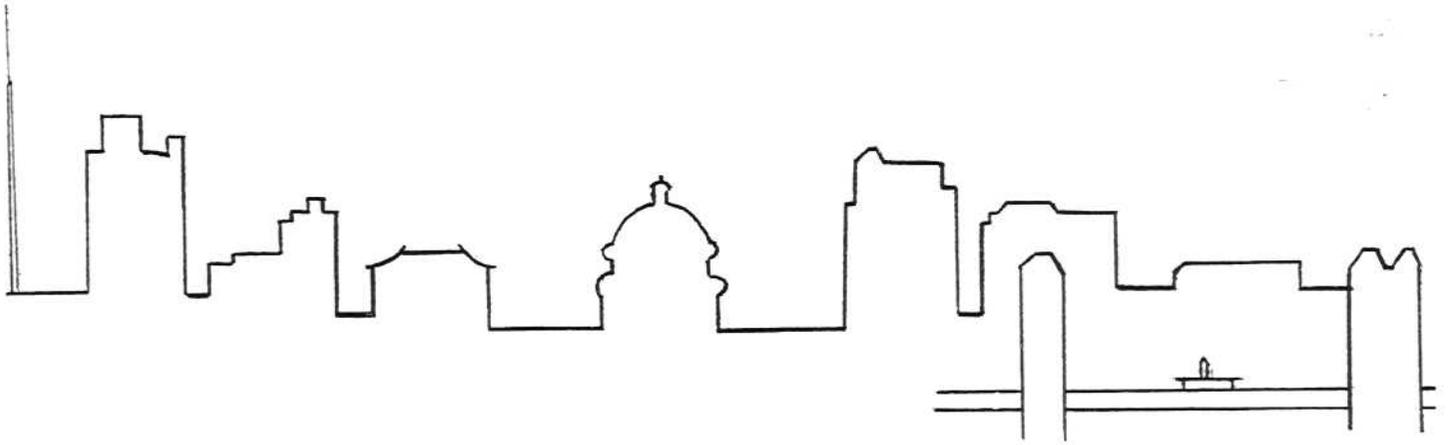


SACRAMENTO COUNTY GRAND JURY

FINAL REPORT



2002-2003

Sacramento County
2002-2003 Grand Jury
Final Report

June 30, 2003

TABLE OF CONTENTS

Letter from the Grand Jury Foreman	iii
2002 – 2003 Grand Jurors	v
Grand Jury Committee Assignments	vii
The Year in Review – The Grand Jury Perspective	ix
<u>Reports and Investigations</u>	
• Death Investigation in Sacramento County: The Coroner’s Office	1
• Elk Grove Unified School District’s Failure to Recognize Fiscal Irresponsibility Prompting a Second Grand Jury Investigation	17
• Letter Grades for Restaurants	29
• Misuse of Appointive Power by the Galt City Council	35
• Recommendations for Improving Public Water Districts’ Accountability	37
• School Safety in Jeopardy	49
Ten-Year Index of Final Reports	55
How to Contact the Grand Jury	61

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Sacramento County GRAND JURY



Barry T. Heilman, Foreman
Donald E. Bunn
C. Russell Campbell, Jr.
Gonzales Cannon
Diane Chikasawa
James Connick
Elsie S. Corbin
Linda K. Cummings
Sally C. Gibson
Edward J. Hoefling
Gwendolyn Jackson Tucker
Ralph E. Keys
Frederick Kuhl
Rees L. Lee
Robert T. Olmstead, Jr.
Miquel Rodriguez
Marty Shepherd
David C. Smith
Naomi Toyooka

June 10, 2003

Honorable Richard K. Park
Advisor Judge to the Grand Jury
Sacramento Superior Court
720 Ninth Street, Department 39
Sacramento, CA 95814

Dear Judge Park:

In compliance with Penal Code Section 933, the Sacramento County Grand Jury is pleased to submit to you its 2002-2003 Final Report.

It has been my honor and pleasure to serve as Foreman of the Grand Jury. Thank you for giving me this opportunity. This Final Report is the result of the nineteen members working many hours researching, interviewing, investigating, writing and deliberating over a number of issues. The members of this Jury worked as a team that came together early in our term. They accepted their duty and set about the business of the Grand Jury with enthusiasm and a spirit of cooperation. Each member brought a unique attribute to the team. It was a pleasure to work with them and to get to know them.

The Grand Jury is grateful for the sincere dedication of all the public officials with whom we spoke. The cooperation this Jury received from staff, directors and public officials was commendable. In addition to our mandated tours, this Jury asked to be briefed by and had presentations from many agencies and departments within Sacramento County administration. All who came before us were generous with their time. They were professional, knowledgeable and were able to provide the information we needed concisely and in an understandable manner.

Members of the public brought many issues to our attention. In addition, the Jury initiated some investigations as a result of our observations and from other sources. Although every complaint submitted to the Grand Jury received our consideration, many did not result in formal action. Therefore, much of the work the Jury undertook is not reflected in this report.

We relied on the advice of County Counsel, the District Attorney's Office and the Department of Justice Attorney General's Office. Our requests for opinions were answered in a timely manner. The Jury expresses its sincere appreciation to all who gave so generously of their time.

We also thank you, Judge Park, for the advice and support you provided as our Advisor Judge. You have been at our side from the beginning of our term to the completion of our work. The advice you provided to me and the Jury enabled us to come to the right conclusions. Thank you for your generous time commitment and your dedication to grand jury process in Sacramento County.

Finally, all of us on the Jury express our heartfelt thanks to Michelle Park, Executive Secretary of the Grand Jury. Michelle provided valuable guidance and knowledge throughout the year. This report reflects her professionalism and outstanding work.

The members of the 2002-2003 Grand Jury are honored to have served our community and hope our efforts are a positive contribution towards better government.

Sincerely,

Barry T. Heilman, Foreman
2002-2003 Sacramento County Grand Jury

2002-2003 SACRAMENTO COUNTY GRAND JURY

Donald E. Bunn	Supervising Health Physicist Dept. of Health Services (retired)	Sacramento
C. Russell Campbell, Jr.	Executive, GTE Corporation (retired)	Rancho Cordova
Gonzales Cannon	Telecommunication Technician SBC-Pacific Bell (retired)	North Highlands
Diane Chikasawa	Data Processing Manager State of California	Sacramento
James Connick	Insurance Broker Teacher (retired)	Sacramento
Elsie S. Corbin	State Controller's Office (retired)	Sacramento
Linda K. Cummings	Large Systems Capacity Planner State of California Health & Human Services Data Center	Sacramento
Sally C. Gibson	Management Travel Physical Therapist	Sacramento
Barry T. Heilman	Pharmaceutical Sales and Marketing	Folsom
Edward J. Hoefling	Executive Director, California State Board of Chiropractic Examiners (retired)	Citrus Heights
Gwendolyn Jackson Tucker	California Youth Authority Administrator	Sacramento
Ralph E. Keys	Hospital Linen/Laundry Manager (retired)	Sacramento
Frederick Kuhl	Teacher of Journalism & English American River College (retired)	Rancho Cordova
Rees L. Lee	High School Principal (retired)	Carmichael
Robert T. Olmstead, Jr.	Professor of English (retired)	Sacramento
Miquel Rodriguez	Federal Prosecutor	Elk Grove
Marty Shepherd	Accountant	Fair Oaks
David C. Smith, M.D.	Physician-Cardiovascular Diseases	Sacramento
Naomi Toyooka	Training & Development H.R. Specialist U.S. Postal Service	Sacramento

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**2002-2003 Grand Jury
Committee Assignments**

Officers:

Barry T. Heilman, Foreman
Linda K. Cummings, Foreperson Pro Tempore
Naomi Toyooka, Secretary

Ralph E. Keys, Sergeant-at-Arms
Edward J. Hoefling, Parliamentarian
C. Russell Campbell, Jr. Provisioner

Administrative & Municipal Affairs	Criminal and Juvenile Justice
C. Russell Campbell, Jr., Chair	James Connick, Chair
Gonzales Cannon	Gonzales Cannon
Elsie S. Corbin	Diane Chikasawa
Sally C. Gibson	Edward J. Hoefling
Edward J. Hoefling	Gwendolyn Jackson Tucker
Frederick Kuhl	Ralph E. Keys
Rees L. Lee	Frederick Kuhl
Miquel Rodriguez	Robert T. Olmstead, Jr.
Marty Shepherd	Marty Shepherd
	David C. Smith
	Naomi Toyooka
Continuity	Edit
Edward J. Hoefling, Chair	Robert T. Olmstead, Jr., Chair
Donald E. Bunn	Donald E. Bunn
C. Russell Campbell, Jr.	James Connick
James Connick	Edward J. Hoefling
Sally C. Gibson	Frederick Kuhl
Rees L. Lee	Rees L. Lee
Robert T. Olmstead, Jr.	
Education	Environment, Public Works & Special Districts
Rees L. Lee, Chair	Donald E. Bunn, Chair
Donald E. Bunn	C. Russell Campbell, Jr.
Diane Chikasawa	James Connick
Elsie S. Corbin	Linda K. Cummings
Linda K. Cummings	Edward J. Hoefling
Sally C. Gibson	Ralph E. Keys
Ralph E. Keys	Rees L. Lee
Robert T. Olmstead, Jr.	Miquel Rodriguez
Miquel Rodriguez	David C. Smith
Naomi Toyooka	
Health and Human Services	
Sally C. Gibson, Chair	
Gonzales Cannon	
Diane Chikasawa	
James Connick	
Elsie S. Corbin	
Linda K. Cummings	
Gwendolyn Jackson Tucker	
Frederick Kuhl	
Marty Shepherd	
David C. Smith	
Naomi Toyooka	

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The Year in Review The Grand Jury Perspective

Traditionally, a section detailing the history of the grand jury has preceded the final reports. This year the jury decided to replace the history with a summary of events that took place during our term. You are welcome to view the history of the grand jury on our web site www.sacgrandjury.org where you will find a general history of the grand jury system as well as how it evolved in California.

We would like to share with you the state laws and codes from which the grand jury derives its authority and reason for existence. Article I, Section 23 of the California State Constitution states that “a grand jury shall be drawn and summoned at least once a year in each county.” The rules governing the makeup, organization, powers and duties of grand juries in California are found in the California Penal Code Sections 888-939. California grand juries are for the most part civil grand juries. They look into the activities and procedures of governmental agencies within the county. This also includes the cities and special districts within the county. Recipients of our reports need to know that our investigations have led to our findings. It is our responsibility to issue a report of our findings and recommendations just as it is their responsibility to provide services to the citizens of Sacramento County. It should be noted that while the duties of the grand jury are primarily civil in nature, the jury might be called upon by the District Attorney to issue criminal indictments. This was the case for the 2002–2003 Grand Jury.

The 2002-2003 Sacramento County Grand Jury completed its term on June 30, 2003. In this report readers will see the specific investigations leading to recommendations for the named county and city agencies. These investigations, however, do not completely cover the scope of the activities this jury pursued. We received over 70 complaints. All were reviewed and those we chose are included in this report, which is an effort to provide information not contained in our formal findings.

One of the Grand Jury-mandated functions is to tour each correctional facility within the county. To that end this Grand Jury toured the following facilities:

1. California State Prison, Sacramento
2. Folsom State Prison
3. Folsom Community Correctional Facility
4. Sacramento County Main Jail
5. Rio Cosumnes Correctional Center (RCCC)
6. Sacramento County Work Release Center Facility
7. Sacramento County Juvenile Hall
8. Warren E. Thornton Youth Center
9. Sandra Larson Youth Facility at RCCC
10. Sacramento County Boys Ranch
11. Sacramento Assessment Center
12. Department of the Youth Authority Northern Youth Correctional Reception Center-Clinic

In addition to the mandated tours, we received presentations or were given tours of the following facilities:

1. Sacramento County Airport System–Sacramento International Airport
2. Sacramento County Coroner’s Office
3. Sacramento County Crime Laboratory
4. Sacramento County Planning Department
5. Sacramento County Voter Registration and Elections
6. Sacramento Municipal Utilities District
7. Sacramento County Public Health Officer

The Grand Jury expresses its sincere appreciation to all those who assisted us on the tours and who gave presentations. We are very impressed with their dedication and professionalism.

Certain agencies warrant special comment from this Grand Jury. Folsom State Prison deserves our commendation for its work with Folsom Project for the Visually Impaired. These inmates devote thousands of hours to converting reading material into Braille and recording books, including previous grand jury final reports, on tape for the visually impaired.

The principal at Carson Creek Junior and Senior High School deserves special recognition for her efforts to meet the educational needs of wards at the Sacramento County Boys Ranch. She requests the school records of each boy that comes to the facility so that he may be placed in the appropriate grade and subject level. Some of the wards receive education in specific skills while others receive GED training. The principal is particularly proud of the wards who earn their high school diplomas while at the Boys Ranch. Because the wards are only at the facility for a short period of time, we ask every school district in the county to give particular attention to her requests for records as a prompt reply allows the boys to be placed in the appropriate educational environment. Delay in fulfilling these request results in loss of valuable learning time.

Some graduates from Carson Creek High School wrote impressive letters of appreciation. We believe that those receiving their diplomas or GED at the Boys Ranch seem less likely to return to the penal system.

We also commend the work being done by the Sacramento Assessment Center (S.A.C.), a program being run by the county Probation Department under a grant provided by the California Board of Corrections. It is a residential assessment program for wards of the Juvenile Court between the ages of 11 and 17, who are identified as needing out-of-home placement for the first time. The purpose of the program is to determine and to meet the residential needs of minors in the areas of education, social skills, daily living, vocation and therapy. The Jury concluded that such an intensive evaluation could lead to a more positive placement and outcome of juveniles entering the system.

Also, the Grand Jury commends the effort made by the Sacramento County Sheriff’s Department in improving the educational, recreational, and social conditions for women

incarcerated at the Main Jail. Last year, the 2001-2002 Grand Jury recommended the women in the Main Jail be returned to RCCC. We are aware these changes will take time and planning. However, the Sheriff and his staff immediately implemented some programs and made changes to others. As a result the women at the Main Jail have more educational opportunities and recreational activities and more time out of their cells.

The officers and staff of the Sacramento County Work Release Program deserve special recognition for efforts they are making in utilizing the skills of those sentenced to the work release program, such as restoring toys donated to the needy during the holiday season.

During our term, we asked the Sacramento County Planning and Community Development Department to give us a presentation on the plans for growth and development in the southeast section of the county. We were and are concerned what unrestricted growth would do to this area and to the county as a whole. The director and his staff gave us a lengthy and detailed presentation.

What we learned from this presentation was that because of the attractiveness of our county, it is inevitable that our population will double within the next 50 years. That amount of growth requires planning for the housing, schools, and the infrastructure that such growth dictates. We believe that the Planning Department has done a very good job in planning for this growth, while allowing for nature preserves and maintaining agricultural lands. However, our concern is that as the population moves to the southeast section the agencies responsible will be tempted to recommend changes to zoning and other restrictions that will allow development of these identified nature preserves and agricultural lands. We are also concerned that there is not enough planning for transportation. Lack of planning here could lead to even greater gridlock and longer commute times.

We also had a presentation by the director and staff of the Sacramento County Airport System and toured the Sacramento International Airport facility. We were impressed with the dedication and professionalism of those involved with the system from Public Relations to the Fire and Rescue Department.

Members of the Jury visited the Sacramento Municipal Utility District headquarters. During our tour we were shown some of programs that SMUD uses to encourage conservation. We were also provided with brochures that listed the many programs that SMUD provides for both residential and commercial customers.

We would also like to thank the Director of the Sacramento County Crime Lab for his informative briefing and tour.

As one can see, the Jury was briefed by dozens of dedicated city, county and state employees. To those we met and talked with, our sincere appreciation for your efforts and presentations. To those thousands of employees you represent, thank you for all you do.

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Death Investigation in Sacramento County: The Coroner's Office

Issue

The 2002-2003 Sacramento County Grand Jury has become aware of significant issues regarding death investigation in Sacramento County.

Death investigation has evolved to a medical subspecialty directed by medically qualified people. Nationwide there is a movement to replace coroner systems with medical examiner systems directed by forensic pathologists independent and unrelated to law enforcement and prosecutorial agencies and responding directly to the governing body.

In Sacramento County death investigation is conducted by the Sacramento County Coroner, defined as an administrative and law enforcement position, appointed by the Board of Supervisors. The coroner and his deputy staff are not required to have formal medical training. The coroner's pathology staff does not have medical autonomy or final authority, and their medical judgments can be overruled.

Recent organizational changes within the coroner's office have potentially further compromised medical autonomy. Conflict of interest issues with respect to investigation of in-custody deaths have been raised.

Method of Investigation

The Grand Jury drew information from the following:

- Seventeen physician interviews
- Eleven non-physician principal interviews
- Correspondence conducted with at least eight other principals, twenty seven other physicians and eighteen professional organizations
- Sixty-three scientific papers, documents and transcripts
- Eight other jurisdictions' coroner/medical examiner deputy staff qualifications

The jury visited the Sacramento County Coroner's Office on two occasions and the San Francisco County Medical Examiner's Office.

Background and Facts

A. General Considerations of Death Investigation

Current Status of Death Investigation in the United States and California:

There are no national death investigation laws, and systems are left to the states to establish. There has been a continuing trend to replace coroner systems with medical examiner (ME) systems since the late 1800s. ME systems tend to be found in larger jurisdictions and it has been estimated that the minimum population required to support a ME system of full time death investigation is 200,000.¹ Thirty-eight states have some type of ME system and MEs currently serve 48 percent of the United States' population.

Five of the largest California counties have a ME system.² They have an average population of 2.9 million and serve 40 percent of California inhabitants.³

Sacramento County, with a current population of 1.95 million (projected to be 3.65 by 2050)⁴ is one of the largest California counties to continue with a coroner system.⁵

Medical Considerations of Death Investigation:

With the dramatic advance of medical science, it has become clear that all deaths, natural and otherwise, require medical direction for competent investigation and interpretation of information. Medical expertise in death investigation is also required because the quality of patient management by physician and healthcare workers often is at issue.

The California Medical Association policy states: "CMA endorses the concept that medical-legal investigation of deaths should be directly under the administration and jurisdiction of a physician, preferably a pathologist, whether these officials be titled coroners or medical examiners."⁶

The vast majority of decedents handled by the coroner die from natural causes, i.e., disease entities. In 2001, homicides in Sacramento County constituted only 2 percent of deaths reportable to the coroner and homicide, suicide, accidental, and undetermined combined were only 13 percent.⁷

Along with the Office of Public Health the medical examiner/coroner is an early responder in the management of biological, chemical and other emergencies.

Death certification is a healthcare issue. Many government agencies are interested parties in this process.⁸ Allocation of resources for healthcare and research are in part a function of cause of death. Despite these considerations neither autopsy performance nor death certification is reimbursed through healthcare financing. Although there is a national death certificate form, it is seldom used, and state-to-state certificate variation hinders national mortality analysis. The

situation is such that death certificates are not generally used as defining endpoints for medical research clinical studies because they are notorious for error. Placing medically qualified people in charge of this process would lead to improvement.

Coroners and medical examiners operate outside of the healthcare delivery system and are not subject to the usual sources of medical scrutiny, e.g. the Joint Committee on Accreditation of Health Care Organizations or the Health Care Financing Administration. Therefore, they face no threat of loss of funding or reimbursement for poor performance. There are no national standards for quality assurance or continuing education unless the individual ME/Coroner department volunteers for accreditation and periodic review by an organization such as the National Association of Medical Examiners (NAME) or the American Board of Medical Legal Death Investigators (ABMLDI). For these reasons it is desirable to establish a strong affiliation with a local university medical center for joint development of quality assurance parameters. These affiliations may be facilitated by medically qualified people heading departments.

Law Enforcement Considerations. Independence and Authority for Death Investigation:

Death investigation and the coroner system evolved as a part of law enforcement. However, many current observers believe death investigations should be performed by an independently funded, autonomous office not tied to law enforcement or any prosecutorial agency. The goal is an objective agency with clear separation of scientific medical duties and decisions from influence and control by non-qualified individuals, and political interests.

Defenders of the coroner system state that law enforcement training is essential for death investigation. However, death scene investigation is an integral and extensive part of the forensic pathology (FP) fellowship-training program and is subject to the certification examination.⁹ In Sacramento County the authority for death investigation would come to the medical examiner through creation of the office. In counties which create a medical examiner's office, that office performs "the powers and perform the duties of the coroner" (Government Code Section 24010).¹⁰

General Qualifications of Coroners and Medical Examiners:

Coroners tend to be lay elected or appointed individuals with no medical qualifications or background. Only 7 of 28 states with coroners require medical training of any kind, and only four states require coroners to be physicians.¹¹

Medical examiners are physicians licensed to practice by their respective states and generally are forensic pathologists who in addition to medical school have completed three to five years of residency in general pathology and one year of forensic pathology fellowship. They are certified by the American Board of Pathology in anatomic pathology (the study of body tissues), clinical pathology (the study of body fluids) and are also separately certified in forensic pathology (the

application of medical science to legal problems). Qualifications of MEs in the United States vary somewhat from jurisdiction to jurisdiction.

B. Death Investigation in Sacramento County

Organization:

In Sacramento County the Office of Coroner is within the Public Protection Agency along with six other agencies.¹² This agency reports to the County Executive and the Board of Supervisors.

The Sacramento County Coroner position is defined as an administrative position and peace officer status is required (see below). It has historically been held by career county employees, frequently in concert with other county positions, as a part-time job.

Specific Qualifications and Duties of the Coroner and Staff in Sacramento County:

Coroner:

Qualifications: In Sacramento County the qualifications for the office of coroner include “any combination of training or experience equivalent to graduation from college and 3 years of progressively responsible administrative experience”. There are also “knowledge of” provisions that are undefined objectively.¹³ An interview-examination is given, the details of which are not available to the Grand Jury.¹⁴

Penal Code Section 830.35 states that the coroner and deputy coroners are peace officers.

Duties: The coroner is charged with determining the circumstances (events temporally related), manner (natural, undetermined, homicide, suicide, accidental) and cause (the actual vital organ injury or disease process) of death. These duties fall to his assistants as noted below.

Assistant Coroner:

Qualifications: Possession of a Peace Officer Standards and Training (POST) certificate and either 3 years as deputy coroner in Sacramento County or 3 years experience in a California public law enforcement agency performing death investigation duties equivalent to those of a Sacramento County deputy coroner.

Duties (among others): “Directs Pathology Staff as to level of medical inquiry into Coroner cases. Plans, develops and implements the policies and procedures of the department. Determines final classification of manner and cause of death in Coroner Investigations. Meets regularly with the Pathology staff to determine management of cases. Represents Coroners office as liaison to other law enforcement agencies, e.g. the district attorney (DA), attorneys, physicians, hospitals, and contract service providers.”¹⁵

Deputy Coroner Level I:

Qualifications: Candidates must have a 2-year college degree or 60 semester hours with undefined “coursework in anatomy, criminal justice, science, health science, or closely related field.”¹⁶ An 80-hour Coroner’s Death Investigation course originating in Orange County is required. (POST Plan III, CC #2060-31200)

Duties: Same as level II below but investigations are less complex, and there is more supervision.¹⁷

Deputy Coroner Level II:

Qualifications: Possession of Peace Officer Standards and Training Regular Basic or Specialized Basic certificate and either 1 year experience as deputy level I or 2-year degree or 60 college units as above and 1 year experience in California public law enforcement agency performing death investigations, crime scene investigations or related duties. Several undefined “knowledge of” and “ability to” sections are also required. The formal continuing education requirement is 24 hours every other year. These courses tend to be weighted toward law enforcement topics. From July 2000 to July 2003, twenty-three courses were scheduled and six or possibly seven were on medical topics.¹⁸ Deputies must qualify with firearms three times yearly.

Duties: Investigates death scenes for evidence relating to the cause and manner of death, including taking possession of the body and appropriate evidence and interviewing witnesses. Confers with law enforcement to coordinate investigations of deaths resulting from criminal acts. Confers with decedents, physicians, hospitals, and other medical personnel and reviews medical records to determine medical background information for investigation. Photographs and fingerprints the decedent, notifies next of kin, assists in autopsies by accepting labeling and safeguarding evidence. And others.¹⁹

Currently a large majority of deputy coroners have law enforcement background.²⁰

Pathology Staff:

Currently the Chief Forensic Pathologist is a contractual employee. His contract calls for performance of autopsies, external exams and medical record reviews, supervising other forensic pathologists, developing policies and procedures for clinical functions, attending county and community meetings.²¹ The other two pathologists are county employees.

Deaths in Sacramento County. Chain of Events. Authority for Direction of Death Investigation. Issues of Medical Autonomy.

Systemic Compromise of Medical Autonomy:

In Sacramento County a deputy coroner with qualifications outlined above and no formal medical training authorizes the signature of death certificates in 4500 reportable deaths without consultation with or knowledge of the department forensic pathologists. The assistant coroner determines the level of death investigation and the final manner of death and cause of death of the 1400 decedents transported to the office for evaluation. This can include overruling the pathologist.

Under Health and Safety Code Section 102850, the coroner must be notified when a death occurs (a) without medical attendance (b) during the continued absence of the attending physician and surgeon (c) where the attending physician and surgeon or the physician assistant is unable to state the cause of death (d) where suicide is suspected (e) following an injury or an

accident (f) under circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another. These circumstances are stated in more detail in Government Code Section 27491.

In approximate numbers there are 10,000 deaths annually in Sacramento County. Of those, 4000 occur under medical supervision with death certification by the attending physician. The coroner is not involved. The remaining 6000 are reportable to the coroner by statute as noted above.²² Of the reported deaths, 4500 are resolved by the deputy coroner discussing the case with those involved in the care of the decedent and by the deputy authorizing the last physician in attendance to sign the death certificate. These cases are sometimes clear-cut and sometimes not. The coroner's pathologist is not involved in these discussions and decisions and has no knowledge of their disposition. Consultation is not required.

At the deputy coroner's order, approximately 1400 decedents are delivered to the morgue for further study per year. The assistant coroner determines the extent of evaluation to be performed. This may include record review, external examination, and autopsy. Annually, approximately 900 autopsies and 300 external exams with medical record review are performed. The pathologist performs the autopsy and states his /her opinion as to cause of death but the assistant or deputy coroner makes the final determination of and manner of death and signs the death certificate as the coroner designee.

Case-Specific Compromise of Medical Autonomy:

Not only is it possible for the pathologist to be excluded from case management decisions and the final determination of manner and cause of death, his/her specific medical recommendations may also be overruled by the coroner and theoretically by the executive levels between him and the Board of Supervisors, namely the Public Protection Agency, and the County Executive.

An illustrative situation arose in 2001 with the disposition of an apparent Sudden Infant Death Syndrome (SIDS) victim who died after brief hospitalization at University of California Davis Medical Center (UCD). The diagnosis of SIDS is exclusionary and requires a full autopsy and other investigation that fail to reveal another cause of death.

A primary aim is to exclude child abuse.²³ This position was confirmed and expanded by the American Academy of Pediatrics Policy statement in 2001.²⁴ Therefore, by definition, death scene investigation, interview of family, review of family social case records, review of medical records, and performance of full autopsy is required to support the diagnosis of SIDS.

In the instance in question the examining pathologist made the written recommendation for autopsy, but the coroner overruled the pathologist, and the office signed off without autopsy. Reasons given for this decision included religious beliefs of family, backlog of bodies in the coroner's office awaiting autopsy, and the fact that the infant received medical diagnostic evaluation before death. However, it should be noted that the family's religious objections had been addressed by UCD staff, making autopsy acceptable to them. Also, it has been well documented that ante mortem diagnostic studies can miss trauma later found at autopsy. Prioritization of this autopsy was offered by the pathologists to resolve the backlog problem, but was refused by the coroner's staff.²⁵

A controversial “loophole” in the law does allow for omission of autopsy in suspected SIDS cases if the attending physician signs the death certificate. It is true that a second year pediatrics resident certified the death; however, documents and interviews indicate that the resident had the understanding an autopsy was to be performed.²⁶

The Sacramento Sierra Valley Medical Society (SSVMS) registered a complaint with the Board of Supervisors stating this case was “mishandled in that there was no autopsy performed. The forensic pathologists advised that such an autopsy was the community standard and required in all instances of SIDS.”²⁷ The Child Death Review Team²⁸ expressed their objection by classifying the cause of death and manner of death in this case as “undetermined.”²⁹ The coroner has acknowledged that another SIDS disposition without autopsy has occurred in recent years.³⁰

This case demonstrates that the current system allows non-medical authorities to overrule not only their own pathologists, but the recommendations of national experts and academic associations as well.

C. 2002 Conversion of Coroner Pathology Staff to County Employees. Potential Further Compromise of Medical Autonomy:

On September 11, 2001 the Board of Supervisors heard a proposal by the coroner and the administrator of the Public Protection Agency to terminate the contractor pathologists and contractor morgue staff that had been serving the county for 12 and 27 years respectively and recruit similar personnel as county employees. As justification for the changeover the coroner wished “control over the process as opposed to buying the product.” Enhanced customer service was also a stated goal.

The coroner said dysfunction existed between pathologists and morgue attendants; others said the disharmony was primarily between coroner and pathologists because of medical autonomy issues. Usually this disagreement was about the extent of death investigation performed by the deputy and the availability of medical records, information thought to be extremely important to determination of cause of death and need for autopsy. There were safety issues cited as well. On occasion the absence of medical records failed to alert staff to the presence of potentially fatal infectious disease.

Cost considerations were not an issue because negligible savings were projected. With respect to “customer service,” no change was proposed of the liaison to all customers or the assistant coroners, who were already county employees.

Many in the medical community saw the proposed conversion to county employees as a step backward for medical autonomy.^{31 32 33 34} This contravention of physician medical autonomy was repeatedly denied by the Public Protection Agency administrator and the coroner. But this denial was at odds with a published quote of the coroner: “It’s the difference between being

able to say “Doctor, you shall do it” versus “Doctor, will you please do it?”³⁵ and testimony by the administrator regarding gaining total control within the coroner’s office.

The Chief Deputy District Attorney stated in the hearing that there was a history of excellent quality of pathology work in the coroner’s office since 1989. Others concurred with this opinion.³⁶ Several expert observers emphasized the difficulty of finding qualified pathologists in the proposed Sacramento situation when they would be reporting directly to a non-physician.³⁷

The time-lines relative to the proposed conversion raised questions as well. Notice of termination effective December 31, 2001 was given the pathologists on June 22, 2001. However, the issue was not presented to the Board of Supervisors until September 11, 2001. This brief execution interval rendered recruitment of replacement pathologists problematic and refusal by the board essentially impossible. Notice of the hearing was given very late.

The supervisors voted unanimously to accept the coroner’s conversion proposal, with an alteration, if possible, to extend the existing pathology contract to June 2002. This proviso was highly unlikely, as the pathologists in question had been seeking other positions since their June 2001 notification.

It is interesting to note that the result thus far has been to replace one contractual forensic pathologist with another. The new Medical Director-Chief Forensic Pathologist is a contractual employee with a county commitment of three years.

The manpower concern also proved significant. The coroner hired the only three pathologists who applied, including one physician who because of personal legal problems is restricted from performing autopsies which might become the subject of court testimony. According to the District Attorney’s office this restriction is permanent.³⁸

D. Correctional Health and the Coroner. Conflict of Interest.

On December 11, 2001 the Board of Supervisors established the Department of Coroner and Correctional Health Services, adding medical and dental care for detainees at county correctional facilities (Main Jail, Juvenile Hall, Rio Cosumnes Correctional Center, Boys Ranch, Warren E. Thornton Youth Center) to the Office of Coroner. This action relegated both positions to part-time status. It also created an obvious conflict of interest which has been noted on more than one occasion by the local medical society and others, i.e. the person in charge of inmate medical care is also in charge of investigation of in-custody deaths.^{39 40} The Sacramento Sierra Valley Medical Society described the Supervisors’ decision as “curious” and noted, “there were several other logical choices that would have avoided potential conflicts.”⁴¹ The conflict was said to be mitigated by a contract for autopsy of in-custody decedents with the San Joaquin County Coroner’s Office and by transfer of numbered, sealed body bags. However, death scene investigation, of equal or greater importance, continued under the Sacramento County Coroner’s office in concert with Sheriff’s homicide detectives, adding two conflicts of interest to one another. An additional problem is that the body and associated

evidence are in the custody of the coroner's office until the "next business day" which can be as long as 60 hours.

This discussion highlights the compromised position of the county inherent in such an arrangement. There is pending litigation which originated during the tenure of this conflict. It would appear that the conflict is partially resolved by transfer of correctional health to the Sheriff's Department on January 10, 2003 and would be completely resolved by conversion to an independent ME system answering only to the governing board of the county. That office would perform in-custody death investigation, perhaps in concert with a district attorney investigator.

E. Conversion to Medical Examiner System in Sacramento County.

Operational Considerations:

Most principals knowledgeable of the local situation were of the opinion that conversion to a ME system in Sacramento County would be fairly straightforward from the perspective of department operation. The coroner's staff would not have to be replaced en masse, but rather the change to medical emphasis would permeate rapidly via policies, procedures and continuing education of medical nature.

Dr. Randy Hanzlick⁴² has made the following operational recommendations for Sacramento County. Encourage diversity of background of investigators and change emphasis of recruitment to medical from law enforcement. A department forensic pathologist should make all case-related decisions on reportable deaths and subsequently confirm that the required investigation has been completed and that necessary autopsy or external exam has been performed. Such scrutiny is advisable, as studies have shown discrepancy between death investigator and pathologist with respect to the manner of death in a significant number of cases.⁴³ The supervising forensic pathologist should sign the death certificate and all death certificates should be reviewed by the chief ME-department head.

All department pathologists should be board certified in forensic pathology. All investigator-deputies should be required to take the Registry Certification examination of the American Board of Medical Legal Death Investigators and board certification should be encouraged. Continuing education should have medical emphasis and department meetings should be of educational value for the deputies.

A strong affiliation with the UCD Department of Pathology is desirable and is attainable. Dr. W. E. Finkbeiner, chief of Anatomic Pathology at UCD, stated, "There are many opportunities and areas of mutual interest between the University and Sacramento County in the area of forensic science, forensic pathology and death investigation. I believe that with the proper planning and cooperation we can build a model program in these fields that will meet both the service and educational needs of our county and state."⁴⁴

Sacramento County currently has the assets for development of a model, state of the art, death investigation program. These include an excellent physical plant and nearby university medical center. All that is required is an administrative organization assuring medical autonomy.

The Grand Jury has reviewed a comparative financial analysis of the current coroner system versus a medical examiner system for the county and has concluded there would be no additional funding necessary.

Process of Conversion to ME System in Sacramento County

Sacramento is a charter county. Section 27 of the Charter provides for certain appointive officers, including the Coroner. According to County Counsel, in order for this county to abolish the coroner and replace that office with another, a charter amendment would be required. The same procedure would be necessary to provide different qualifications or a different job description for the same office. A charter amendment must be proposed by initiative, a charter commission, or the board of supervisors and then approved by a majority vote of the electors within the county.⁴⁵ The Voter Registration and Elections office estimates the cost of adding a charter measure to the ballot to be approximately \$5000.

F. Death Certification, Local Problem.

The Grand Jury is aware of physician complaints regarding undue pressure from deputy coroners to assign a cause of death even when the physician had not seen the patient for many months and had no knowledge of the cause of death. In at least one instance, a misdemeanor charge was threatened if the doctor did not comply. The California Medical Association has also noted similar complaints.⁴⁶ Pertinent is Government Code Section 27491 and Health and Safety Code Sections 102850, 102855, and 12860. Review of this issue by County Counsel concluded that the coroner is required to sign death certificates for deaths reported for investigation pursuant to the above codes including instances where the attending physician is unable to state the cause of death. The latter statutes (102850, et seq.) were amended and reorganized in 1995.

This problem appears to be resolved, and advice to that effect is available through the CMA website. The Sacramento County Department of Health and Human Services has distributed through various channels⁴⁷ a letter of instruction to physicians to assist in accurate death certificate completion. The public health officer is available for consultation at any time, day or night.⁴⁸

Findings and Recommendations

Finding #1. Death investigation historically has been folded into law enforcement duties. This combination is inappropriate in the face of advanced medical knowledge in the diagnosis of

unnatural and violent deaths. Death investigation is a medical science and should be performed by medically qualified people. Death certification is a healthcare issue.

Finding #2. In the United States there has been a trend in large population centers to convert to a medical examiner system of death investigation. Such a system now serves 48 percent of the population of the United States and 40 percent in California.

Finding #3. Coroners with few exceptions are administrators and/or peace officers with no medical qualifications or training. Very few are physicians. Medical Examiners are licensed physicians who have completed medical school, four to six years of postgraduate training in pathology, including forensic pathology fellowship. They are board certified in anatomic, clinical, and forensic pathology.

Finding #4. Death investigation should be performed by an independently funded, autonomous office unrelated to law enforcement or prosecutorial agencies, answering only to the governing board of the jurisdiction. There should be clear separation of scientific medical decisions from non-qualified individuals, agencies and political interests.

Finding #5. The performance of death investigation does not require law enforcement background. Forensic pathology fellowship includes this training, and forensic board certification requires this knowledge.

Finding #6. There is no legal impediment to a medical examiner discharging all functions of death investigation. In Sacramento County the authority for death investigation would be conveyed by creation of the Office of Medical Examiner.

Finding #7. In Sacramento County the Office of the Coroner is within the Public Protection Agency and operates under the administrator of that agency and the county executive. It is defined as an administrative position with no formal medical qualifications required. It is frequently combined with other county positions.

Finding #8. In Sacramento County, on an annual basis, a deputy coroner with no formal medical qualifications authorizes the signature of death certificates in approximately 4500 reportable deaths without consultation or knowledge of the department forensic pathologists. The assistant coroner, also with no formal medical training, is empowered to determine the extent of death investigation and the final manner of death and cause of death of the approximately 1400 decedents transported to the office for evaluation. This provision can include overruling the judgment of the pathologist. The compromise of medical autonomy is not just theoretical; cases confirming have been documented.

Finding #9. On September 11, 2001 the Board of Supervisors authorized change in the coroner's office from contractual pathology and morgue services to county employees, further compromising medical autonomy and discharging a pathology group that by all accounts was professionally excellent. The transition may have created problems with respect to recruitment

of pathologists and homicide testimony. The decision was made despite significant opposing written advice and testimony from the local medical community. The chief forensic pathologist continues to be a contractual employee.

Finding #10. On December 11, 2001 the Board of Supervisors created a conflict of interest in the investigation of in-custody deaths by placing the coroner in charge of correctional health. This conflict was in place at a time of intense scrutiny regarding inmate deaths/suicides. There is pending litigation. The conflict was only partially resolved by an autopsy contract with San Joaquin County and the very recent transfer of correctional health to the Sheriff 's Department. This action was also the subject of major objection in the medical community. Investigation of in-custody deaths by an independent medical examiner's office in concert with a district attorney's investigator will resolve this conflict.

Finding #11. Coroner and Medical Examiner systems operate outside the usual medical oversight and control. There are no national standards or guidelines. Therefore voluntary review and certification by organizations such as NAME and ABMDI are desirable. Affiliation with the UCD Department of Pathology would facilitate subspecialty consultation, development of policy and quality assurance.

Finding #12. With the above review and affiliation, the excellent physical plant already in place and conversion to a medical examiner system assuring medical autonomy, Sacramento County will attract excellent forensic pathologists and be in position to develop a state of the art death investigation program.

Finding #13. Conversion to a medical examiner system would not be difficult from an operational standpoint. The coroner's staff would not have to be replaced and would adapt quickly to medical emphasis and supervision.

Finding #14. A financial analysis of the transition has been reviewed by the jury and thought to be neutral, with no additional funding necessary for the operation of a medical examiner system.

Finding #15. Change to a medical examiner system requires a charter amendment and electorate participation.

Finding #16. There have been complaints of inappropriate pressure by deputy coroners placed upon attending physicians to certify deaths when the physicians had inadequate knowledge as to the cause of death. This problem appears resolved.

Recommendation #1. The citizens of Sacramento County should be served by a medical examiner system headed by a board certified forensic pathologist appointed by the governing board. The Office of the Medical Examiner is autonomous, independently funded, and responds only to the Board of Supervisors.

Recommendation #2. To establish this office the Board of Supervisors should propose and place on the ballot a charter amendment to abolish the Office of Coroner and replace it with the

Office of Medical Examiner. Failing that, the board should propose and place on the ballot a charter amendment to require the coroner to be a forensic pathologist. Failing that, the board should appoint a forensic pathologist to be coroner at the earliest opportunity.

Recommendation #3. The Chief Medical Examiner should be selected by a search committee of medical experts utilizing non-political and strictly professional criteria, including prior administrative experience. All staff pathologists should be board certified in forensic pathology. They can be contractual or county employees.

Recommendation #4. The Medical Examiner System of Sacramento County should establish a strong relationship with the UCD Medical Center for development of lines of consultation, quality assurance and continuing education programs. The system should utilize professional organizations for review, certification and guidelines of operation. There should be medical emphasis in the recruitment and continuing education of staff. A forensic pathologist should supervise each reported decedent investigation and sign the death certificate of all those studied in the medical examiners office. A pathologist should supervise all morgue functions.

Recommendation #5. The investigation of in-custody deaths should be separate from correctional health and the Sheriff's Department. It should be performed by an independent medical examiner and district attorney investigator.

Response Required

Penal Code Section 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2003 from:

- **Sacramento County Public Protection Agency**
- **Sacramento County Coroner's Office**

¹ Randy Hanzlick, Grand Jury communication, October 23, 2002

² Los Angeles, San Diego, San Francisco, Santa Clara, Ventura

³ Randy L. Hanzlick, "Medical Examiner and Coroner Systems," Journal of the American Medical Association, Vol. 279, 1998, pp. 870-874

⁴ L. Kalb, "Region's On Track to Grow," The Sacramento Bee, October 19, 2002, D-1, quotes S. Levy, director of the Palo Alto-based Center for Continuing Study of the California Economy

⁵ Four California counties have a greater population than Sacramento and still have a coroner system: Alameda, Orange, Riverside and San Bernardino

⁶ California Medical Association Policy, "Coroner Functions," HOD 29-66

⁷ Sacramento County Coroner's Office: An overview of functions and services, November 2002

⁸ The Consumer Product Safety Commission, Food and Drug Administration, Occupational Safety and Health, Bureau of Labor Statistics, Federal Bureau of Investigation, Center for Disease Control and Prevention, National Highway Traffic Safety Administration, National Institute of Health, Department of Justice, and state and local departments of organ and tissue procurement.

⁹ The Accreditation Council for Graduate Medical Education

¹⁰ County Counsel, Grand Jury communication, December 31, 2002

¹¹ Randy L. Hanzlick, "On the Need for More Expertise in Death Investigation," Arch Pathol Lab Med, Vol. 120, 1996, pp. 329-332

¹² Child Support Services, Conflict Criminal Defenders, Correctional Health, Health and Human Services, Human Assistance, Probation and Public Defender

¹³ Sacramento County Coroner, Grand Jury communication, September 5, 2002

¹⁴ Director of Personnel Services, Grand Jury communication, May 21, 2003

¹⁵ Sacramento County Series Specification, April 12, 1996

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Sacramento County Assistant Coroner, Grand Jury communication, December 3, 2002

¹⁹ Sacramento County Series Specification, April 12, 1996

²⁰ Sacramento County Assistant Coroner, Grand Jury communication, November 15, 2002

²¹ Contract for Chief Forensic Pathologist in the Coroner's Office, December 11, 2001

²² Sacramento County Coroner's Office: An overview of functions and services, November 2002

²³ Centers for Disease Control and Prevention. Guidelines for Death Scene Investigation of Sudden Unexplained Infant Deaths: Recommendations of the Interagency Panel on Sudden Infant Death Syndrome. MMWR Morb Mortal Weekly Rep., No. 45, 1996, pp. 1-22

²⁴ Policy Statement. Distinguishing Sudden Infant Death Syndrome From Child Abuse Fatalities (RE0036) Pediatrics, No. 107, 2001, pp. 437-441

²⁵ G. Reiber, letter to Sacramento County Coroner, December 21, 2001

²⁶ R.C. Midgley, President, Sacramento Sierra Valley Medical Society, letter to Supervisor Roger Niello, November 27, 2001

²⁷ Ibid.

²⁸ The Sacramento County Board of Supervisors in 1988 directed the Child Abuse Prevention Council by resolution to establish Child Death Review Team authorized by Penal Code Section 11166.7 and the Welfare and Institutions Code Sections 830 and 10850.1

²⁹ A. Nakamura letter to Public Health Officer, December 19, 2001

³⁰ Sacramento County Coroner, letter to Public Health Officer, December 13, 2001

³¹ R.C. Midgley letter to Supervisor Niello and the Board of Supervisors, November 27, 2001

³² R.C. Midgley letter to Penelope Clarke, September 5, 2001

³³ R. Ikeda letter to Supervisor Roger Niello, September 10, 2001

³⁴ W.E. Finkbeiner, Director of the division of Anatomic Pathology at UCD letter to Penelope Clarke, Coroner Smith, cc to the Board of Supervisors, September 4, 2001

³⁵ C. Garvin, "Dead Wrong," Sacramento News and Review, March 14, 2002, p. 16

³⁶ Penelope Clarke, Board of Supervisors' hearing, September 11, 2001; John O'Mara, Grand Jury communication, November 15, 2002, January 8, 2003, R. Ikeda, letter to Supervisor Roger Niello, September 10, 2001,

³⁷ P.W. Herrmann, letter to Supervisor Roger Niello, September 5, 2001; P. Rooney, letter to Supervisor Roger Niello, September 5, 2001; B.G. Stephens letter to Supervisor Roger Niello, September 5, 2001

³⁸ C. Bessemer, J. O'Mara, Grand Jury communication/interview November 15, 2002 and January 8, 2003

³⁹ R.C. Midgley letter to Supervisor Roger Niello, November 27, 2001

⁴⁰ C. Garvin, "Dead Wrong," Sacramento News and Review, March 14, 2002, p.19

⁴¹ R.C. Midgley letter to Penelope Clarke, September 5, 2001

⁴² Chief Medical Examiner, Fulton County, Georgia; Associate Professor, Forensic Pathology, Emory University, Forensic Pathologist with the Centers for Disease Control and Prevention, Past President, National Association of Medical Examiners (NAME)

⁴³ J.L.deJong, "Level of agreement between opinions of medical examiner investigators and forensic pathologist medical examiners regarding the manner of death," American Journal Forensic Medical Pathology 2000, Vol. 21, No. 1, March, pp.11-20

⁴⁴ W.E. Finkbeiner letter to Penelope Clarke and Coroner , cc to the Board of Supervisors, September 4, 2001

⁴⁵ County Counsel, Grand Jury communication, October 15, 2002 and October 17, 2002

⁴⁶ CMA on Call: www.cmanet.org, Document No. 1305

⁴⁷ Sacramento County Vital Records, Coroner's Office, and funeral directors

⁴⁸ Public Health Officer, letter to physicians, March 27, 2002

Elk Grove Unified School District's Failure to Recognize Fiscal Irresponsibility Prompting a Second Grand Jury Investigation

Issue

The 2001–2002 Grand Jury received a complaint filed by the Citizens of the Elk Grove Unified School District for Responsible Planning alleging that the Elk Grove Unified School District (EGUSD) failed to exercise prudent fiscal responsibility when it purchased the property now designated as school site #8, located at the corner of Bond and Bradshaw Roads. The Grand Jury reported their investigation findings on this case in their June 30, 2002 report, which is Attachment 1. EGUSD's response to the Grand Jury report is Attachment 2. The 2002-2003 Grand Jury is not satisfied with the response.

Method of Investigation

- Review of 2001-2002 Grand Jury materials
- Review of EGUSD's response to 2001-2002 Grand Jury report
- Meetings with District Superintendent
- Meetings with original complainants
- Meeting with Deputy Attorney General
- Meeting with California Department of Education, School Facilities Planning Division

Background and Facts

Facts uncovered by the 2001-2002 Grand Jury and published in their report dated June 30, 2002 are as follows:

- Staff of EGUSD did not follow set policies and procedures when selecting land for purchase to construct schools.
- EGUSD staff notified a select group of five agents (land developers/real estate brokers) that EGUSD was looking to purchase land in a specific area for the construction of school site #8.
- EGUSD staff did not engage in a search for sites, but rather relied on the agents to find available property to consider for purchase.

- One of the agents located a site that met the district's criteria and took an option to purchase the property on March 27, 2000 from the original owner for \$37,000 an acre. The property had been advertised for sale for eighteen months with a large sign with the agent's name clearly posted. The site was less than a mile from EGUSD offices.
- The agent notified EGUSD staff that he had located property they might be interested in, and the staff recommended to the EGUSD Board of Education that the district purchase the property soon after. On May 15, 2000 the board authorized the Assistant Superintendent to conduct a review process preliminary to the property purchase.
- An Assistant Superintendent ordered two appraisals of the property to be made by two different agents. One established the value at \$41,000 per acre and the other at \$65,000 per acre. EGUSD staff did not question the discrepancy in the two appraised values and agreed to pay the higher price without further negotiations with the agent.

The EGUSD's response to the 2001-2002 Grand Jury report indicates that the district has failed to recognize significant fiscal irregularities by their staff with regard to the purchase of this property. They explain that they were constrained by numerous legal requirements and could not enter into negotiations until preliminary items were completed. Granted, there are legal requirements that must be adhered to. However, if the district staff had noticed the "For Sale" sign on the property themselves and not told the real estate agent of their intent to purchase land in the immediate area, then the legal requirements would have likely taken place with the original owner and not the real estate agent. This fact is significant because the original owner sold the property for \$37,000 an acre in March 2000. The original owner may have asked for more from the district six months later, but it is doubtful that he would have sought \$65,000 an acre, the amount that the real estate agent was paid.

The EGUSD maintains that they were constrained by numerous requirements from the California Department of Education (CDE). The CDE does not determine land acquisition per se, but rather the suitability of the land for educational purposes and safety requirements. However, the district may negotiate an option on the property contingent upon final approval of the CDE. The EGUSD did not place an option on the property. They could have "locked up" the property in February or March 2000. They were not delayed by the California Department of Education's rules and procedures.

The EGUSD is correct that appraisals are required by the Office of Public School Construction, an arm of the State Allocation Board. Only one appraisal is necessary, although the school district may request more. Since the district pays a significant portion of the construction cost, a reasonable assumption is they would use the lowest appraisal, or ask for a third appraisal. In this case, the highest appraisal was used. The EGUSD argues that a public agency must pay "fair market value" and judged the higher appraisal to be more realistic. This is a specious argument.

By providing advance notice to an agent that the district was looking for property in the general area, the district gave the agent an advantage, and the district lost the opportunity to negotiate with the original owner and purchase the property for a lower price. The EGUSD staff demonstrated negligence and fiscal irresponsibility.

Findings and Recommendations

The 2002-2003 Grand Jury concurs with the 2001-2002 Grand Jury findings and recommendations. Further, the 2002-2003 Grand Jury finds that the actions taken to acquire the subject property are sufficiently questionable that EGUSD should consider appropriate disciplinary action.

Finding #1. The EGUSD gave insider information to a real estate agent which allowed the agent to make a profit in excess of \$2 million on school site #8.

Recommendation #1a. The EGUSD should take immediate disciplinary action against responsible staff.

Recommendation #1b. The Superintendent and Board of Education should provide oversight to the staff responsible for the purchase of school sites.

Finding #2. The EGUSD failed its fiduciary responsibility to the taxpayers by paying \$2.4 million more than the fair market value for school site #8.

Recommendation #2a. The district should require staff members responsible for the purchase of property, supplies, or services to sign a fiduciary responsibility statement. District staff should also be accountable under the EGUSD conflict of interest policy.

Recommendation #2b. The district should develop policies and procedures for the purchase of school sites that protect the financial interests of taxpayers.

Finding #3. The EGUSD failed to perform due diligence in the search for school site #8.

Recommendation #3. The district should require staff to do their own research on potential school sites and not rely solely on agents and developers.

Finding #4. The EGUSD refuses to admit a mistake was made and to take responsibility for its actions.

Recommendation #4. The district should take responsibility for its actions and implement policies and procedures to make sure this situation never happens again.

TO THE CITIZENS IN THE ELK GROVE UNIFIED SCHOOL DISTRICT:

The Elk Grove Unified School District is accountable to you. Apparently they do not agree. The Grand Jury can investigate, write a report, and receive an inadequate reply year after year. The EGUSD can obfuscate, delay, and refuse to talk without a subpoena, hoping to drag out the process long enough so that we will go away. This process cannot work for them if you, the good citizens in the Elk Grove Unified School District, demand better leadership from your elected officials.

Response Required

Penal Code Section 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2003 from:

- **Board of Education, Elk Grove Unified School District**

Attachment 1

Elk Grove Unified School District Fails Fiduciary Responsibilities

Reason for Investigation

The Grand Jury received a complaint alleging that the Elk Grove Unified School District paid more than twice the fair market value for a property located at the intersection of Bond and Bradshaw Roads.

Method of Investigation

Members of the Grand Jury interviewed the District Superintendent and members of his staff, the Elk Grove Unified School District Board President, the complainants and other interested parties. Because of the reluctance of some witnesses to appear before the Grand Jury and the sensitive issues involved, the Grand Jury requested the assistance of the Attorney General's office. Subpoenas were prepared and served, and on April 24, 2002, under questioning from a Deputy Attorney General, sworn testimony was received from additional witnesses.

Background

The Elk Grove Unified School District (District) encompasses an area that includes the southern portion of the City of Sacramento as well as the recently incorporated City of Elk Grove. The City of Elk Grove has experienced phenomenal growth over the past decade, and for that reason the District has had to construct new schools at a rapid pace.

A four year school construction bond measure was passed by the State of California in 1998.

During the first several months of 2000, the District attempted to purchase property for the construction of a mega-school to be located in the area of Elk Grove Florin and Gerber Roads. The District met with considerable resistance from residents who objected to a school in that area, and decided to look for property elsewhere. In order to take full advantage of the bond issue the District had to move quickly in purchasing an alternate site.

Facts

One of the areas the District identified as a possible school site was in the vicinity of the intersection of Bond and Bradshaw Roads. To locate available parcels of land in the area, the District contacted several well-known land developers/real estate brokers.

One land developer identified a 106 plus acre parcel that was for sale on the northwest corner of Bond and Bradshaw Roads. The Grand Jury understands that neither the previous owner of this land nor his real estate broker was aware of the District's interest in purchasing land in the area. The land developer purchased the parcel of land for \$4,000,000 (roughly \$37,000 an acre).

Within days of entering into this purchase contract, the land developer informed the District that he had property for sale at the corner of Bond and Bradshaw Roads. The District entered into negotiations with the land developer for the purchase of this property.

Two independent appraisals were commissioned by the District to determine the fair market value of the land. The first appraisal placed the value of the land at \$4,350,000 (roughly \$41,000 per acre). The second appraisal placed the value at \$6,942,000 (roughly \$65,000 an acre). Both appraisers used the same standards, but differed as to which properties were to be compared. Although the two appraisals differed greatly, District staff did not question the value set by the second appraisal. The Grand Jury was told the difference between the two appraisals was probably caused by the volatility of the real estate market during this time, July 2000.

According to testimony received by the Grand Jury, the District is required by law to base its sales price negotiations on the appraised value of the land plus or minus 10%. The Grand Jury also learned the District had the opportunity to negotiate a price with the seller of the property based on either appraisal. The District accepted the higher appraisal because it believed that it more accurately reflected the market value of the land. The District purchased the property for \$6,928,400 (roughly \$63,000 an acre).

The District admits that it was unaware the parcel had previously been for sale over a year at approximately \$4,000,000. The District staff did not canvass the area looking for property for sale but instead turned to a select group of real estate agents and land developers to locate desirable property. District staff also admitted that the original broker for this piece of property was not among the group contacted. Had District staff members responsible for property acquisition driven by the corner of the property, a short distance from District Headquarters, they would have seen a large broker's sign advertising the property. Also, had the District advertised its interest in purchasing property in the area, the original broker for the property told the Grand Jury he would have contacted the District.

Finding and Recommendation

Finding #1. District staff members exhibited a very careless attitude toward their fiscal responsibilities when negotiating the purchase of property. The Grand Jury also concluded that had the District been more diligent in its search for school property, it might have purchased the property for a price closer to the lower appraised value of \$4,350,000. The Elk Grove Unified School District failed in its fiduciary responsibility to taxpayers in the purchase of property located

at the intersection of Bond and Bradshaw Roads. This failure resulted in a loss to taxpayers of approximately \$2.4 million.

Recommendation #1. The Elk Grove Unified School District should:

- a. develop formal policies and procedures for the purchase of school site property that protect financial interests of the taxpayers and eliminate the appearance of favoritism to any landowner, land developer or real estate agent;
- b. publish in a newspaper of general record an official notice of any decision by the District to establish a new school or seek a new site location. An official notice should also be delivered to the local Board of Realtors;
- c. direct staff to use all available resources for the selection of property for school construction including physical inspection of properties for sale within the area of interest as well as Multiple Listing and newspaper ads.

Response Required

Penal Code Section 933.05 requires that specific responses to both the finding and recommendation contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2002 from:

- **Board of Education, Elk Grove Unified School District**

The following grand jurors recused themselves from any participation in the investigation, discussion, preparation editing or approval of this report:

- **Rhea Brunner**
- **A. Michael Koewler**
- **James M. Moose, Jr.**
- **Jimmie E. Ward**

The Grand Jury Advisor Judge also recused himself from providing legal advice on this report.

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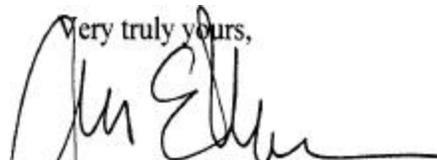
September 30, 2002

The Honorable Michael T. Garcia
Presiding Judge
Sacramento County Superior Court
720 Ninth Street, Dept. 47
Sacramento, CA 95814

Re: Elk Grove Unified School District's Response to Finding and
Recommendation of Grand Jury Report

Dear Judge Garcia:

Transmitted herewith pursuant to sections 933-933.05 of the Penal Code is the
Specific Response of the Elk Grove Unified School District to Finding and Recommendation
of Grand Jury Report.

Very truly yours,


James E. Thompson
BEST BEST & KRIEGER LLP

JET:plm
Enclosure

**Specific Response of Board of Education of Elk Grove Unified School
to Finding and Recommendation of Grand Jury Report**



RESPONSE TO FINDING NO. 1:

The Elk Grove Unified School District asserts that its acquisition of the Bond/Bradshaw site (Site) was in the public interest and did not result in any waste or unnecessary use of taxpayer dollars entrusted to the District. The price paid by the District for the Site was based on a qualified, professional appraisal of the fair market value of the property. Due to procedures that the District was first required by law to follow, the District could not have purchased the property at a substantially lower price. As a result, there was no loss to the taxpayers. This District has a history of sound fiscal management and has been praised many times in past years by the Grand Jury.

The assertion that the District paid more than twice the fair market value of the Site is not true. The District was required by law to offer to pay the fair market value of the property established at that time. The District's approved appraisal showed that the fair market value of the property was \$65,000 per acre in September 2000.

Any alleged "delay" in the District making an offer to purchase the property was due to the District having to first follow numerous procedures required by law. It was not due to any lack of diligence by District staff to discover the availability of the property; nor did the District deliberately choose to pay more than the appraised fair market value of the property. In late February 2000, the Board made a decision to begin a new search for a school site. At that time, apparently the original owner listed the Site for sale at a price of \$45,000 per acre as documented by statements made by the broker who sold the property on behalf of the original owner. The seller the District purchased the property from later told the District that he purchased the land without an appraisal. The Grand Jury report asserted that it was purchased for \$37,000 per acre. There was no way that the District could simply "tie the property up" at that price in February 2000 because the District's site selection process for this property had not begun, the necessary approvals had not been obtained, and the required fair market value appraisal of the property had not been determined.

Before offering to purchase the property, the District had to obtain approvals from the Facilities Planning Division of the California Department of Education, and the

Department of Toxic Substances Control. In addition, under the California Environmental Quality Act, the District was required to do a study to identify any potentially significant environmental impacts, and to determine what measures could be taken to offset those impacts. The site evaluation process required the District to hire consultants, conduct physical inspections of the property, and prepare numerous environmental documents. Also, before making an offer to purchase the property, the District was required to appraise the property. The District is obligated by statute to assure that the property owner is justly compensated based on a "highest and best use" valuation. In this instance, the "highest and best use" was for General Plan Map Classification of "Low Density Residential" (1-12 dwelling units per acre). All of these steps, except certification of the Environmental Impact Report (EIR), had to be completed before the District's staff could start the negotiations to buy this property for a school site

The Grand Jury ignored a basic premise of real estate purchases - it is the seller, not the buyer, who determines what price will be accepted for the property. In this instance, the seller would only accept a price close to the highest appraised value.

An initial feasibility study of the Site was completed in May 2000, and staff made a favorable finding regarding the feasibility of the Bond/Bradshaw site. After taking public comments at a District Board meeting on May 15, 2000, the Board authorized staff to begin the formal review process of the Site, which involved all of the steps described above. District staff notified the owner of the Site that although the District was pursuing a purchase of that property, the actual purchase could only take place after the District concluded the necessary CEQA certification and California Department of Education approvals. If the District decided to purchase the property, the amount offered would be the Board approved appraisal of the fair market value. Two appraisal reports were completed for the District by September 2000 utilizing current zone designation of AR-5 and General Plan Map Classification of "Low Density Residential" (1-12 dwelling units per acre). The Board of Education, in a regularly scheduled meeting, authorized District staff to make an offer for the purchase of the property. Pursuant to Code, the offer is to be no less than the approved appraised amount, and subject to the certification of an Environmental Impact Report (EIR).

Although the Site may have been available for sale to the public in February 2000, the District had not completed the mandatory site selection steps, environmental review,

or appraisal process. There was no legal way that the District could have simply purchased the property for a school site at that time. Although the District staff proceeded swiftly, they could not complete all steps necessary to begin negotiations for the purchase of the Site at its fair market value until September 18, 2000. By that time, the fair market value appraisal of the property at "highest and best use" was \$65,000 per acre. For the reasons stated above, the District disagrees with Finding No. 1.

RESPONSE TO RECOMMENDATION NO. 1:

The Board of Education will continue to routinely examine its procedures and practices on building future schools, including school site acquisitions. The District was already in the process of the review before the Grand Jury investigation and will continue to examine its process in the future.

Response to Recommendation No. 1(a):

The District believes that it has implemented this Recommendation. The District believes that it can further carry out Recommendation No. 1 through (1) continued compliance with State laws with respect to public acquisitions; and (2) broadening its procedures related to the Grand Jury's Recommendation Nos. 1(b) and 1(c).

Response to Recommendation No. 1(b):

The District will broaden its current notification procedures, beginning with the next occasion in which the District's Board of Education decides to establish a new school or seek, through purchase, a new site location not within a pending or approved subdivision

Response to Recommendation No. 1(c):

The District will broaden its current selection procedures, beginning with the next occasion in which the District's Board of Education decides to establish a new school or seek, through purchase, a new site location not within a pending or approved subdivision.

Re: Elk Grove Unified School District's Response to Findinand
Recommendation of Grand Jury Report

CERTIFICATE OF SERVICE

I declare that I am employed in the County of Sacramento, California. I am over the age of eighteen years and not a party to the within action. My business address is c/o Best Best & Krieger LLP, 400 Capitol Mall, Suite 1650, Sacramento, California 95814. On September 27, 2002, I caused to be served the within:

SPECIFIC RESPONSE OF THE ELK GROVE UNIFIED
SCHOOL DISTRICT TO FINDING AND RECOMMENDATION
OF GRAND JURY REPORT

on the following persons:

The Honorable Michael T. Garcia Presiding Judge
Sacramento County Superior Court 720 Ninth Street, Dept. 47 Sacramento, CA 95814

[X] By causing a true copy thereof to be delivered to the party or parties at the address(es) listed below, by and/or through the services of Capitol Mall Courier Services.

and on

Clerk, Board of Education

Elk Grove Unified School District 9510 Elk Grove -Florin Road
Elk Grove, CA 95624

[X] (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Sacramento, California. I am familiar with my company's practice whereby the mail, after being placed in a designated area, is given the appropriate postage and is deposited in a U.S. mail box in Sacramento, California, in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 30, 2002, at Sacramento, California.


DEBBIE A. PRIOR

Letter Grades for Restaurants

Issue

The Grand Jury received a complaint regarding Sacramento County Environmental Management Department's failure to conduct restaurant inspections at least annually. The complaint alleged that the Environmental Management Department had made poor management decisions that led to staffing shortages and long-term increased risk to the public health. Several news articles in *The Sacramento Bee* also cited the failure of the county to live up to its policy of annual inspections.

Method of Investigation

- Meetings with the Director, Environmental Management Department; Chief, Environmental Health Division, and two Supervising Environmental Health Specialists
- Accompanying Environmental Specialists on actual inspections of several restaurants
- Reviewing *The Sacramento Bee* articles, including Health Inspections Database link <http://www.sacbee.com/cgi-bin/sacbee/news/inspections.cgi>
- Teleconferences with County of Los Angeles, Environmental Health Department, and County of San Diego, Department of Environmental Health, Food and Housing Division

Background and Facts

Under state law each county is required to fund a program to inspect restaurants to ensure they meet state standards for cleanliness and safety. Counties have wide discretion in how often they conduct inspections and how they enforce state standards. Sacramento County has established a policy of inspection for all food preparation establishments to be inspected at least annually. State law also requires that food inspectors must be registered Environmental Health Specialists with the State Department of Health Services.

The inspection program in Sacramento County costs about \$1.5 million a year and is funded by restaurant permit fees. Sacramento County has approximately 5,000 food preparation businesses, including 2,690 restaurants and 758 mobile food units, each of which must be inspected at least once a year. The Chief of the Environmental Health Division indicated he

would like to inspect each restaurant twice a year with immediate re-inspection for a restaurant having a critical violation.

In the past, restaurant inspections have lapsed from 18 to 36 months. The director cited staffing shortages as the main reason the division did not meet its annual inspection goal. At various times, the division had only 11 or 12 inspectors on the job. In addition to monitoring restaurants, inspectors check on 10,000 other facilities having permits to prepare and serve food, including fair booths, ice cream vendors, and delicatessens operating in grocery stores. Also, mobile facilities by their nature are difficult to inspect causing the inspectors a further delay in these annual inspections. At present, only 5 of the 13 inspectors have access to an automated tracking system for inspections that are due or overdue.

Repeat violators rarely faced a harsher penalty than re-inspection. When critical violations were found, restaurant owners were told to call and leave a message when the problem was fixed, or to fax a receipt showing the repair was made. There was no re-inspection.

The Environmental Health Division has fallen behind with its inspection workload because of additional environmental health issues. Because of these issues, inspectors were required to perform extra duties. The division currently has a backlog of more than 400 inspections.

The Environmental Health Division receives 300 calls a year regarding food-borne illnesses and 200 complaints a week involving minor infractions. The director said that critical violations could lead to food poisoning. At the least, this is unpleasant to all but can be fatal to young children, pregnant women, the elderly, or those with a weakened immune system. Given this danger, counties such as Los Angeles and San Diego have taken a very hard-line approach with restaurants—sometimes allowing them only hours to fix a problem or face being shut down. These counties have policies requiring restaurants to post the results of its last inspection on large, brightly colored signs at restaurant entrances. The signs indicate the letter grade of A, B, or C.

The first year the grade signs were posted in Los Angeles County, 57 percent of the restaurants received an “A” rating. By 2002, 83 percent of the restaurants scored an “A” rating. Conversely, restaurants receiving a “C” rating decreased from 5 percent to 0.2 percent during the same period of time. Complaints of food borne illnesses dropped approximately 30 percent.

In Sacramento County, the only way the public knows the result of an inspection is to ask the restaurant for a copy. There is no policy of grade posting that the public can see readily when entering a restaurant.

According to the director, Sacramento restaurants and grocery-industry members continue to oppose any rating system or the public posting of health inspection reports; consumers and their advocates are overwhelmingly in favor. The director and some inspection staff are not

convinced posting inspection grades would work or be fair as they are still struggling to bring timely mandatory inspections and re-inspections.

Rather than focus on tougher enforcement policies, the director says Sacramento County prefers to emphasize education. He noted that restaurant operations are complex with good and bad days. He believes one inspection may not be a true indicator of the performance of a restaurant.

The Environmental Health Division is in the process of improving the food inspection program. The Environmental Management Department solicited comments from both the regulated community (restaurants, markets, food carts, etc.) and the public. Comments were received through November 30, 2002. Four areas are currently identified for potential improvement. They include the following:

1. Risk-based Inspection Frequency—Base the frequency of inspection on the type and amount of food being handled (level of risk associated with same).
2. Education—Increase education of food workers at retail food facilities.
3. Enforcement—Develop aggressive enforcement activities at facilities with continuous and repeat violations.
4. Public Notification—Improve methods used to notify public of food facility inspection results.

The first three areas of food program enhancements received almost 100 percent of consumer and industry support. The fourth received over 90 percent consumer support for notification either by letter grading or the onsite posting of the full inspection report. Industry did not support grading but favored giving an “Award for Excellence” to facilities found to be consistently in compliance with the regulations.

At the March 11, 2003 meeting of the Board of Supervisors, the Environmental Health Division requested the following changes in the food inspection program:

- To change and prioritize the frequency of inspections for most food facilities from 1 per year to 2 or 3 per year
- To hire additional health inspectors and increase fees
- To require operators with numerous health code violations to attend “food school”
- Beginning July 1, 2003, to publicly display entire health inspection reports

The Board of Supervisors unanimously approved the changes. There was little opposition to the first three recommendations. However, industry representatives opposed the public display of health inspection reports objecting to a grade based on a single inspection.

A comparison of Sacramento County to San Diego and Los Angeles Counties:

	Sacramento County	San Diego County	Los Angeles County
Inspection Goal	Non risk-based Goal 1/yr for full service restaurants	Risk-based 4/yr for full service restaurants	Risk-based High risk—3/yr Moderate risk—2/yr Low risk—1/yr Repetitive problems -- +1/yr
Prioritizing	No prioritizing	Extensive food preparation, potentially hazardous inspected more frequently	Based on risk assessment
Grading System	No grading system Considering “award of excellence”	A,B,C 200-point grading system	A,B,C 3 consecutive A’s receives “Certificate of Excellence”
Public Satisfaction	Public is not aware of inspection results Limited access through <i>The Sacramento Bee</i> website	Public is aware of grading system Restaurants quickly correct violations and request/pay for immediate re-inspection	Public is aware and participates by calling hotline Most recognized program in health services
Facilities	5,000 food preparation businesses	7,000 full service restaurants/limited food preparation	37,000 retail food establishments
Staffing	15 positions, 11 full time equivalents $5000/11 = 454/\text{inspector}$	63 positions, 33 staff years $7000/33 = 212/\text{inspector}$	283 field inspectors $37,000/283 = 131/\text{inspector}$

Findings and Recommendations

Finding #1. In the past the Environmental Health Division has been very lax in its responsibility to provide mandated food inspections in a timely manner. In comparison, San Diego and Los Angeles both have established risk-based programs, which led to more inspections where extensive food preparation occurs and could be potentially hazardous. Sacramento inspectors have to waste time trying to track down mobile food carts who list only their main distribution address but not their site location, causing a backlog of these inspections.

Recommendation #1a. Give priority to inspections based on risk assessment, putting resources to work where the risk is highest. Increase inspections to 2 or 3 per year for full food service establishments with complex menus where large amounts of food are prepared.

Recommendation #1b. Require owners of mobile food carts to come to the County office for their inspections during a single month of the year, e.g., January. Schedule them all during that month.

Finding #2. The Environmental Health Division needs more staff devoted to food preparation inspections and needs to allocate tasks to maximize the staff they have.

Recommendation #2. Staff should be increased from 11 to at least 22 full time inspectors. Each inspector should be provided personal digital assistant devices (palm pilots) to enter timely results of their inspections. All inspectors should have access to the automated database. Increased inspection fees from risk-based inspections and mandatory re-inspection fees should cover the cost of increased staffing.

Finding #3. The Environmental Health Division is not disseminating its inspection results effectively to the public.

Recommendation #3a. Give the public what it wants and issue letter grades to restaurants inspections, which must be prominently displayed. Certificates or awards of excellence could also be given to restaurants consistently receiving a letter grade of A over 3 consecutive inspections.

Recommendation #3b. The county Environmental Health Division should establish its own Web site to post all food inspections results including grades, enforcement or closure actions, follow-up inspections, and complaint remedies.

Finding #4. The county Environmental Health Specialists (inspectors) displayed a high degree of professionalism during inspections. The inspectors took time to explain violations and to train restaurant employees.

Recommendation #4a. The county Environmental Health Division should encourage inspection staff development by allowing staff to attend training programs sponsored by government agencies and leaders in the food safety industry.

Recommendation #4b. The County Environmental Health Division should consider establishing an apprenticeship program to encourage recent college graduates to enter the field. Such a program would allow these individuals to move up to staff positions after they become registered Environmental Health Specialist.

Finding #5. The Environmental Health Division does not provide sufficient penalties for food service establishments to improve.

Recommendation #5a. Enforcement actions with severe implications should require immediate closure of the facility and mandatory re-inspections, paid for by the violator. Increase education for minor violations.

Recommendation #5b. Increased enforcement should lead to administrative hearings for repeat violators with ultimate license revocation.

Commendation

The Grand Jury commends the Sacramento County Environmental Health Division for the substantive progress it has made over the last year in increased inspections, enforcement, education, and disclosure of health inspection results. Although more work certainly needs to be done, it is reassuring to know that those in charge are capable and dedicated to making the changes necessary to provide the citizens of Sacramento County with the quality food inspection program they deserve.

Response Required

Penal Code Section 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2003 from:

- **Director, Sacramento County Environmental Management Department**

Misuse of Appointive Power by the Galt City Council

Issue

The Grand Jury received a complaint that the Galt City Council had 1) bypassed its own resolutions and applicable law in appointing a city council member in January 2002, and 2) failed in its ethical responsibilities to the electorate in January 2002.

Method of Investigation

- Interviews with members of the Galt City Council
- Interviews with community members
- Review of audio and video tapes of Galt City Council meetings
- Review of written minutes of Galt City Council meetings
- Review of appropriate legal citations
- Correspondence with the Galt City Attorney

Background and Facts

In June 2001, the Galt City Council was comprised of its full complement of five council members.

On June 13, 2001, a council member resigned. The remaining four council members deadlocked on an appointed replacement, and the vacancy was carried over to the primary election in March 2002.

Between June 2001 and January 2002, the Galt City Council functioned with four members. The council members did not agree on the course of economic development for the community and often deadlocked on matters regarding growth.

During the period between June 2001 and through January 2002, the rule governing the Galt City Council's ability to transact business was clear. Specifically, Council Resolution 2000-65,

Section 6, second paragraph states, “Three council members shall constitute a quorum for the transaction of business.” This resolution was in effect in January 2002. On January 7, 2002, a second vacancy occurred with the death of a council member. Thus, in order for the Galt City Council to take action “for the transaction of business” all three remaining members were required to be present.

On January 29, 2002, the council met to appoint a replacement for the death-caused vacancy. Per Resolution 2000-65, Section 6, a quorum of all three remaining members was required to exercise appointive power and to select a new member. However, one member of the council did not attend the January 29, 2002 public meeting to vote on the filling of the latest vacancy because, as he explained in a written statement, he believed that the other two members of the council had unlawfully pre-selected an appointee.

At the January 29, 2002 public meeting, the two council members in attendance were barraged with complaints and concerns regarding the propriety of filling the vacancy upon a vote of only two members. The community pointed out that the two council members present were insufficient to constitute a quorum. After hearing from the Galt City Attorney, the two members concluded in direct contradiction of Resolution 2000-65 that they comprised a quorum and could transact business, i.e. vote to fill the vacancy. The two members did select a candidate and filled the vacancy.

The action of the two members raised ethical concerns: first, that the two council members violated existing Resolution 2000-65; second, that the two council members ignored the concerns of the community; and, third, that they had circumvented the efforts of a fellow council member to prevent action by not attending and thus preventing a quorum.

Finding and Recommendation

Finding #1. The Galt City Council misused its appointive power.

Recommendation #1. The Galt City Council should follow its own resolutions in effect at the time a course of action is pursued. In this case, Galt should transact business by using its appointive power by proper quorum vote. In the alternative, the Galt City Council should correct any inconsistencies in its own resolutions prior to pursuing a course of action.

Response Required

Penal Code Section 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2003 from:

- **The Galt City Council**

Recommendations for Improving Public Water Districts' Accountability

Issue

The Grand Jury received several complaints about managers and directors of the public water districts serving the residents of Sacramento County. In addition, the *Sacramento Bee* published newspaper articles and letters to the editor regarding various abuses found within some districts. As a result, the Grand Jury decided to selectively investigate autonomous water districts.

Method of Investigation

- Newspaper articles and letters to the editor
- January 8, 2003 Grand Jury letter to eight water districts requesting specific information regarding their fiscal operations
- Team visits to each of eight water districts requesting further information
- March 20, 2003 Grand Jury letter requesting copies of information provided to the *Sacramento Bee*
- Analysis of water district responses
- Meeting with the Sacramento County Director of Finance
- Water Purveyors, a report of the Sacramento County Department of Finance
- Meetings with district managers and board members of selected water districts

Background and Facts

From the Water Purveyors report:

“Water for domestic, incidental and irrigation uses is supplied by 25 different purveyors that are basically classified into 5 different categories: dependent water districts, autonomous water districts (which are independent special districts), cities, private, and mutual water companies. The operational structure among water agencies is very similar. Each generally has a system of wells or surface water source and distribution system designed to serve the needs of the service area.”

The Grand Jury focused only on independent special water districts.

“Autonomous Water Districts

There are ... (various) types of autonomous water districts in Sacramento County: irrigation districts, ..., community service districts, and County water districts.

Irrigation Districts

There are 4 irrigation districts located partially or wholly in Sacramento County. They include Carmichael Water District, Fair Oaks Water District, Citrus Heights Irrigation District, and Galt Irrigation District. The enabling legislation for irrigation districts is found in Section 20500 et seq. of the Water Code (California Irrigation District Act).

Community Services Districts

The San Juan Suburban Community Services District provides retail and wholesale water to the northeastern sector of Sacramento County. Rancho Murieta Community Services District provides its own water system. Water is taken from the Cosumes River, is stored, treated and reclaimed for irrigation.

County Water Districts

Five county water districts were formed pursuant to the California Water District Act (Water Code Section 30000 et seq.). They are the Northridge Water District, Arcade Water District (consolidated into Sacramento Suburban Water District on February 1, 2002), Florin County Water District, Del Paso Manor County Water District, and the Rio Linda Water District.

The name ‘county water district’ is a misnomer because it implies a dependent district of the county government. However, all are completely autonomous with elected governing bodies.”

The eight autonomous water districts selected for investigation by the Grand Jury are as follows:

- Carmichael Water District
- Fair Oaks Water District
- Citrus Heights Water District
- San Juan Water District
- Sacramento Suburban Water District
- Florin County Water District
- Del Paso Manor Water District
- Rio Linda/Elverta Community Water District

On January 8, 2003, the Grand Jury sent a letter to each of these districts requesting the following specific information on their fiscal operations:

1. Does your district have written policies on staff travel? Please provide a copy of that policy.
2. Who has the responsibility to audit travel records to assure compliance with those policies?
3. How are district directors compensated for time spent on district business? Please include forms of compensation other than cash, i.e., meals, use of vehicles, etc.
4. What authority determines which water district industry conferences directors will attend? When more than one director attends a conference, what justification is needed to provide for more than one participant?
5. What practices exist for directors' travel? Please provide a copy.
6. When was the last travel audit performed on your district? Please provide a copy of that audit.
7. Are directors attending water industry conferences required to submit reports to the water district? Is the report written or oral? Is the item placed on the district's meeting agenda?
8. What is the district's policy on the acceptance of gifts by district directors and staff personnel? Please provide a copy of the policy.
9. What is the district's policy on the payment of overtime to management personnel? Please provide a copy of that policy.

After reviewing the responses, Grand Jurors interviewed the general managers and/or directors to elicit additional information. The following is a summary of what the Grand Jury found:

Carmichael Water District

Carmichael Water District is an urban water supply serving 11,063 customers in the Carmichael area with a population of 40,000 in a 6 square mile area. Water sources include 9 ground water wells (37%) and surface water supplied from the American River (63%). The average monthly rate for unlimited water is \$39.80 for one connection of a ½ acre or less. The district's operating budget for 2002-2003 is \$7.9 million. The general manager's annual salary is \$100,614 and the assistant manager's annual salary is \$82,000.

The district's written response to questions by the Grand Jury:

1. Carmichael Water District has a written travel policy for staff and the board of directors (Policy #4080).
2. The district's Finance Office reviews travel receipts and expense reports.
3. Board members receive \$144.70 per meeting with a maximum of 10 meetings per month. In 2001, compensation for board members varied from \$2,459 to \$8,826, including travel reimbursements for conference attendance. Board members do not receive fringe or retirement benefits.

4. The board of directors annually reviews a list of water industry conferences and training seminars and approves attendance of them at a public board meeting. Meetings not previously reviewed are placed on the board's agenda of a regularly scheduled meeting.
5. Board members are required to follow Policy #4080, which includes a "Conference Expense Policy," adopted on September 2, 1986 requiring a written or oral report be made to the board at a public meeting.
6. The district has no separate travel audit, but includes travel as part of the general annual audit.
7. Board members are required to follow Policy #4080.
8. The district has a conflict of interest policy for employees (Policy #2170); board members are not specifically mentioned in the policy. The omission is to be remedied and included in Policy #2170.
9. Management employees do not receive overtime pay. However, they receive "administrative leave" of one day per month as compensation for hours worked in excess of 40 hours per week (Policy #2040).

It appears that Carmichael Water District has well defined travel policies and financial oversight. The board of directors meets twice a month and is actively involved in the water industry. There appears to be no personal use of district funds. The district does not use credit cards and has established accounts with its vendors.

Fair Oaks Water District

Fair Oaks Water District is a medium-sized water district within Sacramento County. Although referred to as an irrigation district, it's actually an urban water supplier serving 39,191 customers in the Fair Oaks and Orangevale areas. Its service area is 9.45 square miles and the source is primarily surface water from the American River and 7 ground water wells. The district purchases treated water from San Juan Suburban Water District. The average monthly residential rate for one connection and unlimited water is \$35.83. The district's operating budget is \$6,963,900.00. The general manager's annual salary is \$160,551.14.

The district's written response to questions by the Grand Jury:

1. Fair Oaks Water District has a written travel policy for staff and the board of directors (Policy # 2060 and Policy #2070).
2. The district manager, accounts payable, and controller audit the travel receipts and expense reports. Accounts Payable is responsible for reviewing expense reimbursement forms and credit card statements for receipt documentation and business purpose.
3. Board members receive \$100 per meeting with a maximum of one meeting per day and 10 meetings per month. In 2001, compensation for board members varied from \$3,385.42 to \$6,200.00, which included travel reimbursements for conference attendance. Board members do not receive fringe or retirement benefits.
4. According to Policy #2070, the board authorizes travel for the general manager; the general manager authorizes travel for the district staff.

5. Some board members are committee members of various water associations and attend more meetings than other board members.
6. The district controller audits all travel expense claims. Receipts are required for all travel related expenses; in addition, credit cards are issued to board members and charges must be verified each month.
7. After attending water association meetings, board members are required to report back at the next meeting.
8. Board members are prohibited from accepting gifts by the district's Business Ethics and Conduct Policy.
9. District managers do not work overtime and are expected to complete all necessary duties.

Minutes of the board meetings indicate they meet monthly. They have policies and procedures addressing staff and management conduct that are updated frequently. Board members are active in regional and national associations.

Citrus Heights Water District

The Citrus Heights Water District covers 12.16 square miles and serves a population of 65,135. It has 19,118 service connections. The district provides 17,000-acre feet of treated surface water from the Suburban Community Services District and 2296 acre feet of ground water from 3 wells. The average monthly rate is \$21.67. The 2002-2003 operating budget is \$5,611,925 and the capital budget is \$3,565,689. The general manager's annual salary is \$122,280. The board of directors consists of 3 members serving 4-year terms.

The district's written response to questions by the Grand Jury:

1. Citrus Heights Water District has a written policy on travel that applies to both directors and officers. Travel is limited to education and training functions that are beneficial to the district. Within those limits, board members attend meetings of their choosing. The board must approve attendance to out-of-region meetings.
2. The district's treasurer is responsible for auditing travel records.
3. Each director receives \$127.33 per diem with a maximum of 10 days per calendar month.
4. Directors determine their need to attend specific conferences.
5. Travel by air, train or bus is permitted and shall not exceed or is reimbursed beyond the cost of an unrestricted round trip coach air fare plus associated ground transportation and parking expenses.
6. The last audit was performed in January 2003.
7. Written or verbal reports on conferences attended are required to be presented at public meetings.
8. Policy is consistent with standards of the Fair Political Practices Commission.
9. Management is considered "exempt" and is not entitled to overtime pay.

San Juan Water District

San Juan Water District serves eastern Sacramento County and western Placer County. It sells wholesale water to Fair Oaks Water District, Citrus Heights District, Orangevale Water District and to the City of Folsom. The district supplies water to approximately 160,350 customers in the northeast area including Orangevale, Citrus Heights, Fair Oaks and South Placer County and the City of Folsom. Its service area is 46.6 square miles, with 33,000 acre feet of water rights, a 24,000 acre feet contract with the Bureau of Reclamation, and a 25,000 acre feet contract with Placer County Water Agency. The average monthly gravity rate is \$36.66. In April 2003, the cost increased by 8 percent and in June 2003, an additional 12 percent increase was scheduled. The district's operating budget is \$9,517,839. The general manager's annual salary is \$127,000 and the assistant manager's annual salary is \$111,000.

The district's written response to questions from the Grand Jury:

1. San Juan Water District has written policies for travel for staff and the board of directors. Reimbursement for use of personal vehicles is limited to a 200-mile radius of the district. Beyond that, travel reimbursement may not exceed the cost of the equivalent round-trip airfare to the same destination, except as approved by the general manager for a specific trip (Policy, Chapter Eleven 11.1).
2. The department manager to the general manager approves travel reimbursement expenses submitted with an expense report and appropriate receipts. Travel/hotel expenses are reimbursed by statement or receipt. Meals are reimbursed at per diem rates.
3. Board members receive \$100 per meeting, with a maximum of 10 meetings per month. In 2001, compensation for board members varied from \$4,200 to \$6,877, including travel reimbursements for conference attendance. Board members do not receive fringe or retirement benefits. If they use their private car, board members are reimbursed for mileage. Board members do not use district cars.
4. The board of directors authorizes conference attendance through Resolution 92-04.
5. The board of directors complies with Chapter 11 of the district's policy manual regarding "Employee Business Expenses." In addition, Resolution 92-04 authorizes conference attendance.
6. The district does not have a specific process for auditing travel other than the annual audit and the policy requirements which require the financial office to review employee expenses.
7. Board members are not required to submit written reports, but oral reports are given at regularly scheduled board meetings. The board of directors is currently reviewing a revision of policies about conference and workshop reporting.
8. The district is bound by the Fair Political Practices law, which is incorporated into its policy regarding "Standards of Conduct and Employee Discipline."

9. Payment of overtime is not allowed for management personnel. There is a program termed "pay for performance" available to management, supervisory, confidential, and professional employees. It is a yearly incentive program which has the potential of being a bonus of up to 10 percent of base wages for the assistant general manager, supervisors, confidential and professional employees. The general manager's bonus is determined by the board of directors.

An area of Grand Jury concern is employee retirement. The district pays the entire cost for all regular employees. Retirement is computed on the highest earning year and is based on three percent at age 60 as of September 2002. These figures represent an increase of 50 percent over the previous policy of two percent at age 55 and will cost the district approximately \$450,000 the first year.

Sacramento Suburban Water District

The Sacramento Suburban Water District was formed in February 2003 with the consolidation of Northridge Water District and Arcade Water District. It covers 36 square miles, serves a population of 180,000, and has 46,000 customers. The district has rights to 26,064-acre feet from the City of Sacramento water entitlement and has a contract with Placer County Water Agency to purchase up to 29,000 additional acre-feet of surface water per year. In 2002, the district's 87 wells produced 25,121 acre-feet of water, and it purchased 16,923-acre feet.

Fiscal Data:

2002-03 Budget:	\$19,072,055
2003-04 Budget:	\$19,204,463

Monthly Rates:

Arcade Service Area:	\$41.88 (average residential for 1" connection, 10,000 sq. ft. parcel, unlimited water)
	\$22.34 (average residential for ¾" connection, 10,000 sq. ft. parcel, unlimited water)
Northridge Service Area:	\$28.61 (average residential for 1" connection, 10,000 sq. ft. parcel, unlimited water)
	\$26.27 (average residential ¾" metered service)

The district's written response to questions from the Grand Jury:

1. The Sacramento Suburban Water District recently adopted a new manual, which includes staff travel policies.
2. Staff expense reports are submitted to the direct supervisor, who, in turn, submits the report to the general manager for approval. The district's auditors may further examine travel records during year-end audits.
3. Each director is entitled to \$100 per day for meetings or other district related functions, up to 10 days per month.

4. The district encourages directors to attend conferences, seminars, and other meetings of interest to the district. The board has given its members the discretion to determine which industry conferences they attend.
5. In December 2002, the district adopted a policy for directors' compensation and expense reimbursement.
6. An independent auditor completed two reports dated January 9, 2003 and March 10, 2003, which have been made available to the public.
7. Directors are not required to submit formal written reports of water industry conferences they attend; however, a list of meetings they attend is included on the agenda, and directors may give informal reports at that meeting.
8. The district has adopted the Fair Political Practices Commission Code.
9. The general manager does not receive overtime compensation.

The newly created Sacramento Suburban Water District has undergone close scrutiny by investigative reporting in the local newspaper, independent auditors, the newly formed board of directors. It appears that the consolidation was difficult and sometimes painful; however, members of the Grand Jury who met with the interim manager, the recently appointed new general manager and others, were impressed with their response to the auditor's reports and to the new policies and procedures being implemented.

Florin County Water District

Florin County Water District in the southern part of Sacramento County serves a population of fewer than 10,000, with approximately 2250 customers. The district has ten wells to serve their clients. Residential accounts are not metered; all commercial accounts are metered. The residential rate is \$7.50 per month billed bi-monthly. The district's annual budget is just under a half million dollars, with a total revenue for 2002-2003 estimated at \$543,650.

The budgeted positions are General Manager, Billing Clerk/Receptionist, Office Manager, and a Certified Grade II Distribution Operator. The pay scale for the general manager is \$60,000 annually. The district's annual payroll budget is \$160,000. The board of directors consists of five members. Board members are local businesspersons compensated at the rate of \$100 per meeting once per month. District credit cards are used for buying small hand tools and parts for backhoes, trucks, and other district equipment and pumps.

The Grand Jury received a complaint regarding nepotism within the district, and in fact, three relatives are employed by the district. However, the Grand Jury found no evidence that the district's operations were negatively affected by this situation.

The district's written response to the questions of the Grand Jury is as follows:

1. Florin County Water District has no written policy regarding staff travel; however, a "travel expense report," with expense receipts, was used to report the general manager's travel expenses for attendance to the National Rural Water Association

- Conference and board meeting, of which he is a member. The National Rural Water Association reimbursed these expenses to the district.
2. Travel records are audited by an independent auditor during the district's annual audit.
 3. District directors are compensated \$100 per meeting, with a maximum of three meetings per month. Florin County Water District does not provide any other compensation.
 4. A board member wishing to attend a specific conference has their request placed on the meeting agenda and it is voted on at that time. For the past seven years, no board member has attended any industry conferences.
 5. The district does not have a travel policy.
 6. The district does not have a travel policy.
 7. The district does not have a travel policy.
 8. The district complies with the requirements of the Fair Political Practices Commission Reform Act concerning the acceptance of a gift or gratuity.
 8. Florin County Water District has only one management employee, the general manager. The general manager is an "at-will" exempt employee; he receives no pay for overtime.

Although the general manager told the Grand Jury the district had no travel policy, review of the submitted materials did include a policy on travel. Apparently the general manager is not aware of this policy.

Del Paso Manor Water District

The Del Paso Manor Water District is located north of the American River and almost completely surrounded by the Sacramento Suburban Water District. The district takes up about one square mile and has 1790 residential and commercial customers. The average water bill for a residential customer is \$11.15 per month. There are five members on the board of directors. The district's general manager earns a salary of \$74,441, plus benefits.

The district's written response to the Grand Jury's questions follows:

1. Del Paso Manor Water District has a written travel policy.
2. The general manager audits the monthly travel and meeting expenses, which are confirmed by the annual audit.
3. Directors receive \$200 per meeting, with a maximum of 10 meetings per month.
4. Upcoming meetings are presented as an item on the board's meeting agenda. The board discusses the meetings and decides on attendance.
5. The district has defined travel procedures and practices.
6. The general manager audits each travel reimbursement requests, followed by full board review at the next regular meeting, in addition to the annual independent audit.
7. Directors and staff are required to report on all conferences attended at the next regular board meeting.
8. The board has adopted the Fair Political Practices Commission codes.
9. There is no overtime pay for management personnel.

Board of Directors' meeting reimbursement is \$200 per meeting. This amount is high when compared to other water districts. The reimbursement for meeting expenses through September 2002 is \$9,000. The previous year's meeting reimbursement was \$12,000.

The district has a policy of paying the \$200 daily meeting reimbursement for one board member only to attend a conference. Other board members attending the same conference are reimbursed for their expenses and do not receive the \$200. In fact, the 2002-2003 budget of \$17,000 for professional meetings exceeds the entire year's budget of \$14,500 for director fees.

Rio Linda/Elverta Community Water District

The Rio Linda/Elverta Community Water District covers 17.7 square miles and serves a population of 13,100. The water supply and distribution facilities consist of 11 wells and 58.82 miles of distribution mains. The district pumps approximately 3300 acre-feet of water annually to 4300 customers. The high school and many small ranchettes within this district are on well water. The board of directors consists of five members elected at large. The district has eight employees. The 2002-2003 operating budget is \$1,192,800. The annual salary of the general manager is \$96,000.

One of this district's unique features is that it is 100 percent metered. The district's 3-tier rate structure encourages customers to conserve. The average residential water bill is about \$20 to \$25 per month. Customers are billed bi-monthly. The base rate is \$13.79, plus 43 cents per hundred cubic feet of water depending on usage. There is a fee schedule of approximately \$4,600 to convert from private well water.

The district's written response to the Grand Jury's questionnaire is as follows:

1. Rio Linda/Elverta Community Water District has a written travel policy.
2. The general manager approves travel for district employees. The board reviews and approves a monthly report itemizing each check issued for reimbursement.
3. Each director receives \$100 for each meeting attended, up to a maximum of \$600 per month.
4. Directors may attend conferences of their choice. To those organizations which the district has membership, the board president appoints annually one director as a district representative and another as an alternate. The district only pays the expenses of the appointed representative or alternate who attends.
5. Each director receives \$100 per day when acting as the district's appointed representative or alternate. The district pays travel expenses incurred by a director if expenses for the meeting are approved in advance.
6. The district does not conduct a specific audit for travel expenses alone; however, travel expenses are included in the annual independent audit. The board reviews and approves a monthly report itemizing each check issued for reimbursement. The annual district meeting and conference budget for 2003-2003 is \$6,200 for all directors and district employees.

7. Directors attending conferences report back to the board at the monthly board meeting. The agenda has a regular item entitled “Board/Committee Activities.”
8. Gratuities are not allowed, and the district’s “Conflict of Interest Code” reflects California Law regarding the disclosure of financial information, including gifts.
9. The general manager does not receive overtime compensation. Two supervisory employees receive compensatory time.

Findings and Recommendations

Finding #1. District directors on the whole do not have financial or accounting backgrounds. They rely on their audit reports to ensure that their district’s operation is fiscally sound.

Recommendation #1a. The district should provide to auditors all district policies and procedures before an audit is performed. Auditors should verify that all disbursements made during the year comply with the district’s procedures. The audit should include a random sampling of travel expense reports, including credit card usage.

Recommendation #1b. The Sacramento County Director of Finance should schedule regular, selective reviews of district audit reports for completeness and financial impact on ratepayers, and report any anomalies to the respective water district board of directors.

Recommendation #1c. The California State Government Code Section 2609 should be amended to eliminate Section 2609(f) providing for audits to be performed less frequently than once a year. The code should require all districts to perform annual audits.

Recommendation #1d. The California State Legislature should enact a statute requiring the State Controller to independently verify accuracy and completeness of district audits.

Recommendation #2. Auditors should confirm water districts’ compliance with IRS rules, that all income is being reported, that boards actively oversee payments to management, and that all financial records are maintained for at least five years.

Recommendation #3. In an effort to obtain a thorough and professional annual audit, auditors should be changed every three years.

Recommendation #4. To increase public awareness of district activities and to provide easy access to this information, public water districts should establish and maintain a Web site with links to their audit report, district travel policies and travel expenses.

Recommendation #5. Notices of public hearings for rate increases should be clear and concise enabling customers to understand easily the reasons and justifications for such increases.

Finding #2. The Grand Jury finds that an electorate, kept unaware by a district that fails to “give light” to its actions, cannot properly evaluate the performance of district personnel. These

voters elect boards to oversee the operation of the district. The board in turn hires a general manager to manage the district. It is the close relationship between the board and the general manager that has potential for misuse of district funds. We find that the use of district credit cards may enable the misuse of district funds; however, it is the culture within the district that permits the abuse. District managers and board members should be aware of what is and what is not proper. Golf at district expense is not proper. Expensive restaurant meals charged to the district is not proper. Increasing the retirement benefits to a level primarily given to public safety personnel to benefit a retiring general manager is not proper.

Recommendation#2a. These practices should stop immediately.

Recommendation #2b. Expenses submitted for reimbursement or charges on district credit cards that exceed California State per diem allowances or that do not fall within permitted district expense policies should be disallowed, published on the district's Web site and discussed at the next board meeting.

Finding #3. Some written practices and policies, which vary from district to district, may be outdated.

Recommendation #3. Each district general manager and board of directors should review and update bi-annually practices and policies.

The Grand Jury also finds that several of these water districts are efficiently run by dedicated people who serve the public interest well. However, it is the opinion of the Grand Jury that reform and consolidation of many of these districts would be in order.

Response Required

Penal Code Section 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2003 from:

- Carmichael Water District Board of Directors
- Fair Oaks Water District Board of Directors
- Citrus Heights Water District Board of Directors
- San Juan Water District Board of Directors
- Sacramento Suburban Water District Board of Directors
- Florin County Water District Board of Directors
- Del Paso Manor Water District Board of Directors
- Rio Linda/Elverta Community Water District Board of Directors
- Sacramento County Director of Finance

School Safety in Jeopardy

Issue

The School Resource Officer (SRO) is a program in middle and high schools serving students within Sacramento County. The Grand Jury wishes to determine the effectiveness of the SRO program in enhancing school safety.

Method of Investigation

Interviews were conducted with the following jurisdictions.

- The San Juan Unified School District
- The Sacramento City Unified School District
- The Elk Grove Unified School District
- The Center Unified School District
- The Roseville Joint Union High School District
- The Sacramento Police Department
- The Sacramento County Sheriff's Department

Background and Facts

For the past 30 years there has been a growing concern in the community regarding student safety in secondary and intermediate schools. The days when schools were seen as safe havens have gone. The turmoil in society has moved into our schools. Gangs, drugs, bullying, violence have intruded, and the result is a deep concern over the safety of young people.

The tragedy of Columbine High School brutally focused attention on the need to seek solutions for establishing schools as islands of safety and to return them to their main goal of educating the next generation of adults. In an ironic way Columbine forced school officials to think deeply about what could be done to improve school safety.

The School Resource Officer program was one way to approach the problem. How good is it? Does it work? Should it be maintained and enriched? That is the focus of this report.

The School Resource Officer program is approximately four years old, and its purpose is to place a sworn police officer or sheriff's deputy at each of the comprehensive high schools¹ serving students in Sacramento County.

From its inception in 1998-1999, it has been funded through the Universal Hiring Programs (UHP) of the federal government, making it possible to grant monies for police officers over a three year period. The grant time limitation is four years. The first three, federal monies paid a major share of the costs. The final year the law enforcement agencies and the school districts pick up 100 percent of the cost or pay back what had been spent over the prior three years. This year is crunch time financially. Can the local agencies bear the burden? The safety of young people is the issue.

A brief review of the school districts and the inter-relationship of law enforcement agencies will help in understanding the SRO program.

The Sheriff's Department has the largest number of officers in schools (approximately 24). They are assigned to schools in the unincorporated areas which are served by the San Juan Unified School District and the Grant Union High School District, and to incorporated areas such as Elk Grove and Citrus Heights, where the Sheriff has supplied officers on a contractual basis. The Sheriff's Department also pays 100 percent of the funding of the SROs and their equipment in the unincorporated areas. Presently the Sacramento City Police Department is funding the SROs entirely from grants and the Sacramento City Unified School District has also spent grant and general fund monies for Sacramento City police officers to be assigned to the comprehensive high schools (McClatchy, Sacramento, Johnson and Luther Burbank). In addition, there is one officer for the continuation schools and one for the six middle schools.

The Roseville Joint Union High School District, which serves students from the Antelope area of Sacramento County, and the Roseville Police Department have agreed to share costs of assigning an officer to Woodcreek High School. Unlike Sacramento County, the cost of an officer is not defrayed by a grant.

With the grant money running out, the financial liability to the local agencies will be great. The cost for a SRO ranges between \$115,000 and \$150,000 which includes a patrol car and related equipment.

The future of the SRO is in jeopardy. Who pays? The City of Sacramento? The County of Sacramento? The school districts? The taxpaying residents of Sacramento County, the Board of Supervisors, the City Councils, the Boards of Education must weigh how important is the safety of young people.

Presently the Sheriff's Department will continue through 2002-2003 to assist in the funding in association with the county school districts. The funding at the city level is less clear. At this time the UHP grants are phasing out, and the City of Sacramento and the Sacramento Police Department may not be funding SROs, leaving the Sacramento City Unified School District to support the program.

Is the SRO program worth continuing? The Grand Jury says YES in capital letters. We spoke to over 25 SRO officers, school officials and students, police and sheriff's deputies. To a person, they related it works!

How does it work? What does it do? What are the results?

There are several themes that came from the conversations we held with our interviewees:

1. Kids want to feel safe at school. They deserve the inner comfort and can focus on their education.
2. It is the responsibility of the schools and law enforcement agencies to work together for safe schools.
3. The SRO program requires a different police presence than on the streets.

The officers are assigned to a specific school. It is their beat. They know the school. They know the students. They know their names. They know those who are not a threat to society, and they know those who are.

They work closely with the school administration to form a cohesive team. They are role models. They establish a bond of trust with the students. Some examples demonstrate the effectiveness of the program: 1) Students at a large local high school told the SRO that a violent altercation involving students was going to take place near the school. The SRO informed the Sheriff's Department. The deputies arrived, and the potential fight never took place; 2) In a suburban school, the SRO learned of an outside drug dealer who was peddling ecstasy. He was caught and received a long prison sentence. 3) There was word that an outside interloper was coming to campus to settle a grudge. The SRO learned of this and stopped a car in the parking lot. On the seat was a loaded gun, and two young men in the back seat with baseball bats. What would have been the result if the officer was not at the school? 4) In South Sacramento, expulsions in a large high school dropped from 53 to 22 after the advent of an SRO. 5) In the Sacramento City Unified School District there was dramatic improvement regarding the number of school related police reports. In 1999, the year prior to the SRO program there were 1447 reports. In the three years following, police reports were:

Year	Number of Reports
2000	600
2001	300
2002	300

On a regular basis SROs:

- Meet with students
- Speak in class
- Help with conflict resolution
- Maintain a suicide watch
- Work with counselors
- Coordinate with law enforcement
- Patrol the neighborhood
- Meet with parents
- Control rumors
- Present a positive law enforcement presence
- Identify gang members

Therefore, the results have been significant, especially effective in pre-emptive prevention: the weapon not brought to school; the gang retaliation that doesn't take place; the drugs that are not on campus; the bullying that doesn't occur; the outsider who does not come inside. These results bring a sense of calmness, a feeling of psychological safety.

As a result, the SRO becomes a positive police figure who has high visibility and can summon his colleagues at a moment's notice.

Findings and Recommendations

Finding #1. The School Resource Officer is essential to the safety of students at school.

Recommendation #1. That all comprehensive high schools which serve Sacramento County students have on campus a school resource officer.

Recommendation #2. That intermediate schools have a school resource officer.

Recommendation #3. That continuation high schools have access to a school resource officer.

Recommendation #4. That the safety of students be recognized by including the school resource officers program in the budgets of the Sheriff's Department and the school districts serving the unincorporated areas of the county for 2003-2004.

Recommendation #5. That the safety of students be recognized by including the school resource officers program in the budgets of the Sacramento Police Department and the Sacramento Unified School District for 2003-2004.

Recommendation #6. That the safety of students be recognized by including the school resource officers program in the budgets of the San Juan Unified School District, the Elk Grove Unified School District and the Center Unified School District for 2003-2004.

Commendation

The Sheriff's Department's fiscal support of the SRO program in 2002-2003 in the unincorporated areas is recognized as positive and necessary.

Response Required

Penal Code Section 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2003 from:

- The San Juan Unified School District
- The Sacramento City Unified School District
- The Elk Grove Unified School District
- The Center Unified School District
- The Sacramento Police Department
- The Sacramento County Sheriff's Department

¹ A comprehensive school is a regular 4-year school that offers a full range of curriculum.

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10-YEAR FINAL REPORT INDEX SACRAMENTO COUNTY

County of Sacramento	
2002-2003	School Safety in Jeopardy
2001-2002	Bureau of Family Support
	Changes Needed in Juvenile Mental Health Services
	Encroaching Land Use Imperils Sacramento's Airport System
	Unequal Treatment of Sentenced Female Inmates in Sacramento County
2000-2001	Sewage Discharge into the American River
1999-2000	9-1-1
1995-1996	Campus Commons Golf Course Lease
	Capitol Area Development Authority Mismanagement
	Custodial Mental Health Survey
1994-1995	County Food Service Operations
	County Owned Golf Facilities
1993-1994	Financing of Local Government
Coroner's Office	
2002-2003	Death Investigation in Sacramento County: The Coroner's Office
1999-2000	Fees for Transporting Bodies
1998-1999	Review of Vendor Contracts and a Request for Proposal
1996-1997	Abuse of Dependent Adults in an In-care Home
District Attorney's Office	
2001-2002	Bureau of Family Support
1999-2000	Crime Lab Staffing
1997-1998	Child Abuse and Neglect
	Child Support and Welfare Agencies
1996-1997	Use of American River Flood Control District Property for Personal Gain
	Child Support Collection and Enforcement
	Political Activities in School Districts
1995-1996	Child Abuse in Sacramento County
Department of Finance	
2002-2003	Recommendations for Improving Public Water Districts' Accountability
Department of General Services	
1997-1998	Policy on Emergency Forms in County Vehicles
County Office of Education	
1993-1994	Community Schools Usage
Department of Health & Human Services	
2001-2002	Adult Protective Services What is the Future of our Elder and

	Dependent Adults?
	Changes Needed in Juvenile Mental Health Services
2000-2001	Transitional Assistance for Aging-Out Foster Children
	Recruitment and Retention of Foster Parents
1999-2000	Child Protective Services at the Crossroads
1998-1999	Children's Receiving Home of Sacramento
	Mental Health Treatment Center Review of Operations
1997-1998	Child Abuse and Neglect
	Employee Harassment
1996-1997	Abuse of Dependent Adults in an In-care Home
	Senior and Adult Services Division Operations
1995-1996	Alcohol and Other Abuse Treatment Initiative
	Child Abuse in Sacramento County
1994-1995	Family Maintenance and Reunification
	Public Guardian and Conservatorship
1993-1994	Children at Risk
Department of Human Assistance	
1997-1998	Child Support and Welfare Agencies
Department of Medical Systems	
2000-2001	Mental Health Services in the County Juvenile Justice System
Environmental Management Department	
2002-2003	Letter Grades for Restaurants
1999-2000	Mismanagement at the Environmental Management Department
1998-1999	Enforcement of the No-Smoking Law
1996-1997	Review of Conflict of Interest Statement
Local Area Formation Commission (LAFCO)	
2001-2002	Encroaching Land Use Imperils Sacramento's Airport System
Office of Communications & Information Technology	
1998-1999	Sacramento Regional Radio Communications System
Office of Economic Development	
1996-1997	Economic Incentive Policy
Probation Department	
2001-2002	Changes Needed in Juvenile Mental Health Services
	Domestic Violence Batterer Treatment Programs in Sacramento County
	Unequal Treatment of Sentenced Female Inmates in Sacramento County
2000-2001	Mental Health Services in the County Juvenile Justice System
1999-2000	Juvenile Justice Facilities and Staffing
1994-1995	Boys' Ranch and Carson Creek High School
Public Defender's Office	
2001-2002	Domestic Violence Batterer Treatment Programs in Sacramento County

2000-2001	Use of Public Office for Private Gain By An Attorney in the Public Defender's Office
Public Works Agency	
1997-1998	Sacramento International Airport Expansion Conflict of Interest
Sacramento County Employees' Retirement System	
2001-2002	The Directed Brokerage Program of the Sacramento County Employees' Retirement System
Sacramento Public Library	
1999-2000	Sacramento County Library Authority
Sacramento-Yolo Port District	
1994-1995	Administration and Operations
Sheriff's Department	
2002-2003	School Safety in Jeopardy
2001-2002	Unequal Treatment of Sentenced Female Inmates in Sacramento County
1999-2000	Main Jail
	Work Release Facility: Alternative to Incarceration
	Rio Cosumnes Correctional Center
	Off-duty Work by Law Enforcement in Sacramento County
1998-1999	Sacramento Regional Radio Communications System
1997-1998	Use of Prostraint Chair at the Main Jail
	Child Abuse and Neglect
	Review of Escape at the Rio Cosumnes Correctional Center in April 1997
1996-1997	Abuse of Adults in an In-care Home
	Women's Holding Cells at the Main Jail
1995-1996	Child Abuse in Sacramento County
1994-1995	Jail Training for Police Officers
1993-1994	Rio Cosumnes Correctional Center Women's Detention Facility
Sacramento Airport System	
2001-2002	Encroaching Land Use Perils Sacramento's Airport System
Department of Airports	
1997-1998	Sacramento International Airport Expansion Conflict of Interest
1993-1994	Sacramento Executive Airport
Fire Districts in Sacramento County	
1995-1996	Firefighters: Our Local Heroes

Cities

1993-1994	Certificates of Participation
	Financing of Local Government

City of Citrus Heights	
2000-2001	Credit Card Usage – City of Citrus Heights
City of Folsom	
2001-2002	Folsom Sewage Spills Continue
2000-2001	Credit Card Usage – City of Folsom
1996-1997	Industrial Incentives Economic Impact
City of Galt	
2002-2003	Misuse of Appointive Power by the Galt City Council
2000-2001	Lighting and Landscaping Districts
	Galt-Arno Cemetery District Operations
1997-1998	Review of Galt-Arno District Operations
1996-1997	Galt-Arno Cemetery District Operations
City of Isleton	
2000-2001	Traffic Stop Practices of the Isleton Police Department
1998-1999	Policies & Procedures of the Police Department and City Government
1997-1998	Questionable Behavior Between a Police Officer and a Citizen
1994-1995	Administrative/Fiscal Problems
City of Sacramento	
2002-2003	School Safety in Jeopardy
2001-2002	Encroaching Land Use Imperils Sacramento’s Airport System
2000-2001	Sewage Discharge Into the American River
1998-1999	Review of Sacramento Regional Radio Communications System
1997-1998	Use of Time and Resources in the Mayor’s Office
1996-1997	Financial Incentive for Targeted Businesses
	Sacramento Convention Center Operation
	Industrial Incentives Economic Impact
Police Department	
2002-2003	School Safety in Jeopardy
1995-1996	Child Abuse in Sacramento County

Special Districts

2000-2001	Retained Earnings – Sacramento County Special Districts
1993-1994	Certificates of Participation
	Financial of Local Government
	Remuneration to Special District Board Members
American River Flood Control District	
1996-1997	Use of District Property for Personal Gain
Carmichael Water District	
2002-2003	Recommendations for Improving Public Water Districts’ Accountability
1996-1997	District Operational Issues

Citrus Heights Water District	
2002-2003	Recommendations for Improving Public Water Districts' Accountability
Del Paso Manor Water District	
2002-2003	Recommendations for Improving Public Water Districts' Accountability
Fair Oaks Water District	
2002-2003	Recommendations for Improving Public Water Districts' Accountability
Florin County Water District	
2002-2003	Recommendations for Improving Public Water Districts' Accountability
Galt-Arno Cemetery District	
2000-2001	Administration and Fiscal Management
1997-1998	Review of Operations and Business Procedures
1996-1997	Review of Operational Procedures
McClellan Air Force Base	
1998-1999	Base Conversion Office
Regional County Sanitation District	
1996-1997	Industrial Incentives Economic Impact
Rio Linda/Elverta Community Water District	
2002-2003	Recommendations for Improving Public Water Districts' Accountability
1997-1998	Inappropriate Use of Funds for the Development of a Community Water District
Sacramento Housing and Redevelopment Agency	
1993-1994	Capitol Area Development Authority
Sacramento Metropolitan Cable Television Commission	
1993-1994	Open Meeting Laws (The Brown Act)
Sacramento Municipal Utility District	
1996-1997	Economic Development Plan
Sacramento Suburban Water District	
2002-2003	Recommendations for Improving Public Water Districts' Accountability
Sacramento-Yolo Mosquito & Vector Control District	
1998-1999	Review of District Operations
San Juan Water District	
2002-2003	Recommendations for Improving Public Water Districts' Accountability

Wilton Fire Protection District	
2001-2002	Status of Volunteer Firefighters Serving as Members of the Board of Directors of the Wilton Fire Protection District

Schools

Center Unified School District	
2002-2003	School Safety in Jeopardy
1997-1998	Violations of the Brown Act
Elk Grove Unified School District	
2002-2003	School Safety in Jeopardy
2002-2003	Elk Grove Unified School District's Failure to Recognize Fiscal Irresponsibility Prompting a Second Grand Jury Investigation
2001-2002	Elk Grove Unified School District Fails Fiduciary Responsibilities
Grant Joint Union High School District	
1993-1994	Policies, Procedures and Administration
Sacramento City Unified School District	
2002-2003	School Safety in Jeopardy
1994-1995	School District Maintenance Management, Fiscal Problems
San Juan Unified School District	
2002-2003	School Safety in Jeopardy
Sacramento Unified School District	
1997-1998	Allegation of Dual Employment with Two Public Agencies
1996-1997	Lack of Response to Requests for Public Information

Non-Profit Organizations

Sacramento Handicapped Parking Patrol, Inc.	
1994-1995	Unsatisfactory Conduct/Performance, County's Bidding Process, Contract Safeguards, and Provisions

State Prison System in Sacramento County

2001-2002	Transportation of Prisoners for Non-Emergency Medical Care by California Department of Corrections
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HOW TO CONTACT THE GRAND JURY

To request a complaint form, a copy of a final report and/or a response to a final report:

Phone Number

(916) 874-7559 (voice mail)

Address

Sacramento County Grand Jury
720 – 9th Street, Room 611
Sacramento, CA 95814

Web site to view current and prior final reports
sacgrandjury.org

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