

# Sacramento County Grand Jury



## Consolidated Final Report 2013-14

[www.sacgrandjury.org](http://www.sacgrandjury.org)



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO  
Grand Jury

**Michael Arkelian,  
Foreperson**

**Clifford T. Blakely**

**Diane Brown**

**Henry W. Crowle**

**Cheryl J. Franzi**

**Stephanie Hill-Draughn**

**Michael Kovarik**

**Steven Kruse**

**Corinne Mau**

**John McKinney**

**Jeanette Monahan**

**Paul D. Palmer**

**Carol Perri**

**Alwyne Pipkins**

**Donald W. Prange Sr.**

**Vincent Scally**

**Ned Seale**

**Charlotte Siggins**

**Marilyn Ulbricht**

June 28, 2014

The Honorable Russell L. Hom  
Advisor Judge to the Grand Jury  
729 Ninth Street, Department 22  
Sacramento, CA 95814

Dear Judge Hom:

Pursuant to Penal Code section 933(a), the 2013-2014 Sacramento County Grand Jury is pleased to submit its final report. This report represents the work of the 19 grand jurors, residents of Sacramento County who have dedicated a year of their lives toward making local government more open, efficient and productive.

During the past year, the Grand Jury inspected the three county and two state penal institutions within the county and for each of them wrote detailed reports with observations and suggestions for improvement. The Grand Jury also reviewed over 30 citizens' complaints and conducted several self-generated investigations regarding various governmental entities within the county. This final report is the result of more than 100 hours of interviews and many more hours reviewing source materials, engaging in weekly committee meetings, discussing issues and writing individual reports.

The Grand Jury would like to thank you, Supervising Deputy County Counsel Lisa Travis and Chief Assistant District Attorney Stephen Grippi for your support and much-appreciated advice throughout the past year. We also wish to thank the Superior Court's Internet Technology Department for enabling us to institute a much-needed state-of-the-art computer system for our members, which will greatly assist future grand jurors for years to come. Finally, we would like to extend a special thank you to our Grand Jury coordinator, Becky Castaneda. She is the glue of the body and makes things happen efficiently and gracefully.

I can speak for all the jurors in saying that it has been an honor to serve our community for the past year. We hope that our efforts have helped to improve our local government and make Sacramento County a better place in which to live.

Sincerely,

**Michael Arkelian**

Michael Arkelian, Foreman  
2013-2014 Sacramento County Grand Jury

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## Sacramento County Grand Jury Roster 2013-14

<b>Grand Juror</b>	<b>Title or Occupation</b>	<b>Community</b>
Michael Arkelian	Retired Attorney	Pocket Area
Clifford T. Blakely	Retired, USAF	North Natomas
Diane Brown	Retired	South Land Park
Henry W. Crowle	Retired Attorney AAA Arbitrator	Land Park
Cheryl J. Franzi	Retired Nurse Consultant	River Park/ East Sacramento
Stephanie Hill-Draughn	Retired Clinical Research Associate	Antelope
Michael Kovarik	Retired, Communications Industry	Folsom
Steven Kruse	Retired Deputy Director, Corrections	Elk Grove
Corinne Mau	Retired Manager, State of California	Pocket Area
John McKinney	CPA, Financial Executive	Elk Grove
Jeanette Monahan	Retired Trainer/Facilitator	Natomas
Paul D. Palmer	Retired Administrator, Corrections	Fair Oaks
Carol Perri	Retired Editor	River Park/ East Sacramento
Alwyne Pipkins	Retired Administrator, Prison Industry	Folsom
Donald W. Prange	Retired Police Chief	Gold River
Vincent Scally	Retired Attorney	Gold River
Ned Seale	Retired Wholesaler	Folsom
Charlotte Siggins	Retired Attorney	Downtown, Sacramento
Marilyn Ulbricht	Retired Revenue Officer	Orangevale

## 2013-2014 Sacramento County Grand Jury



Top row, left to right: Paul D. Palmer, Steven Kruse, Clifford T. Blakely, John McKinney, Vincent Skally and Donald W. Prange Sr.

Middle row, left to right: Marilyn Ulbricht, Alwyne Pipkins, Carol Perri, Ned Seale, Diane Brown, Charlotte Siggins and Michael Kovarik

Front row, left to right: Stephanie Hill-Draughn, Jeanette Monahan, Michael Arkelian (Foreman), Honorable Russell Hom (Advisor Judge), Rebecca Castaneda (Grand Jury Coordinator), Corinne Mau and Henry W. Crowle (Not pictured: Cheryl J. Franzi)

## SACRAMENTO COUNTY GRAND JURY ROLE

Section 23, Article 1 of the California Constitution requires that a grand jury “be drawn and summoned at least once a year in each county.” The grand jury in Sacramento County has been drawn annually for more than 100 years.

To satisfy the constitutional requirement, state law describes the selection of grand jurors, and the watchdog and indictment functions of the grand jury. The grand jury authority is located primarily in Penal Code sections 888 – 939.91, et seq., and the accusation process that leads to the removal of a public officer is described in Government Code sections 3060 – 3075, et seq.

The grand jury is not the same body as a “petit” jury, selected to hear evidence in a single case in a trial court. Instead, a grand jury is impaneled for a one-year period to perform several functions that are described in law. Broadly, the grand jury is charged with assuring honest, efficient government that operates in the best interest of the people of the county. The primary function of the grand jury is to examine aspects of county government, special districts, school districts and city government. Specifically, this includes:

- Civil Watchdog – to inquire into the willful or corrupt misconduct of public officers; to investigate and report on at least one county officer, department or function; and to inquire into the condition and management of public prisons within the county.
- Criminal Indictment – to present to the court a criminal charge of a public offense against a person based upon evidence considered by the grand jury.
- Accusation – to remove from office a public officer based upon evidence of willful or corrupt misconduct considered by the grand jury. This judicial process is initiated by the grand jury.

The grand jury is an arm of the Sacramento County Superior Court and is considered part of the judicial branch of government. As such, the grand jury may ask the advice of the advisor judge to the grand jury, the county counsel, or the district attorney. The grand jury may inquire into or investigate a matter based on a complaint or upon its own initiative. The grand jury may subpoena witnesses and documents, conduct interviews, and consider evidence presented to it by the District Attorney’s Office or the California State Attorney General. Witnesses are prohibited by law from disclosing their interview, testimony, or any other proceedings of the grand jury. The authority of the grand jury does not extend to the courts or to state departments or operations.

The Sacramento County Grand Jury is composed of 19 citizens who: (a) are 18 years or older; (b) are Sacramento County residents for at least one year before selection; (c) have sufficient knowledge of the English language; (d) are in possession of the natural faculties; and (e) possess a fair character. Generally, jurors are selected in a random lottery process. The advisor judge, representing the Superior Court of California, appoints a foreperson from the selected grand jury panel and administers the oath to all jurors. The oath requires each juror to diligently inquire into matters where the juror can obtain legal evidence and not to disclose any of the proceedings, discussions, names of individuals interviewed, or votes of the grand jury. The grand jury's term of service begins July 1 and ends June 30 of the following year.

This year, the grand jury formed the following committees: Administrative and Municipal Affairs, Continuity, Criminal and Juvenile Justice, Edit, Education, Environmental/Public Works/Special Districts, Health and Human Services, and Technology.

Sacramento County residents interested in serving on the grand jury can obtain an application online at: [www.sacgrandjury.org](http://www.sacgrandjury.org). Any individual may file a complaint with the Sacramento County Grand Jury. A complaint form is also available on the grand jury website, or by calling the grand jury office at (916) 874-7578.

## **CONSOLIDATED FINAL REPORT**

The grand jury is required by law to investigate and report on at least one county officer, department, or function. A report is required to be published on June 30 of each year, at the end of the one-year term of the grand jury.

This consolidated final report is the summary of the grand jury's inquiries and investigations, and contains reports which include findings and recommendations. This report is the only public record of the inquiries and investigation and it satisfies the statutory requirements for the work of the grand jury.

Departments or individuals who are the subject of reports contained in the consolidated final report are required to respond to the findings and recommendations within 90 days. When a response is received by the grand jury within sufficient time to permit publication, it is included in the consolidated final report.

State law directs the county clerk to maintain a copy of all grand jury reports and responses in perpetuity, and to provide a copy to the State Archivist who shall retain copies of all reports and responses in perpetuity. Final reports and responses are available online at [www.sacgrandjury.org](http://www.sacgrandjury.org) and at the Sacramento Public Library.

## COMMITTEE SUMMARY

The 2013–2014 Sacramento County Grand Jury served a one-year term that ended June 30, 2014. In performing its duties, the grand jury examined county government, special districts, school districts, and city government. The final report describes specific investigations leading to recommendations for the named districts, city and county agencies.

In the “civil watchdog” role, the grand jury inquired into willful or corrupt misconduct of public officers; investigated and reported on at least one county officer, department or function; and inquired into the condition and management of public prisons within the county. During the year, the grand jury received and analyzed 38 allegations.

### **Administrative and Municipal Affairs Committee**

The committee investigates the policies and procedures relating to the administration and management of municipal agencies within Sacramento County. The committee reviews budgets, organizational charts, and policies of municipal agencies. This year, the committee received 11 complaints.

### **Continuity Committee**

The committee ensures a seamless transition from one grand jury to the next. This year, the committee prepared and delivered a comprehensive orientation training for incoming jurors; developed and presented a briefing to over 100 prospective jurors for the 2014–2015 term; updated the grand jury handbook; maintained the reference library; and reviewed and tracked responses from agencies and departments highlighted in the prior grand jury reports.

### **Criminal and Juvenile Justice Committee**

The committee reviews and investigates complaints against criminal justice agencies, and assesses compliance with established policies and procedures, as well as with state and federal laws. This year, the committee received 12 complaints.

### **Edit Committee**

The committee edits, compiles, publishes and distributes the grand jury’s final investigation reports, and the consolidated end-of-year final report. The committee’s overall goal is to use gram-

mar, spelling and punctuation rules and standards to create a final report that is logical, clear and understandable. This year, the committee created a comprehensive timeline, created style and type guidelines, as well as formats and templates for the reports. In addition, the committee also contracted with The Sacramento Bee newspaper to publish the final report in tabloid form for greater dissemination to Sacramento residents.

**Education Committee**

The committee monitors and investigates alleged irregularities of Sacramento County school districts and schools, the Los Rios Community College District, the Sacramento County Office of Education, public libraries, and educational programs. This year, the committee received six complaints.

**Environmental, Public Works and Special Districts Committee**

The committee reviews local and county governmental agencies, as well as special districts located in Sacramento County. This year, the committee received five complaints.

**Health and Human Services Committee**

The committee gathers information on and investigates various agencies in all incorporated cities and the county of Sacramento involved with health and human services. The purview of the committee includes, but is not limited to, the Sacramento County Department of Human Assistance and the Sacramento County Department of Health and Human Services. This year, the committee received four complaints.

**Technology Committee**

The committee was formed this year to ensure the testimony taken by investigative committees was recorded, distributed and maintained as a record to ensure accuracy for the final report. All case testimony was preserved on the grand jury's secured server to allow all grand jurors access to previous testimony as needed.

## INVESTIGATION:

### Abandoned Wells ... Abandoned Program?

Sacramento County Environmental Management Department

#### SUMMARY

The groundwater supply for Sacramento County citizens is threatened by contaminated run-off from hundreds of abandoned water wells. In late 2009, the Sacramento County Environmental Management Department (EMD), the county's environmental protection agency, armed with a panoply of state and local enforcement statutes and \$4.7 million in funding, initiated the Abandoned Wells Program (AWP) to identify and decommission an estimated 1,000 or more abandoned wells to prevent further groundwater contamination. But after four months of effective enforcement action, the EMD director abruptly suspended the enforcement project in response to pressure from landowners who objected to cleaning up their abandoned wells.

In the first four months of enforcement action in early 2010, EMD staff identified some 200 abandoned wells and issued Notices of Violation (NOV) to the landowners mandating that they decommission the wells. However, in April 2010, following meetings with landowners who objected to the alleged illegality and cost of the clean-up mandate, the EMD director abruptly suspended the enforcement program, replacing enforcement action with a voluntary reporting and public outreach program. The number of abandoned wells identified and brought into compliance has dropped dramatically since suspension of EMD enforcement actions.

Given the clear threat to county groundwater, the early effectiveness of enforcement action, and substantial funding to support the project, two issues arise: (1) Why did the EMD director abandon the enforcement effort? (2) Has the voluntary reporting and public outreach program that replaced enforcement action effectively addressed the threat to the county groundwater from abandoned wells?

The Sacramento County Grand Jury finds that the director suspended the enforcement program in response to pressure from a small group of landowners who had received NOVs and objected to the clean-up mandate. The Sacramento County Grand Jury also finds that the voluntary reporting program has been ineffective in addressing the environmental hazards from abandoned wells. Given the clear and present danger to the county's groundwater, the effectiveness of enforcement action, and the existing funding to support the enforcement program, the Sacramento County Grand Jury recommends that the EMD

*The Sacramento County Grand Jury finds that the director suspended the enforcement program in response to pressure from a small group of landowners.*

revive the AWP and renew aggressive enforcement action in order to protect our groundwater from contamination.

## INTRODUCTION

The citizens of Sacramento County rely on groundwater drawn from wells to supply about half their water needs. Rural county residents, in particular, rely heavily on domestic and irrigation water wells, rather than municipal or district water suppliers. There are hundreds of such wells in the county, many in use but many abandoned. Thus, protecting the groundwater to ensure a safe, adequate water supply is of paramount importance to Sacramento County residents.

Abandoned wells present a serious environmental hazard. When wells are abandoned and deteriorate, runoff water carries bacteria, sediment, fertilizer, pesticides and other surface pollutants directly down to our groundwater. Unsecured open-pit wells and large-diameter drilled wells create hazards to livestock and people who may fall into the abandoned wells, and are illegal dumps for trash, debris and hazardous waste materials. The EMD's mission is to protect the county's public health and environment, and their data estimates that there are more than 1,000 abandoned wells in Sacramento County.

Recognizing the serious environmental hazards presented by abandoned wells, the California Legislature in 2003 mandated the sanitary, safe destruction of abandoned wells. The Legislature authorized cities, counties and water districts to enter and inspect properties for abandoned wells and to address and correct unsafe wells and prevent groundwater contamination. Then in 2009, following successful environmental litigation brought by the California Attorney General against various oil companies for their groundwater contamination, the EMD established the AWP, staffed and funded with \$4.7 million earmarked from settlement of the litigation, and mandated to identify and destroy or decommission abandoned wells in the county.

In December 2009, the EMD initiated aggressive enforcement of the AWP. In the first four months of enforcement, January through April 2010, the AWP staff identified almost 200 abandoned wells, mostly in rural southern Sacramento County, and notified landowners of their legal obligation to safely destroy or decommission their abandoned wells.

The notifications created a firestorm at the EMD. Many rural landowners complained and demanded to meet with the EMD director and with the county supervisor for the district. At a series of meetings in early 2010, they expressed outrage over what they claimed were unlawful, "unconstitutional" entries on

*In 2009, the EMD established the Abandoned Wells Program, staffed and funded with \$4.7 million earmarked from a litigation settlement, and mandated to identify and destroy or decommission abandoned wells in Sacramento County.*

their property, and the cost of destroying the abandoned wells as required by law.

Following these meetings, on April 19, 2010, the EMD director met with the county supervisor, county counsel and a deputy county counsel to discuss the situation. On April 20, the director instructed staff to immediately cease enforcement activity, field inspections, and reporting of possible abandoned wells. Further, staff was ordered to stop issuing NOV's to non-compliant landowners. Eventually, the EMD eliminated the four full-time field inspectors and six full-time support staff. The director also told staff to send letters of apology to all landowners who had received an NOV.

Instead of the enforcement program, the EMD implemented a "voluntary reporting" and "public awareness campaign." And in the months and years since April 2010, identification and proper destruction of abandoned wells dried up. In the first four months of the program until the director's April 19 meeting, the EMD identified almost 200 abandoned wells, only slightly fewer than it had identified in the three-and-one-half years since. Of the 193 abandoned wells identified between January and April 2010, 160 have yet to be decommissioned.

The EMD director denies that he abandoned the AWP enforcement program in response to pressure from rural landowners. He asserts that he was merely shifting resources to "higher risk" and "higher priority" department programs for budgetary reasons. But the immediate cessation of enforcement activity the day after the director's April 19 meeting with the county supervisor, the subsequent elimination of AWP enforcement staff, the dramatic decline in the EMD's identification of abandoned wells, the failure to decommission the large number of abandoned wells identified over four years ago, and the fact that the program was fully funded by \$4.7 million earmarked by the litigation settlement, compelled the grand jury to investigate two issues:

(1) Did the EMD director suspend the Abandoned Wells Restoration Project in response to special-interest pressure or for valid discretionary enforcement and budgetary reasons?

(2) Has the voluntary reporting and public outreach program that replaced the enforcement program effectively addressed the environmental threat to the county groundwater from abandoned wells?

## **APPROACH**

The grand jury interviewed past and current managers and staff

of the Abandoned Wells Program, the EMD director, and a county supervisor, and conferred with the county counsel and the District Attorney's Office. The grand jury also reviewed emails, budget materials, meeting minutes and staff reports, as well as applicable statutes, including County Code Chapter 6.28 (well and pump safety) and California Health and Safety Code section 115700.

## DISCUSSION

Before 1848 and the discovery of gold, Sacramento was a remote, sleepy, often-flooded trading outpost and the site of Sutter's Fort. But with the Gold Rush and the influx of miners and merchants, and with its location at the confluence of the Sacramento and American rivers, Sacramento quickly became a major agricultural, commercial and distribution center.

With the population boom and commercial and agricultural expansion, Sacramento's demand for water increased dramatically. Beyond drawing from the region's river water, Sacramento's growing population and expanding business and farming communities created the need for water wells, particularly as commerce and agriculture moved away from the riverbanks to the surrounding countryside.



The region's first wells were "hand dug," with wide, unsecured openings. Over the decades, as water tables dropped, these hand-dug wells dried up, and as technology improved, drilled wells became the norm. Many of these hand-dug wells still exist today; some are in use but most have been abandoned, in many cases without being properly destroyed. These abandoned hand-dug wells remain a hazard to people and livestock. The dangers of the county's abandoned wells were widely reported in July 2012, in the case of a 1,500-pound rodeo bull that fell into an abandoned well in eastern Sacramento County.

While the drilled wells have smaller openings, with less risk of people or livestock falling into them, they also are deeper and access lower aquifers than hand-dug wells. Thus, they pose a greater threat of contamination to the aquifers from septic systems, gasoline, fertilizers, rust and deterioration. Many of these drilled wells were abandoned as real estate development proliferated and many developers simply left old irrigation and

*Some abandoned wells are just holes in the ground while others, such as this one, can be easily seen.*

domestic water wells abandoned and unsecured. County officials estimate there are more than 1,000 abandoned wells in Sacramento County.

Sacramento County residents rely on groundwater drawn from wells to supply about half their water needs. County groundwater is drawn by municipal water systems, water districts and private wells. Rural county residents, in particular, rely heavily on domestic and irrigation water wells, rather than municipal or district water suppliers. The groundwater drawn by municipal and district water suppliers is routinely tested for contaminants. However, the groundwater drawn from wells on private property is not routinely tested. Therefore, it is important to identify, test, and decommission abandoned wells to ensure that those wells are not a conduit for contamination of the groundwater supply.

#### *Environmental Management Department*

The Sacramento County Environmental Management Department (EMD) is the county's environmental public health regulatory agency. As such, it is responsible for dealing with the problem of the abandoned wells. Its mission is to protect public health and the environment by ensuring compliance with environmental laws and regulations. The EMD has authority delegated by numerous state agencies to administer a variety of environmental regulatory programs and to enforce state and local environmental statutes and regulations. To achieve compliance with these various environmental and public health regulations, the EMD employs an array of outreach, education, training, inspection and enforcement programs.

Since 2009, EMD has rolled out a host of new programs and policy changes aimed at protecting county residents and the environment. It has adopted stricter septic tank regulations to replace outdated ones; passed a new ordinance to fine owners of properties with underground gasoline leaks; conducted more inspections for tanks that held hazardous materials; and initiated a new program to find and seal abandoned wells.

Also since 2009, the EMD merged its Hazardous Materials Division and Water Protection Division to form the Environmental Compliance Division (ECD). The ECD oversees the construction, modification, repair, inactivation and destruction of wells in Sacramento County, pursuant to Chapter 6.28 of the Sacramento County Code and section 13801 of the California Water Code. In addition, ECD staff issues permits; maintains a database of permitted wells in the county; conducts enforcement activities against persons that violate provisions of the well code; and approves plot plans for building wells.

### *Oil Lawsuit Settlements and Wells*

In 2006, the California Attorney General's Office launched a statewide investigation into environmental regulatory violations by a major oil company and its gasoline stations across the state. With EMD staff playing an important role, the investigation disclosed widespread violations related to leaking underground storage tanks at service stations as well as other deficiencies in employee training and hazardous waste management. There were numerous adverse impacts from these violations, but the most significant adverse impact was the contamination of the state's groundwater.

Other lawsuits followed, culminating in a 2010 settlement involving various oil companies and centering on the companies' underground leakage of the carcinogenic gasoline additive Methyl Tertiary Butyl Ether (MTBE). The settlement provided Sacramento County \$4.7 million to establish a special environmental project administered by the EMD, the Sacramento County Abandoned Wells Restoration Project. The project was funded to address two sources of groundwater contamination in the county: (1) MTBE and organics leaking from underground storage tanks, and (2) other forms of chemical and biological contamination from abandoned wells.

### *Program Start-up*

In November 2009, the EMD directed four full-time field staff to identify and document abandoned wells for the newly developed Abandoned Wells Program (AWP). Six additional staff provided office and field support on an as-needed basis. In order to locate, characterize, document and mitigate abandoned, potentially dangerous wells, staff:

- Developed field and office protocols/procedures and trained staff in its usage;
- Developed a field strategy for systematically locating abandoned wells;
- Performed extensive public outreach regarding the project;
- Developed a well database management system with a Geographic Information System (GIS) layer;
- Performed on-the-ground field reconnaissance for abandoned wells; and
- Initiated ongoing oversight of abandoned-well inactivation, destruction, and restoration.

Since Sacramento County's program was the first AWP in California, program staff quickly designed a strategy to accomplish program activities. This strategy included:

- Developing inspection and enforcement protocols

(compiled in the Well Ordinance Enforcement Policy dated June 24, 2010);

- Distributing informational brochures and mass mailings to targeted ZIP codes in rural areas;
- Developing informational articles in print and electronic media;
- Making presentations to industry groups, Chambers of Commerce, community planning advisory organizations, and homeowner associations;
- Organizing “field reconnaissance” by ZIP code; assigning staff to designated ZIP codes;
- Documenting suspected abandoned wells with aerial photographs and Global Positioning System (GPS) map coordinates;
- Utilizing EMD’s EnvisionConnect database to determine which landowners should be served with a Notice to Comply;
- Establishing a priority list for well destruction (i.e., open, hand-dug wells and open-casing wells);
- Initiating a fee-waiver program for qualifying individuals wanting to deactivate unused wells;
- Applying for a federal grant from the U.S. Department of Agriculture (use magnetic technology to identify open wells);
- Submitting an annual report to the Attorney General’s Office and the Sacramento County District Attorney’s Office with updated program achievements and fund expenditures.

#### *Well Inspections and Property Access*

Staff inspection teams relied primarily on two County Code sections authorizing their access to property for the purpose of identifying abandoned wells:

- Section 6.28.100 (Right of Entry and Inspection), authorizing the enforcement of California Health and Safety Code section 25187 (Hazardous waste and groundwater related to wells) and
- Section 6.28.120 (Enforcement).

AWP field inspectors also relied on the “open fields” doctrine as legal justification to access without notice private property that may have an abandoned well.

When AWP staff located abandoned wells, they documented the wells and their locations and entered the information into EMD’s database, all without notifying the landowner. Initially, when surveys of a targeted geographical area were completed, EMD would send the property owner a Notice to Comply, informing the owner that an abandoned well had been located on their

property. This procedure changed when staff advised management that in the event of a death or serious injury due to a known but un-cited abandoned well, the county could be held liable because of its prior knowledge of the dangerous condition. As a result, AWP changed its procedure to issue the property owner an NOV when it discovered an abandoned well. An NOV informs the property owner of the statutory or regulatory violation and of the mandated responses to correct or cure the violation. The EMD issues an NOV as standard practice in its various inspection programs, such as gas station inspections and improper disposal of toxic substances.

*The Abandoned Wells Program Enforcement (December 2009 – April 2010)*

In December 2009, AWP staff initiated the abandoned well enforcement program. In the first four months of enforcement – January through April 2010 – staff accessed properties primarily in southern Sacramento County and discovered almost 200 abandoned wells. Between January and March 2010, staff issued 60 NOVs to property owners.

Landowners who received an NOV regarding an abandoned well had three options:

- \* Activate an unused or abandoned well following established health and safety guidelines;
- \* Apply for a well-inactivation permit with the proviso that the well may be reactivated in the future; or
- \* Complete well destruction following standards set by the program in accordance with the Health and Safety Code sections 13800 and 13801.

Rather than comply with the NOVs, many of the landowners, apparently upset that county officials had accessed their property without notice, complained to their county supervisor and to the EMD about the NOVs. The landowners had several meetings with the county supervisor, and at least one meeting with the EMD director. Their complaints included alleged trespass, violation of their constitutional right of privacy, and the potential cost of destroying the abandoned wells.

Responding to the aggrieved landowners, the EMD director arranged a meeting for April 19, 2010, with the county supervisor, the county counsel and the deputy county counsel advising the EMD. The purpose of the meeting was to find a compromise that would placate the landowners and meet the mandates of the MTBE lawsuit settlement.

*The EMD Abandons the Abandoned Wells Program*

On April 20, 2010, the day after the meeting, the EMD director

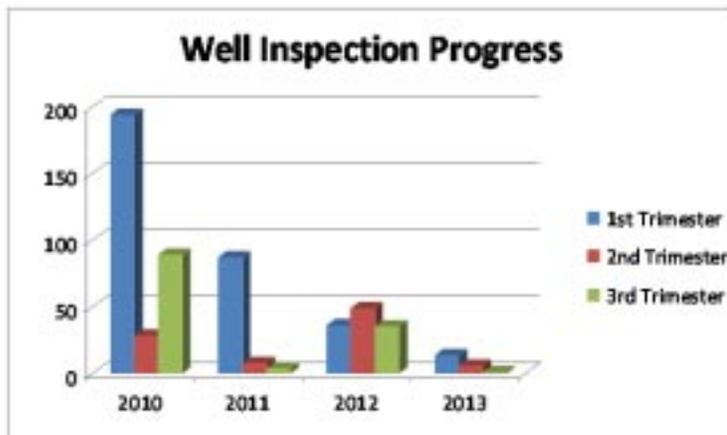
abruptly suspended the AWP enforcement program and ordered staff to implement the following changes immediately:

- 1) Stop performing field inspections. As part of this policy change, field inspectors were not permitted to report possible abandoned wells, even ones they could see from the road or view with binoculars.
- 2) Stop issuing NOVs until property access issues are resolved.
- 3) Send apology letters to all owners who had received an NOV when EMD accessed their property without notice.
- 4) Develop a broad public outreach campaign and ask permission before any property inspection.
- 5) Encourage landowners to voluntarily report abandoned wells on their property. The county would work with landowners to properly decommission abandoned wells.

The new awareness campaign consisted of mass mailings, TV interviews and newspaper articles. These mass mailings were done by ZIP code, so recipients included tenants in apartment buildings and homeowners in municipal water districts who did not have wells.

The new approach to implementing the AWP resulted in a drastic drop in locating, inspecting and deactivating abandoned wells. The following is a summary based on department spreadsheets and testimony from program staff and management:

- The number of full-time employees devoted to this project fell from four field inspectors and six support staff to zero. Only two employees are assigned to the AWP, on a limited basis, primarily responding to public inquiries.
- As of December 2013, four years after the program started, only \$1.6 million has been spent for identifying, inactivating, and or decommissioning abandoned wells. Approximately \$3.1 million remains in the department's budget, unspent.
- In the last two fiscal years, over \$200,000 has been charged against the settlement funds for unspecified "overhead" expenses.



The preceding chart shows that in the first four months of the enforcement program — January through April 2010 — the EMD identified 194 abandoned wells, but in the succeeding three years and eight months, after the director suspended enforcement, only 350. Thus, at least 450 of the estimated 1,000+ abandoned wells in the county remain to be identified.

- By December 2011, of the 410 abandoned wells then identified, only 100 wells had been properly inactivated and 50 properly destroyed, about 36 percent.
- Of the 550 abandoned wells identified during the four years of the AWP, 160 known abandoned wells, or 30 percent, haven't been decommissioned.
- In 2013, EMD sent letters to landowners of discovered well sites, requesting an AWP field survey. None of the landowners responded.

#### *EMD Management's Reply and Denial*

Department management denies that the EMD modified the AWP enforcement program to a voluntary reporting and public outreach program in order to placate the landowners who complained to the EMD and their county supervisor in April 2010. The EMD director asserts that he modified the program from enforcement to voluntary reporting and public outreach because the EMD had higher risk-based enforcement priorities than the abandoned wells to which it was necessary to shift resources. The new program's focus on "picking the low-hanging fruit," landowners who voluntarily report their abandoned wells, would require less staff, who could be used in other, higher-priority programs.

However, the EMD's explanation is undercut by the fact that the EMD abruptly changed the program — the day after the director's April 19 meeting with the county supervisor, and the fact that the EMD issued apology letters to all landowners who had received NOVs, notwithstanding that the EMD had undisputed legal authority and justification for accessing the landowners' properties to search for abandoned wells. More important, the EMD's denial is undercut by the fact that the EMD has failed to require any of the landowners who were issued NOVs and who complained about the mandate four years ago to destroy or decommission their abandoned wells. Once the EMD has discovered and identified an abandoned well and issued an NOV to the landowner, there is no sound administrative reason not to require the landowner to properly decommission the well to prevent possible groundwater contamination.

The EMD also offered budgetary reasons for not restoring staff

positions that were shifted to other enforcement programs, asserting that if it were to restore full-time staff to the AWP program, it might be difficult to justify the positions when the settlement funds earmarked for the AWP are exhausted. However, that problem could arise whether or not the staff was used in AWP enforcement until the settlement funds were exhausted. Meanwhile, \$3.1 million remains in the AWP budget, slowly being eaten away by annual “overhead” charges accruing whether or not staff conducts enforcement activities. The EMD’s asserted budgetary rationale is belied by the fact that in February 2014, after the grand jury had interviewed EMD management about its reasons for curtailing the enforcement program and cutting AWP staff, the department asked the Board of Supervisors to increase staffing levels by five limited-term positions.

As for the decline in the AWP’s enforcement effectiveness, the EMD tacitly acknowledges that the voluntary reporting and public outreach policy has been ineffective in addressing the threat of contamination of the county’s groundwater from abandoned wells.

## **FINDINGS AND RECOMMENDATION**

**Finding 1:** The director of the Environmental Management Department suspended the Abandoned Wells Program in response to pressure from recalcitrant landowners, not for valid enforcement, personnel management, or discretionary budgetary reasons.

**Finding 2:** The voluntary reporting and public awareness campaign which replaced the enforcement program has been ineffective in addressing the environmental threat to the county groundwater from abandoned wells.

**Recommendation 1:** Given the environmental threat to Sacramento County citizens’ water supply resulting from the hundreds of abandoned wells in the county, the Sacramento County Grand Jury recommends that the Environmental Management Department revive and fully staff the Abandoned Wells Program and implement the aggressive enforcement program mandated by law, using all available statutory and technical tools to identify and decommission abandoned wells in Sacramento County.

## **REQUEST FOR RESPONSES**

Penal Code sections 933 and 933.05 require that specific responses to indicated findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento County Superior Court by Oct. 1, 2014, from the Director

of the Environmental Management Department.

Mail or hand-deliver a hard copy of the response to:

Hon. Robert C. Hight, Presiding Judge  
Sacramento County Superior Court  
720 9th Street, Dept. 47  
Sacramento, CA 95814

In addition, email the response to:

Becky Castaneda, Grand Jury Coordinator, at  
castanb@saccourt.com.

## INVESTIGATION:

### *A Firestorm Raging in Herald*

Herald Fire Protection District

#### SUMMARY

For decades, the Herald Fire Protection District (District) has provided vital fire, rescue and emergency medical services to the Herald community in southeast Sacramento County. The largely volunteer fire department, governed by an elected Board of Directors and strongly supported by the local volunteer firefighters' association, civic organizations and area residents, and has become an integral part of the fabric of this rural farming community. But for the last two years, the District has been torn apart by the residents' intensely vocal criticism of its management of public funds and firefighter personnel, and its lack of transparency with the public. This dissension threatens the District's capability to provide these vital services and its ability to maintain needed support from this close-knit community.

Responding to the residents' allegations, the Sacramento County Grand Jury investigated whether the District's elected Board of Directors is meeting its fiduciary responsibilities to oversee the District's financial affairs, whether the fire chief is properly managing the firefighter personnel, and whether the District board is effectively and transparently adopting and implementing sound governance policies.

As a result of its investigation, the grand jury finds that the board is not responsibly overseeing the District's financial affairs, the fire chief is not properly managing District personnel, and the board is not transparently implementing sound governance policies, particularly with respect to its financial affairs.

With respect to fiscal oversight and management, the District for many years had a bank account that the board intentionally did not disclose to the Sacramento County Department of Finance, as required by law. The District also failed to disclose the existence of this account to auditors hired by the District to audit its finances. For these and other reasons, audits of the District's finances have not been conducted in accordance with generally accepted auditing standards, as required by law. The District's financial accounting system lacks adequate internal controls to ensure against waste and misappropriation of funds.

With respect to personnel management, the District and the fire chief have failed to adopt and implement policies that by law provide firefighter personnel the due process protections in

disciplinary proceedings. District policies do not provide full-time firefighters the opportunity for an administrative appeal of a punitive action, as required by the Firefighters Procedural Bill of Rights Act. The fire chief and his administrative staff have repeatedly demonstrated their lack of knowledge of the Act's requirements.

Finally, the board has not dealt transparently with the public regarding the District's business. As noted, the District failed to disclose the existence of all district bank accounts, as required by law, and failed to disclose one account even to auditors it had hired to audit the District's financial records. Even when subpoenaed, District staff was unable or unwilling to produce the District's financial records for review. At public meetings and in response to requests for information about District finances, board members had not been forthcoming or candid with District residents.

To address and correct these deficiencies, the grand jury recommends that the county auditor conduct an immediate audit of the District's financial statement, according to generally accepted auditing standards; that the District establish adequate internal accounting controls; that the fire chief adopt and implement personnel policies compliant with the Firefighters Procedural Bill of Rights Act and ensure that staff are knowledgeable of the Act's requirements; and that the District explore the feasibility of consolidating its fire and emergency services with a nearby fire district.

Unfortunately, deliberate actions and inactions by the board and administrative staff are undermining the efforts of the proud and dedicated firefighters who serve this community. The vast majority are volunteers who put in long hours to acquire and hone the needed knowledge, skills and abilities to provide essential fire and emergency services to Herald citizens. They do a remarkable job for little pay.

The grand jury believes the fabric of the Herald community is endangered and in crisis because of the District board and fire chief's mismanagement of District affairs. We urge the board and District management to address these issues immediately and in a transparent manner in order to recapture the trust of the community it serves.

## **BACKGROUND**

The Herald Fire Protection District has been a source of community pride for more than six decades when local citizens came forward and volunteered as firemen. Many locals eagerly stepped up to help the District obtain costly, needed fire equip-

*The grand jury recommends that the county auditor conduct an immediate audit of the District's financial statement; that the District establish adequate internal accounting controls; that the fire chief adopt and implement personnel policies compliant with the Firefighters Procedural Bill of Rights Act; and that the District explore the feasibility of consolidating its fire and emergency services with a nearby fire district.*

ment. In November 1947, one such organization, the Herald Garden Club, a local women's civic group, purchased a 1929 Chevy Standard Oil delivery truck and had it converted into the first District fire engine. Nearly 40 years later, in 1986, the local "Herald Day" reported that because of the dedicated men and women in the Herald Fire Protection District, "the citizens of Herald were in good hands."

In 2012, many community members were in an uproar about the perceived state of affairs in the District. Once-loyal civic organizations questioned the integrity and management practices of the District, its Board of Directors and its management personnel.

For many years, the District has owned two buildings in the Herald area – the Herald Community Barn and Hendrickson Hall, located adjacent to Station No. 87 – which the District uses for training classes and rents to local civic groups for meetings and to the general public for social gatherings such as weddings and *quinceañeras*. In spring 2012, the District raised the issue of increasing rental fees for the buildings, which caused a well-publicized outcry from Herald citizens and local civic organizations. In October 2012, the District board formally proposed raising the rental fees, which provoked the locals to demand an explanation for the fee increases and a transparent accounting of the District's handling of the building funds. Some citizens and civic organizations demanded answers and an accounting at several District board meetings and through Public Records Act requests. However, the citizenry was dissatisfied with the District's responses to their records requests and demands for justification for the fee increase. The unhappy locals conveyed their concerns to the area media and complained in writing to this grand jury.

Prompted by the community's complaints, the Sacramento County Grand Jury initiated an investigation of the District's fiscal practices with respect to its building funds and accounts. This initial inquiry quickly led the grand jury to identify and investigate a number of related issues, including the District's overall governance and management, its fiscal practices, and its personnel policies and practices. The investigation focused on the following issues:

- 1) Does the District Board of Directors effectively manage the District's fiscal affairs? And does the District have in place sufficient internal accounting controls and provide for accurate and adequate financial audits?
- 2) Has the fire chief adopted and implemented sound, legal personnel policies and practices, including those that comply

with the Firefighters Procedural Bill of Rights Act?

3) Is the District's Board of Directors effectively and transparently implementing sound governance policies and practices?

After investigating these issues, the grand jury concludes that the citizens of Herald are rightly concerned that the Herald Fire Protection District is failing to provide effective governance of the District's business, is failing to maintain sound fiscal and accounting practices, and is failing to implement sound, legal personnel practices. The grand jury recommends that the District Board of Directors address these concerns and correct these fundamental problems.

## APPROACH

The grand jury reviewed the following documents, records and material for this investigation:

- California Government Code sections for special districts;
- Sacramento County Financing Guidelines for special districts;
- Herald Fire Protection District Master Plan (2004);
- Sacramento Local Agency Formation Commission (LAFCo) *Municipal Service Review and Sphere of Influence Update Report on Herald Fire Protection District* (2005);
- The Firefighters Procedural Bill of Rights (California Government Code sections §3250-3262);
- District call logs, financial ledgers, credit card and bank records;
- District audited financial statements;
- Board of Directors policies;
- Fire District employee policies; and
- Fire District website.

For a historical and current understanding of the day-to-day operations, the grand jury interviewed former and current firefighters, members of the Board of Directors, District administrative staff, members of the Herald Volunteer Firefighters Association (HVFFA), accounting firms retained by the District to conduct financial audits, and one complainant. Members of the grand jury also visited the two Herald fire stations. To educate ourselves about the laws and guidelines for California special districts, jury members conferred with the county counsel, the District Attorney's Office, the Department of Finance (DOF), the California Attorney General's Office, current and former fire chiefs of surrounding fire districts, and members of the California Special Districts Association (CSDA).

Grand jurors also attended several board meetings to observe the District board and staff and assess how meetings were

*The grand jury concludes that the citizens of Herald are rightly concerned that the Herald Fire Protection District is failing to provide effective governance of the District's business, is failing to maintain sound fiscal and accounting practices, and is failing to implement sound, legal personnel practices.*

conducted, the materials provided to the public, interaction between board members and District staff, and interaction between District personnel and the public in attendance.

During the investigation, District personnel in several instances only partially complied with grand jury requests for documentation. Many incomplete documents were submitted and some did not match records, witness testimony or documents the grand jury obtained through other sources.

## **DISCUSSION**

### **Herald Fire Protection District Overview**

The Herald Fire Protection District (the District) is a special district established in 1946 to provide local fire, rescue and emergency medical services to the unincorporated Herald community and surrounding rural areas. Encompassing 96 square miles located in rural southeastern Sacramento County, the District is governed by an elected five-member Board of Directors. The board's core functions are to establish and periodically review and update governance policy for the fire district; monitor the performance of the District fire chief; and oversee an annual operating budget of approximately \$800,000, which is based on revenues derived from local property taxes and grants.

The District is staffed by approximately 20 to 25 volunteer firefighters and several full-time, part-time and intermittent paid employees, including a fire chief, assistant fire chief, two captains and an administrative assistant. The fire chief is a full-time, salaried employee and reports directly to the Board of Directors. The fire chief oversees all administrative and managerial activities, including personnel actions, development of employee policies, and firefighter training exercises.

The District operates two fire stations. Station No. 87 was built in 1975 with the help of a federal grant. It is located on Ivie Road and houses a fire truck bay, a communications dispatch center, sleeping quarters, and the District's administrative office, and serves the western part of the District. This station is staffed daily from 8 a.m. to 4:30 p.m. by two full-time firefighters, the fire chief, and an administrative assistant. Station No. 88, located on Clay Station Road, was partially built by volunteer firefighters. At the present time, it is an unmanned station except during wildland fire season and serves the eastern part of the District. The firefighting staff responds to an average 400 calls per year.

In addition to these two stations, the District has mutual-aid agreements for emergency services with neighboring Sacra-

mento County fire districts, the State of California Department of Forestry and Fire Protection, Sacramento Fire/EMS Emergency Communications Center for dispatch services, Sacramento Municipal Utilities District for emergency responses to decommissioned Rancho Seco, and Cosumnes Community Services District for ambulance services.

The District also owns and manages two buildings next to Station No. 87, the Herald Community Barn and Hendrickson Hall. The District uses these buildings for training classes and also rents them to local civic groups for meetings and to the general public for social gatherings such as weddings and *quinceañeras*.

For many years, the District has received support from the Herald Volunteer Firefighters Association (HVFFA), which has played an integral role in the District. This volunteer civic organization raises funds to support the District's firefighters, and over the years has sponsored numerous events to raise funds to purchase needed fire and medical equipment for the District.

### **Herald Fire Protection District Fiscal Management**

#### *The District's Buildings Account Controversy*

In October 2012, when the Board of Directors formally proposed increasing rental fees for the two District-owned buildings, a handful of citizens and civic organizations protested the increase and demanded justification and an accounting of the building funds. Some citizens filed Public Records Act requests with the District seeking to open the books on the building fund accounts. After the District continued to ignore citizens' repeated requests, a formal complaint was filed with the 2013-14 Sacramento County Grand Jury.

In its investigation into the citizens' complaint, the grand jury uncovered, among other things, an unauthorized bank account the District shared with the HVFFA at the Farmers and Merchants Bank. The grand jury further discovered that the District had for many years improperly used that account to conduct official District business related to the two buildings including rents, cash receipts and building-related services. This practice shielded the existence of these funds and transactions from public knowledge, review and accountability. The board did not disclose this "unauthorized off balance sheet" account to the Department of Finance because it believed, erroneously, that the building rental income would reduce property tax revenues disbursed to the District by the DOF.

This account was a comingled account, used jointly by the Dis-

trict and the HVFFA. The District deposited revenues from building rentals, and the HVFFA deposited funds from its fund-raising activities. The District administrative assistant controlled the checkbook and wrote most of the checks while making the majority of deposits into the account. All the while the HVFFA retained sole signature authority. In contracting to use this comingled account, the District had agreed to pay the HVFFA a fee equal to 10 percent of the deposited funds. In July 2012, however, the HVFFA withdrew their funds and opened a separate account at another bank. The District continued to maintain the account until November 2013 when the board voted to close it and deposit the funds with the Sacramento County treasurer.

From the time the District shared the HVFFA account until it was closed, the District neither disclosed its existence to the Sacramento County DOF nor deposited the funds with the county treasurer, as required by state law. Moreover, the District maintained a revolving/petty cash fund with this account without disclosing its existence to the DOF, as required by state law. Along with this nondisclosure, the petty cash fund did not have the checks and balances with a third party, such as the DOF, reviewing and verifying receipts prior to being replenished. Finally, the District omitted the account from financial statements provided to auditors hired by the District to conduct biennial financial audits, as required by state law.

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***The District shared a bank account with the Firefighters' Association and maintained a revolving/petty cash fund, neither of which was disclosed to the Sacramento County Department of Finance, as required by state law.***

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#### *Audits of the District's Accounts and Records*

State law provides that the county auditor shall make an annual audit of a special district's accounts and records, but further provides that a special district may, by unanimous request of its governing board and unanimous approval of the Board of Supervisors, replace the annual audit with a biennial audit covering a two-year period. Between 2008 and 2011, in lieu of the county auditor's annual audits, the District contracted with a private accounting firm to make biennial audits of the District's accounts and records. The biennial audits of the District's financial statements for 2008 through 2011 were not conducted in accordance with generally accepted auditing standards. Important steps not performed include, among others:

- A proper study and evaluation of the existing internal control environment;
- A determination that expenditures were properly docu-

mented, authorized and incurred, and represent proper charges to the District; and

- A verification of all assets and liabilities of the District.

Review of these biennial audits and the District's accounts and records also revealed a lack of accounting controls and several areas of weakness in the control environment over financial accounting. The most significant weaknesses include the following:

- Receiving unrecorded District cash from citizens of Herald for reservation deposits and associated rental of facilities owned by the District.
- Mixing unrecorded District cash with cash belonging to the HVFFA in the same bank account legally owned and controlled by the HVFFA.
- Receiving unreported cash from citizens of Herald for donations to, or fundraisers for, the HVFFA without accounting for the cash receipts through the District accounting records, systems or reports.
- Lack of asset reconciliations between financial reports and the supporting detail.
- Lack of sufficient accounting detail is maintained to reconcile credit card charges.
- No segregation of duties related to cash receipts, recording and depositing cash, and reconciling the bank accounts. The same person performs all of these functions with no oversight or independent review by District management.
- Payroll input and paycheck distribution are performed by the same person without oversight by District management.
- The administrative assistant physically controlled the HVFFA checkbook. Checks had been written payable to "cash," then personally endorsed and cashed at a bank.
- The administrative assistant has a District credit card, receives the billing statement and submits the statement to the DOF for payment. Oversight includes only a copy of the statement, without supporting evidence, presented to the Board of Directors for a cursory review.

Review of the District's fiscal control environment also revealed other weaknesses in the District's practices, including the following:

- Until December 2013, the District paid a salaried employee unreported cash compensation for non-firefighter services that the employee provided the District. The District intentionally excluded these payments from the employee's earnings so as to understate the income reported on his Form W-2, Wage and Tax Statement.
- The District engaged in material asset purchase transactions

by trading or bartering without any documentation to record the receipt or disposition of assets. In one case, a used school bus was donated to the District and later bartered to a local contractor who fabricated and installed storage shelving on a District vehicle, all without supporting documentation.

- The fire chief authorized District employees and volunteers to fill their personal vehicles with gas from the pumps at the fire station as a form of expense reimbursement. This was done without documentation or proper classification in the District's accounting records.
- The District purchases tools and equipment used in the normal course of conducting its business. The District does not maintain a current listing of District-owned tools and equipment and cannot account for missing, lost or stolen assets.

In September 2013, in response to citizen demand, the District retained a private accounting firm to audit the District's building account. However, in November 2013, the accounting firm terminated its services and declined to perform the audit because the District had failed to provide supporting documentation for the account. The board did not publicly disclose the fact that the accounting firm had declined to perform the audit until April 2014.

### **Herald Fire Protection Personnel Policies and Practices**

State law, codified in the Firefighters Procedural Bill of Rights Act, provides any full-time firefighter and fire chief employed by a public agency certain procedural protections when he or she is subjected to punitive action. Among these procedural protections is an opportunity for an administrative appeal of a disciplinary decision. The District, a public agency, employs several full-time firefighters as well as a fire chief, all of whom are entitled to these procedural protections.

The District has a policy, adopted by the fire chief but not by the board, that sets forth the procedural requirements for punitive action against a firefighter. The policy provides the fire chief with the authority to impose punitive action. Confusingly, the policy melds two separate policies: one that addresses punitive actions taken by the District against a firefighter, and the other that addresses a grievance initiated by the firefighter against the District. The one provides that a firefighter may appeal a punitive action to the fire chief or the District board; the other provides that the firefighter may request review only from the fire chief, and does not expressly provide the opportunity for an administrative appeal. Compounding the confusion and inconsistency, the fire chief has asserted that under the District policy, he has the authority to decide whether or not a firefighter may

appeal, either to him or to the board. In at least one instance, the fire chief denied a terminated firefighter the right to appeal his decision to terminate the firefighter.

District policy for punitive actions not only fails to provide the procedural protections required by the Firefighters Procedural Bill of Rights Act, but District staff responsible for initiating punitive actions are unfamiliar with the state law's requirements. The District administrative assistant, who assists the fire chief in preparing and initiating punitive actions, acknowledged that she is unaware of the Act or its requirements. And the fire chief's interpretation and application of the punitive action policy that he adopted shows that he has limited understanding of the Act's requirements as well.

The fire chief's interpretation and application of the District's punitive action policy raises concerns not only about the fire chief's imposition of punitive action against subordinate firefighters, but also his application of the policy to himself. For example, District policy provides that no individual while on Herald Fire Protection District premises will share any website or material that may be offensive. Over several months, in at least three instances, the fire chief viewed photos of nude and scantily-clad women on his work computer, which were then emailed from his district email account to another firefighter employee, who claimed to be offended. Although the fire chief acknowledged that he had viewed these photos on his work computer and that only he had access to his work computer and email account, he denied sending the photos to his employee. It is readily apparent that the fire chief may have violated the District's policy prohibiting misuse of the work computer. He has interpreted the District disciplinary policy that he is obliged to enforce in a manner that insulates his own conduct and protects him from punitive action.

### **The Board's Development of Governance Policies**

Since its establishment in 1946, the board has adopted numerous District policies. Under its present governance policy, the board is responsible for adopting policies that pertain to the District, but the fire chief is responsible for adopting policies that pertain to firefighting staff and operations. The board does not approve policies adopted by the fire chief.

Many of these policies have not been reviewed and updated in more than 10 years. For example, the board's Master Plan was last updated in 2004. Also, board policy currently provides that the board may remove a director from the board; and the board, in fact, attempted to remove a director from the board in 2013. This policy remains on the books, notwithstanding that the

current board agrees that it lacks authority to remove a director and that the policy is invalid. And, as noted, the District's punitive action policy, adopted by the fire chief, is not compliant with state law.

LAFCo is a countywide commission that is responsible for the consolidation or reorganization of special districts, including fire protection districts. State law requires LAFCo to conduct Municipal Service Reviews of special districts every five years. As part of an MSR, LAFCo evaluates the special district's Master Plan. The Sacramento LAFCo has not conducted an MSR of the District since 2005.

## **FINDINGS AND RECOMMENDATIONS**

**Finding 1.** The District lacks adequate internal accounting controls sufficient to ensure against misappropriation.

**Recommendation 1.** The District should establish adequate internal accounting controls, as identified in this report, to ensure verification of the District's finances against waste or misappropriation of District assets.

**Finding 2.** Since 2008, the District's finances have not been audited in accordance with generally accepted auditing standards, as required by law.

**Recommendation 2.** The county auditor should conduct an immediate audit of the District's financial statements and conduct all future annual audits of the District's finances, as required by law.

**Finding 3.** The District has not adopted or implemented personnel policies compliant with the Firefighters Procedural Bill of Rights Act with respect to punitive actions against full-time firefighter employees, and District staff lacks knowledge of the Act's requirements.

**Recommendation 3.** The District should adopt policies and practices compliant with the Firefighters Procedural Bill of Rights Act and provide training to all staff regarding the Act's requirements.

**Finding 4.** The District has failed to timely review and update as appropriate District governance policies.

**Recommendation 4.** The District should comprehensively review and update as appropriate all District governance policies, including the District's Master Plan.

**Recommendation 5.** The Sacramento Local Agency Formation Commission should conduct a Municipal Services Review of the District and evaluate the viability of consolidating the District's fire and emergency services with another fire district.

## REQUEST FOR RESPONSES

Penal Code sections §933 and §933.05 require that specific responses to the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento County Superior Court by Oct. 1, 2014, from:

- The Herald Fire Protection District Board of Directors, response to **Findings 1, 2, 3 and 4** and their related **Recommendations**.
- The Herald Fire Protection District fire chief, response to **Findings 1 and 3** and their related **Recommendations**.
- Sacramento County Department of Finance, response to **Finding 2** and its related **Recommendation**.
- Sacramento Local Agency Formation Commission, response to **Finding 4** and its related **Recommendations**.

Mail or hand-deliver a hard copy of the response to:

Robert C. Hight, Presiding Judge  
Sacramento County Superior Court  
720 9th Street, Dept. 47  
Sacramento, CA 95814

In addition, email the response to:

Becky Castaneda, Grand Jury Coordinator, at  
castanb@saccourt.com.

## INVESTIGATION:

*Million\$ are wasted on closed juvenile facilities  
... while the county has no long-term  
residential treatment programs*

Sacramento County Probation Department

### SUMMARY

For four years, Sacramento County taxpayers have been spending approximately \$2 million annually to maintain two unused properties that previously served as treatment centers for youths under juvenile probation jurisdiction.

In 2009 and 2010, respectively, the Warren E. Thornton Youth Center (Youth Center) on Branch Road and the Sacramento County Boys Ranch (Boys Ranch) located in eastern Sacramento County were closed due to budget constraints, leaving Sacramento County without any long-term residential commitment programs for troubled youths. However, taxpayers' money has maintained these idle properties for four years, and the county has no concrete plan for the facilities' use.

For the 2013-14 Sacramento County Grand Jury, this circumstance provoked questions.

*Issue One:* Why has the county spent millions annually to maintain these properties and done little or nothing to stanch taxpayers' losses?

*Issue Two:* What has happened to the youths who were being served at those facilities?

Despite explanations by several top county officials, the grand jury found that the county has not made sufficient effort to put the properties to productive use; and it further found that the millions of dollars spent to maintain these idled properties could have been put to good use by providing residential treatment for troubled youths who, without treatment, put themselves and society at risk. Believing that public safety results from treatment and rehabilitation rather than mere detention or incarceration, the grand jury concluded that the Youth Center property is a viable and appropriate location for a long-term commitment program. The Boys Ranch property, on the other hand, should be leased or sold as quickly as possible.

### BACKGROUND

Since 2007, the Sacramento County Probation Department has

absorbed significant budget cuts resulting in the closure of programs and long-term commitment facilities that has negatively impacted the juvenile justice system.

In 2008, the Neighborhood Alternative Center was closed, leaving the Probation Department and the community without a resource for troubled youths in need of intervention and counseling as an alternative to detention.

In 2009, budget reductions caused the closure of the Youth Center, a 110-bed commitment program that served moderate-risk boys and girls ages 12 to 18 and provided counseling and services while working toward family reunification. Court-ordered placement was for one year, with an average stay of less than 100 days. The remainder of the commitment was completed on furlough with the majority of youths returning home.

Then in 2010, after yet another year of financial belt-tightening, the county closed the Boys Ranch. This was a 24-hour facility that housed more criminally sophisticated juvenile males with a history of serious or extensive law violations. The population then was 70 percent gang-affiliated. Boys Ranch programs focused on treatment, education and four vocational training programs including building maintenance and repair, computer graphics, landscaping and welding. Youths were committed to Boys Ranch for one year, with an average confinement of 122 days. The one-year commitment allowed a youth to be returned to the Youth Center or the Boys Ranch for a probation violation without a court hearing, thus saving the county both time and expense.

Closure of the Boys Ranch, the last of the three closures, left Sacramento County without any long-term residential commitment programs for troubled youths.

The Sacramento County Grand Jury received a complaint questioning why the county was spending \$1 million a year on the closed Boys Ranch facility, prompting the grand jury to investigate. Initial research confirmed that millions of dollars had already been spent maintaining the vacated Boys Ranch and county officials had no plan to ameliorate the situation. The grand jury asked a follow-up question: Are there other unused facilities on which the county is spending millions of dollars

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*The Boys Ranch was a 24-hour facility that housed criminally sophisticated juvenile males with a history of serious or extensive law violations.*

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annually? The answer is yes, and it too was a facility for troubled youths. We then asked: 1) What has happened to these youths? and 2) Are they getting the help, education and resources they need to become productive members of society?

The answers are troubling.

## **APPROACH**

The grand jury interviewed the county executive, the director of the county's Department of General Services, the county's chief probation officer, senior staff at Juvenile Hall, and a county supervisor. We reviewed documents detailing annual maintenance and utility costs for the Boys Ranch over the past three fiscal years, as well as a March 2011 County of Sacramento "Request for Proposal" (RFP) to re-purpose the Boys Ranch. Additionally, the following documents were reviewed:

- May 1, 2003, Trust Agreement re: Certificates of Participation
- 2003 Certificates of Participation for Public Facilities
- Maturity Schedules for the debt service (interest and principal on borrowed funds)
- Purchase Contract re: Certificates of Purchase
- Nov. 12, 2003, Expansion Request for the Boys Ranch
- Fiscal Years 2011/12 and 2012/13 Cost Summaries of the Boys Ranch and Youth Center
- Jan. 23, 2014, Appraisal Report by Blaes & Co., Inc.

## **DISCUSSION**

Interviews with the Department of General Services director, the county executive and a county supervisor revealed that the properties were indeed being maintained at significant taxpayer cost. No county official provided exact amounts being spent, but documents examined by the grand jury showed that since their closure, the combined maintenance costs of the Youth Center and the Boys Ranch totaled over \$2 million annually.

County officials repeatedly told the grand jury that this expense was largely due to debt service on improvements made at the Boys Ranch shortly before its closure, including "a million dollar fence." The county's own documents proved this claim was inaccurate. In addition to debt service, the documents showed substantial additional expenses for maintenance, necessary to keep the property from deteriorating and thereby supposedly decreasing in value. But in fact, the same documents reveal that the property is more valuable as virgin land, without the current aging structures and facilities. (See discussion under *Financial Analysis*.)

In the last four years, the county has made only one attempt to lease the Boys Ranch and stanch some of the taxpayers' losses. A Request for Proposal (RFP) to re-purpose the Boys Ranch was issued in March 2011. Although there were interested applicants at the time, the RFP was limited to a short, five-year lease term, which made obtaining tenants unlikely given the necessary start-up costs and capital outlay.

County officials' explanations for the RFP's five-year term limit and the lack of further effort to market the property centered on one theme: The county hoped that Juvenile Probation would be able to use the property again. When the Boys Ranch closed in 2010, the previous probation administration apparently was eager to reopen the Boys Ranch as soon as possible and saw this closure as temporary. While this may have been a valid excuse to maintain the vacant property in the short term, certainly during the last four years management should have seen that reopening the Boys Ranch was unlikely. The property has been vacant for the last four years, except for occasional use by the Probation Department for training or other miscellaneous activities, and would reportedly cost millions to elevate it to a standard appropriate for long-term use as a residential commitment facility.

The Youth Center, while not being used for youth commitment programs, has been maintained and used minimally for offices, etc., and is reportedly in good condition.

#### *Financial Analysis*

In April 2003, the county negotiated Certificates of Participation to finance various Sacramento County "public improvements," which were made part of a public offering that included \$15,230,000 for "Public Facilities Projects" and \$43,790,000 allocated to the "Main Detention Facility." Included in the "Public Facilities Projects" were improvements to the Youth Center and the Boys Ranch as well as various other projects throughout the county. The Boys Ranch improvements, stated to cost approximately \$4 million, included an additional 25-bed dormitory, a new Visitor's Center, a vocational training shop and a replacement emergency generator. It is understood that all these improvements were constructed, acquired and installed, but it is unknown if the improvements were within the budget parameters.

In 2009, in response to an escape incident at the Boys Ranch, the county hastily installed lighting and a security fence. County officials initially purported to the grand jury that the cost of the so-called "million dollar fence" was part of the debt service, but the director of the Department of General Services subsequently acknowledged that the fence was paid for with funds from the

county's Capital Construction Funds, thus incurring no additional debt. It remains unclear to the grand jury exactly when this fence was built.

The Boys Ranch closed in 2010, but "mothball" costs of the facility continue to be a \$1 million annual financial albatross, with no practical plans to sell, lease or use the facility. The March 25, 2011, RFP listed taxpayer costs as: Annual Maintenance and Repairs (excluding utilities) \$496,864; Annual Facility Use Allowance (understood to be debt service, i.e., proportionate share of Certificates of Participation) \$275,410; and Electrical \$157,063, totaling \$929,339.

The county pays debt service of approximately \$300,000 per year. According to the maturity schedule of the Certificates of Participation, the county's payments on the debt service extend to 2023. An accounting is necessary to determine the remaining principal balance, but based upon the proportion of the total debt service associated with the cost of the Certificates of Participation, it appears to be at least \$2 million. Accordingly, the shortfall of a sale, based upon the difference between the principal of the debt service and the appraised value of the property (including improvements) would be approximately \$1.5 million. However, it is important to note that a 2014 appraisal of the Boys Ranch assumes that the highest and best use of the property is under its current zoning of A-2, an agricultural-use zoning, which necessarily limits the "highest and best" use of the property. If the county were to rezone the property for residential or commercial use, its highest and best use would be enhanced, thereby increasing the appraised/sales value of the property.

The Youth Center closed in 2009, but debt service and maintenance are an additional financial burden in the amount of \$1,554,372 annually.

The County of Sacramento should consider rezoning the Boys Ranch to maximize the highest and best use of the property and its corresponding value.

It should be noted that after the grand jury began its investigation, a new RFP was issued on March 25, 2014, to re-purpose the Boys Ranch. This new RFP is essentially the same as the one issued in 2011, but without the five-year term limit. However, there is an important additional restriction: The RFP states it is seeking proposals from qualified "firms," thus suggesting an entrepreneurial use. But such a "firm" may be dissuaded by the RFP's advisement that since "this facility has been partially financed with tax-exempt bonds ... use by a state or local governmental entity may be given preference." It further states that

while “non-state or non-local governmental entities, private entities, or non-profit organizations are not excluded from submitting proposals ... they will require additional analysis in order to preserve the tax-exempt nature of the existing bonds.” (Responses to this RFP were to be submitted prior to 3 p.m. on May 15, 2014, and will be considered valid for a period of 120 calendar days thereafter. Results from the RFP were not available prior to the filing and publication of this grand jury report.)

An appraisal of the Boys Ranch property dated Nov. 25, 2013, finds that due to required water and sewage upgrades, the highest and best use for the property is as vacant land. If vacant, the property is valued at \$700,000. However, costs and revenues associated with salvage and demolition bring the net market value to \$410,000.

The County of Sacramento must take positive steps to stanch the negative cash flow associated with the Boys Ranch. Unfortunately, the latest RFP did not include purchase of the property as an option. As noted, rezoning to a compatible and higher value use would maximize the property’s value, whether from a lease or sales standpoint.

*The Youths*

With the Boys Ranch and Youth Center closures, the Sacramento County Juvenile Court lost options, resources and facilities to house and treat long-term offenders. Youths who then resided in those programs were returned to Sacramento County Youth Detention Facility (Juvenile Hall), placed on formal probation, assigned to home detention or simply released. These options incarcerate or detain the youths, but provide them little or no resources dedicated to long-term treatment and care. These troubled young people no longer have staff or programs dedicated to meeting their long-term needs.

Juvenile Hall was never intended to house youths for more than 30 days. Its traditional focus has been on meeting the needs of those youths who are awaiting trial and serving short-term incarceration for probation violations. Co-mingling short- and long-term youths has presented Juvenile Hall administrators with housing and treatment challenges.

Since 2010, the long-term placement program for youths in the Sacramento County correctional system has been in limbo. The administration at Juvenile Hall has been developing and imple-

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***In Sacramento County, troubled young people no longer have staff or programs dedicated to meeting their long-term needs.***

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menting limited programs to meet the needs of those youths who would have been assigned to the Youth Center or Boys Ranch. However, by their own admission they cannot replicate the treatment and vocational training programs at the Boys Ranch and Youth Center within existing facilities at Juvenile Hall.

Juvenile Hall currently houses youths who have been detained for one to three years at a cost of \$233,200 per youth per year. The grand jury believes that the county needs to take immediate action to meet the needs of this highly volatile group of young people. Evidence supports the conclusion that dealing with high-risk, delinquent and violent youth is a long-term commitment and investment and such youths' conduct cannot be changed through detention and incarceration only. Without such treatment, with just warehousing, these youths are destined to become the next generation of inmates serving time in adult correctional facilities. Comprehensive treatment, education and vocational training designed for the specific needs of each youth are paramount for positive change.

*What can be done?*

The Youth Center is a workable and appropriate location for a commitment program. It was remodeled and expanded in 2006 and remains in good condition. Situated adjacent to the county's juvenile justice campus, its location would allow youths who exhibit dangerous or out-of-control behavior to be easily transported to nearby Juvenile Hall.

The Youth Center could serve immediate program needs by affording the Probation Department the ability to create a fluid, evidence-based model for rehabilitative services. Research assessing these youths shows that this population varies greatly in the risks and needs that it presents.

Evidence suggests that a phased commitment program would serve Sacramento County, the Juvenile Court and the community well by allowing youths to receive services based on their needs while ensuring community safety through sound interventions created to curb recidivism, educate and ultimately change the lives of youths. Reopening the Youth Center will allow the Probation Department the flexibility of providing long-term in-custody care and non-custody aftercare.

The Youth Center could be an excellent hub of services that would provide opportunities to reduce recidivism while ensuring public safety. Providing such a program surely is a better way to use the millions of dollars now being spent to maintain unused facilities.

## FINDINGS AND RECOMMENDATIONS

**Finding 1.** Millions of dollars are being wasted to maintain unused facilities previously used as long-term residential treatment centers for juveniles.

**Recommendation 1.** The County of Sacramento must take positive steps to stanch the negative cash flow associated with the Boys Ranch, whether by leasing or selling the property, and should do whatever is necessary to maximize the property's value.

**Finding 2.** Facilities and programs for youths in need of long-term treatment in Sacramento County are limited or non-existent.

**Recommendation 2.** The Sacramento County Board of Supervisors should appoint a task force to assess the viability of establishing a commitment program at the Youth Center, such as suggested above, and ensure that action is taken and oversight enforced without further delay.

## REQUEST FOR RESPONSES

Penal Code sections 933 and 933.05 require that the following officials submit specific responses to the findings and recommendations in this report to the Presiding Judge of the Sacramento County Superior Court by Oct. 1, 2014:

- Director of General Services
- Sacramento County Board of Supervisors
- County Executive
- Chief Probation Officer

Mail or hand-deliver a hard copy of the response to:

Hon. Robert C. Hight, Presiding Judge  
Sacramento County Superior Court  
720 9th Street, Dept. 47  
Sacramento, CA 95814

In addition, email the response to:

Becky Castaneda, Grand Jury Coordinator, at  
castanb@saccourt.com.

# RIO COSUMNES CORRECTIONAL CENTER

## Grand Jury On-Site Visit – September 2013

Rio Cosumnes Correctional Center (RCCC) is the primary custody facility for inmates sentenced to county jail by the Sacramento County Superior Courts; inmates awaiting transport to other jurisdictions; and federal and state prisoners and reciprocal prisoners from other jurisdictions. RCCC is also the central transportation point for all defendants sentenced to state prison by the Sacramento Superior Courts, and serves as an adjunct, over-capacity facility for pretrial inmates from the Sacramento County Main Jail. And since 2011, under “prison realignment,” RCCC incarcerates inmates whose convictions qualify them to serve their sentences in local custody instead of state prison.

In 2011, Governor Brown signed Assembly Bill 109, commonly referred to as “prison realignment,” which shifted to counties the responsibility for monitoring, tracking, and incarcerating lower-level offenders previously sentenced to state prison. Realignment is considered the cornerstone of California’s solution to a federal court order to reduce the number of inmates in the state’s 33 prisons to 137.5 percent of original design capacity. In brief, AB 109 (and AB 117, a companion bill) altered both sentencing and post-prison supervision for the newly statutorily classified “non-serious, non-violent, non-sex” offenders.

Three major groups of inmates are affected by realignment. First, felony offenders who have never been convicted of a “serious” or “violent” crime or an aggravated white-collar crime and are not required to register as sex offenders (colloquially, “triple-nons”) will now serve their sentences in local custody. Second, released prisoners who have completed their full prison sentence and whose current commitment offense qualifies them as “triple non” offenders are diverted to the supervision of county probation departments under “Post Release Community Supervision (PRCS).” Third, if persons on PRCS violate the technical conditions of their supervision (rather than committing a new crime), they can no longer be returned to state prison, but must be incarcerated in local (county) jail or community alternatives, including house arrest, drug treatment, or flash incarceration.

In response to the prison realignment mandates, RCCC management designed “Strategies for Success,” an innovative model that emphasizes “inside out re-entry services,” with a concentration on phasing out of custody. Inmates who have completed at least half of their sentence and have participated in re-entry services may be released on ankle monitoring with the support

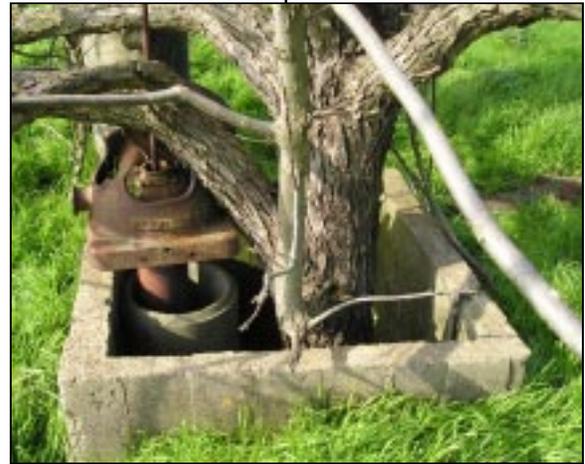
of their re-entry specialists. Re-entry services begin once the offender enters RCCC and continue through his or her period of incarceration. Following release, services continue for nine months, depending upon individual needs. Services include education, employment, housing, counseling, transportation and family rebuilding, putting into practice what has been learned while incarcerated. The ultimate goal of “Strategies for Success” is for inmates to achieve a productive position in society.

RCCC management reported the overwhelming support of RCCC staff and numerous outside resources dedicated to the implementation and success of the realignment goals. The evident dedication and stability of the entire staff shows the significant impact of management’s “top down” buy-in to the philosophy and goals of prison realignment. There is very little staff turnover and an air of optimism permeates conversation with staff and inmates alike. Unfortunately, the ratio of 25 offenders to one re-entry specialist makes it impossible to afford all offenders the benefits of this program. As with many such quality programs, funding levels determine the level of participation. For now, the inmates deemed most likely to succeed are receiving services.

**Security:** As with any correctional facility, RCCC’s primary functions are public safety and the security of inmates in its custody. RCCC is classified as a “medium security” facility. Its location in a relatively remote area southeast of Elk Grove, and constant monitoring of the facility through surveillance cameras and law enforcement personnel, contribute favorably to its security. Currently, 2,100 inmates are housed at RCCC with 147 deputies on staff. With a rated capacity of 1,625, the facility is admittedly jam-packed, but so far staff has been able to safely handle the high number of inmates. (Notably, Sacramento County has the fifth-highest crime rate in California.) There are 40 day-watch personnel and 35 on night watch. None carry firearms. Housing includes 400 cells and dormitory-style accommodations.

RCCC has a proactive and intensive suicide-prevention program as part of its Psychiatric Services Program. All custody staff, including sworn officers and custodial members, receives annual suicide prevention training.

As at other correctional facilities the grand jury has visited, inmate segregation by race and ethnicity is apparent during yard time. RCCC officials maintain that this segregation is self-



*Participants in the welding program receive 16 weeks of 30-hour-a-week training. Upon completion, inmates receive an industry-standard certificate as well as three college credits. Coordination with local businesses and trade unions provides not only training but entree to employment. RCCC photo*

imposed. Of course, males and females, both custodial staff and inmates, are segregated by gender. Male prisoners may have female custodians, but female prisoners cannot have a male custodian unless he is accompanied by a female custodian.

**Healthcare:** At RCCC, maintaining inmate health is a high priority. Staff takes medical histories during the intake process, noting existing medical problems and necessary and appropriate medications, e.g., insulin for diabetics or appropriate medications for those with Hepatitis C or HIV. Often, incoming inmates are addicted to drugs and may have been participating in Residential Substance Abuse Treatment (RSAT) programs on the “outside.” RCCC began random drug testing in October 2013, but staff controls drugs primarily by detection, inspection, and use of drug-sniffing dogs.

Due to an aging inmate population, RCCC has seen a huge increase in problems from chronic diseases. Health care costs have increased markedly, with two particularly costly drugs noted: psychiatric drugs and high-end drugs for treating HIV and Hepatitis-C. Acute psychiatric care patients are not treated at RCCC except on an outpatient basis. Traditional health care facilities are maintained at RCCC, with extended or complicated procedures conducted off-site, e.g., surgery, complex rehabilitation, dentistry, and psychiatric care.

**Education:** Traditional education programs are coordinated with the Elk Grove Unified School District (EGUSD) to help inmates obtain a General Education Development (GED)/high school equivalency diploma. Sixty-seven inmates obtained GEDs in 2012-13, double the number the previous year. EGUSD has introduced RCCC to many educational and vocational programs, including a program called “Cognitive Behavior Treatment,” nationally recognized for its significant contribution to rehabilitation. Correctional professionals agree that without behavioral change, rehabilitation is less likely.

A number of vocational programs have been extremely successful. These include: welding and manufacturing, custodial training, ornamental horticulture, culinary arts and cake decorating, safety and sanitation, engineering design technology, and computer training. Participants in the welding program receive 16 weeks of 30-hour-a-week training. Upon completion, inmates receive an industry-standard certificate as well as three college credits. Coordination with local businesses and trade unions provides not only training but entree to employment.

The custodial training program teaches basic custodial/janitorial skills and procedures. The program provides training on the safe use of cleaning materials, including those with blood-borne

*Correctional professionals agree that without behavioral change, rehabilitation is less likely.*

*Vocational programs at RCCC have been extremely successful, including welding and manufacturing, custodial training, ornamental horticulture, culinary arts and cake decorating, safety and sanitation, engineering design technology, and computer training.*

pathogens and infectious capability. Inmates receive nine weeks of 17-hour-week training.

Ornamental horticulture program graduates receive four college credits. Inmates receive 15 weeks of 29-hour-a-week training.

The culinary arts program teaches across-the-board culinary skills and is run by a highly skilled and qualified chef whose inmate kitchen is known for its “gourmet” meals. The ability to prepare a five-course meal is a graduation requirement. A grant application is “in the works” to build an operating café on site. The safety and sanitation program is somewhat of an adjunct to the culinary arts program; students who have completed the program have learned the necessary basic skills to work in a restaurant or cafeteria.

The engineering design/technology program deals primarily with drafting. This program is actively coordinated with a workforce developer to attain job placement.

Computer training is a highly competitive and sought-after program. With only 24 computer monitor stations, RCCC offers only two concurrent 10-week programs – one each for male and female inmates. Upon successful completion, inmates receive a certification award which is helpful in attaining outside employment.

These various programs are designed to transition into programs on the “outside” so that the training and education can be continued after release. To reach any level of achievement, a minimum of nine months incarceration is required.

**Alternates to Incarceration:** Community work programs affiliated with the Sacramento County Sheriff’s Department allow inmates to work in the community in lieu of jail time. Inmates learn toymaking and rehabilitation skills in the Toy Project, and the Work Project allows participants to perform basic landscape maintenance at public parks, churches, schools and Little League facilities. An inmate with less than 90 days to serve may apply for these programs. Also, convicted defendants can be sentenced to a Work Project in lieu of jail time.

**Challenges:** The ultimate goal of incarceration and rehabilitation is to return inmates to society as productive citizens. Many inmates have familial responsibilities, like divorced fathers who have child and spousal support obligations, both physical and monetary. RCCC and affiliated agencies assist in reconstructing the family unit and set up programs to pay back-child support upon employment or re-employment. A critical concern for the rehabilitation system is preventing or discouraging the inmate

*The ultimate goal of incarceration and rehabilitation is to return inmates to society as productive citizens.*

from rejoining bad company, whether former friends, gang members, or even family members. Post-release efforts and counseling on these issues is a priority.

RCCC has maximized its ability to work within an aging facility, but some serious upgrades are sorely needed, particularly with the impending influx of additional inmates that will surely occur with the implementation of AB 109 and federal court mandates.

### **Recommendations**

- Extend drug-testing to all inmates on a random and unannounced basis.
- Given signs of a Sacramento County budget surplus, earmark funding for increases to rehabilitation programs and the number of caseworkers. Implement or expand rehabilitation training as part of academy training of Sheriff's Department cadets.
- Given RCCC's remote location and inaccessibility to public transportation, the Sheriff's Department could arrange transportation assistance for visiting families.
- The pharmacy is in an insecure location, outside the main facility, close to the welding shop and accessible to inmates. Move the pharmacy to a more secure location.
- Develop a wage-earning program for work-detail inmates, consistent with Cognitive Behavioral Therapy and Employability Skills models. This would provide indigent inmates the means to make canteen purchases and a sense of accomplishment and responsibility.

## SACRAMENTO COUNTY JUVENILE HALL

### Grand Jury On-Site Visit – October 2013

All youths who have been arrested, booked, and assessed as a risk to the community are detained at Sacramento County Juvenile Hall under the oversight of the Sacramento County Probation Department. Detention lasts an average of 31 days; however, some stay for longer periods. Designed for a maximum capacity of 444 residents, Juvenile Hall is budgeted for an operational capacity of 225. There is a ratio of one staff member per 10 residents.

As with all correctional facilities, the Hall's primary responsibility is to ensure public safety. The staff is also concerned with the rehabilitation of these youths and the prevention of recidivism. Meeting these responsibilities is challenging in light of budget constraints that have led to program cuts and lack of new program implementation. The Sacramento County Boys' Ranch, which closed in 2010, was the only facility available for boys in long-term programs. Those boys now reside at Juvenile Hall as well. Staff is attempting to mitigate these program cuts by using outside programs as well as outside volunteers.

Among the more problematic areas is the lack of a formal drug and alcohol program. Outside volunteers provide some substance abuse assessment, but there needs to be a formal program. Another area of concern is the housing of suicidal residents with the general population. Currently, a suicidal resident shares a room with a non-suicidal resident, in order to have someone in the room who could respond in case of an emergency involving the suicidal resident. Grand jury members found that practice troublesome because it puts an undue burden on an untrained and unqualified fellow juvenile to respond in a life or death emergency.

Juvenile Hall is also using the practice of non-detention. Instead of residing in the Hall, the juvenile is released to the custody of a parent or guardian. Some minors are released to home detention, some are released with an electronic monitor, and some are released with no restrictions. When released to non-detention, the minor must appear in court at regular intervals to monitor his or her progress.

**Juvenile Hall Units:** Juvenile Hall comprises several units, each designed to meet the specific needs of the residents. There are two female units, and all other units are all-male. The exception is the Special Needs Unit, which occasionally houses a female with careful restrictions in place. Each unit has a drop box where the juveniles can deposit written grievances and requests

*Juvenile Hall's primary responsibility is to ensure public safety. The staff is also concerned with the rehabilitation of these youths and the prevention of recidivism. Meeting these responsibilities is challenging.*

for medical attention, library books, etc. Staff check these boxes daily and handle all grievances timely.

**Orientation Unit:** All youths entering the Hall must go through an orientation where they are carefully assessed for appropriate placement. The assessment includes a medical evaluation and questions regarding home life, gang involvement, etc. The juvenile may make two phone calls at this time: one call to a parent or legal guardian and one to an attorney.

**Maximum Security Unit:** Residents deemed a high security risk because of gang affiliation or disciplinary problems are placed in this unit. At the time of our visit, 14 juveniles were in this unit, each living in an individual cell. Three staff members are assigned to this unit. Staff told us, and we observed, that residents assigned to this unit are normally cooperative with staff and other residents.

**Special Needs Unit:** With a maximum capacity of 30, only 11 residents occupied the Special Needs Unit on the day of our visit: nine special needs residents and two residents serving as mentors. Youths with special needs reside in cells while the mentors have access to the open bay of the unit. This mentoring program began as a result of an incident when a resident was in crisis and members of the staff were unable to calm the situation. Another juvenile resident requested permission to intervene and was able to calm the agitated resident. Staff saw this as an opportunity to use peer intervention beneficially and to provide residents an incentive to reach positive goals while incarcerated, as mentor status must be earned.

Grand jury members have concerns about using juvenile residents in this role due to the potential for abuse by the mentoring juvenile. Staff is not necessarily present when the mentor intervenes with the juvenile in crisis, so the intervention might be threatening and staff may be unaware. The program needs to be carefully monitored with rigid guidelines in place.

**Medical Unit:** Six infirmary rooms are available and treatment is provided 24 hours per day. Emergency care is provided off-site at the nearest medical facility.

**Education:** El Centro Junior and Senior High School provides a full range of educational courses. All residents attend school during the week and can earn high school credits and qualify to take the California High School Proficiency Exam or General Education Development exam. A special class is offered for residents interested in attending college.

**Library:** A large collection of books is housed in what was

primarily a special needs unit. Books are an important and welcome resource for incarcerated youths and donations from the public are welcome and needed.

**Recreation:** Physical education and recreation are part of the daily schedule, with organized sports and activities available. There is a gymnasium and swimming pool available for residents, as well as outside courtyards in several units.

**Programs:** Juvenile Hall offers two programs to benefit youth: the Leadership Education and Athletic Program (LEAP) and the Skills Training Enrichment Program (STEP). LEAP emphasizes teamwork and challenges residents both physically and mentally. STEP is a multidisciplinary youth program encompassing education, mental health, recreational therapy and physical fitness to build the residents' skills and improve their behavior.

**Visiting:** Staff actively encourage visitations because they believe that strong family and community ties increase the likelihood of a successful release from Juvenile Hall. Visiting is allowed seven days a week; hours vary daily. A spacious and clean open area is available for visits, with private rooms available for non-contact and attorney-client visits. A specially decorated room is enclosed in the visiting area for visits between in-custody mothers and their babies. Decorated by the residents, the room is colorful and cheerful, with painted murals on the wall, toys, and a comfy rocking chair. Babies are not allowed to live at the Hall, but mothers are given the opportunity to bond with their children through regular visits.

### **Conclusion**

Juvenile Hall appears very well-maintained and brightly lit. All staff members seem to be enthusiastic, knowledgeable, dedicated, and very professional. The numerous programs for juvenile residents have been carefully honed for maximum participation and accountability and appear to meet the needs of the population.

## SACRAMENTO COUNTY MAIN JAIL

### Grand Jury On-Site Visit – August 2013

Sacramento County's Main Jail at 651 I Street in downtown Sacramento opened in 1989 after five years of construction and an \$80 million price tag. With a maximum capacity of 2,432 inmates, its daily population averages 2,400 inmates, approximately 220 of them female. Nine out of 10 inmates are in custody awaiting trial for felonies, with the average length of incarceration being 31 days.

Besides pre-trial inmates, the jail houses up to 425 federal inmates for the U.S. Marshals Office and 129 for Immigration and Customs Enforcement (ICE), while others are held for state prison extradition or new state prison commitments.

A portion of the Main Jail includes the Lorenzo E. Patino Hall of Justice, which has four courtrooms that handle an average 6,800 court cases per month. Most defendants are in custody at the Main Jail.

The Main Jail handles approximately 135 bookings per day – 49,000 bookings annually – each of which includes a criminal background check on the new inmate, a medical review by a nurse who orders any medical tests necessary, as well as questions on sexual orientation, identifying possible gang affiliation or anything else that would be cause for separation from the main population, all in the name of safety for the staff and inmates. The entire booking process could take up to 12 hours to complete, depending on the information gleaned, before the new inmate is assigned a cell.

Currently, 35 percent of the inmates – 841 out of 2400 – suffer from an identified mental health problem. An 18-bed psychiatric unit, separate from the inmates' general housing, has individual cells for those inmates who may be a danger to themselves or others. Those whose mental health or other condition determines that they cannot go into the general population housing are segregated according to the following inmate classification definitions.

*Total Separation:* Inmates are housed alone or in two-bed cells if they are violent toward officers or other inmates, are major discipline problems, or if they are former police officers or related in some way to officers and need to be separated from the general population for their own safety.

*Administrative Segregation:* Inmates who are unable or unwilling to program with the general population, are argu-

*The Main Jail's Mission Statement:  
"To ensure public safety by the secure detention of those persons committed to our custody. We will also ensure that those persons ... are provided a safe and humane environment with treatment consistent toward that end."*

mentative with other inmates or jail staff, or refuse to get along with any cellmate are separated from other inmates. According to the Sheriff's Department brochure, these inmates are often threatening, but rarely carry out their threats.

*Protective Custody:* Inmates who fear for their safety from other inmates because of their crimes are kept separated. These could include rapists, child molesters, sex offenders, and gang members or former gang members.

*Outpatient Psychiatric:* Psychiatric inmates who are not an immediate threat to themselves or others or gravely disabled but are unable to live in general population housing are kept separate.

Inmates are encouraged to receive schooling while in County Jail, and more and more are taking advantage of the opportunity. Staff said that through the Elk Grove School District, 92 inmates received their GED this past year, compared to 42 awards three years ago.

**Observations:** On the day of the grand jury's on-site visit, jail management staff provided jury members with an initial orientation and overview of the entire facility. A dramatic difference was noted between the carpeted, clean, bright and freshly painted entrance and staff area and the dimly lighted, bare cement-floored and aging area that housed inmates. The chipped walls and paint on nearly every surface in the cell blocks and hallways should be repaired and repainted.

The large sally port, where inmates are brought into the initial booking area, appears spaciouly adequate, even during periods of heavy use. But there appears to be little or no ventilation for vehicle exhaust, which could be problematic for arresting officers and arrestees during heavy use periods. On the other hand, the booking area, though not large, is relatively clean and well lit with seemingly enough stations to safely book suspects.

Deputies have report-writing capabilities in their cars so they can complete this task before even exiting their vehicles, saving valuable time during intake. All arrestees' money and possessions are logged in after going through the intake machine.

The triage area is functional, but depressing, with three stations manned 24 hours a day. It is such a tight area that grand jury members felt they almost needed to hold their breath while walking through. With approximately 150 new inmates processed through there daily, the space does not seem adequate for the employees or arrestees.

In the holding area, where new arrestees wait their turn to be booked, one cell was so full of men there was no room on the benches or floor and, therefore, a number were standing against the wall should-to-shoulder. This appeared not only uncomfortable, but staff acknowledged that it could lead to a dangerous situation.

On the medical floor, there was a lockdown in one section to allow grand jury members unfettered access during the walk-through. This area, in particular, looked every minute of its 24-year existence, sporting chipped and peeling paint, aging cushions for seating and poor television reception. It is questionable that these unkempt conditions are conducive for improved mental or medical care.

One-third of the current inmates have been diagnosed with some form of mental illness, according to staff, with the severity much worse than in prior years and the number of inmates with dementia substantially increased.

The staff doctor explained that many inmates take medications while in jail, but stop when they are released, thereby exacerbating their condition. He further explained that unlike in previous years, many inmates are geriatric now and suffer from multiple health issues requiring numerous medicines and appliances, up to and including adult diapers. Some are “gravely disabled,” both physically and mentally, he added. The strongest point the doctor made was that he truly cares about these inmates, a fact that could make all the difference in their overall health.

In the dentist’s office, the space and equipment appeared clean and sanitary and functionally adequate to handle most small dental needs. Jail staff explained that a great number of inmates do not have access to regular dental care when not in custody and, therefore, this office is utilized by a substantial percentage of inmates, a number of whom have found a way to show their appreciation to the dentist. The walls of his two-room office are decorated with original paintings and artwork given to him by appreciative inmate-patients who used their talents, instead of their money, to say “thank you.” It’s an impressive collection that the dentist proudly showcases to new inmate-patients, deputies and visitors alike.

Correctional Health Services is financially responsible for all medical services performed within the jail facilities. Services provided outside the facilities (emergency room, surgery, spe-



*The jailhouse dentist proudly displays inmate art given to him over the years by appreciative inmates, many of whom never see a dentist except behind bars.*

cialty care, etc.) can be billed to an inmate's medical insurance if they have coverage. This includes MediCal, Medicare, Kaiser, the Veteran's Administration, and any other private health insurance provider. Unfortunately, inmates typically do not have medical coverage, and those who do generally do not pay their premiums during incarceration, allowing their health coverage to lapse. If an inmate has medical insurance, every effort is made to have the insurance company cover the costs of outside medical services provided.

Food service appears to be handled efficiently, serving more than 8,000 meals per day at a cost of \$3.50 per inmate per day. Besides providing a regular menu, some inmates have special dietary needs due to religious beliefs, salt-free needs, diabetic restraints, etc. The food service staff tries to accommodate these special needs as much as possible. Fourteen inmates work with staff to put together the hot meals and send them to each inmate, who then has up to 30 minutes to eat the food inside their cells.

During this on-site visit, the kitchen area appeared well-organized, but in need of improved lighting and much improved cleaning. The floor in the food assembly area was noticeably dirty, wet and sticky as grand jurors walked through. Towels were spread on the floor in several places. Also, as jurors approached this area they saw the inmate staffers quickly don the protective head coverings required for food service workers.

One inmate cell that appeared to be occupied, though the inmate was not there at the time of the grand jury visit, had an unidentifiable object atop the unmade bed. When a juror asked one of the deputies what it was, it caused a stir in the unit. Very quickly, another deputy retrieved the object and later explained that it was, indeed, "contraband," meaning it was forbidden. It turned out to be a newspaper rolled tightly with water into an elongated form, generally used, the deputy said, "to change channels on the TV," but, the deputy added, it could have been used in other ways as well.

### **Recommendations:**

- Food safety and cleanliness must be addressed and improved.
- There are 336 surveillance cameras throughout the facility, but jail staff acknowledged there is need for more because some areas are remote or out of view of any camera. This could be a serious safety matter for staff and inmates and should be addressed.

- The Main Jail is reimbursed by outside agencies at \$77.17 per day per inmate, but that doesn't cover all the costs. Grants are available, but many come with requirements that the Sheriff's Department cannot meet, such as matching the grant dollar-for-dollar or extending the program(s) after the grant expires. Additional dollars could make a substantial difference in some existing programs or make new programs available.
- The pharmacy is well-organized, efficient and replete with safety checks to ensure proper distribution. A licensed pharmacist is on duty 10 hours a day. Annual cost of medications: \$2.7 million for the Main Jail alone. If there is a way to combine pharmaceutical needs with other Sacramento County facilities, thereby lowering overall costs, it should be pursued.

## CALIFORNIA STATE PRISON, SACRAMENTO

### Grand Jury On-Site Visit — September 2013

Public safety is the number one goal of California State Prison, Sacramento (SAC), according to prison officials. A highly detailed response is in place to prevent inmate escapes, and grand jurors twice had occasion to see this in action.

Before beginning the on-site inspection of the facility, grand jurors were given a warning: Follow directions in the event of an alert. Prison officials told us candidly that while our safety was important, prevention of an escape would come first, and the prison does not negotiate for hostages. About 30 minutes into the tour (and again several hours later), a shrill alarm sounded, blue lights flashed, and we were ordered to back tightly against the wall. Officers came rushing from several directions with backup officers following. On both occasions, after a thorough search of the area, the “all clear” was given and we were again able to breathe. It was hard to imagine how an inmate could escape, and, in fact, no one has done so successfully at this institution.

**Statistics:** SAC received its first offender on October 1, 1986. Originally built to house 3,319 inmates, during our visit there were only 2,095 inmates, down from 2,577 inmates in 2012, and 2,900 in 2008. (Prison officials explained that the population decline is due to re-alignment of prisoners pursuant to enactment of Assembly Bill 109). SAC’s current budget is \$155,062,000 with an additional \$59,884,000 for medical including dental and mental health. There are 967 peace officer personnel, 13 executive staff, 170 support staff, 59 trades staff, 27 education and vocation staff and 485 medical personnel.

**Function:** Maximum-security inmates serving long sentences or inmates who have proven to be management problems at other institutions make up the bulk of the population at this facility. SAC’s most significant function is medical and psychiatric services for inmates from throughout Northern California.

SAC provides three levels of mental health care. First level of care affords case management for those inmates who are able to function in the general population; the second level of care is enhanced outpatient care for those inmates who need to be

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*Maximum-security inmates serving long sentences or inmates who have proven to be management problems at other institutions make up the bulk of the population at this facility.*

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clustered; and the third level of care is for those inmates with suicidal or homicidal ideation who need to be segregated either for their own protection or the protection of others. There have been three suicides in the past year with approximately 10 to 15 self-injuries monthly.

About 50 inmates weekly have to be transported to outside hospitals for medical treatment. Again, public safety is the number-one priority and detailed planning and caution have thus far resulted in safe transports.

During the recent hunger strike, a number of inmates from Pelican Bay were transferred to SAC, both for security and medical reasons.

**Education:** Any inmate who lacks a high school diploma or GED (general equivalency diploma) must attend classes, with educational opportunity immediately available to all. There are two volunteer teachers, under the direction of a staff principal, on one yard every day with inmates serving as teacher's aides. There is one three-hour academic class in the morning, and another three-hour academic class in the afternoon. Vocational classes last all day. Independent studies are available every day online. An inmate with a court deadline will be given two additional hours a week outside his cell for research in the library.

In addition to high school education, college classes are also offered in conjunction with several community colleges. So far, only three Associate of Arts degrees have been awarded, but currently there are about 150 inmates involved in college-level classwork. Transcripts reflecting units earned toward these degrees indicate that the units were earned from the community college, and not at the prison.

**Infrastructure:** SAC functions as its own city. It has its own water system, and a generator keeps electricity going in an emergency. Heating and cooling are big issues and are handled by a massive steam system. All cells have controlled air.

All laundry services for both SAC and Old Folsom, as well as a few hospitals in the area, are handled by inmates. Personal clothing is marked with an identification number and each inmate is allowed to have laundry service once a week.

Twenty-two SAC inmates, under the supervision of a professionally trained chef, do all of the cooking for both facilities, serving 5,500 meals a day. Meals for several days are prepared at one time and cooking occurs only on certain days. Kosher, vegetarian and Halal meals are offered. Inmates are provided an 1800-calorie-a day diet with one or two soy products weekly. Food is

flash frozen and delivered to cell blocks at SAC as well as to Old Folsom, where it is reheated. Unfortunately, the kitchen was not operational on the day the grand jury visited, but the area appeared clean and orderly.

There are 14 towers on the grounds, only two of which are staffed. Throughout the facility there are many entry checkpoints with security apparent at most. The grounds are well supervised and those areas that need visual supervision have the capability.

New, nearly completed construction will house inmates with medical needs coming from other high-security institutions, primarily Pelican Bay. A few inmates were observed working with the construction crew and we were told they were paid \$150 monthly. There are other paying jobs like laundry and cooking, but these construction positions appeared to be the plum.

### **Conclusions**

The facility appears to be well-maintained and it was obvious all staff (custody and non-custody) put a high emphasis on safety and security.

Although many of these inmates will never step freely outside these walls, the care and services, and the opportunities to reconnect to society, are there for the taking. According to staff, there are 85 activities or services provided monthly. We did not see these activities in progress and would recommend that future tours be scheduled to coincide with classes, cooking, laundry, and other endeavors.

SAC is to be commended on their recent accreditation from the American Correctional Association, the first correctional institution in California to receive its accreditation.

# FOLSOM STATE PRISON

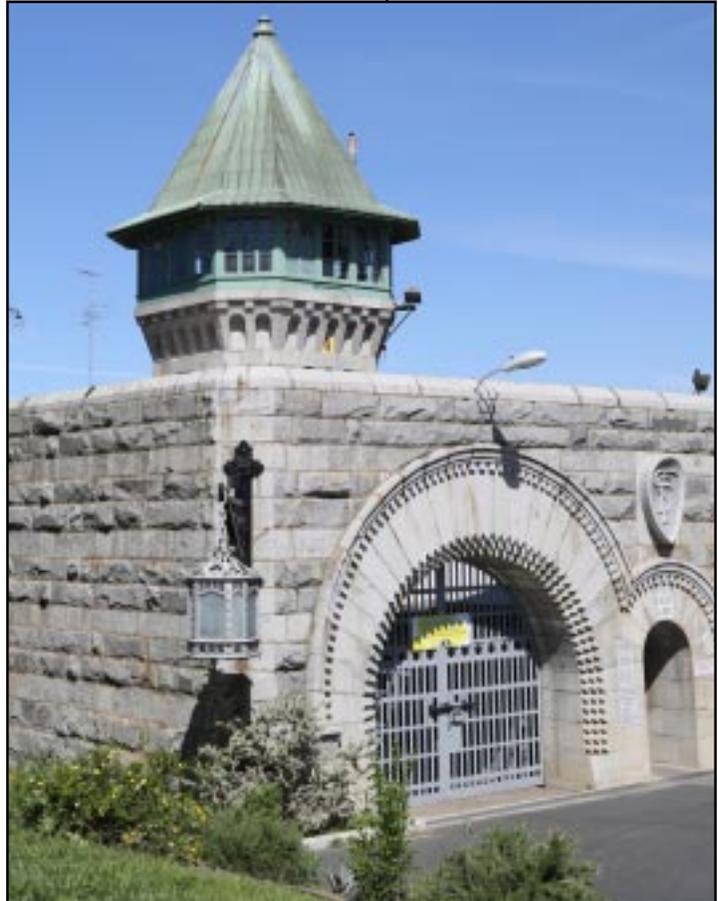
## Grand Jury On-Site Visit – October 2013

Folsom State Prison (FSP) primarily houses medium security general population Level II male inmates. Folsom also houses minimum security Level I male inmates within a minimum security facility located just outside of the main security perimeter. FSP also administrates the adjacent Folsom Women’s Facility (FWF), and coordinates with the Prison Industry Authority (PIA) on the grounds to provide work assignments for inmates.

Opened in 1880, FSP is California’s second oldest prison, one of the nation’s first maximum security prisons, and the first in the world to have electricity. Beginning construction in 1878, inmates used granite blocks from a nearby quarry to build the prison, and then spent most of their free time in the dark behind solid doors in 4-by-8-foot stone cells with 6-inch eye slots. Not until the 1940s were air holes drilled into those cell doors. Even today, Unit IV, the prison’s first cell block, remains operational with the same doors and cells that house one or two men. From 1895 to 1937, 98 prisoners were executed by hanging at “Old” Folsom State Prison.

**Folsom Women’s Facility:** Under the administration of FSP, the FWF opened in January 2013 as a Level I, II and III institution. This 403-bed stand-alone facility currently houses 284 female inmates. FWF provides housing, rehabilitative and re-entry programming, substance abuse treatment, and job training to the medium and minimum security female population. These women transferred to FWF from more southerly Valley State Prison in Chowchilla and the California Institute for Women in Corona in order to allow the female offenders to maintain closer ties to family and relatives in the area.

Female inmates chosen to transfer to FWF from another institution must meet strict criteria: have five years or less to serve and be discipline-free for at least one year, among other require-



*Folsom State Prison’s impressive East Gate Entrance. FSP photo*

ments.

The FWF has two main structures, each with its own courtyard. Each building contains 200 beds within three dormitories, each of which has an open area where inmates can watch television, use exercise equipment or sit at tables to visit, read or play games. Each dorm also contains a washer and dryer so the women can do their own laundry. Female inmates are allowed free access between the outside courtyard and their dormitory.

Inmates are tested upon arrival to determine their literacy level and appropriate grade. FWF offers classes in the morning and evening. Jurors visited several classrooms – each holds 27 students – where the women appeared to be fully participating in the discussions. A Voluntary Education Program teacher works with the female inmates in selecting college courses as well as classes in occupational and behavior skills that assist inmates in a successful re-entry into society.

FSP and FWF are located approximately one-half mile apart. No contact is allowed between male and female inmates.

**Programs and Functions at FSP and FWF:** The current inmate population at FSP is 2,945, which includes 168 inmates housed in a minimum security (Level I) facility. Staffing includes 750 to 800 personnel and another 175 employees in the prison health care system.

Five housing units are located within the secure perimeter at FSP. Level I prisoners live in an open dormitory setting while Level II inmates are housed in individual cells. All cells include one toilet, one sink and two bunks with small storage lockers for personal possessions.

Grand jurors toured Unit V, Cell Block B, which housed the first prisoners in 1880, the canteen, the large outdoor yard, and one of two dining areas. Jurors also observed the second floor of the segregation unit that houses newly arrived inmates, who receive orientation and are assigned to the appropriate housing unit. The facility, although old, was well-maintained and clean. The large dining hall (one of two) is filled with tables each seating four. Inmates are fed on a rotational basis.

Staff said funding for inmate education and rehabilitation programs has increased in the past few years, which correlates with the current management's program rehabilitation philosophy. There are many self-help programs available for inmates at FSP and FWF, such as anger management, Alcoholics Anonymous, substance abuse, family reunification, and church or religious-based programs. A coach also works with those inmates in-

volved in various sports activities.

Numerous vocational certification programs are available for inmates in masonry, building maintenance, welding and auto mechanics. The automotive program, purportedly state-of-the-art, teaches inmates to repair hybrid automobiles, manufacture bio fuel, and repair equipment on the prison grounds. Before release, the certified inmate meets with a union representative who provides contacts in the local area to assist in securing a job. Both FSP and FWF offer work assignments only for inmates who have earned at least a GED. Many inmates have minimal formal schooling and need basic academic programs. The prison provides programs in adult basic education, General Education Development (GED) and adult high school through Folsom's Greystone Adult School. Basic computer literacy is also taught on-site and is one of the most sought-after courses. Inmates who have not earned a high school diploma or GED are required to attend classes and cannot work at the PIA.

Level I inmates are often used to fight wildfires in California. They also provide grounds landscaping and building upkeep or work in the income-producing PIA, located on prison grounds.

FSP and FWF offer inmates college-level courses through Lassen College, Feather River Community College or Coastline Community College. Career Technical Education classes include business computer skills, business management and basic office skills. Female inmates can take accounting, business services, customer service, marketing, facility support, land and building maintenance, and warehousing. The inmates are transported to their jobs away from the facility and may earn \$19 to \$120 month. Some inmates work at the PIA; there is a waiting list to get into these classes and jobs. FWF is beginning a new partnership program with the SPCA in which the female inmates will work one-on-one to train and socialize puppies and dogs to make them adoptable.

FSP and FWF share many services with California State Prison, Sacramento (SAC) (also referred to as "New" Folsom Prison), such as warehouse operations, laundry facilities, firehouse, meals prepared at SAC and delivered to each facility, administration segregation as needed due to overflow, crisis situations, additional staff as needed, groundskeeping and the firing range.

FSP inmate ages range from 18 to 80 years old; most are senior citizens. Half of all the inmates are serving life sentences. In contrast, FWF inmates are 18 to 65, but the population is much smaller and the average age much lower.

Staff reports show the number of violent incidents at FSP has

declined dramatically due to the aging population, changes in level classification, and reduction of the population, which is partly due to prison realignment. Escape attempts are minimal and, according to staff, the escapee is always found. Gang members segregate themselves from others and each gang's particular "space" is generally respected by other gangs.

Health care is a growing challenge generally due to the aging inmate population. Both FSP and FWF see their health care population as outpatient only because there is no on-site infirmary or mental health facility.

Health care consists of basic care for ambulatory inmates with physical injuries or common or chronic illnesses, oncology, cardio or diabetes. There are no known HIV inmates currently at FSP, but common diseases are Hepatitis B and Hepatitis C, which can be easily transmitted. An inmate at FSP can make an appointment through the medical clinic for routine care; a telemedicine robot is used to make a diagnosis. A doctor is on call five days a week and on-site two days a week; a nurse practitioner is available three days a week. Medication is distributed through a small pharmacy and is not computerized.



Inmates are offered AIDS testing, but they can refuse testing unless court-ordered. Health care contracts are with local community facilities; therefore, when an inmate needs hospitalization, mental health confinement or whose diagnosis calls for a specialist, the inmate is transported to the appropriate off-site facility. Staff trains annually to recognize and make referrals for mental health issues, focusing on an inmate's daily ability to function. If enhanced outpatient mental health treatment is needed, inmates are transported to a regional correctional facility or to the new inmate mental health facility in Stockton. If a long-term mental hospital commitment is required, the inmate can be sent to a state hospital.

Grand jurors met with the FSP's Men's Advisory Council and the FWF's Women's Advisory Council, inmate groups that act as liaison between the inmates and administration and identify issues of concern to the population as a whole. Both committees, who are elected by the inmates themselves, stated there were positive accomplishments and open communication between the

*In the Prison Industry Authority's metal fabrication shop, various metal sheets were being cut, stamped, drilled, sanded, cleaned, painted, bent and assembled on their way to becoming lockers. FSP photo*

prisoners and the current administration. Elected council members hold regular meetings with the warden and top staff members.

**Prison Industry Authority:** The California Prison Industry Authority is a state-operated organization created in 1982 to provide productive work assignments for inmates in the state's adult correctional institutions. The PIA is self-supporting from the sale of its products and services. Inmates receive hourly wages of 30 cents to 95 cents, with up to 50 percent of an inmate's wages deducted for court-ordered restitution or fines. Since 1992-93, \$6.5 million has been deposited into this fund. Incidentally, the California Penal Code prohibits the PIA from selling its products or services to the general public.

All inmates are required to work, attend school or participate in a vocational program. Prisoners are generally eager to participate and waiting lists are common for many work assignments, which can help inmates learn work skills and habits that help them become productive members of society.

Currently, 300-350 FSP inmates are employed in the PIA program and they work 10 hours a day four days a week. In every industrial area jury members visited, inmates displayed great pride in their product or service. Each area was clean and organized, with obvious good rapport between inmates and staff.

In the metal fabrication shop, various metal sheets were being cut, stamped, drilled, sanded, cleaned, painted, bent and assembled on their way to becoming lockers for inmates' personal items, computer housing cases, individual holding cells, and safety equipment for the California Highway Patrol. Strict inventories and checks are in place at each step from beginning to end. Each workday, 45,000 license plates for all California vehicles are made in this full-service shop. Non-inmate supervisors agreed they could easily modernize this plate-making process, but that would eliminate most of the jobs, which are meant to keep the inmates in a meaningful time-consuming routine.

One new PIA industry that has proven very successful financially is refurbishing toner cartridges. Inmates recycle or rebuild toner cartridges for all California state offices or tax-based entities. Inmates clean and replace all parts for 16 different basic cartridges. After the cartridge is reassembled, it is tested and certified before being shipped to the customer.

The print shop uses offset presses, a web press and small presses to produce pamphlets and forms for various state entities. There is also a high-volume duplication area where

approximately 35 employee inmates handle up to 5 million items a month. Classes in graphic arts and pre-certification for pre-press, offset and bindery are readily transferable to the outside job market. Inmates in the sign shop use advanced computer programs to create impressive custom work for posters, banners, plaques, nametags and nameplates, decals for the DMV and CHP, off-highway stickers, metal state park signs, and much more.

Some inmates working in the advanced digital services section perform Braille transcriptions for numerous entities including the Department of Education. Projects from computer codes to foreign languages to chemicals are being transcribed. Two new machines have increased the amount of transcriptions so that 1,000 two-sided pages can be dot-embossed in under an hour. In the optical department, inmates clean and repair used prescription and reading glasses that are brought in through a partnership with the local Lions Club. Inmates determine reader prescription strength before sorting and packing the spectacles for Lions Club members, who ship and deliver them to areas of need.

### **Observations**

- Folsom State Prison and Folsom Women's Facility were clean, bright and orderly.
- Level I and II inmates are responsible for a large portion of the inmate labor force. If paroled, they would need to be replaced or there would be a shortage of inmates to provide the necessary day-to-day labor to keep FSP operational from a plant operations perspective.
- Staff at every level appears to embrace changes due to realignment. They are continually looking for ways to develop rehabilitation programs in education, vocational training and certification in the PIA job offerings.
- Overall budget concerns continue to be a major factor.
- Grand jury members were impressed with the well-organized MAC and WAC committees and apparent transparency between staff and inmates. All were allowed to speak freely, making suggestions and recommendations for improvement.
- Staff was knowledgeable about how the prison system operated and readily answered all questions and provided information that was requested.

## **Recommendations**

- Continue looking for ways to develop and enhance rehabilitation in areas of education, vocational training, self-help programs and creating new industries, and therefore jobs, through the PIA.
- FWF should continue to look for ways to deliver gender-specific programs.
- Continue to explore any and all functions that can be a shared venture with California State Prison, Sacramento. This would keep costs down.
- College classes could be arranged through local junior and state colleges.
- Install security cameras in blind areas at FSP.

# **SACRAMENTO COUNTY HEALTH AND HUMAN SERVICES PRIMARY CARE CENTER PHARMACY**

## **Grand Jury On-Site Visit – October 2013**

The Sacramento County Grand Jury received an allegation that prescription drugs filled at the Health and Human Services Primary Care Center Pharmacy (the Pharmacy) at 4600 Broadway, Sacramento, are refilled before the prescribed date based on a claim that the medication was lost or stolen. Additionally, the complaint stated that the “lost” or “stolen” medication, after being refilled, was then sold on the street.

### **APPROACH**

Grand jury members conducted an on-site inspection of the Pharmacy and met with program managers to discuss prescription drug policies and procedures with specific attention to dispensing practices. All program representatives appeared candid and forthcoming about their respective programs.

### **BACKGROUND**

The Pharmacy has multiple missions. It handles the pharmaceutical needs of the county's Behavioral Health Services as well as the Public Health divisions. A satellite pharmacy at Friendship Park in downtown Sacramento which is set up to help the homeless does not distribute controlled substances. The Pharmacy also counsels individuals on medication use, and classroom instruction is used to help individuals learn about medication management of chronic disease, nutrition and healthy lifestyles.

### **DISCUSSION**

The grand jury found a clean, organized and well-supervised facility, with the University of California, Davis, School of Medicine providing medical staff including internists, psychiatrists and gynecologists who visit patients as needed. The Pharmacy manuals and procedures are up-to-date, mandated audits are current, and the inventory of controlled substances is regularly crosschecked.

The Pharmacy director said the pharmaceutical operation complies with all county, state and federal policies and/or regulations. A database -- Controlled Substance Utilization Review and Evaluation System (CURES) -- is used to control and verify dispensed controlled substances. Patients are required to return to their assigned primary care provider to receive renewals of controlled substances and cannot receive a refill without such

authorization. A control practice is also in place to track prescriptions that are not picked up, and there is a 96-hour limit on open prescriptions. Additionally, anyone picking up prescriptions is video-recorded.

Grand jury members were impressed with the modern, spacious facility, but concluded that it appeared to be underutilized on the day of the inspection. The Pharmacy director explained that operations have shrunk by 50 percent due to recent program budget decisions.

## **CONCLUSION**

Sacramento County's Health and Human Services Primary Care Center, and particularly the Pharmacy, appear to have sufficient checks and balances in place to detect fraudulent dispensing activity and should be publicly recognized for their efforts.

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## SACRAMENTO COUNTY GRAND JURY COMPLAINT INFORMATION AND PROCESS

1. Present your complaint as soon as possible. The Grand Jury's term of service begins July 1 and ends June 30 of the following year.
2. Identify your specific concern and describe the circumstances as clearly and concisely as possible.
3. Document your complaint with copies of pertinent information and evidence in your possession.
4. Mail or deliver your complaint in a sealed envelope to:  
Sacramento County Grand Jury  
720 - 9th St., Room 611  
Sacramento, CA 95814

Among the responsibilities of the Sacramento County Grand Jury is investigation of the public's complaints to assure that all branches of city and county government are being administered efficiently, honestly and in the best interest of its citizens.

Complaints submitted to the Sacramento County Grand Jury will be treated confidentially whenever possible. However, it may be impossible to

conduct a thorough investigation without revealing your name and complaint.

The results of the complaints investigated by the Sacramento County Grand Jury are published in its final report in which the residents of the county are made aware of its investigations, findings and recommendations, and the public entities reported on are required by statute to respond.

### GENERAL INFORMATION

A major function of the Sacramento County Grand Jury is to examine local county and city government, special districts, school districts, and any joint powers agency located in the county to ensure their duties are being carried out lawfully.

The Grand Jury:

- May review and evaluate procedures used by these entities to determine whether more efficient and economical methods may be employed;
- May inspect and audit the books, records and financial expenditures as noted above to ensure that public funds are properly accounted for and legally spent;
- May investigate any charges of willful misconduct in office by public officials;
- Shall inquire into the condition and management of the public prisons within the county.

Anyone may ask the Grand Jury to conduct an investigation of an issue within its jurisdiction. Whether it chooses to investigate such a complaint is entirely in its discretion and may be affected by workload, resource limitations or legal restrictions.

By law, the proceedings of the Grand Jury are confidential. Findings and recommendations of those complaints and issues it chooses to address are published in its final report.

The Grand Jury Foreperson is appointed by the Court at the impanelment and facilitates the activities of the Grand Jury. Each Grand Jury decides its own meeting schedule. It meets as a full body and in committees, where the bulk of the work occurs. Each juror is asked to serve on three committees, and meetings usually occur several times a week. In addition, jurors meet with county and city officials, visit county detention facilities, and conduct independent reviews on matters of interest or concern. Each committee reports to the full Grand Jury. Conclusions are reached after study and discussion of the issues and may appear as part of the Grand Jury's final report.

**Grand Jury service is a volunteer position with modest monthly compensation for meetings and round-trip mileage. What it doesn't offer in pay, it offers in a wealth of experience and service to the members of your community.**

# GRAND JURY COMPLAINT FORM

## PERSON OR AGENCY ABOUT WHICH COMPLAINT IS MADE

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY & ZIP: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

NATURE OF COMPLAINT: (Describe events in the order they occurred as clearly and concisely as possible. Also indicate what resolution you are seeking. Use extra sheets if necessary and attach copies of any correspondence you feel is pertinent. Documentation becomes the property of the Sacramento County Grand Jury and will not be returned.

*Please note: The Sacramento County Grand Jury has no jurisdiction over state or federal agencies, the courts, judicial officers, private companies or most organizations.)*

**GRAND JURY USE ONLY**

**Date Received:** \_\_\_\_\_

**Number:** \_\_\_\_\_

**Subject:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## WHICH PERSONS OR AGENCIES HAVE YOU CONTACTED ABOUT YOUR COMPLAINT?

Person or Agency	Address	Date of Contact	Result

## WHO SHOULD THE GRAND JURY CONTACT REGARDING THIS MATTER?

Person or Agency	Address	Date of Contact	Result

**YOUR NAME:** \_\_\_\_\_ **DRIVER'S LICENSE NO.:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**TELEPHONE NO.:** \_\_\_\_\_

The information I have submitted on this form is true, correct and complete to the best of my knowledge.

\_\_\_\_\_  
**Complainant's Signature**

\_\_\_\_\_  
**Date**