

# Sacramento County Grand Jury 2016-2017 FINAL REPORT

Sacramento County Grand Jury 2016-2017 Final Report

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## Sacramento County Grand Jury 2016-2017



### **Back Row:**

**Patricia Pavone, Ramon Coronado, Henry Favro, Richard Turner, Alan Miller, Craig Wilson, Debra Johnson, Suzanne Baxter, Judith Johnston**

### **Third Row:**

**Joseph Happ, Robert Snowden Sr., Robert Collins**

### **Second Row:**

**Richard Hubbell, David Leonard, Marc Allaman**

### **Front Row:**

**Michael Micciche (Foreman), Judge Russell Hom, Becky Castaneda (Grand Jury Coordinator)**

**Not Pictured: Bob Ekstrom, Kathleen Foley**



**SUPERIOR COURT OF CALIFORNIA**  
County of Sacramento

**Michael Micciche**  
Foreperson

**Marc Allaman**

**Suzanne Baxter**

**Robert Collins**

**Ramon Coronado**

**Bob Ekstrom**

**Henry Favro**

**Kathleen Foley**

**Joseph Happ**

**Richard Hubbell**

**Debra Johnson**

**Judith Johnston**

**David Leonard**

**Alan Miller**

**Patricia Pavone**

**Robert Snowden**

**Richard Turner**

**Craig Wilson**

June 20, 2017

The Honorable Russell Hom  
Advisor Judge to the Sacramento County Grand Jury  
Sacramento Superior Court  
720 9th Street, Department 22  
Sacramento, CA 95814

Dear Judge Hom:

In compliance with Penal Code Section 922, the 2016-2017 Sacramento County Grand Jury has concluded its term and submits its Final Report. This report includes three investigative reports, with specific findings and recommendations, as well as four informational reports intended to provide greater insight into areas of concern within our county. This year, the jurors were privileged to participate as official observers of the 2016 Presidential Election. In addition, the grand jury carried out its statutory mandate of touring and inspecting all penal institutions within the county.

We are grateful to the public officials and private citizens who met with us during the year to answer questions, provided us with written documentation and assisted us in fact gathering. Thanks for your guidance as our advisor judge and for the advice and counsel we received from Supervising Deputy County Counsel Kirsta Whitman and Chief Assistant District Attorney Stephen Grippi. We also express our gratitude to Becky Castaneda, Grand Jury Coordinator.

I would personally like to commend every member of the grand jury who worked hard this year. It is challenging for 19 strangers to come together, learn to work as an effective team, conduct sensitive investigations and come to consensus on the many issues presented in the final report. In spite of these challenges, I believe that we all found the experience enlightening and rewarding. We deeply appreciate the support we received from our families and friends who were patient and understanding while we labored on tasks that were both time consuming and confidential.

It has been an honor for this grand jury to serve our community and it has been my privilege to be the foreperson. We hope our work will be thoughtfully considered by the public and used by local leaders to improve services to all citizens of this county.

Sincerely,

A handwritten signature in cursive script that reads "Michael Micciche".

Michael Micciche, Foreperson  
2016 - 2017 Sacramento County Grand Jury

## **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 empaneled 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 other proceedings of the grand jury. The authority of the grand jury does not extend to the courts or to state departments or operations.

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

- Are 18 years of age 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 and
- Possess a fair character.

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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.



# **2016-2017 Sacramento County Grand Jury Reports**



## **The Sacramento LAFCo's Municipal Review Process: A Study in Complacency**

### **Summary**

The 2016 - 2017 Sacramento Grand Jury opened an investigation into Sacramento County's Local Area Formation Commission (SAC LAFCo), specifically its responsibility to oversee local government agencies through the preparation of Municipal Service Reviews (MSRs). This report looks at the MSR process as it relates to one important type of special district – water districts.

Water is essential to the quality of life in Sacramento County. The grand jury's interest in water grew out of concerns about the quality and cost-effective delivery of water in our community. The grand jury's research into Sacramento area water districts discovered that Sac LAFCo's failure to fulfill its statutory oversight responsibilities may have resulted in lost opportunities to consider important regional water issues in the county. It should be noted that these same deficiencies may apply to all local agencies within the purview of Sac LAFCo's responsibilities.

The grand jury investigation concludes that Sac LAFCo's MSR process is deficient in a number of areas:

- MSRs are not performed in a timely manner.
- The content of MSRs that were performed is inadequate. There is little analysis of special district's operations, the MSRs contain boilerplate conclusions, there is no use of experts and few recommendations are made regarding measures to improve performance.
- The MSR Review Worksheet and Questionnaire used to get information from special districts is outdated and fails to cover information required by law to be part of an MSR.
- Sac LAFCo fails to take advantage of its authority to look at regional issues, a particularly egregious omission in the water area.
- The Sac LAFCo Commission fails to set annual goals and performance measures for its staff.

### **Background**

Each of California's 58 counties contains numerous special districts, many having over 100. Special districts are a form of local government, providing service in an individual area such as water, parks, fire and libraries. Each county also has a Local Agency Formation Commission. LAFCos were created by the Legislature in 1963 to provide an oversight or watchdog role over special districts. LAFCos have both planning and regulatory powers. Their authority ranges from setting service area boundaries, looking at consolidation and/or reorganization of services and performing municipal service reviews (MSR) of municipalities and special districts within the county.

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The grand jury recognizes that water is the single most precious resource in almost every county in California. Sacramento is no exception. Water sustains a community's health, growth and quality of life. The extensive development of land in the county and increasing population, combined with drought, has put a significant strain on surface water available and the sustainability of the underground aquifer. Increased efforts to conserve water have been successful up to a point, but it is clear that there is a need to pursue long-term solutions for increased water storage and efficient water distribution.

There are 24 water purveyors in Sacramento County. In addition to the services provided directly by the County of Sacramento, there are three municipal water agencies, eight private water companies, and 12 independent special districts. The main oversight for the municipal water agencies and the independent water districts are their own governance boards and the SAC LAFCo.

In 2000, after the Commission on Local Governance for the 21st Century published a report entitled "Growth Within Bounds," the Legislature responded by passing additional land use reform measures in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov. Code Section 56001 et. Seq. Act). This is the current body of law governing LAFCos. The law requires that LAFCo update the "Spheres of Influence" (SOI) for all cities and special districts within the county. Specifically, the law states that "on or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence." (Gov. Code Section 56425 [g]). An SOI designates an agency's probable future physical boundary and service area. A sphere of influence is often bigger than a local government's or special district's current jurisdiction. Before a commission revises a city's or special district's SOI, an MSR is prepared. In conducting an MSR, LAFCos must review all of the agencies that provide the public service within the study area. Since current law requires LAFCos to revise the SOIs every five years as necessary, it follows that LAFCos should also revise the MSRs every five years.

The MSR was a new component of the LAFCo law after the passage of the act and it was intended to support the SOI process. MSRs are conducted to ensure that special districts do their job in effectively delivering services to the public. Gov. Code Section 56430 states that the MSRs will consider the following factors:

- Infrastructure needs or deficiencies;
- The location and characteristics of any disadvantaged unincorporated communities; within or contiguous to the sphere of influence;
- Growth and population projections for the affected area;
- Financing constraints and opportunities;
- Cost avoidance opportunities;
- Opportunities for rate restructuring;
- Opportunities for shared facilities;
- Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers;

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- Evaluation of management efficiencies; and
- Local accountability and governance.

It is clear from these provisions that the statute requires an analysis of community service needs, operational efficiencies and the effective delivery of services. In addition, Gov. Code Section 56668 requires LAFcos to consider timely availability of water supplies adequate for projected needs as specified in Gov. Code Section 65352.5.

### Methodology

During the course of the investigation, the grand jury interviewed senior management personnel from the following organizations:

- Sacramento Local Area Formation Commission (including a commissioner),
- California Association of Local Area Formation Commissions,
- Contra Costa LAFCo,
- Rio Linda/Elverta Water District,
- Citrus Heights Water District,
- Sacramento Suburban Water District,
- San Juan Water District,
- The Water Forum and
- The Regional Water Authority.

In addition, the grand jury reviewed the following documents:

- Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Govt. Code Section 56001 et. Seq.);
- Municipal service reviews for water districts in Sacramento County from 2000-2016;
- Municipal service reviews for water districts in other counties, including Alameda, Contra Costa, Lake, San Mateo, Marin, and Sonoma;
- MSR guidelines published by the Governor's Office of Planning and Research;
- MSR guidelines published by Sacramento LAFCo (2002); and
- Various news articles related to water districts and water issues in Sacramento.

### Discussion

**MSRs are not performed in a timely manner.** The act made significant changes to the responsibilities of LAFcos. First, the law requires that SOIs for each special district be reviewed and updated every five years as necessary. Second, the act requires that an MSR be completed on every special district prior to the SOI review. Taken together, these two requirements appear to also mandate that MSRs be prepared every five years for each special district. Sac LAFCo staff has interpreted the law to allow MSRs to be performed only as the local LAFCo deems necessary and there is complete discretion when MSRs are done for special districts within

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Sacramento County. Consistent with this reading of the law, very few MSRs have been completed by the Sac LAFCo. According to information on the Sac LAFCo website, only eight water district MSRs have been completed since the act was passed in 2000. This means that only half of the 16 water purveyors under Sac LAFCo's authority have been reviewed. It should also be noted that the MSRs for other types of districts in the county have not been completed in a timely manner, either. Even allowing for a more flexible interpretation of the five-year requirement, this performance record is woefully inadequate and needs to be addressed.

In fact, Sac LAFCo is not keeping pace with other LAFCOs in California. In testimony provided to the Little Hoover Commission by the California Association of Local Agency Formation Commissions (Ca LAFCo) in August of 2016, the executive director of Cal LAFCo stated that "[a] recent poll of LAFCOs regarding MSRs found that most LAFCOs have conducted at least one, if not two, complete rounds of SOI updates and, as a result, one or two rounds of MSRs." The sample size for the poll included

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***... Sac LAFCo has completed eight MSRs on water districts in the county since 2001. This represents only 53 percent of the water providers, excluding private water districts.***

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26 LAFCOs diverse in size, budget, staffing and type (urban, suburban and rural). The poll's findings indicate that "among these 26 LAFCOs, the number of independent special districts subject to review ranged from nine to 105 ... an MSR had been conducted on 1,058 of them at some point in the last 10 years. This is an average completion rate of 92 percent and does not account for all of the municipal services provided by cities that must also be reviewed." According to its website, Sac LAFCo has completed eight MSRs on water districts in the county since 2001. This represents only 53 percent of the water providers, excluding private water districts. Further, only 27 MSRs have been completed for all 100 special districts in the county.

An MSR does not need to be done on each individual district. A review can include multiple districts at the same time to gain a more global perspective on a type of service, such as water, or on all services needed within a specific geographical area. In fact, in its 2002 Municipal Service Review Guidelines (Guidelines), Sac LAFCo described the planned process for doing MSRs in Sacramento County as follows:

"There are a number of ways to conduct the MSR process. Individual service providers may be reviewed, or those with shared interest may be grouped together for review (fire, park, water, cemetery, etc.). Municipal service reviews could also be conducted for either (a) a specific geographic area, i.e., north of the American River/ south of the American River, or (b) urban service delivery/ rural service delivery needs. Each approach has merit and should be considered in the formulation of the MSR process." (Guidelines, p.3)

Other counties have taken this broader approach to doing municipal service reviews in an effort to be more efficient and to consider issues that have a broad impact beyond the political boundaries of a specific district. Specifically, the Contra Costa County LAFCo has done its MSRs by type of service (e.g. parks, fire and water). It has completed a first round of MSRs for

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all of the municipalities and special districts within the county and is beginning a second round of MSRs based on priorities set by its commission. This is no minor feat. Contra Costa County has 19 incorporated cities and 78 special districts.

The content of the MSRs that are performed are inadequate. The State Office of Planning and Research (OPR) was required under the act to prepare guidelines for the preparation of MSRs. This task was completed in 2003. Among other things, the guidelines contain detailed

information regarding findings that should be made to bridge the analytical gap between the information gathered and the conclusions and recommendations made.

The guidelines include this statement: “LAFcos are required to conduct comprehensive reviews of all municipal services provided by agencies with existing or needed SOIs.” (Guidelines, p.2) The guidelines also contain detailed information regarding the suggested content of MSRs. Legislative reports also have concluded that MSRs must include a comprehensive review of special district operations.

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***A review of the few MSRs prepared for water districts by Sac LAFCo indicates that they are inadequate. They are not comprehensive, largely contain conclusions only and do not analyze required issues.***

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A review of the few MSRs prepared for water districts by Sac LAFCo indicates that they are inadequate. They are not comprehensive, largely contain conclusions only and do not analyze required issues. Basically, they are done in a boilerplate fashion. The six MSRs done for water districts contain much of the same language, regardless of the size of the district or the complexity of its issues. The “analysis” is often limited to a one-line statement such as:

“The Commission determines that the District is capable of continuing to provide water services in the future” or “the Commission determines that the District is managed effectively and efficiently.” There is no reason given for these conclusions, no comparison made to other districts and no back-up documentation to support the findings.

The MSR performed on the Rio Linda/Elverta Community Water District illustrates the poor job being done by Sac LAFCo. During the 2010 – 2012 timeframe, there were several reports regarding failures by the district in providing water service to its customers. Two grand jury reports and several Sacramento Bee articles detailed the glaring problems and the grand jury directed Sac LAFCo to respond. Several state and federal regulatory agencies also identified serious problems with the water quality in the district. On Dec. 1, 2010, Sac LAFCo commission encouraged the district to hire an independent third party to evaluate its management issues and suggested that it enter into voluntary receivership and proceed with reorganization (Sac LAFCo Minutes 12/01/10). However, an MSR on the district was not completed until 2016. Surprisingly, the MSR stated, with no analysis or findings, that the district was managed effectively and efficiently and that the district was providing good service. While this is possibly

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true, the MSR contains nothing to support the conclusions. Given the controversies surrounding the district in 2010 - 2012, the MSR should have provided information and analysis as to how the district turned itself around. Additionally, recent information shows that the Rio Linda/Elverta District continues to have serious operational problems largely due to its dependence on a failing groundwater well system with significant water pollution issues.

There are other examples of where a comprehensive MSR could have identified issues before they became major problems. The Del Paso Manor Water District prepared a 2009 master plan that identified significant infrastructure rebuilding needs. By contrast, LAFCo's 2005 MSR said "the district has no immediate unmet infrastructure needs or existing deficiencies." It seems unlikely that, in a period of four years, the district would go from having no unmet infrastructure needs to significant rebuilding needs. This discrepancy was recently highlighted in a Sacramento Bee article discussing the district's proposal to raise water rates by 350 percent to address these unmet needs.

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***The staff of Sac LAFCo simply doesn't have the expertise or the time to stay on top of all of the technical issues that impact water services, including water safety, delivery infrastructure and conservation.***

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Given the totality of the circumstances, and the importance of water quality to the people of this county, the public deserves a better MSR product than what is being delivered by Sac LAFCo. Other county LAFCos are doing a much better job preparing MSRs. For example, the MSRs of Alameda, Contra Costa, Lake, San Mateo, Marin and Sonoma counties are quite extensive with detailed analysis and exhibits. Many make meaningful comparisons between districts, including budgets and rates, as well as providing information on best practices in the industry with regard to water quality, storage and conservation. Staff at Contra Costa LAFCo indicated that the main reason for the high quality of its MSRs is due to the use of professional consultants who have the expertise necessary to fully analyze the important issues related to the type of services being reviewed.

The grand jury concludes that a key to achieving better outcomes with the MSR process is through the use of private consultants. The staff of Sac LAFCo simply doesn't have the expertise or the time to stay on top of all of the technical issues that impact water services, including water safety, delivery infrastructure and conservation. Particularly, the use of experts on MSRs for water districts would be especially helpful given the complexity of the issues facing Sacramento County.

There are other problems with the Sac LAFCo MSR process. Sac LAFCo has developed a questionnaire that is given to districts at the outset of the MSR process. However, this questionnaire is out of date and does not ask for all information required to be analyzed in an MSR. For example, the act requires that an MSR analyze how services are being performed in disadvantaged areas of a special district. While the questionnaire asks for information on these "environmental justice" issues, none of the water district MSRs done by Sac LAFCo has any

analysis of these issues.

Sac LAFCo has no schedule for doing MSRs as was recommended by the state Office of Planning and Research in its guidelines. Other county LAFCOs have annual schedules, detailed work plans, and more comprehensive approaches to meeting the statutory requirements, including customized questionnaires and supplemental document requests.

In addition, the Sac LAFCo website is out of date, so the public cannot easily obtain information about the many issues faced by water districts in the county. This lack of attentiveness to planning, scheduling and reporting shows a general lack of concern and a pattern of complacency.

**Sac LAFCo fails to look at important regional water issues.** Water services are one of the most important municipal services. This fact is particularly true in light of the state's recent lengthy drought. In Sacramento County, there are 24 separate entities providing essentially the same water service. Many of these entities are special districts, but others are municipal water agencies or county service areas and some are private water companies. Given these numbers, serious questions arise as to whether consolidation or reorganization of water services would bring better efficiency.

The grand jury recognizes that consolidation and reorganization efforts can be challenging to accomplish. Short of these options, there are many other opportunities for better service.

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***The grand jury believes that Sac LAFCo, through its MSR process, could help facilitate regional water solutions and sensible integration of water services.***

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Sensible integration of water services along geographical areas is one. In Sacramento, there are several examples of regional cooperation. There is a Sacramento Water Forum and Regional Water Authority to address such regional issues as sharing water supplies and integrating groundwater and surface water sources.

However, these efforts rely on the cooperation of the various individual entities and none has the regulatory authority that LAFCo has to initiate and/or encourage significant change.

The grand jury believes that Sac LAFCo, through its MSR process, could help facilitate regional water solutions and sensible integration of water services. The act allows MSRs to be performed on a regional or geographic basis. Yet Sac LAFCo continues to do MSRs only on individual special districts, including water.

As an alternative, two regional MSRs could be performed for water districts, one in the north area of the county and one for the south. Such regional water MSRs could help facilitate regional water solutions. Regional MSRs could also look at private water companies and county service areas. Sac LAFCo staff believes that they have no jurisdiction over such entities, but the act clearly provides otherwise.

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## FY 2016-17 Summary Budget Comparison – Contra Costa & Sacramento LAFCoS

Budget Category	Contra Costa LAFCo	SAC LAFCo
Salaries & Benefits (3 Permanent Staff)	\$403,257	\$544,500
Commission Stipends & Reimbursement	\$30,000	\$9,000
General Operating Expenses:		
• Accounting/Auditing Fees	\$20,900	\$9,500
• Legal Fees	\$40,000	\$60,000
• <b>MSRs</b>	<b>\$117,950</b>	
• <b>Other Professional Services</b>		<b>35,000</b>
Other Services, Supplies and Operating Expenses	\$161,626	\$359,100
Contingencies and Trusts	\$120,000	\$15,220
<b>Total Appropriations</b>	<b>\$893,733</b>	<b>\$1,032,320</b>

LAFCo's Budget. Sac LAFCo has a budget of over \$1 million. Yet it performs few MSRs and those that are done are inadequate. The grand jury looked at other county LAFCos similar in size to Sacramento with comparable budgets. Many of these LAFCos are able to conduct MSRs with detailed content through the use of expert consultants. As mentioned earlier, Contra Costa LAFCo has completed all of its MSR reviews with a permanent staff of three and a budget that is smaller than Sac LAFCo. However, its budget has a line item of \$117,950 for MSRs which is dedicated to funding technical consultants to complete the reviews.

In contrast, Sac LAFCo has a much smaller budget for "Other Professional Services" which may include funding to hire consultants, but the grand jury was advised by Sac LAFCo staff that consultants were "generally not used" to perform MSRs because the reviews were done "in house." There was also somewhat of a sense of pride on the part of the commission that the staff was doing well because it was under budget for the current fiscal year.

The grand jury is concerned that being under budget is not necessarily related to doing a good job. It would be a far better outcome to use the full budget and hire professionals with the expertise to meet the statutory mandate and fulfill the mission of the organization. A performance audit of Sac LAFCo's budget and operations could help to identify how the budget could be modified to increase funding for consultants in order to correct the MSR deficiencies identified. An audit could also examine:

- Ways to increase the number of MSRs done in Sacramento County,
- Methods for obtaining information from special districts in a timely manner,
- Techniques for engaging districts in meaningful discussion of improving operations and
- Standards to improve the analytical review of the questionnaires and other data provided by the districts.

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**Relationship of Commission to Staff.** Final action on Sac LAFCo business is the responsibility of a part-time commission composed of seven members, all of whom are appointed and serve staggered four- year terms. Two represent the county, two represent the cities within the county, two represent the special districts and one is appointed to represent the public at large. There are also several alternates. The Sac LAFCo Commission meets monthly or bi-monthly and approves most documents and actions taken by the staff as part of a consent agenda without much review or discussion. There is also minimal governance exercised by the commission in terms of creating an annual plan or performance objectives for the staff to follow in setting workload priorities for the year.

The grand jury concludes that the Sac LAFCo Commission needs to take a stronger position in providing direction to its staff. Specifically, it needs to adopt an annual plan to ensure the timely preparation of MSRs and other critical deliverables required by law. Further, the commission needs to assess the agency's performance each year with regard to achieving the specific workload goals that have been developed.

### Findings

- F1. Sac LAFCo does not perform MSRs in a timely manner.
- F2. The questionnaire used by Sac LAFCo is out of date and incomplete.
- F3. The content of MSRs is inadequate, failing to include analysis and findings to support conclusions and consideration of regional issues.
- F4. MSRs do not contain required analysis of environmental justice issues.
- F5. Sac LAFCo does not retain experts to help perform MSRs, particularly in the water area.
- F6. Sac LAFCo fails to use its authority to look at county and private water entities and provide recommendations regarding sensible integration of water supply and water quality solutions on a regional basis.
- F7. Sac LAFCo's budget does not support the best use of resources to accomplish its mandatory requirement to complete quality MSRs in a timely manner.
- F8. The LAFCo Commission does not adopt an annual plan or provide adequate direction to its staff, nor does it conduct annual reviews of staff performance.

### Recommendations

- R1. MSRs should be completed for all special districts every five years.
- R2. The questionnaire sent to special districts at the start of the MSR process must be updated to address all of the current requirements in the law, as well as specific issues that are important to this region and problems that have been identified in prior reviews.
- R3. The content of MSRs should be improved to provide for more independent analysis of all of the issues facing Sacramento County with regard to water quality, infrastructure maintenance, conservation, storage and delivery.
- R4. MSRs must analyze required information on environmental justice issues.
- R5. Sac LAFCo should hire experts to assist in the preparation of MSRs.

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- R6. Sac LAFCo's process for conducting MSRs on water districts should be conducted on a regional or geographic basis, including county service areas and private water companies so that appropriate analysis of consolidation, reorganization possibilities and sensible integration efforts are seriously evaluated.
- R7. A performance audit of Sac LAFCo's MSR program should be conducted to assist the staff to identify ways to meet statutory requirements and achieve better outcomes within existing resources.
- R8. The Sac LAFCo Commission should adopt an annual plan, provide better direction to its staff and require that an annual performance review be conducted for each staff member.

### **Request for Responses**

Penal Code sections 933 and 933.05 require that the following officials submit specific response to the findings and recommendations in this report to the Presiding Judge of the Sacramento Superior Court by Sept. 30, 2017.

#### **Sacramento LAFCo**

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, CA 95814

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

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

## **The Election Process: In Good Hands**

### **Summary**

The ability to participate in open, free elections is one of America's most cherished rights. In Sacramento County, the job of overseeing elections rests with the County Registrar's Office. The purpose of this grand jury report is to review the election process for the Nov. 8, 2016 general election. We conclude that the registrar's office did an excellent job conducting the election and processing the results. That being said, we offer some suggestions for improved efficiency. We also discuss new legislation that could greatly improve the election process in Sacramento County.

### **Background**

Key facts on the Sacramento County election process include:

- The registrar's office has 34 full-time employees with approximately 200 temporary employees added during election time.
- There are almost 750,000 registered voters in Sacramento County of whom, over 450,000 vote by mail.
- Sacramento County has 548 polling places with five or six staff per polling place. Each polling place has a precinct-based, voter-activated paper ballot counter and vote tabulator (voting machine).
- Bilingual poll workers are required at all polling locations. In November, bilingual workers were placed in all known areas of past need and polling captains could contact interpreters in any language by calling an 800 number to assist voters in need.
- There are four service centers throughout the county where vote-by-mail ballots may be picked up or dropped off and where ballots may be cast.
- There are 17 mail ballot drop-off sites.
- Several roving support staff are available to assist with polling place problems such as machine malfunctions.

### **Methodology**

The grand jury conducted a comprehensive review of the November 2016 general election, including:

- Interviews with the county registrar, assistant registrar and key staff before, during and after the election;
- Site visits to election headquarters before, during and after the election;
- Election Day visits to scores of individual polling places at various times of the day including opening and closing, voter service centers and mail ballot drop-off sites.

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The grand jury also reviewed a new law, known as the California Voter's Choice Act, which could greatly change the election process and discussed this new law with the registrar's staff.

### Discussion

The November 2016 election was uniquely complex. There was a presidential election along with elections for federal, state and local representatives plus an unprecedented number of state and local ballot measures. And there were over 150 unique ballots. Added to this complexity were allegations and fears of voter fraud and hacking of election equipment. Based on our review, we have made the following observations:

- Overall, the election process in Sacramento County was well run with only minor problems. The largest problem appeared to be breakdowns of polling place voting machines.
- Roving technical support staff responded to 261 calls from polling places on election night. Twenty-six voting machines could not be operated, resulting in manual ballot counting at polling places.
- The voting machines are 13 years old, but only have a 10-year life expectancy. Replacement parts are hard to obtain and elections staff has resorted to scavenging parts from extra voting machines that were intended to serve as backups.
- Polling place counting machines and computers/machines at election headquarters are not connected to the Internet, thus hacking does not appear to be likely.
- Security is ample.
- Several measures are in place to minimize chances of voter fraud:
  - o Voter identification is checked at the polls.
  - o Poll watchers are encouraged to monitor the process.
  - o Voter rolls are updated to remove those who are deceased, have moved and are ineligible to vote.
  - o Voter signatures are verified.
  - o Last-minute registrations are reviewed.
  - o Provisional ballots are verified.

While the county does electronically submit result updates to the California Secretary of State's Office, it follows up such communications with phone calls to verify that those results were received.

The registrar, in essence, must conduct two election processes: the vote-by-mail system and the polling place system. This situation presented logistical problems that were dealt with, but the overall system could be more efficient.

- At present, the registrar's main ballot-counting focus in the days preceding election day is on mail-in ballots. Such ballots may be counted starting ten days prior to Election Day. However, staff must suspend this process one or two days before Election Day to gear up for the polling place process. Then, on and after Election Day, the counting of all ballots including polling place and mail-in ballots occurs.

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- While the bulk of the vote count is completed on Election Night, a significant number of votes is counted later. Some of the late counting is of ballots received after Election Day but which are postmarked in time. Provisional ballots and damaged ballots are also counted after Election Day. Provisional ballots include ballots cast at a polling place other than where the voter is registered and ballots cast by persons who have lost their mail-in ballots and instead vote in person. Those ballots are counted during the canvas (the official verification of the count) and before election results are certified 30 days after the election.
- The Sacramento County Elections Office is where the official count takes place. While it is generally well run, a couple of issues were observed. First, operations within the election office could be more efficient. Because of the facility's layout, batches of ballots being processed are moved from one portion of the office to another in a somewhat inefficient manner. For example, when ballots arrive at the headquarters, they are sorted by polling place location and then hand-carried to the opposite side of the facility for signature verification. Then they are carried back to the opposite side of the building for further processing.
- Another issue observed was the process of verifying the signatures on the ballots. This is an important function to ensure the overall integrity of the election process. In Sacramento County, as in most other counties, all signature verification is done manually. A group of 40 to 50 staff visually compares the ballot signatures to signatures on file. The grand jury feels this process should be changed. Software is available to perform this tedious task faster and more accurately. The registrar's office is working on this.

### **California Voters Choice Act**

In 2015, legislation was passed to provide for major changes in the election process. Certain counties, including Sacramento County, can apply to convert to an almost total vote-by-mail system. All registered voters would be sent mail-in ballots and be encouraged to vote by mail. The current system's 548 polling places would be replaced by a significantly smaller number of vote centers where voters may register, drop off ballots or vote in person on Election Day or as early as 10 days before.

The intent of this legislation is to increase voter participation. There are advantages to this new process, including improved counting efficiencies and cost savings. For example, the ballot-counting machines for the 548 polling places are 13 years old and are in need of replacement before the next general election. The estimated replacement cost is \$8 million. Under the new system, fewer voting machines would be needed and replacement costs would drop to \$4 million. Other cost savings would result from replacing 548 polling places with a smaller number of vote centers. Fewer paid workers would be needed. Salary savings alone in every general election are estimated to exceed \$250,000.

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The grand jury recognizes that the registrar's office did a stellar job in administering the November election. Staff members were very gracious in explaining their processes to us and allowing us total access to all facets of the election. During our review, we did note a few issues where changes may be advantageous.

### Findings

- F1. The registrar did a commendable job running the November 2016 general election.
- F2. The layout of the election office is awkward and inefficient.
- F3. The current manual method for verifying voter signatures is outdated.
- F4. The overall election process would be improved if Sacramento County opts into the new election process established by the California Voters Choice Act.

### Recommendations

- R1. The Sacramento County Board of Supervisors should officially recognize the outstanding job done by the registrar's office.
- R2. A study on how to improve flow patterns of the election office should be conducted, including site visits to other headquarters locations.
- R3. The process for voter signature verification should be automated.
- R4. Sacramento County should opt into the new election process. Registrar's staff should visit other states that administer similar programs, such as Colorado and Oregon.

### Request for Responses

Penal Code Sections 933 and 933.05 require that the following officials submit specific responses to the findings and recommendations in this report to the Presiding Judge of the Sacramento Superior Court by Sept. 30, 2017.

- Sacramento County Registrar – Findings and Recommendations 2, 3 and 4
- Sacramento County CEO – Findings 1, 2 and 4 and Recommendations 1, 2 and 4

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

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

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

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

## **Herald Fire Protection District Update**

### **Summary**

The 2016-2017 Sacramento County Grand Jury conducted a follow-up review of the Herald Fire Protection District to review its current operations and determine whether the district implemented the recommendations made three years ago by the 2013 - 2014 Grand Jury in its report, “The Firestorm Raging in Herald.”

The grand jury concludes that, in spite of numerous challenges in the past three years, the Herald Fire Protection District has made progress in implementing the recommendations made in the 2013 - 2014 report. The district appears to be in a better position now, both in terms of its financial stability and the safety of its volunteer firefighters. However, there still is work that needs to be done.

### **Background**

In its report published in July 2014, the grand jury was quite critical of the Herald Fire Protection District and its lack of appropriate fiscal and administrative controls.

On Sept. 29, 2014, the district board of directors issued a detailed response to the grand jury’s recommendations indicating that immediate steps would be taken to address the issues identified.

The current grand jury thought it prudent to re-examine the district because of the severity of the items identified in the 2014 report and the potential risk to the public, not only financially, but more importantly, the potential for physical danger.

### **Methodology**

The 2016 - 2017 grand jury reviewed all previous findings and interviewed the fire chief and board chairman, as well as other interested parties. We also read a “Public Agency Review” that the California Public Employee Retirement System (CalPERS) completed on the Herald Fire Protection District in 2010.

### **Discussion**

As early as 2012, members of the Herald community began to express concerns about the management of the fire protection district. These concerns were initially investigated by local news media and, in 2014, they came to the attention of the grand jury.

Many of the issues identified by the grand jury stemmed from the constant turnover of key personnel. Factions and infighting within the board and in the community at large were the root causes of several of these issues. In the intervening years, there has continued to be turnover but,

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slowly, things have changed and the district seems to be on the right track. The current board of directors has done much to restore community confidence in the governance of the district.

One of the key decisions the board made was to bring on a new volunteer fire chief last year. The new chief has been an active member of the Herald community for many years. He has also held various positions within the district, including fire marshal, prior to his appointment as chief. The primary goal since the new chief has taken over is improving the safety of personnel. The district has made a commitment to improving training for volunteers and replacing outdated equipment.

Herald Fire Protection District is an all-volunteer agency. At one point, it was down to seven volunteer firefighters after a “no-confidence” vote in 2015, when many volunteers walked off the job. Volunteers did not feel safe and they did not feel valued. The current administration has purchased new radios, safety gear and other critical equipment; morale has improved and more people have volunteered. The district also made other changes, including weekly training drills, and made sure that all volunteers had current medical exams. The board authorized additional expenditures to purchase compatible equipment for mutual aid.

The following are the original 2014 grand jury recommendations and the current status of each.

**Recommendation #1 - The district should establish adequate internal accounting controls, as identified in this report, to ensure verification of its finances against waste or misappropriation of district assets.**

There were many problems with the district’s checking account which were fixed when the district eliminated the account. The district does not allow any cash payments and all bills are paid directly through the county accounting system. The new business manager has implemented redundant approval controls with a two- signature approval process prior to submission to the county.

These improvements notwithstanding, the district still has financial problems. It chose to opt out of the CalPERS retirement system when it transitioned to a largely all-volunteer force. The move will result in the district owing CalPERS a significant amount of money to pay its unfunded liability for pensions. While the district initially set aside some funds for the upcoming payment to CalPERS, some of that money has been tapped for other priorities. In addition, a portion of the funds has been used to either hire or contract with ex-employees to do work the volunteers seem capable of doing.

These hiring and contracting practices not only cost money, but may have been done contrary to CalPERS and Civil Service rules. These rules are designed to prevent the revolving-door hiring of ex-employees and the use of contracts to avoid hiring employees. This is still an issue. As recently as March 2017, the district considered contracting to pay a former fire chief a high hourly rate to perform work that the all-volunteer force appears capable of performing.

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

The County of Sacramento declined to provide audit services for the district, so a private accounting firm was engaged to perform an independent audit and bring the district up to date with all years up to 2016. The firm had to go back to Fiscal Year 2009-2010 to begin reconstructing the books due to a lack of consistency and understanding of basic accounting principles. The first year, reconstruction was extremely complex but, with a solid foundation and base established, subsequent years should go more quickly with an estimated completion some time in 2018. As a result of this audit, it was discovered that many contractors and suppliers were not paid for services or expenses. The district is trying to pay these debts as they are discovered.

As previously stated, one of the most significant debts is back payment of employer and employee contributions due to CalPERS. The district initiated a contract with CalPERS in 1995 to provide retirement benefits for fire safety employees and later amended the contract to provide retirement benefits for miscellaneous employees starting in 2008. However, a 2009-2010 Public Agency Review conducted by the CalPERS Office of Audit Services discovered irregularities with regard to the enrollment of eligible employees, the timeliness of payments, and the accuracy of the data provided with regard to employee start dates, pay rates, base earnings and special compensation, such as the value of employer-provided uniforms.

While it is the district’s stated intention to fully fund the outstanding liability for the retirement benefits of its former employees who are CalPERS members, no one knows what the final cost will be, but it could be as much as \$500,000.

**Recommendation #3 - The district should adopt policies and practices compliant with the Firefighters Procedural Bill of Rights Act and provide training to all staff regarding the act’s requirements.**

This recommendation was implemented two years ago when the district revised its personnel policies. While the district currently has only volunteer firefighters, the volunteers have limited due process rights under the act related to disciplinary actions. The district is in the process of developing a new training program for its volunteers, but the training is not yet completed. The chief indicated that the training will include information about the due process provisions provided under the act.

**Recommendation #4 - The district should comprehensively review and update as appropriate all district governance policies, including the district’s master plan.**

The master plan has recently been updated. The district has also implemented many policies and best practices successfully used by other fire districts to improve overall safety, response time and employee recognition. However, part of the planning process needs to focus on strategies to complete all of the back audits as quickly as possible and retire any outstanding debt. This may

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require establishment of a specific debt repayment fund, not a general contingency fund, which will be dedicated to paying the monies owed to CalPERS and other creditors.

**Recommendation #5 - The Sacramento Local Area Formation Commission (LAFCo) should conduct a Municipal Service Review (MSR) of the district and evaluate the viability of consolidating the district fire service with another fire agency.**

It should be noted that this recommendation was directed to LAFCo, not the district, and that LAFCo responded to the grand jury in 2014 that an MSR would be completed. While the district has had ongoing contact with LAFCo in the past two years, the MSR has not been completed. Moreover, there has been no recent discussion of consolidation and the district's current board is not amenable to the idea.

The grand jury has already commented in this report on the lack of diligence shown by the Sacramento County LAFCo in completing municipal service reviews of special districts as required by law. LAFCo's failure to complete its review of the Herald Fire Protection District is indicative of its general lack of accountability to the taxpayers of the county. Further, LAFCo let the district down at a time when a thorough operational review could have been helpful in resolving many issues.

## Findings

- F1. The district has made progress in implementing the recommendations contained in the 2013 - 2014 grand jury report especially in the area of improving the safety of its volunteers.
- F2. The annual financial audits have not been completed and there are still six years outstanding from FY 2010 - 2011 through FY 2015 - 2016.
- F3. Additional work needs to be done to address the district's financial vulnerabilities, especially in paying funds owed to CalPERS.
- F4. SAC LAFCo never completed the MSR of the Herald Fire Protection District that it agreed to conduct in response to the 2013 - 2014 grand jury report.

## Recommendations

- R1. The Herald Fire Protection District should continue its efforts to maintain a safe working environment by updating its policies, procedures, equipment and training for its volunteer firefighters.
- R2. The district should take steps to ensure that audits of past years are expedited to be completed and to bring the financial records up to date as soon as possible.
- R3. The district should set aside a specific fund to pay any outstanding debts identified in the audits and the funds owed to CalPERS; this fund should not be tapped to pay other ongoing expenses.

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R4. Sac LAFCo should complete an MSR of the district not later than the end of Fiscal Year 2017-2018, either as a separate entity or as part of a general review of fire district services in the southern part of the county.

### **Request for Response**

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 Superior Court by September 30, 2017.

#### **Herald Fire District**

Finding 2 and Recommendations 2 and 3.

#### **Sacramento LAFCo**

Finding 4 and Recommendation 4.

#### **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, CA 95814

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

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



## **Perception versus Reality**

### **Bringing Clarity to Sacramento Police Department Excessive Force Investigations**

#### **Introduction**

Accountability and transparency are not the same thing.

In the City of Sacramento, law enforcement officials carefully examine all allegations and complaints involving police misconduct, particularly those involving excessive use of force. The work they do plays an important role in attempting to create a culture of accountability within the Sacramento Police Department.

However, the upper echelons of the department have been reluctant in some cases to release information. This leads to a lack of transparency and may erode public confidence in the Police Department. There are suspicions in the community that the Police Department acts with impunity in excessive force confrontations.

A highly publicized and controversial officer-involved fatal shooting in the city in 2016 put a spotlight on these issues. Therefore, the Sacramento County Grand Jury concluded that an examination of the painstaking, time-consuming and sometimes cumbersome processes authorities must use to investigate allegations of excessive force might help advance public understanding of how these cases are resolved. It is not the grand jury's intention to revisit or challenge the outcomes of any such cases with this report. Instead, our purpose is to explain how those outcomes are determined and to suggest that an opportunity exists for police and city government to reduce tensions and improve communications with the community.

#### **Methodology**

The grand jury reviewed numerous relevant official documents as well as detailed responses to questions by the department's Internal Affairs Division (IAD) to written questions. In addition, we reviewed investigative records in several cases of alleged non-shooting excessive force by department officers that were investigated from 2011 to 2015 as well as media reports surrounding some recent cases. The grand jury also interviewed investigators and officials at various levels in the Police Department's Homicide Unit and Internal Affairs Division, the Sacramento County District Attorney's office and the director of the city's Office of Public Safety and Accountability. (See Appendix A.)

#### **Background**

Four different entities are directly involved in investigating officer-involved shootings in the City of Sacramento.

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- The Police Department's Homicide Unit assigns detectives to investigate all officer-involved shootings whether they result in a death or not. Evidence they gather is shared with prosecutors and other interested police units.
- The Sacramento County District Attorney's Office assigns investigators to monitor what the police do at the scene of a shooting. After the Police Department has concluded its investigation, the DA's office weighs the evidence and decides whether involved officers committed a crime and whether they should be prosecuted.
- Internal Affairs Division (IAD) investigators also monitor the investigation and – whether or not the DA's office decides to prosecute – conduct separate investigations to see if Police Department policies and procedures were violated. IAD also investigates all excessive force complaints that don't involve shootings as well as all other citizen and departmental complaints alleging misconduct by department employees. In what may be a widely held public misperception resulting from media reports or television shows, many people believe that IAD determines criminal wrong-doing. That perception is wrong. IAD's job is limited to gathering all available evidence in such cases and passing it on to senior police officials. IAD does not decide the outcomes of those cases nor does it make recommendations about whether to take disciplinary actions against accused officers or what those actions, if any, should be.
- The Office of Public Safety and Accountability (OPSA) is an agency of city government that currently consists of a single employee who serves as its director and staff. This official's job is to receive complaints from the public about alleged employee misconduct in the city's police and fire departments and to provide civilian oversight of the processes used in handling and evaluating those complaints while promoting transparency and serving as a link to the public. (Complaints against the Police Department can also go directly to IAD.) OPSA was created in 1998 as a way to improve relations between the community and the police and fire departments.

## Discussion

**Officer-involved shootings:** Whenever a Sacramento police officer fires a weapon at a person, detectives from the Police Department's homicide unit, who are among the best detectives in the department, immediately begin an investigation whether the incident results in a fatality or not. Homicide detectives dispatched to the scene of the incident are joined by others including:

- The division captain or captains of the involved officer or officers,
- Internal Affairs Division investigators,
- Sacramento County District Attorney's Office investigators,
- The watch commander on duty at the time of the shooting,

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- An OPSA representative and
- A representative of the County Coroner's Office if a death is involved.

All of these monitor the on-scene investigation and subsequent aspects of the homicide unit's work. At this point, the homicide unit's investigation takes precedence over IAD's involvement in the investigation.

Officer and witness interviews are conducted by the homicide detectives. Only two detectives at a time are permitted to conduct these interviews. Members of the other involved units monitor the interviews and, during breaks, homicide detectives consult with them to see if they have any relevant observations or questions they would like to have asked. Officers who are under investigation are asked to submit voluntary statements about the incident in these interviews, but they cannot be compelled to violate their own rights under the Fifth Amendment to the U.S. Constitution. In Sacramento, according to law enforcement officials, officers under investigation generally cooperate and provide voluntary statements. Officials said this is not always the case in other jurisdictions.

The investigating homicide sergeant assembles the evidence, including officer and witness interviews, forensic evidence and any video or audio recordings made at the time. Hopefully, within 30 days, a report is prepared. The report is reviewed by an internal police board consisting of:

- The division captain or captains of the involved officer or officers,
- The lieutenant in charge of the training division,
- The watch commander who was on duty at the time of the shooting,
- The department's (firing) range master,
- Representatives of the department's professional standards unit,
- A risk management representative (a litigation support evaluator),
- The OPSA director and
- A Sacramento Police Officers Association (SPOA) union representative.

Sworn Police Department managers attending that review then keep the chief of police advised of the investigation's progress.

At the conclusion of the homicide investigation, the report and evidence are sent to the Sacramento County District Attorney's Office for its review. And, from this point on, investigations can proceed along one of a couple of possible tracks.

**What is the Law?:** The DA's office assembles what is known as a "shooting" or "management" team chaired by the chief deputy DA and consisting of several experienced prosecutors who conduct what is termed an "independent review" of the case. The purpose is to decide whether or not to prosecute any officer involved in a shooting or excessive force incident. The DA's office tries to complete its investigation and review of such cases in 90 days.

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Some cases are not complicated and can be quickly evaluated for performance of the officer under investigation in accordance with the law. Other cases take detailed analysis and evaluation. The DA review team's interest is limited to determining whether or not the officers involved broke any laws in the shooting incident. If the DA's office determines that laws may have been broken, the review team must also decide whether to file criminal charges and prosecute the case.

Two important factors guide the DA's office in its review and decisions.

First, under the law, police officers are justified in shooting an individual if they reasonably fear for their own safety and/or for the safety of other nearby officers or members of the public. This requires a detailed analysis of all the circumstances of the incident and the evidence gathered by the Police Department. It requires an evaluation of whether the officer's state of mind regarding fears for personal safety or the safety of others was honest and reasonable under the circumstances. Ultimately, it is a judgment call made by the DA's office, which must also take into consideration that an officer is making split-second decisions in a highly stressful situation.

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***... according to prosecutors, public opinion does not play a role in a decision to charge any person, including police officers, with a crime.***

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Second, the review team evaluates the evidence and decides whether there is a reasonable likelihood of getting a conviction beyond a reasonable doubt based on admissible evidence. This, too, is an assessment based on what evidence prosecutors believe will be admissible in a trial. Evidence is often challenged by defense attorneys at various stages of any criminal proceeding, including during trial. If prosecutors believe they can meet this legal standard, they will file a case and charge the involved officers accordingly.

Ultimately, it is solely at the discretion of the DA (or the designated representative, usually the chief assistant) to decide if charges are to be filed. There is no entity that oversees the DA's office concerning decisions about whether to prosecute an officer. The only check on the exercise of that discretion is an election, since the DA is an elected official. However, according to prosecutors, public opinion does not play a role in a decision to charge any person, including police officers, with a crime. If the DA decides to file charges, the criminal case proceeds through the Superior Courts.

At a preliminary hearing, evidence is presented by the prosecution and defense and a judge determines whether there is enough evidence to proceed to trial. The judge does not decide guilt or innocence at the preliminary hearing, but only if there is enough evidence to present the case to a trial jury, which then decides the question of guilt or innocence.

**IAD – Just the Facts:** Typically, competing investigations are not conducted at the same time. If criminal charges are filed, IAD's investigation is usually suspended until the criminal case is

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concluded. However, IAD does get briefings on what the homicide detectives found. The final results of the homicide investigation are turned over to IAD for more investigation if necessary.

If no criminal charges are filed by the DA, the case goes back to the Police Department and IAD's investigation resumes. It is aimed at determining whether the officers violated any departmental policies, procedures, regulations or general orders in the incident.

IAD also investigates excessive force complaints that do not involve shootings as well as all other public and departmental complaints alleging misconduct by department employees.

Within the Police Department, there are different levels of response to complaints or allegations of improper conduct against police officers. Some low-level types of complaints may be resolved at the watch commander level and may not result in a formal IAD investigation at all. More serious complaints or allegations usually do result in IAD investigations.

Misconduct complaints can include such acts as discourtesy, discrimination, dishonesty, force, false arrest, firearms discharge, harassment, improper search and seizure, improper tactics, insubordination, intoxication, missing property, neglect of duty, failure to provide proper police action, improper or illegal driving and failure to pay "just debts."

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### ***Refusal to cooperate with IAD investigations can result in disciplinary actions against them including termination.***

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As stated earlier, IAD's job is to gather all facts and evidence pertinent to the complaint or allegation for administrative purposes. That may include footage from police dashboard cameras, cellular phone GPS data, police and civilian witness interviews, including the complainant. Officers under investigation are usually the last to be interviewed in IAD investigations. A major difference between interviews done by homicide detectives conducting criminal investigations and

IAD probes is that officers under investigation are required to give statements to IAD officers. Refusal to cooperate with IAD investigations can result in disciplinary actions against them including termination. However, information given by officers who are compelled to give statements to IAD, cannot be used by homicide investigators or the DA because it would violate their Fifth Amendment rights.

Again, IAD's job is only to investigate and compile information. It does not form conclusions about whether complaints or charges are supported by the evidence and it does not make recommendations on any possible disciplinary actions.

Once the officer's captain has completed a review of the file in a serious case, it goes to the office of the chief of police. During periodic meetings of the chief and the department's management, the results of IAD investigations are reviewed and discussed. IAD's lieutenant is also present at those meetings, but only to answer questions from the others present. Decisions on whether the complaint is sustained or not by the evidence are made by the captains and the

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chief. The chief, with input from OPSA, has the final decision on what, if any, disciplinary measures should be imposed.

According to the Sacramento Police Department Internal Investigations Manual, cases can be resolved in a number of ways. The evidence is reviewed and a range of outcomes can result. These include findings of:

- Unfounded – the alleged conduct either did not occur or the officers named were not involved; the complaint was deemed frivolous or made in order to harass an employee;
- Exonerated – the acts alleged occurred but were justified;
- Not Sustained – insufficient evidence exists to prove or disprove the allegation;
- Sustained – enough evidence exists to support the allegation or
- Reclassified to Inquiry – preliminary investigation discloses it is not a complaint and the matter is reclassified to a citizen inquiry and filed under the citizen's name.

Under department policies, all complaints are investigated and department employees are barred from attempting to dissuade anyone from filing complaints. These policies and procedures apply to all complaints and allegations – from the most minor incidents up to and including shootings or other excessive force cases.

Officers under investigation are entitled to legal representation paid for by the officer's union during many steps in the IAD investigation. This includes attendance at a "Skelly hearing," which provides an opportunity for the officer to review the evidence and be heard prior to imposition of any disciplinary action. This hearing is held in front of an impartial police captain (who is not in the officer's chain of command) who will make recommendations up the department chain of command. Department policy requires that the entire IAD file on the case be kept for five years unless there are legal reasons for it to be kept longer. Since the IAD file is considered part of the officer's personnel file, it is not open to the public except under very limited circumstances. If discipline is imposed, the officer may request outside arbitration.

**Public Oversight:** The Office of Public Safety and Accountability (OPSA) is not a part of the Police Department. Since 1998, the director has been reporting to the city manager. As of June 1, however, the office came directly under Sacramento City Council in the city's organization chart and OPSA now reports directly to the elected officials.

OPSA's main function is to deal with complaints about the police and fire departments. The grand jury's inquiry focused on how the office relates to the Police Department.

OPSA does not conduct independent investigations based on complaints. Rather, it monitors and reviews or "audits" cases involving police officer misconduct. Because of the limitations of the office, the OPSA director cannot personally monitor every case. Instead, only more serious cases receive that scrutiny. But OPSA is notified of all complaints at the beginning of each investigation and is provided with updates on all investigations. The OPSA director reviews transcripts and recordings made during investigations and prepares an annual report. The director

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also sits in on meetings with top Police Department officials when investigations are reviewed and final decisions are made concerning discipline or other decisions.

Generally, agreement between the chief of police and OPSA's director is sought on disciplinary actions in cases where officer misconduct findings are made. If they do not agree, they will negotiate until a consensus is reached. Final decisions are made by the chief unless the matter goes to arbitration, which might end in a different result. None of the witnesses familiar with this part of the process who were interviewed by the grand jury could remember a disagreement over an imposition of discipline by the chief.

At times, OPSA may be directly involved in the middle of local public tensions over police shootings and excessive force incidents. The aim of OPSA is to be the bridge between the Sacramento Police Department and the public. Its purpose is to promote trust, excellence, transparency and accountability in the Police Department complaint system.

An important function of the OPSA director's job is to conduct in-service training for police officers to give them a "community perspective for dealing with civilians" and to give presentations in various forums in the area regarding police-community relations such as the Police Academy, criminal justice students at California State University, Sacramento and numerous panels on police-community relations.

One point the director stressed about the in-service training is that police officers need to understand how the public – especially immigrants from other cultures – view police. In many cultures around the world, police are viewed as agents of government oppression. That also holds true for American citizens who come from or have family who come from parts of this country where police also are considered as oppressive and are not trusted. During this training, officers are told, "When they're angry and sounding off, they're not necessarily talking to you; they're talking to the uniform. Your actions can either add to, do nothing to affect or take away from the reasons for their anger." Depending on how officers conduct themselves, "the civilian may come away from an encounter thinking, 'Maybe that cop wasn't so bad.'"

### **Related Information**

The Internal Affairs Division reports directly to the office of the police chief, who selects the IAD staff. Currently, there are seven staff members in IAD, including a captain, a lieutenant who has direct supervision of the unit on a day-to-day basis, three sergeants and two officers. Officers selected for IAD must also have a bachelor's degree or be enrolled in a program to obtain a degree. Candidates must also have a high degree of integrity, a strong work ethic and the ability to be impartial. They must also have an unsullied employment history. Aside from their regular police training, IAD investigators are required to attend a three-day IAD officer training session. This is usually completed within the first three months of assignment to IAD. Typically, they are assigned to IAD for a three-year tour of duty.

Complaints of police officer misconduct can be submitted in writing or verbally to IAD or OPSA

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by the public or members of the department. Each year, IAD receives approximately 30 formal complaints and 300 to 400 inquiries. IAD estimates that 30 percent of complaints come from members of the public while 70 percent are generated internally by other officers or supervisors. After reviewing the history of complaints of officer misconduct, it was noticed that, in the last two to three years, the number of complaints has declined. IAD attributes this to better training and to increased use of body cameras and dash cams in police vehicles. Witnesses who were interviewed reported that, in many instances, video from these cameras often support officers' versions of these incidents. It was also reported that a majority of officers support the use of body and vehicle cameras.

Witnesses told the grand jury that the police chief has not overturned any recommendations concerning discipline on excessive force complaints from the watch commanders or review teams in the last five years. During that period (2011 to 2015), IAD did not investigate any officer-involved shootings because there were no such complaints until the shooting of Joseph Mann in July 2016.

The grand jury reviewed various complaint files concerning allegations of excessive force. A total of 57 excessive force complaints against individual officers resulted in 28 cases, some involving more than one officer, from 2011 to 2015. By the time the grand jurors' review was scheduled, 10 of those files had already been purged from IAD's files in keeping with its policy to retain them for five years. As a result, 18 case files were reviewed. All but one of those cases – involving charges including excessive force, unlawful arrest, improper search, profanity and discourtesy – had been resolved with findings of "exonerated" or "unfounded."

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***A total of 57 excessive force complaints against individual officers resulted in 28 cases, some involving more than one officer, from 2011 to 2015.***

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All of those complaints, except one, were determined to be unfounded or the accused officers were exonerated. That one case resulted in a finding that sustained the complaint of excessive force, but the officer resigned before department disciplinary action could be taken.

The grand jury noted that, without exception, these cases appeared to have been thoroughly investigated by IAD with the same effort and attention to detail no matter how minor or serious the complaints were. Jurors also noted that the files were meticulously maintained and the investigations were well documented.

It should be noted that IAD also investigates numerous other complaints against officers for alleged misconduct that do not involve shootings or excessive force complaints. Between 2011 and 2015, for example, several such allegations were sustained and disciplinary action was taken by the department. However, those results are considered part of the officers' employment records and they are not, therefore, available to the public except in special circumstances.

For more than 20 years prior to the Mann shooting on July 11, 2016, no police officers had been

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charged by the Sacramento District Attorney's office in an on-duty shooting death, according to The Sacramento Bee. Mann, a 51-year-old homeless black man who was armed with a knife, was shot 14 times by two Sacramento police officers on Del Paso Boulevard in view of numerous onlookers.

In late January of this year, the DA's office released the results of its investigation which concluded that the Mann shooting "was lawful." According to the DA's memo explaining the decision not to prosecute the officers involved, members of Mann's family "indicated they did not consider him to have any significant mental illness." Instead, the memo reported, "They believed that he was likely on drugs, otherwise he would not have been acting the way he did on the date in question."

The DA's memo stated that "multiple witnesses" were interviewed during the investigation. "The civilians who had personally observed Mann's behavior indicated to investigators that they understood why the officers shot Mann. Although some wished that the officers could have tased Mann or wondered why so many shots were necessary, several of the witnesses indicated they recognized the need for the officers to shoot Mann. One noted that it did not appear that they were trying to kill Mann, but instead that they just wanted to make him drop the weapon."

In pursuing this matter, the grand jury learned, among other things, that tasers may only be effective if they are used within a certain distance of a suspect. That is, the officer must be no further away than the length of the wires that deliver an electric shock from the taser. The type of clothing a suspect is wearing can also be a factor. The DA's memo said one of the officers thought a taser would not be effective because Mann was wearing baggy clothes.

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***Police officials say officers are not trained to "shoot to kill" suspects. Instead, they are trained to fire until the threat they perceived is over.***

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Police officials say officers are not trained to "shoot to kill" suspects. Instead, they are trained to fire until the threat they perceived is over. In addition, they said, police are trained to fire at a suspect's torso because that offers the best chance of hitting the person. They are not trained to fire at a suspect's extremities because those shots have a greater chance of missing the suspect and possibly causing unintended harm to others.

It was not until Sept. 20 – 71 days after the shooting — that the Police Department released dash cam video from three police vehicles, audio recordings of the incident and two 911 tapes at what a media report termed a "hastily-called press conference." That release came 45 minutes after The Bee posted online a surveillance video of the incident it had obtained independently from a nearby business. Prior to that, the city and the Police Department had rejected all requests to release police videos in accordance with department policy against releasing such information. Also in September, the chief of police announced his retirement. City officials are still searching for a replacement.

In November 2016, Sacramento City Council unanimously approved measures to address

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concerns growing out of the Mann shooting controversy including a policy requiring police to release video involving officer-involved fatal shootings if it doesn't "hamper, impede or taint" investigations. Among other changes, OPSA was removed from control of the city manager and, as of June 1, reports directly to the City Council. More staff will be added to OPSA and a new civilian oversight commission will replace an existing commission that had been criticized as ineffective.

However, the City Council measure did not grant either the new commission or OPSA authority to independently investigate misconduct allegations or impose discipline. OPSA could ask the City Council to issue a subpoena to conduct an investigation, but the council would be under no obligation to grant one. Those conditions left many in the city dissatisfied, but the council did pledge to explore future changes.

In January, the City of Sacramento settled a lawsuit filed by the Mann family "with no admission of liability" on the city's part. Settlements with no admission of liability are a routine practice.

Shortly thereafter, Sacramento's newly-elected mayor indicated a desire to implement a new use-of-force policy measure also passed by the City Council in November. This policy is aimed at using non-lethal solutions and de-escalating confrontations with mentally ill individuals by funding increased training in those areas for police. Also, the Police Department announced in March that it is acquiring body cameras for patrol officers. Police officials said the department should be fully outfitted by September 2017.

In a more recent incident, community leaders reacted favorably to the relatively quick release by the Police Department of video showing a black alleged jaywalker being beaten by a police officer in April. Because of time limitations, the grand jury could not look into concerns that incident raised about alleged excessive jaywalking citations issued to minorities in the city.

### **Conclusion**

The Mann case illustrates that the public must be better informed before, during and after these kinds of excessive force investigations.

The current system for handling these situations needs improvement to enhance transparency. Necessary elements built into it – some existing laws and safeguards for the rights of accused officers – can make it difficult to carry out investigations with enough transparency to satisfy all segments of the community. However, because a substantial majority of complaints of alleged officer misconduct come from within the Police Department itself, the grand jury believes the department seeks to hold its employees accountable for their actions. That is not generally known and we suspect it is a factor affecting the public's perceptions about the police.

The grand jury believes the election of a new mayor, the prospect of new leadership in the Police Department and the creation of a new civilian oversight commission will create an opportunity for an overhaul of policies regarding the timely release of information in cases of alleged excessive force by police and better overall police-community relations in the city. Also, the city

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is actively seeking to hire personnel to assist the OPSA director.

The grand jury urges the City Council, the mayor, the Police Department, the new commission and OPSA to work with leaders throughout the community to take advantage of this opportunity and seek better, non-violent outcomes when confrontations occur in our streets. We urge city officials to consider an even more independent, pro-active role for an expanded Office of Public Safety and Accountability in working with police and community members to reach a greater understanding of what happens in the investigations of these cases and how police officers are trained to address them.

The City Council might also consider appointing the OPSA director for a specific term to insulate that office from any possible political pressure. In the wake of the Mann shooting, OPSA's director met with the Mann family to give them as much information about the incident and the investigation as was allowable under the circumstances. However, at the time, that required the director to get permission from the city manager and the agreement of the chief of police.

The grand jury recommends that the City Council also consider giving the OPSA director more autonomy and the flexibility to provide transparency to the public through this type of contact with the public. That might also include holding periodic public forums with the Police Department's Public Affairs Office to inform the public about police procedures and dispel commonly held misconceptions about their actions.

The Mann case underscored the importance of cooperation between police and city officials to restore public confidence in the justice system as it relates to police.

### **Appendix A**

1. 2016 Internal Affairs Division Grand Jury Report;
2. Sacramento Police Department Internal Investigations Manual 220.01; Sept. 7, 2005;
3. State of California Penal Code 832.5; Jan. 1, 2003;  
<http://law.onecle.com/California/penal/832.5.html>
4. Peace Officers Bill of Rights, Government Code Sections 3300 – 3312;  
[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?)  
City Council Report File #2016-01504, Nov. 29, 2016;
5. City of Sacramento Office of Public Safety and Accountability, Annual Report 2015;
6. Sacramento County District Attorney's Office; Officer-Involved Shooting case No. SPD-16-201049; Jan. 25, 2017; [www.sacda.org/files/8314/8553/9110/OIS\\_--\\_Mann.pdf](http://www.sacda.org/files/8314/8553/9110/OIS_--_Mann.pdf);
7. City of Sacramento Rule 12 Disciplinary Actions, Appeals, and Hearing Procedures and a compendium of all Sacramento Police Department IAD complaints from 2011 to 2015;
8. Sacramento Police Department Organization Chart;  
[www.cityofsacramento.org/Police/About-SPD/Organizational-Information](http://www.cityofsacramento.org/Police/About-SPD/Organizational-Information)



## Homeless Crisis Continues

### Summary

This is the second consecutive year that the Sacramento County Grand Jury has addressed the complicated issue of homelessness in Sacramento County. Even with the expenditure of tens of millions of public and private dollars annually, the crisis and high visibility of the homeless problem persists with no discernible improvement.

Homelessness in Sacramento County continues to be an active challenge and frustrating problem. The public and local homeless service providers have demanded solutions to the hundreds of people who are currently subsisting on the streets or in temporary shelters. There is no shortage of ideas as to how to address the issue, but finding solutions remains a complex undertaking.

This issue has been elevated to the top of the political agenda in the county. In 2016, a new county position, director of homeless initiatives, was created and staffed. The Sacramento City Council's Homeless Subcommittee Visionary Document and Work Plan of May 31, 2016 was published. And several county workshops on Homeless issues were held. In January 2017, the first coordinated County/City Homeless committee meeting was held. Sacramento Mayor Darrell Steinberg has a long-held interest in this problem and has made it one of his highest priorities.

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***The mayor of Sacramento has proposed that the homeless should be given preference over other qualified applicants for public housing when housing choice vouchers are available.***

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Despite all of this attention, the county has been faced with increasing numbers of homeless. This problem has been exacerbated by a shrinking housing market, which has become one of the

hottest in the country. Apartment prices are growing at double-digit percentages. This, coupled with very high occupancy rates, has led to a shrinking inventory of affordable housing with very few additional units being added or under construction.

New programs for responding to the homeless crisis within the county are being analyzed, debated, and seriously considered. One new idea is the creation of a triage center, which would offer housing without barriers to qualify and provide multiple services at one location. The mayor of Sacramento has proposed that the homeless should be given preference over other qualified applicants for public housing when housing choice vouchers are available. In addition, the County of Sacramento has agreed to fill budget shortfalls in some area of transitional housing programs.

Unfortunately, all of these ideas are being considered at the same time that federal funds allocated from the U.S. Department of Housing and Urban Development (HUD) for homeless programs are likely to be reduced in the upcoming federal budget. Currently, the county and city

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have concurred in recognizing the problem and have indicated willingness to increase their contribution toward homeless interventions. Even with such an increase in local funding, interventions would be seriously impeded unless more housing units are made available to house homeless individuals and families.

### **Methodology**

The grand jury interviewed county and city personnel responsible for homeless programs and law enforcement officials, as well as community and non-profit executives with organizations providing services to the homeless. The grand jury also visited non-profit programs delivering direct services to the homeless and interviewed management and staff of these non-profit entities. In addition, public meetings were attended and the Internet was used for research.

### **Background**

A homeless crisis in Sacramento County has existed for years and is growing. The funding process from the federal to local levels to address homeless issues is complex and cumbersome. It comes with numerous restrictions and requirements that must be met to receive funding.

The City of Sacramento spends approximately \$3.6 million annually from its general fund on the homeless. This is direct spending and does not include other city costs that support the homeless, such as police, health or mental health efforts. Sacramento Steps Forward (SSF) is a non-profit agency created by local government and has control of more than \$18 million in federal funds for the homeless. Numerous non-profit programs provide a wide variety of services for the homeless, often without the benefit of government funds. Transitional housing is no longer a funding priority for HUD.

Local law enforcement spends a significant amount of its time and resources addressing homeless issues and the homeless population. Even though they coordinate their efforts, the Sacramento Police Department and the County Sheriff's Department employ different philosophies and approaches when dealing with the homeless population. Most law enforcement contacts with homeless persons do not involve violations of the law, but instead are linked to health care needs, mental health concerns or drug and alcohol interventions.

Despite all of these efforts and dollars spent to address this issue, the number of homeless continues to grow and be more visible.

### **Federal Initiative**

HUD serves over 1 million homeless individuals nationwide through a continuum of care that includes emergency or short-term housing, transitional housing and permanent housing based on the individual's need. HUD's definition of "homeless and chronically homeless" is very specific. To be homeless, households must fall within one of these categories.

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- **Literally Homeless** — This includes households living in:
  - o An unsheltered location,
  - o A place not meant for human habitation (cars, uninhabitable buildings, etc.),
  - o An emergency shelter,
  - o Transitional housing or
  - o An institution (jail, hospital, etc.) for less than 90 days if they were homeless at entry.
- **Imminently Losing Housing** — This includes households losing their primary residence within 14 days and who have no resources or support to stay housed.
- **Persistent Housing Instability** — This applies to families with children or unaccompanied youth (age 24 or under) who:
  - o Have not had a lease or ownership in housing in more than 60 days and
  - o Have moved two or more times in 60 days and
  - o Are likely to remain unstably housed due to disability or barriers to employment.
- **Fleeing Domestic Violence** — This applies to individuals or families exiting a violent environment and needing a safe place to live.

Funds are allocated from HUD through the county to Sacramento Steps Forward (SSF) as an agent for local government. These funds come with numerous conditions. HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. Due to the recent political changes in Washington D.C., this mission may change or be modified. For example, the Trump administration has cut federal funding to the New York City Housing Authority (NYCHA) by 5 percent or \$35 million this year. It is unknown what new requirements may be imposed on Sacramento County, however, change can be expected.

### Sacramento County Initiatives

Sacramento Housing and Redevelopment Agency (SHRA) is a joint powers authority developed by the County of Sacramento and the City of Sacramento to represent both jurisdictions for affordable housing and community development projects. SHRA's funding sources are independent of the county and city general funds. Of SHRA's proposed 2017 budget, 84 percent comes from federal sources through HUD.

SHRA owns and operates approximately 2,700 public housing units in Sacramento County and the City of Sacramento, with an approximate turnover rate of 200 units annually. About one-third of these units are in the county and two-thirds of them are in the city. Applicants for units that come available must pass a background check that reviews criminal records and past experiences with landlords. Negative results from this background check could disqualify the applicant from obtaining housing through this program.

The Housing Choice Voucher program (HCV) is also administered by SHRA. The program for low income families offers significant rental assistance that subsidizes housing costs in the

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private rental market. HUD pays a portion of the rent based on the income level of the applicant and the county supplements the remaining portion of the rent. There are approximately 12,000 HCVs allotted to Sacramento County with an estimated 600 becoming available each year.

In addition, SHRA administers a specialty voucher program targeted to persons experiencing homelessness, including approximately 555 homeless disabled families.

Sacramento Steps Forward, another joint powers authority, is the lead entity addressing homelessness in Sacramento County. It is responsible for distributing and managing federal funds provided by HUD. One of HUD's conditions is that a community has to accept the Housing First model that the county supervisors adopted in May of 2015.

### Analysis

The Housing First model is an approach to quickly and successfully connect individuals and families experiencing homelessness to permanent housing without preconditions and barriers to entry, such as sobriety, treatment or service requirements. It is a federally funded, "top-down, one-size-fits- all" approach to address the nationwide homeless crisis. Not all entities that provide services or oversight agree with the Housing First model. However, in order to obtain funding, these entities must accept the restrictions and try to work within them to provide services to the homeless.

Unfortunately, accepting this model and its restrictions often results in other successful programs being defunded and/or terminated. HUD, in the past, has funded transitional housing as eligible components of the Continuum of Care Program. HUD currently only supports transitional programs for select populations: domestic violence victims, youth, and substance abuse programs. HUD basically made a determination that Housing First was more successful and more cost effective. HUD defines transitional housing as a program that provides short-term housing and appropriate supportive services to homeless individuals or families to facilitate movement to permanent housing within two weeks to 24 months.

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***Within the past year, HUD has been shifting national funding support away from transitional housing programs toward permanent housing solutions.***

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Within the past year, HUD has been shifting national funding support away from transitional housing programs toward permanent housing solutions. For example, in our area, Serna Village and the Volunteers of America Mather Community Campus are losing their federal funding and are seeking new avenues of funding to continue their respective transitional housing programs.

In addition to other requirements, in order to obtain funding HUD also requires the use of a Home Management Information System (HMIS) to collect client-level data and data on the provision of housing and services to homeless individuals and families. These data points fulfill the HUD-mandated funding requirements, but often they are meaningless and not useful to community providers. Several organizations report that use of the system is cumbersome and

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seldom provides useable data to the reporting agencies.

Additional funds from the State of California or private funds provided through community partners will be required to provide the flexibility to continue or add additional or innovative programs that do not meet the HUD requirements.

Currently, Sacramento County and the City of Sacramento are collaborating to try and solve homeless issues and develop new methods to address the current crisis. The grand jury supports their progress.

### **Discussion**

#### ***Affordable Housing***

Many of the homeless struggle with substance abuse issues, mental health issues, some form of criminal record, have a history of evictions, are unemployed or have a poor credit history. They could be encumbered with one or more of these issues while trying to find shelter. These barriers make it more difficult to find temporary or long-term housing.

According to the last “Point in Time Count” in 2015, Sacramento Steps Forward estimates that on each night, 2,659 individuals are homeless in Sacramento County. Being homeless means an individual without permanent housing who may be living on the streets, in a car or abandoned building, in a mission or shelter or any other unstable or non-permanent situation. By the county’s own estimates, 948 homeless people are unsheltered — those homeless not to be found in shelters or other residence programs at any one time. Some homeless individuals don’t want traditional housing and others don’t have housing available due to a myriad of reasons, including a shortage of available housing.

The 2015 “Point in Time Count” conducted by SSF in January of that year and published on its website under the heading “About the 2015 Sacramento County & Incorporated Cities Homeless Count,” estimated 466 individuals and 13 families as chronically homeless. To be chronically homeless by HUD standards, a person has to have a disabling physical or mental condition or been continuously homeless for a year or more or has had at least four episodes of homelessness in the past three years.

During the joint county/city meeting on the homeless crisis Jan. 31, 2017, it was estimated that, in Sacramento County, the current occupancy rate for housing is approximately 95 to 97 percent. That means there are few housing options available to the homeless. More subsidized housing and affordable housing is desperately needed to meet the needs of the diverse homeless population in the county.

Rent Jungle, a website which reports rent trend data in the greater Sacramento area, estimated that a one-bedroom apartment in January, 2017 costs \$1,188 per month. In January 2015, that same apartment cost \$874. This is a 26 percent increase in two years. This steep increase in rents

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exacerbates the homeless problem because these double-digit increases continually shrink the available housing pool to homeless families or individuals.

The Sacramento City Council passed a resolution Jan. 31, 2017 to give homeless individuals priority for access to 200 housing choice vouchers, which is the federal government's major program for assisting very low-income families, the elderly, and disabled to afford decent, safe, and sanitary housing in the private market. These vouchers pay \$870 per month for a one-bedroom apartment, which covers approximately 73 percent of the average cost in the current market. Making the problem worse is the fact that it is hard to find landlords who are willing to rent to the homeless due to the numerous problems they bring with them or that they create for landlords.

Waiting lists for vouchers are long, often taking several years for approval. Additionally, the process to get on these lists is often hard for the homeless to navigate or complete. These challenges, compounded by the lack of affordable housing and lack of construction activity, are often insurmountable obstacles facing homeless individuals. Demand for affordable low-income temporary or permanent housing has outstripped supply.

### ***Transitional Housing***

In May of 2015, the Sacramento County Board of Supervisors adopted the Housing First model as defined by HUD. This step was necessary to obtain housing grant funds offered by HUD. These funds flow through Sacramento Steps Forward, which is a joint non-profit entity of the City and County of Sacramento.

For the past several years, HUD has been moving away from transitional housing programs that require the homeless to actively participate in program services as a condition of housing. Thus, programs like Serna Village and Volunteers of America's (VOA) Mather Community Campus are losing their public funding.

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***... programs like Serna Village and  
Volunteers of America's (VOA)  
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losing their public funding***

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VOA, a non-profit, spiritually-based organization providing local human services, including those for the homeless, is losing \$2.5 million annually while Serna Village lost \$250,000 per year. VOA houses 180 single homeless, 60 families, and a small number of foster children. Serna Village provides services to a smaller number of homeless individuals.

These programs, while not completely prohibited by HUD, are receiving greatly reduced funding or no funding at all. HUD encourages local communities to focus local resources on the Housing First model.

Sacramento Steps Forward did not include these programs in their funding request to HUD for 2017-2018.

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Fewer transitional housing options will be available to the homeless in the future unless private funding is found to replace the lost federal funds. Sacramento County has included funding for VOA's Mather Community Campus in its March 2017 report to the board of supervisors. During that same board of supervisors meeting, it was reported that Serna Village is close to raising the needed funds through private donations to continue operations.

### ***Law Enforcement***

#### **Sacramento Police Department**

The Sacramento Police Department (SacPD) and the County Sheriff's Department have differing philosophies when dealing with the homeless populations in their jurisdictions.

SacPD partners with an array of local providers to bring health and mental health services to the homeless in the city through the Impact Team. The team consists of a Mobile Crisis Support Team and a Homeless Outreach Team (HOT). The Impact Team includes a lieutenant, a sergeant and six officers, including one dedicated to psychiatric emergency response. The teams work with chronically homeless people and, if they are willing, the teams put them in contact with service providers that will help them find housing and other needed services through SSF.

The SacPD teams use "compassionate policing," assisting with social services rather than law enforcement and establishing long-term partnerships to address the needs of the over 2,000 homeless persons in the city. These services may include health care through Elica Health Centers and a volunteer veterinarian to address the pet needs of the homeless. The SacPD Impact Team also has access to housing vouchers should the homeless individual need emergency housing.

#### **County Sheriff's Department**

The County Sheriff's Department employs a more traditional law enforcement approach to the homeless issue. Using federal funding, it retained three fulltime deputies and three part-time deputies. Additionally, a dedicated civilian navigator from Sacramento Steps Forward works with the homeless via the Sheriff's Homeless Outreach Team. They identify illegal homeless camps, post a 48-hour notice that the camp is illegal, dismantle these camps while holding homeless possessions in storage and identify chronic nuisance homeless persons who impact local businesses.

The outreach team also educates and works with businesses to develop strategies to discourage homeless persons from frequenting their business locations. If the homeless person is willing, SSF navigators will assist with housing options or other needed services. Despite having a homeless outreach team, the Sheriff's Department appears to be more law enforcement oriented rather than social service driven.

Most of the data the Sheriff's Department gathers on the homeless is enforcement-based, including a hot map (colors depict level of activity) that plots the number of homeless-related calls or reported homeless-related crimes. Deputies can focus on areas in their jurisdictions that

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have the most homeless-related calls. But a grant will allow them to utilize a new data collection program formulated and monitored by the California State University, Sacramento. This survey data will allow the department to analyze current strategies and their effectiveness, so it can react quickly and pursue a new or modified direction if necessary.

Both law enforcement agencies realize that they have a difficult task in policing this homeless population. Both agencies coordinate and cooperate with each other and sometimes both participate in enforcement actions. However, there are no shared policies and procedures or shared training on issues of homelessness and law enforcement.

### ***County and City Efforts***

In July 2016, the newly created staff position of Sacramento County Homeless Services Coordinator (HSC) was filled. This position is also often identified as the county “homeless czar.” The HSC is responsible for planning and developing policy initiatives to address homeless issues for the county and reports to the county executive.

The newly elected mayor of Sacramento is very passionate about finding solutions to the homeless crisis in the city. The mayor is moving quickly to attempt to address and implement changes to respond to the homeless crisis.

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***The mayor is moving quickly to attempt to address and implement changes to respond to the homeless crisis.***

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The city staff has advocated the implementation of a triage center concept which would establish a no-barrier shelter targeting hard-to-serve homeless individuals. This center would complement existing shelters serving individuals who otherwise can't or won't access existing shelter beds. This includes couples, households with pets and/or with possessions, households banned from other shelters and encampment groups, among others. This concept is patterned after a similar existing navigation center program in San Francisco.

The city estimates that a triage center would cost annually (excluding all property/site costs) between \$778,047 to serve 50 homeless to \$3,013,520 to serve 200 homeless. That is a range of \$15,561 per person at the low volume end and \$15,068 per person at the high volume end.

In January 2017, the first joint county-city meeting on the homeless in the Sacramento area was held. At the end of that meeting the City Council passed a resolution to begin a lengthy process to advance homeless persons to the head of the line for approximately 200 public housing vouchers. HUD has advised SHRA that this priority to the homeless may not be approved because of the negative impact to minorities, disabled, veterans or families with children dropping down further on the list for these vouchers.

HUD does not have an approved budget for 2017 and has advised SHRA that rental subsidies

## Estimation of Annual Cost for “Triage Center”<sup>1</sup>

TOTAL COST BY FACILITY SIZE/NUMBER OF PEOPLE ACCOMMODATED						
STAFFING	50		100		200	
	FTE	TOTAL	FTE	TOTAL	FTE	TOTAL
Center Director	0.5	\$39,125	1.0	\$78,250	2.0	\$156,499
Case Manager	2.5	\$137,280	5.0	\$274,560	10.0	\$549,120
Housing Specialist	2.5	\$137,280	5.0	\$274,560	10.0	\$549,120
Monitor Staff (24/7)	4.2	\$138,378	8.4	\$276,756	16.8	\$553,513
TOTAL STAFFING	\$452,063		\$904,126		\$1,808,252	
OTHER COSTS	50		100		200	
Food & Beverage	\$169,725		\$339,450		\$678,900	
Staff Training	\$2,425		\$4,850		\$9,700	
Program Supplies	\$3,750		\$7,500		\$15,000	
Cleaning, Linen, Laundry	\$17,500		\$35,000		\$70,000	
Mileage & Travel	\$2,500		\$5,000		\$10,000	
Utilities	cost dependent on site					
General Office	\$3,600		\$3,600		\$3,600	
Insurance	\$25,000		\$25,000		\$25,000	
Administration	\$101,484		\$198,679		\$393,068	
TOTAL OTHER COSTS	\$325,984		\$619,079		\$1,205,268	
TOTAL COSTS (excluding all property/site costs)	\$778,047		\$1,523,205		\$3,013,520	

<sup>1</sup> Extracted from the City of Sacramento Homeless Subcommittee Visioning Document and Workplan (Report ID: 2016-00553, May 31, 2016)

paid to landlords will be reduced by 5 percent or approximately \$2.5 million from January through June of 2017.

At the March 21, 2017 board of supervisors meeting, the Sacramento County HSC recommended a four-point program to address the homeless problem in the county. The four recommendations are 1) the redesign of the family homeless response and shelter system, 2) preservation of the

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VOA Mather Community Campus, 3) a full service rehousing shelter and 4) a flexible supportive rehousing program.

The redesign of the family homeless response and shelter system would require the modification of current provider contracts to require family shelters to prioritize the placement of unsheltered families, to establish low-barrier requirements, mandate that the family accept the provision of housing services and set the expectation that families would be moved to permanent housing within 45 days.

In the proposed newly designed shelter system, the county would support one or two family shelters to ensure that approximately 33 families on any given night and 268 families over the course of a year would have a safe place to stay and receive needed services to help stabilize them to permanent housing.

In the absence of HUD funding, it was proposed that Sacramento County would fund the preservation of the Mather Community Campus (MCC), thus allowing it to continue current operations.

It was proposed that Sacramento County would also fund a full-service rehousing shelter for persons hard to serve in traditional shelters or through traditional services. The shelter would be a low-barrier entry facility, provided through a local vendor, open 24 hours with dormitory accommodations for 75 clients.

Clients could bring their pets, partners, and possessions. The shelter would include meals, showers, and laundry facilities. Services would also include rapidly connecting the client to assistance to identify sources for stable housing.

Lastly, a flexible supportive rehousing program is proposed to support the rehousing of 250 persons in the first year. The county and its contracted providers will attempt the successful utilization of 150 Housing Choice Vouchers and an additional 100 households through flexible housing assistance.

The flexible supportive rehousing program's primary targets are individuals and families that have experienced long-term homelessness and are high utilizers of other county services. These individuals and families need more intensive services in order to exit homelessness.

Sacramento County General Fund support for the programs outlined above is estimated to be \$1,938,846 for fiscal year 2016-2017 and \$7,518,811 for fiscal year 2017-2018. Additional new and existing community funding sources will need to be identified, federal funding become clearer, providers identified, locations and renovations or construction completed and community approval obtained if these programs move beyond concepts.

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***The county and city are beginning to coordinate their actions and efforts. However, there is no single entity taking the lead to make decisions and be held accountable to produce positive results.***

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The county and city are coordinating their actions and decisions, but there appears to be no single entity making the ultimate decisions. Action needs to be taken.

### **Conclusion**

The grand jury acknowledges that local government recognizes the extreme need and is working diligently to formulate new strategies to address the homeless crisis. The county and city are beginning to coordinate their actions and efforts. However, there is no single entity taking the lead to make decisions and be held accountable to produce positive results. The existing process seems counterproductive and cumbersome at best.

The Sacramento Police Department Impact Team's partnership with mental health professionals has been successful. This program should be adopted by all county law enforcement agencies.

To implement the proposed new programs, additional community partnerships will need to be formed and new public and private funding sources identified or created. These new programs will require a substantial investment of new funding.

Local government will also need to overcome the "not in my backyard" mentality that local communities often voice when they hear that a homeless shelter is being established or expanded in their neighborhoods.



## **Teacher Shortage: A Case of Catch and Keep**

### **Summary**

The chronic teacher shortage in California public schools was intensified by the economic crash of 2008, the recession that followed and extensive budget cuts. The recession initiated a cycle of widespread layoffs every year and districts in Sacramento County scrambled to recruit, hire and retain the numbers of qualified teachers needed for their classrooms. This practice led to unstable school environments and the hiring of some individuals who were not fully prepared to teach.

### **Background**

In November of 2016, the Learning Policy Institute and the California School Boards Association released the findings of a statewide survey on teacher shortages. The survey included responses from 211 districts. Of those, 75 percent indicated having shortages of qualified teachers for the 2016 - 2017 school year. The greatest needs were in large cities and the greatest demand was for special education teachers. Of the districts reporting shortages, 62 percent indicated they did not have enough high school teachers, 60 percent reported shortages of middle school teachers and 37 percent reported shortages of elementary teachers. Of the districts that reported having trouble filling vacancies, 66 percent were unable to staff all positions with individuals who had full credentials in the appropriate subject or grade level. Districts also found themselves hiring teachers with substandard credentials, assigning teachers to teach in areas where they were lacked proper credentials, or leaving positions vacant and using substitute teachers for appropriately credentialed teachers. Districts reported a variety of methods used to address shortages. About 55 percent of vacancies were filled by teachers with emergency/temporary credentials, 24 percent were filled with long-term substitutes, 17 percent left positions vacant, 9 percent increased class sizes because of teacher shortages and 8 percent cancelled courses.

The grand jury found that school districts in Sacramento County are encountering the same issues delineated in the Learning Policy Institute and California School Boards Association survey. In an effort to highlight issues specific to these districts and to identify the impact that teacher shortages have on student achievement, the grand jury interviewed a sample of school districts operating in Sacramento County.

### **Methodology**

The grand jury interviewed superintendents and human resource (HR) specialists with the Sacramento County Office of Education, Sacramento City Unified School District, Natomas Unified School District, Robla Elementary School District and Galt Joint Union High School District. The grand jury also reviewed online resources and numerous articles on teacher supply, demand and shortages in education; teacher recruitment; teacher quality and student achievement; beginning teacher support and assessment; teacher retention, and the impact of increased pension costs on school districts.

## **Discussion**

Districts use a range of tactics to recruit new teachers, such as: expanding recruiting efforts in other states and countries, attracting teachers from other districts, offering bonuses and partnering with local universities and colleges.

After determining the needs to fill a position, districts post the position and screen applications from potential new hires. Once a pool of candidates is identified, the district conducts interviews, does reference checks and determines if the most qualified candidates meet all education code requirements for employment: appropriate certification, proficiency in basic skills, satisfactory physical examination and clearances by the Department of Justice (DOJ).

Clearances verify that candidates have no felony, sex-offense or controlled substance convictions and no judicial commitment to a mental hospital. Documentation required in the hiring process is mandated by the California Education Code and applies to any school district.

To address teacher retention, districts in Sacramento County use the Beginning Teacher Support and Assessment (BTSA) program. BTSA is a statewide program aimed at nurturing and guiding newly credentialed teachers through their first two years in the classroom. New teachers are supported through professional growth conferencing, visits and observations in the classroom, individual coaching on teaching strategies, demonstration teaching and other methods that build competence and self-confidence.

The shortage is also affecting the substitute teacher pool. All the districts in the county draw substitute teachers from the same pool. So, the districts are all competing for the same group of people.

## **Sacramento County Office of Education**

The Sacramento County Office of Education (SCOE) provides technical assistance, curriculum and instruction support, staff development, legal advice and financial oversight of Sacramento County schools. SCOE plays a leadership role in the delivery of quality education to all students in the county and directly educates more than 30,000 children and adults. In addition, approximately 650 regular and more than 950 temporary SCOE staff work year-round providing services which complement and supplement those offered by the county's 13 school districts.

To develop qualified teachers, SCOE created its own credentialing program which is open to teachers throughout the county. It provides five months of classes for new teachers and follows up by offering intern positions that include continuing classes aimed toward completing requirements for permanent teaching credentials. The program focuses on elementary multi-subject credentials plus math and science credentials for secondary teachers. SCOE uses the website EDJOIN, which lists open positions for school personnel, and attempts to recruit math and science professionals from various private sector industries to teach.

SCOE uses an employment documentation checklist that includes conditions of employment such as: appropriate certification, proficiency in basic skills, fingerprinting, physical

examinations, drug testing, filing the oath or affirmation of allegiance and fulfilling any other requirements specified by law, union contracts, board policy or administrative regulation.

## **Sacramento City Unified School District**

The first public school system in Sacramento County was established in 1854. Initially, Sacramento schools consisted of three separate districts, K-8, 9-12 and a junior college. All three districts were combined to form Sacramento City Unified School District (SCUSD) in 1936. The junior college eventually became a part of the Los Rios Community College District. Today SCUSD is one of the ten largest districts in California. As one of the oldest K-12 school districts in the western United States, SCUSD serves approximately 44,000 students plus 20,000 adult students and covers a geographical area of 70 square miles with 89 schools.

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***To attract qualified teachers, SCUSD developed a close relationship with California State University, Sacramento (CSUS). The university has a program for special education teachers, math and science teachers and also helps the district recruit diverse candidates.***

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SCUSD's students reflect the city's diversity. The student population for 2015-2016 school year was 38.9 percent Hispanic/Latino, 16.7 percent African-American, 17.7 percent white, .65 percent American-Indian, 16.8 percent Asian, 1.9 percent Pacific Islander, 1.3 percent Filipino, .07 percent "not reported." About 5.3 percent of students are of two or more races or ethnicities. The district employs 4,208 people, including approximately 2,800 teachers. The district's student-teacher ratios are: K-3 = 24/1; 4-6 = 33/1; 7-8 = 35/1; high school core classes = 35/1 and all others 32/1.

The grand jury found SCUSD's recruitment process begins with posting positions on EDJOIN and other websites. Jobs are first posted within the district for four days during a "closed" period when applications are accepted from teachers already in the district. When no teachers in the district are either interested or qualified for the position, applications are accepted from outside during an "open" period.

To attract qualified teachers, SCUSD developed a close relationship with California State University, Sacramento (CSUS). The university has a program for special education teachers, math and science teachers and also helps the district recruit diverse candidates. SCUSD also recruits from outside the state and has a special relationship with historically black colleges. The district also sends scouts to the Philippines to recruit teachers, especially ones who are qualified to teach special education. It also participates in teacher recruitment fairs.

SCUSD salaries are competitive with other district salaries in the county. In terms of total compensation, officials say the district offers excellent benefits.

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Interviews are conducted by a panel including the school's principal, a representative of the bargaining unit and other school representatives when qualified candidates are selected for interviews. The district human resource office analyzes the results, ensures proper procedures have been followed, submits paperwork for DOJ fingerprint and background checks and other documentation such as tuberculosis tests. Some teachers — including interns and substitute teachers — may be hired without credentials only if they qualify for temporary waivers issued by the Commission on Teacher Credentialing. There is a limit on how many waivers a district may obtain and a permanent credential must be obtained by Feb. 28 of the second year.

For the 2015 - 2016 school year, SCUSD needed more than 240 additional teachers. This increase was due, in part, to a decision to reduce class sizes in primary grades K-3. The greatest need for teachers is in special education, math, science and language immersion programs. With an estimated 60 languages spoken in the district, there is also an extreme need for bilingual teachers.

### Natomas Unified School District

Natomas Unified School District (NUSD) has 14 schools that include: eight elementary, three middle and three high schools. The total enrollment is 14,298 students. Enrollment grew by 300 students at the beginning of the 2016 - 2017 school year. A New York Times report characterized the district as the "second most diverse in the nation." The district's student population for the 2015-2016 school year was 31.6 percent Hispanic/Latino, 17.2 percent African-American, 17.6 percent white, .62

percent American-Indian, 15.1 percent Asian, 1.5 percent Pacific Islander, 5 percent Filipino, 4.7 percent not reported. Approximately 7.5 percent of students are of two or more races or ethnicities. Approximately 16 percent are English language learners and more than half of all students come from poor families. The district has approximately 550 certificated teachers and is experiencing a shortage of qualified teachers. The greatest needs for teachers are in special education, math, science and language immersion programs.

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***Because the teacher pool is not as diverse as the student population, the district is working to recruit more minority teachers, especially African-Americans.***

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To attract qualified teachers the district raised salaries to be more competitive and created an environment where teachers feel like they can make a difference with stronger academic programs. The district's student-teacher ratios are: K-3 = 24/1; 4-6 = 30/1; 7-8 = 35-39/1; high school ratios depend on the courses taken by students.

Teacher recruitment begins with posting positions on various websites, including EDJOIN. Applicants are screened to ensure they meet the minimum qualifications, including proper credentials. Candidates are ranked according to their qualifications, then the district convenes an interview panel composed of the principals, teachers and sometimes classified staff. Sometimes

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there is more than one round of interviews and demonstrated teaching ability may be included in the induction process. The panel makes its selection and the interview packet is sent to HR for review. The district staff does the reference checks and submits documentation required for fingerprints and criminal background checks. Once everything has been verified, a formal offer of employment is made.

To retain qualified teachers the district offers competitive salaries, a progressive work environment and professional development. Because the teacher pool is not as diverse as the student population, the district is working to recruit more minority teachers, especially African-Americans.

The impact of the state budget on the hiring process is the dominant factor in attracting and hiring qualified teachers. District officials report the uncertainty of funding every year creates an unstable employment atmosphere. In addition, Propositions 13 and 98 have created an inflexible environment. When the governor's proposed budget is published in January, the district must make decisions on staffing levels by March 15 based on revenue projections. By law, teachers must be notified that they might not be retained for the following academic year. This budgetary uncertainty can be demoralizing for new hires, even if they do not lose their jobs when the budget is passed.

### **Robla Elementary School District**

Robla School District was established in 1896 and had 12 students. The district's name was changed from Oak Grove School District to Robla in 1916. Today, Robla School district has five elementary schools and a pre-school with a total of 2,250 students and 320 fulltime employees, including 150 teachers. The district's student population is 46.6 percent Hispanic/Latino, 14 percent African-American, 15 percent white, .92 percent American-Indian, 18 percent Asian, 2 percent Pacific Islander, 1.1 percent Filipino. About 2.1 percent of students are of two or more races or ethnicities. The poverty rate among students is 93 percent and 500 are considered homeless. The student-teacher ratios are K-3 = 24/1 and intermediate 4-6 is 30/1.

Robla Elementary School District begins its teacher recruitment process each spring. Candidates are sought, not for specific positions, but rather for a general eligibility "pool." Numerous websites are used including EDJOIN and job sites that draw traffic from CSUS and the University of California at Davis (UDC), the Urban League and Los Rios Community College District. Candidates are screened to ensure they meet basic qualifications after which they are ranked based on experience and other factors. The top candidates are forwarded to the hiring committee for possible interviews. Candidates must also perform demonstration lessons in front of students. Those performances are observed and evaluated by a different committee and the combined scores from each committee are sent to the HR specialist, who conducts background checks in addition to the mandatory fingerprint and tuberculosis checks and checks with the National Sex Offender Registry.

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Currently, Robla is not experiencing a teacher shortage. When it fills a position, its greatest need is for special education teachers. During the last four to five years, the district has experienced a shortage in substitute teachers, so administrators and specialty teachers must cover classes. To attract qualified teachers, the district has teamed with UCD. Last year, it hosted 15 student interns from UCD, which led to the hiring of new teachers. Robla also links with the university's teacher preparation program.

Officials say Robla Elementary is a small district with a family feeling among its employees, many of whom spend their entire careers there. To attract new teachers, Robla gives teachers credit for all prior teaching experience. To retain teachers, the district provides an environment where teachers participate in all levels of decision-making.

Because of a high student poverty rate, the district offers free breakfast, lunch and supper to students. It also has 2.5 social workers to help meet the physical and emotional needs of the children because there are no county social services nearby.

The teacher shortage impact on student achievement is evident when less experienced teachers lead the classroom. Experienced teachers are more skilled at behavior management while many new hires are challenged to create a positive and productive learning environment.

### **Galt Joint Union High School District**

Galt Joint Union High School District (GJUHSD) had only one comprehensive school serving the community of Galt from 1911 to 2009, when a second high school opened its doors to students. The district currently has two high schools, one continuation school and one adult school. Enrollment peaked at 2,475 students in 2007 - 2008 and the 2015 - 2016 enrollment has declined to about 2,234 students. Enrollment is projected to continue declining. The student population is approximately 53.7 percent Hispanic/Latino, 1.6 percent African-American, .26 percent American-Indian, 36.5 percent white, .94 percent Asian, .31 percent Pacific Islander, .62 percent Filipino and 1.3 percent not reported. Approximately 4.5 percent of students are of two or more races or ethnicities. English Language learners comprise 6.6 percent of students and free and reduced lunches go to 58.9 percent of the students. The student to teacher ratio is 31/1.

New employees are recruited via EDJOIN and through inter-district communication methods. Candidates are screened for qualifications and the most qualified are invited to interview. All candidates are asked the same questions and candidates are ranked by the interview panel. The top candidate is offered a position, pending final approval by the board of education. The probationary period for new teachers is two years. The evaluation process is defined in the collective bargaining agreement. Typically, during the probationary period, new teachers are observed, evaluated and coached on areas in need of improvement. The district asserts the students, staff members and community are the reasons they attract and retain teachers. People who work for the district start and end their careers in the district.

Galt is facing declining enrollment and is presently not experiencing a shortage of fulltime or

substitute teachers. The district laid off 18 teachers during the 2016 - 2017 school year because of budget considerations and declining enrollment.

## Conclusion

The grand jury found that two largest districts are struggling with recruitment, hiring and retention of teachers. Two smaller districts have different problems. SCUSD and NUSD reported the economic recession caused uncertainty about job security for teachers receiving pink slips every year. Consequently, many promising young teachers sought more stable working conditions elsewhere. Robla Elementary has a stable teacher pool and GJUHSD is overstaffed because of declining enrollment. All schools in the county reported experiencing the greatest

needs for special education, math and science teachers. Some of the challenges districts confront include the following:

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***The grand jury found that many new teachers are only offered jobs as temporary teachers or long-term substitute positions. These impermanent positions postpone their participation in the state's induction process and delay their paths to tenure.***

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**Recruiting qualified applicants:** As the demand for quality teachers increased, teacher preparation programs reported dramatic drops in enrollment. To address this issue, districts aggressively recruited in other states and countries. For example, SCUSD targeted historically black colleges and sent employees to the Philippines to recruit teachers. SCUSD, NUSD and Robla collaborate with local universities to identify and hire new teachers.

**Delays in the induction process:** State policy mandates that new hires complete teacher preparation and earn preliminary credentials, take probationary teaching jobs, complete two-year induction programs, undergo annual evaluations and earn clear credentials before gaining tenure. The grand jury found that many new teachers are only offered jobs as temporary teachers or long-term substitute positions. These impermanent positions postpone their participation in the state's induction process and delay their paths to tenure. Many are discouraged from becoming teachers and turn to other districts or professions for permanent employment.

**Impact on student achievement:** Districts reported a substantial number of new hires possessed temporary teaching permits and had not completed all the course work required to become fully qualified teachers. Any time a qualified teacher is not in the classroom, it is more challenging for students to learn, administrators said.

Districts unanimously reported that under-prepared teachers undermine student achievement. Research suggests student success is related to having quality teachers in the classroom. Addressing teacher shortages in a coordinated and timely manner would guarantee that all students receive competent, continuous instruction.

**Passing timely state budgets:** Districts would prefer to hire new teachers at mid-year and place them in classrooms with the most experienced teachers before they are on their own. Timely coordination between budgetary decisions and the required number of teachers must be closely maintained. Although the districts must forecast the number of students who will be attending school in the fall during the month of March, estimates of the number of teachers that will be required are not made until late spring or early summer. Until the state budget is passed – usually in mid-summer — no school district knows what its budget will be and therefore, how many teachers it will be able to hire. Sometimes people are hired right before school starts and there is not enough time to bring teachers “on board” before they must be in the classrooms.

## **Correctional System Facilities Review**

### **Background**

California Penal Code Section 919 (b) requires each county grand jury to inquire into the conditions and management of the public confinement facilities within the county. To fulfill this responsibility, the 2016-2017 Sacramento County Grand Jury visited and reviewed each jail, prison and juvenile detention facility located within its jurisdiction.

Although not a requirement under the Penal Code, the grand jury also toured the adult Probation Department, County Coroner's Office and the County Crime Laboratory operated by the district attorney. The grand jury also attended sessions of the Superior Court "specialty courts" involved in the criminal justice system. These included: Drug Court, Veterans Court and Mental Health Court.

### **Methodology**

As part of the correctional facilities tour, the grand jury used a questionnaire to collect information regarding pertinent demographic and statistical data from all the correctional institutions in Sacramento County. The questionnaire was sent to each institution prior to the site visits. Responses were provided by each institution and reviewed by the grand jury.

The grand jury also reviewed public information from the Internet and other published sources. The grand jury scheduled onsite visits to all the confinement institutions and the County Probation Department. The visits were structured to examine both overall facility functioning and specific areas of interest. The grand jury visited with staff and obtained answers to pertinent questions concerning the operations and function of the institutions.

### **Facilities Visited**

- Folsom State Prison (aka Old Folsom)
- California State Prison Sacramento (aka New Folsom)
- California State Women's Prison, Folsom
- Sacramento County Rio Cosumnes Correctional Center (RCCC)
- Sacramento County Main Jail
- Sacramento County Probation Department
- Sacramento County Youth Detention Facility (aka Juvenile Hall)
- Sacramento County Coroner's Office
- Sacramento County Crime Lab

### **Facility Discussion**

#### **Folsom State Prison**

The grand jury visit was conducted on Aug. 19, 2016. Folsom State Prison ("FSP" aka Old Folsom") first opened in 1880 and, after San Quentin, is the second oldest prison in the state. Although originally designed as a maximum security facility, it presently houses inmates at the

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Level I (minimum) and Level II security classifications. The prison houses lower risk and older inmates and serves as a transition facility before these inmates are released back into the community after sentence completion.

FSP has received its accreditation from the American Correctional Association (ACA) which demonstrates that Folsom Prison is being operated safely, professionally, humanely and in compliance with the U.S. Constitution.

At the time of the visit, there was a male prisoner population of 2,531 inmates with approximately 1,300 inmates serving life terms. The median age of the inmate population is 48. Public Safety Realignment Legislation Assembly Bill 109 (AB 109) has significantly reduced the inmate population at Folsom in the last two years.

### ***Programs***

Rehabilitation, vocational and skills training programs are numerous and available to the prisoners to assist with their transition back into society. This includes GED education programs, vocational rehabilitation, behavioral and mental health treatment programs. Re-entry programs prepare inmates to return to the community upon completion of their sentences or release.

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***FSP is one of three prisons in the state that began a pilot project approximately a year ago to convert to a new off-the-shelf electronic medical records system.***

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Computer training, welding training, as well as electrical training classes are a few of the courses available. However, according to the staff, there is a shortage of jobs available to these inmates after release.

Since the last grand jury visit, implementation of three new training programs for inmates has begun. Inmates are now working with the University of California at Davis College of Agriculture. Prison officials also are working with a local contractor to establish a truck driving school. Additionally, a new substance abuse training program was expected to be in place before the end of 2016.

FSP is one of three prisons in the state that began a pilot project approximately a year ago to convert to a new off-the-shelf electronic medical records system. The new system is based on software that is not customized for use at the prison, so changes had to be made in the way that data is managed. In addition, a new electronic system for maintaining dental records was scheduled to be phased in during 2017.

Vocational training is also provided through the State Prison Industries Authority (PIA). PIA programs include manufacturing furniture for purchase, welding programs, auto mechanics and repair classes, apprentice electrical training classes and an electronics repair training classroom.

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### ***Ongoing Construction Projects***

FSP had several building improvement projects under construction during the visit and it is clear that the warden and staff are using every inch of space available to them. Five construction projects to house various medical clinics are currently underway. It is anticipated that all efforts will result in more room for medical treatment programs and improved medical care. Space continues to be a major concern for new training programs and medical facilities. Small cells provide little living space for inmates. However, this has been somewhat mitigated by the reduction in population due to prison realignment and inmate releases. More inmates are now living in single cells rather than two to a cell.

In 2006, a federal court stripped California of control over its sprawling inmate health care system. Folsom prison has since become the first California prison to be released from receivership in July of 2015.

The grand jury noted that there is an extensive dietary selection available to inmates, including vegetarian meals, as well as kosher or other religious meals. The cost to feed each prisoner three meals a day is less than \$4. The special meals required by various religions, cost \$7 to \$8 per day to prepare. The warden and staff were very responsive to questions and concerns of the grand jury.

### **California State Prison-Sacramento (CSPS)**

The grand jury visit was conducted Sept. 2, 2016. California State Prison - Sacramento (CSPS) is a Level 4 prison, the highest security classification in the state. The inmate population on the day of the grand jury tour was 2,349.

Despite a fairly high ratio of sworn corrections officers to inmates, according to staff, violence remains a concern at the facility. According to prison officials, in 2015, CSPS had the highest number of inmate-on-inmate assaults of any prison in the state. Inmate assaults on staff were also high last year, as well. In the first eight months of 2016, there were two homicides at the prison.

### ***Medical Care***

CSPS is one of the centers for the Mental Health Services Delivery System (MHSDS) in the state prison system. Inmates with mental health issues represent 60 to 70 percent 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 prison has the largest population of inmates on court-ordered medications of any prison in California. It was noted by staff that inmates receive brand name medications rather than generic drugs. This costs the state substantial additional dollars each year and is possibly an area of opportunity to save tax payer dollars.

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The prison's medical facilities are still among those in federal court-ordered receivership status resulting from a lawsuit that affected all state prisons in California. CSPA officials were confident that receivership status at CSPA would be lifted soon after the receiver's inspection of the prison's facilities in 2017. Construction projects are underway at CSPA to improve the medical facilities. Triage, treatment programs and safety precautions for the population with mental health diagnoses are well developed and implemented.

### ***Programs***

According to prison officials, available or planned rehabilitation programs at the prison include: Alcoholics Anonymous and Narcotics Anonymous in all three Level 4 housing units as well as a "Celebrate Recovery" program. Other programs include yoga; The Actors' Gang Prison Project, one of the few remaining arts projects in the California prison system, and the Men's Inside Circle, a group therapy program. Academic courses available include adult basic education, high school GED programs, library services, literacy programs, independent study and English language development. Recently added vocational pre-parole programs include construction, office technology and janitorial services. The array of CSPA's programs and activities for all inmates is diverse and provides important opportunities for inmates to successfully re-enter the community upon release.

The impact of AB 109 (prison population reduction) is perceived by staff as a largely positive change for the overall operations of CSPA as the inmate population has dropped significantly in the last few years. However, this has resulted in unintended consequences for the county jails, including over-crowding and inmates serving longer sentences without the expansion of rehabilitation and education programs.

### **California State Prison Folsom –Women's Facility**

The grand jury visit was conducted on Sept. 27, 2016. California State Prison for Women at Folsom opened in January 2013. It is a stand-alone facility with a capacity of up to 585 female inmates operating under the administrative structure of the larger Folsom Prison. On the day of the grand jury tour, the inmate population was 486. This facility is designated as a re-entry facility for inmates returning to society after completion of their sentences. All of the inmates here are learning job and coping skills through programs focusing on education, vocational and daily life skills management. The women are actively involved in a multitude of programs every day.

Inmates normally are housed in dormitory-type settings. Inmates serve sentences of five years or less and most are engaged in vocational or learning programs designed to help them re-enter society. There are no Level 4 security inmates or those otherwise considered to be disruptive at this facility.

### ***Education Programs***

In addition to high school and GED courses, four community college programs are provided for inmates. The prison has recently started a new one-year computer programming course. On completion of that course, inmates are certified as software technicians. Additionally, the warden is considering adding a culinary program.

Of particular interest to the grand jury is a new service dog training program. This involves basic obedience and general training for canines destined to become service dogs. From this location the animals are transferred to another prison to receive specialty training. During training, the dogs live in a dorm or cell with their trainers. This creates a measure of physical and psychological comfort for inmates who must earn the privilege to participate in this unique program. However, the budget and available space are a challenge to establishing new programs. The warden envisions the prison's expanding educational opportunities as an effective tool to counter recidivism. The service dog training program, in particular, should be considered for expansion if possible.

### ***Re-Entry Hub Programs:***

These programs are designed to assist the inmates in adjusting to society upon completion of their sentences and release. These include:

- **Substance Abuse Training:** This provides educational and interactive learning opportunities based on inmates' lives and patterns of addiction. Life skills essential for recovery are also taught including, but not limited to stress management, relaxation, spirituality, assertiveness and "refusal skills" or how to say "no."
- **Criminal Thinking:** This addresses methods to understand and combat criminal thinking, behaviors and associations. It includes training in moral development, narcissism, low ego, resistance to changes, defensive attitudes, reasoning and behavioral traits that lead to criminal activity.
- **Anger Management:** This addresses aggression, impulse control, hostility, anger and violence. The goal is to help reduce or displace out-of-control, destructive behaviors with constructive pro-social behavior.
- **Family Relationships:** This provides instruction in family and marital relationships. It also includes training in parenting skills, domestic violence and family reunification for offenders who, after an extended absence due to incarceration, have had limited contact with family members. The goal is to promote healthy family values and parenting skills.

The grand jury was impressed with all the programs, participation and the overall involvement of inmates and staff at this facility. Interaction between staff and inmates is frequent, the programs are relevant and most of the inmates' comments were positive about the opportunities being provided.

## **Rio Cosumnes Correctional Center**

The grand jury visit was conducted Oct. 21, 2016. The Rio Cosumnes Correctional Center (RCCC) is a county jail confinement facility located in rural Elk Grove. RCCC — situated on 140 acres, 27 miles south of Sacramento — is the main facility for housing inmates already sentenced in Sacramento County courts. It houses approximately 1,950 male and 225 female inmates. The inmates can be either post-sentence (majority of the population) or pre-trial inmates. RCCC has 208 sworn and 64 administrative personnel.

RCCC is the central transportation point for county defendants who are sentenced to state prisons for more serious crimes and is a major transit hub for inmates being transferred to prisons in other parts of California for more serious crimes. RCCC's permanent inmate population averages about 1,100. About 500 of those are pretrial inmates. RCCC also has a women's unit which houses minimum, medium and maximum security inmates. Under contract with the federal government, RCCC also temporarily houses individuals arrested for or incarcerated by Immigration and Customs Enforcement (ICE).

Jail officials state their biggest concern is the shortage of staff, which is about 20 fulltime deputies below their required level. They can use "on-call" officers on a limited basis to mitigate some shortages in the correctional staff. Nevertheless, the facility reported a minimal number of incidents for 2016: 0 suicides; 1 attempted suicide; 0 homicides; 0 non-violent death; 0 escapes; 1 attempted escape.

### ***Vocational and Education Programs***

RCCC provides a wide variety of educational, vocational, self-help and social services programs. These include a highly successful culinary arts program for female inmates, training in employment readiness and life skills, custodial and housekeeping operations, horticultural and landscaping training and welding.

Newly established vocational programs include:

- A highly innovative program in partnership with the federal Bureau of Land Management wherein carefully screened and selected inmates train wild horses captured and provided by the BLM. The program helps inmates develop vocational skills by practicing patience, time management and organizational skills in a six-level curriculum that includes horsemanship, related equipment, gentling techniques, feeding, care and equine anatomy;
- A building trades pre-apprenticeship program that gives participants hands-on trade skills;
- An automotive technology career training pilot program funded by a \$750,000 grant over a three-year period; and
- A welding certification program which trains inmates to become certified welders who can find employment upon completion of their sentence or release.

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The grand jury noted there are several certification programs at RCCC, including welding and manufacturing, culinary arts, and printing and computer graphics. The grand jury is concerned that the number of programs available to inmates may be insufficient for the current population at this facility. Participation in programs is limited due to space, budget and a shortage of qualified instructors.

Prison realignment, which began in California in 2011 following passage of AB109, has had a profound effect and unintended consequences on RCCC. As a result of that legislation, RCCC now also houses inmates serving sentences of up to eight to 10 years. However, the average length of stay for inmates is five years. This has created challenges to staff in providing education and rehabilitation programs that did not exist before realignment due to the short sentences of county inmates. RCCC officials describe most of the inmates serving sentences at RCCC as “non-serious, non-sexual and non-violent” offenders.

### **Sacramento County Main Jail**

The grand jury visit was conducted Sept. 30, 2016. The main jail, located in downtown Sacramento, is primarily an intake, pre-trial and pre-sentence detention facility for Sacramento County. All persons arrested in Sacramento County by local law enforcement are processed through the main jail.

Staffing at the main jail normally consists of 285 sworn and 110 non-sworn personnel. The facility was designed to hold 2,432 inmates. The main jail’s average daily population last year was somewhat lower at 2,061 inmates.

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***Approximately 25 percent of inmates are on anti-psychotic drugs. These services are extremely expensive and consume a substantial portion of the jail budget.***

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It should be noted that, in recent years, the jail has seen a significant increase in the number of mentally ill inmates and a subsequent increased demand for mental health services. This increase in inmates with mental health issues presents challenges for the medical and security staffs.

The University of California at Davis Department of Psychiatry and Behavioral Science offers a program to help reduce the jail’s mental health problems. A forensic psychiatry resident

evaluates prisoners in an 18-bed inpatient psychiatric unit. The resident visits various units in the jail and assesses inmates with potential mental health issues. The resident also consults with general medical physicians regarding suicidal tendencies related to alcohol and drug withdrawal.

Approximately 25 percent of inmates are on anti-psychotic drugs. These services are extremely expensive and consume a substantial portion of the jail budget. The cost of prescription drugs for Fiscal Year 2015 - 2016 was \$2.8 million.

It was reported that in 2016 there were 10 suicide attempts. Two inmates committed suicide. As of April 2017, there have been two suicides.

## ***Programs***

The main jail (as well as RCCC) provides a variety of classes including adult basic education, English as a second language, GED test preparation and parenting education to inmates in addition to social self-help programs such as Alcoholics and Narcotics Anonymous. However, while these programs are provided, they are limited in success because the vast majority of inmates are housed at the main jail for short stays while awaiting trial or transfer after sentences are imposed.

A new program in place since December 2015 provides inmates who have attained low security status ratings, the privilege of using electronic tablets. These tablets contain a large variety of educational and entertainment programming outside the housing area dayrooms. The facility has 60 of these tablets and jail officials note that their availability has reduced conflicts, stress levels and inmate fights in the jail. The electronic tablet pilot program provides inmates with educational and entertainment opportunities as well as the ability to spend time outside the housing areas, thus avoiding confrontations with other inmates and staff.

Even with a constantly changing and dangerous population and shortage of correctional staff, the main jail does appear to be a functioning facility that delivers the necessary confinement of inmates with efficiency and professionalism.

## **Probation Department**

The Probation Department provides assessment, treatment and supervision to prevent re-offending and strives for positive change for all clients enrolled in the program. 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-sentence investigation of criminal offenders.
- Operation of the Youth Detention Facility (aka Juvenile Hall).
- Wellness services providing education and the services necessary for natural recovery; services include yoga (mind and body instruction) and nutrition training.
- Rewarding good and consistent behavior with programs such as Client of the Month, Certificates of Improvement, Perfect Program Certificates and Buddy/Mentor program.
- Northern California Construction Training (NCCT) providing probationers with vocational skills and GED services.

The Probation Department has an extensive and intensive program for drug treatment and rehabilitation. The program is supervised by probation officers, drug and mental health professionals and the Superior Court. The program requires participants to participate in daily classes, treatment and random drug testing. It also provides incentives to participants for successful completion of classes and attendance, as well as some assistance with transportation

## Sacramento County Grand Jury 2016-2017

for participants who need it. It also provides job training programs and develops necessary job-related skills.

Over the last several years, the department was required to make dramatic cutbacks due to the economic recession and budget reductions. These cutbacks resulted in an approximate 50 percent

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***Probation also works closely with the three specialty criminal courts in managing its caseload. Their approach reduces re-offense, reduces community risks, improves pro-social behaviors and increases public safety.***

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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. The department has been able to reverse some of these cutbacks through funding from AB 109 and Senate Bill 678 (SB 678), which was passed to restore funding to counties to prevent criminal recidivism. However, while making progress, the department is still experiencing the effects of these budget cutbacks.

Probation also works closely with the three specialty criminal courts in managing its caseload. Their approach reduces re-offense, reduces community risks, improves pro-social behaviors and increases public safety.

Use of these collaborative partnerships throughout the community has improved the lives of many of the departments' clients. Agencies such as the Elk Grove Adult Education Department, Sacramento County Department of Education, Volunteers of America and Northern California Construction Training and many more have all created a positive environment.

The grand jury supports the Sacramento County Probation Department's commitment to evidenced-based practices in all aspects of its operation.

### **Sacramento Youth Detention Facility (aka Juvenile Hall)**

The grand jury toured the juvenile detention facility on Nov. 28, 2016. While adult detention facilities in the county are struggling with overcrowding, the Sacramento County Juvenile Hall has excess unused capacity. The Sacramento Youth Detention Facility (YDF), commonly known as Juvenile Hall, has the capacity to house 426 juveniles. Over the last year, the resident youth population has continued to decline. Juvenile hall officials report that the average daily population was 147 at the time of the visit. There was a total of 208 staff and, of that number, 188 staff members work with the juveniles. There were 128 male and 19 female juveniles at the time of the visit.

The average resident age is 16 and the average length of stay is 29 days. Approximately 98 percent of the residents are returned to the community. Records show that 70 percent of the juveniles do not return to juvenile hall, while re-offenders account for approximately 7 percent.

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Upon admission to the juvenile facility, every minor is evaluated for special needs such as illness, prescription drug requirements and education. All juveniles are medically evaluated within 24 hours by the licensed medical staff. They are enrolled in an education program where they receive instruction in math, English and other required educational programs.

Basic living survival skills are also stressed as part of the daily educational programs. Medical services, such as health screenings and dental care, are provided.

Beyond education, other unique programs provide swimming lessons, gardening and construction skills. A library containing more than 11,000 volumes, most of them donated, is available to the residents.

In total there are over 50 programs administered by the staff with over 100 volunteers providing these services.

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

### **County Coroner's Office**

Grand jury members visited the Sacramento County Coroner's facility March 10, 2017. The primary duty of the office is mandated by Government Code Section 27491, which requires investigation of certain listed deaths.

The Coroner's staff includes:

- The coroner, who may or may not be a medical examiner (physician),
- 12 full-time deputy coroners,
- Five administrative staff,
- Four forensic pathologists, who are physicians and
- Three coroner technicians

### ***Coroner's Annual Budget***

The annual budget for the office is approximately \$7.9 million. The County General Fund contribution is approximately \$6.5 million. Additionally, the coroner's office actually receives revenue for services it provides. Among other sources of revenue, the office contracts with and is paid by the UC Davis Medical Center to store bodies that have been donated to the university. UCD also provides the coroner's office with resident doctors to perform work and for education purposes. The Sacramento County Coroner's Office also provides coroner services to other

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outlying counties — including, Sutter, El Dorado, Yolo, Butte, and Tuolumne — and is reimbursed for these services.

The coroner's office will retrieve bodies and investigate any sudden or unexplained deaths. This includes:

- Homicides,
- Suicides,
- Suspected cases of Sudden Infant Death Syndrome (SIDS),
- Motor vehicle accidents,
- Any other type of death that requires the coroner's office to investigate and
- Deaths occurring when a cause is unknown or a doctor will not attest to the cause of death.

Under Health and Safety Code Section 7104, the coroner's responsibilities also include indigent services where there is an estate or indigent veteran involved. In cases of deaths of indigent persons with no relatives, the coroner supervises cremations. In the cases of indigent veterans, the coroner turns the bodies over to the Veterans' Administration for disposition.

### ***2016 Coroner Statistics:***

Since January 2014, the coroner's case closure rate has been reduced from 151 days to 90 days.

For calendar year 2016, coroner's office activity included:

- 6,461 reports of deaths reported to the coroner,
- 1,298 examinations performed by pathologists,
- 229 co-signs (when the coroner signs the death certificate in addition to a doctor),
- 4,934 deaths investigated and
- 220 indigent death certificates approved.

### **Collaborative Courts (aka Specialty Courts)**

The grand jury observed sessions of the three "specialty courts." The current specialty courts observed include: Mental Health Court; Veterans Court and Drug Court. These courts are unique in the degree of collaboration among Superior Court, the district attorney, the public defender, the probation department, Veteran's Administration, veterans' mentors, and behavioral health and other professional community providers coordinating services and treatment.

Each court is designed to address the unique problems and needs of the participants. These courts address the root causes of frequent arrests of individuals by requiring frequent court appearances and monitoring, monitored treatment and consequences for non-compliance with the court's orders. These collaborative teams have developed strategies that implement a restorative justice model that stresses attendance, participation in programs, accountability, public safety and

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treatment. The courts also use a variety of positive reinforcement mechanisms plus award and incentive programs to foster participation and completion. This may include gift cards, praise by the court, longer periods between court appearances and graduation ceremonies where participants are recognized. Individuals who choose to enter a program and admit their crimes, sign a contract with the court. Upon successful completion of the program, their convictions are removed from their records.

According to the judges supervising these three programs, the specialty courts have been successful in returning individuals to society rather than incarceration. Currently, the biggest obstacle to even more success is the funding necessary to administer the programs. These specialty courts require extensive supervision by judges, attorneys, probation officials and medical and mental health professionals. As a result, only a limited number of participants can be served.

The grand jury was impressed by this innovative approach and encourages ongoing evaluation to determine whether expansion is indicated. These specialty courts appear to be very successful.

### **Sacramento County Crime Lab**

Grand jury members visited the Sacramento County Crime Lab March 10, 2017. The crime lab is operated by the office of the Sacramento County District Attorney and consumes slightly more than 20 percent of the DA's annual budget. It is one of only a few crime labs in the state operated by a county. Because the lab is locally controlled, it can be very responsive to crime prosecuted by the DA's office. Otherwise, analysis of evidence may have to wait, in some instances, for months. Most of the smaller counties rely on the crime labs located throughout the state operated by the State Office of the Attorney General. The crime lab also provides analysis services to other counties as requested.

The lab receives and analyzes evidence in various specialty areas. This includes DNA evidence which consumes a major portion of the lab staff's efforts. It also processes and analyzes a variety of drugs, methamphetamines being the largest group. The lab also processes firearms and ballistics evidence, paint and glass samples, and a host of other materials found at crime or accident scenes.

## **Sacramento County's Revenue Recovery: \$656 Million in Uncollected Debt and Rising**

The 2016 - 2017 Sacramento County Grand Jury firmly stands behind the findings and recommendations of the previous year's grand jury report. That grand jury's findings were based on extensive sworn testimony of 28 key Sacramento County Department of Revenue Recovery (DRR) management and senior staff and a thorough review of documentation provided to the grand jury by DRR. The current grand jury recognizes that DRR has implemented a number of changes as recommended by the 2015 - 2016 grand jury.

### **Reason for Investigation**

DRR has responsibility for the billing, tracking and collection services for debts such as victim restitution, court-ordered fines, welfare overpayments and other debts owed to the county. The 2015 - 2016 grand jury received a complaint regarding DRR's failure to collect hundreds of millions of dollars of debt owed to the county. In addition, it was alleged that DRR had entered a sole-source contract for the development of Debt Management and Collection Service (DMACS) software that was ineffective, caused increased workload for staff and failed to accurately document payments creating turmoil in the lives of persons trying to satisfy their fiscal obligations. The grand jury conducted extensive interviews with DRR staff and managers, reviewed departmental data and reports and completed a review of DMACS.

### **Summary of Grand Jury Findings and Recommendations**

DRR failed to collect hundreds of millions of dollars due to a failure to effectively manage collections, maintain accurate accounts, remove uncollectable debts or reimburse overpayments. DRR consistently failed to reach its annual revenue recovery goal of 38 percent with current revenue collections ranging between 6 and 8 percent. The low rate of recovery has resulted in a rapidly escalating delinquent debt. Furthermore, DRR's payment guidelines are not followed consistently nor has DRR effectively used the California Franchise Tax Board's Tax Offset program to improve revenue recovery.

DRR, through a no-bid process, purchased a new management and collection system, DMACS. The goals were to increase staff efficiency and provide increased tracking of debts and collections. Based on testimony and a review of department reports, the grand jury found significant weaknesses with the system in that it was complex, labor intensive, and ineffective in monitoring accounts and tracking collections. This has resulted in an actual decrease in the percentage of recoveries and collections are often not allocated to proper accounts. In addition, approximately 53,000 transactions, totaling in excess of \$5 million, are placed in the Unallocated Account that is not credited to the proper debt account or dispersed to client agencies. The system has created duplicate accounts and charges, or unrecorded payments, which can have a significant impact on the lives of people who have made payments.

## Sacramento County Grand Jury 2016-2017

The grand jury found a staff and system that was overloaded and unable to effectively meet departmental goals and requirements. And there is inadequate monitoring or oversight of staff with unlimited user access to the DMACS. Department staff expressed frustration that management did not appear open to suggestions, concerns, low morale or input regarding issues with DMACS. Staff and other county departments are unable to obtain accurate fiscal information. This failure has real life consequences.

### **Response**

DRR has acknowledged the grand jury's findings that millions of dollars of outstanding debts are not collected. However, DRR reports that the department is subject to numerous regulations which legally bar DRR from pursuing collections. The DRR response stated that, of the \$750 million currently owed, only about 20 percent of the debt meets the collection criteria. DRR also responded that the department uses a different method to calculate its recovery rate than the method used by the grand jury. DRR divides annual charges/debt (\$91 million) by annual collections (\$44 million) or 49 percent, while the grand jury divided total current debt (\$750 million) divided by annual collections, which gave the lower collection rate of 6 percent.

DRR has implemented the recommendation to submit more eligible debt to the Franchise Tax Board collection programs on behalf of the county. DRR has implemented recommendations to establish methods for monitoring agency clients' accounts and now provides regular updates regarding debtor account collections. The department's position is that it is cost effective to maintain long-term outstanding debt on the system to increase future opportunity for collection. DRR disagrees with the feasibility of closing the Unallocated Account. However, DRR agrees to research and process the backlog of credit balances as appropriate within six months. The department also agreed with the recommendation to reconcile those unallocated transactions that occurred prior to the DMACS conversion within six months.

DRR disagrees with the grand jury's findings and recommendations regarding DMACS and concludes that it has been an effective system for tracking accounts and collecting payments. DRR states that the department is committed to a culture of continuous improvement, encourages suggestions for improvement and implementing the most effective system. The Sacramento County Executive Officer and the Board of Supervisors disagree with the grand jury's findings regarding a lack of DRR oversight. They identified practices and procedures that are in place to insure that DRR is operating effectively and meeting its responsibilities. The Department of Finance (DOF) agrees that the initial system review was postponed, but a final system review has since been completed and the findings have been reported to DRR and the board of supervisors.

### **2016-2017 Grand Jury Comments**

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

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The grand jury strongly encourages future grand jurors to monitor the effectiveness of this critical county function including a review of any audit/ system review findings by the Department of Finance. In addition, DRR administration is encouraged to respond to the prevailing sense of low morale of employees burdened with increasing workloads and a software system that does not adequately meet their job requirements and is contributing to serious shortcomings identified within the department's operations related to collections and payments. The 2016 - 2017 Sacramento County Grand Jury firmly stands behind the findings and recommendations of the previous year's grand jury report. That grand jury's findings were based on extensive sworn testimony of 28 key Sacramento County Department of Revenue Recovery (DRR) management and senior staff and a thorough review of documentation provided to the grand jury by DRR. The current grand jury recognizes that DRR has implemented a number of changes as recommended by the 2015 - 2016 grand jury.



## **Release of Mentally Ill Inmates From the Main Jail**

### **Reason for investigation**

The 2015 - 2016 Sacramento County Grand Jury found out that more than 30 percent of Sacramento County Main Jail inmates have mental health issues. Yet these inmates are released onto the streets of downtown Sacramento 24 hours a day in the same manner as inmates who do not suffer from mental illness. Releasing mentally ill inmates from the Main Jail during nighttime hours, weekends and holidays increases the risks, not only to the inmates, but also to the community. Releasing mentally ill patients when service providers they need are available will reduce these risks.

### **Summary of Findings and Recommendations**

#### **Finding #1**

The grand jury found inmates who need mental health services are at increased risk for re-incarceration and/or psychiatric hospitalization if they are not linked to community mental health services during the critical 24 to 72 hours after release.

#### **Recommendation #1**

The grand jury recommended expanding collaborative efforts to reduce numbers of mentally ill inmates who are released during hours when services are not available.

#### **Response #1**

The Sacramento County Sheriff's Department concurs with the grand jury finding, with an explanation. The complexity of this situation involves a wide variety of variables, many of which are not under the control of the Sheriff's Department. Several agencies need to co-ordinate their efforts in order to see that services are available during those periods that are outside their normal operating hours. Triage navigators from UC Davis operate a program in the jail to evaluate inmates while they are in custody providing services from 8 a.m. to 2 a.m. In addition, mental health professionals provide inmates with information when they are leaving. Inmates also receive a free 30-day supply of medications when they are released.

#### **Finding #2**

The grand jury found that mentally ill inmates released after normal business hours at night when they cannot access services are also more at risk for recidivism and exacerbation of mental health symptoms.

## **Recommendation #2**

The grand jury recommended exploring the possibility of locating a transition resources center near the jail so that released inmates can connect with service providers, including triage navigators, especially after normal business hours.

## **Response #2**

Once court personnel schedule the time of an inmate's release, the Sheriff's Department must process and release the inmate as close as reasonably possible to that time. Delaying this would violate the inmate's Constitutional rights. To avoid this violation of rights, the Sheriff's Department offers inmates the option to be released or stay in the release area of the jail until the next morning when community services are available. The Sheriff's Department supports examining additional resources that may provide a greater chance of success. However, it points out that accomplishing this would require a collaborative effort involving county agencies, city agencies, care providers and non-profit organizations.

## **Finding #3**

The grand jury found that the Main Jail's data system does not flag those inmates who received mental health services during incarceration.

## **Recommendation #3**

The grand jury recommended revising the tracking system to include information such as the booking numbers of mentally ill inmates, the kinds of services that were provided during incarceration and the anticipated effectiveness of triage navigator services after the inmate's release.

## **Response #3**

The Sheriff's Department had this to say about the grand jury's finding on this point. The Jail Management System (JMS) is used by custody staff to document prisoners, track their movements, housing, classification levels and incidents while they are in jail. However, this is only one of three separate tracking systems used at the jail. None of them is designed to "flag" those who are receiving mental health services.

The jail's mental health staff is charged with evaluating all inmate needs and determining whether an inmate is suffering from some form of mental illness. Sheriff's Department officials are in final negotiations to obtain a more modern electronic records system that will be capable of handling all the necessary information about inmates, including Jail Psychiatric Services evaluations and determinations made about inmates' mental health while they were incarcerated.

## **Grand Jury Comments**

The grand jury's findings were based on sworn testimony of jail psychiatric services representatives from Sacramento County Behavioral Services, the Department of Health and Human Services, Transitional Living and Community Support Inc., a private mental health agency, and Correctional Health Services from the Sheriff's Department. It also 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.

The 2016 - 2017 Sacramento County Grand Jury Grand Jury notes that all required responses to this investigation were submitted in compliance with Penal Code Sections 933 and 933.05. The current grand jury firmly stands behind the findings and recommendations of the previous year's grand jury report.



## **Domestic Violence**

### **An Inconsistent Priority for Law Enforcement**

#### **Reason for Investigation**

Domestic violence is a particularly egregious crime that can lead to permanent physical and emotional scars or death for victims. The 2015 - 2016 Sacramento County Grand Jury initiated an investigation of domestic violence and law enforcement's response to the problem based on both complaints and concerns expressed by some community organizations. The grand jury collected data on domestic violence complaints and arrests from each law enforcement agency within the county. In addition, the grand jury conducted interviews with area law enforcement agencies and victim's advocates.

#### **Summary of Findings and Recommendations**

The grand jury found varying degrees of urgency and approaches to domestic violence within police agencies in the county. Examples of innovation and collaboration were noted in the Citrus Heights and Elk Grove police departments. These successful programs were characterized by: 1) leadership at the executive level that prioritized domestic violence; 2) ongoing officer domestic violence training and victim support; 3) collaboration with community-based organizations; 4) effective use of the first contact with victims by law enforcement; and 5) use of data collection and tracking systems.

The grand jury found that evidenced-based approaches with proven success rates were not uniformly used by all Sacramento County law enforcement agencies. Where domestic violence is not a high a priority, the indifferent response has been communicated to victims, victim advocates and the community in general. The grand jury found this general lack of priority to be especially the case within the Sacramento County Sheriff's Department.

#### **Response**

All responding departments acknowledged the importance of a commitment to the issues associated with domestic violence and concurred with the majority of findings and recommendations. The Citrus Heights and Elk Grove police departments remain the models for the majority of the grand jury's recommendations. The Sacramento and Folsom police departments also have domestic violence programs and report that response to domestic violence is a priority for them. All respondents acknowledge the effectiveness of coordinated and accessible domestic violence services for victims and families. Sheriff's department officials agreed in principle with recommendations and indicated that they have taken steps to evaluate and revise their response to domestic violence.

## **2016 - 2017 Grand Jury Comments**

The grand jury notes that all required responses were submitted in compliance with Penal Code Sections 933 and 933.05. The current grand jury stands behind the findings and recommendations in last year's report and acknowledges that there was basic support for those recommendations.

The grand jury encourages future grand juries to monitor progress on domestic violence issues in departments where follow-through is needed and to see that the most effective approaches to domestic violence are being used.

## **Twin Rivers Conflict of Interest: Do the Right Thing**

### **Reason for Investigation**

The 2015 - 16 Sacramento County Grand Jury investigated allegations of conflict of interest by a member of the Twin Rivers Unified School District's (TRUSD) Board of Trustees. Public conflict of interest laws prohibit public officials from participating in governmental decisions affecting their financial interests and forbid public officials from being financially conflicted in any contract made by them in their official capacities or by any board of which they are members.

### **Summary of Grand Jury Finding and Recommendations**

The grand jury learned through the investigative process that a trustee who voted to approve a charter school was appointed to represent TRUSD on a charter school board and later received payment under a consulting contract with that charter school.

The grand jury also established that the TRUSD board failed to provide clear direction and oversight regarding the duties and responsibilities of a trustee who was appointed to represent the district on the charter school board. In addition, the TRUSD board failed to address, during a scheduled board meeting, the allegation of conflict of interest on the part of the TRUSD trustee.

The grand jury subsequently found that the district 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.

The grand jury recommended that the district ensure that: 1) No trustee serves as a representative on any board where there is a potential conflict of interest; 2) Board members receive conflict of interest training every two years and 3) The district review and clarify board policy and bylaws to clearly specify the authority and responsibilities involved when a board representative is appointed to a charter school board of directors.

### **Superintendent and Board of Education Response**

The superintendent and board of trustees of TRUSD partially agreed with findings that the trustee's actions were contrary to conflict of interest laws and that the board failed to provide clear direction and oversight regarding the duties and responsibilities of a trustee. The superintendent and board recognized that an appearance of conflict of interest may have resulted from the fact that the trustee did not recuse herself from the discussion and proposal to enter into a contract. They also asserted that, to avoid the appearance of impropriety and the possibility of a conflict of interest arising from a trustee appointment, board policies and laws pertaining to the role and responsibilities of board appointees will be reviewed annually.

## Sacramento County Grand Jury 2016-2017

The superintendent and board disagreed with findings that the board violated the public's trust by inadequately addressing the allegation of conflict of interest and that the superintendent failed to take actions needed for the board to clarify and adhere to its own policy regarding conflict of interest laws. The superintendent and board asserted that public trust was not violated and that district representatives always have and will remain committed to maintaining the highest level of public trust.

### **2016 - 2017 Grand Jury Comments**

The 2016 - 2017 Sacramento County Grand Jury notes that the required response was submitted by the TRUSD superintendent and board in compliance with Penal Code Sections 933 and 933.05. The district also provided:

- Proof that the trustee in question resigned from the charter school board of directors,
- Documentation that board members received conflict of interest training and
- Documentation that board policies and bylaws were reviewed to determine if any changes are required to clarify the authority and responsibilities of any board representative who is appointed as a representative to the board of directors of a charter school.

The grand jury stands firmly behind the findings and recommendations of last year's grand jury report. That grand jury's findings were based on interviews with members and former members of the charter school's board of directors and staff, members of the TRUSD board of trustees as well as the superintendent and deputy superintendent. The grand jury also reviewed numerous documents including board meeting agendas and minutes, conflict of interest articles and laws and the memorandum of understanding between TRUSD and the charter school.

The grand jury encourages annual training of current and new TRUSD board members and recommends that the district continue to execute its duties and responsibilities to the highest standards of ethical conduct.

## **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 an 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 any 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 THE COMPLAINT IS MADE

Name: \_\_\_\_\_

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

Telephone No.: \_\_\_\_\_

## 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 resolutions 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: No.: \_\_\_\_\_

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

Complainant's Signature

Date