



# COUNTY OF HUMBOLDT

AGENDA ITEM NO.  
**G-1**

For the meeting of: September 13, 2005

August 29, 2005

Board of Supervisors

From: Loretta Nickolaus, County Administrative Officer

Subject: Response to the 2004-05 Grand Jury Report

RECOMMENDATION(S):

That the Board of Supervisors:

1. Review and modify the draft Board of Supervisors' response to the 2004-05 Grand Jury Report;
2. Approve the documents, as may be modified, as the response from the Board of Supervisors;
3. Direct the Clerk of the Board, within five working days, to submit the final response with an accompanying Board Order, to the Presiding Judge of the Superior Court; and
4. Direct the Clerk of the Board, within five working days, to submit two copies of all responses to the County Clerk/Recorder, one of which will be forwarded to the State Archivist, together with a copy of the original report.

SOURCE OF FUNDING:

General Fund

Prepared by Phillip Smith-Hanes

CAO Approval

REVIEW:

Auditor

County Counsel

Personnel

Risk Manager

Other

TYPE OF ITEM:

- Consent
- Departmental
- Public Hearing
- Other

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor

**WOOLLEY**

Seconded by Supervisor

**NEELY**

And unanimously carried by those members present,

The Board hereby adopts the recommended action contained in this report.

PREVIOUS ACTION/REFERRAL:

Board Order No.

Meeting of: \_\_\_\_\_

SEP 13 2005

Dated:

Lora Canzoneri, Clerk of the Board

By:

DISCUSSION:

Annually, the Grand Jury submits a report to the Presiding Judge of the Superior Court. Each department head or agency mentioned in the report is required to prepare a response. Responses from all appointed County officials are compiled by the County Administrative Office and submitted as a package to the Board of Supervisors.

Draft proposed responses from the Board of Supervisors are also included for consideration and modification as the Board deems appropriate. In addition, for the sake of providing a compilation of all responses in a single document, copies of responses that have been received from elected officials and other agencies are also attached.

FINANCIAL IMPACT:

There is no financial impact to completion of the responses. Some individual responses may require expenditures.

OTHER AGENCY INVOLVEMENT:

All agencies referenced in the Grand Jury Report are involved.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may elect to modify any response pertaining to matters under its control.

ATTACHMENTS:

- Attachment 1 – Compilation of responses
- Attachment 2 – Draft response from Board of Supervisors
- Attachment 3 – County Counsel response
- Attachment 4 – Probation Department response
- Attachment 5 – Risk Management response
- Attachment 6 – CAST Governing Board response
- Attachment 7 – Department of Health & Human Services response
- Attachment 8 – Community Development Services Department response
- Attachments 9-25 – Responses from Elected Officials and Other Agencies (informational only)

PSH/bd

Attachments

cc: Grand Jury  
All Departments w/o attachments  
Chron. File

# Attachment 1: Compilation of Responses

## Grand Jury Report # 2005-AF-01 Animal Control Services

### EXECUTIVE SUMMARY:

Beginning in 1998, Humboldt County experienced large increases in the costs of animal control services. The Board of Supervisors did not prepare to assume responsibility for animal control services. Relevant departments failed to respond to the Agricultural Commissioner's attempt to review and monitor the animal control services contract to insure the county received appropriate services for its money. The Grand Jury recommends more stringent accountability and oversight in all county contracts.

### WHO SHALL RESPOND:

- **Humboldt County Board of Supervisors** shall respond to **Findings and Recommendations 1, 2, and 3**
- **County Counsel** shall respond to **Findings and Recommendations 1 and 2**

### Findings and Recommendations

**Finding 1:** The final contract between the county and Sequoia Humane Society did not stipulate how the augmented portion of the monies were to be spent, nor was there a specific cost per service or item. Therefore, there was no way for the county to determine whether the contract costs were reasonable or justified.

**Draft Response from Board of Supervisors:** The respondents disagree partially with the finding, for the reasons specified in the response from County Counsel. See also Attachments 2 and 3.

**Response from County Counsel:** The respondent disagrees partially with the finding. In the case of the contract with the Sequoia Humane Society (SHS) the backdrop for the contract negotiations was the reality that, aside from the SHS, there was no viable option for the sheltering of animals which is mandated by the State as a County responsibility. The contract that resulted from these negotiations contained terms that SHS was willing to agree to knowing that the County had no viable alternatives to SHS for the provision of an animal shelter.

The County's standard services agreement requires a contractor to keep records and to allow the County to audit the records. The SHS contract had a similar requirement. This contract language allows the County to review the records "at all reasonable times." See also Attachment 3.

**Recommendation 1:** Specifics such as fees per unit of service need to be included in all contracts along with a means to regularly monitor compliance and expenditures.

**Draft Response from Board of Supervisors:** The recommendation will not be implemented in all contracts, for the reasons specified in the response from County Counsel. See also Attachments 2 and 3.

**Response from County Counsel:** The recommendation will not be implemented in all contracts. The terms of each contract are reviewed with the specific circumstances surrounding the need for each contract being taken into account and the end product being tailored to each subject matter's specific circumstances. See also Attachment 3.

**Finding 2:** County Counsel reviews contracts for legality but not accountability or oversight responsibility.

**Draft Response from Board of Supervisors:** The respondents disagree partially with the finding, for the reasons specified in the response from County Counsel. See also Attachments 2 and 3.

**Response from County Counsel:** The respondent disagrees partially with the finding. County contracts include notice provisions with the name or title of the person in the sponsoring department responsible for monitoring the contract once it is in effect. See also Attachment 3.

**Recommendation 2:** County Counsel should ensure that each county contract include provisions for a specific county department to be accountable in a measurable way and include a provision for a specific department to have oversight responsibility for the contract.

**Draft Response from Board of Supervisors:** The recommendation will not be implemented, as detailed in the response from County Counsel. See also Attachments 2 and 3.

**Response from County Counsel:** The recommendation will not be implemented. In the job description that was applicable to the department head of the sponsoring department of the agreement with the Sequoia Humane Society, a charge was given to that department head: “This position also administers the County animal control program... directs the County’s animal control program, which includes the impounding of stray animals...” This charge of duties to the Agricultural Commissioner appropriately was given by the Board of Supervisors and not by the Counsel for the County. See also Attachment 3.

**Finding 3:** The Board of Supervisors failed to assume timely responsibility for animal control services, thereby creating a situation which made it necessary to enter into a non-negotiable contract that did not assure best value for public dollars.

**Draft Response from Board of Supervisors:** The respondents disagree partially with the finding. While the Board agrees that County departments should adequately track contract expirations, the matter described in Finding #3 was not a “contract expiration” problem. In fact, the County went out to bid for animal shelter services twice prior to June 2002, and could not attract a responsible bidder. See also Attachment 2.

**Recommendation 3:** The County must assure that county departments adequately track contract expirations, so that a competitive bid process or at least negotiations can be initiated in time to insure cost-effective services without a break.

**Draft Response from Board of Supervisors:** The recommendation has been implemented. As noted above, the Board went out to bid for animal shelter services twice prior to June 2002, and could not attract a responsible bidder. Because there was no other entity interested in providing cost-effective animal shelter services, the County decided to build a publicly owned and operated animal care facility. The final contract with Sequoia Humane Society (SHS) was very expensive and regrettably, per the SHS proposal, a take it or leave it option. The County assumed animal shelter services on July 1, 2004. See also Attachment 2.

**Grand Jury Report #2005-CD-01**  
**An Investigation into the First Time Home Buyer and**  
**Housing Rehabilitation Programs in the City of Rio Dell**

**EXECUTIVE SUMMARY:**

The Grand Jury finds that the First Time Home Buyer and Housing Rehabilitation Programs are not being adequately monitored by the City of Rio Dell.

In July 2002, the city entered into a contract with state and federal agencies to establish a revolving loan fund of \$500,000 to be loaned to low-income families to purchase a first home. The funds were also available for home rehabilitation loans. The loans are to be repaid to make the funds available for others. Although the contract states specific responsibilities for all parties, the City failed to meet the contractual responsibilities.

The City contracted with Redwood Community Action Agency to administer the funds and manage the projects for a fee. The City Council authorized three First Time Home Buyer loans, one a combination of both the First Time Home Buyer and Housing Rehabilitation programs.

Problems with this combination project became apparent very soon. Alarming structural and safety issues were ignored in favor of superficial cosmetic repairs. An investigation by the Grand Jury revealed that the program was not being monitored. For example, termite and structural reports were not being appropriately analyzed and corrective action was not taken. Serious health and safety issues were not addressed. Construction was done without an approved set of plans or a permit. The contract specifically requires both. While it is understandable that the small city finds it necessary to contract for the services of a project manager, it is essential for the city to maintain supervision of this third party.

The Grand Jury recommends that the City of Rio Dell meet its oversight responsibilities as well as establish and implement procedures which will assure that health and safety issues take precedence in all home purchases and rehabilitation projects using public funds.

**WHO SHALL RESPOND:**

- **Rio Dell City Council** shall respond to **Findings and Recommendations 1, 2, 3, and 4**
- **Rio Dell City Manager** shall respond to **Findings and Recommendations 1, 2, 3, and 4**

**Findings and Recommendations**

**Finding 1:** The City of Rio Dell failed to exercise due diligence in the oversight of RCAA in its role as project manager of the First Time Home Buyers/Housing Rehabilitation programs.

**Response from City of Rio Dell:** See Attachment 11.

**Recommendation 1:** The Grand Jury recommends that the City Council, the City Manager, and city employees establish and implement procedures to insure that pertinent inspections, work write-ups, contracts, permits, and invoices are reviewed and verified.

**Response from City of Rio Dell:** See Attachment 11.

**Finding 2:** Project invoices were paid when no permit had been issued.

**Response from City of Rio Dell:** See Attachment 11.

**Recommendation 2:** The Grand Jury recommends that a system of checks and balances be instituted which insures that no payments are made unless and until a permit has been issued.

**Response from City of Rio Dell:** See Attachment 11.

**Finding 3:** The City of Rio Dell frequently does not respond appropriately to complaints from citizens involved in programs which should be overseen by its staff and officials.

**Response from City of Rio Dell:** See Attachment 11.

**Recommendation 3:** The Grand Jury recommends that the City of Rio Dell develop and implement a standardized citizen complaint form and procedures for appropriate response.

**Response from City of Rio Dell:** See Attachment 11.

**Finding 4:** The City of Rio Dell did not periodically review the project or maintain files of the work in progress in the city offices as required by contract.

**Response from City of Rio Dell:** See Attachment 11.

**Recommendation 4:** The Grand Jury recommends that the City Council, the City Manager, and appropriate staff periodically review these projects and maintain proper records as required by the contract. If it is necessary to hire an outside agency to administer project, a representative of that agency should report regularly to the City Council and the City Manager. Oversight of these projects must be a priority.

**Response from City of Rio Dell:** See Attachment 11.

**Grand Jury Report #2005-CD-02  
Manila Community Services District**

**EXECUTIVE SUMMARY:**

Manila Community Services District (MCSD) provides and manages both water and sewer services, and public recreation and parks. Water and sewer operations are self-supporting through the charge of user fees to customers. Recreation and parks operations are primarily funded by government grants, charitable donations, and fund-raising events. Recreation and parks do not charge significant user fees. Water and sewer funds are “loaned” to cover recreation and parks shortfalls; these “loans” are rarely repaid. Since water and sewer operations are vital to health and safety, greater priority needs to be given to system replacement, updates, improvements and repairs. While recreation and parks enhance culture and quality of life, costs and finances for such aesthetic civilities must not be allowed to overwhelm water and sewer operations.

The Grand Jury recommends that MCSD discontinue using the water and sewer fund to subsidize recreation and parks. The Grand Jury further recommends that MCSD establish and maintain prudent reserves and comply with audit recommendations.

**WHO SHALL RESPOND:**

- The **Board of Directors of the Manila Community Services District** shall respond to **Findings 1 through 6 and Recommendations 1, 2a, 2b, 2c, 3, 4, 5, and 6**
- The **General Manager of the Manila Community Services District** shall respond to **Findings 1 through 6 and Recommendations 1, 2a, 2b, 2c, 3, 4, 5, and 6**

**Findings and Recommendations**

**Finding 1:** The Grand Jury finds that the MCSD has not ordered a rate analysis as recommended since their 1998 and subsequent audits.

**Response from Manila Community Services District:** See Attachment 12.

**Recommendation 1:** The Grand Jury recommends that MCSD order a rate analysis and implement appropriate rate increases immediately.

**Response from Manila Community Services District:** See Attachment 12.

**Finding 2:** The Grand Jury finds that the fiscal practices of MCSD preclude the establishment of necessary and prudent reserves.

**Response from Manila Community Services District:** See Attachment 12.

**Recommendation 2a:** The Grand Jury recommends that recreation and parks repay all water and sewer funds owed.

**Response from Manila Community Services District:** See Attachment 12.

**Recommendation 2b:** The Grand Jury recommends MCSD discontinue the practice of “temporary” transfers of funds from water and sewer to recreation and parks.

**Response from Manila Community Services District:** See Attachment 12.

**Recommendation 2c:** The Grand Jury recommends that MCSD establish and maintain prudent reserves for water and sewer system replacement, updates, improvements, and repairs.

**Response from Manila Community Services District:** See Attachment 12.

**Finding 3:** The Grand Jury finds that MCSD has neglected to monitor and failed to respond appropriately to mid-year deficits.

**Response from Manila Community Services District:** See Attachment 12.

**Recommendation 3:** The Grand Jury recommends that MCSD perform frequent and aggressive budget analyses throughout each year. When shortfalls occur, MCSD should adjust the budget accordingly instead of transferring water and sewer money to the recreation and park fund.

**Response from Manila Community Services District:** See Attachment 12.

**Finding 4:** The Grand Jury finds that MCSD responds inadequately to audit recommendations.

**Response from Manila Community Services District:** See Attachment 12.

**Recommendation 4:** The Grand Jury recommends that MCSD comply with audit recommendations.

**Response from Manila Community Services District:** See Attachment 12.

**Finding 5:** The Grand Jury finds that MCSD has failed to repay “transfers” from the water and sewer Enterprise Funds made to the recreation and park Non-enterprise Fund.

**Response from Manila Community Services District:** See Attachment 12.

**Recommendation 5:** The Grand Jury recommends that MCSD adopt a plan to reduce and eventually eliminate the debt owed by recreation and park funds to the water and sewer fund.

**Response from Manila Community Services District:** See Attachment 12.

**Finding 6:** The Grand Jury finds that some decisions of the MCSD Board of Directors suggest a lack of familiarity with practices common to non-profit public Boards.

**Response from Manila Community Services District:** See Attachment 12.

**Recommendation 6:** The Grand Jury recommends that members of the Board of Directors take special training for board members of non-profit organizations. Training is available free or at minimal cost from both Humboldt Area Foundation and College of the Redwoods.

**Response from Manila Community Services District:** See Attachment 12.

**Grand Jury Report #2005-HS-01**  
**Visit to Humboldt County's Family Connection Center**

**EXECUTIVE SUMMARY:**

The Grand Jury interviewed employees and toured the Child Welfare Family Connections Center, a facility providing supervised visits for parents whose children are placed in temporary custody. The frequency and type of visits are determined by court order with transportation furnished by Child Welfare, if needed. Times of visits are arranged to meet children's and parents' schedules taking into consideration school and work.

The facility is child-friendly, colorful, brightly-lit and welcoming. Books, activities, toys, craft supplies, games and comfortable furniture help provide a healthy atmosphere for the visits. Transportation of parents and children to the facility is sometimes inconvenient when car seats and cars are in two different locations.

**WHO SHALL RESPOND:**

- **No responses** are required for this report

**Grand Jury Reports # 2005-HS-02 through 09**  
**A REVIEW OF THE CHARTER SCHOOLS OF HUMBOLDT COUNTY**

**Executive Summary of Grand Jury Reports #2005-HS-02 through 09**

**Charter Schools -- Public Education's Alternative**

The Grand Jury's investigation into charter schools in Humboldt County was initiated by citizen complaints, state and national media attention on charter school effectiveness, and a general lack of public knowledge about charter schools.

The Grand Jury cannot emphasize strongly enough that charter schools are *public* schools, open to all applicants. Charter schools are supported by tax money and are subject to most of the laws and regulations that govern all public schools in California, especially those laws dealing with credentials, testing, non-discrimination, and finance. Charter schools are alternative public schools providing parents and students greater flexibility in reaching educational goals than might be found in regular public schools.

Humboldt County has seven charter districts or networks comprised of nineteen charter school sites. Oversight authority rests in the chartering agencies and the Humboldt County Office of Education (HCOE). The Grand Jury interviewed representatives from all seven networks, as well as HCOE, and found that charter schools in Humboldt County are fulfilling their mission to provide varied and diverse education. With few exceptions, Humboldt County's charter schools and charter networks comply with the state Education Code.

The Grand Jury found three charter school networks needing oversight improvement in at least one of the following areas: teacher credentials, admission policies, financial management, state testing, and/or required record-keeping.

One charter school network, Big Lagoon Charter School Network, raised questions in the minds of the Grand Jurors in the areas of teacher credentialing, admission practices, irregular financial arrangements, and record-keeping. The Mattole Valley Charter School Network and Pacific View Charter School need to improve participation in state testing. In spite of the irregularities noted, charter school students appear to be receiving both interesting as well as challenging educational opportunities.

Charter schools, like all other publicly funded institutions, must follow state and federal laws. Skirting the law, regardless of the outcome for students, is not acceptable. The ends do not justify the means.

**Grand Jury Report # 2005-HS-02**  
**A Review of the Humboldt County Office of Education's Charter School Oversight**

**WHO SHALL RESPOND:**

- **Humboldt County Office of Education** shall respond to **Findings and Recommendations 1 and 2**

**Findings and Recommendations**

**Finding 1:** Humboldt County Office of Education exercises minimal direct oversight of charter schools.

**Response from Humboldt County Office of Education:** See Attachment 13.

**Recommendation 1:** The Grand Jury recommends that the Humboldt County Superintendent of Education exercise greater oversight of the county's charter schools, especially concerning appropriate credentialing, admission practices, fiscal matters, and maintenance of required records.

**Response from Humboldt County Office of Education:** See Attachment 13.

**Finding 2:** The Grand Jury found no evidence of a consistent, clear system of oversight coordination between the individual charter schools or charter school networks and the Humboldt County Office of Education.

**Response from Humboldt County Office of Education:** See Attachment 13.

**Recommendation 2:** The Grand Jury recommends that the Humboldt County Office of Education establish with the charter school networks a clear and consistent method of conducting annual oversight checks of all of the county’s charter schools regarding credentialing and appropriate teacher assignment; fiscal compliance with the law; and pupil achievement reporting. The oversight reports should then be sent to the County Office of Education for inspection before being sent to the California State Department of Education.

**Response from Humboldt County Office of Education:** See Attachment 13.

**Grand Jury Report # 2005-HS-03**

**A Review of Practices and Policies of Arcata Elementary School District’s Trillium Charter School**

**WHO SHALL RESPOND:**

- No response is required

**Grand Jury Report # 2005-HS-04**

**A Review of Practices and Policies of the Big Lagoon Charter School Network**

**WHO SHALL RESPOND:**

- **Big Lagoon Union Elementary District** shall respond to **Findings 2, 3, 4, 5, 6, 7 and Recommendations 2, 3, 4, 5a, 5b, 5c, 6, 7**
- **Big Lagoon Charter School Network** shall respond to **Findings 1, 2, 3, 4, 5, 6, 7 and Recommendations 1, 2, 3, 4, 5a, 5b, 5c, 6, 7**
- **Humboldt County Office of Education** shall respond to **Finding 7 and Recommendation 7**

**Findings and Recommendations**

**Finding 1:** The Grand Jury finds that the application and admission procedure of the Northcoast Preparatory Academy is not transparent.

**Response from Big Lagoon Charter School Network:** See Attachment 14.

**Recommendation 1:** The Grand Jury recommends that the Northcoast Preparatory Academy make its application and admission policies transparent so that no possibility exists in the mind of an applicant that he or she has to “pass” an interview test before gaining admission to a public school.

**Response from Big Lagoon Charter School Network:** See Attachment 14.

**Finding 2:** The Grand Jury finds that the BLCSN failed to prepare Individual Education Plan updates.

**Response from Big Lagoon Union Elementary District:** See Attachment 15.

**Response from Big Lagoon Charter School Network:** See Attachment 14.

**Recommendation 2:** The Grand Jury recommends that the BLCSN, in cooperation and collaboration with its sponsoring agency, develop strict guidelines for the maintenance of student records, especially IEPs, and that the Big Lagoon Union Elementary District exercise stricter oversight regarding student records maintained by the schools of the Big Lagoon Charter School Network.

**Response from Big Lagoon Union Elementary District:** See Attachment 15.

**Response from Big Lagoon Charter School Network:** See Attachment 14.

**Finding 3:** The Grand Jury finds no legitimate reason for the uncommon practice of using a pass-through account.

**Response from Big Lagoon Union Elementary District:** See Attachment 15.

**Response from Big Lagoon Charter School Network:** See Attachment 14.

**Recommendation 3:** The Grand Jury recommends that the Big Lagoon Charter School Network immediately cease the use of pass-through accounts to pay for staff or services.

**Response from Big Lagoon Union Elementary District:** See Attachment 15.

**Response from Big Lagoon Charter School Network:** See Attachment 14.

**Finding 4:** The Grand Jury finds the unnecessary use of a pass-through account by the Big Lagoon Charter School Network cost the taxpayers \$5,100.

**Response from Big Lagoon Union Elementary District:** See Attachment 15.

**Response from Big Lagoon Charter School Network:** See Attachment 14.

**Recommendation 4:** The Grand Jury recommends that Big Lagoon Charter School Network stop wasting taxpayer money on pass-through account fees.

**Response from Big Lagoon Union Elementary District:** See Attachment 15.

**Response from Big Lagoon Charter School Network:** See Attachment 14.

**Finding 5:** The Grand Jury finds that the Big Lagoon Union Elementary District, acting on behalf of the Big Lagoon Charter School Network, made an arrangement with an individual to pay for staff or services without deducting federal and state taxes or CalPERS, or paying premiums for unemployment compensation insurance or workers' compensation insurance.

**Response from Big Lagoon Union Elementary District:** See Attachment 15.

**Response from Big Lagoon Charter School Network:** See Attachment 14.

**Recommendation 5a:** The Grand Jury recommends that the Big Lagoon Charter School Network pay all its employees directly, deducting appropriate federal and state taxes and CalPERS, and paying premiums for state unemployment compensation and state workers' compensation insurance.

**Response from Big Lagoon Union Elementary District:** See Attachment 15.

**Response from Big Lagoon Charter School Network:** See Attachment 14.

**Recommendation 5b:** The Grand Jury recommends that the Big Lagoon Charter School Network check with the Federal and State Internal Revenue Services and the Federal and State Departments of Labor to verify the legal definitions of "employee," "independent contractor," and "volunteer" to determine who shall have taxes and retirement deductions made, and for whom premiums should be paid for unemployment and workers' compensation insurance.

**Response from Big Lagoon Union Elementary District:** See Attachment 15.

**Response from Big Lagoon Charter School Network:** See Attachment 14.

**Recommendation 5c:** The Grand Jury recommends that the Big Lagoon Charter School Network consult with CalPERS to determine the legitimacy of using a pass-through account to pay a person who is already retired and receiving retirement system benefits.

**Response from Big Lagoon Union Elementary District:** See Attachment 15.

**Response from Big Lagoon Charter School Network:** See Attachment 14.

**Finding 6:** Equinox, now a part of the Big Lagoon Charter School Network, was a private school with the same name on the same site and with most of the same teachers before it became a charter school.

**Response from Big Lagoon Union Elementary District:** See Attachment 15.

**Response from Big Lagoon Charter School Network:** See Attachment 14.

**Recommendation 6:** The Grand Jury recommends that the Big Lagoon Charter School Network check with the California State Department of Education, Charter School Division, to confirm the legitimacy or legality of this metamorphosis.

**Response from Big Lagoon Union Elementary District:** See Attachment 15.

**Response from Big Lagoon Charter School Network:** See Attachment 14.

**Finding 7:** The Grand Jury found conflicting evidence regarding teacher assignments and the appropriateness of the teachers' credentials.

**Response from Big Lagoon Union Elementary District:** See Attachment 15.

**Response from Big Lagoon Charter School Network:** See Attachment 14.

**Response from Humboldt County Office of Education:** See Attachment 13.

**Recommendation 7:** The Grand Jury recommends that either the sponsoring agency (Big Lagoon Union Elementary District) or the Humboldt County Office of Education exercise vigilant oversight regarding the credentials held by teachers assigned to be the primary teachers of the core high school courses of English, Math, History, and Science.

**Response from Big Lagoon Union Elementary District:** See Attachment 15.

**Response from Big Lagoon Charter School Network:** See Attachment 14.

**Response from Humboldt County Office of Education:** See Attachment 13.

#### **Grand Jury Report # 2005-HS-05**

##### **A Review of Practices and Policies of Freshwater Charter Middle School**

#### **WHO SHALL RESPOND:**

- **Freshwater Charter Middle School** shall respond to **Finding 1 and Recommendation 1**

#### **Findings and Recommendations**

**Finding 1:** Freshwater Charter Middle School has a reported ratio of 10.8 students per computer. The state average is 5 and the county average is 4.1. Today, computer knowledge is essential to basic education.

**Response from Freshwater Charter Middle School:** See Attachment 16.

**Recommendation 1:** The Grand Jury recommends that Freshwater Charter Middle School invest in computer technology to the extent of its budget limitations.

**Response from Freshwater Charter Middle School:** See Attachment 16.

#### **Grand Jury Report # 2005-HS-06**

##### **A Review of Practices and Policies of Jacoby Creek Elementary School (a Charter District)**

#### **WHO SHALL RESPOND:**

- **No response** is necessary

#### **Grand Jury Report # 2005-HS-07**

##### **A Review of Practices and Policies of Laurel Tree Charter School, a satellite campus of the Mattole Valley Charter School (K-12)**

#### **WHO SHALL RESPOND:**

- **The Mattole Valley Charter School (K-12)** shall respond to **Finding 1 and Recommendation 1**

**Findings and Recommendations**

**Finding 1:** The Mattole Valley Charter School Network fails to meet the 95 percent participation rate for state testing.

**Response from Mattole Valley Charter School:** See Attachment 17.

**Recommendation 1:** The Grand Jury recommends that the director of the Mattole Valley Charter School Network encourage its staff to discuss with parents the importance of tracking measurable progress, encouraging them to allow their children to participate in the state-recommended testing program in order to achieve the 95 percent rate desired to track school accountability.

**Response from Mattole Valley Charter School:** See Attachment 17.

**Grand Jury Report # 2005-HS-08  
A Review of Practices and Policies of Pacific View Charter School**

**WHO SHALL RESPOND:**

- **Pacific View Charter School** shall respond to **Finding 1 and Recommendation 1**

**Findings and Recommendations**

**Finding 1:** Pacific View Charter School district fails to meet the 95 percent participation rate for state testing.

**Response from Pacific View Charter School:** See Attachment 18.

**Recommendation 1:** The Grand Jury recommends that the director of the Pacific View Charter School encourage its staff to discuss with parents the importance of tracking measurable progress, encouraging them to allow their children to participate with the state-recommended testing program in order to achieve the 95 percent rate desired to track school accountability.

**Response from Pacific View Charter School:** See Attachment 18.

**Grand Jury Report # 2005-HS-09  
A Review of Practices and Policies of Six Rivers Charter School,  
a Northern Humboldt Union High School District's school**

**WHO SHALL RESPOND:**

- **No response** is required

**Grand Jury Reports # 2005-JL-01 through 16  
Humboldt County's Jails and Holding Facilities**

**EXECUTIVE SUMMARY:**

Pursuant to California Penal Code Section 919(b), the Grand Jury inspected each prison, jail, and holding facility within the county. Eleven such facilities are addressed in the reports referenced above. Four additional facilities, Sheriff's Agricultural Farm, McKinleyville Sheriff's substation, Sheriff's Evidence room and yard, and Coroner's office, were also inspected and are mentioned in these reports.

**Grand Jury Reports #2005-JL-01 through #2005-JL- 08 and 2005-JL-11 & 16**

**WHO SHALL RESPOND:**

- **No responses** are required for Grand Jury Reports #2005-JL-01 through #2005-JL-08 and 2005-JL-11 & 16

**Grand Jury Report #2005-JL-09  
Juvenile Hall**

**WHO SHALL RESPOND:**

- The **Humboldt County Probation Department** shall respond to **Finding 1 and Recommendation 1**
- The **Humboldt County Department of General Services** shall respond to **Finding 1 and Recommendation 1**

**Findings and Recommendations**

**Finding 1:** The facility does not comply with the Americans with Disabilities Act (ADA) because there is no wheelchair access between floors.

**Response from Probation Department:** The respondent disagrees wholly with the finding, for the reasons specified in response to Recommendation 1. See also Attachment 4.

**Response from Risk Management:** The respondent disagrees wholly with the finding, for the reasons specified in response to Recommendation 1. See also Attachment 5.

**Recommendation 1:** The Grand Jury recommends that the building be made ADA compliant.

**Response from Probation Department:** The recommendation will not be implemented. The recommendation would be difficult to implement and does not appear to be required by the Americans with Disabilities ACT (ADA) in that the focus of the Act is to make programs accessible, not buildings. If it is possible to ensure accessibility through alternative means such as providing auxiliary aids or relocating programs, structural changes are not required. Only when it is absolutely necessary to achieve program accessibility are public entities required to retrofit existing facilities. The Probation Department believes that it can make accommodations and meet the letter and spirit of ADA. The Probation Department will work with the Risk Management Division to ensure that its programs are accessible. See also Attachment 4.

**Response from Risk Management:** The recommendation will not be implemented. The focus of Title II of the Americans with Disabilities Act is to make programs accessible, not buildings. If it is possible to ensure accessibility through alternative means such as providing auxiliary aids, relocating programs or making home visits, structural changes are not required. Only when it is absolutely necessary to achieve program accessibility are public entities required to retrofit existing facilities. The County Administrative Office (Risk Management Division) will work with the Probation Department to ensure that its programs are accessible. If it is determined that the programs are not accessible, then a plan will be developed to remove any physical barriers that prevent access between the two floors. See also Attachment 5.

**Grand Jury Report #2005-JL-10  
Sheriff's Agricultural Farm**

**WHO SHALL RESPOND:**

- The Sheriff shall respond to **Finding 1 and Recommendation 1**

**Findings and Recommendations**

**Finding 1:** The Farm needs a bucket for its tractor.

**Response from Sheriff:** See Attachment 9.

**Recommendation 1:** The Sheriff obtains a bucket for the tractor from surplus inventory of the federal or state government.

**Response from Sheriff:** See Attachment 9.

**Grand Jury Report #2005-JL-11  
McKinleyville Sheriff's Substation**

**WHO SHALL RESPOND:**

- No response is required

**Grand Jury Report 2005-JL-12  
Hoopa Sheriff's substation and holding facility**

**WHO SHALL RESPOND:**

- The Sheriff shall respond to **Finding 1 and Recommendation 1**

**Findings and Recommendations**

**Finding 1:** When one deputy is transporting an arrestee to HCCF, the other deputy is left to cover the whole area.

**Response from Sheriff:** See Attachment 9.

**Recommendation 1:** An officer be hired to answer telephone calls and transport arrestees to HCCF.

**Response from Sheriff:** See Attachment 9.

**Grand Jury Report #2005-JL-13  
Garberville Sheriff's substation**

**WHO SHALL RESPOND:**

- The Sheriff shall respond to **Finding 1 and Recommendation 1**

**Findings and Recommendations**

**Finding 1:** When one Deputy is transporting an arrestee to HCCF, the other is left to cover the entire area.

**Response from Sheriff:** See Attachment 9.

**Recommendation 1:** An officer be hired to answer telephone calls and transport arrestees to HCCF.

**Response from Sheriff:** See Attachment 9.

**Grand Jury Report #2005-JL-14  
Sheriff's Evidence Yard**

**WHO SHALL RESPOND:**

- No responses are required

**Grand Jury Report #2005-JL-15  
Sheriff's Evidence Room**

**WHO SHALL RESPOND:**

- The Sheriff shall respond to **Finding 1 and Recommendation 1 and 2**

**Findings and Recommendations**

**Finding 1:** In years past, the department had up to three full time sworn Deputy evidence specialists and a clerk. Now the department is staffed by one part-time Property Technician, a full-time Evidence Technician, and a part-time Property Assistant – none of whom is a sworn Deputy.

**Response from Sheriff:** See Attachment 9.

**Recommendation 1:** The Grand Jury recommends that the Sheriff add staff when finances permit.

**Response from Sheriff:** See Attachment 9.

**Recommendation 2:** The Sheriff eliminate duplicates in the fingerprint file.

**Response from Sheriff:** See Attachment 9.

**Grand Jury Report #2005-JL-16  
Coroner's Office**

**WHO SHALL RESPOND:**

- No responses are required

**Grand Jury Report #2005-LJ-01**  
**A Review of the Humboldt County Child Abuse Services Team**

**EXECUTIVE SUMMARY:**

A child who may have been sexually molested or physically abused may be seen by the Child Abuse Services Team (CAST). Team members, who are from the District Attorney's office, law enforcement, and social service agencies, observe from behind one-way glass as a trained interviewer talks with the child. Team members can tell the interviewer to ask particular questions through an ear microphone. The child, whose answers are video- and audio-taped, sees only the interviewer in a bright room filled with toys. Everyone agrees that CAST is valuable in increasing successful prosecution of child abusers, reducing trauma to abused children, and helping support families. Money is available for CAST.

However, the program is faltering. Fewer cases are referred to CAST by law enforcement. The District Attorney has diminished CAST's effectiveness by failing to attend Governing Board meetings, failing to send Deputy District Attorneys to child interviews, and reducing staff.

The Grand Jury recommends that the District Attorney make CAST a priority by attending the Governing Board meetings, appointing a Deputy District Attorney to the leadership position, and restoring staff levels to ensure that a qualified Deputy District Attorney is present at all child interviews. The Grand Jury also recommends that law enforcement agencies provide training in CAST procedures to new hires with regular "refreshers" to long-term employees.

**WHO SHALL RESPOND:**

- The **District Attorney** shall respond to **Findings 1, 2, and 3 and Recommendations 1a, 1b, 2, and 3**
- The **CAST Governing Board** shall respond to **Finding 1 and Recommendations 1a and 1b**
- The **Department of Health & Human Services** shall respond to **Finding and Recommendation 3**
- Humboldt County **Sheriff** shall respond to **Finding and Recommendation 4**
- **Arcata Police Department** shall respond to **Finding and Recommendation 4**
- **Arcata City Council** shall respond to **Finding and Recommendation 4**
- **Blue Lake Police Department** shall respond to **Finding and Recommendation 4**
- **Blue Lake City Council** shall respond to **Finding and Recommendation 4**
- **Eureka Police Department** shall respond to **Finding and Recommendation 4**
- **Eureka City Council** shall respond to **Finding and Recommendation 4**
- **Ferndale Police Department** shall respond to **Finding and Recommendation 4**
- **Ferndale City Council** shall respond to **Finding and Recommendation 4**
- **Fortuna Police Department** shall respond to **Finding and Recommendation 4**
- **Fortuna City Council** shall respond to **Finding and Recommendation 4**
- **Hoopla Tribal Police Department** shall respond to **Finding and Recommendation 4**
- **Hoopla Tribal Council** shall respond to **Finding and Recommendation 4**
- **Rio Dell Police Department** shall respond to **Finding and Recommendation 4**
- **Rio Dell City Council** shall respond to **Finding and Recommendation 4**
- **Trinidad Police Department** shall respond to **Finding and Recommendation 4**
- **Trinidad City Council** shall respond to **Finding and Recommendation 4**

**Findings and Recommendations**

**Finding 1:** There is a consensus within the CAST organization, augmented by a recommendation of the National Children's Alliance, that a leadership person is needed to coordinate and make decisions about CAST with recommendations from the Executive, Governing, and Advisory Boards.

**Response from District Attorney:** See Attachment 10.

**Response from CAST Governing Board:** The respondent agrees with the finding. See also Attachment 6.

**Recommendation 1a:** The Grand Jury recommends that the Cast Boards create a leadership position.

**Response from District Attorney:** See Attachment 10.

**Response from CAST Governing Board:** The recommendation has not yet been implemented, but will be implemented by 1/1/06. The Executive Committee has met and will be amending the CAST MOU to be inclusive of a CAST Director position that will report to the Executive Committee. See also Attachment 6.

**Recommendation 1b:** The Grand Jury recommends that a Deputy District Attorney with experience in and a commitment to CAST fill the leadership position.

**Response from District Attorney:** See Attachment 10.

**Response from CAST Governing Board:** The recommendation has not yet been implemented, but will be implemented by 1/1/06. The Executive Committee of CAST agrees that the ideal candidate should be an experienced Deputy District Attorney. The District Attorney has indicated his office has been developing this option for a considerable period of time preceding the Grand Jury's recommendation; the position has been designated and he will assign such staff as soon as possible. See also Attachment 6.

**Finding 2:** Members of the CAST organization have identified a need for two Deputy District Attorneys and a Senior Legal Office Assistant. Current funding provides for these positions and is incorporated in the guidelines for CAST.

**Response from District Attorney:** See Attachment 10.

**Recommendation 2:** The Grand Jury recommends that two Deputy District Attorneys and a Senior Legal Office Assistant be assigned or hired and that CAST cases be the priority caseload for the attorneys assigned to CAST.

**Response from District Attorney:** See Attachment 10.

**Finding 3:** There is no Memorandum of Understanding (MOU) for funding or time –tracking between the District Attorney's Office and DHHS for CAST.

**Response from District Attorney:** See Attachment 10.

**Response from Department of Health & Human Services:** The respondent agrees with the finding. See also Attachment 7.

**Recommendation 3:** The Grand Jury recommends that the District Attorney's Office and DHHS arrive at a MOU for funding CAST. This MOU must include a method of tracking of CAST cases so that the DA's Office can properly bill DHHS for the costs of staffing CAST. A simple time study format - already a standard practice of DHHS - could provide this information.

**Response from District Attorney:** See Attachment 10.

**Response from Department of Health & Human Services:** The recommendation has not yet been implemented. Prior to receipt of the 2004-05 Grand Jury Report, DHHS had initiated the development of a MOU with the District Attorney's Office detailing the terms of DHHS funding of the CAST program. Initial work on the agreement began in April 2005. DHHS intends to appear before the Humboldt County Board of Supervisors by October 20, 2005, with a final document.

The MOU will provide for a continuity of understanding in relation to the terms and conditions of DHHS financial support for CAST and specifies that quarterly invoices be presented by the DA to DHHS. See also Attachment 7.

**Finding 4:** Law Enforcement officials cited the need for continuing and timely training in forensic interviewing of child abuse victims by the Child Forensic interview specialist assigned to CAST. Furthermore, law enforcement agencies prefer to assign a trained and experienced officer to investigate child abuse cases and participate in CAST.

- Response from Sheriff:** See Attachment 9.
- Response from City of Arcata:** See Attachment 19.
- Response from City of Blue Lake:** See Attachment 20.
- Response from City of Eureka:** See Attachment 21.
- Response from City of Ferndale:** See Attachment 22.
- Response from City of Fortuna:** See Attachment 23.
- Response from Hoopa Tribe:** See Attachment 24.
- Response from City of Rio Dell:** See Attachment 11.
- Response from City of Trinidad:** See Attachment 25.

**Recommendation 4:** The Grand Jury recommends that training occur at least yearly and more often as needed for new officers, and that a trained and experienced officer from each law enforcement agency be assigned to child abuse cases.

- Response from Sheriff:** See Attachment 9.
- Response from City of Arcata:** See Attachment 19.
- Response from City of Blue Lake:** See Attachment 20.
- Response from City of Eureka:** See Attachment 21.
- Response from City of Ferndale:** See Attachment 22.
- Response from City of Fortuna:** See Attachment 23.
- Response from Hoopa Tribe:** See Attachment 24.
- Response from City of Rio Dell:** See Attachment 11.
- Response from City of Trinidad:** See Attachment 25.

**Grand Jury Report #2005-LJ-02**  
**An Investigation of the District Attorney Criminal Division**

**EXECUTIVE SUMMARY:**

The Grand Jury investigation of the District Attorney's Criminal Division was prompted by citizen complaints and the fact that there had been no formal Grand Jury review of any Division of the DA's office in ten years.

The past two-and-a-half years have been stressful for the DA's office. Staff has had to adjust to a newly elected DA with no experience as a prosecuting attorney, who was not accustomed to administering a complex department with many employees, and whose management style is radically different from that of the previous DA. The department experienced severe budget cuts, was decimated by a disastrously high rate of staff turnover, and was seriously disrupted by a recall election. In spite of all this, the Grand Jury found the staff to be very hard-working and dedicated to the service they perform for the community. However, the informed, well-organized, diligent leadership essential during difficult times is missing. Operations are neither as efficient nor as effective as they must be.

Processing and prosecuting thousands of cases each year requires high-level legal skills including years of courtroom experience. The process generates an immense volume of paperwork. The work of the 13 prosecutors, including the District Attorney and the Assistant District Attorney, is supported by seven investigators, a business manager, and 15 legal/clerical staff, the bare minimum necessary to carry on the work.

The Grand Jury found a shortage of staff creates backlogs in processing as well as major scheduling problems in providing prosecutors to cover trials and other courtroom appearances. A severe drop in the number of experienced, senior-level Deputy District Attorneys has left the office short of qualified people to handle the charging of cases and to cover special grant-funded assignments as well as limiting vertical prosecution. Experienced replacements for vacant Deputy District Attorney positions are extremely difficult to attract. The "at will" status increases the difficulty of recruitment. The District Attorney has shown a willingness to eliminate positions held by experienced Deputy District Attorneys and to replace them with newly graduated attorneys, and he has fired a long-term experienced prosecutor with no comparable replacement available.

The Grand Jury also found that weak leadership and poor managerial practices have led to problems in communication within the office itself, and, more seriously, with law enforcement agencies, the Board of Supervisors, and the general public. The District Attorney has failed to educate himself thoroughly in office operations and procedures, and does not employ many common, useful managerial tools: he does not meet regularly with the supervisors who oversee his staff; he does not meet regularly with Deputy District Attorneys; he does not meet regularly with law enforcement agencies; he does not provide "at will" employees with formal performance evaluations; he has no policy and procedures manual for the office; he has no written training documents for new hires. Finally, the Grand Jury found that Penal Code Sections 1192.6 and 1192.7 require that when plea bargains are negotiated by prosecutors of serious felonies, the reasons for the plea bargains must be contained in the record. The Grand Jury found that these reasons were not accessible in court minutes. Although not legally required to be placed in the court minutes, the Grand Jury finds that to make this information readily available to the public and media, it would be beneficial to place the reasons for the plea bargain in the court minutes.

The Grand Jury recommends that the District Attorney:

- hire more experienced prosecutors and clerical staff
- expand and improve communications with law enforcement
- develop and implement written policy and training manuals on handling communication with the public, especially victims of crime

- meet regularly with department heads
- develop a procedures and policy manual for the division
- improve the office answering system for off-hour calls
- provide written performance evaluations for “at will” employees
- refrain from firing long-term experienced prosecutors – or anyone – except for cause, unless a comparable replacement has been identified and retained
- reclassify “at will” prosecutors to provide them with more job security
- require prosecutors to request that the reasons for plea bargains be reflected in the court minutes of cases

**WHO SHALL RESPOND:**

- The **District Attorney** shall respond to **Findings 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 and Recommendations 1a, 1c, 2a, 2b, 2c, 3a, 3b, 3c, 4, 5, 6, 7, 8, 9a, and 10**
- The **Board of Supervisors** shall respond to **Findings 1 and 9 and Recommendations 1b, 1d, and 9b**

**Findings and Recommendations**

**Finding 1:** The Grand Jury finds that the DA’s office is seriously understaffed.

**Response from District Attorney:** See Attachment 10.

**Draft Response from Board of Supervisors:** The respondents agree with the finding. Like many other County departments, due to the State and local budget crisis, the Districts Attorney’s office is short staffed. See also Attachment 2.

**Recommendation 1a:** The Grand Jury recommends the DA recruit and hire additional experienced felony prosecutors.

**Response from District Attorney:** See Attachment 10.

**Recommendation 1b:** The Grand Jury recommends the Board of Supervisors authorize and fund additional experienced felony prosecutor positions.

**Draft Response from Board of Supervisors:** The recommendation requires further analysis. The District Attorney has asked the Board to consider a request for three more prosecuting attorneys. The Board of Supervisors will revisit the 2005-2006 County Budget mid year to see if there is funding to restore any of the unfunded vacant positions. See also Attachment 2.

**Recommendation 1c:** The Grand Jury recommends the DA request additional clerical support staff positions from the Board of Supervisors.

**Response from District Attorney:** See Attachment 10.

**Recommendation 1d:** The Grand Jury recommends the Board of Supervisors authorize the DA to hire additional clerical support staff.

**Draft Response from Board of Supervisors:** The recommendation requires further analysis. The District Attorney has asked the Board for funds to hire a third legal secretary. The Board of Supervisors will revisit the 2005-2006 County Budget request(s) mid year to see if there are any unforeseen resources available to restore clerical support staff. See also Attachment 2.

**Finding 2:** The Grand Jury finds that the DA’s office does not provide timely or adequate feedback to law enforcement agencies on the status of their crime reports.

**Response from District Attorney:** See Attachment 10.

**Recommendation 2a:** The Grand Jury recommends the DA continue and expand regularly-scheduled meetings with law enforcement to inform them of cases rejected for lack of information and/or evidence.

**Response from District Attorney:** See Attachment 10.

**Recommendation 2b:** The Grand Jury recommends the DA's office produce regularly-scheduled reports for law enforcement showing the disposition of each case. These reports must contain all relevant information regarding each case from inception to final resolution.

**Response from District Attorney:** See Attachment 10.

**Recommendation 2c:** The Grand Jury recommends that the DA's office confer with law enforcement agencies to ensure the reports contain the information they need.

**Response from District Attorney:** See Attachment 10.

**Finding 3:** The Grand Jury finds that the DA's office fails to respond to inquiries in a timely fashion, whether these are from victims, witnesses, defendants, or the Grand Jury.

**Response from District Attorney:** See Attachment 10.

**Recommendation 3a:** The Grand Jury recommends the DA's office, in cooperation with the Victim Witness Office, develop a written policy stating who shall promptly respond to inquiries. Prompt response is especially important to victims of crime.

**Response from District Attorney:** See Attachment 10.

**Recommendation 3b:** The Grand Jury recommends the DA's office immediately develop a small, quick reference office manual which includes how to handle correspondence and telephone calls so they will be dealt with in a timely manner. This would be especially useful for new hires.

**Response from District Attorney:** See Attachment 10.

**Recommendation 3c:** The Grand Jury recommends the DA personally provide a good example by responding to inquiries quickly.

**Response from District Attorney:** See Attachment 10.

**Finding 4:** The Grand Jury finds that the DA does not hold regular meetings with his supervisory staff.

**Response from District Attorney:** See Attachment 10.

**Recommendation 4:** The Grand Jury recommends the DA hold and attend regular meetings with his supervisory staff.

**Response from District Attorney:** See Attachment 10.

**Finding 5:** The Grand Jury finds that there is no procedure and policy manual for the office.

**Response from District Attorney:** See Attachment 10.

**Recommendation 5:** The Grand Jury recommends the DA develop a procedure and policy manual, to be completed by January 1, 2006.

**Response from District Attorney:** See Attachment 10.

**Finding 6:** The Grand Jury finds that the DA's office accepts telephone messages only from 9:00 a.m. to noon and from 1:00 to 4:00 p.m. on weekdays. Unless a caller knows someone's direct number, the caller cannot leave a message.

**Response from District Attorney:** See Attachment 10.

**Recommendation 6:** The Grand Jury recommends the DA install a voice mail system that allows callers to access the main office number and leave messages for anyone at anytime.

**Response from District Attorney:** See Attachment 10.

**Finding 7:** The Grand Jury finds that the DA does not provide performance evaluations for all “at will” employees.

**Response from District Attorney:** See Attachment 10.

**Recommendation 7:** The Grand Jury recommends the DA provide regular, written performance evaluations for all “at will” employees.

**Response from District Attorney:** See Attachment 10.

**Finding 8:** The Grand Jury finds that the DA has fired at least one experienced, highly-competent Deputy DA without having comparable replacements available.

**Response from District Attorney:** See Attachment 10.

**Recommendation 8:** The Grand Jury recommends the DA refrain from firing Deputy DAs – except for cause - unless comparable replacement prosecutors are identified and are willing to work in Humboldt County.

**Response from District Attorney:** See Attachment 10.

**Finding 9:** The Grand Jury finds that the “at will” employment status of Deputy DAs hinders the county in attracting quality, experienced prosecutors to work - or even to apply - in Humboldt County.

**Response from District Attorney:** See Attachment 10.

**Draft Response from Board of Supervisors:** The respondents disagree partially with the finding. The “at-will” doctrine has been in existence for more than 100 years, and in the State of California is typically presumed to be the terms of employment. Past County experience does not demonstrate that the “at will” employment status has been a problem for either recruitment or retention of experienced prosecutors. See also Attachment 2.

**Recommendation 9a:** The Grand Jury recommends that the DA develop and implement a system to provide job security for Deputy DAs protecting them from arbitrary firing. This should be done by January 1, 2006.

**Response from District Attorney:** See Attachment 10.

**Recommendation 9b:** The Grand Jury recommends that the Board of Supervisors be directly involved in working with the DA to develop and implement a system which provides job security for Deputy DAs.

**Draft Response from Board of Supervisors:** The recommendation will not be implemented, as it is not warranted. Past County experience does not demonstrate that the “at will” employment status has been a problem for either recruitment or retention of experienced prosecutors. See also Attachment 2.

**Finding 10:** The Grand Jury finds that the reasons for plea bargains in serious felonies as required by Penal Code Sections 1192.6 and 1192.7 are not documented in the court minutes.

**Response from District Attorney:** See Attachment 10.

**Recommendation 10:** The Grand Jury recommends that the DA require that when a serious felony case is plea-bargained, the Prosecutor shall request the Court to order that the reasons for the plea bargain be reflected in the court minutes of the case. This will make the information readily available to the public and the media.

**Response from District Attorney:** See Attachment 10.

**Grand Jury Report #2005-LJ-03**  
**Volunteer Patrols: A Boon to Law Enforcement**

**EXECUTIVE SUMMARY:**

The various volunteer police patrol organizations in Humboldt County provide valuable assistance to law enforcement. Each year the volunteers log many thousands of miles and provide many thousands of hours of volunteer time, saving the taxpayers many thousands of dollars. The Grand Jury urges interested citizens to contact the Sheriff's department or their local police department to volunteer.

**WHO SHALL RESPOND:**

- **No responses** are required for this report

**Grand Jury Report #2005-PW-01  
Code Enforcement**

**EXECUTIVE SUMMARY:**

The County of Humboldt would reap substantial benefits through the creation of a staff position for a Code Enforcement Officer. In the past, an extra-help employee for code enforcement actions brought in revenue to the county in excess of the cost of a full-time employee with benefits. Establishment of a Code Enforcement Unit within the county Department of Community Development Services, Economic Development Division, will generate much needed revenue as well as discourage violations of building and planning code provisions. **Note:** since the Grand Jury did this investigation, but before publication of the report, the Board of Supervisors authorized and the Economic Development Division hired a full-time employee with benefits to do this work. **The Grand Jury commends the Board of Supervisors for authorizing and the Economic Development Division for filling the position in Code Enforcement.**

**WHO SHALL RESPOND:**

- **No response** is necessary

**Grand Jury Report #2005-PW-02  
Community Development**

**EXECUTIVE SUMMARY:**

Development of affordable housing is a much-needed component of the county's General Plan and efforts to provide such housing are already underway. However, the county needs to consider the wishes of the community and its input into both the type and location of affordable housing projects. Many citizens believe that the county did not consider the community's wishes and input with regards to the Redwood Village project in Redway. The Grand Jury recommends that the county maintain careful supervision over such projects to ensure that future tenants have safe, well-built, and properly maintained housing.

**WHO SHALL RESPOND:**

- Humboldt County **Department of Community Development Services** shall respond to **Findings and Recommendations 1 and 2**

**Findings and Recommendations**

**Finding 1:** The Grand Jury finds that community concerns had no effect on the proposed Redwood Village project; critical decisions had been made long before the community was involved.

**Response from Community Development Services:** The respondent disagrees in part with the finding. Community concerns did have an effect on the Redwood Village Project. For example, the intersection of Orchard Land and Briceland Road was improved by the Department of Public Works after traffic safety concerns were expressed by the neighborhood. A sidewalk was constructed the length of Redway Drive between the project and the local school in response to pedestrian safety issues. Fire and parking mitigations were added to the project in response to community and neighborhood concerns. Community Development Services (CDS) agrees that community concerns regarding the number of low-income units and density of the project could not be accommodated because of grant restrictions. CDS did comply with public notice requirements during the grant application and environmental review phase. CDS did not receive significant comment at this early stage of the project. See also Attachment 8.

**Recommendation 1:** The Grand Jury recommends that the Economic Development Division of the Community Development Services Department must honor concerns to reach an agreeable consensus between communities and developers.

**Response from Community Development Services:** The recommendation will be implemented. Community Development Services concurs with this recommendation and agrees to go beyond legal mandated public notice requirements at the early stages of project development to ensure meaningful community involvement in initial project specifications. See also Attachment 8.

**Finding 2:** The Grand Jury finds that the county should have policies and procedures in place to check the backgrounds, financial history, construction history and other factors about contractors in the selection process for county contracts.

**Response from Community Development Services:** The respondent agrees with the finding. Community Development Services currently has procurement policies for the selection of contractors. See also Attachment 8.

**Recommendation 2:** The Grand Jury recommends that the Economic Development Division of the Community Services Department closely monitor compliance with all components of the affordable housing complex in Redway, to ensure that the community and future residents receive safe, properly constructed and maintained housing.

**Response from Community Development Services:** The recommendation will be implemented. Community Development Services will closely monitor compliance with contract conditions, building plans and other aspects of the project during and after construction. See also Attachment 8.



BOARD OF SUPERVISORS  
**COUNTY OF HUMBOLDT**

825 5th Street, Suite 111, Eureka, CA 95501-1153  
Telephone (707) 476-2390 Fax (707) 445-7299

August 12, 2005

Loretta Nickolaus  
County Administrative Officer  
825 5<sup>th</sup> Street, Room 111  
Eureka, CA 95501-1153

SUBJECT: GRAND JURY RESPONSE

Sheriff-Animal Control

**Findings and Recommendations**

**Finding 1:** The final contract between the County and Sequoia Humane Society did not stipulate how the augmented portion of the monies were to be spent, nor was there a specific cost per service or item. Therefore, there was no way for the County to determine whether the contract costs were reasonable or justified.

**Recommendation 1:** Specifics such as fees per unit of service need to be included in all contracts along with a means to regularly monitor compliance and expenditures.

**Board of Supervisors Response(s) to the 2004-2005 Grand Jury Report to Finding 1 and Recommendation 1**

**Partially Disagree.** See response from County Counsel.

**Finding 2:** County Counsel reviews contracts for legality but not accountability or oversight responsibility.

**Recommendation 2:** County Counsel should ensure that each County contract include provisions for a specific County department to be accountable in a

measurable way and include a provision for a specific department to have oversight responsibility for the contract.

**Board of Supervisors Response(s) to the 2004-2005 Grand Jury Report to Finding 2 and Recommendation 2**

**Partially Disagree.** See response from County Counsel

**Finding 3:** The Board of Supervisors failed to assume timely responsibility for animal control services, thereby creating a situation which made it necessary to enter into a non-negotiable contract that did not assure best value for public dollars.

**Recommendation 3:** The County must assure that county departments adequately track contract expirations, so that a competitive bid process or at least negotiations can be initiated in time to insure cost-effective services without a break.

**Board of Supervisors Response(s) to the 2004-2005 Grand Jury Report to Finding 3 and Recommendation 3**

**Partially Disagree.** While, the Board agrees that county departments should adequately track contract expirations, the matter described in Finding #3 was not a "contract expiration" problem. In fact the County went out to bid for animal shelter services twice prior to June 2002, and could not attract a responsible bidder. Because there was no other entity interested in providing cost-effective animal shelter services the County decided to build a publicly owned and operated animal care facility. The final contract with Sequoia Humane Society (SHS) was very expensive and regrettably, per the SHS proposal, a take it or leave it option. The County assumed animal shelter services on July 1, 2004.

District Attorney

**Findings and Recommendations**

**Finding 1:** The Grand Jury finds that the DA's office is seriously understaffed.

**Recommendation 1b:** The Grand Jury recommends the Board of Supervisors authorize and fund additional experienced felony prosecutor positions.

**Board of Supervisors Response(s) to the 2004-2005 Grand Jury Report to Finding 1 and Recommendation 1.b**

**Partially Disagree.** Like many other County departments, due to the State and local budget crisis, the Districts Attorney's office is understaffed. The District Attorney has asked the Board to consider a request for three more prosecuting attorneys. The Board of Supervisors will revisit the 2005-2006 County Budget mid year to see if there is funding to restore any of the unfunded vacant positions.

**Recommendation 1d:** The Grand Jury recommends the Board of Supervisors authorize the DA to hire additional clerical support staff.

**Board of Supervisors Response(s) to the 2004-2005 Grand Jury Report to Finding 1 and Recommendation 1.d**

**Partially Disagree.** Like many other County departments, due to the State and local budget crisis, the Districts Attorney's office is short staffed. The District Attorney has asked the Board for funds to hire a third legal secretary. The Board of Supervisors will revisit the 2005-2006 County Budget request(s) mid year to see if there are any unforeseen resources available to restore clerical support staff.

**Finding 9:** The Grand Jury finds that the "at will" employment status of Deputy DAs hinders the county in attracting quality, experienced prosecutors to work - or even to apply - in Humboldt County.

**Recommendation 9b:** The Grand Jury recommends that the Board of Supervisors be directly involved in working with the DA to develop and implement a system which provides job security for Deputy DAs.

**Board of Supervisors Response(s) to the 2004-2005 Grand Jury Report to Finding 9 and Recommendation 9.b**

**Partially Disagree.** The "at-will" doctrine has been in existence for more than 100 years, and in the State of California is typically presumed to be the terms of employment. Past county experience does not demonstrate that the "at will" employment status has been a problem for either recruitment or retention of experienced prosecutors.



**COUNTY COUNSEL**  
**COUNTY OF HUMBOLDT**

825 5th Street, Eureka, CA 95501-1153  
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**Finding 1:** The final contract between the County and Sequoia Humane Society did not stipulate how the augmented portion of the monies were to be spent, nor was there a specific cost per service or item. Therefore, there was no way for the County to determine whether the contract costs were reasonable or justified.

**Response to Finding 1:** Partially Disagees. In the case of the contract with the Sequoia Humane Society (S.H.S.), the backdrop for the contract negotiations was the reality that, aside from the S.H.S., there was no viable option for the sheltering of animals which is mandated by the State as a County responsibility.

The contract that resulted from these negotiations contained terms that S.H.S. was willing to agree to knowing that the County had no viable alternative to S.H.S. for the provision of an animal shelter.

The County's standard services agreement requires a contractor to keep records and to allow the County to audit the records. The S.H.S. contract had a similar requirement (See section 6G of the contract). This contract language allows the County to review the records "at all reasonable times."

**Recommendation 1:** Specifics such as fees per unit of service need to be included in all contracts along with a means to regularly monitor compliance and expenditures.

**Response to Recommendation #1:** Partially disagree. The terms of each contract are reviewed with the specific circumstances surrounding the need for each contract being taken into account with the end product being tailored to each subject matter's specific circumstances.

**Finding 2:** County Counsel reviews contracts for legality but not accountability or oversight responsibility.

**Response to Finding 2:** Partially disagree. County contracts include notice provisions with the name or title of the person in the sponsoring department responsible for monitoring the contract once it is in effect.

**Recommendation 2:** County Counsel should ensure that each county contract includes provisions for a specific county department to be accountable in a measurable way and include a provision for a specific department to have oversight responsibility for the contract.

**Response to Recommendation 2:** In the job description that was applicable to the department head of the sponsoring department of the agreement with the S.H.S., a charge was given to that department head: "This position also administers the County animal control program . . . directs the County's animal control program, which includes the impounding of stray animals . . . ." This charge of duties to the Agricultural Commissioner appropriately was given by the Board of Supervisors and not by the Counsel for the County.



**PROBATION DEPARTMENT**  
**COUNTY OF HUMBOLDT**  
2002 HARRISON AVENUE  
EUREKA, CA 95501 PHONE (707) 445-7401

DATE: August 12, 2005  
TO: Phillip Smith-Hanes, Deputy County Administrative Officer  
FROM: Bill Burke, Chief Probation Officer  
SUBJECT: **Humboldt County 2004-05 Grand Jury Report**

Below is the Probation Department response to the 2004-2005 Grand Jury Report.

**GRAND JURY REPORT # 2005-JL-09**  
**JUVENILE HALL**

**Finding 1.** The facility does not comply with the Americans with Disability Act (ADA). In particular, there is no wheelchair access between the two floors.

Disagree.

**Recommendation 1.** The Grand Jury recommends that the building be made ADA compliant.

The recommendation would be difficult to implement and does not appear to require by the American with Disability ACT (ADA) in that the focus of the Act is to make programs accessible, not buildings. If it is possible to ensure accessibility through alternative means such as providing auxiliary aids or relocating programs structural changes are not required. Only when it is absolutely necessary to achieve program accessibility are public entities required to retrofit existing facilities. The Probation Department believes that it can make accommodations and meet the letter and spirit of ADA. The Probation Department will work with the General Services Department to ensure that its programs are accessible.



**GENERAL SERVICES DEPARTMENT  
COUNTY OF HUMBOLDT**

825 5th Street, Eureka, CA 95501-1153  
Telephone (707) 268-2544 Fax (707) 445-7299

DATE: August 12, 2005

TO: Phillip Smith-Hanes, Deputy CAO  
FROM: Kim Kerr, Risk Management Director/Deputy CAO  
SUBJECT: **Humboldt County 2004-05 Grand Jury Report**

Here is the response for Probation and ADA Coordinator to the 2004-2005 Grand Jury Report. This response includes items requested by the BOS that the department responds to as well.

**GRAND JURY REPORT # 2005-JL-09  
JUVENILE HALL**

**Finding 1.** The facility does not comply with the Americans with Disability Act (ADA), because there is no wheelchair access between the floors.

Disagree wholly.

**Recommendation 1.** The Grand Jury recommends that the building be made ADA compliant.

This recommendation will not be implemented. The focus of Title II, Americans with Disability Act, is to make programs accessible not buildings. If it is possible to ensure accessibility through alternative means such as providing auxiliary aids, relocating programs or making home visits structural changes are not required. Only when it is absolutely necessary to achieve program accessibility are public entities required to retrofit existing facilities. The County Administrative Office will work with the Probation Department to ensure that its programs are accessible. If it is determined that the programs are not accessible, then a plan will be developed to remove any physical barriers that prevent access between the two floors.

**Grand Jury Report #2005-LJ-01**  
**A Review of the Humboldt County Child Abuse Services Team**

As the Executive Committee is the lead oversight body of CAST, it will be responding to Grand Jury Finding 1 and Recommendations 1a and 1b.

**CAST Executive Committee Response to Finding 1:** Agree

**Recommendation 1a:** The Grand Jury recommends that the CAST Boards create a leadership position.

**CAST Executive Committee Response to Recommendation 1a:** The recommendation has not yet been implemented, but will be implemented by 1/1/06. The Executive Committee has met and will be amending the CAST MOU to be inclusive of a CAST Director position that will report to the Executive Committee.

**Recommendation 1b:** The Grand Jury recommends that a Deputy District Attorney with experience in and a commitment to CAST fill the leadership position.

**CAST Executive Committee Response to Recommendation 1b:** The recommendation has not yet been implemented, but will be implemented by 1/1/06. The Executive Committee of CAST agrees that the ideal candidate should be an experienced Deputy District Attorney. The District Attorney has indicated his office has been developing this option for a considerable period of time preceding the Grand Jury's recommendation; the position has been designated and he will assign such staff as soon as possible.

**Grand Jury Report #2005-LJ-01**  
**A Review of the Humboldt County Child Abuse Services Team**

**Finding 3:** There is no Memorandum of Understanding (MOU) for funding or time-tracking between the District Attorney's Office and DHHS for CAST.

**Department of Health and Human Services Response to Finding 3:** Agree.

**Recommendation 3:** The Grand Jury recommends that the District Attorney's Office and DHHS arrive at a MOU for funding CAST. This MOU must include a method of tracking of CAST cases so that the DA's Office can properly bill DHHS for the costs of staffing CAST. A simple time study format – already a standard practice of DHHS – could provide this information.

**Department of Health and Human Services Response to Recommendation 3:** The recommendation has not yet been implemented. Prior to receipt of the 2004-5 Grand Jury Report, DHHS had initiated the development of a MOU with the District Attorney's Office detailing the terms of DHHS funding of the CAST program. Initial work on the agreement began in April 2005. DHHS intends to appear before the Humboldt County Board of Supervisors by October 20, 2005 with a final document.

The MOU will provide for a continuity of understanding in relation to the terms and conditions of DHHS financial support for CAST and specifies that quarterly invoices be presented by the DA to DHHS.



**COMMUNITY DEVELOPMENT SERVICES**  
**COUNTY OF HUMBOLDT**  
3015 H Street, Eureka, CA 95501 Phone (707) 445-7745

Date: August 13, 2004  
To: Loretta Nickolaus, County Administrative Officer  
From: Kirk Girard, Director  
Re: Response to the Humboldt County 2004-05 Grand Jury Final Report

I am responding to the Humboldt County Grand Jury 2004-2005 Final Report (2005-PW-02 - F1, R1, F2 and R2).

The Community Development Services Department (CDS) comments on Grand Jury findings and recommendations are as follows:

**Report 2005-PW-02**

Finding 1: The Grand Jury finds that community concerns had no effect on the proposed Redwood Village Project; critical decisions had been made long before the community was involved.

CDS Response: Community concerns did have an effect on the Redwood Village Project. For example, the intersection of Orchard Land and Briceland Road was improved by the Department of Public Works after traffic safety concerns were expressed by the neighborhood. A sidewalk was constructed the length of Redway Drive between the project and the local school in response to pedestrian safety issues. Fire and parking mitigations were added to the project in response to community and neighborhood concerns. CDS agrees that community concerns regarding the number of low-income units and density of the project could not be accommodated because of grant restrictions. CDS did comply with public notice requirements during the grant application and environmental review phase. CDS did not receive significant comment at this early stage of the project.

Recommendation 1: The Grand Jury recommends that the Economic Development Division of the Community Development Services Department must honor concerns to reach an agreeable consensus between communities and developers.

CDS Response: CDS concurs with this recommendation and agrees to go beyond legal mandated public notice requirements at the early stages of project development to ensure meaningful community involvement in initial project specifications.

Finding 2: The Grand Jury finds that the County should have policies and procedures in place to check the backgrounds, financial history, construction history and other factors about contractors in the selection process for county contracts.

CDS Response: CDS does have procurement policies for selection of contractors.

Recommendation 2: The Grand Jury recommends that the Economic Development Division of the Community development Services Department closely monitor compliance with all components of the affordable housing complex in Redway, to ensure that the community and future residents receive save, property constructed and maintained housing.

CDS Response: CDS will closely monitor compliance with contract conditions, building plans and other aspects of the project during and after construction.

HUMBOLDT COUNTY SHERIFF'S OFFICE  
INTEROFFICE MEMORANDUM  
- ADMINISTRATION -

DATE: JULY 15, 2005  
TO: THE HONORABLE TIMOTHY P. CISSNA  
PRESIDING JUDGE OF THE SUPERIOR COURT  
FROM: GARY PHILP, SHERIFF  
RE: RESPONSE TO 2004-2005 GRAND JURY REPORT

**2005-JL-10: SHERIFF'S AGRICULTURAL FARM**

FINDING NO. 1:

The farm needs a bucket for its tractor.

SHERIFF'S RESPONSE TO 2005-JL-10:

Agree

RECOMMENDATION NO. 1:

The Sheriff obtain a bucket for the tractor from surplus inventory of the federal or state government.

SHERIFF'S RESPONSE TO 2005-JL-10 RECOMMENDATION NO. 1:

The recommendation has not yet been implemented, but will be implemented in the future; however, it is not possible to give a definite time frame for implementation. The availability of a bucket to fit our particular tractor is subject to availability of such item in the federal or state surplus programs. These items, when available, are subject to the practicality of their location. We would have to have the ability to pick the item up. We are also competing with hundreds of other agencies for surplus equipment. While it would be good to have a bucket for the tractor, it is not a critical item to our operation.

## **2005-JL-12: HOOPA SUBSTATION**

### FINDING NO. 1:

When one deputy is transporting an arrestee to HCCF, the other deputy is left to cover the whole area.

### SHERIFF'S RESPONSE TO 2005-JL-12 FINDING NO. 1:

Agree

### RECOMMENDATION NO. 1:

An officer be hired to answer telephone calls and transport arrestees to HCCF.

### SHERIFF'S RESPONSE TO 2005-JL-12 RECOMMENDATION NO. 1:

The recommendation will not be implemented because it is not reasonable at this time. Our outstation in Hoopa is not currently staffed for twenty-four hour a day, seven-day a week coverage. Hiring an officer specifically to answer telephones and transport arrestees is not fiscally prudent at this time. It would be more prudent to spend our limited funds to hire a civilian position to work in our office during the business week and to use any funds we may receive in the future to add additional deputy sheriff's for patrol duties, which would increase our coverage capability and greatly reduce the times one officer would have to work alone under any circumstance.

Persons living in this area can currently telephone our office using a toll free telephone number that will put them in contact with our deputies in the area as fast, if not faster, than they could be contacted by calling the station.

## **2005-JL-13 GARBerville SHERIFF'S SUBSTATION**

### FINDING NO. 1:

When one deputy is transporting an arrestee to HCCF, the other deputy is left to cover the whole area.

### SHERIFF'S RESPONSE TO 2005-JL-13 FINDING NO. 1:

Agree

### RECOMMENDATION NO. 1:

An officer be hired to answer telephone calls and transport arrestees to HCCF.

### SHERIFF'S RESPONSE TO 2005-JL-13 RECOMMENDATION NO. 1:

The recommendation will not be implemented because it is not reasonable at this time. Our outstation in Garberville is not presently staffed for twenty-four hour a day, seven-day a week coverage do to lack of sufficient funds. Hiring an officer specifically to answer telephones and transport arrestees would not be fiscally prudent at the present time. It would be more prudent, and our limited funds would be better spent, to hire a civilian position to work in our office during the business week and to use any additional funds we may receive in the future to first add additional deputy sheriff's for patrol duties, which would increase our law enforcement coverage capability in the southern Humboldt area and our service capabilities as well as reduce the times one officer would have to work alone under any circumstance.

At present and until added funds would become available, persons living in this area can currently telephone the Sheriff's Office using a toll free telephone number that will put them in contact with our deputies in that area as fast, if not faster, than they could be contacted by calling the station.

#### **2005-JL-14: SHERIFF'S EVIDENCE ROOM**

##### FINDING NO. 1:

In years past, the department had three full time sworn Deputy evidence specialists and a clerk. Now the department is staffed by one part-time Property Technician, a full-time Evidence Technician, and a part-time Property Assistant – none of whom is a sworn deputy.

##### SHERIFF'S RESPONSE TO 2005-JL-14 FINDING NO. 1:

Partially disagree. One full-time Property Technician and two part-time Property Technicians currently staff our property section. The Evidence Technician is not part of our property section and does not work in the Property Section after booking in her evidence. The Evidence Technician collects evidence at crimes scenes and the Property Technicians handle property booked into this section. These are separate job functions designed, in part, to protect the integrity of the chain of custody.

##### RECOMMENDATION NO. 1:

The Grand Jury recommends that the Sheriff add staff when finances permit.

##### SHERIFF'S RESPONSE TO 2005-JL-14 RECOMMENDATION NO. 1:

The recommendation has not yet been implemented, but will be implemented in the future. The timeframe for such implementation will be dependent upon the availability of future additional funding to my Office for increased staffing, which I cannot, at this time, accurately predict.

##### RECOMMENDATION NO. 2

The Sheriff eliminate duplicates in the fingerprint file.

SHERIFF'S RESPONSE TO 2005-JL-14 RECOMMENDATION NO. 2:

The recommendation has been implemented. We have brought on an extra-help property technician to help with this project and anticipate completing it within the next sixty days.

**2005-LJ-01 CHILD ABUSE SERVICES TEAM**

FINDING NO. 4:

Law Enforcement officials cited the need for continuing and timely training in forensic interviewing of child abuse victims by the Child Forensic Interview Specialist assigned to CAST. Furthermore, law enforcement agencies prefer to assign a trained and experienced officer to investigate child abuse cases and participate in CAST.

SHERIFF'S RESPONSE TO 2005-LJ-01 FINDING NO. 4:

Agree

RECOMMENDATION NO. 4:

The Grand Jury recommends that training occur at least yearly and more often as needed for new officers, and that a trained and experienced officer from each law enforcement agency be assigned to child abuse cases.

SHERIFF'S RESPONSE TO 2005-LJ-01 RECOMMENDATION NO. 4:

The recommendation has been implemented. The Sheriff's Office has, for over fifteen years, assigned a child abuse investigator position to our Criminal Investigations Division to work with and as our liaison to CAST. The deputy assigned to this position receives advanced training in the investigation of child abuse cases.

Respectfully submitted,

GARY PHILP, Sheriff  
Humboldt County

GP:crm

## **HUMBOLDT COUNTY DISTRICT ATTORNEY'S RESPONSE TO GRAND JURY REPORT #2005-LJ-01**

### **Grand Jury's Finding 1:**

There is a consensus within the CAST organization, augmented by a recommendation of the National Children's Alliance, that a leadership person is needed to coordinate and make decisions about CAST with recommendations from the Executive, Governing, and Advisory Boards.

### **District Attorney's Response to Finding 1:**

The District Attorney disagrees wholly with the finding. There is not a consensus within the Child Abuse Services Team (hereinafter referred to as "CAST") organization about the need for a leadership position to coordinate and make decisions about CAST.

The creation of a director position which would authorize a leadership person to coordinate and make decisions about CAST has been advocated and was initiated by the District Attorney's Office. The District Attorney's position regarding the need for a director position is joined in by CAST Executive Board, the Department of Health and Human Services and the Law Enforcement Chiefs Association.

### **Grand Jury's Recommendation 1a:**

The Grand Jury recommends that the CAST Boards create a leadership position.

### **District Attorney's Response to Recommendation 1a:**

The recommendation has not yet been implemented, but will be implemented prior to January 1, 2006. As indicated above, the creation of a director position which would authorize a leadership person to coordinate and make decisions about CAST has been advocated and was initiated by the District Attorney's Office. The District Attorney's position is joined in by the CAST Executive Board, the Department of Health and Human Services and the Law Enforcement Chiefs Association. The delay in the creation of such a position has been caused by the lack of consensus within the CAST organization about the need for the position and/or the authority of the person who fills it.

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**Grand Jury's Recommendation 1b:**

The Grand Jury recommends that a Deputy District Attorney with experience in and a commitment to CAST fill the leadership position.

**District Attorney's Response to Recommendation 1b:**

The recommendation has not yet been implemented, but will be implemented when the director position is created.

**Grand Jury's Finding 2:**

Members of the CAST organization have identified a need for two Deputy District Attorneys and a Senior Legal Office Assistant be assigned or hired and that CAST cases be the priority caseload for the attorneys assigned to CAST.

**District Attorney's Response to Finding 2:**

The District Attorney agrees with the finding that some members of the CAST organization have identified a need for two Deputy District Attorneys and a Senior Legal Office Assistant. However, Respondent, District Attorney, wholly disagrees with those members' opinion.

**Grand Jury's Recommendation 2:**

The Grand Jury recommends that two Deputy District Attorneys and a Senior Legal Office Assistant be assigned or hired and that CAST cases be the priority caseload for the attorneys assigned to CAST.

**District Attorney's Response to Recommendation 1b:**

The recommendation to assign two Deputy District Attorneys to CAST will not be implemented because it is not warranted and is not reasonable. Attorney assignments are determined using multiple factors including, but not limited to, attorney availability, attorney workload and office and community need. Due to the significant reduction in child molestation offenses, assigning two Deputy District Attorneys to CAST would not benefit the Office. Nor would it improve the level or quality of services provided to the public.

The recommendation to assign a Senior Legal Office Assistant to CAST will not be implemented because it is not warranted and is not reasonable. The Humboldt County Personnel Department recently audited the Senior Legal Office Assistant

position at CAST. As a result of that audit, the Humboldt County Personnel Department recommended that the position be reclassified as a Legal Office Assistant. The Humboldt County Board of Supervisors recently authorized that reclassification and the position can only be filled by a Legal Office Assistant. This modification will result in the Office's ability to readily cross train and rotate persons into this position which will benefit CAST, the Office and the public. It will also result in significant savings to the County.

The position will be filled as soon as practical under Humboldt County's hiring procedures.

CAST cases which are child abuse cases (CAST is sometimes used in cases which are not related to child abuse and/or do not have a child victim) are assigned to the CAST attorney. The CAST attorney is responsible for all child abuse cases.

**Grand Jury's Finding 3:**

There is no Memorandum of Understanding (MOU) for funding or time - tracking between the District Attorney's Office and DHHS for CAST.

**District Attorney's Response to Finding 3:**

The District Attorney agrees with the finding. The District Attorney's Office has successfully maintained and the Department of Health and Human Services has funded CAST since the creation of CAST without a Memorandum of Understanding which outlines the respective duties and obligations that the District Attorney and the Department of Health and Human Services.

**Grand Jury's Recommendation 3:**

The Grand Jury recommends that the District Attorney's Office and DHHS arrive at a MOU for funding CAST. This MOU must include a method of tracking of CAST cases so that the DA's Office can properly bill DHHS for the costs of staffing CAST. A simple time study format - already a standard practice of DHHS - could provide this information.

**District Attorney's Response to Recommendation 3:**

The recommendation will be implemented before January 1, 2006. The Department of Health and Human Services and the District Attorney's Office are currently in the process of developing a Memorandum of Understanding which outlines the respective duties and obligations of each agency. The method of

tracking cases for billing purposes will be determined by the Department of Health and Human Services and the District Attorney's Office.

**HUMBOLDT COUNTY DISTRICT ATTORNEY'S RESPONSE TO  
GRAND JURY REPORT #2005-LJ-02**

**Grand Jury Finding 1:**

The Grand Jury finds that the DA's Office is seriously understaffed.

**District Attorney's Response to Finding 1:**

The District Attorney agrees with the finding. In 2002 (the previous District Attorney's term) the District Attorney's Office budget was \$4,088,440.00. Due to the State budget crisis, the District Attorney's budget was reduced to \$3,971,543 in 2003, to \$3,645,333 in 2004, and to \$3,473,447 in 2005. This is a 16% reduction in funding for the Office since the current District Attorney took office. These budget reductions resulted in loss of 3 attorneys, 4 investigators, 2 clerical positions, and 3 victim witness advocates since 2002.

Worth noting is that while the District Attorney's budget has gone down, the budgets for the public defense attorneys has increased from \$2,209,083 in 2002 to \$2,478,253 in 2005. Specifically, that is \$1,234,230 in 2002 to \$2,431,533 in 2005 for the Public Defender; from \$545,138 in 2002 to \$623,935 in 2005 for the Conflict Counsel, and from \$429,715 in 2002 to \$441,934 in 2005 for the Alternate Conflict Counsel. Moreover, while the District Attorney's attorney staff has been reduced, the County has continued to pay for 17 public defense attorneys which includes 3 department heads. This staffing level is the same as it was in 2002.

Despite the reductions in staff caused by the budget reductions, the District Attorney's Office has:

- Imaged the old criminal records indexing system;
- Purchased and initiated a new filing system;
- Scanned and purged old criminal files saving space associated with the storage of the old criminal files;
- Purchased and initiated a new case management system;
- Continued to staff and maintain the Child Abuse Services Team and the Drug Task Force;
- Increased the filing of criminal cases to 10,001 and 9,389 criminal cases in 2003 and 2004 respectively;
- Increased prison commitments to 290 and 277 in 2003 and 2004 respectively;
- Increased asset forfeitures to \$216,964 and \$240,821 in 2003 and 2004

respectively; and  
oversaw the lowest level of violent crime in 13 years according to the  
California Department of Justice.

However, such levels of increased of efficiency and effectiveness cannot be  
maintained without additional attorney, investigative, clerical and victim-witness  
staff.

**Grand Jury's Recommendation 1a:**

The Grand Jury recommends the DA recruit and hire additional experienced  
felony prosecutors.

**District Attorney's Response to Recommendation 1a:**

The recommendation has not been implemented, but will be implemented when  
the Humboldt County Board of Supervisors authorizes such positions and a  
budget is approved which will enable the District Attorney to pay for them.

**Grand Jury's Recommendation 1c:**

The Grand Jury recommends the DA request additional clerical support staff  
positions from the Board of Supervisors.

**District Attorney's Response to Recommendation 1c:**

The recommendation has been implemented. Additional clerical staff was  
requested as a supplemental to this fiscal year's budget. The District Attorney will  
hire additional clerical support staff when the Humboldt County Board of  
Supervisors authorizes such positions and a budget is approved which will enable  
the District Attorney to pay for them.

**Grand Jury Finding 2:**

The Grand Jury finds that the DA's office does not provide timely or adequate  
feedback to law enforcement agencies on the status of their crime reports.

**District Attorney's Response to Finding 2:**

The Respondent, District Attorney, disagrees wholly with the finding. The District  
Attorney is a member of the Law Enforcement Chiefs Association Humboldt  
(hereinafter referred to as "LECAH") which meets monthly to discuss law

enforcement issues throughout the county. This necessarily includes communication and feedback issues if they are an issue. Further, all members of LECAH have the email addresses of the members of LECAH. Untimely or inadequate feedback has never been raised as an issue. Any concerns about communication or feedback raised at those meetings are or would be immediately addressed.

The District Attorney is also a member, and one of the primary staffers of the Drug Task Force (hereinafter referred to as "DTF"). DTF meets monthly to discuss law enforcement issues throughout the county. This necessarily includes communication and feedback issues if they are an issue. Further, as with LECAH members of DTF have the email addresses of the members of DTF. Untimely or inadequate feedback has never been raised an issue. Any concerns about communication or feedback raised at those meetings are or would be immediately addressed.

The District Attorney's Office also holds weekly meetings with law enforcement agency designees to discuss cases, communication, training, and other issues related to effective law enforcement issues throughout the county. This necessarily includes communication and feedback issues if they are an issue. Any concerns about communication or feedback raised at those meetings are or would be immediately addressed.

Attorneys and investigators are also expected to and do promptly respond to inquiries from police agencies and members of those agencies. Further, on filing a criminal complaint the case is assigned a criminal case number which determines which court that case is assigned to. Attorneys are assigned to courtrooms. Information regarding the attorney assignments, their direct lines and email addresses have been provided to all law enforcement agencies and law enforcement chiefs. Therefore, law enforcement officers or agencies can readily contact the attorney via telephone, fax or email regarding a case.

Finally, an attorney or investigator was not available, a call to Office staff would result in prompt notification of filing information, court dates and dispositions.

**Grand Jury's Recommendation2a:**

The Grand Jury recommends the DA continue and expand regularly-scheduled meetings with law enforcement to inform them of cases rejected for lack of information and/or evidence.

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### **District Attorney's Response to Recommendation 2a:**

The recommendation will not be implemented because it is not warranted. All police reports which are forwarded to the Office for review are submitted with a Complaint Request form. The Complaint Request form identifies who the reviewing attorney is and the action that the Office is taking. This includes, but is not limited to, an indication of whether the report has been rejected and the reasons for the rejection. Complaint Request forms on reports that are rejected are taken to the weekly Law Enforcement Liaison meetings and provided to attending agency representatives.

The Office also creates and provides three computer generated reports to law enforcement agencies on a monthly basis. The reports provide information on rejects, filings and dispositions. The reports are generated and forwarded to the agencies by the Office Information Systems Analyst.

Any remaining questions about rejections, filings and/or dispositions can also be made directly to the District Attorney, the Assistant District Attorney and/or the attorney that rejected the case, made the filing decision and/or was involved in the disposition. The direct telephone lines and email addresses of each of these individuals have been provided and are available to all law enforcement agencies.

### **Grand Jury Recommendation 2b:**

The Grand Jury recommends the DA's Office produce regularly-scheduled reports for law enforcement showing the disposition of each case. These reports must contain all relevant information regarding each case from inception to final resolution.

### **District Attorney's Response to Recommendation 2b:**

The recommendation has been implemented and has been in place for years. The recommended reports are generated by the Office's Information Systems Analyst. Requests for additional information can be and are made through the law enforcement agencies which want additional information. Generating reports that are not requested, wanted, needed and/or used would not benefit the Office, law enforcement agencies or provide increased services to the community.

### **Grand Jury Recommendation 2c:**

The Grand Jury recommends the DA's office confer with law enforcement agencies to ensure the reports contain the information they need.

### **District Attorney's Response to Recommendation 2c:**

The recommendation has been implemented and has been in place for years. Please see District Attorney's Response to Grand Jury Finding 2; District Attorney's Response to Recommendation 2a; and District Attorney's Response to Recommendation 2b.

### **Grand Jury's Finding 3:**

The Grand Jury finds that the DA's office fails to respond to inquiries in a timely fashion, whether these are from victims, witnesses, defendants, or the Grand Jury.

### **District Attorney's Response to Finding 3:**

The Respondent, District Attorney, disagrees wholly with the finding. The Office's average yearly caseload per attorney is 782 cases. This is a significant increase in the average yearly caseload of 588 cases per attorney in 2002.

Attorneys are responsible for preparing their cases for trial. Those duties include, but are not limited to, obtaining discovery, providing discovery to the defense, requesting and obtaining any additional investigations and providing that additional investigation to the defense, filing and/or responding to any legal briefs, subpoenaing and preparing witnesses for trial, preparing jury instructions, opening statements and closing arguments, and responding to inquiries from victims, witnesses, and defense counsel's request for information.

Each attorney, not assigned to a vertical prosecution grant, is assigned to a courtroom. This obligates those attorneys to be physically present in court much of each day of the week. This leaves non-courtroom time, lunch, after hours and week-ends for attorneys to respond to inquiries. Attorneys are expected to respond to inquiries and, due to the time demands of their caseload and court obligations, generally use this time to respond to those inquiries.

Further, the District Attorney is widely available. The District Attorney's business card, which is widely distributed, contains the Office telephone number, the District Attorney's direct telephone number, the Office fax number and the District Attorney's email address. In addition, people can email the District Attorney from the District Attorney and/or County webpage. The District Attorney is regularly contacted by people about incidents, police reports, filing decisions, disposition decisions, and communication issues with attorneys, investigators, clerical staff and victim witness advocates. If issues are raised about the failure of staff to respond to inquiries those claims are immediately presented

to the attorney, investigators, clerical staff and/or victim witness advocates and addressed.

**Grand Jury's Recommendation 3a:**

The Grand Jury recommends that the DA's office, in cooperation with the Victim Witness Office, develop a written policy stating who shall promptly respond to inquiries. Prompt response is especially important to victims of crime.

**District Attorney's Response to Recommendation 3a:**

The recommendation will not be implemented. Victim Witness is and has been supervised by the same person for approximately 9 years. That Supervisor is intimately aware of and responsive to the suffering and needs of crime victims and witnesses.

Assignments are determined by grant funding and/or the Victim Witness Supervisor. Written policies dictating staff assignments cannot factor in the needs of victims and/or witnesses and the abilities of staff. Nor are they in the best interest of victims, witnesses or the goal of Victim Witness which is to provide assistance to and alleviate the suffering of crime victims and witnesses.

The Victim Witness office has, does and will continue to respond promptly to inquiries from victims and witnesses.

**Grand Jury's Recommendation 3b:**

The Grand Jury recommends the DA's office immediately develop a small, quick-reference office manual which includes how to handle correspondence and telephone calls so they will be dealt with in a timely manner. This would be especially useful for new hires.

**District Attorney's Response to Recommendation 3b:**

The recommendation has not yet been implemented but will be implemented by January 2006.

**Grand Jury's Recommendation 3c:**

The Grand Jury recommends the DA personally provide a good example by responding to inquiries quickly.

### **District Attorney's Response to Recommendation 3c:**

The recommendation has been implemented. The District Attorney is available and receives inquiries from throughout the state through the general Office telephone number, by his direct telephone line, by cell phone, by direct email or email through the County web page, by facsimile and by regular correspondence. All of this information, except the District Attorney's cell phone number and the County Web page information, is contained on the District Attorney's business card which is readily available to the public and is widely disseminated. The District Attorney receives and responds to all these lines communication promptly. However, due the number of inquiries, they are generally handled on a "level of urgency" basis. As the head of the department, the District Attorney also appropriately delegates some responses to others in the office.

The District Attorney is unquestionably one of the most accessible District Attorney's in the State. The District Attorney responds to the above level of inquiries and has made himself more accessible to the public despite the loss of an executive secretary due to budget cuts.

### **Grand Jury Finding 4:**

The Grand Jury finds that the DA does not hold regular meetings with his supervisory staff:

### **District Attorney's Response to Finding 4:**

The District Attorney agrees. The District Attorney has and does meet regularly with and consult with supervisory staff. However, due to increased workloads caused by the budget reductions, reduced staffing, increased filing of criminal cases, and increased work hours caused by these changes, regular formalized meetings were considered more detrimental then beneficial and meetings were scheduled as needed to communicate and/or discuss Office matters.

### **Grand Jury's Recommendation 4:**

The recommendation has been implemented. The District Attorney has and does regularly meet with and consult with his supervisory staff. Staffing and assignment changes have caused efficiencies that enable the Office to have District Attorney and supervisory staff to schedule regular formalized meetings. The Office will not discontinue the practice of non-formalized regular meetings which are more suited to the circumstances of the Office and the members of the Supervisor staff.

**Grand Jury's Finding 5:**

The Grand Jury finds that there is no procedure and policy manual for the office.

**District Attorney's Response to Finding 5:**

The District Attorney agrees with the finding. The Office did not have and does not a Procedure and Policy Manual.

**Grand Jury's Recommendation 5:**

The Grand Jury recommends the DA develop a procedure and policy manual, to be completed by January 1, 2006.

**District Attorney's Response to Recommendation 5:**

The recommendation will not be implemented because it is not warranted, will not benefit the Office, or improve the level of services provided to the public. The Office has never had a Policy and Procedure manual. Attorneys are expected to consult with and comply with guides prepared by both the California and National District Attorneys Associations and know the Rules of Professional Conduct.

There is and has been a manual for clerical processes.

**Grand Jury's Finding 6:**

The Grand Jury finds that the DA's office accepts telephone messages only from 9:00 a.m. to noon and from 1:00 to 4:00 p.m. on weekdays. Unless a caller knows someone's direct number, the caller cannot leave messages for anyone at anytime.

**District Attorney's Response to Finding 6:**

The Respondent, District Attorney, agrees with the finding. Having a telephone system which would direct callers to individual attorneys, investigators or clerical staff has been a goal of the Office. Budgeting and time consumption associated with installing and training staff to work and use the system, coupled with all the other modernizations the Office has undergone, has placed this goal further down the list of changes planned for the Office.

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**Grand Jury's Recommendation 6:**

The Grand Jury recommends the DA install a voice mail system that allows callers to access the main office number and leave messages for anyone at anytime.

**District Attorney's Response to Recommendation 6:**

The recommendation has not been implemented, but will be implemented when funding is available for the project and in a manner which enables staff to properly train and adjust to this additional modernization of the Office.

**Grand Jury's Finding 7:**

The Grand Jury finds that the DA does not provide performance evaluations for "at will" employees.

**District Attorney's Response to Finding 7:**

The Respondent, District Attorney, disagrees wholly with the finding. Performance evaluations are provided as necessary to train and/or correct conduct that can be addressed by training or by direction from Supervisory staff.

**Grand Jury's Recommendation 7:**

The Grand Jury recommends that the DA provide, regular, written performance evaluations for all "at will" employees.

**District Attorney's Response to Recommendation 7:**

The recommendation will not be implemented because it is not warranted, will not benefit the Office, or improve the level of services provided to the public. The Office did not give regular, written performance evaluations for "at will" employees during the past District Attorney's tenure. Therefore, the Office has gone over 20 years without regular, written performance evaluations for "at will" employees.

The District Attorney will not place additional duties on Supervisory staff which is not warranted, will not benefit the Office, or improve the level of services provided to the public. This is especially so because of the increased duties and responsibilities imposed on Supervisors due to the reduction in staff.

**Grand Jury's Finding 8:**

The Grand Jury finds that the DA has fired at least one experienced, highly competent Deputy DA without having comparable replacements available.

**District Attorney's Response to Finding 8 :**

The District Attorney disagrees with the finding.

**Grand Jury's Recommendation 8:**

The Grand Jury recommends the DA refrain from firing Deputy DA's - except for cause - unless comparable replacement prosecutors are identified and are willing to work in Humboldt County.

**District Attorney's Response to Recommendation 8:**

The recommendation will not be implemented because it is not warranted and is not reasonable. Nor does County policy allow it.

**Grand Jury's Finding 9:**

The Grand Jury finds that the "at will" employment status of Deputy DA's hinders the county in attracting, quality, experienced prosecutors to work - or even to apply - in Humboldt County.

**District Attorney's Response to Finding 9:**

The District Attorney wholly disagrees with the finding. Humboldt County has and is an "at will" county as it relates to attorneys. Humboldt County also has and does attract quality, experienced prosecutors. Further, the "at will" status of Deputy District Attorneys has never been an issue in any of the interviews of potential new Deputy District Attorneys.

Humboldt County would be even more attractive to applicants if it: (1) provided more competitive salaries and benefits; (2) provided the attractions of a major metropolitan area; and/or (3) provided quick, easy and readily affordable access to those areas and the attractions they provide.

**Grand Jury's Recommendation 9a:**

The Grand Jury recommends that the DA develop and implement a system to

provide job security for Deputy DA's protecting them from arbitrary firing. This should be done by January 1, 2006.

**District Attorney's Response to Recommendation 9a:**

The recommendation will not be implemented because it is not warranted, will not benefit the Office, will not improve the level of services provided to the public. Further, conditions of employment are negotiated in the collective bargaining process between the attorney's employee union and the County. The results of that bargaining is reflected in the Memorandum of Understanding Between the County of Humboldt and the County's Attorney's Association which is readily available to the public through the County webpage.

**Grand Jury's Finding 10:**

The Grand Jury finds the reasons for plea bargains in serious felonies as required by Penal Code sections 1192.6 and 1192.7 are not documented in the court minutes.

**District Attorney's Response to Finding 10:**

The District Attorney agrees that the reasons for plea bargains in serious felonies as required by Penal Code sections 1192.6 and 1192.7 are not documented in the court minutes. The reasons for plea bargains are recorded by court reporters and are part of the record as required by law. Penal Code sections 1192.6 and 1192.7 do not require the reasons for plea bargains to be reflected in the minutes.

**Grand Jury's Recommendation 10:**

The Grand Jury recommends that the DA require that when a serious felony case is plea-bargained, the Prosecutor shall ask the Court to order that the reasons for the plea bargain be reflected in the court minutes of the case. This will make the information readily available to the public and the media.

**District Attorney's response to Recommendation 10:**

The recommendation will not be implemented because it is not warranted, will not benefit the Office, will not improve the level of services provided to the public, is not required by law and because it is an unwarranted intrusion into the authority and discretion of the Courts which is a fundamental part of the separation of powers doctrine which delegates separate powers to separate branches of government.

Courtrooms are open to the public and the media. Any and all public information related to any adult criminal case is readily available to the public. Adding an additional document which reflects the same information already readily available and which is already recorded elsewhere would not increase public access to information or otherwise benefit the public.

**City of Rio Dell Response to Grand Jury**  
Not Received by County Administrative Office

**Manila Community Services District Response to Grand Jury**  
Not Received by County Administrative Office

August 18, 2005

The Honorable Timothy P. Cissna, Presiding Judge  
Superior Court of California  
County of Humboldt  
825 5<sup>th</sup> Street  
Eureka, CA 95501

Dear Judge Cissna:

### **Response to Humboldt County 2004-05 Grand Jury Report**

In conformance with Penal Code Sections 933 and 933.05, I am responding to the recommendations of the 2004-2005 Grand Jury. Specifically, my responses address #2005-HS-02, Findings and Recommendations 1 and 2, regarding Humboldt County Office of Education charter school oversight, and #2005-HS-04, Finding and Recommendation 7, regarding oversight of teacher assignments and the appropriateness of teachers' credentials for the Big Lagoon Charter School Network's high school, the Northcoast Preparatory Academy.

Following are my responses.

#### **#2005-HS-02. A Review of the Humboldt County Office of Education's Charter School Oversight**

Finding 1: Humboldt County Office of Education exercises minimal direct oversight of charter schools.

Recommendation 1: The Grand Jury recommends that the Humboldt County Superintendent of Education exercise greater oversight of the county's charter schools, especially concerning appropriate credentialing, admission practices, fiscal matters, and maintenance of required records.

Response: The Humboldt County Superintendent of Schools exercises oversight of the charter schools in Humboldt County to the extent authorized by state law, which is restrictive in this regard. Thus, the Humboldt County Superintendent of Schools is prevented from adopting the recommendation of the Grand Jury as presented.

By design, charter schools have a high degree of autonomy. California Education Code 47610 states that charter schools are generally exempt from laws governing school districts. Although Education Code gives county superintendents of schools specific oversight authority and responsibilities with regard to school districts, those sections of Education Code do not apply to oversight of charter schools. Instead, the power and duty to oversee a charter school is assigned

Attachment 13

to the charter school's "chartering authority." (Education Code Section 47604.32) In Humboldt County, all charters have been authorized by school districts. The Humboldt County Board of Education is not a chartering authority; and, therefore, the Humboldt County Superintendent of Schools has no jurisdiction, other than specifically assigned to him by law, to broadly oversee the operations or fiscal status of a charter school.

With regard to the authority of county superintendents of schools over charter schools, the following laws apply:

**Education Code 47604.** A charter school shall respond to all reasonable inquiries from its chartering authority, the county office of education, and the Superintendent of Public Instruction.

**Education Code 47604.33.** The charter school shall submit a preliminary budget, a first-interim financial report, a second interim financial report and a final unaudited financial report for the full prior year to the chartering authority and the county superintendent of schools. The chartering authority shall use the financial information it obtains to assess the fiscal condition of the charter school.

**Education Code 47604.4(a).** The county superintendent of schools may, based upon written complaints by parents or other information that justifies the investigation, monitor the operations of a charter school located within that county and conduct an investigation into the operations of that charter school.

**Education Code 47604.4(b).** A charter school shall notify the county superintendent of schools of the location of the charter school, including the location of each site, prior to commencing operations.

Education Code requires charter schools to provide county superintendents of schools with specific, limited information, and it authorizes the county superintendent to investigate and monitor the operations of a charter school "based upon written complaints by parents or other information that justifies the investigation." The code does not provide county superintendents of schools with broad oversight powers over charter schools.

The Grand Jury's report states that the investigation into charter schools in Humboldt County was initiated, in part, by citizen complaints. The complaints were not sent to the Humboldt County Superintendent of Schools, nor were copies of the complaints provided to the Superintendent by the Grand Jury. Therefore, no investigation or monitoring of a charter school could have been initiated in the 2004-2005 school year.

Finding 2: The Grand Jury found no evidence of a consistent, clear system of oversight coordination between the individual charter school or charter school networks and the Humboldt County Office of Education.

Recommendation 2: The Grand Jury recommends that the Humboldt County Office of Education establish with the charter school networks a clear and consistent method of

conducting annual oversight checks of all of the county's charter schools regarding credentialing and appropriate teacher assignment, fiscal compliance with the law; and pupil achievement reporting. The oversight reports should then be sent to the County Office of Education for inspection before being sent to the California State Department of Education.

Response: The Humboldt County Superintendent of Schools has no choice but to respectfully disagree with the recommendation of the Grand Jury. California law (Education Code Sections 47604.32 and 47605(1)) places the authority and responsibility to conduct oversight checks of charter school teacher credentialing, appropriate teacher assignment, fiscal compliance with the law, and pupil achievement reporting with the agency authorizing the charter school. As noted in the previous response, at the present time only local school districts are authorizing entities. However, the Humboldt County Office of Education does provide support to school districts and, upon request, is available to provide technical assistance to them in fulfilling their charter school oversight responsibilities.

#### **#2005-HS-04. A Review of Practices and Policies of the Big Lagoon Charter School Network**

Finding 7: The Grand Jury found conflicting evidence regarding teacher assignments and the appropriateness of teachers' credentials.

Recommendation 7: The Grand Jury recommends that either the sponsoring agency (Big Lagoon Union Elementary District) or the Humboldt County Office of Education exercise vigilant oversight regarding the credentials held by teachers assigned to be the primary teachers of the core high school courses of English, Math, History, and Science.

Response: The Humboldt County Superintendent of Schools agrees with this recommendation and is currently working with the Big Lagoon School District and the Big Lagoon Charter School Network to develop procedures to ensure that charter school teachers have appropriate credentials within the requirements of law. Although the Humboldt County Office of Education has the responsibility to monitor teacher assignments for county school districts on a four-year cycle, this responsibility does not extend to charter schools (Education Code Section 47605(1)). Nevertheless, the Humboldt County Office of Education has offered the services of its Personnel Office to assist the Big Lagoon School District (the chartering authority) and the Big Lagoon Charter Network by processing credentials, checking the credential status, and determining appropriate teacher assignments for charter school new and continuing hires.

The Grand Jury's report stated that it was unclear to them if "non-credentialed or improperly credentialed teachers are instructing students, or whether non-credentialed teachers are assisting 'teachers of record' in their instruction at the NPA site." The report cites an instance of a mathematics teacher teaching with an expired credential and the possible misassignments of a credentialed science teacher and a credentialed English teacher. The Humboldt County Superintendent of Schools has subsequently reviewed this finding with the superintendent of the Big Lagoon School District and the director of the Big Lagoon Charter School Network. The charter school network is currently pursuing "validation of service"

The Honorable Timothy P. Cissna, Presiding Judge  
August 18, 2005

from the Commission on Teacher Credentialing under Education Code Section 45037(a) for the mathematics teacher in question, whose credential had lapsed during the school year but who had otherwise completed certification requirements. Additionally, the charter school has provided assurances and documentation to the Humboldt County Superintendent of Schools that the teachers for ninth grade science, high school biology, and English were appropriately assigned.

Sincerely,

Garry T. Eagles, Ph.D.  
Superintendent of Schools

GTE:JF

c Loretta A. Nickolaus, County Administrative Officer

August 25, 2005

To:

Copy To:  
County Administrative Office  
County of Humboldt  
825 5th Street Suite 11  
Eureka, Ca. 95501

From:

John Schmidt, Director  
Big Lagoon Charter Network  
470 Union Street  
Arcata, Ca. 95521

Dear CAO:

The Big Lagoon Charter Network responses to the 2004-2005 Grand Jury Report follow. If I can be of further assistance, please contact me.

Sincerely,

John Schmidt  
Director, Big Lagoon Charter Network

Big Lagoon Charter Response to Grand Jury Findings, August 17, 2005

BLCSN Response #1: Partially agree. The application and admission procedure to NPA was clearly explained verbally, and in writing, to applicants and their parents. Interviews were arranged with applicants in order to have a personal connection with all students and to help applicants and parents understand the mission and vision of the school. These interviews were never used as an admission test. In order to avoid the appearance of interviews being an application test requirement, the admissions policy will be changed to arrange individual meetings after a student has been offered a place in the school. NPA will provide written admission information to all interested applicants and their parents that explains the application/admissions process and the role of the student information meeting that occurs after a place has been offered. This process will continue to allow NPA staff to: 1) meet with students and parents, prior to admission, in groups or individually, 2) provide information about the mission and vision of the school, 3) answer questions about the school, and 4) provide information about the enrollment/application process.

BLCSN Response #2: Respectfully disagree. The Grand Jury did not share any citizen complaints with the Charter and the Charter is not aware of the complaints referred to in Finding #2. The Charter contracts with Big Lagoon Union School District to deliver special education services as part of the SELPA. The District works closely with the Charter Network to insure compliance with student records and special education services. The Charter will redouble efforts to maintain all records, including those of special education students,

in an appropriate professional manner. The Charter Network will ask the District to review record keeping policies before the start of the 2005-06 school year to ensure full compliance with the law.

BLCSN Response #3: Partially Agree. As of July 1, 2005 the Charter Network will contract directly with the individual or organization providing a service to the Charter.

BLCSN Response #4: Partially agree. When entering into a contract for service, it is customary for the contractor to recover that portion of its overhead costs related to developing, processing and maintaining the contract. Although the Charter maintains that the \$5,100 identified by the Grand Jury was a legitimate expenditure, the Charter agrees that savings could be realized if contracts for service are negotiated directly with the provider of the service whenever possible. The Charter will pay individuals and organizations directly as of July 1, 2005.

BLCSN Response #5: Respectfully disagree with finding, but accept recommendations. BLCS believes that all funds mentioned in Finding 5, when dispensed, included appropriate withholdings for federal and state taxes, unemployment and workers compensation insurance.

5a Agree. The Charter Network will pay its employees in accordance with state and federal law.

5b Agree. The Charter Network will pay its employees in accordance with state and federal law.

5c Agree. The Charter Network will pay its employees in accordance with state and federal law. Retired members of CalPERS may work 960 hours a year for a CalPERS employer without reinstatement into the CalPERS system if their assignments are temporary in nature and compensation is not less than the minimum nor more than the maximum paid to comparable employees. If appropriate, retired members of CalPERS may also be hired as independent contractors. The Charter Network will consult with CalPERS to ensure that any retirees, whether they are employees or independent contractors, are compensated according to the rules and regulations of CalPERS.

BLCSN Response #6: Respectfully disagree. The development of Big Lagoon Charter School in 1999-2000 for opening in the school year 2000-2001 was in no way connected to: Equinox School, the Equinox School administration, Equinox staff, or the Equinox governing board.

Equinox School ceased operations as a private school in June of 2001. Big Lagoon Charter School saw, in the unused facility, an opportunity to offer a charter school experience to an expanded area and leased the former Equinox campus.

An interim site council for the new Arcata BLCSN campus advertised in several local media, and listed teacher openings at the Humboldt State University employment office, for teachers with experience in charter schools or alternative schools. To staff six positions, more than twenty interviews were conducted for teachers. Due to their experience teaching in an alternative school, many of those selected were former teachers from the closed private school. The hiring process was fair and impartial.

Before the Arcata campus was opened, the Superintendent of Big Lagoon Union School District consulted with consultants from two charter school training organizations and the Charter Schools Division of the California Department of Education. All these affirmed that the new campus of Big Lagoon Charter Network

locating on a former private school site did not constitute the conversion of a private school to a charter school.

BLCSN Response #7: Respectfully disagree with finding. Big Lagoon Charter Network recognizes the importance and necessity of being in full compliance with the law regarding teacher credentials and assignments. The Charter Network is working with the Humboldt County Office of Education to review the credentials and assignments of the teachers referenced in the Grand Jury report.

The Charter Network will, before the start of the 2005-06 school year, review the credentials and assignments of all Charter Network teachers to ensure that all teachers are appropriately credentialed and assigned. This review will be done in conjunction with the superintendent of the District and with the Humboldt County Office of Education.

August 26, 2005

The Honorable Timothy P. Cissna, Presiding Judge  
Superior Court of California  
County of Humboldt  
825 5<sup>th</sup> Street  
Eureka, CA 95501

Dear Judge Cissna:

**Big Lagoon School District Responses to the Grand Jury, Report #2005-HS-04**

**Finding 2:** The Big Lagoon School District respectfully disagrees with the finding. The grand jury has reported on a complaint for which the district has no knowledge. The district is aware of procedures and requirements for special education services. The district complies with all state requirements and follows procedures consistent with the Humboldt County Special Education Collective (SELPA).

Recommendation 2: As an additional safeguard, all student records will be reviewed by the Big Lagoon District administration. Special Ed. Files will be kept and maintained at the district office. The Charter staff will receive an annual inservice on procedures, requirements, and referral procedures for students who enroll in the Charter with Individual Education Plans (IEPs).

**Finding 3:** The district agrees with these findings.

Recommendation 3: The Charter will fully comply with the recommendation by July 1, 2005.

**Finding 4:** The district partially agrees with the finding. The four percent fee charged by Humboldt Arts Council was for the purpose of recovering indirect costs. The fee charged was for management oversight, audit costs, and contract management. Charging a fee for indirect costs is a standard business practice.

Recommendation 4: The district has received assurances that whenever possible in the future, the Charter will contract directly with independent contractors. The district will review and approve any future Charter accounting arrangements involving another agency. The district will require that all Charter employees be paid directly beginning July 1, 2005.

**Finding 5:** The district partially agrees with the finding. A CalPERS retiree can work up to 960 hours per year without being reinstated in the system. The district has been informed that this maximum was not exceeded. An independent contractor is responsible for paying all individual taxes.

Recommendation 5a: The Charter will pay all employees directly and will deduct all required state and federal taxes, CalPERS, STRS, and other required deductions.

Recommendation 5b: The district understands the financial requirements for employees, independent contractors and volunteers. The district has advised the Charter to obtain pre-approval of all independent contractor arrangements from its independent auditing firm, beginning July 1, 2005.

**Finding 6:** The district respectfully disagrees with the finding. The district consulted with the Charter School Division of the California Department of Education prior to the Charter Network acquiring the former Equinox private school site in 2000. The district further consulted with the County Office as a safeguard. The following sequence of events occurred: 1. The private school (Equinox) ceased its operations and closed its doors. 2. The Charter Network leased the facility. 3. The public was informed of open enrollment opportunities at the new Charter site. 4. The Charter Network advertised, interviewed and hired employees. 5. The new site complies with all aspects of the Charter document and its governance policies.

Recommendation 6: As noted above, the district was advised that the charter school's use of the former Equinox School facility did not constitute a conversion of a private school.

**Finding 7:** The district agrees with the finding.

Recommendation 7: The district is working with the Humboldt County Office of Education to verify the appropriateness of credentials held and assure full compliance of the law. The Credentials Registrar from the County Office is assisting in the process of checking for validation of service from the Commission on Teacher Credentialing for one Charter teacher (Education Code 45037(a)). The district will exercise vigilant oversight regarding teacher credentialing as recommended by the Grand Jury.

Sincerely,

Kim Blanc  
Superintendent, Big Lagoon School District

Your Honor,

The Freshwater Charter Middle School agrees with the finding of the Grand Jury regarding the lack of computer availability for our 7/8 grade students. The Charter School has since provided five additional computers to the classrooms for student access for the 2005/06 school year, and has planned to provide additional access time to the Freshwater School Computer Lab for Charter School students. These measures should greatly reduce the ratio of students to computers.

Freshwater Charter Middle School realizes and acknowledges that computer knowledge is essential to basic education as well as necessary to succeed in our society. We will continue to provide a well-rounded, meaningful and quality education to all our students, and value any input that helps us achieve our mission.

Thank you for the opportunity to address the concerns of the Grand Jury. If you should need further information or clarification, please contact me at 442.2969 during regular school hours.

With warm regards,

, Principal  
Freshwater Charter Middle School

**Mattole Valley Charter School Response to Grand Jury**  
Not Received by County Administrative Office

August 17, 2005

Honorable Timothy P. Cissna  
Presiding Judge  
Superior Court County of Humboldt  
825 5th Street, Suite 111  
Eureka, CA 95501

RE: Pacific View Charter School Response to the Humboldt County Grand Jury Report  
#2005-08

Honorable Timothy P. Cissna:

Pacific View Charter School has consistently encouraged parents to participate in the state testing programs. Pacific View Charter School serves a student population comprised of "at-risk" students. Pacific View has historically had a high percentage of parents "opting out" of state testing.

During the 2004-2005 school year, Pacific View Charter School made a concerted effort to improve the percentage of students participating in the state's testing program. The results of those efforts have just been released. Pacific View Charter School tested 77% of our students.

Pacific View Charter School will continue its efforts to raise the percentage of students tested.

Respectfully,

James Malloy, President  
Board of Directors  
Pacific View Charter

cc: Lorretta Nickolaus, COA, County of Humboldt

September 7, 2005

Honorable Timothy Cissna  
Presiding Judge  
Humboldt County Superior Court  
425 Fifth Street  
Eureka, CA 95501-1153

Dear Judge Cissna:

The 2004-2005 Humboldt County Grand Jury has requested that the City Council of the City of Arcata respond to findings and recommendation 4 in Grand Jury Report No. 205-LJ-01. This letter constitutes the response of the City Council of the City of Arcata prepared and submitted in accordance with Penal Code Section 933 and the Humboldt County Standard Format for Response.

**FINDING 4: LAW ENFORCEMENT OFFICIALS CITED THE NEED FOR CONTINUING AND TIMELY TRAINING IN FORENSIC INTERVIEW SPECIALIST ASSIGNED TO CAST. FURTHERMORE LAW ENFORCEMENT AGENCIES PREFER TO ASSIGN A TRAINED AND EXPERIENCED OFFICER TO INVESTIGATE CHILD ABUSE CASES AND PARTICIPATE IN CAST.**

RESPONSE: Agree with finding to the extent it applies to the Arcata Police Department.

**RECOMMENDATION 4: THE GRAND JURY RECOMMENDS THAT TRAINING OCCUR AT LEAST YEARLY AND MORE OFTEN AS NEEDED FOR NEW OFFICERS, AND THAT A TRAINED AND EXPERIENCED OFFICER FROM EACH LAW ENFORCEMENT AGENCY BE ASSIGNED TO CHILD ABUSE CASES.**

RESPONSE: The Arcata Police Department already complies with or exceeds training requirements set forth by POST (Police Officer Standards and Training). A source for the money needed for the additional training recommended by the Grand Jury needs to be identified. We have officers assigned to CAST duties and are available to assist officers, as needed with all child abuse investigations.

Respectfully Submitted

Michael J. Machi  
Mayor

11 July 2005

Honorable Timothy Cisna  
Presiding Judge  
Humboldt County Superior Court  
825 Fifth Street  
Eureka, CA 95501-1153

Dear Judge Cisna:

The 2004-2005 Humboldt County Grand Jury has requested that the Blue Lake Police Department respond to finding and recommendation 4 in Grand Jury Report No. 205-LJ-01. This letter constitutes the response of the Blue Lake Police Department prepared and submitted in accordance with Penal Code Section 933 and the Humboldt County Standard Format for Responses.

**FINDING 4: LAW ENFORCEMENT OFFICIALS CITED THE NEED FOR CONTINUING AND TIMELY TRAINING IN FORENSIC INTERVIEW SPECIALIST ASSIGNED TO CAST. FURTHERMORE, LAW ENFORCEMENT AGENCIES PREFER TO ASSIGN A TRAINED AND EXPERIENCED OFFICER TO INVESTIGATE CHILD ABUSE CASES AND PARTICIPATE IN CAST.**

RESPONSE: Agree with finding to the extent it applies to the Blue Lake Police Department.

**RECOMMENDATION 4: THE GRAND JURY RECOMMENDS THAT TRAINING OCCUR AT LEAST YEARLY AND MORE OFTEN AS NEEDED FOR NEW OFFICERS, AND THAT A TRAINED AND EXPERIENCED OFFICER FROM EACH LAW ENFORCEMENT AGENCY BE ASSIGNED TO CHILD ABUSE CASES.**

RESPONSE: The Blue Lake Police Department already complies with or exceeds the training requirements set forth by POST (Peace Officer Standards and Training). A source for the money needed for the additional training recommended by the Grand Jury needs to be identified. An experienced officer most times is assigned to investigate child abuse cases occurring in Blue Lake; however being a small department this is not always possible.

Respectfully Submitted,  
Dave R. Gundersen  
Chief of Police

DG/res  
CC: Blue Lake City Council  
CC: Blue Lake City Manager, Wiley Buck

Attachment 20

72



# CITY OF BLUE LAKE

RECEIVED

JUL 21 2005

CAO

Post Office Box 458, 111 Greenwood Road, Blue Lake, CA 95525  
Phone 707.668.5655 Fax 707.668.5916 E-mail BlueLakeCity@aol.com

July 12, 2005

Honorable Timothy Cisna  
Presiding Judge  
Humboldt County Superior Court  
825 Fifth Street  
Eureka, CA 95501

Re: Response to Grand Jury Final Report Number 2005-LJ-01

Dear Judge Cisna:

The 2004-2005 Humboldt Grand Jury has requested that the City of Blue Lake respond to finding and recommendation 4 in Grand Jury Report No. 2005-LJ-01. This letter constitutes the response of the City of Blue Lake prepared and submitted in accordance with Penal Code Section 933 and the Humboldt County Standard Format for Responses.

**FINDING 4: LAW ENFORCEMENT OFFICIALS CITED THE NEED FOR CONTINUING AND TIMELY TRAINING IN FORENSIC INTERVIEWING OF CHILD ABUSE VICTIMS BY THE CHILD FORENSIC INTERVIEW SPECIALIST ASSIGNED TO CAST. FURTHERMORE, LAW ENFORCEMENT AGENCIES PREFER TO ASSIGN A TRAINED AND EXPERIENCED OFFICER TO INVESTIGATE CHILD ABUSE CASES AND PARTICIPATE IN CAST.**

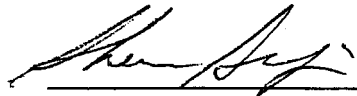
**RESPONSE:** Agree with finding to the extent it applies to City of Blue Lake law enforcement.

**RECOMMENDATION 4: THE GRAND JURY RECOMMENDS THAT**

TRAINING OCCUR AT LEAST YEARLY AND MORE OFTEN AS NEEDED FOR NEW OFFICERS, AND THAT A TRAINED AND EXPERIENCED OFFICER FROM EACH LAW ENFORCEMENT AGENCY BE ASSIGNED TO CHILD ABUSE CASES.

RESPONSE: The recommendation has been implemented.

Respectfully Submitted,



Sherman Schapiro, Mayor  
City of Blue Lake

SS/aw

cc: Board of Supervisors  
Loretta Nickolaus, Humboldt County CAO

Eureka Police Department  
RESPONSE

Grand Jury Report # 2005-LJ-01  
A Review of the Humboldt County Child Abuse Services Team

**Finding 4:** Law Enforcement officials cited the need for continuing and timely training in forensic interview of child abuse victims by the Child Forensic interview specialist assigned to CAST. Furthermore, law enforcement agencies prefer to assign a trained and experienced officer to investigate child abuse cases and participate in CAST.

**AGREE**

**Recommendation 4:** The Grand Jury recommends that training occur at least yearly and more often as need for new officers, and that a trained and experienced officer from each law enforcement agency be assigned to child abuse cases.

**The Grand Jury recommendation has been implemented. Eureka Police Department procedure is for continuing officer training and to assign trained and experienced officers to investigate child abuse cases and participate in CAST.**



Suzannah E. Mellon ©1992

August 4, 2005

The Honorable Marilyn M. Miles  
Presiding Judge of the Superior Court  
Humboldt County Court House  
Eureka, CA 95501

Subject: Grand Jury Report-2005

Greetings:

The City of Ferndale has received and reviewed the Grand Jury Report. We agree with the Finding that training for officers is vital in making the Humboldt County Child Abuse Services Team function properly. We also concur with the Recommendation regarding training. We currently have 40% of our staff current on this training and will continue to train staff as classes are available.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

Michael Powers  
City Manager

cc. City Council  
August 4, 2005 Council Meeting Item

834 Main Street \* P.O. Box 1095 \* Ferndale, CA 95536  
Phone (707) 786-4224 \* Fax (707) 786-9314  
Email: [citymanager@ci.ferndale.ca.us](mailto:citymanager@ci.ferndale.ca.us) \* Web page: <http://ci.ferndale.ca.us>

**City of Fortuna Response to Grand Jury**  
Not Received by County Administrative Office

**Hoop Valley Tribe Response to Grand Jury**  
Not Received by County Administrative Office

**City of Trinidad Response to Grand Jury**  
Not Received by County Administrative Office