



# SUPERIOR COURT OF CALIFORNIA

COUNTY OF SACRAMENTO GRAND JURY

June 20, 2016

The Honorable Russell Hom  
Advisor Judge to the Sacramento County Grand Jury  
Sacramento Superior Court  
729 Ninth Street, Department 22  
Sacramento, CA 95814

**Marti Overton**  
Foreperson

**Bill Bramer**

**Robert L. Collins**

**Denise Cooper**

**Robert Ekstrom**

**Bob Ely**

**Reginald Ferguson**

**Gus A. Gallegos**

**Pete Jones**

**Roger Macey**

**Steve Mayberg**

**Michael Micciche**

**Steve Pon**

**María Reyes**

**Robert Snowden Sr.**

**Rebecca Talley**

**Pamela D. Westerman**

**William L. Woodward**

Dear Judge Hom and Citizens of Sacramento County:

The 2015-2016 Sacramento County Grand Jury has completed its term of service. On behalf of all members of the Sacramento County Grand Jury, we proudly submit our Final Report. Each year a new Grand Jury is selected and begins the process of investigating government to ensure it acts fairly, honestly, and efficiently. In addition, the Penal Code mandates that the Grand Jury annually tour each of the penal institutions within its jurisdiction.

During the past 12 months, we conducted five in-depth investigations and wrote comprehensive investigative reports for each. Findings and Recommendations for specific corrective actions are included at the end of each investigative report. We also conducted other detailed investigations that resulted in three informational reports. We hope you find all of these reports enlightening and useful.

This year the members of the Criminal and Juvenile Justice Committee organized the tours of all penal institutions. It created the Detention Facility Review Questionnaire, new to the Sacramento County Grand Jury. It is our hope that this questionnaire will provide guidance for all future Sacramento County Grand Jury penal institution tours. A copy is included with this Final Report.

The Final Report is the culmination of a year of hard work by the men and women of the Sacramento County Grand Jury. A year is a short period of time to learn the process, conduct thorough investigations, and author formal reports based on the findings of those investigations.

I would like to take this opportunity to thank the members of the Grand Jury who worked tirelessly with professionalism and teamwork throughout the year. Grand Jurors spend many hours away from their home and family to serve the citizens of Sacramento County. I would also like to thank the families, spouses, and significant others for their patience and understanding during this past year. Your sacrifice was appreciated.

We are grateful to the many public officials who responded to our requests for information, meetings and presentations. We would especially like to thank Judge Russell Hom for his leadership, respect and support for the Grand Jury and their duties. I would also like to thank County Counsel Krista Whitman for her invaluable advice and guidance throughout the year. Last but not least, we would like to thank Grand Jury Coordinator Becky Castaneda for everything she did to make this year so successful.

It has been my honor and privilege to serve you as Foreperson and I thank you for the opportunity.

Sincerely,

*Marti Overton*

Marti Overton, Foreperson, 2015-2016 Sacramento County Grand Jury



# 2015-2016 SACRAMENTO COUNTY GRAND JURY REPORTS

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**2015-2016 SACRAMENTO COUNTY GRAND JURY**

Bill Bramer	Carmichael
Robert L. Collins	Folsom
Denise Cooper	Sacramento
Robert Ekstrom	Carmichael
Bob Ely	Sacramento
Reginald Ferguson	Sacramento
Gus A. Gallegos	Rio Linda
Pete Jones	Sacramento
Roger Macey	Elk Grove
Stephen Mayberg	Carmichael
Michael Micciche	Sacramento
Marti Overton	Sacramento
Steve Pon	Sacramento
María Reyes	Sacramento
Robert Snowden Sr.	Sacramento
Rebecca Talley	Sacramento
Pamela D. Westerman	Citrus Heights
William L. Woodward	Carmichael



**Back Row:**

**Denise Cooper, Rebecca Talley, Gus A. Gallegos, Steve Pon, Roger Macey, Pete Jones, Michael Micciche, Stephen Mayberg, Pamela D. Westerman, Bob Ely**

**Third Row:**

**William L. Woodward, Robert Snowden Sr., María Reyes**

**Second Row:**

**Reginald Ferguson, Robert Ekstrom, Bill Bramer**

**Front Row:**

**Marti Overton (Foreperson), Becky Castaneda (Grand Jury Coordinator), Judge Russell Hom**

**Not Pictured: Robert L. Collins**

## THE ROLE OF THE SACRAMENTO COUNTY GRAND JURY

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

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

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

Specifically, this includes:

- Civil Watchdog – to inquire into the willful or corrupt misconduct of public officers; to investigate and report on at least one county officer, department or function; and to inquire into the condition and management of public correctional facilities within the county.
- Criminal Indictments – to present to the court a criminal charge of a public offense against a person based upon evidence considered by the Grand Jury.
- Accusation – to remove from office a public officer based upon evidence of willful or corrupt misconduct considered by the Grand Jury.

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

The Sacramento County Grand Jury is comprised of 19 citizens who:

- Are 18 years or older
- Are Sacramento County residents for at least one year before selection
- Have sufficient knowledge of the English language
- Are in possession of their natural faculties
- Possess a fair character

Generally, jurors are selected in a random lottery process. The advisor judge, representing the Superior Court of California, appoints a Foreperson from the selected Grand Jury panel and administers the oath to all jurors. The oath requires each juror to diligently inquire into matters where the juror can obtain legal evidence and cannot disclose any of the proceedings, discussions, names of individuals interviewed, or votes of the Grand Jury. The juror's term of service is July 1 to June 30 of the following year.

Sacramento County residents interested in serving on the Grand Jury can obtain an application online at [www.sacgrandjury.org](http://www.sacgrandjury.org) or by calling the Grand Jury office at (916) 874-7578.

Any individual may file a complaint with the Sacramento County Grand Jury. A complaint form can be found at the end of this report.





## **2015-2016 SACRAMENTO COUNTY GRAND JURY REPORTS**



# **SACRAMENTO COUNTY'S REVENUE RECOVERY: \$658 MILLION IN UNCOLLECTED DEBT AND RISING**

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## **SUMMARY**

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Sacramento County has a dysfunctional, inefficient, and costly system to collect revenues owed to the County. This revenue collection program not only has failed to collect more revenue, but it has also failed to track where the money is, and it has caused turmoil in the lives of persons trying to satisfy their fiscal obligations. County departments do not have information to successfully implement their programs because this revenue collection program fails to document or track payments consistently. The Department of Revenue Recovery (DRR) has not been responsive to concerns about its shortcomings, and continues to invest more taxpayers' dollars in a system which does not work.

There has been an appalling lack of oversight ranging from a questionable \$4.4 million no-bid contract to a lack of rigorous analysis of day-to-day operations. Internal audits of this system have been ignored or arbitrarily terminated. It seems the oversight and concern about some very significant problems has been lacking from the Board of Supervisors (Board), the County Executive Office (CEO) or County Department Directors. When there is a system that only collects 6% of the money owed the County, and of that 6%, over 20% of those collectibles have been mischaracterized, the system is failing. This is unconscionable and the Board and the CEO need to address this travesty with some urgency.

Sacramento County taxpayers continue to incur costs for this ineffective debt collection program, which has failed to improve fiscal accountability. It is time for the Board to stop the misuse of taxpayers' dollars for this program; realize the significantly diminished return of this investment; explore other viable, industry-proven revenue recovery alternatives; and rectify the problems of the \$658 million uncollected debt which is continuing to rise.

DRR is the primary revenue collection and financial services office for Sacramento County. DRR furnishes County agency clients (clients) with centralized billing and collection services for the recovery of their revenue, including victim restitution, court ordered fines, welfare overpayments, associated fees, and other debts owed to the County. Management states

that it is the department's goal to assist these agency clients in achieving revenue collection goals and reducing taxpayers' financial burden by holding specific debtors accountable for payment.

The Grand Jury review included a ten year comparison of the current and former revenue collection systems and the distinction between DRR's annual revenue collections and the level of outstanding debt. Our survey revealed that DRR intentionally disregarded the outstanding debt when determining the department's annual collection goals. According to the 2015 year-end totals, the outstanding liability surpassed \$658 million and is increasing rapidly. Conversely, DRR's revenue recovery efforts netted only \$43 million for this same period, a meager 6% of the outstanding debt. The analysis revealed that these poor collection results were the direct outcome of management failing to focus its efforts on reducing the outstanding debt, as well as the impact of the dysfunctional Debt Management and Collection System (DMACS)

Prior to February 2009, DRR used a different revenue recovery collection system. This former system was regularly maintained by the County Information Technology Department (IT). At that time, the system created, monitored, maintained, and preserved all of DRR's account and collection data, which are vital components to its success. Neither the developer of the then-existing recovery program nor other software developers were aware of DRR's plan to upgrade or replace its existing program and were never afforded an opportunity to submit a bid for such an upgrade.

Witness testimony revealed that DRR did not use the Sacramento County competitive bid-and-purchase process in order to develop the DMACS as a replacement for its former program. DRR executive staff hired a former vendor, now software developer, to design and develop the DMACS revenue collection program to be used in conjunction with County IT staff.

The initial cost estimate to initiate the DMACS program was \$4.4 million. Local media were critical and numerous letters from the public opposed the cost associated with the implementation of a new program with questions raised about a potential conflict of interest. Despite the media and public outcry, the County Board of Supervisors, on DRR's recommendation, awarded the DMACS contract to a former County IT vendor who, in addition, was a former roommate of the DMACS Project Manager. This led DRR to decline the purchase of a \$1.4 million upgrade to its existing time-tested system, to dismiss the local media and public dissent, and to proceed with

the \$4.4 million dollar development of the DMACS necessitating ongoing developer input, coding, and maintenance.

Over the last seven years, there have been three contract extensions with the DMACS developer costing taxpayers more than \$12 million. The Grand Jury is concerned with DRR considering further investment of taxpayers' funds into this system, as it lacks full functionality to recover overdue debt. The failure of this system is reflected in the spiraling growth of the outstanding debt from \$370 million in 2008, prior to the launch of DMACS, to more than \$658 million and still rising.

An integral part of the Grand Jury investigation was the live demonstration of the now seven-year-old DMACS, which led to the question: After this lengthy amount of time and expenditure of taxpayers' dollars, why has the DMACS not resolved all of the original operational issues? Many functions of this program continue to be inoperable. Prior to exercising any further contract extensions with the DMACS developer, DRR needs to study other collection alternatives to replace the DMACS.

Furthermore, our inquiry uncovered that DRR did not maintain an archive of the data from its former revenue collection program to support account migration from the old system to the new. Without such an archive of this significant information, DRR is unable to reconcile these accounts prior to February 2009, the DMACS launch. DRR's failure to reconcile these older accounts may preclude them from any further collection activity because of the statute of limitations regarding debt collections.

Of equal concern is that DMACS has been duplicating both debtor accounts and charges since its release in 2009. When asked if there is any evidence of debtors making such payments, several witnesses confirmed that it is a common occurrence. Nevertheless, DRR does not consider these accounts and charges as a department priority. This burdens the debtor with initiating any action before a duplicate account is corrected, merged, and/or removed from the account. Over \$5 million has been placed in an Unallocated Trust Account (UTA) where neither debtors nor agency clients get credit for these payments, and little or no effort is going into resolving over 53,000 unallocated transactions. Not only is DRR not collecting an increasing debt that is owed to the County, but it also appears not to know how to accurately credit the money it does collect.

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## BACKGROUND

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The Sacramento County Grand Jury initiated an investigation after a credible complaint was received regarding DRR and its DMACS program. The DMACS has been an expensive and ineffective revenue collector that has failed to increase the agency clients' revenue recovery.

In 2005, DRR management advised the Board that replacing its antiquated system would enhance the DRR's collection productivity. Notwithstanding the local media and public outcry against the creation of the unproven program, the Board authorized DRR to develop the DMACS.

According to witness testimony, DRR, through a no-bid process, awarded a \$4.4 million system development contract to a contractor who was the former roommate of the DMACS Project Manager.

This developer designed the DMACS around an automated digital dialer (dialer) that serves as the system's backbone. On a daily basis the Debt Management and Collection System generates lists of names and telephone numbers for the thousands of due-and-owing accounts DRR is tasked with processing. The dialer automatically calls delinquent debtors. Upon contact with the debtor, the collector discusses the terms of the debt, the debtor's ability to pay, and the method of payment.

The DMACS designer failed to anticipate changing technology that allows debtors to screen, block, and/or ignore collection calls from automated dialers. By not seeking and integrating other collection alternatives, this omission magnified the already difficult task of recovering these debts.

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## METHODOLOGY

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The Grand Jury analyzed thousands of documents and materials regarding DRR internal operations: its policies, procedures, documentation, and processes as relates to the DMACS. Specifically, we reviewed the following:

- Local media and public opposition to the development of the DMACS
- The DRR management proposal to the Board of Supervisors for the purchase of the DMACS
- Sacramento County Purchasing Codes
- An independent technical analysis of the DMACS functionality
- Sacramento County and Department of Revenue Recovery websites

In addition, the Grand Jury interviewed 23 past and present County employees.

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## DISCUSSION

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### DRR Management

#### *Who is Minding DRR Operations?*

The Department of Revenue Recovery's stated purpose is to ensure that taxpayers do not suffer the consequences of indebtedness that is a debtor's legal responsibility. However, as detailed in this report, the opposite is true. The Grand Jury is concerned that DRR reported that annual revenue collections range from 6%-8% of the outstanding debt with no apparent plan to improve collection efforts. Hundreds of millions of dollars in debtors' accounts are unmanaged and unresolved for years without any debtor consequence. It was troubling to the Grand Jury that the Board and CEO have shown little interest or concern about this loss of needed revenue to the County. There seems to be insufficient attention paid to the poor performance and problems that permeate DRR.

Through numerous interviews, we discovered that DRR's management objective is to meet the prior year's collections or maintain the "status quo." Furthermore, there is no evidence of any alternatives for revenue recovery, while the debt continues to soar. According to witnesses' testimony, the DMACS does not have the requisite collection tools, and DRR management does not have the management reports needed to monitor, measure, and manage the debt. During our investigation, we requested a Debt Management and Collection System report identifying the annual revenue collected and outstanding debt owed to the County. According to IT witness testimony, this report was not a management tool within the DMACS program. Moreover, County IT told the Grand Jury that this was the first and only time this report had been requested.

In further examination of DRR's operations, witness interviews revealed that management allows updates and/or upgrades to the DMACS with minimal end-user testing, which frequently results in system conflicts that disrupt the staff's collection activities.

Moreover, witness testimony confirmed that DRR management ignores staff suggestions for improving department operations and communication among DRR managers is wholly inadequate. Several witnesses informed the Grand Jury that they are kept "out of the loop" when it comes to addressing the numerous operational and technical components of the DMACS.

We believe that DRR must explore other revenue collection alternatives to improve revenue collection and cease this upward spiraling trend of outstanding debt owed to the County.

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## **FINDINGS**

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- F1. DRR fails to collect the hundreds of millions of dollars in outstanding debts owed to the County.
- F2. DRR management rarely uses reports to manage collection activity and workload.
- F3. DRR management fails to work together effectively to manage the Department and the revenue collection activities.
- F4. The Board and CEO have not exhibited any apparent concerns or provided adequate oversight for the collection of revenue through the DRR.

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## **RECOMMENDATIONS**

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- R1. DRR should employ alternative solutions to recover the hundreds of millions in outstanding debt owed to the County.
- R2. DRR should develop and use collection activity reports to effectively manage DRR's collection activities and workload.
- R3. DRR management should work together to manage and improve the department's revenue collection efforts and reduce the outstanding debt owed to the County.
- R4. The Board and CEO should consider a management review of the Department of Revenue Recovery.



## **Sacramento County Bid Policy**

### ***Bid or No-Bid: That is the Question.***

Sacramento County policy is to use a competitive selection process before contracting for services. A decision was made in this case to dispense with the competitive selection. DRR elected to proceed with a \$4.4 million no-bid contract to this former IT vendor, now software developer, and incur the expense for the design and development of the DMACS.

We find that exempting contracts of this complexity, importance, and magnitude is very problematic. This is particularly true with the DMACS contract, which has been fraught with problems from the outset and has been dysfunctional for seven years at taxpayers' expense.

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## **FINDING**

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- F5. DRR did not use a competitive bid process to secure services on the County's behalf. The Board of Supervisors approved and awarded a \$4.4 million contract for the development of the DMACS.

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## **RECOMMENDATION**

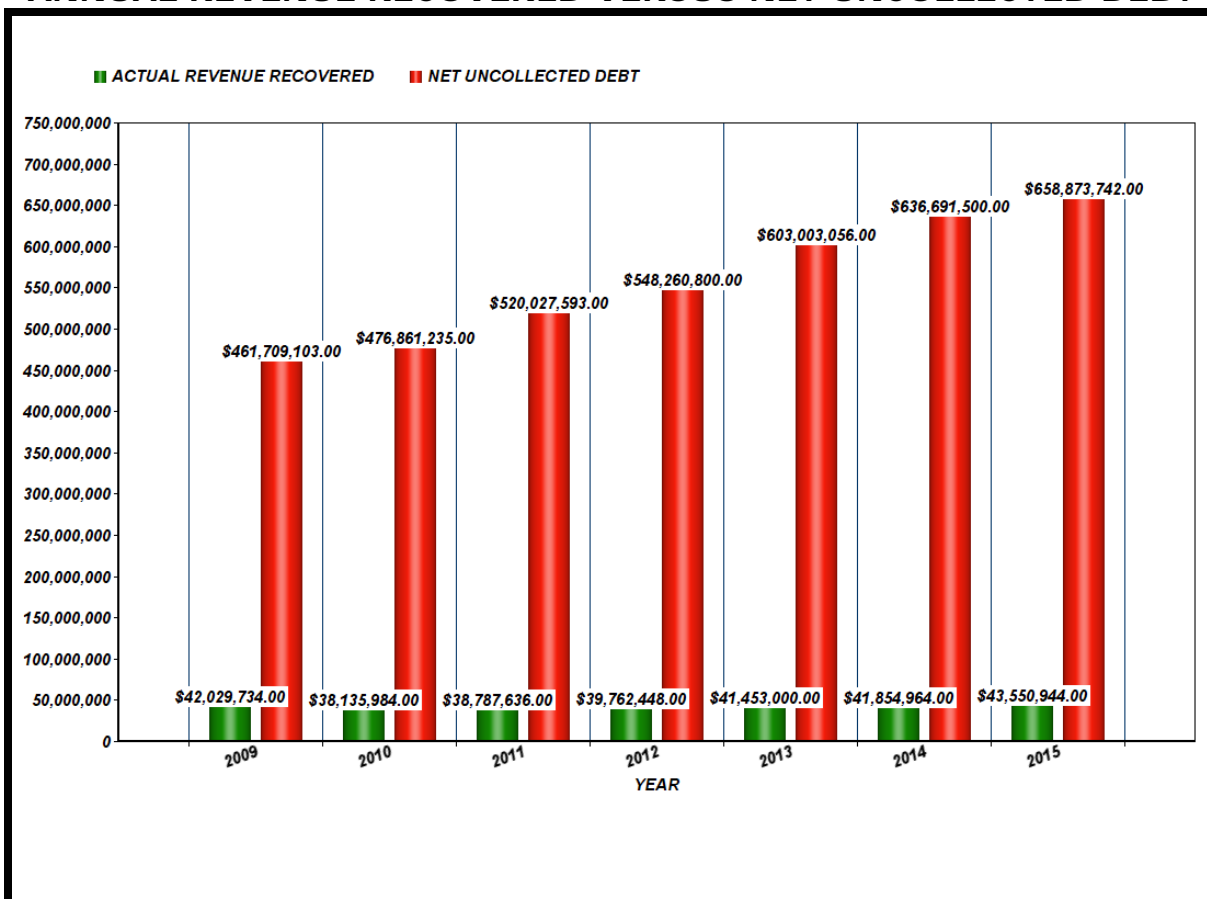
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- R5. The Board of Supervisors should require County agencies to use a competitive bid process to contract for services over a specified dollar amount.

## Revenue Collection Trends and Escalating Debt *A Chart Speaks Louder than Words!*

The DMACS is entering its seventh year of operations, and DRR's revenue collections consistently fail to reach its annual projected goals. Revenue collections continue to be inadequate because the DRR lacks the essential collection improvement tools. Analyzing the DMACS statistical data and accompanying figures conveyed a low growth for revenue recovery and the resultant rapidly escalating delinquent debt. The DRR proposal explicitly indicated that DRR, and the DMACS, would proliferate the revenue recovery rate from 32% to 38% by 2011. Recovery is 6%, not anywhere near the target. Conversely, the chart below depicts the Debt Management and Collection System's annual revenue recovery rates have, in fact, failed to achieve the 2008, pre-conversion value of \$45 million.

**DEPARTMENT OF REVENUE RECOVERY  
ANNUAL REVENUE RECOVERED VERSUS NET UNCOLLECTED DEBT**



SACRAMENTO COUNTY'S REVENUE RECOVERY: \$658 MILLION IN UNCOLLECTED DEBT AND RISING

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## FINDINGS

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- F6. DRR failed to monitor its revenue recovery system and adjust collection efforts to reduce the outstanding debt.
- F7. DRR has failed to meet its proposed revenue recovery collection goals of 38% and has not considered any other cost-effective revenue collection alternatives.

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## RECOMMENDATIONS

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- R6. DRR should regularly monitor its revenue collection system and adjust collection efforts to reduce the outstanding debt owed to the County.
- R7. DRR should consider other cost-effective replacement alternatives for the DMACS.

### **Ineffective Revenue Collection, Account Monitoring, and Reporting**

#### ***Focus on the Bottom Line!***

During the investigation, the Grand Jury learned that after an account is established in the Debt Management and Collection System, the Department of Revenue Recovery does not actively monitor or conduct periodic collection activity reviews of debtor accounts. To date, a collection matter may be reviewed and/or corrected only if a debtor or County client employee contacts DRR for customer assistance.

DRR has established payment plans based on an individual's ability to pay. DRR's payment plan policy has specific guidelines, but these guidelines are inconsistently applied. Additionally, our investigation revealed that it is common for a debtor to pay minimal amounts, which results in the debtor taking several years to satisfy the debt without consequence.

DRR utilizes the Franchise Tax Board (FTB) Tax Offset Program to collect funds on debtor accounts that are beyond 120 days delinquent. Most of the debtor accounts referred to FTB are deemed uncollectible and returned to DRR for further disposition. Despite the unlikely probability of recovering any revenue from these uncollectible accounts, DRR restores them to the DMACS.

Witness testimony further verified the DMACS does not produce delinquent account activity reports, which could serve to direct collection staff and improve their revenue collection activity. DRR's waste of collection resources on uncollectible debtor accounts remains problematic.

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## **FINDINGS**

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- F8. DRR does not have an established method for monitoring agency client accounts.
- F9. DRR does not provide its agency clients with updates of debtor account collections on a regular basis.
- F10. DRR's established payment policy guidelines are not consistently followed.
- F11. DRR does not review debtor account activity to assess collectibility or regularly use the FTB Tax Offset Program to successfully improve revenue recovery.

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## **RECOMMENDATIONS**

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- R8. DRR should establish a method for monitoring agency client accounts.
- R9. DRR should provide its agency clients with updates of debtor account collection activity on a regular basis.
- R10. DRR should consistently follow their established guidelines for payment plans.
- R11. DRR should review debtor account activity to determine collectibility and use the FTB Tax Offset Program regularly to effectively improve revenue collections.

## **Unallocated Trust Account: *Credit Where Credit is Due!***

The Grand Jury review of DRR operations uncovered a DMACS account labeled the Unallocated Trust Account (UTA). This DRR account consists of millions of dollars in debtors' payments that have not been posted to specified debtors' accounts in the Debt Management and Collection System.

On a daily basis, the Department of Revenue Recovery cashiers credit debtor payments with specified account information into the DMACS. However, it is not unusual for DRR cashiers to process a debtor payment without this account information and post it in the UTA. Very little effort is undertaken by the Department of Revenue Recovery's cashiers to search the DMACS and locate a specific debtor account, and credit the debtor payment instead of the UTA. Payments posted to the Unallocated Trust Account remain there until a debtor contacts DRR to report a dispute on their DMACS account.

The DMACS does not produce a daily transaction record or exception report to validate debtor payments were credited to a particular account or posted to the UTA, which requires another division within DRR to manually research and credit the payment to the correct debtor account in the DMACS.

Over 53,000 transactions of unresolved debtor payments, although not credited, have been received and deposited into the UTA. That recovered revenue exceeds \$5 million on behalf of DRR agency clients. The funds remain undistributed because of missing debtor account or client information. DRR does not consider the research and posting of these payments to be a priority.

Our investigation did not find any policy or reason why DRR deposits these payments in the UTA instead of returning the payment to the debtor requesting account information. Absent a DRR policy or procedure regarding the timely handling of insufficient debtor account information, the delay of posting debtor payments and subsequent distribution of this revenue will remain unresolved.

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## FINDINGS

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- F12. Revenue collected by DRR with incomplete debtor account information is not being posted to debtor accounts in the DMACS when received.
- F13. DRR does not have the tools or reports to verify daily payment transactions and/or identify payments received with inadequate debtor account information.
- F14. DRR rarely distributes funds held in the Unallocated Trust Account to its agency clients.
- F15. DRR does not reconcile the issues associated with the over 53,000 transactions in the Unallocated Trust Account.
- F16. DRR does not have a policy or procedure for processing payments that are missing debtor account information.
- F17. DRR has no plan to reconcile and close the Unallocated Trust Account.

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## RECOMMENDATIONS

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- R12. A debtor account should be identified and matched in the DMACS before payments can be posted in an established time frame.
- R13. DRR should develop and implement a daily transaction/exception report that will list daily collections, the accounts where payments were applied, and identify the payments with inadequate debtor account information that were deposited in the Unallocated Trust Account.
- R14. DRR should distribute the funds held in the Unallocated Account to its agency clients.
- R15. DRR should reconcile the over 53,000 transactions in the Unallocated Trust Account by January 31, 2017.
- R16. DRR should implement a policy or procedure for processing payments that are missing debtor account information.
- R17. DRR should implement a plan to close the Unallocated Trust Account.

## **Duplicate Accounts**

### ***Divide and Conquer!***

During our investigation, we discovered that the DMACS has created over 12,000 duplicate accounts and account charges are valued in excess of \$3 million. Several witnesses reported that the duplication of accounts and/or charges is a DMACS programming issue. Additionally, the same witnesses estimated that it would take approximately one year to manually identify and remediate these duplicate accounts and charges. As of December 2015, the DMACS debtor account duplication problem remains unresolved.

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## **FINDINGS**

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- F18. The DMACS creates duplicate accounts and/or charges which DRR staff is unable to explain or resolve.
- F19. Resolution of duplicate debtor accounts and/or charges does not appear to be a DRR priority.
- F20. There is evidence of debtors' payments to DRR on duplicate accounts.

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## **RECOMMENDATIONS**

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- R18. DRR should correct the reason(s) the DMACS is duplicating debtor accounts and/or charges.
- R19. DRR should prioritize the resolution of the duplicate debtor accounts and/or charges.
- R20. DRR should refund all monies owed to debtors that have made payments on duplicate accounts.

## **Refunds for Overpayment *Return to Sender!***

When an overpayment occurs in a debtor's account, DRR is expected to issue a refund. Until recently, the DMACS did not have a way of reporting the overpayments. The Grand Jury determined that the only time these refunds are issued is when a debtor contacts DRR to dispute the account information and request a refund.

DRR recently developed a report from the DMACS called the Refund Review Band (RRB). This RRB lists overpayments on debtor's accounts. As of October 2015, the Grand Jury determined there were approximately 30,000 accounts due refunds in excess of \$1.4 million. Witness testimony reported that due to the substantial number of refunds in the RRB, DRR staff was focusing its efforts on issuing refunds on debtor accounts from July 2015 to present. All refunds that existed on debtor accounts before July 2015 are not considered a DRR priority and these refunds remain on the debtor account without further action. It is inappropriate for DRR to hold money owed an individual and make no effort to pay anything back unless it gets a request. This raises serious ethical and potential legal questions.

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### **FINDINGS**

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- F21. Approximately 30,000 debtor accounts are due refunds in excess of \$1.4 million.
- F22. DRR does not consider processing refunds due on accounts established before July 2015 as a department priority.

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### **RECOMMENDATIONS**

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- R21. DRR should use the Refund Review Band effectively and issue refunds for all overpayment monies in an established time frame.
- R22. DRR should elevate the department's priority for the refund of all overpayments.



## **Audit Unit's Review of the System**

### ***Did the County Get What it Paid For?***

In early 2014, the County's Department of Finance (DOF) internal audit unit (auditors) began the initial system review of the DMACS. This system review was the result of DRR's failure to provide sufficient debtor financial documentation in support of DRR's request to discharge debtor accounts deemed uncollectible. The auditors' findings, along with the preliminary report, identified a significant number of issues involving supporting documentation for uncollectible debtor account write-offs, absence of debtor account information, and user access to the DMACS.

After the initial system review was completed, the auditors presented DRR with a report of their preliminary findings which were discussed with management. DRR management instructed the DOF to cease the release of the auditors' preliminary report until DRR had an opportunity to do its own internal system review. The Grand Jury was concerned with the manner in which DRR interfered with the release of the DOF auditors' report.

In November 2014, the auditors continued their system review. During this phase of the system review, the auditors informed the DOF audit management that several system and internal financial accounting control issues were occurring in DRR with the DMACS. It was the auditors' belief that there could be *potential* fraud and other financial irregularities. Subsequently, the auditors were directed to immediately cease their system review. No further system review has been performed; no final report was ever issued, and no discussion was held with County executives.

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## **FINDINGS**

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- F23. Significant issues were identified during the DOF auditors' initial system review, preliminary findings were discussed with DRR management but a final report was never submitted to the Board for approval.
- F24. Issues regarding *potential* fraud and other irregularities were identified during the DOF auditors' subsequent system review. DRR obstructed the release of any subsequent findings and/or a subsequent final report, which should have been submitted to the Board for approval.
- F25. DRR terminated any further action by the DOF auditors during both system reviews.

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## RECOMMENDATIONS

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- R23. DOF should submit the initial DRR system review report to the Board for its review and approval.
- R24. DOF auditors should prepare a report for the subsequent DRR system review and present it to DRR and the Board for review and approval.
- R25. DOF should follow all County audit reporting standards when conducting a department review.

### **Poor Monitoring and Oversight of User Access Rights** ***DRR Oversight, Unseen!***

During the auditors' system review of the DMACS, they identified several individuals with unlimited user access rights to the DMACS debtor account and collection activity data, without DRR oversight or monitoring. While DRR has taken action to curtail the unlimited user access rights for most DRR employees, it is significant to note that County IT staff and the DMACS developer continue to have unlimited user access rights to the DMACS account and collection activity data. Furthermore, the individuals with unlimited user access rights to the DMACS account and collection activity data can adjust, delete, or modify debtor accounts and collection activity and make changes to the general ledger without restriction, tracking, or department authorization.

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## FINDINGS

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- F26. There is inadequate monitoring of unlimited user access rights to the DMACS debtor account and collection data.
- F27. There is no oversight of the individuals with unlimited user access rights to the DMACS.

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## RECOMMENDATIONS

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- R26. DRR should monitor and control all user access to the DMACS debtor accounts and collection data with written authorization that includes time limits and revocation of the user access rights upon completion of tasks to be performed.
- R27. DRR should provide oversight for the County IT and the contract developer's unlimited user access rights.

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## CONCLUSION

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DRR's stated purpose is to ensure that taxpayers do not bear the added burden of indebtedness that is the legal responsibility of the debtor. This report details the opposite is true. The Grand Jury remains concerned that DRR and the DMACS reported annual revenue collections range from 6%-8% of the outstanding debt with no apparent plan to improve collection efforts. Hundreds of millions of dollars in debtor accounts go unmanaged and uncollected for years without any debtor consequence. There are insufficient checks and balances in this system and there is no acceptable tracking of payments that have been made. Individuals and Departments cannot get accurate fiscal information and this failure has real life consequences.

The questionable \$4.4 million no-bid contract to develop the Debt Management and Collection System has burgeoned into a \$12 million taxpayers' investment and still lacks full functionality. Seven long years later, the DMACS still requires developer input for simple maintenance and coding operations. Staff are frustrated that their suggestions, concerns, and input regarding the DMACS appear to be routinely minimized.

DRR's failure to effectively collect debt is abundantly clear. The 2015 year-end reports \$43 million in revenue recovered, a meager 6% of the outstanding debt owed to the County. On the other hand, the uncollected debt soared past \$658 million and is escalating. DRR management should improve their insufficient collection efforts and explore other industry-proven revenue collection alternatives and focus the DRR goals to collect the debt and distribute those funds to their agency clients.

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## RESTATEMENT OF FINDINGS

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- F1. DRR fails to collect the hundreds of millions of dollars in outstanding debts owed to the County.
- F2. DRR management rarely uses reports to manage collection activity and workload.
- F3. DRR management fails to work together effectively to manage the department and the revenue collection activities.

- F4. The Board and CEO have not exhibited any apparent concerns or provided adequate oversight for the collection of revenue through the DRR.
- F5. DRR did not use a competitive bid process to secure services on the County's behalf. The Board of Supervisors approved and awarded a \$4.4 million contract for the development of the DMACs.
- F6. DRR failed to monitor its revenue recovery system and adjust collection efforts to reduce the outstanding debt.
- F7. DRR has failed to meet its proposed revenue recovery collection goals of 38% and has not considered any other cost-effective revenue collection alternatives.
- F8. DRR does not have an established method for monitoring agency client accounts.
- F9. DRR does not provide its agency clients with updates of debtor account collections on a regular basis.
- F10. DRR's established payment policy guidelines are not consistently followed.
- F11. DRR does not review debtor account activity to assess collectibility or regularly use the FTB Tax Offset Program to successfully improve revenue recovery.
- F12. Revenue collected by DRR with incomplete debtor account information is not being posted to debtor accounts in the DMACS when received.
- F13. DRR does not have the tools or reports to verify daily payment transactions and/or identify payments received with inadequate debtor account information.
- F14. DRR rarely distributes funds held in the Unallocated Trust Account to its agency clients.
- F15. DRR does not reconcile the issues associated with the over 53,000 transactions in the Unallocated Trust Account

- F16. DRR does not have a policy or procedure for processing payments that are missing debtor account information.
- F17. DRR has no plan to reconcile and close the Unallocated Trust Account.
- F18. The DMACS creates duplicate accounts and/or charges which DRR staff is unable to explain or resolve.
- F19. Resolution of duplicate debtor accounts and/or charges does not appear to be a DRR priority.
- F20. There is evidence of debtors' payments to DRR on duplicate accounts.
- F21. Approximately 30,000 debtor accounts are due refunds in excess of \$1.4 million.
- F22. DRR does not consider processing refunds due on accounts established before July 2015 as a department priority.
- F23. Significant issues were identified during the DOF auditors' initial system review, preliminary findings were discussed with DRR management but a final report was never submitted to the Board for approval.
- F24. Issues regarding *potential* fraud and other irregularities were identified during the DOF auditors' subsequent system review. DRR obstructed the release of any subsequent findings and/or a subsequent final report, which should have been submitted to the Board for approval.
- F25. DRR terminated any further action by the DOF auditors during both system reviews.
- F26. There is inadequate monitoring of unlimited user access rights to the DMACS debtor account and collection data.
- F27. There is no oversight of the individuals with unlimited user access rights to the DMACS.

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**RESTATEMENT OF RECOMMENDATIONS**

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- R1. DRR should employ alternative solutions to recover the hundreds of millions of dollars in outstanding debt owed to the County.
- R2. DRR should develop and use collection activity reports to effectively manage DRR's collection activities and workload.
- R3. DRR management should work together to manage and improve the department's revenue collection efforts and reduce the outstanding debt owed to the County.
- R4. The Board and CEO should consider a management review of the Department of Revenue Recovery.
- R5. The Board of Supervisors should require County agencies to use a competitive bid process to contract for services over a specified dollar amount.
- R6. DRR should regularly monitor its revenue collection system and adjust collection efforts to reduce the outstanding debt owed to the County.
- R7. DRR should consider other cost-effective replacement alternatives for the DMACS.
- R8. DRR should establish a method for monitoring agency client accounts.
- R9. DRR should provide its agency clients with updates of debtor account collection activity on a regular basis.
- R10. DRR should consistently follow their established guidelines for payment plans.
- R11. DRR should review debtor account activity to determine collectibility and use the FTB Tax Offset Program regularly to effectively improve revenue collections.
- R12. A debtor account should be identified and matched in the DMACS before payments can be posted in an established time frame.
- R13. DRR should develop and implement a daily transaction/exception report that will list daily collections, the accounts where payments were applied, and identify the payments with inadequate debtor account information that were deposited in the Unallocated Trust Account.

- R14. DRR should distribute the funds held in the Unallocated Account to its agency clients.
- R15. DRR should reconcile the over 53,000 transactions in the Unallocated Trust Account by January 31, 2017.
- R16. DRR should implement a policy or procedure for processing payments that are missing debtor account information.
- R17. DRR should implement a plan to close the Unallocated Trust Account.
- R18. DRR should correct the reason(s) the DMACS is duplicating debtor accounts and/or charges.
- R19. DRR should prioritize the resolution of the duplicate debtor accounts and/or charges.
- R20. DRR should refund all monies owed to debtors that have made payments on duplicate accounts.
- R21. DRR should use the Refund Review Band effectively and issue refunds for all overpayment monies in an established time frame.
- R22. DRR should elevate the department's priority for the refund of all overpayments.
- R23. DOF should submit the initial DRR system review report to the Board for its review and approval.
- R24. DOF auditors should prepare a report for the subsequent DRR system review and present it to DRR and the Board for review and approval.
- R25. DOF should follow all County audit reporting standards when conducting a department review.
- R26. DRR should monitor and control all user access to the DMACS debtor accounts and collection data with written authorization that includes time limits and revocation of the user access rights upon completion of tasks to be performed.
- R27. DRR should provide oversight for the County IT and the contract developer's unlimited user access rights.

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## REQUEST FOR RESPONSES

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Penal Code sections 933 and 933.05 require that the following officials submit specific responses to the findings and recommendations in this report to the Presiding Judge of the Sacramento County Superior Court by September 29, 2016:

- Director, Sacramento County Department of Revenue Recovery-All Findings and Recommendations
- Director, Sacramento County Department of Finance-Findings 23, 24 & 25 and Recommendations 23, 24 & 25.
- County Executive, Sacramento County Executive's Office-Finding 4 and Recommendation 4.
- Sacramento County Board of Supervisors-All Findings and Recommendations

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

Kevin R. Culhane, Presiding Judge  
Sacramento County Superior Court  
720 9th Street, Department 47  
Sacramento, California 95814

**In addition, email the response to:**

Becky Castaneda, Grand Jury Coordinator at [castanb@saccourt.com](mailto:castanb@saccourt.com)



## TWIN RIVERS CONFLICT OF INTEREST: DO THE RIGHT THING

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### SUMMARY

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The Grand Jury was dismayed by a series of articles in The *Sacramento Bee* (The *Bee*) about allegations of conflict of interest by a Trustee of the Twin Rivers Unified School District Board of Trustees (TRUSD Board). The Trustee voted to approve a charter school, was appointed to represent the TRUSD Board on the charter school board, and later received payment under a consulting contract with that charter school. This led the Grand Jury to investigate:

- The Trustee's actions which gave rise to the allegations of conflict of interest
- The TRUSD Board's actions upon notice of the allegations of conflict of interest
- The Superintendent's actions to adequately address the allegations of conflict of interest

The TRUSD Board and Superintendent are tasked with providing a public service to their community. Public service is a public trust, requiring officials and employees to adhere to conflict of interest laws above personal financial interests. In addition, effective governance within the TRUSD Board requires action and accountability for eliminating even the appearance of a potential conflict of interest to safeguard the public's trust in local government.

It is troubling that the Trustee, the TRUSD Board, and the Superintendent failed to perceive the importance and immediacy of addressing the allegations of conflict of interest. Conflict of interest laws prohibit public officials from participating in governmental decisions affecting their financial interests, and forbid public officials, including school district boards, from being financially interested in any contract made by them in their official capacity, or by any board of which they are members.

Furthermore, effective governance within a school district depends on officials and staff knowing, understanding, and following the duties and responsibilities of a public servant, as well as adhering to applicable laws and policies. Board members and district employees should hold themselves to the highest standards of ethical conduct.

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## BACKGROUND

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The Highlands Community Charter & Technical Schools Board of Directors (HCCTS Board), an independent 501(c)(3) nonprofit corporation, submitted a petition to establish the Highlands Community Charter School (HCCS) to revive technical education in the TRUSD. The HCCS provides high school diplomas for underserved adults 22 years of age and older within the district boundaries, including immigrants and ex-offenders.

In July 2015, The *Bee* reported that the Fair Political Practices Commission (FPPC) opened an investigation into whether a Trustee of the TRUSD Board violated the Political Reform Act (PRA) conflict of interest laws. The Trustee helped to get HCCS approved by the TRUSD Board, and the Trustee's consulting firm received \$13,000 from the charter school. According to the PRA, a public official may not make, participate in, or influence a governmental decision that will have a reasonably foreseeable material financial effect on the official.

The PRA was passed by California voters in June 1974. The provisions regulate conflict of interest in public office and represent the most significant state-level response to the culture of corruption that was believed to be pervasive. The PRA requires state and local agencies to adopt conflict of interest codes, and public disclosure of personal financial information by officials who routinely participate in decision making.

Government Code (GC) Section 1090(a) forbids public officials, including school district boards, from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. If a conflict of interest exists, a board member must publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest, and recuse himself or herself from discussing and voting on the matter.

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## METHODOLOGY

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The Grand Jury interviewed:

- Members and former members of Highlands Community Charter & Technical Schools Board of Directors (HCCTS Board)
- Members of the TRUSD Board of Trustees
- TRUSD Superintendent and Deputy Superintendent
- Members of the Highlands Community Charter School (HCCS) staff
- Executive Director of the Charter Schools Development Center

The Grand Jury reviewed many documents including:

- HCCTS Board Meeting Agendas and Minutes
- TRUSD Board Meeting Agendas and Minutes
- Articles published in *The Bee* regarding the TRUSD conflict of interest issues
- HCCTS Board and HCCS staff emails and correspondence
- TRUSD Board Bylaws and HCCTS Board Bylaws
- Memorandum of Understanding (MOU) between TRUSD and HCCTS
- California School Board Association documents concerning school district, board, and Superintendent responsibilities
- Laws, including Education Code, related to conflict of interest

The Grand Jury also received general information regarding charter schools from the Superintendent of the Sacramento County Office of Education.

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## DISCUSSION

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### **The Trustee Conflict of Interest Allegations**

The Trustee of the TRUSD Board worked on a regular basis with the founders of the Highlands Community Charter School (HCCS) to get the charter school petition approved by the TRUSD Board. The trustee stated to the Grand Jury that there was an oral agreement between the HCCS founding members and the Trustee regarding the roles and paid positions that each would hold after approval of the HCCS petition. The Trustee later contradicted this statement to the Grand Jury and contended that there was no agreement to receive any monetary gain.

The Trustee's partnership with the HCCS founders and the alleged agreement involving a paid position for the Trustee created a potential conflict of interest. In this situation, a board member must publicly identify the financial interest that gives rise to a potential conflict of interest, and recuse himself or herself from discussing and voting on the matter. On March 4, 2014, the TRUSD Board unanimously approved the Highlands Community Charter & Technical Schools Board of Directors (HCCTS Board) petition with a 7-0 vote. However, the Trustee neither chose recusal from the TRUSD Board discussion or vote, nor publicly declared any financial interest as required by conflict of interest laws. After the TRUSD Board approved the charter petition, the Trustee requested and was appointed as the TRUSD Board representative on the HCCTS Board.

In September 2014, the Trustee, as a principal with LAED Consulting, entered into a consulting contract with the HCCTS Board and received two

checks, totaling \$13,000. The checks were written in the name of the Trustee, DBA (doing business as) LAED Consulting. The Grand Jury received conflicting information from the Trustee and the LAED business partner regarding which partner received the final disposition of the \$13,000 contract payments. The *Bee* reported that the Trustee split the money with the partner. The Trustee and the partner stated to the Grand Jury that the entire amount was given to the partner. We were unable to determine the accuracy of their statements. However, the Trustee's financial interest in LAED Consulting created a potential conflict of interest. The Trustee's actions appear to be in conflict with GC Section 1090(a), which prohibits officials, including school district boards, from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.

The discussion and vote on the contract between LAED Consulting and the HCCTS Board occurred while the Trustee was a TRUSD representative to the HCCTS Board. The Trustee did not vote on the LAED contract but did participate in HCCTS Board discussions regarding the vote on the contract. As stated above, a board member must publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest, and recuse himself or herself not only from voting but also from discussing the matter.

The terms of the contract required HCCTS to pay LAED Consulting \$6,500 per month for five consecutive years. After HCCS and HCCTS Board raised questions about the potential conflict of interest, the Trustee requested removal of the Trustee's name from the contract, and the HCCTS Board approved the modification. Nine days later, the HCCTS Board terminated the contract. Efforts to obtain monetary compensation for the Trustee continued. The HCCTS Board approved a change in bylaws that created a paid position for the TRUSD representative on the HCCTS Board. At the time of the Grand Jury's investigation, this change in bylaws was under legal review.

During the interview, the Trustee stated repeatedly that there was no conflict of interest. However, TRUSD Board bylaws and the HCCTS charter petition include the provision to adhere to conflict of interest laws in GC 1090. In addition, the MOU between TRUSD and the HCCTS Board included provisions to comply with all conflict of interest laws generally applicable to the TRUSD Board. Therefore, the Trustee was subject to conflict of interest laws.

## **TRUSD Board of Trustees Responsibilities**

TRUSD Board bylaws state that the Board of Trustees may appoint any of its members to serve as its representative on defined boards. When making such appointments, the Twin Rivers Board is required to clearly specify the authority and responsibility involved in the appointed position. A TRUSD Board member has no individual authority to vote on the HCCTS Board, unless designated to do so. The Trustee was not granted such authority, but functioned for over a year as a voting member on the Highlands Board without the knowledge of the Twin Rivers Board President.

During the Trustee's appointment as Twin Rivers Board representative to HCCTS Board, the Highlands Board was the only charter school board in Twin Rivers to have an appointed representative. Generally, school boards decide not to appoint a representative to a charter school board because, absent clearly defined roles and responsibilities, it is unclear whether a representative represents the interests of the school district or the interests of the charter school.

In a letter to the TRUSD Board President and Superintendent, the HCCTS Board raised the conflict of interest issue that occurred when the Trustee entered into a consulting contract with the Highlands Board. The letter also requested that the Twin Rivers Board remove the Trustee from the Highlands Board. After learning of these concerns, another Trustee made multiple attempts to have these issues added to the TRUSD Board agenda for discussion and action. There were insufficient votes to put these issues on the agenda, and they were never formally addressed by the Twin Rivers Board.

The Twin Rivers Board failed to clearly specify the authority, responsibility, and oversight for the TRUSD Board representative to the HCCTS Board. The Twin Rivers Board also failed to take appropriate action regarding the Trustee's alleged conflict of interest.

## **TRUSD Superintendent's Responsibilities**

Although authority rests with the Board as a whole, the Superintendent accepts leadership, responsibility, and accountability for implementing the vision, goals, and policies of the district.

The TRUSD Superintendent was unaware of any clear role, responsibilities, or authority assigned to the appointed Twin Rivers Board representative on the HCCTS Board. Furthermore, the Superintendent did not know that the Trustee was a voting member of the Highlands Board. However, the

Superintendent was aware that the Trustee had entered into a contract with the HCCTS Board. The Superintendent knew of the HCCTS written request to the Twin Rivers Board to remove the Trustee from the Highlands Board.

The Superintendent had individual discussions with each member of the TRUSD Board regarding the Trustee's contract with the HCCTS Board, and the negative public perception that could result. After the TRUSD Board took no action, the Superintendent failed to provide the Board with assertive management, direction, and accountability.

Late in our investigation, the Superintendent informed us that the Trustee resigned as Twin Rivers' representative on the HCCTS Board and that the TRUSD Board recently completed conflict of interest training.

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## **FINDINGS**

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- F1. The Trustee acted contrary to conflict of interest laws, by voting and/or participating in Twin Rivers Unified School District Board of Trustee (TRUSD Board) and Highlands Community Charter & Technical Schools Board of Directors (HCCTS Board) discussions and entering into a contract in which the Trustee had an alleged financial interest.
- F2. The TRUSD Board failed to provide clear direction and oversight regarding the duties and responsibilities of a trustee appointed to represent the TRUSD Board on the HCCTS Board.
- F3. The TRUSD Board violated public trust by inadequately addressing the allegation of conflict of interest on the part of a Trustee.
- F4. The TRUSD Superintendent failed to take actions needed for the TRUSD Board to clarify and adhere to Board policy regarding conflict of interest laws pertaining to public officials.

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## RECOMMENDATIONS

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- R1. The Twin Rivers Unified School District Board of Trustee (TRUSD Board) should ensure that no trustee serves as a representative on any board or TRUSD Board position/office where there is a potential conflict of interest.
- R2. The TRUSD Board President and Superintendent should ensure that board members receive training every two years on conflict of interest laws and that this training occur immediately for all new board members. All trainings should be documented in records maintained by TRUSD Board.
- R3. The TRUSD Board President and Superintendent should review Board policy and bylaws and make necessary changes to clearly specify the authority and responsibilities involved when the Board appoints a Board representative to a charter board of directors.

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## REQUEST FOR RESPONSES

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Penal Code sections 933 and 933.05 require that the following officials submit specific responses to the findings and recommendations in this report to the Presiding Judge of the Sacramento County Superior Court by September 29, 2016:

- Board of Trustees, Twin Rivers Unified School District – All Findings and Recommendations
- Superintendent, Twin Rivers Unified School District – All Findings and Recommendations

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

Kevin R. Culhane, Presiding Judge  
Sacramento County Superior Court  
720 9<sup>th</sup> Street, Department 47  
Sacramento, CA 95814

**In addition, email the response to:**

Becky Castaneda, Grand Jury Coordinator at [castanb@saccourt.com](mailto:castanb@saccourt.com)





## **DOMESTIC VIOLENCE: AN INCONSISTENT PRIORITY FOR LAW ENFORCEMENT**

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### **SUMMARY**

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Domestic violence is a particularly egregious crime that can lead to permanent physical and emotional scars or death for victims and their families. Domestic violence can also be the gateway to other crimes such as homicide, rape, and assault. Law enforcement finds itself on the front line when responding to these extremely complex situations.

The Grand Jury investigated domestic violence and law enforcement's response to this problem based on both complaints and concerns expressed by some community organizations. We found a wide variety of responses and approaches by the Sacramento County law enforcement community. Failure to effectively intervene in domestic violence creates a situation of revolving referrals, family disruption and significant risk of physical harm or death.

The Grand Jury collected data and interviewed Sacramento law enforcement agencies as well as community service providers and victim advocates. Some Sacramento area law enforcement agencies are experiencing success in dealing with domestic violence as a result of their interventions. These successful programs are characterized by:

- Leadership at the executive level that prioritizes domestic violence
- Ongoing officer domestic violence training and victim supports
- Collaboration with community based organizations
- Effective use of first domestic violence contacts by law enforcement
- Use of data collection and tracking systems

Unfortunately, these evidence-based approaches, with proven success rates, are not uniformly used by all Sacramento County law enforcement agencies. The Grand Jury observed that in those law enforcement agencies where domestic violence was apparently not a priority, the culture was significantly different. The Sacramento County Sheriff Department's lack of domestic violence emphasis was reflected in negative comments and attitudes about victims, lack of effective interventions or referrals, and a "revolving door" of "frequent flyers." These attitudes have been communicated to the community, the victim advocates and the victims, and have created very poor outcomes.

Since Sacramento County has excellent programs that can serve as models for law enforcement's response to domestic violence, the Grand Jury strongly recommends these models be adopted by all local law enforcement agencies. This will provide all county residents access to a balanced, effective response to domestic violence that includes not only public safety and personal responsibility, but also coordinated services and support for victims and families.

## BACKGROUND

The Grand Jury heard from a citizen who contacted law enforcement after witnessing a domestic violence assault. The resident was concerned about the response to the incident, as well as subsequent follow-up.

This incident of domestic violence is one of hundreds that occur daily on the streets and homes in Sacramento County. In 2014, approximately 15,200 calls for service related to domestic violence were made to the seven law enforcement agencies. There were 3,908 arrests made for domestic violence, and law enforcement issued approximately 600 Emergency Protective Orders. The District Attorney filed and prosecuted 1,904 cases in that same time period, and of those, 841 were felonies, 1,060 misdemeanors, and 3 violations of probation.

In the United States, 1 in 4 women and 1 in 7 men have been victims of domestic violence. On any given day, domestic violence hotlines nationwide receive over 20,000 calls. In the majority of domestic violence calls, there is history of prior abuse complaints. Domestic violence victims not only suffer from physical abuse but also from a host of long-term health and mental health problems.

### ***Domestic Violence By the Numbers\****

*1 in 4 women and 1 in 7 men will experience domestic violence in their lifetime.*

*On average, 3 women and 1 man are murdered by their intimate partner in this country every day.*

*Every 9 seconds a woman is assaulted or beaten in the United States.*

*50% of all police calls for service are domestic violence related.*

*Children who witness domestic violence in the home are twice as likely to become abusers as adults.*

*Victims of intimate partner violence lose almost 8 million days of paid work each year due to violence perpetrated against them by a current or former husband, boyfriend or date. This loss is equivalent to more than 32,000 full-time jobs and almost 5.6 million days of household productivity as a result of violence.*

*Domestic violence is one of the most un-reported crimes.*

*85% of domestic violence is learned in the home.*

***\*Excerpt from California  
State Sheriff's Association  
Magazine, April, 2016***

Domestic violence affects more than just the specific victim. It impacts the entire family with particularly negative effects on the children who witness domestic violence. Children who are exposed to domestic violence are at serious risk for emotional, psychological, and physical consequences, particularly if the violence is chronic.

Law enforcement insight into the potential lethality of domestic violence is critical. The Federal *Bureau of Justice Statistics* reports that over 40 percent of female murder victims are killed by an intimate partner.

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## METHODOLOGY

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The Grand Jury interviewed:

- Women Escaping A Violent Environment (WEAVE)
- A Community for Peace/Citrus Heights domestic violence Intervention Center
- My Sister's House
- Elk Grove Police Department
- Citrus Heights Police Department
- Sacramento Police Department
- Sacramento County Sheriff's Department
- Sacramento County District Attorney's Office

The Grand Jury reviewed domestic violence statistical data, policies and procedures, and officer training requirements from:

- Sacramento County Sheriff's Department
- Sacramento Police Department
- Elk Grove Police Department
- Citrus Heights Police Department
- Folsom Police Department
- Rancho Cordova Police Department
- Galt Police Department
- Sacramento County District Attorney's Office

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## DISCUSSION

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Domestic violence is criminal conduct and law enforcement is required to make reasonable efforts to identify the dominant aggressor in any incident; vigorously enforce laws as a means to deter, prevent and reduce domestic violence; and prosecute domestic violence as a serious crime. A successful outcome beyond the arrest of the abuser is often dependent on the attitude of the responding officers and the assistance provided to the victims.

Being able to determine the extent of danger to a domestic violence victim is critical. Law enforcement's use of a field-based lethality risk assessment tool is crucial to providing first responders with a simple and consistent method to measure the level of danger faced by a victim of domestic violence. Law enforcement agencies that use the tool report a decrease in serious injury and homicides of domestic violence victims. The risk assessment tool consists of a standard set of questions that are asked of the victim in a specific order; the responses that the victim provides help to determine the level of danger.

Leadership at the Citrus Heights Police Department (CHPD) has made domestic violence a priority. This is reflected in the consistent and ongoing training of all officers and the development of innovative programs such as the nationally recognized Domestic Violence Response Team (DVRT) that has been duplicated by other departments across the nation. The DVRT is comprised of a sergeant, seven patrol officers, two detectives, and victim advocates from A Community for Peace. Officers and victim advocates are trained together, and use a three-tier response to domestic violence calls. Officers are able to focus on their preliminary investigation, make an arrest when appropriate, and provide emergency protective orders where needed. The victim advocates are able to provide crisis intervention, emotional support, and information about options and services. They also assist with restraining orders, shelter placements and resource referrals. CHPD reports that only 8 percent of victims were utilizing victim services before this response team was implemented. The department currently reports that 72 percent of victims receive follow-up services.

The Elk Grove Police Department (EGPD) has also made domestic violence a priority and has a comprehensive response to victims. There is commitment from the top leadership, all patrol officers, and detectives. The EGPD partners with Women Escaping A Violent Environment (WEAVE) to have a victim advocate assigned to the department. The victim advocate attends briefings, provides training, responds as needed to calls with officers, and provides follow-up and advocacy for victims. The advocate not only assists

with temporary restraining orders (TROs) and domestic violence services, but also helps with such needs as housing, financial supports, children's needs and other services to help meet family needs. Outreach pamphlets are available in six different languages for victims and at events to educate the public about domestic violence and services. The EGPD maximizes the use of laws that can protect domestic violence victims, such as provisions of the Penal Code to confiscate the firearms of any party with a TRO and collaborates with the Department of Justice to identify if a person with a TRO has purchased any firearms. The EGPD is one law enforcement agency whose patrol officers successfully use a field-based risk assessment tool.

The Sacramento Police Department (SPD) reported that they also see domestic violence as a critical priority. The SPD has a dedicated unit of four officers supervised by a sergeant that specifically handles domestic violence and sexual assault cases. Officers work with all the domestic violence services programs in the community and recognize the value of having domestic violence victim advocates working directly with officers. The SPD has limited funding to support extensive innovative programs at the present time. However, they have committed \$50,000 to the Family Justice Center.

The Sacramento County Sheriff Department, which covers the largest service area in Sacramento County, does not have a dedicated domestic violence unit. The representatives of the Sheriff's Department expressed frustration with domestic violence situations because, in their experience, victims recant or refuse to testify. The representatives expressed concern for the recurring nature of domestic violence referring to the "revolving door" of "frequent flyers." The Sheriff's Department could not provide accurate domestic violence statistical data. They could only provide minimal information regarding efforts to adequately address domestic violence repeated incidents. The Sheriff's Department did not identify domestic violence as a priority within the agency.

Law enforcement's role is only one part of the community-wide response necessary to adequately address domestic violence. Law enforcement must also join and actively participate with domestic violence victim advocates and social service agencies to provide a comprehensive response. It is estimated that as many as 80 percent of victims refuse to cooperate with law enforcement and it often takes as many as seven reported incidents before a victim is willing to seek assistance. However, when domestic violence victim advocates work in partnership with law enforcement, many more victims are willing to cooperate with an investigation toward prosecution.

In general, domestic violence victims routinely go to as many as 16 different sites to get services. A Family Justice Center (FJC) allows law enforcement, prosecutors, social services, domestic violence victim advocates, and community non-profit providers to work together to assist victims and their families in a one-stop shop approach. The Sacramento County District Attorney's Office has taken the lead in establishing a FJC. The first site is scheduled to open soon and will offer support services for filing TROs and safety planning. A second site will provide one-stop multi-disciplinary services.

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## FINDINGS

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- F1. Some law enforcement agencies in Sacramento County fail to use innovative domestic violence intervention best practices. These evidence-based practices demonstrate measurable results that have a positive impact on victims, families, law enforcement, and the community. These practices include:
- Leadership at the executive level that prioritizes domestic violence
  - Countywide Domestic Violence Response Teams (DVRT) and active partnerships with domestic violence victim advocates
  - Specialized domestic violence training for patrol officers, first responders, and domestic violence investigators
  - Use of a field-based lethality risk assessment tool by patrol officers and first responders
  - Data collection and tracking system
- F2. Not all law enforcement departments in Sacramento County participate in active partnerships among police, prosecutors, victim advocates, social service agencies, and community organizations to reduce the incidence of domestic violence.
- F3. Coordinated and accessible domestic violence services for victims and their families have been proven to be most effective.
- F4. The comprehensive and coordinated approaches to domestic violence found at both Citrus Heights Police Department and Elk Grove Police Department are model programs that protect victims and create safer communities.

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## RECOMMENDATIONS

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Sacramento County law enforcement agencies should:

- R1. Demonstrate their commitment to addressing domestic violence adequately by having fully functional domestic violence units that focus on response, investigations, follow-up, tracking and collection of comprehensive domestic violence data.
- R2. Establish partnerships with domestic violence advocacy groups and provide comprehensive domestic violence specialized training for all patrol officers and detectives.
- R3. Develop, expand, and support the use of domestic violence victim advocates in law enforcement domestic violence calls and field investigations.
- R4. Use a field-based lethality risk assessment tool.
- R5. Evaluate the effectiveness of a Family Justice Center or similar models.

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## REQUEST FOR RESPONSES

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Penal Code sections 933 and 933.05 require that the following officials submit specific responses to the findings and recommendations in this report to the Presiding Judge of the Sacramento County Superior Court by September 29, 2016:

- Sheriff, Sacramento County Sheriff's Department - Findings 1-3 and all Recommendations
- Chief, Sacramento Police Department - Findings 1-3 and all Recommendations
- Chief, Elk Grove Police Department - Findings 1-3 and all Recommendations
- Chief, Citrus Heights Police Department- Findings 1-3 and all Recommendations
- Chief, Folsom Police Department - Findings 1-3 and all Recommendations
- Chief, Rancho Cordova Police Department - Findings 1-3 and all Recommendations
- Chief, Galt Police Department - Findings 1-3 and all Recommendations
- Sacramento County District Attorney – Findings 2 and 3 and Recommendation 5

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

Kevin R. Culhane, Presiding Judge  
Sacramento County Superior Court  
720 9<sup>th</sup> Street, Department 47  
Sacramento, CA 95814

**In addition, email the response to:**

Becky Castaneda, Grand Jury Coordinator at [castanb@saccourt.com](mailto:castanb@saccourt.com)



# RELEASE OF MENTALLY ILL INMATES FROM THE MAIN JAIL

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## SUMMARY

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More than 30 percent of Sacramento County Main Jail (Main Jail) inmates have mental health issues. These inmates are included in the standard protocol for the release of prisoners throughout all 24 hours of the day. No differentiation in the release process occurs for mentally ill inmates.

Insufficient community mental health support services in Sacramento County during the past several years have significantly increased the first-response demands on law enforcement. Jails and prisons have become a primary provider of services to mentally ill individuals who do not receive treatment within the mental healthcare system.

Although Sacramento County is taking steps to strengthen and restructure its mental health support system, mental health staff at the Main Jail and community collaborators agree that gaps in care exist. Inmates who have problems that are not identified as acute can fall through the cracks. Many do not have the capacity to follow through with the list of referrals given to them or keep the appointments arranged for them. It is often the case that mentally ill inmates have exhausted family or other personal support systems.

Research indicates that the first 24 to 72 hours after release of any inmate are critical. Inmates who need mental health treatment are at increased risk for re-incarceration and/or psychiatric hospitalization if they are not linked to mental health services and other community support during this short period of time.

Studies show that discharge planning is a valuable tool for mentally ill inmates and society in general because of its effectiveness in reducing recidivism. Effective discharge planning reduces recidivism by connecting inmates with social services, including mental health treatment and the means to pay for it; housing or shelter; public assistance programs; employment; and friends and families. Decreased recidivism leads to better integration into the community, less jail and prison overcrowding, reduced incarceration cycling costs, and fewer crimes committed by these individuals.

The release of mentally ill inmates from the Main Jail during non-business and nighttime hours increases the risk to not only released inmates but also to the community. Maximizing releases with a direct connection to a service provider, a "Warm Hand-off", will reduce the risk.

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## BACKGROUND

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A series of *Sacramento Bee* (The *Bee*) articles in 2013 described the struggles of two young men who had experienced chaotic lives in and out of psychiatric programs, jails, and prisons. Both had also been released from the Main Jail during hours when support services were not available to ease their transition into regular society. A complaint received by the Sacramento County Grand Jury on July 10, 2015 described a similar history of repeated incarcerations for a young man with mental illness who was released late at night from the Main Jail without transportation options or the ability to make a telephone call. The complainant referred to The *Bee* articles as evidence of the continuing problem of releasing mentally ill inmates from the Main Jail at all hours of the night without a responsive system of support that may avert future crises and re-incarcerations.

Main Jail documents reported a monthly average of 1,577 mental health open cases between June 2014 and May 2015 at both the Main Jail and the Rio Cosumnes Correctional Center (RCCC). On average, 55 percent of those mentally ill inmates received prescribed psychotropic medication. In 2013, mentally ill prisoners made up 30 percent of the prison population in California and jail staff reported that 34 percent of inmates at the Main Jail in 2014 had some form of mental disability.

The Main Jail serves primarily as a pre-sentence and main intake facility for Sacramento County. The majority of inmates there have shorter stays which makes re-entry and discharge planning more difficult than at RCCC. The Operations Order for Release requires Housing Unit officers to check for releases at least once per hour in the Jail Information Management System and to commence release procedures. This means that release orders that are received during the afternoon for the same day or within 24 hours often result in releases after normal business hours. Although inmates are permitted to remain in the release tank until morning, few choose to do so.

Data provided by jail staff indicates that inmates are released around-the-clock from the Main Jail. During a six-month period from July to December 2015, the majority of all releases occurred between 5pm and 8am with the highest number of releases between 9pm and 10pm. High numbers of

releases also occurred from 10pm to 11pm and from 12am to 1am. Staff was not able to provide the numbers of mentally ill inmates released during non-business hours because their current data system does not identify them.

Discharge planners at the Main Jail provide released inmates with a resource sheet with names, addresses and telephone numbers of key service providers. They may also receive confirmed appointments with caseworkers in community service agencies. A prescription is written for a 30-day free supply of medications if appropriate. However, it is the released inmate's responsibility to pick-up the medication at a designated location.

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## **METHODOLOGY**

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The Grand Jury toured the Main Jail and RCCC; met with staff from Jail Psychiatric Services\* and representatives from Sacramento County Behavioral Health Services, Department of Health and Human Services, TLCS (a contract mental health agency), and Correctional Health Services from the Sheriff's Department; and reviewed documents and data provided by the Main Jail staff. The Grand Jury also examined practices in other communities and studied research papers by both mental health and law enforcement professionals.

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## **DISCUSSION**

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There are a number of mental health services available within Sacramento County through the collaborative efforts of several service providers and the correctional institutions. Discharge planners can make referrals to a 24-hour respite center, which allows stays of up to 23 hours until more long-term support can be determined. Transportation arrangements can also be provided to take inmates requiring acute or supervised care to the Emergency Departments of local hospitals or a 6-bed respite center.

The Main Jail recently hired three Triage Navigators (Navigators) as part of a coordinated effort across many community service providers. They provide services from 8am until 2am seven days a week. The Navigators work

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\* Jail Psychiatric Services provides mental health services to inmates at both facilities and is staffed by a multidisciplinary team through a contractual agreement with the University of California-Davis, Department of Psychiatry and Behavioral Sciences

individually with each mentally ill inmate to identify needed community-based services at the time of release, and to arrange for a “warm hand-off” to another service provider to access services and thereby reduce recidivism. To encourage positive outcomes, the Navigators attempt to maintain either face-to-face or telephone interaction until contact is made with a service provider. If the individual is still in need, the Navigator will work to determine what additional services are needed.

Staff expressed particular concern for “Quicks”, inmates who are arrested, booked and released within 6 to 12 hours. These inmates often do not receive a medical assessment from Jail Psychiatric Services, even though they may have mental health issues and need such services.

Staff also reported concern for mentally ill inmates released at hours when no services are available and connections cannot be made. In addition, they cited Judges’ orders as contributing to inmate releases during non-business hours. It appears to the Grand Jury that both jail practices and Judges’ orders contribute to these after-hours releases.

The Navigators represent a positive step forward in creating a better system that integrates mental health services with law enforcement. An informal report from staff at the Main Jail to the Grand Jury reveals that Navigators are providing important linkage to community resources for recently released inmates who report problems such as homelessness; continuing mental health symptoms; and basic human survival needs such as food, clothing, and shelter.

There was a general consensus among jail psychiatric staff, Navigators, and community mental health collaborators that too many inmates needing mental health services upon release are not adequately linked to those services and are without a support system. One current option is the Mental Health Court (MHC). Although the MHC provides these important services, it is limited to a maximum of 90 inmates who qualify for the program.

The MHC clients must meet specified criteria with regard to their offenses and diagnoses. These inmates receive a discharge plan and release time to a service provider or specific individual. Successful completion of a 12 to 18 month program results in case dismissal at graduation.

**Data collection system does not specifically identify mentally ill inmates.**

There is no release process that identifies and responds to the specific needs of mentally ill inmates. The data system also does not flag those inmates who received mental health services during incarceration. These are inmates who need pre-release planning and follow-up contact from Navigators. Jail staff reports that there is a revolving door of mentally ill inmates whom they see at the Main Jail. A more effective tracking system would provide a clearer picture of the target population, the extent of their incarceration, and the effectiveness of their discharge planning interventions.

**Release of mentally ill inmates during non-business hours increases risks.**

Reintegrating into society successfully is a challenge for all inmates, but especially so for those suffering from mental illness. The first 24 to 72 hours become even more challenging when inmates are released from the Main Jail without a direct connection to community services. They are at high risk for psychiatric relapse and crisis, homelessness, substance abuse and re-arrest.

The Main Jail's responsibility for the inmate ends at release. The inmates are released in the downtown area and frequently become the responsibility of the Sacramento Police Department. With 34 percent of all Main Jail inmates having mental health issues, potentially 3,100 mentally ill inmates were released outside of business hours in the last six months when services were not readily available to a fragile population. These high risk releases negatively impact intensive city and county efforts to minimize homelessness.

There are efforts underway in other jurisdictions to minimize risk and maximize re-entry success. For example, a court settlement in New York City requires mentally ill inmates to be released during daylight hours. This change is having significant positive effects for released inmates. The number of inmates being re-arrested, often the very night of release, is decreasing.

The Grand Jury learned from jail staff that the Los Angeles County Sheriff's Department opened a Community Re-Entry Resource Center within the lobby of the Twin Towers Correctional Facility in May 2014. It was designed to assist released inmates in their transition to the community. There are a variety of services available Monday through Friday from 5am to 5pm. Although it does not address after-hours needs, it does support direct contacts to a variety of services and providers.

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## FINDINGS

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- F1. Inmates who need mental health services are at an increased risk for re-incarceration and/or psychiatric hospitalization if they are not linked to community mental health services during the critical 24-72 hours after release.
- F2. Mentally ill inmates released during non-business hours and at night when they cannot access services are more at risk for recidivism and exacerbation of mental health symptoms.
- F3. The Mail Jail data system does not flag those inmates who received mental health services during incarceration.

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## RECOMMENDATIONS

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- R1. Expand collaborative efforts to minimize the numbers of mentally ill inmates who are released during hours when services are not available. Key participants are:
- Sacramento County Sheriff's Office
  - Sacramento County Division of Behavioral Health Services
  - Sacramento County Superior Court
  - Sacramento County Probation Department
  - Sacramento Police Department
- R2. Explore the possibility of a transition resource center near the jail where released inmates can connect with service providers, including Triage Navigators, especially after normal business hours.
- R3. Revise the tracking system to incorporate the actual numbers of mentally ill inmates in the system, services provided, and the effectiveness of Triage Navigator services upon release.

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## **REQUEST FOR RESPONSES**

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Penal Code sections 933 and 933.05 require that the following officials submit specific responses to the findings and recommendations in this report to the Presiding Judge of the Sacramento County Superior Court by September 29, 2016:

Sheriff, Sacramento County Sheriff's Department  
All Findings and Recommendations

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

Kevin R. Culhane, Presiding Judge  
Sacramento County Superior Court  
720 9<sup>th</sup> Street, Department 47  
Sacramento, California 95814

**In addition, email the response to:**

Becky Castaneda, Grand Jury Coordinator at [castanb@saccourt.com](mailto:castanb@saccourt.com)





# **SACRAMENTO METRO FIRE DISTRICT PERMIT INSPECTIONS: TRUST BUT VERIFY**

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## **SUMMARY**

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Inspection of business structures for compliance with fire codes is essential for the safety of business owners, employees, customers, and the public. The trust put into the fire officials who inspect these premises is central to the confidence that buildings meet the fire code.

The Grand Jury investigated the fire permit process used by Sacramento Metropolitan Fire District (District), Northern Division, for inspecting buildings undergoing original construction or tenant improvements.

Currently, Fire Inspectors (inspectors) are not required to document or report any attempted bribery or conflicts of interest. The risks of fraud, bribery, and conflicts of interest can be mitigated through tighter internal controls of fire permit cards (cards), training and supervision of inspectors, ethics training, periodic rotation of inspectors, and coordination of the final fire inspection with the building department.

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## **BACKGROUND**

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The Grand Jury's investigation was initiated by a complaint that alleged that inspections by the District's Community Risk Reduction Division permit inspection program were not being performed properly or adequately. It also alleged that cards were being fraudulently produced. These cards record fire inspections performed and must be completed and initialed by the inspector to approve occupancy.

When a property owner wants to construct a new building, or make improvements to an existing structure, a building permit is required. If the construction requires fire district approval, the permittee, or their representative, is required to obtain a card. Once this card is issued, the permittee, or their representative, schedules the necessary inspections.

During inspections, information is recorded by the inspector on the card, and stored electronically. This information is not shared outside the District. When the inspection has been completed and all items have passed, the inspector initials the bottom of the card in the *Final Approval* box. The inspector does not sign the card.

It is up to the applicant to notify the appropriate building department that all the required fire inspections have been completed, the premises has passed the fire department inspections, and the District has approved the premises location for occupancy.

Once notified, the building inspector views the property and checks the card for the District's approval. The only way for the building inspector to verify the property passed inspection is by recognizing the initials of the inspector or confirming with the District.

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## **METHODOLOGY**

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During the course of the investigation the Grand Jury interviewed inspectors, their supervisors, senior management, and office personnel. We also obtained the following documents:

- Current Memorandum of Understanding (MOU), collective bargaining agreement
- Job descriptions for Fire Inspector and Supervising Fire Inspector
- Policy and procedures for inspections
- Training materials
- Permit issuance reports
- Inspection Fee Reports
- Blank fire permit card

We also conducted a site visit at the District office where cards are issued. The process for issuing the cards was reviewed and explained in detail by staff.

Throughout the investigation, District personnel were responsive, cooperative, knowledgeable and professional. Documents were provided as requested.

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## **DISCUSSION**

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### **Issuance of Fire Permit Cards (cards) and Conduct of Field Inspections**

The complaint alleged that cards were being fraudulently produced and sold. Although the evidence did not support the allegation, the investigation discovered inadequate written procedures for inspections.

## **Vulnerabilities of the Fire Permit System**

The District does not track issued cards. These cards are neither accounted for nor controlled by sequential preprinted numbers. The lack of a tracking system allows for potential misuse of the cards.

Another vulnerability in the system is the potential for bribery. For example, we learned that one inspector received and rejected an offer of a bribe but did not report it. There is no expectation or requirement to report any attempted bribery. None of the District Management interviewed had considered the possibility of fraud or bribery until it was discussed in the interviews with the Grand Jury. They believed their hiring practices and the culture of professionalism precluded this from happening.

## **Limited Oversight of Inspections**

Inspectors have limited discretion in code interpretation and enforcement when they conduct field inspections. Any deviation from the applicable fire code must be approved by a Supervising Fire Inspector. The only time a field inspection is reviewed by a supervisor is when an inspector has a specific question, or there is a complaint by the permittee or their representative.

The lack of oversight may lead to inappropriate behavior by inspectors. This behavior could include misapplication of the fire code, failure to conduct inspections or acceptance of a bribe.

## **Ethics Training and Conflicts of Interest**

Inspectors receive ethics training during their initial training to become a Fire Inspector. After probation, an inspector has no additional ethics training. Periodic ethics training would keep employees up to date on the latest ethical standards and reinforces the District's commitment to ethical behavior.

There is no requirement, policy, or procedure for inspectors or Supervising Fire Inspectors to identify and report potential conflicts of interest. One potential way to identify conflicts of interest is the expansion of who completes the Fair Political Practice Commission (FPPC) Form 700. This form is a Statement of Economic Interest, and requires reporting of gifts, real property ownership, ownership of business entities, and other sources of income. Currently, this form is not completed by inspectors or Supervising Fire Inspectors. This lack of a requirement to complete a Form 700, and a process to check that document against assigned inspections, allows an inspector to inspect a building where he or she may have a financial interest. This could be a conflict of interest.

## Assignment of Inspectors by Geographic Location

Each inspector is assigned a geographic area of responsibility. As stated in the MOU, the inspectors bid for their geographic areas by seniority. Due to this procedure, inspectors are not periodically rotated to different geographic areas.

Continuous assignment to the same geographic area may lead to inspection irregularities such as a loss of impartiality, or a permittee pressuring an inspector to perform a less than thorough inspection or no inspection at all. Periodic rotation of inspectors by geographic area may assist in minimizing this potential.

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## FINDINGS

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- F1. There is little accountability or administrative control of fire permit cards.
- F2. There is no written procedure for communication or coordination between the building departments and the Fire Inspectors about a passing fire inspection.
- F3. Supervising Fire Inspectors do not make scheduled or unannounced field reviews of inspectors' work after the initial probation period unless there is a question by the inspector or a complaint is filed.
- F4. There is no formal written procedure for Fire Inspectors to report any offer of gratuities or bribes by property owners or contractors.
- F5. There is no ongoing periodic or refresher ethics training for Fire Inspectors.
- F6. Fire Inspectors and Supervising Fire Inspectors are not required to complete FPPC Form 700 (Statement of Economic Interest) to identify and report potential conflicts of interest.
- F7. A Fire Inspector's continuous assignment to the same geographic area may lead to inspection irregularities.

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## RECOMMENDATIONS

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- R1. The District should develop written policies and procedures for issuing, completing and tracking fire permit cards, including sequential numbers printed on the cards.
- R2. The District should develop a written procedure to notify the appropriate building department of the final fire inspection approval.
- R3. Supervising Fire Inspectors should conduct regularly scheduled and unannounced field inspections and evaluations of the Fire Inspectors.
- R4. The District should develop a written policy and procedure to identify and report conflicts of interest and potential bribery situations.
- R5. The District should implement periodic ethics training for all Fire Inspectors and Supervising Fire Inspectors.
- R6. Fire Inspectors and Supervising Fire Inspectors should complete the FPPC Form 700 (Statement of Economic Interest).
- R7. The District should consider negotiating a geographic assignment rotation program for Fire Inspectors.

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## REQUEST FOR RESPONSES

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Penal Code sections 933 and 933.05 require that the following officials submit specific responses to the findings and recommendations in this report to the Presiding Judge of the Sacramento County Superior Court by September 29, 2016:

Sacramento Metropolitan Fire District  
All Findings and Recommendations

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

Kevin R. Culhane, Presiding Judge  
Sacramento County Superior Court  
720 9<sup>th</sup> Street, Department 47  
Sacramento, California 95814

**In addition, email the response to:**

Becky Castaneda, Grand Jury Coordinator at [castanb@saccourt.com](mailto:castanb@saccourt.com)



## HOMELESSNESS: A STATE OF EMERGENCY

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### SUMMARY

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In spite of increased funding and assurance that progress is being made on ending homelessness, Sacramento County continues to have large numbers of people living in inhuman like conditions. While some people live in poverty, filth, and exposure to the elements; others, including families with children, are living in their cars or with friends or relatives. Many are also incarcerated or hospitalized, only to be released to the same condition of homelessness.

There are two sides to the homeless situation. On one side are the individuals and families who are experiencing homelessness, and on the other side, are the public and local businesses that are forced to deal with the effects of homelessness such as deterioration of property values; health hazards and blight, and accumulation of garbage, used needles, and human waste as a result of people living on the streets.

Sacramento County and surrounding communities have passed ordinances to prevent panhandling, urinating and defecating, and camping in public. Advocates assert criminalizing homelessness will not solve the problem; however, they recognize that such behaviors have serious health hazards and consequences for the public.

The homeless problem has only gotten worse, and even though the communities want the homeless off the street, the homeless have nowhere to go. Many cities and states across the nation dealing with similar situations have been forced to declare homelessness as a state of emergency.

Sacramento Steps Forward (SSF) was formed to coordinate homeless strategies and serve as an umbrella for all homeless services. As the lead agency, SSF has been given the responsibility to manage an estimated \$18 million in annual federal funding from Housing and Urban Development (HUD). In addition, the County and City of Sacramento identify over \$50 million for related services for homeless such as police, fire, social services, and blight clean up.

Sacramento has recently been focused on permanent homelessness solutions, such as Housing First, instead of emergency shelters, transitional and temporary housing programs. The Housing First model seeks to move homeless people immediately into permanent subsidized housing. Evidence shows that the Housing First approach is effective for some homeless populations; however, housing assistance is only one of the many support services needed by the homeless.

There are many community and faith-based organizations that have been providing services since the 1980s. Loaves and Fishes, The Salvation Army, St. John's Program for Real Change, Family Promise, and Volunteers of America are but a few of the organizations active in our community.

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## **BACKGROUND**

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The challenge for a comprehensive homeless system is to provide programs and services to accommodate and meet the needs of all the different people experiencing homelessness. Homelessness is sometimes caused by tragic life occurrences like the loss of a job, health crisis, domestic violence, divorce, and family disputes. Other contributing factors include depression, untreated mental illness, addiction, and physical disabilities.

It is difficult to get an accurate estimate of the Sacramento homeless population. One method is the Point-in-Time Count, which attempts to count, in a single day, all the people experiencing homelessness. In 2015, this count identified 2,659 homeless. It is generally accepted that this method undercounts the actual numbers of homeless individuals. Advocates for the homeless assert it is impossible to find everyone and they estimate that there are at least another 1,000 homeless in the area.

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## **METHODOLOGY**

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The Sacramento County Grand Jury reviewed national policies and strategies, numerous newspaper articles, and on-line resources. We also conducted site visits of community and faith-based organizations; attended public meetings; interviewed advocates of the homeless; and met with the lead agencies in the County that provide programs and services to the homeless.



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## DISCUSSION

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### **Sacramento's Efforts to Develop Effective Homeless Solutions**

Although homelessness is a persistent problem in Sacramento County, most advocates report that there has been progress. In 2015, Sacramento area increased funding to address homelessness in addition to the \$18 million in federal funding.

SSF was created in 2009 to secure federal and local funds, develop initiatives, and collaborate with other entities, such as Sacramento Housing and Redevelopment Agency (SHRA), community based organizations (CBOs), and faith-based groups. SSF's signature initiative, Common Cents, is designed to ensure that individuals and families can access housing and services tailored to their specific needs. Components of the initiative include the Navigators (an integrated outreach team), a coordinated entry system, data collection, and connections to local community services.

The Navigators work directly with homeless clients throughout Sacramento County. They develop relationships to encourage their clients to accept services, including permanent housing. The Navigators use an established coordinated entry system through which people with the greatest needs receive priority for services, including permanent supportive housing, rapid re-housing, emergency shelter, and other interventions.

#### ***The Housing First Model***

The majority of efforts to solve chronic homelessness over the past several years have been centered on the Housing First model, which moves the homeless into permanent housing. Research has shown that this can be an effective approach, and acceptance of services is not a requirement for housing. Advocates maintain that once the person is housed, they will be willing to accept supportive services.

The challenge with the model is that there is simply not enough affordable housing. There are waiting lists as long as two years and it is unrealistic to anticipate that there will be sufficient housing built to meet the need over the foreseeable future.

Shared housing is one approach to the shortfall in permanent supportive housing. The Sacramento Shared Housing Program leases houses throughout the County and rents rooms to homeless individuals at a reasonable cost. Generally, up to six residents share the housing and the

program helps clients apply for services and income supports, such as social security, Medi-Cal, and CalFresh.

Rapid Re-housing is another approach that focuses on housing homeless people who only require funding and support for a limited amount of time. Participants receive funding to lease their own housing from the private market. It is often a challenge to find landlords that are willing to rent to this population at an affordable rent. The private housing market in Sacramento County does not have sufficient affordable housing units and has a very low vacancy rate (currently at 2.9%).

The Housing First model fails to meet the needs of a large proportion of homeless individuals and families, even though it receives the majority of the funding. Funds have been directed away from other programs such as emergency shelters, transitional programs, and other basic survival services.

### ***Shelters and other Services***

Emergency shelters have historically been the front door to moving the homeless off the streets. The numbers of homeless people seeking shelter far exceed available beds. Local organizations have attempted to fill the gap, but the reality is that there are hundreds of people that remain on the streets without access to shelter or other services.

There is a wide range of services currently being provided by many organizations such as Loaves and Fishes, The Salvation Army, St. John's Program for Real Change, Family Promise, and Volunteers of America. However, for those who have limited experience of being homeless, it is a challenge accessing the service systems and finding help.

### ***Transitional Housing Programs***

Transitional housing programs are generally for a limited time period, up to twenty-four months, and provide a range of services, such as those addressing mental illness, substance abuse, domestic violence, and lack of employment and other life skills. Transitional housing programs are no longer receiving federal funding, such as Saint John's Program for Real Change that has served Sacramento homeless women and children for over 30 years. The Saint John's program provides women with mental health and substance abuse services, GED and career education, and on the job trainings. In addition, the children receive emotional and development support. Acceptance in the program is conditional, and is based on the assumption that people need to be motivated and willing to accept help in order to change and overcome barriers.

### ***Temporary Housing***

Faced with a lack of housing options, a shortage of emergency shelter beds, and illegal camping laws, other options are being considered for dealing with the homeless. Some communities have developed what is called a safe sanctuary area in which unsheltered homeless people can legally camp or be provided temporary shelter. Sacramento officials have been exploring such options for the homeless. One such effort is the First Step Communities, which is proposing a public-private partnership with local governments to set aside public lands to develop an interim housing community using small sleeping cabins that would provide an alternative to camping or sleeping on the streets. First Step advocates envision a centralized community center that would include restrooms, showers, laundry, mutual kitchen and dining areas, including areas for service provisions.

### ***Criminalization of Homelessness***

Sacramento County and some surrounding cities have approved laws against illegal camping and other behaviors, which impact law enforcement and the community. Advocates assert criminalizing homelessness will not solve the problem; however, they recognize that such behaviors have serious health hazards and consequences for the public. As long as there are homeless on the streets, communities are going to have to deal with the resulting blight. Most communities have closed or limited the availability of public restrooms, which can contribute to such negative behaviors.

### **Current Efforts**

Homeless issues have been the center of attention in Sacramento over the past year. The Grand Jury recognizes the efforts of local leaders and advocates for the homeless to develop a cadre of services and new approaches to meet the challenges of the homeless crisis. Recognized efforts include the Navigators, coordinated assessments, and the Sacramento City Police Impact Unit (a specialized team of officers and a mental health professional that works directly with the homeless). Recently, the Sacramento City Council created a subcommittee to develop recommendations and explore alternatives including mobile restrooms and safe sanctuaries.

A number of larger cities have recently declared their homeless crisis a state of emergency. Such a declaration could make additional funds available, and bypass certain zoning ordinances and other obstacles, to create additional affordable housing, shelters and temporary housing options.

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## CONCLUSION

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The Grand Jury recognizes the work that area leaders and homeless service providers have made in order to address the homeless crisis in Sacramento. In spite of these efforts, the Grand Jury found that there has been little progress in reducing the number of people experiencing homelessness. It is the recommendation of the Grand Jury that the County and surrounding cities should declare homelessness a state of emergency.

Criminalization of homelessness is not an effective solution, and other options need to be developed, including basic supports to meet the needs of all the homeless and reduce the amount of blight and negative effects on the public. Nontraditional approaches of responding to homeless issues such as access to toilets and showers, safe sanctuaries, and Navigators and impact units require additional funding and support.

While the Grand Jury supports the intent of the Housing First model to move homeless people into permanent housing, the model does not address the needs of all homeless individuals and families. With resources shifted to one specific solution, an already overburdened safety net is challenged to meet the needs of all people experiencing homelessness. Without substantially increased affordable housing, the Sacramento area is incapable of providing sufficient resources to meet the demand and significantly reduce the number of people who are homeless at this time.

## ACCESS DENIED

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### SUMMARY

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The people of Sacramento enjoy miles of wonderful public space on the top of the levee system that protects this area from flooding, yet there are often restrictions to public access for recreation. These levees, forming the river parkway along both the American and Sacramento Rivers, are often referred to as the “jewel” of the Sacramento Region.

There are several places along the parkway where privately owned cross-fences block the public from freely using the levee trail. These fences over the top of the levee completely block public access as well as prevent the City from paving that portion of the trail.

This report focuses on privately owned barriers to public and recreational access along the Sacramento River.



(Photographs courtesy of the Sacramento River Parkway Coalition)  
[www.sacramentoriverparkway.org/The\\_Parkway\\_Story.html](http://www.sacramentoriverparkway.org/The_Parkway_Story.html)

These photographs depict the barriers to public access along the top of the levee.

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### BACKGROUND

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On June 19, 1996, the Central Valley Flood Protection Board (CVFPB), a State agency that controls the levee system, adopted its *Levee Cross Fence and Gate Master Plan*. The objective of this master plan was to provide guidance for future cross-fences and preserve private property rights. While

private property owners own the land under the levee, CVFPB maintains statutory authority to regulate encroachments.

In addition, CVFPB has the power to deny any application for proposed fences that interferes with its ability to maintain the levee. Fences may prevent successful execution, function, or operation of the flood control plan.

Prior to CVFPB adoption of this master plan, the Sacramento-San Joaquin Drainage District obtained easement rights for:

*"...a perpetual right-of-way and easement to build, construct, reconstruct, repair, and forever maintain the east levee of the Sacramento River, a part of the Sacramento River Flood Control Plan of the California Debris Commission, including all embankment, ditches and appurtenant structures, incidental works to said levee and bank protection works."\**

In 1975, the Sacramento City Council developed a feasibility study that led to its master plan for the Sacramento River Parkway. Its main goal was to provide public access for recreational opportunities along the parkway and rivers.



(Photographs courtesy of Sacramento River Parkway Coalition)  
[www.sacramentoriverparkway.org/the\\_parkway\\_story.html](http://www.sacramentoriverparkway.org/the_parkway_story.html)

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## METHODOLOGY

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The Grand Jury interviewed Sacramento City leaders and local media who have been covering the levee access issue. We reviewed documents including public land deeds; State, County, and City websites; and current data pertaining to the Sacramento River Parkway. We also visited several levee sites to observe and verify the obstructions along the Sacramento River.

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\* January 18, 1956: Deed 2370 for Parcel 031-0860-003 Vol. 3459 P.136, Attachment E, Exhibit A and June 1, 1954: Deed 1633 for Parcel 031-0860-004 Book 2616 Page 71, Attachment E, Exhibit B.



(Photographs courtesy of the Sacramento River Parkway Coalition)  
[www.sacramentoriverparkway.org/the\\_parkway\\_story.html](http://www.sacramentoriverparkway.org/the_parkway_story.html)

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## DISCUSSION

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The Sacramento River Parkway levee pathway is controlled by multi-jurisdictional government agencies. These agencies have various responsibilities to monitor, control and maintain the parkway system that incorporates privately owned barriers to public and recreational access.

CVFPB's *Levee Cross Fence and Gate Master Plan* provides guidance for cross-fences and private property rights. They have the authority to deny any application for a proposed fence that interferes with their ability to maintain the levee. In addition, CVFPB acquired right-of-way easements along the top of the Sacramento River levee. Moreover, the City's zoning and building codes provide the authority to require the removal of non-compliant fencing materials.

The Sacramento-San Joaquin Drainage District has easement rights to build, construct, reconstruct, repair and maintain the east levee of the Sacramento River, including embankments, ditches and appurtenant structures. The City and County of Sacramento adopted The American and Sacramento River Parkway Plans calling for public access to the top of the levee. This consists of advancements such as a multi-use trail on the top of the levee along both rivers. It further describes the specific activities and structures permitted along the parkways.

To address the issue of public access, the City of Sacramento approved plans in 2012 to purchase 71 recreational easements from private landowners. The City believes these easements are different than the existing right-of-way easements already obtained by CVFPB. The City is spending taxpayer dollars to purchase the same rights already publicly owned.

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## CONCLUSION

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The City's plan acknowledges that there is a denial of public access by private property owners. This plan is being implemented to acquire recreational easements for public access along the entire Sacramento River levee crest. The Grand Jury believes it may be a waste of public funds to negotiate with private landowners to purchase these recreational land easements. In fact, such easements are already owned and controlled by the Sacramento-San Joaquin Drainage District (see footnote, p.68).



# **SACRAMENTO CITY COUNCIL DISCRETIONARY SPENDING: SHOW ME THE MONEY!**

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## **SUMMARY**

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As a result of several media reports on the size and spending practices of the Sacramento City Council (Council), the Grand Jury decided to review the discretionary spending of the Council. Each Council member is allocated \$400,000, and the Mayor is allocated \$940,000, per year during the budgeting process for their district expenses. During the course of our review, we focused on key areas of Council spending: transparency, guidelines for discretionary spending, carryover of unspent funds from year to year, and comparison of spending practices to six other cities. The purpose of this inquiry was to review the spending of both the Council and the Mayor related to transparency, guidelines, carryover practices, and the practices of like-sized cities in California.

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## **METHODOLOGY**

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The information obtained for this report came from multiple witness interviews, documents received from the Council, and extensive online research. The Grand Jury also surveyed six cities of similar population as Sacramento in order to determine how they administer allocation and expenditure of discretionary funds.

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## **DISCUSSION**

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### **Transparency**

An important feature of government transparency is that information should be readily accessible and easily understood by the average citizen. The Grand Jury found that it was difficult to locate information regarding discretionary spending on the City's webpage ([www.cityofsacramento.org](http://www.cityofsacramento.org)). Although the *Council Spending Report* is posted on the City web page, it is our conclusion that the public would have a difficult time finding it without knowing exactly where to look. Once the report is found, the average citizen would also have a difficult time identifying and understanding the data for their district.

## **Guidelines for Discretionary Spending**

The amount of funds available per Council district is comparable to that of cities of similar population to that of Sacramento. The cities surveyed limit the use of these funds to specific types of projects, such as infrastructure projects, district programs, and other approved initiatives. Sacramento differs in that its only requirement is that the spending be for "the good of the community." Council spending is allowable provided that it is legal, spent within the Council district, and not a campaign contribution. All six cities surveyed require that all spending of discretionary funds receive additional approvals from their City Council, City Manager, or Finance Office. In Sacramento, although the initial allocations for District funds are approved during the budget process, no further approvals are required for individual Council member spending.

## **Carryover Funds**

In Sacramento, unspent Council District funds are carried over into the next fiscal year and are added to each Council member's budgeted yearly allocation (\$400,000 / \$940,000). Unspent funds carry over as long as the current Council member is still in office. There is no limit to the amount that may be accumulated. Three of the six cities surveyed automatically return unused funds to the general fund. The three remaining cities require additional approvals to carry over the funds, and those funds must be used for pre-approved projects.

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## **CONCLUSION**

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The Grand Jury noted that the City has posted the Council spending information on its webpage, but only the most determined citizens will find the information. Council members have followed existing rules governing spending and carry-over of unused funds, but these guidelines are minimal at best.

We believe that the City of Sacramento can improve transparency by including a link to a given Council Member's spending, on each individual's webpage, in an easy-to-understand format. We also suggest that the City revisit its guidelines for spending and carrying over funds to ensure that City funds are spent openly and wisely.

# **CORRECTIONAL FACILITY SYSTEM REVIEW**

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## **BACKGROUND**

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California Penal Code 919B provides that the Grand Jury shall inquire into the conditions and management of the public prisons within the county. To fulfill this responsibility the Grand Jury visited and reviewed each jail and prison located within Sacramento County.

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## **METHODOLOGY**

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- This Grand Jury developed a structured questionnaire to collect information regarding pertinent demographic and statistical data from all the correctional institutions in Sacramento County. The questionnaire was sent to each of the institutions prior to our site visits (see Detention Facility Review Questionnaire at the end of this report).
- The Grand Jury requested and reviewed relevant reports and audits from the California Board of State and Community Corrections (BSCC).
- The Grand Jury reviewed public information from the internet and other published sources.
- The Grand Jury scheduled onsite visits to all the institutions and the probation department. The visits were structured to examine both overall facility functioning and specific areas of interest. We followed up with additional interviews if there were further questions.

## **Facilities Visited**

- Folsom State Prison
- California State Prison Sacramento
- California State Women's Prison, Folsom
- Sacramento County Rio Cosumnes Correctional Center
- Sacramento County Main Jail
- Sacramento County Probation Department
- Sacramento County Youth Detention Facility

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## **FACILITY DISCUSSION**

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### **Folsom State Prison**

Folsom State Prison (FSP) first opened in 1880. Although originally designed as a “maximum security” facility, it presently houses inmates at the Level I (minimum) and Level II security classifications. At the time of the tour, the inmate population was 2,415 male prisoners. Public Safety Realignment legislation (AB 109) has significantly reduced the census at Folsom.

There are re-entry programs, which include education, vocational rehabilitation, and behavioral health. Re-entry programming prepares inmates for return to the community. Training is available at Prison Industries, which manufactures furniture for purchase, welding programs, auto mechanics and repair classes, apprentice electrical training classes, and an electronics repair training classroom.

California’s prisons have been under federal health care receivership and supervision. Management of FSP’s health care system was returned to the state in mid-2015. FSP has also been accredited by the National Commission on Correctional Healthcare.

### **California State Prison-Sacramento**

California State Prison-Sacramento (CSPS) is a Level IV (highest security) facility. The inmate population was 2,183 on the day of our tour. CSPS is one of the hubs for the Mental Health Services Delivery System (MHSDS). Inmates with mental health issues represent 60-70% of the population. There are three levels of mental health care provided at CSPS: Correctional Clinical Case Management, Enhanced Outpatient Program and Mental Health Crisis Beds.

The impact of AB 109 is perceived as a largely positive change for the overall operations of CSPS as their census has dropped significantly. Triage, treatment, programs and safety precautions for the population with mental health diagnoses are well developed and implemented. The array of CSPS’ programs and activities for all inmates is diverse and provides important opportunities for inmates to successfully re-enter the community upon release.

## **California State Prison Folsom-Women**

California State Prison for Women at Folsom is a stand-alone facility for 500 inmates under the administrative structure of the larger Folsom Prison. This facility is designated a re-entry facility and all of the women inmates have sentences that are near completion. They have been transferred here for programming to return to the community. These programs focus on educational, vocational and daily life skills management. The women are actively involved in a multitude of programs every day.

The Grand Jury was impressed with the programs, participation and the overall involvement of inmates and staff at this facility. Interaction between staff and inmates was frequent, the programs were relevant and most of the inmates interviewed were positive about the opportunities being provided.

This facility provides a model of focus and purpose that should be considered for other institutions. It is important to track its success by monitoring both recidivism and the employment of program participants.

## **Rio Cosumnes Correctional Center**

The Rio Cosumnes Correctional Center (RCCC) is a County Jail Prison located in rural Elk Grove. It houses 1,950 male and 225 female inmates. These inmates can be either post-sentence or pre-trial inmates. Under a provision of AB 109, these inmates may now be sentenced to up to eight years in a county facility, as opposed to previous law where the maximum sentences imposed did not exceed one year. RCCC also has a contract with Immigration and Customs Enforcement (ICE) to house male detainees. We did not tour the ICE unit. RCCC has 208 sworn and 64 non-sworn personnel. This is less than other similar-size facilities. We observed overcrowded barracks with many inmates engaged in little or no activities.

The Grand Jury acknowledges several certification programs at RCCC, including Welding and Manufacturing, Culinary Arts, and Printing and Computer Graphics. While we support RCCC leadership's efforts to partner with public or private industries to develop more of their creative re-entry programs, the Grand Jury is concerned that the number of programs available to inmates is insufficient for the current population at this facility.

## Sacramento Main Jail

The Main Jail, located in Downtown Sacramento, is primarily an intake and pre-sentence facility for Sacramento County. For the second quarter of 2015, the average length of stay for inmates was 38 days and the average daily population was 2,095.

The jail has experienced a significant increase in the number of mentally ill inmates and a subsequent demand for mental health services. The Grand Jury looked in depth at some of the services for mentally ill inmates in the Main Jail and has a more comprehensive report, "Release of Mentally Ill Inmates from the Main Jail", in the Final Report of this Grand Jury.

## Probation

The Probation Department is responsible for the supervision of more than 25,000 probationers. This department provides:

- Supervision of Public Safety Realignment Offenders (AB 109)
- Supervision of adult and juvenile offenders granted probation by the Courts
- Pre-sentenced investigation of criminal offenders
- Operation of the Youth Detention Facility

The Probation Department was required to make dramatic cutbacks due to the economic recession. These cutbacks resulted in a 50% reduction of staff; increased caseloads for probation officers; reduced supervision of probation cases; and the closure of programs such as the Neighbor Alternative Center, the Sacramento Boys Ranch, and the Warren E. Thornton Youth Center. Probation has been able to reverse some of these cutbacks through funding from AB 109 and SB 678, which was passed to restore funding to counties to prevent criminal recidivism.

The Grand Jury supports Sacramento County Probation Department's commitment to evidenced-based practices in all aspects of their operation. These approaches and interventions reduce re-offense, reduce community risks, improve pro-social behaviors, and increase public safety. We also support the Probation Department's commitment to reducing the number of out of area group home and institutional placements.

## Sacramento Youth Detention Facility

The Sacramento Youth Detention Facility (YDF), commonly known as Juvenile Hall, housed 155 males and 29 females at the time of the Grand Jury tour. The facility has 290 correctional staff, which is a high staff to youth ratio.

YDF was built to accommodate 426 detainees. Thus, there is ample unused space. One dormitory unit is repurposed and used for special needs youth as a “sensory room” to support mental health services and trauma-informed therapy, such as counseling and crisis intervention. The reduced population has allowed for increased specialization in living units. Vacant units are used for educational and vocational programs, a library, and a community-operated Boys and Girls Club program.

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## ISSUES

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### Assembly Bill 109

Often referred to as Prison Realignment, AB 109 has been a major catalyst for changes in the correctional system in California. In Sacramento County, the impact of AB 109 can be seen by the:

- Reduction in state prison population but increased county jail population
- Shift in the county inmate population to a culture that is more criminally “sophisticated” (gangs, systemic violence, etc.) due to longer sentences
- Lack of available vocational, educational or treatment programs for longer stay individuals in county jails.
- Increased need for physical and mental health care services
- Reduction or loss of services related to contact visits, housing options, and vocational/educational programs that were available to inmates who were previously in state prison
- Lack of county resources or infrastructure to proactively address these changes

## **Proposition 47**

Proposition 47 “decriminalized” drug crimes such as possession and this has reduced arrests and incarceration. This initiative changed many arrested individual’s charges from felonies to misdemeanors and now allows for unsupervised probation rather than jail and/or prison time. Paradoxically, Proposition 47 has dramatically increased the burden on the courts by more than 10,000 filings to have previous felony convictions set aside and changed to misdemeanors. The Grand Jury also learned that this has had a significant impact on Sacramento County drug programs as indicated by:

- Lessened participation in Proposition 36 programs which allowed treatment in lieu of incarceration as well as the Drug Court programs offered by Probation and the Superior Court
- Reduced sanctions for drug usage
- Eliminated some treatment options for drug abusers
- Shifted consequences for drug use away from criminal justice to a public health focus that may not have sufficient funding.

## **Overcrowding**

The shift of prisoners from state prison to County facilities has resulted in overcrowding, particularly at RCCC. In addition to pre-trial detainees, the Main Jail also continues to have a high census because it is required to deal with a more seriously disturbed and/or violent population who cannot be housed at RCCC.

## **Lack of resources and programs**

One funding priority of AB 109 is to provide an array of educational and re-entry programs to inmates transferred from state prison to County facilities. However, there are a significant number of inmates being sentenced directly to County facilities, who could benefit from the programs but may not be eligible. Funding however, is based on number of inmates returned to county as state prisoners, not those who now do not qualify for state prison. These programs are hampered by not only a lack of resources but also by a lack of space.

## **Juvenile Probation**

The Grand Jury was concerned about the consequences of the closure of local facilities, the reduction of juvenile probation services and the over-reliance on out of county/other state placements. Sacramento County has a high number of youth placed out of county or in other states. This long-distance supervision is difficult and costly. These placements are problematic because those youth will eventually return home where they will be involved



with their families and the community. If they return to environments that have not changed, these youth will be at risk of returning to problem behaviors. While there may be financial incentives for out of area placements because State or Federal funds pay for the placement, the long term consequences of this practice negatively impacts our community. Treatment options need to be local and focus on not only the youth but also on his or her community and family supports. This focus and coordination is absent for youth placed out of county. Decisions about treatment should be based on outcomes, not primarily who pays. Sacramento County needs to continue its efforts to develop more local options to bring these youth home.

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## **PROMISING PRACTICES**

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All of the programs the Grand Jury identified as promising had similar characteristics, in that each:

- Utilized collaborative, multi-agency approaches
- Implemented evidence-based practice models
- Focused on rehabilitation and re-entry
- Stressed accountability and personal responsibility
- Enhanced public safety while reducing recidivism and jail population
- Had a broader focus that included addressing mental health/substance abuse treatment, education, vocational rehabilitation, parenting, domestic violence prevention and anger management

## **Collaborative Courts**

Specialty courts are unique in the degree of collaboration between the Court, the District Attorney, the Public Defender and the Probation Department. They address the root causes of frequent arrests of this population by requiring both treatment and consequences for non-compliance. These collaborative teams have developed strategies that implement a restorative justice model that stresses accountability, public safety, and treatment. The Grand Jury was impressed by this innovative approach and encourages ongoing evaluation to determine whether continuation and/or expansion are indicated. The current specialty courts in Sacramento County are:

- Drug Court
- Mental Health Court
- Veterans' Court
- Co-Occurring (mental health and drug dependency issues) Court
- Re-entry Court

## **Coordinated and collaborative programs**

The Grand Jury noted that there has been an increase in the number of coordinated and collaborative programs:

- RCCC and Elk Grove Unified Schools providing educational and vocational programs including GED and Adult Education
- Behavioral Health and Probation providing Proposition 63 (Mental Health Services Act) programs for mental health treatment
- Title IV-E waiver consortium with Probation, Social Services, Health and Human Services including Behavioral Health addressing treatment and local placement options for juveniles. This waiver allows the County to use Federal funds to provide local treatment options rather than only for out of home placements.
- Probation and the Building and Trades Council providing job training
- Collaborative Courts with Judges, District Attorney, Public Defender, Probation, Veteran's Administration, Behavioral Health and community providers coordinating services and treatment

It is the leadership at "the top" that makes these programs successful. There has been progress with coordinated and collaborative programs that must be nurtured and encouraged by all levels of County leadership.

## **Person to Person Transfers (Warm Hand-off)**

The Grand Jury review of programs and the evidence based practices revealed the importance of the person to person transition from custody to other treatment or supervision options, especially during the first 24 to 72 hours. Examples of programs that ensure a better transition are:

- RCCC transporting inmates to Salvation Army or Adult Reporting Center
- Collaborative Courts ordering time specific pick-up by Probation or community treatment providers
- Navigators at Main Jail connecting inmates with mental health treatment providers

# DETENTION FACILITY REVIEW QUESTIONNAIRE

Please provide the information relating to those Sections designated with an (\*)

## \*GENERAL INFORMATION

Facility: \_\_\_\_\_

Facility Address: \_\_\_\_\_

\_\_\_\_\_

Facility Administrator: \_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_ Facsimile Number: \_\_\_\_\_

## \*TYPE OF FACILITY

Jail/Prison ☐ Level: I \_\_\_\_\_ II \_\_\_\_\_ III \_\_\_\_\_ IV \_\_\_\_\_

Lockup/Temporary Holding ☐ Court Holding ☐ Juvenile Hall ☐ Other: \_\_\_\_\_

Facility Capacity: \_\_\_\_\_ Current Population: \_\_\_\_\_

## \*INMATE DEMOGRAPHICS

(From your most recent census)

Male: \_\_\_\_\_ Female: \_\_\_\_\_ Transgender: \_\_\_\_\_

Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_

From July 1, 2015 through June 30, 2016, please indicate the following:

- ☐ Number of suicides: \_\_\_\_\_
- ☐ Number of attempted suicides: \_\_\_\_\_
- ☐ Number of Homicide(s): \_\_\_\_\_
- ☐ Number of deaths (other causes): \_\_\_\_\_
- ☐ Number of escapes/attempted escapes: \_\_\_\_\_
- ☐ Number of Inmate Grievances: \_\_\_\_\_

**\*CORRECTIONAL STAFF DEMOGRAPHICS**

Correctional Staff:\_\_\_\_\_ Male:\_\_\_\_\_ Female:\_\_\_\_\_

Race:\_\_\_\_\_ Ethnicity:\_\_\_\_\_

Is bi-lingual staff available to communicate with the inmate(s)? ☐ Yes ☐ No

What languages are available?\_\_\_\_\_

**STATE/FEDERAL AGENCY INSPECTIONS/CERTIFICATIONS**

Please make available for our review, the most recent outside agency reports, including, but not limited to (BSCC), pursuant to the Minimum Standards for Local Detention Facilities Title 15-Crime Prevention and Corrections Division I, Chapter I, Subchapter 4.

**FACILITY AREAS OF INTEREST**

<b><u>Quality of Life</u></b>	<b><u>Programs</u></b>	<b><u>Persons to be Contacted</u></b>
Physical Plant <input type="checkbox"/> Meals/Nutrition <input type="checkbox"/> Mental Health <input type="checkbox"/> Physical/Dental Health <input type="checkbox"/> Religious Services <input type="checkbox"/> Visiting <input type="checkbox"/> Recreation & Exercise <input type="checkbox"/> Volunteer Involvement <input type="checkbox"/> Vulnerable Inmates <input type="checkbox"/> Sex Offenders <input type="checkbox"/> Gang Drop-outs <input type="checkbox"/> Under 18 offenders <input type="checkbox"/> Sexual Victims <input type="checkbox"/> Special Needs <input type="checkbox"/> Physically Handicapped <input type="checkbox"/> Developmentally Disabled <input type="checkbox"/> Transgender <input type="checkbox"/> Segregation <input type="checkbox"/> Housing <input type="checkbox"/> Clothing	<input type="checkbox"/> Educational <input type="checkbox"/> Vocational <input type="checkbox"/> Community Services <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Victim/Gang Awareness <input type="checkbox"/> Substance Abuse <input type="checkbox"/> Re-entry Programs <input type="checkbox"/> Pre-release/Release <input type="checkbox"/> Grievance/Resolution Procedures <input type="checkbox"/> Voting <input type="checkbox"/> Inmate Discipline <input type="checkbox"/> Individual/Group/Family Counseling <input type="checkbox"/> Legal Assistance	<input type="checkbox"/> Inmate(s) <sup>1</sup> <input type="checkbox"/> Facility Administrator <input type="checkbox"/> Medical Staff <input type="checkbox"/> School Staff <input type="checkbox"/> Mental Health Staff <input type="checkbox"/> Correctional Staff <input type="checkbox"/> Food Services Staff <input type="checkbox"/> Other

<sup>1</sup> The generic term inmate is defined as someone who has been confined to an institution, either adult or juvenile.

**DETENTION FACILITY REVIEW QUESTIONNAIRE****FACILITY SAFETY**

Explain how the facility develops and implements your Inmate Classification Plan:\_\_\_\_\_

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Date of last fire/emergency drill and the facility emergency plan(s):\_\_\_\_\_

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Method of Assessment and Tracking of correctional officer training and any relevant data:\_\_\_\_\_

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General overview of on-going training/services for correctional, medical and support staff:\_\_\_\_\_

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Other:\_\_\_\_\_

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## **RESPONSES TO THE 2014-2015 GRAND JURY REPORTS**

The 2014-2015 Grand Jury Consolidated Final Report contained four investigative reports. The 2015-2016 Grand Jury reviewed responses to these reports submitted by the affected government entities. This information is available online at [www.sacgrandjury.org](http://www.sacgrandjury.org).

### **MENTAL HEALTH CRISIS INTERVENTION SERVICES...SACRAMENTO COUNTY'S SHAMEFUL LEGACY OF NEGLECT**

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#### **REASON FOR INVESTIGATION**

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"The 2014-15 Grand Jury investigated the serious ramifications of continual program reductions to the County mental health system. The Grand Jury found a continuing pattern of troubling decisions, starting with the Board of Supervisors' decisions to close the Crisis Stabilization Unit and reduce acute-care hospital beds by **50%** in the 2009-2010 budget. The County, for over five years, has continued to abdicate responsibility for mental health crisis services, especially to low-income and indigent residents suffering from serious mental health disorders. Reviewing the County's decisions regarding the provisions of mental health crisis services over the past five years, the Grand Jury has seen little progress in resolving these serious problems. These actions have destabilized our mental health delivery system and caused major disruption in crisis care."

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#### **SUMMARY OF GRAND JURY FINDINGS AND RECOMMENDATIONS**

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Findings: The Grand Jury found that Sacramento County: (1) has abdicated the provision of crisis services for the mentally ill. The current mental health crisis services in Sacramento County are inadequate, anti-therapeutic, costly and dangerous; (2) the decision to close the Crisis Stabilization Unit to adult patients and to eliminate 50 beds from the Sacramento County Mental Health Treatment Center, as well as subsequent program decisions, has had widespread negative fiscal consequences; (3) the shift of responsibility for crisis services has overwhelmed community hospital emergency rooms; (4) the use of inpatient hospitals is dysfunctional and currently too expensive; (5) the shift of responsibility for crisis services has adversely impacted area

RESPONSES TO THE 2014-2015 GRAND JURY REPORTS

MENTAL HEALTH CRISIS INTERVENTION SERVICES...SACRAMENTO COUNTY'S SHAMEFUL LEGACY OF  
NEGLECT

law enforcement agencies; (6) county's relationship with hospital providers and law enforcement is strained or conflictual; and (7) the continued use of long-term, non-acute 24-hour care utilization is inadequate, costly, and fails to utilize more appropriate alternatives.

Recommendations: The Grand Jury recommended that Sacramento County: (1) provide documentation that they are meeting all requirements for the provision of crisis and hospital services for the seriously mentally ill; (2) establish a fully functional and available 23-hour intake and evaluation crisis unit (Crisis Stabilization Unit) or similar urgent care model; (3) develop, expand and support outpatient programs that respond to and mitigate mental health crises before they escalate; (4) expand mobile crisis programs; (5) assure continuation of CIT (Crisis Intervention Training) opportunities for law enforcement by exploring all available funding options; (6) expand crisis residential services, both acute and non-acute; (7) maximize reimbursable services utilizing funding sources including Prop 63 (MHSA), S.B. 82 (Mental Health Wellness Act), and Medi-Cal; (8) clearly articulate the County's budget for crisis and hospital services for non-Medi-Cal patients; (9) involve the community in developing strategies regarding hospital bed availability, utilization and funding for patients requiring psychiatric inpatient care; (10) cease the ongoing renovation project to convert the closed 50 beds at the SCMHTC; and conduct an independent evaluation of cost-effective and highest use for this facility; (11) use existing SCMHTC hospital beds for acute stays rather than for non-acute or administrative stays; (12) consider additional 1 6-bed Psychiatric Health Facilities contingent on the analysis of an overall mental health crisis response plan; (13) address the damaged relationships with community hospitals, law enforcement, and the mental health community pat large; (14) provide alternative longer-term 24-hour non-acute capacity that is less expensive than acute hospitalization; and, finally, (15) develop and implement programs for difficult to place patients.



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**BOARD OF SUPERVISORS RESPONSE**

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Sacramento County partially agreed with findings 1, 3, 4, 5, and 6, and disagreed with finding 2. Overall, Sacramento County agreed that the availability of long-term, non-acute 24-hour care is inadequate in Sacramento, and noted that this situation is not unique to this county. The conversion of many privately operated long-term, non-acute 24 hour care programs to other types of care has reduced capacity over the last ten years in Sacramento County and elsewhere. Sacramento has the additional challenge that existing local facilities are utilized heavily by other counties. They also acknowledged the increased impact on law enforcement personnel when interacting with emergency rooms.

The County asserted that it has made significant commitments and investments to provide relief and appropriate treatments for the mentally ill; it has developed procedures to reduce the impact on law enforcement personnel when interacting with emergency rooms; and it is embarking on an increased collaboration with health care providers and law enforcement to alleviate those impacts.

Sacramento County stated that they have implemented, or plans to implement all of the recommendations, except numbers 8 and 10, which they will not implement due to budgetary constraints.

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**2015-2016 GRAND JURY COMMENTS**

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The Grand Jury notes that the response from Sacramento County was submitted in compliance with Penal Code sections 933 and 933.05. Although the County only partially agreed with the findings, they did indicate acceptance and implementation of the majority of the recommendations.

The 2015-2016 Grand Jury asked for additional information from the County to support its responses to Recommendations 2, 4, 6 and 7. The County provided sufficient details to demonstrate important progress in continuing its commitment to support the mentally ill populations in Sacramento County. The requested additional information clarified and highlighted the proposed programmatic and budgetary changes. The 2015-2016 Grand Jury supports and encourages the efforts made by the County to improve the mental health services to those in need, and commends the County on the progress they have made so far.

The Grand Jury encourages future Sacramento County Grand Juries to monitor Sacramento County Mental Health Crisis Intervention Services to ensure that appropriate services are being provided to those individuals needing mental health care.

## **CITY OF SACRAMENTO FIRE DEPARTMENT HANDLING OF NARCOTICS**

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### **REASON FOR INVESTIGATION**

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"Based on information received by the Grand Jury, an investigation was conducted to determine the adequacy of the Fire Department's policies and procedures to prevent the illegal use of narcotics by paramedics or other Fire Department personnel, a related issue not investigated by the City Auditor in their August 2014 report, *Audit of the Fire Department Inventory System and Narcotics*."

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### **SUMMARY OF GRAND JURY FINDINGS AND RECOMMENDATIONS**

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Findings: (1) the Fire Department's implementation of coded access by authorized personnel provides better assurance that narcotics are only accessed by those with the proper and unique access codes, as referenced by the City Auditor's report; (2) there was no evidence discovered to indicate drug theft or tampering; and (3) the Department's publicly stated willingness to consider random drug testing, as stated in the City Auditor's report, is recognition of a proven program to create a safer work environment for fire personnel and to ensure better patient care.

Recommendations: The Grand Jury recommended that the City of Sacramento Fire Department should: (1) continue implementing the City Auditor's recommendations, (2) conduct a follow-up audit to determine the adequacy of the Fire Department's implementation and operation of the systems, policies and procedures required to properly manage narcotics under the Department's control; and (3) in consultation with the City Attorney, diligently pursue discussions with firefighter union representatives to institute a random drug testing program.

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**RESPONSE**

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The City of Sacramento Fire Department agreed with all findings and recommendations except Recommendation Number 3. They responded that since there has been no evidence of drug use, and that the current labor contract does not provide for random drug tests, they did not agree with Recommendation Number 3.

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**2015-2016 GRAND JURY COMMENTS**

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The Grand Jury notes that the required response was submitted in compliance with penal code sections 933 and 933.05.

The Grand Jury encourages exploration of mechanisms for identifying the potential for drug misuse problems by employees of the Sacramento Fire Department.

## **RED LIGHT CAMERAS...TIMING IS EVERYTHING**

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### **REASON FOR INVESTIGATION**

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"The City of Citrus Heights (Citrus Heights) has been incorporated as a city since January, 1997. In June of 2006, Citrus Heights formed its own police department and installed red light cameras beginning in January 2008 at five intersections. While there seem to be many areas of concern about the use of red light cameras in Citrus Heights, the Grand Jury investigation focused on two issues: (1) Is the timing of yellow signal lights in compliance with Federal and State standards? (2) Has there been a reduction of accidents at the intersections where such cameras are installed? Citrus Heights does not uphold its responsibility to operate and monitor its red light camera program."

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### **SUMMARY OF GRAND JURY FINDINGS AND RECOMMENDATIONS**

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Findings: (1) The City of Citrus Heights does not uphold its responsibility to operate and monitor its red light camera program; (2) The Citrus Heights Police Department (CHPD) routinely fails to follow its adopted policy and procedures on red light cameras; (3) The accident reduction data used to judge the effectiveness of the program by the CHPD is inconsistent and inaccurate in some instances; and (4) The City has no process in place to be alerted when the yellow light sequencing falls below the minimum standard set by CA DOT and mandated by the CVC; and (5) Citrus Heights has no reliable process in place to ensure that the timing of the yellow light sequencing is consistent.

Recommendations: (1) The CHPD should routinely produce and analyze actual traffic incident data. This information should then be used to judge the effectiveness of the program. This will allow informed decisions such as whether the cameras are placed at intersections that yield the most desired effect; (2) Citrus Heights Public Works should set the minimum timing for yellow lights at the minimum standard, in order to trigger the red flashing signal, indicating a problem with the timing; and (3) Citrus Heights should assign personnel to conduct an on-site physical timing of the yellow signal lights at each intersection where there is a red light camera. A written maintenance log should be kept.

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**RESPONSES FROM THE CITY OF CITRUS HEIGHTS AND THE CITY OF CITRUS HEIGHTS POLICE DEPARTMENT**

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City of Citrus Heights: In their response, the City of Citrus Heights provided enough information that when followed adequately addresses the concerns of Findings 1 and 4, and recommendation 1. In response to finding 5 and recommendation 3, they cited "People vs. Goldsmith" as justification for their disagreement. In "People vs. Goldsmith" the Supreme Court of California concluded that "photographs and video taken by Automated Traffic Enforcement Systems shall be considered an accurate recording of events...."

Citrus Heights Police Department: Even though the Citrus Heights Police Department disagreed with findings 1 and 3, they did provide enough information to adequately address the concerns raised in the report. Their partial concurrence with finding 2 and recommendation 1 would address the concerns. In response to recommendation 3, they also cited "People vs. Goldsmith" as reason for their disagreement. The Department believes that they are following proper procedures because the yellow light timing is being recorded.

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**2015-2016 GRAND JURY COMMENTS**

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The Grand Jury notes that all required responses to this investigation were submitted in compliance with Penal Code sections 933 and 933.05.

This Grand Jury believes that if City of Citrus Heights and the Citrus Heights Police Department follow through with the actions cited in their responses, the residents will be adequately protected by their use of red light cameras. In citing "People vs. Goldsmith", the City of Citrus Heights and the Citrus Heights Police Department acknowledged that the timing of the yellow light interval is set by the California Department of Transportation and that the timing criteria must be followed, whether or not the interval is photographed or recorded. The issues raised in the 2014-15 Grand Jury report were not only about the timing of the lights but the monitoring of their accuracy and the analysis of effectiveness.

## THE RALPH M. BROWN ACT...NOT TO BE TAKEN LIGHTLY

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### REASON FOR INVESTIGATION

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"The Grand Jury received several complaints of allegations of violations of the Brown Act ("The California Open Meeting Act") provisions. The Grand Jury surveyed board members and executive staff of several small districts within Sacramento County that are governed by the Board of Supervisors about their Brown Act training and experiences. Larger boards such as the Board of Supervisors and city councils, which can afford consistent legal guidance at their meetings, usually follow Brown Act procedures."

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### SUMMARY OF GRAND JURY FINDINGS AND RECOMMENDATIONS

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Findings: (1) There may be Brown Act violations that go unnoticed by staff, board members, and the public, especially in smaller jurisdictions; (2) Awareness of such violations is often triggered by a controversial decision, and can cause great embarrassment. Rectifying violations can be very expensive and result in unplanned costs; (3) there are numerous opportunities to get professional Brown Act training. New board members and key employees appear to all receive training. It is unclear whether that training is reinforced every two years as required in Government Code 53234(d)(3); and (4) Since the general public has limited exposure to the Brown Act, strict adherence reduces the potential for procedural controversy.

Recommendations: (1) Jurisdictions must always follow Brown Act procedures; (2) All jurisdictions should keep a log to ensure that board members and key staff receive training every two years, as required by Government Code 53235.1 (c)(2)(b); (3) Board members and staff should personally ensure that their training is adequate and current; (4) Jurisdictions should periodically schedule Brown Act training on a meeting agenda and invite members of the public to attend; (5) To ensure full transparency, jurisdictions should regularly review their meeting and posting procedures for compliance with the Brown Act. Further, jurisdictions can also consider reviewing all their public practices, including seeking a "District Transparency Certificate of Excellence", which is offered by the Special District Leadership Foundation; and (6) The Sacramento County Board of Supervisors and all cities within the County should ensure that their commissions, committees, boards and other bodies subject to the Brown Act, maintain records on their ethics and Brown Act training compliance.

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**RESPONSE FROM SACRAMENTO COUNTY**

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Sacramento County agreed with findings 1 and 4. In their responses to findings 2, 3, and 5, the County stated that they were not aware of any evidence to support the findings. The County has implemented or plans to implement those recommendations for the jurisdictions that come under their direct control. There are no plans to implement recommendation 4 as the training is available on-line for jurisdiction use.

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**2015-2016 GRAND JURY COMMENTS**

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The Grand Jury notes that all required responses to this investigation were submitted in compliance with Penal Code Sections 933 and 933.05.

The Grand Jury encourages Sacramento County to monitor the implementation of the actions stated in their response. Further, the County stated that during 2015, the Clerk of the Board of Supervisors will implement a process requiring those entities under the county's jurisdiction to file periodic reports providing information on dates meetings were held and how they ensure compliance with Brown Act requirements.



# **SACRAMENTO COUNTY GRAND JURY**

## **COMPLAINT PROCESS**

### **GENERAL INFORMATION**

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

#### **The Grand Jury:**

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

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

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

### **COMPLAINT PROCESS**

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

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

Complaints submitted to the Grand Jury will be treated confidentially whenever possible. However, it may be impossible to conduct an investigation without revealing your name and complaint.

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

**GRAND JURY COMPLAINT FORM****PERSON OR AGENCY ABOUT WHICH COMPLAINT IS MADE**

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

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

\_\_\_\_\_

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

**GRAND JURY USE ONLY:**

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

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

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

**NATURE OF COMPLAINT** (Describe events in the order they occurred as clearly and concisely as possible. Also indicate what resolution you are seeking. Use extra sheets if necessary and attach copies of any correspondence you feel is pertinent. Documentation becomes the property of the Grand Jury and will not be returned. *Please note: The Sacramento County Grand Jury has no jurisdiction over state or federal agencies, the courts, judicial officers, private companies or most organizations.*)

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

Person or Agency	Address	Date of Contact	Result

**WHO SHOULD THE GRAND JURY CONTACT ABOUT THIS MATTER?**

Person or Agency	Address	Telephone No.

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

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

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

\_\_\_\_\_  
Complainant's Signature\_\_\_\_\_  
Date