submitted to the Sacramento County Board of Supervisors.
- The annual Sacramento County Child Death Review Team reviews of all child deaths, regardless of cause.
- CPS Self-Assessment Report for 2006-2009.
- Various media reports.

Management and Leadership

The Grand Jury questions the management skills of HHS and CPS. Senior management within HHS and CPS lack a positive vision and have a persistent unwillingness to accept responsibility for the outcome of their actions. CPS management acknowledged that they failed to follow and enforce their own policies, procedures and rules. Their disturbingly repetitive response was “we’re working on this.”

The March 2009 release of the CPS Self-Assessment Report lists these ongoing deficiencies, but failed to provide solutions.

The Grand Jury also holds the Sacramento County Board of Supervisors and the County Executive ultimately accountable for CPS’ management and budget. In its 2008 Annual Report released to the Board of Supervisors, the Oversight Committee concludes in bold type:

Approximately 75% of the recommendations from the 2006 and 2007 deaths relate to issues that have been occurring since 1996. There

continues to be persistent and recurring patterns and recurring concerns regarding CPS' involvement in child-abuse related cases.

It indicated that the majority of concerns and needed system improvements fall under three primary areas (1) Supervision and Training, (2) Interagency Coordination and Case Management, and (3) Risk Assessment Procedures and/or Practices.

Personnel Evaluations

Personnel evaluation is a mechanism for monitoring employee performance for all levels of employees. Evaluations, when taken seriously and completed on schedule, provide both management and the employee with valuable information.

The union contract and county regulations require evaluations be conducted annually. They are an important part of the supervisory process. Failure to complete evaluations lowers morale, makes disciplinary actions harder to enforce, hampers effective communication, decreases productivity, and compromises management's credibility.

Discipline Procedures

The disciplinary process helps employees achieve and maintain standards of behavior and performance. According to testimony and documentation, it takes an average of one year to dismiss or suspend an employee.

As of December 12, 2008 there were seven employees on **paid** administrative leave from CPS. This lowers morale of employees who must add to their heavy workload. It is a waste of taxpayer money to pay these employees to sit at home while the investigation is taking place.

A year ago the HR department was reorganized in an attempt to be more efficient. Sworn testimony raised questions as to whether the reorganization achieved its goal.

The County Discipline Manual states:

It is critical that every supervisor document significant events and maintain working files that include precise, factual documentation regarding the employees she/he supervises . . . this documentation should include an ongoing record of the employee's performance and other work-related information. The information in the files may provide the basis for completing performance appraisals or supporting formal disciplinary action should it become necessary.

Progressive disciplinary practices rely on solid and documented instances of non-performance to support the hierarchy of possible disciplinary options at management's disposal. An important element of this documentation consists of material contained in employee evaluations and the supervisor's "desk file". These can document ongoing problems and attempts to address such issues through training, mentoring and attempted remedial action. The absence of up-to-date documentation, including annual performance evaluations, undermines management's efforts to support their case.

Recruitment and Retention

Resource limitations were frequently voiced as a major impediment to effective program administration. This was continually expressed as a factor leading to large caseloads and employee burnout. Figures supplied by CPS for the period covering July 2007 through June 2008 disclosed the loss of 94 out of a total workforce of 427 social workers. This equates to an annual turnover rate of 22 percent, nearly a quarter of their professional staff.

Filling vacant social worker positions is time consuming and costly. To do so on the scale associated with the above annual turnover rate becomes a major impediment to program effectiveness and efficiency. This is especially noteworthy in light of the learning curve required of new social workers to become effective professionals able to operate on their own.

CPS supervisors and managers acknowledged the burden associated with employee turnover, but no one testified to any detailed knowledge of the root causes. CPS faces

an increased demand for its services, while budgetary cutbacks would aggravate the problem.

Training

The CPS Policy Manual states that each social worker, supervisor and program manager is required to complete 30 hours of Continuing Education annually. Training is provided at no cost to the employee and is available during normal work hours.

The list of courses is extensive and includes, but is not limited to: Structured Decision Making (SDM), Child Welfare Services/Case management System (CWS/CMS). Critical Incidents, Shaken Baby Syndrome, Failure to Thrive, Body Check, Risk Assessment, Medical Neglect and Animal Removal Training. CPS provided the Grand Jury with names of employees, their position, and the title of training each person received for 2006, 2007 and 2008. This information included the date the employee was hired and the date the class was taken.

Caseload and Case Issues

The Grand Jury repeatedly heard testimony that caseloads were too large and that staff was overworked. For example, the referral rate in Sacramento County was nearly 20 percent greater than the state average. This was echoed in the CPS self-assessment report prepared at the request of, and submitted to, the Board of Supervisors in 2009. Neither witnesses nor county manuals define case or caseloads. They do not make a direct statement as to caseload size, beyond suggesting reasonableness. The union contract also makes no mention of specific caseload size.

Testimony indicated that social workers may be performing activities that could more efficiently be done by support staff.

Information Technology

CPS has an excellent set of software to facilitate their operations. These software packages include State provided software, third party software and special software developed by the CPS IT programmers. Other technologies are also used.

The software programs used are as follows:

- IRIS – Immediate Response Interactive System
- CWS/CMS – Child Welfare Services/Case Management System
- SDM – Structured Decision Making
- SafeMeasures – Performance evaluation tool

CPS SOFTWARE ACCESS				
CPS Personnel	IRIS	CWS/CMS	SDM	SafeMeasures
Intake social worker	Input	Input	Input	View
Intake supervisor	Input	Input	Input	View
Field social worker	View	Input	Input	View
Field supervisor	View	Input	Input	View
Program Manager	View	Input	Input	View
CPS upper-managers	View	Input	Input	View
Non-CPS County personnel	No view	Partial view	No view	No view
Other counties personnel	No view	Partial view	No view	No view

IRIS

IRIS is an electronic database designed to ensure communication between Emergency Response (ER) intake supervisors and field supervisors, as well as upper managers for immediate response cases only. Input is limited to immediate response (24 hour) social workers and their supervisors

CWS/CMS

CWS/CMS was developed by the Children’s Research Center (CRC), a private nonprofit corporation, and adopted in 1997. CWS/CMS is the primary tool used by CPS to track cases. It is an automated database that allows county and state CPS workers and management to record needs and services to families and children served by the CWS program. CWS/CMS also meets

statutory and regulatory mandates and is used by all 58 California counties. All CPS personnel receive two to five days of training with periodic updates.

All Sacramento CPS employees may make entries to this system. Non-CPS personnel and persons in other counties, as listed in Section 827 of the Welfare and Institutions Code, with certain restrictions, may also access and read these records.

SDM

SDM provides workers with simple, objective, and reliable tools to make the best possible decisions for individual cases. It also provides upper management with information for improved planning, evaluation, and resource allocation. SDM was developed by the CRC and has been in use in Sacramento for about six years. The CRC does periodic reviews of this software comparing decisions to actual cases. The State mandates that all counties have a similar tool; however, not all counties in California use SDM. Other counties use the Fresno Risk Assessment tool.

SafeMeasures

SafeMeasures was developed by the CRC and is a sophisticated quality assurance reporting service which captures data from CWS/CMS monthly and links these data elements to key performance standards. It is view-only. SafeMeasures allows supervisors, Quality Assurance (QA) personnel and upper management a quantitative measure of the performance of case workers.

Structured Decision Making (SDM) and Risk Assessment Tools

All counties in California are required to use a screening tool to determine proper response to reports of abuse and neglect. Since 1996 Sacramento County has been using SDM as a risk assessment tool to determine children's safety. Emergency Response social workers responding to incoming calls are to follow this scripted tool. The Grand Jury observed an Intake Unit to determine (1) how the SDM and the Risk Assessment tools were being utilized and (2) to learn how the calls were being handled.

The Child Protection System Oversight Committee's 2006 Annual Report expressed concern over the "misuse" of SDM. This report investigated "child abuse-related deaths" from 1996-1997, 2002-2004, and 2005-2006. In their recommendations they cite concern with Risk Assessment. In particular, they base their concern on the ". . . proper use of the SDM tool." They discovered that this tool is ". . . not being used with fidelity and some of the completed SDM tool reflected inadequate information."

The California Family Risk Assessment Tool is used in conjunction with the SDM in ascertaining the level of risk to a child. There are various family conditions which are listed and rated numerically.

Child Protective Services Procedures Manual

A policy and procedure manual is essential for the consistent and efficient operation of a large and complex organization such as CPS. It represents an important reference tool to assist employees in carrying out program activities and following management policies.

The Grand Jury examined numerous social worker standards, Program Information Notices (PINS), and associated publications, for clarity and ease of use.

Legislative Needs

The Grand Jury believes that two legislative changes are necessary. The first legislative change pertains to whether a child can be detained pending investigation of abuse.

The California Penal Code is silent with respect to the authorized detainment of children pending investigation of suspected abuse. This is a statutory void that can be potentially harmful to children whom physicians suspect may be the subject of possible abuse or neglect. This is particularly troubling when the child is five or under and is not subject to outside independent observation by teachers or others.

In the Jahmaurae Allen case, the doctor who found the fist-sized bruise on the child's chest complied with mandated reporting obligations. In the absence of any imminent danger to the child, coupled with a denial on the part of the mother, Jahmaurae was allowed to return home with her. A delayed response by CPS or law enforcement in such situations allows for the injured child to be abused by the so-called "responsible" adult.

Providing physicians the statutory authority to detain children, especially those five and under, pending the immediate involvement of a social worker and/or law enforcement official is a simple step which serves as an invaluable safety net to ensure the safety and health of possibly endangered children.

The second legislative change pertains to the definition of "persons" who have unrestricted access to see case records. Section 827 lists over twenty classes of person who can access these case records without benefit of the petition process. The Grand Jury is not on the list of "persons" entitled to see the record.

Within six months of Jahmaurae Allen's death, over 100 persons from all over the State had accessed the case record through the CWS/CMS system. In reviewing this list the Grand Jury concluded that many of the "viewings" were out of curiosity and did not serve any legitimate purpose. Further, CPS has no clear internal guidelines as to the persons who should be able to review the case record.

Findings and Recommendations

Management and Leadership

Finding 1: There is a longstanding absence on the part of HHS and CPS management to accept responsibility and accountability for the role of CPS in meeting its community responsibilities. This is a recurring criticism found for over a decade of many published reports.

Recommendation 1.1: The Board of Supervisors conduct a thorough assessment of the performance of HHS and CPS management. These administrators must demonstrate more than subject matter expertise. They must demonstrate an ability to ignite the enthusiasm of CPS supervisory and rank and file professionals and exhibit the creative energy and management skill necessary to lead CPS in the challenges ahead.

Recommendation 1.2: The Board of Supervisors direct HHS and CPS management to publicly adopt the Grand Jury's findings and recommendations, prioritize the achievement of suggested improvements, including their own "Areas of Concern", and develop a project planning strategy for meeting these goals.

Recommendation 1.3: Request that HHS and CPS invite the 2009-2010 Grand Jury to return in six months to observe what progress has been made toward the improvement of CPS operations.

Recommendation 1.4: The County Board of Supervisors require that a public report be made in six months as to progress made.

Finding 2: A shield of privacy and secrecy that surrounds much of the operations of CPS is unwarranted. This lack of transparency serves to raise questions and leads to inaccurate conclusions being made regarding what takes place in CPS. The acknowledged need to protect the confidentiality of case information can be accomplished without adopting a "closed door" attitude.

Recommendation 2: Greater transparency of CPS operations must be exhibited on the part of CPS management. They should do more to aggressively open the doors of CPS activities to the eyes of the public, the County Board of

Supervisors, non-profit organizations, K–12 schools and universities, the Legislature, the medical community, and the media. Transparency does not prevent possible negative publicity, but does mean that questions can be asked and answered in an atmosphere of openness and honesty.

Evaluations

Finding 3.1: CPS personnel have rarely had performance evaluations.

Finding 3.2: CPS management acknowledged they have failed in this area despite their agreement that yearly evaluations are critical. They tend to fall back on the excuse of “competing priorities” which were never explained to the satisfaction of the Grand Jury.

Finding 3.3: Personnel have been promoted without a current evaluation.

Recommendation 3: The completion of yearly evaluations on all employees must be recognized as a critical, high priority activity required of supervisors and managers.

Finding 4: The County’s Human Resources Department (HR) disseminated annual evaluation reminders to CPS management. However no follow-up action was done to see if such evaluations actually took place.

Recommendation 4: HR must accept its responsibility for ensuring the completion of annual performance appraisals as part of their fundamental personnel oversight responsibilities.

Finding 5: HR has neglected to train supervisory personnel in the proper method of personnel evaluation.

Recommendation 5: CPS supervisory personnel must attend a training course specifically focused on employee performance evaluations

Finding 6: Substantial finger pointing exists between CPS and HR personnel regarding quality of service.

Recommendation 6: Greater interdepartmental cooperation must exist between CPS and the HR Department. CPS management must do more to demand and improve the delivery of services from the HR Department. Management attention and involvement must be brought to the table to reconcile this festering issue.

Discipline Procedures

Finding 7: Disciplinary proceedings are compromised by the absence of evaluations of all employees.

Recommendation 7.1: CPS management should work with the Human Resources Department to immediately complete employee evaluations on all CPS personnel.

Recommendation 7.2: CPS supervisors and managers should be held accountable for ensuring that employee evaluations are completed in a timely manner.

Recommendation 7.3: Formal disciplinary action should be mandated in instances where evaluation timetables are not met.

Finding 8: There is an average time of one year from the start of **paid** administrative leave to resolution. This contributes to the caseload of other employees, and decreases staff morale.

Recommendation 8.1: Given the number of cases referred for discipline and the lengthy time until resolution, the Grand Jury recommends that more of the current HR staff be reallocated to CPS.

Recommendation 8.2: The length of time that employees are on paid administrative leave must be reduced.

Recommendation 8.3: Supervisors should be held accountable for keeping an active up-to-date file on employees as mandated in the County Discipline Manual.

Finding 9: According to sworn testimony, the recent HR reorganization increased the ratio of CPS disciplinary cases per HR analyst.

Recommendation 9: An alternative organizational structure, which would provide more efficient HR disciplinary support to CPS, should be considered.

Finding 10: Poor communication between HR and CPS contributes to lengthy disposition of discipline cases.

Recommendation 10: HR should develop effective training seminars for all supervisors and managers of CPS to promote greater understanding of the requirements needed for a rapid adjudication of cases.

Recruitment and Retention

Finding 11: A 22 percent annual turnover rate in CPS social workers is a major impediment to program efficiency and effectiveness.

Recommendation 11: CPS management should prepare an analysis of this turnover problem and implement a recommendation plan.

Finding 12: Skilled social workers who do not want to be supervisors have no way to be promoted.

Recommendation 12: Establish a “specialist” classification in CPS available to social workers who are able to take on unique and complex cases.

Training

Finding 13.1: Except for the first year of employment, employees are not compliant with the 30-hour training requirement. In a sample review of 60 employee records, 50 were not in compliance.

Recommendation 13.1: Program managers and supervisors must ensure that their employees attend classes and satisfy the 30-hour annual requirement.

Finding 13.2: Program managers receive employee training records twice a year.

Recommendation 13.2: Program managers and supervisors use the training records in conducting annual employee evaluations.

Recommendation 13.3: Supervisors should recommend beneficial training and should maintain an attendance log in their Desk File.

Finding 14: Training entries for new employees do not show the correct total number of training hours those employees actually took.

Recommendation 14: CPS should review the training log for accuracy and corrects erroneous entries.

Caseload

Finding 15.1: A caseload is not defined.

Recommendation 15.1 CPS should define a case and establish caseload and workload criteria.

Finding 15.2: Cases are allowed to remain open unnecessarily.

Recommendation 15.2 Case supervisors should monitor and ensure that cases no longer needing services are closed in a timely manner.

Finding 16: Social workers do work that could be done by support staff.

Recommendation 16: Tasks not needing the skills of a social worker should be turned over to support staff.

Information Technology

Finding 17: Management has not required personnel to take full advantage of their available software. CPS management acknowledges its failures to fully use these systems.

Recommendation 17.1: All CPS personnel should be required to pass software proficiency examinations.

Recommendation 17.2: Proper software utilization by all personnel should be assessed monthly.

Finding 18: The Grand Jury found that supervisory personnel and upper management were not adequately using IRIS. The current design of the software changes each case entry information to a red font when the case exceeds certain limits. This is helpful but does not provide enough information about the urgency of the case.

Recommendation 18.1: Division Managers should provide additional IRIS training and demand greater use of the software by program managers and supervisors. Program Information Notice 08-12, which provides detailed instructions of the use of IRIS, should be strictly followed.

Recommendation 18.2: The Grand Jury recommends that the cases be shown in a color code (e.g., green for good, yellow for cautionary, red for urgent and flashing red for immediate attention.)

Recommendation 18.3: The IRIS program should be modified to automatically send emails to the appropriate program manager, the division manager and the CPS director and when any case is red or flashing red.

Finding 19: The CWS/CMS software package is provided and controlled by the State and cannot be modified by CPS IT personnel. These personnel can recommend appropriate change through statewide user-councils to improve the software.

Recommendation 19.1: Changes should be made that will not allow deleting, but will require strikeouts and additional comments.

Recommendation 19.2: Create an identifying log that records author and date of any changes.

Finding 20: There is a lack of management control of SDM usage. It was reported to the Grand Jury that at most 60 percent of the social workers adequately use SDM. The Self Assessment Report states: “. . . its use remains inconsistent and inaccurate.”

Recommendation 20: Social workers should be required to use SDM 100 percent of the time.

Finding 21: The SafeMeasures program has not been used adequately by many of the supervisors and managers. Usage is reportedly less than 20 percent.

Recommendation 21.1: All supervisors and management should receive additional training in the use of SafeMeasures.

Recommendation 21.2: SafeMeasures results should be used in staff meetings and as a means of tracking employee performance.

Finding 22: Quality Assurance (QA) personnel are not knowledgeable in the use of all the software and were not using the SafeMeasures software to assess the quality of services provided.

Recommendation 22: QA personnel should receive training in the use of all CPS software and be required to use SafeMeasures in their assessment of CPS programs.

Finding 23: The CPS in-take phone lines currently do not have recording capability. CPS personnel have investigated this issue and found that other counties have this capability and it did not interfere with reporting.

Recommendation 23: High priority should be given to purchasing and installing the voice recorder system as soon as possible.

Finding 24: Testimony from CPS management indicates that social workers do not have electronic devices to record information while they are in the field.

Recommendation 24: CPS should investigate electronic devices that could improve social worker efficiency. Factors such as worker safety and client confidentiality should be considered.

Finding 25: Currently social workers, with password generation devices called "Tokens" (a secure means of handling sensitive data) can access the CWS/CMS computer system from home. CPS has issued about 80 of these "Tokens."

Recommendation 25: This system should continue but annual reassessments should be conducted to evaluate its value, safety and security.

Structured Decision Making and Risk Assessment Tools

Finding 26: Flaws in the SDM may result in children being exposed to dangerous and abusive conditions. The Risk Assessment process requires that CPS respond within 24 hours if a child is under age two. If the child is over two, the response time may be extended to ten days.

Recommendation 26: The County should expand this age group to five and under. With this change in place any child who is not of school age would require 24-hour response.

Finding 27: SDM is not been utilized as envisioned. Testimony indicated that this valuable risk assessment tool was frequently completed after the fact and viewed simply as an administrative “requirement” by social workers.

Recommendation 27: Social workers should use the SDM tool as designed to adequately assess risk.

Finding 28: SDM allows a response of ten days even when there is a history of “physical abuse, domestic violence, caregiver mental health, or substance abuse concerns” if there is a “responsible” adult on the premises. Experts in domestic violence state that if there is domestic violence in the home there is a 50 percent chance that the children will also be abused. When these circumstances exist, no adult on the premises should be considered “responsible. “

Recommendation 28: Whenever there is prior history of physical abuse or domestic violence, the response should be 24 hours or less.

Finding 29: The California Family Risk Assessment Tool can fail to adequately determine the level of risk to which a child may be exposed.

Recommendation 29: CPS should reexamine this tool and find ways to improve its usage.

Policies and Procedures Manual

Finding 30.1: The CPS Policies and Procedures Manual is an exercise in redundancy and fails in its purpose to provide concise and useable direction.

Finding 30.2: The CPS manual does not have a usable table of contents, index, or electronic search engine capability.

Recommendation 30: The CPS policy manual should be completely rewritten to include an index and expanded table of contents and be in digital form with electronic search capability.

Legislative Needs

Finding 31: The law governing reporting does not require that the Mandated Reporter hold or detain a child suspected of being abused. It only requires that he or she report the suspected abuse to the proper authorities.

Recommendation 31.1: The County Board of Supervisors should request the State Legislature amend the appropriate sections of the Penal Code to authorize such detention.

Recommendation 31.2 Sacramento County should be designated as a Pilot Project County to establish and evaluate the efficacy of detaining children at possible risk.

Finding 32: The Grand Jury does not have full access to unredacted reports for legitimate investigative purposes.

Recommendation 32.1: The County Board of Supervisors should request the State Legislature amend Welfare and Institutions Code 827 to include the Grand Jury in the list of “Persons Authorized to View Juvenile Records without a Petition or Court Order.”

Recommendation 32.2: Access to the case records in CWS/CSM of children who died, or were subject to a near-death situation, should be restricted to persons who demonstrate a legitimate need to see the case record.

Response Requirements

Penal Code sections 933 and 933.5 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by July 14, 2009 from:

- **Sacramento County Board of Supervisors**

In Home Support Services

“For the Needy, Not the Greedy”

Issue

Are Sacramento County In-Home Supportive Service (IHSS) funds being spent efficiently and effectively for those in need?

Methodology

The methodology used in this investigation included interviews with or testimony by:

- County District Attorney staff.
- Executive Director of the County Welfare Directors Association.
- Sacramento County Sheriff.
- A member of the Death Review Team.
- Past and current Department of Human Assistance IHSS fraud investigators.
- Former and current IHSS social workers.
- IHSS Director.
- IHSS Public Authority (Registry) Director.
- County Budget Director.
- A State Department of Justice representative.
- County Office of Education representatives.
- State Department of Social Services representatives.
- Past Grand Jury reports of various counties.
- A Little Hoover Commission report.
- Research studies.
- Policy reports and news articles.
- Numerous IHSS documents and forms.
- IHSS Public Authority annual reports.
- State IHSS legislation.
- State Legislative Analyst’s Office reports, and

- County demographic reports and IHSS budgets.

Background

IHSS. IHSS is a federal entitlement program established in 1973 that provides assistance to the aged, blind and disabled to enable them to remain at home. Over succeeding years the program expanded. In 1999, the program took its present form with funding by Federal (49%), State (33%) and County (18%) governments, although none of these entities has the legal responsibility for being the employer of record. The program components consist of the IHSS administration, recipients (or clients) and providers (or caregivers), and The Registry (a Public Authority), an independent ancillary agency.

State. The State Department of Social Services provides pass-through Federal and State funding to the County and promulgates various rules, regulations, and guidelines for County programs. In IHSS, being a Federal entitlement program, funding is automatic. As more people have learned about the program and how to qualify for the benefits, applications for inclusion in the program have taxed County IHSS service and oversight capabilities.

County IHSS Department. IHSS is the administrative arm of the program with about 219 staff positions. Social workers attend a required State-sponsored IHSS Training Academy. Topics include:

- Assessment tools.
- Communication tools.
- Interactions and needs assessments of people with disabilities.
- The Needs Assessment tool.
- The Functional Index Scale.
- Administrative issues.

Administrative Issues. To meet the challenges of the escalating growth of the IHSS program, the computer program entitled Adult Data Automation Module (ADAM) was implemented a year ago, replacing fifteen antiquated systems. IHSS social workers conduct initial intake Needs Assessment of Applicants. The visitation notes of the social

workers are entered into ADAM and applicant information is forwarded to Medi-Cal for review and action. Based on the Needs Assessment and Functional Index, social workers assign hours for provider care services. The services include: feeding, bathing, housekeeping, laundry, shopping, meal preparation, transportation to Medi-Cal appointments and reminding recipients to take prescribed medication. The maximum number of service hours per recipient that may be allocated is 283 per month, or approximately nine hours per day.

Recipient case file information is contained in ADAM. This database system is user-friendly and performs needs analysis, computations, case recommendations, and hour limitations. With the assistance of ADAM, clerical staff assign recipients to social workers according to zip code and current workload. Recipient case data and changes in ADAM are stored in the permanent County computer system.

Recipients. Recipients are deemed to be the Employer of Record and are responsible for hiring and firing their providers. Anyone who is blind or disabled, on Medi-Cal, Supplemental Security Income, and is income eligible qualifies for the program. Once deemed eligible for IHSS a recipient may remain in the program for an extended period and in many cases until death. As of January 2009, there were about 21,290 recipients in the County.

Providers. A provider is any individual who is hired by a recipient to provide care for him or her. There are no qualifications to become a provider. There is no assessment of the provider's ability to provide care, no criminal background check, no tuberculosis test, nor any training (except for Registry providers.) Most often providers are family members or acquaintances. Many providers are unseen by IHSS social workers for extended periods of time, and some have never been seen. The current provider compensation is \$10.40 per hour, paid twice per month. More than 3,400 providers who work over 85 hours per month are receiving Medi-Cal and dental benefits. Providers pay \$15 per month, with the County's share at \$395.26 per month.

In contrast, home health aides, privately hired and State certified, perform similar duties and are required to complete a 12-week training course by the County Office of

Education and pay for a tuberculosis test and a criminal background check. The training course consists of 25 modules that include:

- Health and Safety
- Ethics
- Prevention and Management of Catastrophic Occurrences
- Patient Care Skills
- Patient Care Procedures
- Nutrition
- Emergency Procedures
- Death and Dying
- Home Health Care

The median starting hourly rate for a home health aide is \$9.25.

Registry. The County Board of Supervisors exercised the option of creating The Registry as a Public Authority in September, 2000. Its governing authority is the five-member County Board of Supervisors. The IHSS Registry has increased its budget from \$1.07 million in FY 2003-04 to \$1.56 million in FY 2007-08. The functions of The Registry are to:

- Act as the Employer of Record for the purpose of collective bargaining.
- Assist IHSS recipients in hiring providers.
- Investigate the qualifications and background of potential providers.
- Provide training for recipients and providers.
- Perform any other functions related to delivery of IHSS services.
- Ensure recipients meet Medi-Cal requirements.

Ninety-nine percent of the 19,670 providers in the County are not hired from The Registry list. Other counties cite a rate as high as 50-70 percent.

Classes conducted by The Registry include:

- Administration of Medication
- Coping with Grief and Loss

- Hospice
- Nutrition
- Tax Preparation

A limited number of classes are conducted with concurrent translation in Spanish, Russian, and other languages. As of February 2009, 128 Registry-screened providers were employed, and an additional 335 are available for employment. About 488 others were previously screened but are no longer available for work.

Program Cost. In Sacramento County the IHSS program has grown considerably. The following table depicts Sacramento County’s share of program budgets over the past five fiscal years.

IHSS Expenditures (in millions)

Fiscal year	IHSS Admin.	Provider Cost
2003-04	\$11.8	\$44.4
2004-05	12.9	43.8
2005-06	17.5	49.7
2006-07	20.9	57.6
2007-08	24.2	65.4

The IHSS administrative cost has more than doubled from \$11.8 million in FY 2003-04 to \$24.21 million currently. IHSS provider payments have increased from \$44.4 million in FY 2003-04 to \$65.4 million in 2007-08. The total cost of these programs the last fiscal year in Sacramento County alone exceeded \$89 million.

The State Legislative Analyst Office noted in its report to the Legislature in 2007 that over the past ten years “...IHSS cost rose rapidly from less than \$4,000 per person to over \$10,000 per person...The IHSS program budget increases have dramatically outpaced other social services assistance programs.”

IHSS Fraud. Grand Jury reports and news articles in counties such as Los Angeles, Fresno and Santa Barbara and others have reported substantial IHSS fraud in the millions of dollars. IHSS fraud and waste in Sacramento County has received scant attention. The Grand Jury was informed by witnesses that there is not an annual fraud report for Sacramento County. According to a published news report an analysis by the Governor's Office estimates the Statewide fraud rate for IHSS at 25 percent.

Currently, in Sacramento County fraud investigations are based on reports of suspected fraud by the public and on referrals by IHSS social workers. Complaints of fraud are initially reviewed for substance by a small number of internal IHSS staff. Those cases with evidence of fraud are referred to investigators in the Department of Human Assistance who conduct formal investigations. Only cases of fraud of \$1,500 or greater are accepted by the County District Attorney's Office for prosecution. Fraud cases under \$1,500 are referred to the Department of Revenue and Collections for restitution. The number of cases referred between agencies is illustrated in the table below.

IHSS Fraud Case Referrals

Fiscal Year	Referrals DHHS to DHA	Investigations DHA to DA	Prosecuted DA Cases Filed
2004-05	236	23	24
2005-06	341	16	15
2006-07	397	31	25
2007-08	Not Available	28	24

Illustrative of the fraud are:

- Claims by different providers of the same services at the same time.
- Claims of mental illness “stage-managed” by recipients or providers.
- Claims inflated by “under the table” check-splitting between recipient and provider.
- Claims by incarcerated providers.
- Claims by providers despite the death of the recipient.
- Claims of fiscal needs by recipients who have hidden assets or income.
- Claims of Medi-Cal conditions unverified by Medi-Cal professionals.

Recently it was reported that recipients with conditions of severe forgetfulness, asthma or restricted mobility were going to casinos for six to ten hours several days a week.

Claims of “mental illness” by saying the “magic words” such as “he wanders” or “acts strange and is disoriented” are particularly problematic in that social workers are not sufficiently trained to assess such claims and are told “to believe the client.” Even upon the death of recipients they keep generating income for their providers because death notifications are not timely.

Fraud prevention and detection is weakened by the lack of a database to track Medi-Cal practitioners who may be routinely signing-off on client claims to identify those with an unusually high incidence of approving IHSS services. A number of fraud cases are not pursued due to the statute of limitations because of inordinate delays. The social worker training in fraud is at best perfunctory and consists of only four presentation slides and a

very brief exercise. This training gives a mixed message by including a slide stating “...Don’t be a cop.”

When investigations are pursued as a result of social worker referral, there is little or no feedback on the disposition of cases. Many witnesses stated that social workers are not acknowledged for their diligence in reporting fraud. Furthermore, fraud investigations are seriously hampered by lack of “under penalty of perjury” statements on timesheets, vague time block reporting, and lack of data systems to effectively detect possible fraud.

The small number of cases accepted for prosecution is not an indication of the magnitude of fraud taking place. What it does point to is a fragmented fraud prevention, detection, investigation and prosecution system. Witnesses testified that current fraud prevention efforts are not adequately supported by upper management.

The fraud overpayment cases of less than \$1,500 referred to the Department of Revenue and Collections for civil collections are displayed in the table below:

IHSS Collections

Fiscal Year	Amt. Referred for Recovery	Amt. Actually Recovered	Number of Cases in Recovery
2003-04	\$154,225	\$17,524	84
2004-05	60,718	22,349	38
2005-06	356,320	23,366	164
2006-07	395,594	41,016	177
2007-08	166,862	56,451	186

The amount referred for restitution for the past five fiscal years totals \$1,133,719. Of that amount only \$186,245 was actually collected. Sworn witnesses testified that better Needs Assessment training, program oversight, monitoring of service hours, aggressive fraud detection and prosecution are essential. Currently, IHSS providers have no meaningful oversight, no assessment of skills to meet client needs, no monitoring of the validity of service hours, and no background checks. Criminal background checks are not prohibited by the State. There is no requirement that all providers undergo a criminal

background check for felonies such as sex offenses, drug use, theft, robbery or burglary is a major barrier to improved program quality, oversight and accountability.

The provider aspect of the program has been characterized by a witness as "...an employment program for ex-felons and a breeding ground for fraud." A news report in Contra Costa County noted that "...the IHSS program provides an unreasonable opportunity for risk of misconduct, including fraud by caregivers..." A recent Los Angeles County Grand Jury noted that "[IHSS] inadvertently supports criminal activity."

According to sworn testimony, the types of fraud being committed in Sacramento County include but are not limited to:

- Misrepresentation of hours worked by IHSS providers.
- Service not given by IHSS providers as required.
- Use of false Social Security numbers by recipients or providers.
- Use of false names by recipient or providers.
- False representation of need by recipients.
- Collusion between recipient and provider.
- Continued payment of providers after recipient has died.
- Forgery of recipient's signature on time sheets.
- Payment to incarcerated providers.
- Payment to incarcerated recipients.
- Payment to providers when recipient is in nursing facility or hospital.
- Fraud by social worker.
- Fraud by "able and available" spouse.
- Undisclosed assets or income by recipient.

In summary:

- Fraud in the IHSS program is reported to be rampant and out-of-control.
- There are insufficient IHSS administrative procedures to mitigate fraud.
- Individuals with a criminal past constitute a majority of the providers who committed documented fraud.
- Timesheet misrepresentation is significant.

- The IHSS fraud prevention, identification, investigation and prosecution are almost non-existent.
- Fraud restitution is insignificant.
- Social workers are not adequately trained in fraud identification and reporting.
- Social workers grant more hours than appear necessary due to inconsistent use of the Needs Assessment process and the practice of “believe the client.”
- There is inadequate verification of some client needs.
- Social workers’ denials of requested IHSS services are routinely overturned on appeal.
- Annual reassessments of recipients are seriously in arrears.
- There is a need to track and identify physicians who routinely authorize IHSS services.
- The number of Registry-screened providers is less than one percent of total providers in the County.
- The number of people attending Registry classes is very low.

IHSS management dismissed fraud as inconsequential. By contrast witnesses interviewed consistently expressed frustration at management’s attitude about fraud as “...the cost of doing business...,” and that there is a lack of resources and systems to more effectively address fraud.

The incidence of fraud in IHSS is higher than expected and is likely to detract from IHSS’ ability to provide for the truly needy.

Findings and Recommendations

The IHSS program is based on the assumption that it is cheaper to care for the needy at home than in nursing facilities. However, only if the program is targeted to the truly needy with quality control and oversight features would it be cost effective. It is recognized that the IHSS program provides important services, but it is absolutely essential to significantly improve program oversight, accountability, and quality of recipient services, seek efficiencies, and address the looming issue of fraud if it is to become a premier program.

Finding 1: IHSS does not have adequate program controls to eliminate fraud.

Finding 1.1. Time sheets are routinely completed in a pro forma manner. Time sheets are often identical week after week, month after month, year after year and do not reflect when providers or recipients are unavailable due to illness or other factors.

Recommendation 1.1: Add a supplemental time sheet with clock hour implements versus the current block time accounting to be put in the recipient's file. A County supplemental time sheet would not require any computer system reprogramming, and the cost would be insignificant.

Finding 1.2. The lack of a perjury statement is a problem in fraud investigations.

Recommendation 1.2: Include a perjury statement on the County Supplemental Time Sheet. Require both recipient and provider thumbprints on these timesheets to improve accountability, deter fraud and facilitate fraud investigation.

Finding 1.3. The required annual recipient reassessments are in arrears from four to twelve months.

Recommendation 1.3: Enforce the annual Recipient reassessment requirement.

Finding 1.4. There is a no fraud data management system.

Recommendation 1.4: Develop a data management system capable of detecting potential fraud.

Finding 1.5. Social workers rarely make unannounced visits to recipients.

Recommendation 1.5: Require social workers to conduct unannounced home visitations on a random basis to reduce the number of “stage managed” reassessments.

Finding 1.6. Recipients are not fully informed by IHSS social workers that they may request a criminal background check of their providers.

Recommendation 1.6: Enforce the requirement that social workers inform recipients of their right to have criminal background checks conducted on their providers.

Finding 2: Service hours are added without verification of recipients’ health needs and Medi-Cal conditions.

Recommendation 2.1: Establish an independent pool of physicians to periodically review recipient files of Medi-Cal and mental conditions to provide both quality control and certification of claimed needs and services.

Recommendation 2.2: Require a Medi-Cal evaluation when a change of 20% or more hours is requested for those receiving 200 or more hours of service.

Finding 3: The existing fraud investigation process is cumbersome and ineffective.

Recommendation 3.1: Create an operationally independent task force composed of the County Sheriff’s Department and the County District Attorney’s Office to conduct fraud investigations. It would be funded by \$1 million currently being expended on fraud by IHSS.

Recommendation 3.2: Establish a “Deferred Entry of Judgment” program by the County District Attorney to permit the expeditious adjudication of fraud cases, determination of offender sanctions and monetary restitution.

Recommendation 3.3: Transfer the IHSS monetary restitution function to the Sheriff's Department from the Department of Revenue and Collections. Because of sanctions that may be imposed, the amount of restitution can be expected to dramatically increase.

Recommendation 3.4. Lower the current prosecution threshold set by the District Attorney's Office for IHSS fraud prosecutions from \$1,500 to \$500.

Recommendation 3.5: Submit to the County Board of Supervisors a yearly comprehensive fraud report, including cases investigated, types of fraud, dollar value, and disposition.

Finding 4: Social workers do not receive adequate training in fraud identification and reporting.

Recommendation 4.1: Require management to provide and social workers to successfully complete comprehensive training in fraud detection, with updates to be given annually.

Recommendation 4.2: Require reliability assessment of social worker training on the Needs Assessment to achieve greater uniformity on recipient needs assessment and hours granted.

Finding 5: Recipients lack sufficient information to make informed decisions about their providers.

Recommendation 5.1: Require that all current providers undergo a face-to-face meeting with an IHSS representative to verify identification and to receive a program orientation that is verified by providers' signatures.

Recommendation 5.2: Revise the provider application to include name, date of birth, driver's license number, address, photo, and thumb prints, a question regarding any convictions, a question regarding whether he/she has ever been a provider elsewhere, used any other name, alias or security number, and sign a perjury statement that the information provided is correct.

Recommendation 5.3: Require all providers to have and pay for a fingerprint-based criminal background check and the results to be given to recipients so they can make an informed judgment about their provider.

Recommendation 5.4: Require all providers to pass a tuberculosis test.

Finding 6: The IHSS Information Technology Department has recently developed and implemented a software database name ADAM (Adult Data Automation Module). This has immensely improved the intake, evaluation and tracking of IHSS recipients.

Recommendation 6: The IHSS Information Technology Department is commended and should be recognized for their accomplishment.

Finding 7: The Registry, funded last year at \$1.6 million, is not cost-effective. The number of employed Registry screened providers is small (less than one percent) as is attendance in various classes.

Recommendation 7: Encourage the County Board of Supervisors to evaluate the Registry functions, workload and level of funding.

Response Requirements

Penal Code sections 933 and 933.5 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by June 22, 2009 from:

- **Sacramento County District Attorney's Office**
Finding 3 and Recommendations 3.1, 3.2, 3.3 and 3.4
- **Sacramento County Sheriff**
Finding 3 and Recommendation 3.1
- **Sacramento County Board of Supervisors**
Findings and Recommendations 1, 2, 3, 3.5, 4, 5, 6, and 7

Natomas Unified School District “Right Idea, Wrong Price”

Issue

The Grand Jury became aware that the Natomas Unified School District purchased a piece of land to construct a high school. The Grand Jury did not question the purchase of the land or the location. The Grand Jury did question the purchase price and the underlying assumptions supporting the price.

The Grand Jury asked three questions:

- Did the Natomas Unified School District Board act in a fiscally responsible manner when it agreed to purchase real estate for the construction of a new high school?
- Was there a degree of impropriety between seller and buyer?
- Did the seller and/or his representatives use unethical means to inflate the selling price?

Reasons for the Investigation

The Grand Jury believed that there were several unusual aspects to the purchase of this property by the Natomas Unified School District which merited investigation including the relations between the buyers and the sellers and their representatives and the appraisal on which the purchase was based.

Background

In 2006-2007, the Natomas Unified School District Board began a search for a suitable site on which to build a high school. The Superintendent of the school district directed the Assistant Superintendent to identify a suitable site. A 41 acre parcel was identified north of the Sacramento city limits in an area known as Natomas Basin. The land was owned by West Lakeside LLC and managed by AKT Development. After identifying the

property, the Assistant Superintendent contacted an attorney at a law firm that had previously negotiated real estate transactions for the school district to handle the purchase. The attorney hired an appraiser to value the land.

The property was zoned A1 agricultural and not incorporated into the city of Sacramento or subdivision of Natomas. This land also had a number of environmental issues which included being part of a state flood plain, partially protected under the Endangered Species Act and partially protected under the Williamson Land Act. Testimony before the Grand Jury indicated that the 41 acres had a value as agriculture land of \$50,000 to \$60,000 per acre in 2007 for a total value of approximately \$2,000,000. A senior property appraiser from the State of California Office of Real Estate Appraisers testified and provided documents to support this value.

The 41 acres was originally part of a larger parcel that had already been developed as residential property. The assessed value of the previously developed residential parcel was set by the county assessor at approximately \$272,000 per acre in January 2007. This assessment was based upon the value of developed property for residential use within the City of Sacramento which included all utilities, streets and re-zoning from agricultural to residential.

An appraiser opined that the "fair market value" for this type of fully developed residential land was approximately \$600,000 per acre. At this valuation the total price of the 41 acres would be \$24,600,000. The seller, West Lakeside LLC, used this appraisal to set a price for the sale of the 41 acres at \$650,000 per acre.

However, the 41 acres that Natomas Unified School District was considering purchasing had not been developed, had not been annexed to the City of Sacramento, had not been re-zoned from agricultural to residential and had no utilities or streets. Also portions of the 41 acres were protected under the Endangered Species Act and the Williamson Land Act thus reducing the amount of land available for building.

The attorney negotiated with the seller agent/broker. In negotiations for the sale of the property, the seller agreed to sell the 41 acre parcel at \$325,000 per acre for a total of \$13,325,000. As conditions to the sale and terms of the contract, Natomas Unified School District agreed that it would:

- be solely responsible for providing any habitat mitigation (approximately \$15,000/acre);
- install all offsite roads and utilities required; pay for the cost of improvements (one-time \$450,000);
- pay development fees and bond debt burden (\$39,948/acre);
- maintain a 200 foot agricultural buffer zone on the eastern perimeter of the land which could not be used as part of a building site.

The Natomas Unified School District Board was led to believe that the property would be annexed by the City of Sacramento. The contract was silent as to who would be responsible for paying any costs associated with the annexation.

The \$13,325,000 price was agreed upon by the parties' representatives, and a preliminary contract was drawn and presented to the Superintendent and the School Board. After a brief review of the appraisal and the contract, the Board approved the purchase based upon the appraisal.

During the time that the school district was negotiating for land to build a new school, the Superintendent was actively soliciting donations for the Natomas School Foundation. He had established this foundation and sat on its board. One of the potential contributors that the Superintendent had approached was a partner in West Lakeside LLC and AKT Development. This partner ultimately donated hundreds of thousands of dollars to the Natomas School Foundation.

Since \$13,325,000 was a reduction of 50% from the asking price and with the land being sold to a school district, the seller wanted this amount as a tax consideration and requested documents supporting this claim from the school district.

Methodology

In order to investigate this transaction it was necessary to:

- Identify the process involved.
- Compile a list of persons involved in the sale of the land, the purchase of the land and the overall purchase process.
- Review the appraisal of the land.
- Identify the School Board members and all of the legal and advisory consultants that were part of the entire process including:
 - the school board
 - the school superintendent
 - the assistant school superintendent
 - the attorney hired to handle the transaction on behalf of the school district
 - the appraiser
 - the attorney hired to advise the school board on environmental issues
 - West Lakeside LLC
 - AKT development
 - the attorney hired by the seller to broker the transaction.

Results of the Investigation

The School Board and the Superintendent relied on only one appraisal. Professionals in education administration such as the San Francisco Bay Area California Association of School Business Officials believe that all real estate transactions should have a minimum of three appraisals from disinterested professionals who do not know one another.

The Assistant Superintendent, who was directed to facilitate this transaction, hired an attorney to bring together West Lakeside (the seller) and Natomas Unified School District (the buyer). The Assistant Superintendent allowed the attorney to select and hire an appraiser to determine the market value of the land. Normally the seller or buyer

hires the appraiser. Sworn testimony before the Grand Jury revealed that the Assistant Superintendent and the attorney directed the appraiser as to what assumptions to use in determining the value of the property. The attorney acting for the District was legally bound to keep confidential his conversations with the appraiser. Thus the District's actions which were supposed to be open and transparent were instead protected and made private by the attorney client privilege.

Three months after the close of escrow, the attorney filed a Declaration of Conflict of Interest with the Natomas Unified School District. It was revealed that the attorney's law firm representing the school district had represented the seller, West Lakeside LLC, in the past, and therefore would have a conflict of interest between seller and buyer.

The appraiser's method was not in compliance with accepted standards as required by the Business and Professions Code. The appraisal when first submitted to the School Board for review was lacking complete information. The appraiser testified under oath that he was instructed by the attorney to perform an appraisal based on various assumptions. These assumptions inflated the value of the property. Comparable values were based upon the developed residential property that was adjacent to the 41 agricultural acres which were to be purchased. The appraisal contained errors and omissions including but not limited to:

- incorrect date of appraisal
- no indication that the school district was the purchaser
- incorrect parcel numbers
- incorrect tax rate
- references to buildings that did not exist
- identifying surrounding land as industrial
- implying that the flooding issue had been fully resolved
- lack of development impediments that exist due to endangered species protection
- failure to adequately discuss existing legal constraints under county jurisdiction
- indication that all utilities are available
- no mention of a wetlands issue

The misleading appraisal was attached to the contract that was accepted by the School Board and the Superintendent. The acceptance of this purchase was the responsibility of the school board and the Superintendent. After the contract was approved by the board based upon the misleading appraisal, the appraiser prepared a second appraisal which dealt with some of the earlier omissions and areas of concern. Most of the Board never looked at the second appraisal.

Findings and Recommendations

Finding 1 – The Natomas Unified School District Board and Superintendent did not exercise proper oversight of the land acquisition process. Their lack of due diligence reflects an abdication rather than a delegation of oversight responsibilities.

Recommendation 1.1– The California School Board Association should be invited to conduct training in land acquisition for both the Natomas Unified School District Board and Superintendent.

Recommendation 1.2 – The Natomas Unified School District Board should demand more direct involvement of the Superintendent in major financial transactions, and he should be held personally accountable for the outcome of those transactions.

Finding 2 – Obtaining a single appraisal under the protection of attorney client privilege does not allow for full disclosure and transparency of the purchasing process. The appraiser hired and directed by the attorney was provided information based on erroneous facts which were incorporated into the appraisal that was submitted to the Natomas Unified School Board.

Recommendation 2.1 – The School District and Superintendent should always have direct control over the hiring of any appraiser.

Recommendation 2.1 - In addition, a minimum of three independent appraisals should be required for any subsequent land purchase.

Finding 3 – The Superintendent’s solicitation of a contribution from a related party to West Lakeside LLC, for a foundation on whose board the Superintendent sat, during the

course of purchasing negotiations, reflects poor judgment. The solicitation lays open the appearance of a “quid pro quo” agreement for purchase of the Natomas land site at an inflated price.

Recommendation 3 - The Superintendent should be sanctioned by the Natomas Unified School District Board for carrying out such an ill timed solicitation.

Finding 4 – The attorney retained by the School Board failed in his fiduciary responsibility to make the Natomas School District and Superintendent aware of his past dealings with West Lakeside LLC and AKT Development and the conflict of interest.

Recommendation 4 – A complaint should be filed with the California State Bar by the Natomas Unified School District Board against the attorney and his law firm.

Finding 5 –The Assistant Superintendent and the School District’s attorney were involved in instructing the appraiser as to the assumptions that he should use. The appraisal contained false and misleading assumptions which greatly inflated the sales price paid by the Natomas Unified School District. Standard appraisal practices were not followed. The appraiser failed to recognize his obligations to maintain his objectivity and independence.

Recommendation 5 – This matter should be referred to the Sacramento District Attorneys Office and the State Attorney General as well as any other governmental agency for any further investigation they deem appropriate.

Office of the Registrar of Voters

“Vote to Save”

Issue

Should the Sacramento County Board of Supervisors support legislation to change state law to allow each county, at its option, to vote solely by mail?

Method

During the most recent general election Grand Jury members visited more than 100 polling precincts (representing nearly 20 percent of the total number), submitted comments and recommendations to the Registrar and her staff, observed the processing of ballots on election night, and critiqued the findings and recommendations with the Registrar’s Office. The Grand Jury discussed with the Registrar the cost of the election. The cost of “voting by mail” (VBM) was compared to the conventional vote-in-person procedure.

Background

In the November 2008 election 44.2% of the registered voters in Sacramento County chose to vote by mail as opposed to going to the polls. Of the 58 counties in California, 55 had more than 40% of their voters cast their ballots by mail. Two of the least populated counties, Alpine and Mariposa, voted entirely by mail.

The costs for statewide and national elections, June primary and November general elections, are borne by the counties, with cities, school districts and special districts paying a share depending on the number of their items on the ballot. If the Legislature and the Governor so decide, special statewide elections are paid for by the state; otherwise, the elections are conducted solely at county expense.

The total cost to Sacramento County in the November 2008 election was approximately \$3.5 million.

Cost Item	Mail and Precinct Voting	Vote by Mail Exclusively
Fixed Costs (staff pay and benefits)	\$1.5 million	\$2.0 million
Fixed Costs (maintenance of equipment)	0.5 million	
Precinct Costs	1.5 million	
Mail Costs (VBM only)		0.5 million
Total:	\$3.5 million	\$2.5 million

As illustrated in the table above, if Sacramento County were to change to VBM, it could save \$1,000,000 per election.

Findings and Recommendations

Finding: Currently, California law does not give discretion to counties to conduct elections exclusively by mail. Given the authority to conduct elections entirely by mail, the County of Sacramento could save approximately \$1,000,000 per election. In these stringent budget times, that is a substantial saving.

Recommendation: That the Sacramento County Board of Supervisors should pursue legislation giving the County the option to conduct future elections solely by mail.

Response Requirements

Penal Code sections 933 and 933.5 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by October 1, 2009 from:

- **Sacramento Board of Supervisors**

Sacramento Fire Agencies

“Where There’s Smoke, There’s Fire”

Issue

Some employees of the Sacramento Fire Department (Sac Fire) and the Sacramento Metropolitan Fire Department (Metro) have received salary enhancements by claiming college degrees from unaccredited providers (i.e., *diploma mills*.) What can be done to ensure that firefighters taking courses for higher pay are doing so from accredited and approved higher education providers?

Reason for Investigation

Complaints received by the Grand Jury alleged that Sacramento's two fire departments were misusing public funds by granting pay increases to employees based upon education credits granted by unaccredited or unapproved course providers.

Method of Investigation

The Grand Jury interviewed the chiefs and senior managers of both Sac Fire and Metro departments and the Labor Relations Director for the City of Sacramento. Labor agreements (Sacramento Area Fire Fighters Local 522) that provide for incentive pay for uniformed employees and managers were reviewed along with various correspondence and memoranda.

Background and Facts

Sac Fire, with 650 employees, provides fire protection and emergency response services to the public within the boundaries of the City of Sacramento. Metro, with 750 employees, provides fire protection and emergency response to the public within the 417 square miles of Sacramento County not covered by Sac Fire or other local fire departments, such as Galt, Wilton or Folsom.

It has been the practice of firefighters in both departments to pursue pay incentives provided by their labor agreements, and, given their flexible work schedules, they primarily enroll in on-line college courses. Because the internet is an open environment, many educational providers have questionable resources or qualifications. These so-called *diploma mills* require very little effort to complete a degree and provide credits that are often not transferable to legitimate institutions.

Historically, the incentive provision of the labor agreement was not specific as to what constituted accreditation for on-line education providers, and many firefighters in both departments took advantage of this apparent loophole. Nineteen members of Sac Fire (including six fire captains) and five members of Metro applied for and received salary increases using bachelor's degrees from unaccredited *diploma mills*.

When senior Sac Fire officials became aware of this practice, they sought \$50,000 reimbursement from the affected firefighters. Because the incentive pay provision in the labor agreement was considered unclear, Sac Fire agreed to change the labor agreement provision in question without seeking reimbursement or discipline.

In 2007 the Metro Fire Chief was made aware of educational abuses within his department and took more direct action. Upon a review of the personnel records for all staff, it was determined that five staff had received salary enhancements based upon degrees from unaccredited providers. A *side-bar* letter was added to the Local 522 labor agreement delineating criteria for determining accredited on-line educational courses; that is, from institutions approved and sanctioned by agencies delegated authority by the United States Department of Education and the California Post Secondary Education Commission to accredit on-line institutions. The five Metro firefighters were given written reprimands, docked 410 hours (51 work days) of vacation time, ordered to make reparation of \$20,314 (including 7% interest) and precluded from accruing overtime for one calendar year. The assistant fire chief who approved the salary enhancement requests received a written reprimand.

Findings and Recommendations

Finding 1: Firefighters in both Sac Fire and Metro departments took advantage of a poorly developed and poorly administered policy of providing salary enhancement for college degrees without regard to the source or quality of the education provider.

Recommendation 1: None. Steps have been taken by both departments to more clearly define and ensure accreditation compliance.

Finding 2: Management of both departments were remiss in approving requests for incentive pay without verifying that they were complying with the spirit if not the letter of the appropriate policy.

Recommendation 2: Leaders in both departments should be reminded that they are guardians of the public trust and that it is their responsibility to ensuring that public funds are spent in a cost-effective and appropriate manner.

Response Requirements

Penal Code sections 933 and 933.5 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by October 1, 2009 from:

- **Sacramento Fire Department**

- **Metro Fire Department**

Department of Utilities

“Credit Where Debit is Due”

Issue

Does misuse exist in the Purchasing Card Program (debit card) of City of Sacramento Department of Utilities (DOU)?

Reason for Investigation

Upon receiving a complaint, the 2008-2009 Grand Jury undertook an investigation into the policies, procedures and usage of debit cards by the DOU.

Method of Investigations

The Grand Jury conducted the investigation by:

1. Interviewing the Sacramento Assistant City Manager/Interim DOU Director;
2. Examining card transactions from June, 2003 to 2008;
3. Reviewing the master list of card users and their spending limits;
4. Comparing the City’s Purchasing Card Program User’s Guide (policy and procedure manual) to actual usage; and
5. Reviewing a June 24, 2008 Internal Audit Report, *Management Controls: Inventory and Debit Card Usage for the Department of Utilities*.

Background and Recommendations

The DOU purchasing system uses debit cards, not credit cards. The purpose of the card program is to establish an efficient, cost effective method of purchasing and paying for small dollar transactions. Too many users of debit cards exacerbate managerial controls.

Findings and Recommendations

Finding 1. The Interim Director reduced the number of employees authorized to have a debit card from 33 to 11. This limits the potential for misuse and facilitates the audit process.

Finding 2. The review of transaction statements did show some questionable transactions, but the dollar amounts were not material and the reduction of authorized employees facilitates oversight of card usage.

Finding 3. The Internal Audit findings confirmed that the program has received appropriate scrutiny and is currently well managed.

Recommendation: The Grand Jury commends the Sacramento Assistant City Manager/Interim DOU Director for his diligence and recommends he pass on his revised procedures to the new Director.

Response Requirements

Penal Code sections 933 and 933.5 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by October 1, 2009 from:

- **Sacramento Assistant City Manager/Interim DOU Director**

Responsibilities of Elected Officials

“Government Stretched Thin”

The Sacramento County Grand Jury is charged with examining the functions of governments within the County. As a result of several recent investigations, the Grand Jury became aware of the demands on the time and commitments of our elected officials. This report will examine some of the consequences and responsibilities that accrue as a result of being elected to office in Sacramento County.

Purpose/Methodology

This Grand Jury examination is limited to membership and activity in which elected officials are required by law or statute to participate. For this report the Grand Jury did not examine all governmental organizations in which elected officials participate, nor did the Grand Jury examine either membership or leadership of individual officials who belong to and may have positions of responsibility in public-service, arts, or business organizations. In order to conduct its examination, the Grand Jury asked each of the cities and the county to furnish a list of the governmental entities to which they are, by law, a part. (See exhibit attached to this Report.)

Study Results

City council members and county supervisors are responsible for representing their constituents. Officials also have an obligation to serve on various intergovernmental organizations that have been established to provide better and more efficient service across jurisdictional lines. These entities may be joint powers authorities (e.g., the Sacramento Public Library Authority) and special districts (e.g., the Sacramento Regional County Sanitation District).

Joint Powers Authority

The Joint Powers Authority (JPA) is an institution whereby two or more public entities (e.g. local governments, utilities or transport districts) can operate collectively JPAs may be used where:

- An activity transcends the boundaries of existing public authorities.
- Public authorities can achieve economies of scale or market power.

JPAs are distinct from city or county governments with separate governing boards of directors. These boards can be given any of the powers inherent in all of the participating agencies. In establishing a JPA the constituent authorities enumerate which powers the new authority may exercise. Terms of service, membership, and standing orders of the board of the authority are defined. The joint authority may employ staff and establish policies independent of the constituent governments.

Special Districts

There are over 100 Special Districts in the County of Sacramento providing a full range of necessary services for the citizens of the county which includes:

- Drinking Water
- Electricity
- Garbage Service
- Fire Protection
- Parks and Recreation Services

Special districts are divided into independent and dependent entities. The sixty-six independent special districts are associated with individual areas or cities within the County. Each has a governing body whose members are elected by registered voters from within the district. The nineteen dependant special districts are associated with services over a broad area in the County and are the responsibility of the Board of Supervisors.

In addition to JPAs and Special Districts there are councils (e.g., the Sacramento Area Council of Governments), commissions, (e.g., the Sacramento Fair Housing Commission), agencies (e.g., the Sacramento Employment and Training Agency, boards (e.g., the Board to End Homelessness), and others. All of these organizations were formed to increase coordination or collaboration on required services and are necessary for the efficient operation of our region.

Findings

The Grand Jury examined the extent to which public officials are required or expected to participate in inter-governmental organizations and activities. (Data relating to the seventy-seven JPAs and special districts appear in the attached exhibit.)

The Grand Jury found that the number of such organizations was unexpectedly large.

The requirement that elected officials sit on the governing bodies of these organizations imposes significant time commitments on the members, especially where some of the organizations, such as the Sacramento Public Library, are responsible for management and oversight of scattered facilities and complex operations.

Several officials find that their schedules are over-extended, or they have scheduling conflicts. Their solution is to send staff members to represent them at meetings of one or more of the organizations in which they are members. The elected official is not actually participating in the intergovernmental organization, and, perhaps equally important, the staff member, sent as a substitute, may not have sufficient knowledge of or experience with the organization to make effective and timely decisions regarding proposed actions.

The task is made more difficult by the very nature of intergovernmental and regional organizations. For example, an official elected from Isleton may sit on a JPA relating to Rancho Cordova. Absent adequate study and preparation time, the elected official may be unable to participate effectively on behalf of his *or her* own or the county electorate.

Conclusion

The Grand Jury found that elected officials must assume additional responsibilities which may limit their ability to perform their elected duties effectively. When both time and knowledge are stretched thin, officials may have a very difficult time providing adequate oversight to the numerous statutory organizations relying upon them for direction at the same time they are serving the constituents who elected them.

Haggin Oaks Golf Course

“Teeing Off on Safety”

Issue

Has Haggin Oaks Golf Course, a public golf course owned by the City of Sacramento, followed proper procedures in maintaining its facilities?

- Have buildings been erected at Haggin Oaks Golf Course without building permits?
- Is water drainage from washing golf carts contaminating a creek?
- Did the contractor who was awarded the project file bankruptcy before the cart washing equipment was operational?
- Are oak trees endangering the golfers?

Reason for the Investigation

The Grand Jury initiated this investigation as a result of a citizen's complaint.

Method of Investigation

Building Permits: The Grand Jury contacted the City of Sacramento Development Services Department to obtain a print-out of all building permits that have been issued for construction at any time at the Haggin Oaks Golf Course. Copies of permits for the cart washing machine were also reviewed.

Water Drainage: The Grand Jury made an on-site inspection to determine the extent of drainage into the creek. The EPA website was examined and personal interviews conducted.

Contractors Business Status: The Grand Jury, conducting web searches of Sacramento Business (a website on Sacramento businesses by the California Secretary of State), Sacramento Better Business Bureau, and Contractors State License Board to determine the business status of the contractor.

Oak Trees: The Grand Jury conducted a site visit with the Operations Manager to

review conditions of the trees.

Background

The Department of Convention, Culture and Leisure (CCL) manages the Capital City golf courses (including Haggin Oaks), as well as the Sacramento Zoo, the Sacramento Marina, the Sacramento Convention Center and Old Sacramento. Each project under CCL control is assigned to a project manager. Projects include the addition of buildings, remodeling and modernizing, improving of waste management, recycling, and protecting the environment. Projects on City property are not required to have building permits. Where property includes open space with large stands of trees, maintenance of trees becomes part of on-going property maintenance.

Findings and Recommendations

Finding 1.1: The City of Sacramento does not require a permit when work is completed on City property; however, the CCL did obtain permits for these projects.

Finding 1.2: According to City records during the past five years all construction projects have been completed under a building permit.

Recommendation 1. None. The Grand Jury commends the Department of Convention, Culture and Leisure for going beyond the City's construction requirements.

Finding 2.1: The cart washing machine was added to eliminate water standing in and around the cart barn. This machine conserves water by recycling and filtering it as carts are washed without polluting the creek.

Finding 2.2: This machine was operational after installation, but as of this writing out of service because of a broken part. The manufacturer and the contractor are negotiating a repair under terms of the warranty.

Recommendation 2. It is recommended that the course Operations Manager notify CCL as soon as the equipment is operational.

Finding 3.1: This installation used the Request For Quote process to identify the most responsive contractor.

Finding 3.2: At the time of the complaint the contractor had not filed for bankruptcy.

Recommendation 3. None

Finding 4.1:The City is aware of the tree problem and is addressing the issue by hiring an arborist to visually inspect the trees.

Recommendation 4. The Grand Jury recommends that the CCL post along the course signs warning of possible falling trees

Response Requirements

Penal Code sections 933 and 933.5 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by October 1, 2009 from:

- **The Department of Convention, Culture and Leisure (CCL)**

Environment, Public Works and Special Districts Committee

This committee oversees city and county government services in addition to all special government districts within Sacramento County. These include all water, sewer, and garbage districts, as well as local and regional park and recreation ones.

North Area Recovery Station/Kiefer Landfill

There are six major open and active solid waste facilities in Sacramento County, plus a number of minor ones. In addition to the public sites there are also some closed and privately owned facilities. Collection is provided by the County, some cities, and a number of private haulers. The waste removal and recycling industry is a vital service that remains largely invisible until trash remains in one place too long.

There are over 155,000 customers who generate, on a weekly basis, 150 tons of trash, 75 tons of green-waste, and 45 tons of recyclables delivered to the public sites. Each category of waste is handled separately. The County budget is approximately \$90 million per year. Several types of waste generate income offsetting this amount. All disposal is governed by multiple Federal, State, and County Codes.

The Grand Jury found the staffs at the two facilities visited to be educated, competent, business men as well as engineers.

The Grand Jury visited the North Area Recovery Station. Transfer stations are not landfills. They accept different kinds of trash, separate it, compact it, and ship it to the proper facilities.

Kiefer, opened in 1967, covers over 1000 acres. Only a portion of this is currently being used, and new technology allows some of the older “filled” or “closed” portions to be considered for re-use. Methane, a potent green-house gas, generated by decomposition, helps shrink what has been buried. The gas is captured and generates electricity to power the site, with the excess sold to SMUD.

Green waste is ground up, used to cover the site nightly with the remainder trucked to a location in Northern California where it helps power a generator, producing both income and power from a renewable source.

Recycling is mostly handled by a privately owned site with a contract that pays the County for the materials received.

Since the 1980's each area of Kiefer being filled must be "lined" to prevent ground water contamination. Water is pumped out and cleansed. Each evening the trash deposited is covered to meet sanitary codes. Kiefer is a large site; its operations are quite complex. Residents may bring waste there, or to one of the other sites, and should check in advance (www.sacgreenteam.com) for hours, types of waste accepted, and limitations.

Criminal and Juvenile Justice Committee

Background

The California Penal Code requires that the Sacramento County Grand Jury, as part of its inquiries, visit and observe conditions and management of the public prisons located within the county. The information gathered could be critical should the Grand Jury receive complaints from the general public or inmates at any of the county's prison or correction facilities.

Method

To meet this requirement, the Criminal and Juvenile Justice (C&JJ) committee coordinated and arranged tours of the Rio Consumnes Correctional Center, the Sacramento County Sheriff's Department Main Jail, Boys Ranch and both the California State Prison at Folsom and the Folsom State Prison.

Observations

The overall observations indicate that the prisons and correction facilities within Sacramento County are managed by a dedicated staff

All facilities have several things in common. First and foremost is security for both the officers and staff and for the inmates. Second is a multilingual staff. Additionally, there is an interpreter system such as the AT&T system. To insure that all inmates understand the rules, the prison and jail system has created the Inmate Rule Book. Written in both English and Spanish, this book is constantly updated and was revised last year. Medical facilities are available at each location, and, within the system.

Rio Consumnes Correction Center (RCCC) and Sacramento County Main Jail

RCCC is located in rural southern Sacramento County on a 140 acre parcel. Constructed in 1960 at a cost of just over a \$1 million, this center includes a women's facility and a minimum, medium and maximum security men's facility with a daily population that ranges between 1900 and 2100 inmates. Partnering with Elk Grove Unified School District and the adult education department this facility provides an accredited program and offers classes

in vocational skill, GED preparation and high school diplomas. RCCC provides an excellent program for women in basic food preparation and culinary skills. A print shop is located on the premises.

The Sacramento main jail in downtown Sacramento is a sixteen story, twin tower complex that was completed in 1989 after five years of construction at a cost of \$85 million. The original plans call for an additional tower to be built on the adjoining property which the county owns. The average daily population is 2400 inmates managed by 270 sworn deputies and 130 non-sworn personnel. Educational programs are offered at the main jail along with English as a second language.

State Prison at Folsom

“New Folsom”—The California State Prison, Sacramento (CSP), located in the city of Folsom and sometimes referred to as “New Folsom” was opened in 1986. This is a maximum security facility which serves as the medical hub for Northern California institutions with a psychiatric services unit and various levels of healthcare. Approximately 60% of the inmates have mental health issues. CSP provides programs that teach skills and further inmates’ education. Staff includes officers, support staff, medical and education staff.

“Old Folsom”—Folsom State Prison, sometimes referred to as “The Old prison at Folsom,” is also located in the city of Folsom and adjacent to the State prison. This facility was opened in 1880. At present Folsom State Prison houses approximately 4,000 inmates of level two and three security. There are five housing units with the secured perimeter including the original two tiered structure. The staff numbers 1,131 which include 663 peace officers, 298 non-peace officers and 170 medical personnel. On the grounds of the prison is a drug rehabilitation facility which has a 75% long term success rate. There is also an excellent vocational program.

Sacramento County Boys Ranch

The Sacramento County Boys Ranch (SCBR) is a secure 24-hour residential treatment facility with bed space for 125 residents between the ages of 14 and 18. The Ranch is located in East Sacramento County on 140 rural acres of which 8.3 acres are fenced with a high razor-wire security fence. A minor's sentence ranges from a minimum of 105 days to a maximum of one year, including the furlough component. The participation of the youth's family is crucial for program completion and begins during the initial 105 days with scheduled visits progressing to weekend home passes.

The goal of the Boys Ranch is to reduce each youth's risk of committing future crimes. In order to achieve these goals their program includes Education, Programming, Employment Training and Experience, and Mental Health services with reentry into society with family reunification being the desired outcome. General pro-social attitudes and skill sets are developed and reinforced through recreation activities, field trips, inter-ranch sports, and use of community volunteers.

The Carson Creek Junior/Senior High School is an on-site school administered by the Sacramento Board of Education. Upon entering the Ranch, youths are pre-tested and given educational goals to achieve. They attend school during the week with the curriculum having an emphasis on life skills training. High school credits can be earned and eligible residents are able to take the GED or California High School Proficiency Exam. A key part of the program is participation in a Regional Occupational Program (ROP) thereby learning the value and responsibility associated with work as well as learning a skill. Participants choose from metal fabrication/welding, construction/building maintenance, landscape and computer graphics. The Boys Ranch is the first juvenile ranch/court school program in the nation with an apprenticeship program to receive approval from the U.S. Dept. of Labor, Bureau of Apprenticeship and Training for Metal Fabrication and Maintenance Repair/Building. Since this is a federally recognized apprenticeship program, participants can transfer the hours earned to an outside training program and, after completion, become a journeyman welder. The metal fabrication program received a Golden Bell award, and the graphic arts teacher received the teacher of the year award from the Sacramento County Office of Education.

There is a medical clinic at the Ranch staffed by nurses 24 hours a day, 7 days a week, with doctors making routine visits at least twice a week. Mental health counselors are on site from 8 a.m.-10 p.m. every day and available on-call for crisis situations during off hours.

In conclusion, the Grand Jury found that the various facilities visited were well operated, staffed by dedicated and professional individuals and provided the necessary security and care for inmates.

JOINT POWERS AUTHORITIES
AND
SPECIAL DISTRICTS
SACRAMENTO COUNTY

ORGANIZATION	FREQUENCY	SAC COUNTY	SACRAMENTO	CITRUS HEIGHTS	ELK GROVE	FOLSOM	GALT	ISLETON	RANCHO CORDOVA
AREA 4 ON AGING-7COUNTY AGENCY	MONTHLY	5							
BOARD TO END HOMELESSNESS (+15)	EV 2 MON	1	1	1	1				1
CAL-ID REMOTE ACCESS NETWORK BOARD (RAN)	AS NEEDED	1							
CHILD FAMILY POLICY BOARD	6 X PER YR	1							
CITRUS HEIGHTS DEVELOPMENT				5					
CITRUS HEIGHTS RE-DEVELOPMENT				5					
CITRUS HEIGHTS EMPLOYMENT RISK MANAGEMENT AUTHORITY				1					
CITRUS HEIGHTS PUBLIC AGENCY RISK SHARING AUTHORITY OF CAL				1					
CROCKER ART MUSEUM (+12) ?	MONTHLY		MAYOR						
DELTA PROTECTION COMMISSION	6 X PER YR	1							
DOWNTOWN SAC PARTNERSHIPS(DSP)	MONTHLY	1	2						
DSP REVITALIZATION CORPORATION	ANNUAL		2						
EG-RC-EL DORADO CONNECTION CAPITAL SW CONNECTOR-	MONTHLY	1			1	1			1
ELK GROVE ECON DEVEL CORP BOARD	MONTHLY				1				
FIRST 5 SAC COMMISSION	MONTHLY	1							
FREEPORTR REC WATER AUTHORITY	QUARTERLY	2	1						
GALT CAPITAL IMPROVMENTS AUTHORITY	ANNUAL							5	
GALT MIDDLE SCHOOL JPA	QUARTERLY							2	
GALT PUBLIC FINANCIAL AUTHORITY	AS NEEDED							5	
GALT SERVICES AUTHORITY	ANNUAL							5	
HEALTHY KIDS HEALTH FUTURE	EV 2 MON	1							
HUMAN SERVICES COORD COUNCIL	MONTHLY	1							
HISTORIC OLD SAC FOUNDATION	MONTHLY		1						
ISLETON REDEVELOPMENT AGENCY	ANNUAL							5	
MAYORS & BOARD CHAIR FORUM	AS NEEDED	1	1	1	1	1	1	1	1

* JPA - all others Special Districts

JOINT POWERS AUTHORITIES
AND
SPECIAL DISTRICTS
SACRAMENTO COUNTY

ORGANIZATION	FREQUENCY	SAC COUNTY	SACRAMENTO	CITRUS HEIGHTS	ELK GROVE	FOLSOM	GALT	ISLETON	RANCHO CORDOVA
RIVER CITY REGIONAL STADIUM FINANCIAL BOARD	SEMI ANNL	2							
SAC AREA COMMERCE & TRADE ORG	EV 2 MON	1	1						
SAC AREA COUNCIL OF GOVERNMENTS	MONTHLY	1-3	1-2	1	1	1	1	1	1
SAC AREA FLOOD CONTROL AGENCY *	MONTHLY	5	3						
SAC AREA SEWER DISTRICT	BI MONTHLY	5		1					
SAC CENTRAL GROUND WATER AUTH	MONTHLY	1	1			1			1
SAC CITY FINANCING AUTHORITY	ANNUAL		9						
SAC ECONOMIC & EMPL DEVE CORP	TBD		2						
SAC CO MENTAL HEALTH BOARD	MONTHLY	1							
SAC CO PUBLIC FINANCE AUTHORITY	AS NEEDED	5							
SAC CO SANITATION DISTRICT FINANCIAL AUTHORITY	BI MONTHLY	5	4	1	1	1			1
SAC CO WATER AUTHORITY	AS NEEDED	5							
SAC CO WATER FINANCIAL AUTHORITY		5							
SAC EMPLOYMENT & TRAINING AGEN *	MONTHLY	2	2						
SAC LOCAL AGENCY FORMATION COM	MONTHLY	2	1			1			
SAC LOCAL CONSERVATION CORPS	9XPER YEAR			1					
SAC METRO AIR QA MNTC DISTRICT *	MONTHLY	5	5	1	1	1	1/w ISL	w GLT	1
SAC METRO CABLE TV COMMISSION *	MONTHLY	5	3	1			1		
SAC METRO FIRE DISTRICT	AS NEEDED								2
SAC MOTHER LODGE REC ASSOC	SEMI ANNL	1							
SAC MUSEUM OF HIST,SCI,SPA,TEC	EV 2 MON	1							
SAC METRO HOUSING ASSOC	6XPER YEAR	1	1						
SAC PLACERVILLE TRANSP CORRIDOR	MONTHLY	1				1			1
SAC PUB LIBRARY AUTHORITY *	MONTHLY	5	5	1	1	1	1/w ISL	w GLT	1
SAC REG ARB FACILITIES FINAN AUTH	MONTHLY	2	3						
SAC REG HOUSING RIGHTS FAIR HOUSING COMMISSION	SEMI ANNL	5	5	1	1	1	1	1	1
SAC HOUSING & REDEVELOPMENT AGENCY *									

* JPA - all others Special Districts

JOINT POWERS AUTHORITIES
AND
SPECIAL DISTRICTS
SACRAMENTO COUNTY

ORGANIZATION	FREQUENCY	SAC COUNTY	SACRAMENTO	CITRUS HEIGHTS	ELK GROVE	FOLSOM	GALT	ISLETON	RANCHO CORDOVA
SAC REG SOLID WASTE AUTHORITY	MONTHLY	5	3						
SAC REG TRANSIT DISTRICT	BI MONTHLY	3	4	1	1	1			1
SAC REG WATER AUTHORITY	EV 2 MON		1						
SAC TRANS AUTHORITY *	MONTHLY	5	5	1	1	1	1/w ISL	w GLT	1
SAC ABANDONED VEHICLE SVC									
SAC-YOLO MOSQUITO VECTOR CONTROL DISTRICT	MONTHLY			1		1			1
SAC CO DISASTER COMMISSION	AS NEEDED	1	1	1	1	1	1	1	
SAC CO WASTE MNGT & RECYCLING *									
SAC WATERFRONT ADVISORY COMMITTEE		2							
SAC WORLD TRADE CENTER BD OF DIRECT		1	1						
SAC COUNTY CRIMINAL JUSTICE CAB	QUARTERLY	1	1	1	1	1	1	1	1
SAN JUAN UNIFIED SCHOOL DISTRICT AND SUNRISE REC & PARK DISTRICT EDUCATION & COMMUNITY PROGRAMS	AS NEEDED			2					
SENIOR & DEPENDANT ADULT PROTEC	QUARTERLY	1							
SMALL CITIES ORG RISK EFFORTS	MONTHLY							1	
TOBACCOAUTHORITY OF NO CAL	ANNUAL	2							
TOBACCOAUTHORITY OF SO CAL	ANNUAL	1							
TOBACCO.....CORP	ANNUAL	5							

* JPA - all others Special Districts

16 YEAR FINAL REPORT INDEX (1993 thru 2008)
SACRAMENTO COUNTY GRAND JURY

AGENCY

DATE PUBLISHED

Airport System:

- Conflict of Interest, Sacramento International 1998
- Encroaching Land Use 2002
- Executive Airport 1994
- Sacramento County Airport System 2008

Cities:

Citrus Heights

- Credit Card Usage 2001
- Oversight of Contract Services 2006

Elk Grove

- Elk Grove City Council 2006
- Elk Grove City Council (Response) 2007
- Elk Grove USD Fails Fiduciary Responsibility 2002
- Elk Grove USD (Response) 2003
- Elk Grove Animal Services 2008
-

Fair Oaks

- Cemetery District Management 1993
- Head Stone Damage 2006

Folsom

- Credit Card Usage-City of Folsom 2001
- Folsom Sewage Spills Continue 2002
- Landscape and Lighting District Assessment 2005

Galt

- Failure to Oversee Delivery of Services Contracted 2005
- Galt-Arno Cemetery District Operations 1997, 2001
- Lighting and Landscape Districts 2001
- Misuse of Appointive Power by City Council 2003
- Review of Galt-Arno District Operations 1998

Isleton

- Administrative and Fiscal Problems 1995
- Complaints Against the Police 1998,1999,2001,2006
- Policies and Procedures 1995,1999
- Governance, "Small City – Big Challenges" 2008

Sacramento City

- Convention Center Operation 1997
- Financial Incentives for Targeted Business 1997
- Mayor's Office: Use of Time and Resources 1998
- North Natomas: Development Gone Awry 2007
- Regional Radio Communications Review 1999
- Sewer Discharge into the American River 2001
- Sacramento City Unified School District Retirement 2006

County of Sacramento

- Certificates of Participation 1994
- Complaint against Taxi Owners 2005,2006
- Communications and Information Technology 1999
- County Civil Service Commission 2005
- County Civil Service Commission (Response) 2006
- County Employee Evaluations 1993
- County Heat Emergency Response 2007
- County Primary Care Clinic 2007
- Directed Brokerage Program of the County Retirement System 2002
- Economic Incentive Policy 1997

- Failure of County to Oversee Contract Services/Galt 2005
- Firefighters, Our Local Heroes 1996
- Financing of Local Government 1994
- Flood Risk in Sacramento County 2007
- Homeland Security, Ready or Not 2005
- Homeland Security, Ready or Not (Response) 2006
- Letter Grades for Restaurants 2003
- Sacramento-Yolo Port District 1995

Coroner's Office

- Crime Laboratory 1993,2000
- Death Investigations 2003
- Fees for Transporting Bodies 2000
- Review of Vendor Contracts/RFP 1999

District Attorney's Office

- Bureau of Family Support 2002
- Child Abuse and Neglect 1998
- Child Support and Welfare Agencies 1998
- Child Support and Collection Enforcement 1997
- Communication and Internal Management 1993
- Multidisciplinary Interview Center 1993
- Political Activities in School Districts 1997
- American River Flood Control District 1997

Department of Health and Human Services

- Adult Protective Services 1996,1997,2002
- Aging Out Foster Children-Foster Parents 2001
- Child Abuse and Neglect 1998
- Child Abuse in Sacramento County 1996

- Child Support and Welfare Agencies 1994
- Child Protective Services at the Crossroads 2000
- Child Protective Services Intake Services 2006
- Changes Needed in Juvenile Mental Health Services 2002
- Children's Receiving Home 1999
- Development of New Programs for Foster Children 2005
- Family Maintenance and Reunification 1995
- Juvenile Hall Mental Health Services 1993
- Mental Health Services in Juvenile Justice System 2001
- Mental Health Treatment Center 1999
- Public Guardian and Conservatorship 1995

Environmental Services Department

- Mismanagement of the Environmental Department 2000
- Review of Conflict of Interest Statement 1997

Medical Services

- County Emergency Ambulance Provider 1993
- Flood Disaster Evacuation of Medically Infirm 2006
- Goals and Objectives of Mental Health Services 2006
- Mental Health Services in the Juvenile Justice System 2001

Probation Department

- Boy's Ranch and Carson Creek High School 1995
- Domestic Violence Programs 2002
- Juvenile Hall Mental Health Services 1993
- Juvenile Justice Facilities and Staffing 2000
- Mental Health Services in the Juvenile Justice System 2001
- Unequal Treatment of Female Inmates 2002

Public Library

- Sacramento Public Library Authority 2008
- County Library Authority 2000
- Use of Alternate Sentencing Volunteers 1993

Sheriff's Department

- Rio Cosumnes Correctional Center 2007
- Escape at Cosumnes 1998
- Women's Detention Facility 1994

Main Jail

- Handling and Security of Inmate Correspondence 2005
- Jail health Inmate Psychiatric Services 2004
- Jail Training for Officers 1995
- Main Jail Health Care 2006
- Use of Prostraint Chair 1998
- Women's Holding Cells 1997
- Sheriff's Tactical Air Response Operation 1993
- Work Release Program 2007

Special Districts

- Retained Earnings-Sacramento County Special Districts 2001
- Certificates of Participation 1994
- Financing of Local Governments 1994
- Remuneration to Special District Board Members 1994
- American River Flood Control District 1997
- Cable TV Commission and the Brown Act 1994
- American River Fire District Management Review 1993
- Wilton Firefighters on Fire Board of Directors 2002

- Mosquito and Vector Control District Operations 1999
- Regional Sanitation District Economic Incentives 1997
- Sacramento Housing and Redevelopment Agency 1994
- SMUD, Economic Development Plan 1997
- SMUD, Rancho Seco Nuclear Power Plant 2007
- Carmichael District Operational Issues 1997
- Recommendations for Water District Accountability 2003

School Districts

- Center USD Violations of Brown Act 1998
- Community School Usage 1994
- Elk Grove USD Fails Fiduciary Responsibilities 2002
- Elk Grove Benefits Employee Retirement Trust 2008
-
- Folsom/Cordova USD Inventory Practices 1993

Grant/ Union USD

- Inappropriate Use of Public Funds 2004
- Policies, Procedures and Administration 1994

Sacramento City USD

- Management, Fiscal Problems 1995
- School District Maintenance 1995
- Allegation of Dual Employment, Two Public Agencies 1998
- Board of Education Oversight of CASA 2004
- Lack of Response to Requests for Information 1997
- School Safety in Jeopardy 2003
- Students Walking to School 2005
- Volunteers Working on School Grounds 1993

Non-Profit Organizations

- Children's Receiving Home 1993
- Sacramento Handicapped Parking Patrol Inc. 1995

State Prison System

- Transport of Prisoners for Non-Emergency Medical Care
2002