



2011 – 2012 FINAL REPORT

State of California
PLACER COUNTY
GRAND JURY

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PLACER COUNTY GRAND JURY

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June 19, 2012

The Honorable Alan V. Pinesch
Presiding Judge Superior Court
County of Placer
P. O. Box 619072

The Honorable Jeffrey S. Penney
Advising Grand Jury Judge
County of Placer
P. O. Box 619072

and citizens of Placer County

Dear Judge Pineschi, Judge Penney and citizens of Placer County:

I take great pride in presenting the Final Report of the 2011-2012 Placer County Grand Jury. On behalf of all 19 members of the Grand Jury, I would like to acknowledge the advice and guidance of our Advising Judge, the Honorable Jeffrey S. Penney, County Counsel Attorney Anthony La Bouff, Deputy County Counsel Gerald Carden and the Office of the District Attorney, Scott Owens. I would also like to thank the Grand Jury Coordinator, Rosalinda Cruz, for her assistance throughout the year.

In July of 2011, nineteen Placer County residents volunteered and were sworn in to serve as the 2011-2012 Placer County Grand Jury. It has been an honor to serve with an outstanding group of citizens. The members of this Grand Jury dedicated hundreds of hours of hard work to bring the Final Report to you.

This report contains the result of our investigations as required by law, those requested by citizens, or internally generated. Reports of the Grand Jury published during the year are included in the Final Report along with responses that have been received to-date.

The Jury believes we have accomplished our required tasks and reported on issues of substance affecting citizens of Placer County. It has been my honor to serve with the other Grand Jurors and be their foreman.

Sincerely,

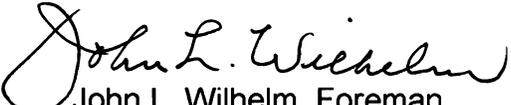

John L. Wilhelm, Foreman
2011-2012 Placer County Grand Jury

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Placer County Grand Jurors

Foreperson: John Wilhelm	Rocklin
Pro Tempore: Joan Bowen	Roseville
Office Manager: Dennis Lovejoy	Lincoln
Secretary: Rebecca Troxell	Lincoln
Sergeant-at-Arms: Walter Green	Lincoln
Kevin Brady	Auburn
Ruth Braun	Lincoln
Robert Hargrave	Roseville
C. Gamar-Heinlein	Loomis
J. Robert Jibson	Loomis
William McCuiston	Lincoln
John Neary	Tahoe City
Lee Oelke	Penryn
Bill Salisbury	Lincoln
John Schabinger	Granite Bay
Craig Shuey	Lincoln
Linda Warren	Rocklin
Fred Waters	Auburn
Leslie Wheeler	Rocklin

2011 – 2012 Grand Jury Photograph



Back Row (L to R): Craig Shuey; Robert Hargrave; John Neary; Fred Waters;
John Wilhelm, Foreperson; Kevin Brady; John Schabinger;

Middle Row: Lee Oelke; Walter Green, Sergeant-at-Arms; J. Robert Jibson;
Ruth Braun; Dennis Lovejoy, Office Manager

Front Row: Bill Salisbury; Joan Bowen, Pro-Tem; Leslie Wheeler; C. Gamar-Heinlein;
William McCuiston; Linda Warren; Rebecca Troxell, Secretary.

Photography Credits

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Grand Jury Photograph: Judi Lovejoy

Placer County Grand Jury

What is a Grand Jury?

The Grand Jury is an investigatory body with the authority to act as a watchdog on local government, investigate citizen complaints, and assist in criminal matters at the request of the district attorney.

The Grand Jury is part of the county judicial system as authorized by the California State Constitution. It is advised by the Superior Court, but is not accountable to elected officials or government employees. Its findings and recommendations are unbiased and impartial. Grand jurors are sworn to secrecy and, other than final reports, their work is kept strictly confidential.

History

Juries stem from the eleventh century. In 1215, the concept of a jury had become a pledge expressed in the Magna Carta, that no free man would be “imprisoned or dispossessed or exiled or in any way destroyed . . . except by the lawful judgment of his peers . . .”

In 1635, the Massachusetts Bay Colony impaneled the first grand jury to consider cases of murder, robbery and wife beating. The U.S. Constitution’s Fifth Amendment and the California Constitution call for grand juries. Grand Juries were established throughout California during the early years of statehood. As constituted today, criminal and civil grand juries are a part of the judicial branch of government, arms of the court system.

Functions

The grand jury is an investigatory body created for the protection of society and the enforcement of the law. The grand jury in California is unusual because its duty includes investigation of county government as provided by statutes passed in 1880. Only a few other states require grand jury investigation beyond alleged misconduct of public officials. Although the jury responsibilities are many and diverse, the three predominant functions include:

Civil Watchdog Responsibilities - This is the major function of present day California grand jurors and considerable effort is devoted to these responsibilities. The grand jury may examine all aspects of county and city government and special districts to ensure they are serving the best interests of Placer County residents. The grand jury reviews and evaluates procedures, methods and systems used by these entities for efficiency and economy.

Most grand jury “watchdog” findings are contained in reports describing problems they discover and their subsequent recommendations for solutions. To accomplish the county watchdog functions, the grand jury normally establishes several committees. During its term, the grand jury issues final reports on government operations in Placer County.

After a final report is published, the official or governing body of an agency or government covered in the report must respond to the grand jury within a given period of time, as prescribed by California law. Officials must respond within 60 days; governments or agencies must respond within 90 days. The following year’s grand jury publishes the responses to the final report.

Citizen Complaints - As part of the civil function, the grand jury receives complaints from residents alleging official mistreatment, suspicious conduct, or governmental inefficiencies. The grand jury investigates reports from residents for their validity. All such requests are kept confidential until a final report is published. In fact, the complainant is not told whether or not the grand jury will investigate a complaint until the report is issued.

Criminal Investigations – Upon occasion, the district attorney asks the grand jury to hold hearings to determine whether evidence presented by the district attorney is sufficient to indict an individual, who would then stand trial in court. A minimum of 12 grand jurors must vote for an indictment in any criminal proceeding.

Jurisdiction

The following summarizes the areas that are within investigatory jurisdiction of the Placer County Grand Jury:

- Persons imprisoned in the jail of the county on a criminal charge and not indicted;
- The condition and management of the public prisons within the county;
- Willful or corrupt misconduct in office of public officers of every description within the county;
- County government, city government, special districts, school districts, agencies and authorities;
- Criminal hearings upon request of the district attorney.

Areas not within county grand jury jurisdiction include:

- Federal agencies;
- State agencies;
- Superior court system;
- School district personnel records, curriculum, and policy.

Qualifications

Prospective grand jurors must possess the following qualifications (California Penal Code Section 893):

- Applicant is a citizen of the United States of the age of 18 years or older who shall have been a resident of the state and of the county or city and county for one year immediately before being selected and returned;
- Applicant is in possession of his natural faculties, of ordinary intelligence, of sound judgment, and of fair character;
- Applicant is possessed of sufficient knowledge of the English language.

A person is not competent to serve as a grand juror if any of the following apply:

- The person is serving as a trial juror in any California court;
- Have been convicted of a felony;
- Have been discharged as a grand juror in any court of this state within one year;
- The person has been convicted of malfeasance in office or any felony or other high crime;
- The person is serving as an elected public officer.

Desirable qualifications for a grand juror include the following:

- Have computer and Internet communication skills;
- Be in good health;
- Be open-minded with concern for the views of others;
- Have the ability to work with others;
- Have genuine interest in community affairs;
- Have investigative skills and an ability to write reports.

Juror Selection

In the spring of each year, the Presiding Judge selects residents at random from the list of applicants. Applicants should expect that a criminal records check would be conducted. Applications are reviewed and an interview is scheduled with the Presiding Judge, the foreperson of the outgoing grand jury, and perhaps the Presiding Judge's assistant.

After the interview process, prospective applicants are requested to appear for the final selection, held in a Placer County Superior Court courtroom. At this time, with outgoing grand jurors in attendance, the court clerk draws 19 names randomly. Another 10 names are drawn and ranked to form a list of alternate jurors. The Presiding Superior Court Judge then swears in the new 19 grand jury members and gives them a description of their duties and responsibilities. The jurors begin a one-year term on July 1.

Commitment

Persons selected for grand jury service can expect to serve an average of 25 to 30 hours per month for a period of one year, July 1 through June 30.

Remuneration

Grand jurors receive a nominal payment for meetings they attend, and they are reimbursed for mileage to attend meetings, training, and possibly other minor expenses.

Orientation

New jurors are encouraged to attend an orientation program about grand jury functions, including on county, city, and special district governments.

Why Become A Grand Juror?

Those who volunteer and are accepted for grand jury service should feel privileged to be selected. They enter this service with interest and curiosity to learn more about the administration and operation of Placer County government. Serving as a grand juror requires many hours and serious effort, and reflects a generous commitment to public service.

How to Apply to Serve as a Grand Juror?

Download a Prospective County Grand Jury Application, available at <http://www.PlacerGrandJury.org>. Fill it out and follow the directions at the end of the application.

Reports of the Grand Jury

The Placer County Courts maintains web pages for the Grand Jury on the Placer Courts website. Past and present final reports, and responses to those final reports, may be found on the Placer County Superior Court website: <http://www.PlacerGrandJury.org>

How to Submit a Confidential Citizen Complaint

Download a Request for Action form from: <http://www.PlacerGrandJury.org>. Mail, email, or fax it to the Grand Jury. The citizen will receive a letter acknowledging receipt of the complaint.

The complainant's name will be held in strictest confidence. All grand jury documents are secret and cannot be subpoenaed in court or revealed to the public.

How to Contact the Grand Jury?

By Mail: Placer County Grand Jury, 11490 C Avenue, Auburn, CA 95603

By Web: <http://www.PlacerGrandJury.org>

By email: grandjury@placer.ca.gov

By Fax: 530.886.5201

By Phone: 530.886.5200

**Instructions for
Respondents**

Instructions for Respondents

The legal requirements affecting respondents and responses to Grand Jury findings and recommendations are contained in California Penal Code, Section 933.05. The full text of the law is provided below.

Two different time period for responses, and to whom you must respond is defined in Penal Code Section 933(c). They are as follows:

Type of Agency	Time Frame	To Whom
Public	Ninety (90) Days	Presiding Judge of the Superior Court
Elective Office or Agency Head	Sixty (60) Days	Presiding Judge of the Superior Court Information copy to Board of Supervisors

Two originals of the responses must be provided to:

1. Presiding Judge of the Placer County Superior Court
2. Placer County Grand Jury at the address listed below:

The Honorable Alan V. Pineschi
 Presiding Judge of the Superior Court
 County of Placer
 P.O. Box 619072
 Roseville, CA 95661

Placer County Grand Jury
 11490 C Avenue
 Auburn, CA 5603

When responding to more than one report, respondents must respond to each report separately.

You are encouraged to use the Response To Grand Jury Report Form below to help format and organize your response. An electronic version of the form is available upon request from the Grand Jury.

Please Note: Responses received after June 1, 2012 will not be included with this document. However, such responses will be published by the 2012-2013 Grand Jury, early in its term.

Response to Grand Jury Report Form

Report Title: _____

Report Date: _____

Response By: _____ Title: _____

FINDINGS

- I (we) agree with the findings, numbered: _____
- I (we) disagree wholly or partially with the findings, numbered: _____
(Describe here or attach a statement specifying any portions of the findings that are disputed or not applicable; include an explanation of the reasons therefore.)

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.
(Describe here or attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefore.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Describe here or attach a timeframe for the implementation.)
- Recommendations numbered _____ require further analysis.
(Describe here or attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six (6) months from the date of publication of the grand jury report.)
- Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.
(Describe here or attach an explanation.)

Date: _____ Signed: _____

Number of pages attached _____.

California Penal Code Section 933.05

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

Final Report Summaries

The Fair and the Unfair: A History of Continuous Neglect

This report deals with the legality of present and past contracts between Placer County and the Placer County Fair Association (Association) to operate and manage the County Fair, including the All American Speedway (Fair), and the lax and negligent enforcement of the law and the contract by Placer County.

The report details why the current contract is in violation of the law, demonstrates the County's history of failing to comply with this same law, shows how the County has been negligent in monitoring Association compliance with the current contract, shows how this County negligence has permitted the Association to make significant structural modifications to the Speedway without getting prior County approval, explains the major environmental problems that have resulted from these significant modifications, demonstrates how the Association has wrongfully shifted costs from itself to County taxpayers, demonstrates how the Association has continued to benefit from its own wrongdoing and the County's negligence and points out the serious financial threat to the Association's ability to run the Fair because the State has terminated its annual financial support for the Placer County Fair.

Finally, the report recommends: that the current contract be terminated, that the County explore the availability of alternative non-profit agencies to run the Fair, that the County refuse to approve any new contract without the environmental protections deemed necessary by the County, that the County verify all future contracts for compliance with the law before they are approved, that a contract compliance monitor be appointed immediately for any new contract, and that the County provide no financial assistance, including a line of credit, to the Association or any successor organization unless such organization incorporates into its contract to run the Fair the environmental protections deemed necessary by the County to deal with Speedway generated environmental problems.

The Issuance of Concealed Weapon Licenses in Placer County

This report examines the issuance of concealed weapon licenses (commonly known as CCW permits) in Placer County. It points out that none of the police departments within Placer County issue CCW permits and that all CCW permits are issued by the Placer County Sheriff's Department. There are no written

agreements between the Sheriff's Department and the four Police Departments directing or allowing the Sheriff's Department to be only authority currently to issue CCW permits. The Sheriff's Department does not notify the respective police departments regarding the permits issued within each city jurisdiction. Therefore, none of the police departments know the identity, addresses or number of residents within their city's jurisdiction who have been issued CCW permits.

The report recommends that a written agreement between the Sheriff's Department and the police departments governing the issuance of CCW permits be developed. The report further recommends that the Sheriff's Department report to each police department within the county the details of the issuance of the CCW permits within their respective jurisdiction. Lastly, the report recommends that each police department advise the residents of their respective jurisdiction of the current county application policies.

Lincoln's Twelve Bridges Library

The Grand Jury, after touring libraries in Placer County, noted that the Carnegie Library in Lincoln was closed. It was also noted that the Twelve Bridges Lincoln Library (Library) was open to the public on a very limited schedule and was seriously understaffed. Further investigation indicated that the Library was hampered by severe budget restrictions and was heavily dependent on the Friends of the Lincoln Library for volunteer staffing and program funding.

The Library is operated by the City of Lincoln in cooperation with Western Placer Unified School District (WPUSD) and Sierra College. The operation and funding are defined under a Joint Use Cooperative Agreement between these three entities (Agencies). Budgetary restrictions and poor communication between the Agencies were found to be restricting Library services.

The Grand Jury recommendations are aimed at improving the Library's service to the public through better financial health. Secondly, the Grand Jury recommends a new agreement be negotiated between the Agencies that more properly reflects the present financial conditions of the area.

Annual Inspections of the Holding Facility in Placer County

The 2011-2012 Placer County Grand Jury conducted California Penal Code mandated inspections of all holding facilities in Placer County. The Grand Jury has concluded that the overall operations of the holding facilities within Placer County, with the exception of the Sheriff's Office Burton Creek Substation, are conducted in accordance with California law and the policy and procedures of the agencies which operate them. Further, the Grand Jury finds that the inspected facilities are clean, organized and as well maintained as fiscal constraints allow.

A longstanding and recurring recommendation is, as the last seventeen (17) Placer County Grand Juries have concluded, that the Placer County Sheriff's Substation at Burton Creek needs replacement.

Annual Inspection of the Placer County Juvenile Detention Facility

The 2011-2012 Grand Jury inspected the Juvenile Detention Facility on October 3, 2011, and found it to be clean, well maintained, and appropriately staffed. There are web-based security cameras installed and fully functional. The medical services are provided by California Forensic Medical Group (CFMG). The services are well-organized and are trusted by the staff and minors. There are two certificated teachers and two instructional teachers.

Taking Care of Placer County Veterans Today and Tomorrow

As Veterans from Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) in Afghanistan begin to return to their homes and join their already-returned-home Comrades-In-Arms from WWII, the Cold War, Korea, Viet Nam, the Persian Gulf War and numerous other conflicts, the legal and moral responsibility to care for and tend to the welfare of these selfless Americans has become increasingly important to the American – and Placer County - public.

Because of the success of the Placer County Veterans Service Office in assisting veterans to receive benefits, the Grand Jury recommends the Board of Supervisors increase staff and funding.

Placer County Family and Children's Services

The 2011-2012 Placer County Grand Jury elected to look into the workings of the Family and Children's Services (FCS), commonly known as the Children's Protective Services. Currently this department is a Division of the Children's System of Care (CSOC) in Placer County's Health and Human Services Department (HHS).

The Jury felt FCS has a heavy burden of responsibility to the children and families in Placer County, and it behooves a body such as the Grand Jury to explore the agency's handling of that responsibility during these economically difficult times. A complete analysis is not possible in the time frame available to this Grand Jury, and this report provides only a partial look at the agency.

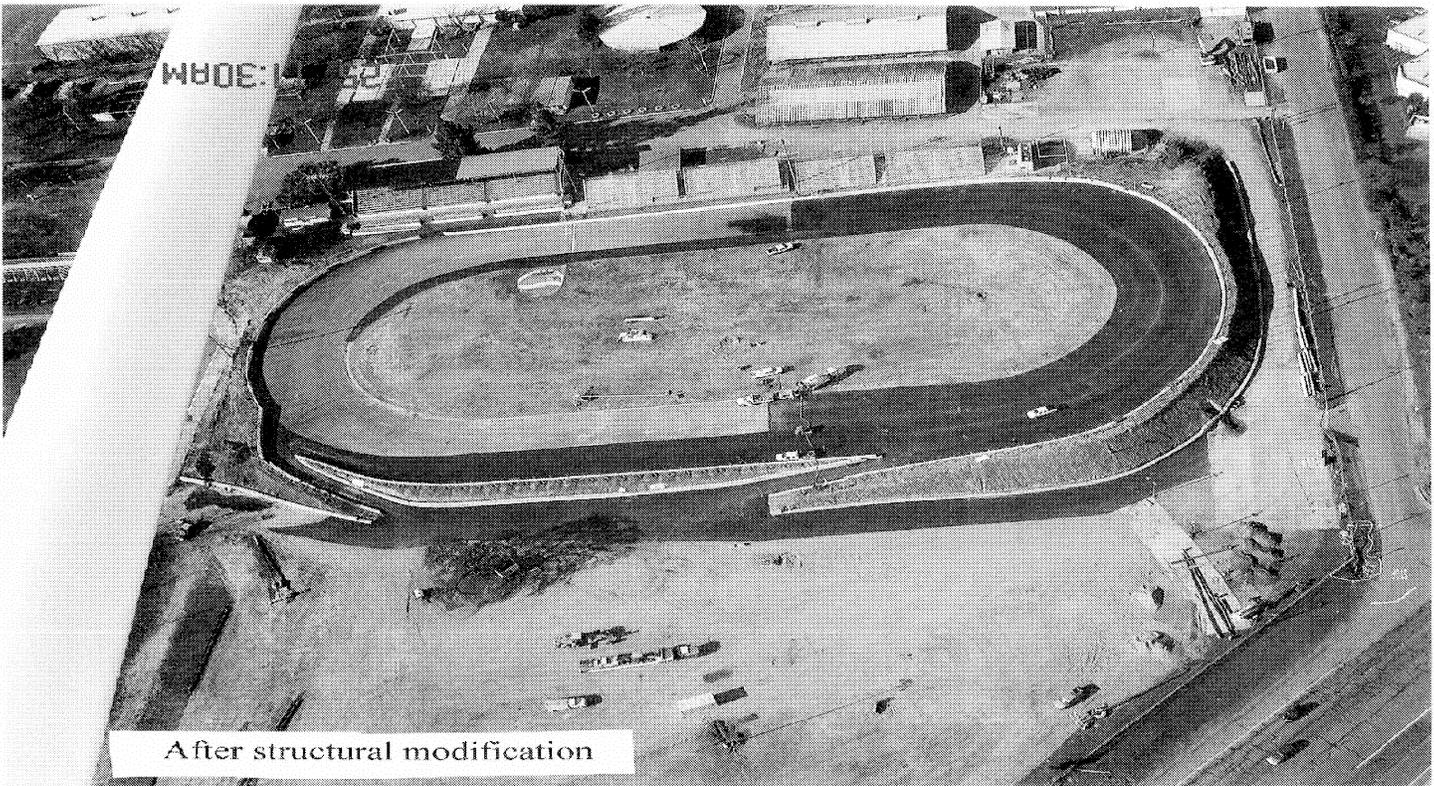


PLACER COUNTY GRAND JURY

The Fair and the Unfair: A History of Continuous Neglect



Prior to structural modification



After structural modification

Summary

This report deals with the legality of present and past contracts between Placer County and the Placer County Fair Association (Association) to operate and manage the County Fair, including the All American Speedway (Fair), and the lax and negligent enforcement of the law and the contract by Placer County.

The report details why the current contract is in violation of the law, demonstrates the County's history of failing to comply with this same law, shows how the County has been negligent in monitoring Association compliance with the current contract, shows how this County negligence has permitted the Association to make significant structural modifications to the Speedway without getting prior County approval, explains the major environmental problems that have resulted from these significant modifications, demonstrates how the Association has wrongfully shifted costs from itself to County taxpayers, demonstrates how the Association has continued to benefit from its own wrongdoing and the County's negligence and points out the serious financial threat to the Association's ability to run the Fair because the State has terminated its annual financial support for the Placer County Fair.

Finally, the report recommends: that the current contract be terminated, that the County explore the availability of alternative non-profit agencies to run the Fair, that the County refuse to approve any new contract without the environmental protections deemed necessary by the County, that the County verify all future contracts for compliance with the law before they are approved, that a contract compliance monitor be appointed immediately for any new contract, and that the County provide no financial assistance, including a line of credit, to the Association or any successor organization unless such organization incorporates into its contract to run the Fair the environmental protections deemed necessary by the County to deal with Speedway generated environmental problems.

Background

In the process of reviewing the Responses to the 2010-2011 Grand Jury Final Report on the All American Speedway Noise, the current Grand Jury read the contract cited in that Report and noted the State statute cited as the authority for the contract. The statute, Government Code §25905 (§25905) provides that no such contract shall be for a period exceeding five years. The contract between the County and the Association covered a six year period (January 1, 2002 to December 31, 2007) and provided that it

would remain in effect from year to year thereafter so long as neither party served written notice of non-renewal. Despite this statutory limitation of five years, the current contract has now been in effect for over ten years.

Considering that there may be a mistake in the contract reference to §25905, the 2011-2012 Grand Jury verified the accuracy of this citation and found there was no mistake. Multiple written responses from County officials to last year's Grand Jury Report all cited §25905 as the contract's authorizing statute. Moreover, all County and Association officials interviewed by the 2011-2012 Grand Jury identified §25905 as the authorizing statute for the contract.

To determine whether there was any prior history of the County ignoring statutory limitations, the Grand Jury examined one of the preceding contracts to run the Fair between the County and the Association and discovered that there was a history of violating this statute. In 1983, the County contracted with the Association, again under the authority of §25905, and this contract, which began on January 1, 1983, remained in effect through June 30, 1993, a period of over ten years.

The current contract requires the Association to get prior County approval before it makes construction modifications to any Fair facilities, including the Speedway. Yet, as set forth in detail in last year's Grand Jury Report, in 2006-2007 the Association made significant structural modifications to the Speedway without getting prior approval. Numerous County officials acknowledged this violation of the contract by the Association in their written responses to the 2010-2011 Grand Jury Final Report on All American Speedway Noise and during their interviews with the 2011-2012 Grand Jury.

Even the Association official interviewed by the Grand Jury acknowledged this violation. Despite this material violation of contract by the Association and the magnitude of the structural modifications made, the County took no action to terminate the contract.

The County did not discover on their own that modifications were being made because no one was designated by the County to monitor compliance with the terms of the Contract. The County only discovered that these major structural modifications to the Speedway had been made after being told so by City of Roseville planning staff. Several County officials acknowledged during interviews with the 2011-2012 Grand Jury, that no contract compliance monitor had been designated. After the structural modifications to the Speedway occurred in 2006-2007, numerous complaints were made by residents in the immediate vicinity of the Speedway about noise levels from the racers and PA system, air pollution, hours of Speedway operation, and traffic congestion. To address these complaints, County officials drafted a revised contract

that included additional safeguards, controls, and oversight by the County. The Association refused to sign the revised contract. The County allowed the existing contract to remain in effect rather than insisting on a revision or cancellation of the contract. From 2007 to the present, a period of nearly five years, the Association has continued to oppose any additional safeguards, controls, or oversight. During that same

period, the County failed to terminate the contract whether for violation of its provisions, violation of the authorizing statute, or failure to include the safeguards, controls, and oversight necessary to protect the public. Moreover, the costs of the environmental studies that are currently under way are being paid by County taxpayers and not by the Association. Had the Association sought prior approval by the County and gone through the required environmental studies it would have been responsible for bearing those costs.

Finally, County taxpayers may now be asked to pay additional costs to support the County Fair. The State has terminated its annual financial support of approximately \$135,000; and the Association has requested a line of credit with Placer County because it has no money to replace the State's contribution. In fact, the Association was so financially strapped in 2010 that some of its Board members used their personal lines of credit to meet Association year-end payroll demands.

Investigation Methods

The Grand Jury reviewed the Final Report of the 2010-2011 Grand Jury on All American Speedway Noise and all of the responses to that Report from Placer County officials.

The Grand Jury interviewed a number of Placer County officials responsible for contract initiation and compliance, and officials from the Fair Association.

The Grand Jury reviewed numerous documents provided by Placer County officials pertaining to current and past contracts between the County and the Association, pertaining to Association finances, and pertaining to resident complaints about environmental problems generated by the 2006-2007 Speedway modifications.

The Grand Jury inspected the All American Speedway with officials from the Association and reviewed numerous photographs that depicted the Speedway prior to and after the 2006-2007 structural modifications.

The Grand Jury researched available information relative to the Speedway.

Facts

- Government Code §25905 authorizes each County to contract with a non-profit corporation or association, for a period not to exceed five years, to conduct, operate and manage a County agricultural fair.
- On July 23, 2002, the Placer County Board of Supervisors approved a five year contract with the Association to operate and manage the County Fair. Even though the Board minutes note that a five year contract was approved, the dates listed in the minutes were for a six year period from January 1, 2002 to December 31, 2007.
- The contract cites §25905 as the authority for the contract. The contract provides that it is to run from January 1, 2002 to December 31, 2007, (a six year period). In addition, it provides that it is to remain in effect indefinitely after December 31, 2007, unless either party serves written notice of non-renewal of the contract.
- Neither party has served written notice of non-renewal, so the contract, over ten years after it began, still remains in effect.
- Numerous County officials provided written responses to the Grand Jury's 2010-2011 Final Report on All American Speedway Noise. Every response cited §25905 as the statutory authority on which the current contract is based.
- Every County and Association official interviewed by the Grand Jury referred to §25905, which is cited in the contract, as the authority on which the contract between the County and the Association is based.
- There is a history of the County ignoring the five year limitation contained in the statute authorizing such contracts. A preceding contract for the Association to operate and manage the Fair was approved by the Board of Supervisors on March 1, 1983. This contract also cited §25905 as its authorizing statute. The contract began on January 1, 1983, ended on February 28, 1983, was extended until June 30, 1983, and provided that it would be renewed annually thereafter unless either party served written notice of non-renewal. The contract stayed in effect through June 30, 1993, a period of ten years and six months.
- The current contract requires the Association to obtain prior approval from the County before engaging in construction or modification of facilities located within the fairgrounds. All County officials interviewed by the Grand Jury confirmed knowledge of this fact.
- The current contract authorizes the County to terminate the contract if the Association fails to comply with its terms.

2011 – 2012 Placer County Grand Jury

- County officials confirmed that no one was designated by the County to monitor the Association's compliance with the terms of the contract.
- In 2006-2007, without prior approval from the County, the Association made the following modifications to the Speedway: it was extended 70 feet in length; it was widened by 30 feet along one side; the north embankment was widened and heightened; the pits were relocated from the area immediately north of the Speedway to the east and outside of the Speedway; the race car entrance and exit to the Speedway were relocated to the other side of the raceway, and the sound walls were rebuilt and extended.
- County officials have stated that they were unaware that these major structural modifications were planned and learned about them only after they had been completed and Roseville City officials called the modifications to their attention.
- These major structural modifications made to the Speedway in 2006-2007 generated numerous environmental complaints about noise, hours of operation, air pollution, and traffic congestion by residents living in the vicinity of the Speedway. Nevertheless, the Association refused to incorporate any additional safeguards, controls, or oversight into a revised contract as requested by the County to deal with the new environmental problems.
- This stalemate has continued for over five years yet the County has taken no action to terminate the current contract whether for violation of the prior approval requirement, violation of the five year statutory limitation on such contracts, or continued failure of the Association to agree to incorporate any additional safeguards, controls, or oversight into the contract.
- Instead, the County has continued to allow the Association to operate the Speedway with no additional safeguards, controls, or oversight to deal with the significant and heightened environmental problems the Association itself created by violating its own contract with the County.
- Had the Association sought prior approval from the County, as it was required to do by the terms of its contract, the Association would have been responsible for the costs of any environmental studies required.
- The costs of completing the environmental studies have now effectively been shifted to the County taxpayers. Studies which should have been done prior to any structural modifications to the Speedway still must be completed. The Association maintains it does not have the funds to pay for them. One County official interviewed by the Grand Jury estimated that the costs of these studies will be between \$80,000 and \$100,000.

2011 – 2012 Placer County Grand Jury

- The annual budget of the Fair Association to conduct, manage and operate the Fair, including the Speedway, is about 1.4 million dollars.
- Approximately 60% to 70% of the Fair Association's annual budget to conduct, manage and operate the Fair comes from revenues generated by the Speedway.
- Placer County provides between \$25,000 and \$35,000 in annual support to the Fair Association.
- Because of the fiscal crisis, the State of California has withdrawn its annual financial support of approximately \$135,000 to Placer County to run the Fair.
- Because of financial pressures in 2010, members of the Fair Association Board used personal lines of credit to help the Association meet year-end payroll demands.
- Because of these continuing financial pressures, the Fair Association has asked Placer County to extend a line of credit to the Association to run the Fair

Findings

- F1 The current contract that the County has with the Association to run the County Fair is illegal because it violates the five year limitation for such contracts contained in §25905.
- F2 The County has a history of failing to comply with this same statutory limitation. A preceding contract that the County had with the Association to run the County Fair stayed in effect from January 1, 1983, through June 30, 1993, a period of ten years and six months. Accordingly, this preceding contract also violated the five year limitation for such contracts contained in §25905.
- F3 The County has been negligent in failing to comply with the five year contract limitation contained in §25905.
- F4 The County has been negligent in failing to appoint a County employee to monitor the Association's compliance with the terms of the current contract to run the Fair.
- F5 This negligent lack of oversight allowed the Association to wrongfully make the major structural modifications to the Speedway that produced the numerous environmental problems that the County now faces.
- F6 The County's continuing failure to enforce the five year contract limitation and the County's failure to terminate the contract for a major breach of its provisions, has allowed the Association to benefit from its own wrongdoing. The contract continues to be in effect indefinitely; the Association continues to resist any of the safeguards, controls, or oversight the County believes necessary to deal with the environmental problems created by these wrongful modifications, and the Association has shifted responsibility for the cost of the environmental studies that it should have borne, had it sought proper approval, to the County taxpayers.
- F7 The termination of State financial support for the Placer County Fair threatens the ability of the Association to conduct, manage, and operate the annual Placer County Fair without significant additional financial support from Placer County.

Recommendations

The Grand Jury recommends:

- R1. The Board of Supervisors, within 60 days, terminate the current contract with the Association to operate and manage the Fair, including the Speedway, because it violates the five year contract limitation contained in §25905.
- R2. The Board of Supervisors immediately explore the availability of an alternative non-profit corporation or association to operate and manage the Fair, including the Speedway, by soliciting proposals from alternative groups.
- R3. The Board of Supervisors refuse to approve any new contract to operate and manage the Fair, including the Speedway, unless the contract includes the safeguards, controls, and oversight thought necessary by County officials to protect the public.
- R4. The Board of Supervisors immediately adopt a policy applicable to all contracts that mandates designation of a specific County employee to monitor compliance with the terms of the contract by each of the parties.
- R5. The Board of Supervisors direct County Counsel to verify that all future contracts submitted to the Board for approval fully comply with the provisions of the statute that authorizes the contract.
- R6. The Board of Supervisors not provide additional financial support, including a line of credit, for the annual Placer County Fair unless proper environmental protections deemed necessary by the County to deal with Speedway generated environmental problems are incorporated into the contract to run the fair.

Request for Responses

Placer County Board of Supervisors, #R1, R2, R3, DUE June 20, 2012
175 Fulweiler Avenue R4, R5, R6
Auburn CA 95603

Holly Heinzen, Interim CEO #R1, R2, R3, DUE June 20, 2012
Placer County Executive Office R4, R5, R6
Auburn, CA 95693

Jim Durfee, Director #R1, R2, R3, DUE June 20, 2012
Department of Facilities R4, R5, R6
11476 C Avenue
Auburn CA 95603

Copies Sent To:

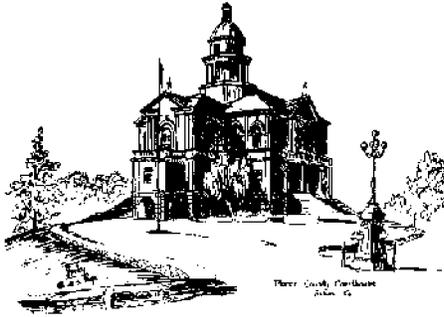
John Javidan, General Manager
Placer County Fair Association
800 All American City Blvd.
Roseville, CA 95678

Board of Directors
Placer County Fair
800 All American City
Roseville, CA 95678

Roseville City Council
311 Vernon Street
Roseville, CA 95678

City Manager
City of Roseville
311 Vernon Street
Roseville, CA 95678

Michael Johnson, Director
Community Development Resource Agency
3091 County Center Drive Ste. 280
Auburn, CA 95603



PLACER COUNTY GRAND JURY

The Issuance of Concealed Weapon Licenses in Placer County

The Issuance of Concealed Weapon Licenses in Placer County

Summary

This report examines the issuance of concealed weapon licenses (commonly known as CCW permits) in Placer County. It points out that none of the police departments within Placer County issue CCW permits and that all CCW permits are issued by the Placer County Sheriff's Department. There are no written agreements between the Sheriff's Department and the four Police Departments directing or allowing the Sheriff's Department to be only authority currently to issue CCW permits. The Sheriff's Department does not notify the respective police departments regarding the permits issued within each city jurisdiction. Therefore, none of the police departments know the identity, addresses or number of residents within their city's jurisdiction who have been issued CCW permits.

The report recommends that a written agreement between the Sheriff's Department and the police departments governing the issuance of CCW permits be developed. The report further recommends that the Sheriff's Department report to each police department within the county the details of the issuance of the CCW permits within their respective jurisdiction. Lastly, the report recommends that each police department advise the residents of their respective jurisdiction of the current county application policies.

Background

The County Sheriff has the authority to issue CCW permits to anyone residing anywhere in this county. The provisions for this process are defined by California Penal Code § 26150.

In Placer County cities that have their own police department, the police chief of that city has authority to grant CCW permits to the city's residents. There are four city police departments in Placer County: Roseville Police Department, Rocklin Police Department, Lincoln Police Department and Auburn Police Department. City police chiefs may delegate the responsibility for issuing CCW permits to the Placer County Sheriff pursuant to California Penal Code § 26155c, which states: "Nothing in this article shall preclude the chief or other head of a municipal police department of any city from

entering an agreement with the sheriff to process all applications for licenses, renewals of licenses, and amendments to licenses, pursuant to this article."

City police departments in Placer County do not, as a matter of policy, issue CCW permits. Inquiries from applicants requesting a CCW permits are referred to the Sheriff's Department.

Two police departments (Rocklin and Lincoln) have written CCW permit policies. None of the four police departments in Placer County have a written agreement with the Sheriff's Department to defer CCW permit applicants to the Sheriff's Department. None of the four police chiefs are aware of how many active or inactive CCW permits are in their jurisdiction. Responses to the Grand Jury requests for information to the police chiefs and the Sheriff were carefully reviewed by the Grand Jury. Data from the California Department of Justice was reviewed to verify CCW permit data for Placer County.

Investigation Methods

The following information was requested from each of the four police chiefs in Placer County to determine how CCW permits were issued in the respective jurisdictions:

- A copy of department policy regarding the issuing CCW permits.
- Was there a written or verbal agreement with the Sheriff to issue CCW permits?
- How many CCW permits have been issued by your department since January 1, 2007?
- Provide the number of CCW permits the Sheriff has issued in your jurisdiction. The following information was requested from the Placer County Sheriff:
- A copy of Sheriff's departmental policy for issuing CCW permits.
- Does the Sheriff's office process applications for concealed weapon licenses for the Roseville Police Department, Auburn Police Department, Rocklin Police Department, and Lincoln Police Department?
- Is there a written agreement between the Sheriff's Office and each of the police departments and a copy of those written agreements? The number of current, valid concealed weapon licenses that have been issued by the Sheriff's Department to persons who work or live within the cities of Roseville, Auburn, Rocklin, and Lincoln and the County of Placer as of this date.
- Does the Sheriff's Department report CCW permit data to the respective cities?

Facts

- The Lincoln Police Department has a CCW permit policy. Lincoln Police has a long standing practice of deferring the issuance for CCW permits to the Placer County Sheriff. The Lincoln Police Department has no written agreement with the Placer County Sheriff to issue CCW permits on their behalf. The Lincoln Police Department has not issued CCW permits for private citizens in more than 15 years. The Lincoln Police Chief does not know how many CCW permits have been issued by the Sheriff for his jurisdiction.
- The Rocklin Police Department has a written CCW permit policy. Rocklin Police Department has a verbal agreement to defer to the Sheriff to issue CCW permits on their behalf. The Rocklin Police Chief does not know how many CCW permits have been issued by the Sheriff for his jurisdiction.
- The Roseville Police Department does not issue CCW permits to citizens of their city. The Roseville Police Department does not have a written policy regarding the issuance of CCW permits. The Roseville Police Department has a long standing practice of deferring the issuance for CCW permits to the Placer County Sheriff. The Roseville Police Department has no written agreement with the Placer County Sheriff to issue CCW permits on their behalf. The Roseville Police Chief does not know how many CCW permits have been issued by the Sheriff for his jurisdiction.
- The Auburn Police Department does not issue CCW permits to citizens of their city. The Auburn Police Department has no written policy regarding the issuance of CCW permits and defers all citizens to the Placer County Sheriff for CCW permit application. The Auburn Police Department does not have a written agreement with the Placer County Sheriff to issue CCW permits on their behalf. The Auburn Police Chief does not know how many CCW permits have been issued by the Sheriff for his jurisdiction.
- The Placer County Sheriff's Department issues CCW permits to all qualified citizens in Placer County including citizens of the cities of Lincoln, Rocklin, Roseville and Auburn. The Sheriff's Department does have a policy/procedure for issuing CCW permits for residents of Placer County. The Sheriff's policy is available online at:

<http://www.placer.ca.gov/Departments/Sheriff/CCWpermits.aspx>
- The policy/procedure does not address issuing CCW permits on behalf of the city police departments named above. There are no written agreements between the

Sheriff and the police chiefs for the Sheriff to be the sole official to issue CCW permits in Placer County. The Sheriff does not at this time report CCW permits issued to citizens who live in the jurisdiction of another law enforcement agency to those agencies. The Sheriff indicates that reporting did occur in the past. A new policy and report is being developed to re-establish this practice.

- Placer County Sheriff CCW permit statistical information by jurisdiction. ¹

City/County	Active	Pending	Renew	Denied	Suspended	Revoked
Lincoln	69	3	79	8	1	1
Roseville	110	7	148	13	1	1
Rocklin	84	4	114	13		
Auburn	12	2	46	6		3
Placer Count	289	4	588	38	4	4
Total	564	20	975	78	6	9
Total in use: 1559				Total not in use: 93		

Legend to above table:

Active – New permits; these are new permits issued between 1/1/2009 and 11/30/2011

Pending – applications in process awaiting some type of information

Renew – permits that were renewed other than new permits between 1/1/2009 and 11/30/2011

Denied – applications that were denied during this same period

Suspended – permits that were suspended while awaiting the outcome of a court action, an investigation, etc.

Revoked – permits that were revoked for some reason

¹ As of December 20, 2011. This information fluctuates from day to day based on applications, renewals, denials, suspensions and revocations.

Findings

- F1 There are no written agreements between the Sheriff's Department and the police departments regarding issuing CCW permits
- F2 The Sheriff's Department does not provide information to each police department about CCW permits issued, denied, etc. within their jurisdiction.
- F3 The cities of Roseville, Rocklin, Lincoln and Auburn do not have a policy to notify residents of their respective cities of the Sheriff Office's procedure for applications or issuance of CCW permits.

Recommendations

- R1 The Placer County Sheriff enter into written agreements with the police chiefs in the county to process all CCW permits, renewals, denials, revocations and amendments to those licenses.
- R2 The Placer County Sheriff report names, addresses, date of expiration, and the number of all CCW permit holders that are active, pending, renewed, denied, suspended and/or revoked to the appropriate police chief.
- R3 Police chiefs in the cities of Lincoln, Roseville, Rocklin and Auburn notify their residents and the general public that the Sheriff's Office is the only agency that currently issues CCW permits to residents of their respective city.

Request for Responses

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

Daniel Hahn, Chief of Police Roseville Police Department 1501 Junction Blvd. Roseville, CA 95678	#R1, # R3	Due October 1, 2012
Ronald A. Lawrence, Chief of Police Rocklin Police Department 3970 Rocklin Road Rocklin, CA 95677	#R1, #R3	Due October 1, 2012
Paul Shelgren, Interim Chief of Police Lincoln Police Department 770 7th Street Lincoln, CA 95648	#R1, #R3	Due October 1, 2012
John Ruffcorn, Chief of Police City of Auburn Police Department 1215 Lincoln Way Auburn, CA 95603	#R1, #R3	Due October 1, 2012
Edward N. Bonner, Sheriff County of Placer 2929 Richardson Blvd. Auburn, CA 95603	#R1, #R2	Due September 1, 2012

COPIES SENT TO:

Board of Supervisors County of Placer
175 Fulweiler Avenue
Auburn, CA 95603

Ms. Holly Heinzen
Interim County Executive Officer
175 Fulweiler Avenue
Auburn, CA 95603

Roseville City Council
311 Vernon Street
Roseville, CA 95678

Rocklin City Council
3970 Rocklin Road
Rocklin, CA 95677

Auburn City Council
1225 Lincoln Way Auburn,
CA 95603

Lincoln City Council
600 Sixth Street Lincoln,
CA 95648

Mr. Ray Kerridge, City Manager
City of Roseville
311 Vernon Street
Roseville, Ca 95678

Mr. Ricky Horst, City Manager
City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677

Mr. Jim Estep, City Manager
City of Lincoln
600 Sixth Street
Lincoln, CA 95648

Mr. Robert Richardson, City Manager
City of Auburn
1225 Lincoln Way
Auburn, CA 95602



PLACER COUNTY GRAND JURY

Lincoln's Twelve Bridges Library

Lincoln's Twelve Bridges Library

Summary

The Grand Jury, after touring libraries in Placer County, noted that the Carnegie Library in Lincoln was closed. It was also noted that the Twelve Bridges Lincoln Library (Library) was open to the public on a very limited schedule and was seriously understaffed. Further investigation indicated that the Library was hampered by severe budget restrictions and was heavily dependent on the Friends of the Lincoln Library for volunteer staffing and program funding.

The Library is operated by the City of Lincoln in cooperation with Western Placer Unified School District (WPUSD) and Sierra College. The operation and funding are defined under a Joint Use Cooperative Agreement between these three entities (Agencies). Budgetary restrictions and poor communication between the Agencies were found to be restricting Library services.

The Grand Jury recommendations are aimed at improving the Library's service to the public through better financial health. Secondly, the Grand Jury recommends a new agreement be negotiated between the Agencies that more properly reflects the present financial conditions of the area.

Background

The City of Lincoln, in the year 1906, established the first Library Board. With funds from the Andrew Carnegie Library program the Board opened the Lincoln Carnegie Library in 1909.

The Carnegie Library was the only library in Lincoln until the Twelve Bridges Lincoln Library (Library) opened on October 20, 2007. The Library was created through the

collaborative efforts of the City of Lincoln, Sierra College and Western Placer Unified School District (Agencies).

The Agencies entered into a Joint Use Cooperative Agreement (MOU) in 2003 for the purpose of creating the Library. This partnership received a State of California Grant (Grant) that provided a substantial portion of the construction costs for the Library.

The Library was designed to better serve the needs of the greater Lincoln community, including high school students and teachers, as well as community college students and faculty.

The Grant Eligible cost was determined to be \$16,034,366. Sixty-five percent of this cost, \$10,422,338, was funded by the Grant. The remaining thirty-five percent, \$5,612,028, was funded equally by the three members of the Agencies in cash and land values. These are referred to as the Local Matching Funds.

The costs which did not qualify for State of California Matching Funds (Ineligible Costs) were \$381,441. Ineligible Costs were shared equally by the members of the Agencies. These funds are referred to as the Supplemental Local Funds.

Based on the MOU, the Agencies' contributions in cash and land value credit toward the sum of the Local Matching Funds and the Supplemental Funds are as follows:

College Land Value Credit	\$1,250,000
College Funding	\$ 747,823
School District Funding	\$1,997,823
City of Lincoln Funding	<u>\$1,997,823</u>
Sum of Local Matching and Supplemental Funds	\$5,993,469

Due to the failure of a college bond measure prior to December 31, 2004, the City agreed to a no interest loan to the college for \$747,823, the amount of the college's required cash contribution. This loan was to be repaid from any subsequent voter-approved college bond measure, sale of any property donated to the college by privately held Placer Holding Inc. (PHI), or by June 30, 2013, whichever occurred first.

The Grant Agreement with the State of California requires that the Matching Funds, in the amount of \$10,422,338 be returned to the State if the Library should close anytime within 40 years of the opening date. The City of Lincoln would incur this liability if the Library were to close.

The Library site is on a thirty- eight acre parcel at Twelve Bridges Drive and Highway 65. The original plans for the site include the Library, a WPUSD high school and a Sierra College campus. The Library occupies eight acres of the site. The approximately 40,000 square foot facility is capable of housing 175,000 books. It also has space for more than 200 magazines, 14 national newspapers and thousands of DVDs, CDs, and audio books. The Library has 30 public access computers.

Under the terms of the MOU the Library is to be managed by the City of Lincoln Library Director, who shall be responsible to the Lincoln City Manager. The City Manager is to consult with the Superintendent of the School District and the President of the College in the process of selecting the Library Director. All operating expenses would be proportionally shared by; the City at sixty percent (60%), Sierra College at twenty five percent (25%) and WPUSD at fifteen percent (15%).

Investigation Methods

The Grand Jury toured all libraries located in Placer County (with the exception of the Tahoe City and Kings Beach libraries) to assess their ability to provide adequate service during the current financial difficulties. This tour resulted in further investigation of the shortcomings at the Twelve Bridges Lincoln Library.

The Grand Jury conducted interviews with the Assistant City Manager of the City of Lincoln, the President of Sierra College, the Superintendent of WPUSD and a representative of the Friends of the Lincoln Library.

Numerous documents provided by the Agencies were reviewed by the Grand Jury. These documents included the MOU, the Grant Agreement between the State Library and the Agencies and Memorandum of Understanding between The City of Lincoln and the Friends of the Library.

Facts

- Sierra College has paid only a portion of their contractual obligation required by the MOU.
- Failure of an Agency to pay its respective share of the funds for the Library as provided for in the Library Project Budget constitutes a material breach of the MOU.
- Due to budget reductions, staffing levels have been drastically reduced over the past three years.
- The MOU provides for the Library to be open to the public for not less than 64.5 hours per week.
- Weekly library hours have been reduced to 23 hours. The MOU requires a full-time credentialed librarian.
- The Interim Library Director's agreement expires on June 30, 2012.
- Weekly library hours have been reduced from 48 to 23 hours.
- As of November 2011 there was a total of \$109,023 in unpaid fines/fees and lost items.
- The Friends of the Lincoln Library have been essential in maintaining the present level of services at the Library. They have provided \$33,982 for Library programs in the year 2011. They also provide volunteer staff members for the Library.

Findings

- F1 The Agencies have been attempting, without success, to define the minimal level of core services necessary for the operation of the Library.
- F2 Library hours of operation do not meet the requirement of the MOU.
- F3 Sierra College has failed to pay its full portion of operating expenses for the year 2010-2011.
- F4 Sierra College is obligated to repay a loan of \$747,823 to the City of Lincoln by June 30, 2013.

- F5 The Joint Use Cooperative Agreement with the Agencies assumes the eventual construction of a WPUSD high school and a Sierra College campus at the Library site.

Conclusion

Closure of the Library would place a financial burden on the taxpayers of the City of Lincoln and its taxpayers.

The needs of the community are not being met by the Library due to reduced staffing and shortened hours.

Current economic conditions make it unlikely that the projected high school and college campuses will be built at the Library site in the foreseeable future.

Recommendations

The Grand Jury recommends:

- R1 That Sierra College immediately pay the City of Lincoln its respective share of operating expenses for the Library.
- R2 That the City of Lincoln immediately create an operating budget and itemized revenue and expense report as required by the MOU.
- R3 That the Library immediately put in place a comprehensive plan for collecting fines, fees and charges for lost items.
- R4 That a new MOU properly reflecting the current and future use of the Library site be created by the Agencies.
- R5 That the Library develop a plan to increase hours to better match the community needs.

Request for Responses

Jim Estep, City Manager City of Lincoln 600 Sixth Street Lincoln, CA 95648	#R2, R3, R4, R5	Due October 1, 2012
William Duncan, President Sierra College 5000 Rocklin Road Rocklin, Ca 95677	# R1, R4	Due October 1, 2012
Scott Leaman District Superintendent WPUSD District Office 600 Sixth Street, Suite 400 Lincoln, Ca 95648	# R4	Due October 1, 2012
Jon Torkelson, Director Twelve Bridges Library 485 Twelve Bridges Drive Lincoln, CA 95648	#R2, R5	Due October 1, 2012

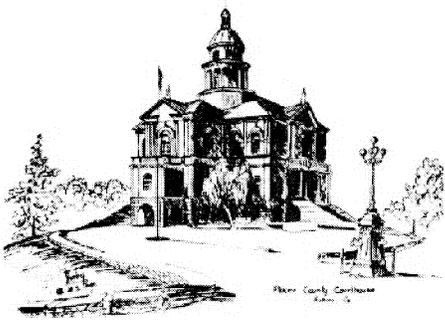
Copy Sent To:

Lincoln City Council
600 Sixth Street
Lincoln, CA 95648

Placer County Board of Supervisors
175 Fulweiler Ave.
Auburn, CA 95603

L. George, Director Placer County Library
350 Nevada Street
Auburn, CA 95603

**Holding Inspection
Inspection**



PLACER COUNTY GRAND JURY

Annual Inspections of the Holding Facilities in Placer County

Annual Inspections of the Holding Facilities In Placer County

Summary

The 2011-2012 Placer County Grand Jury conducted California Penal Code mandated inspections of all holding facilities in Placer County. The Grand Jury has concluded that the overall operations of the holding facilities within Placer County, with the exception of the Sheriff's Office Burton Creek Substation, are conducted in accordance with California law and the policies and procedures of the agencies which operate them. Further, the Grand Jury finds that the inspected facilities are clean, organized and as well maintained as fiscal constraints allow.

Background

California Penal Code Section 919 (b) states: "The grand jury shall inquire into the condition and management of the public prisons within the county."

Investigation Methods

The 2011-2012 Grand Jury:

- Physically inspected all holding facilities within Placer County, including areas for booking, inmate housing, food preparation and handling, as well as for general maintenance, security and general cleanliness of the facilities.
- Interviewed both male and female inmates.
- Interviewed corrections personnel, both sworn and non-sworn, at all levels of rank, responsible for the conduct of corrections operations.
- Interviewed various City and County officials regarding their facilities.

- Requested and reviewed policy and procedure manuals for the operations of the inspected facilities. Reviewed documents relative to the various holding facilities. Requested information on inmate grievances and serious incident reports, and reviewed those that were provided.

Facts

Lincoln Police Department Holding Facility

The Lincoln Police Department has a temporary holding facility which it does not use. All suspects are transported directly to the Placer County Main Jail or the Juvenile Detention Facility in Auburn. Therefore, no inspection was conducted.

Roseville Police Department Holding Facility

The Roseville Police Department has a Type 1 holding facility authorized to hold inmates up to 96 hours. The facility was inspected on October 27, 2011, and was found to be clean and well-maintained. Corrections staff are civilian, and receive periodic training for their jobs. Those staff members interviewed were enthusiastic with regard to their duties and responsibilities.

The jail is closed between 7:00 a.m. and 11:00 a.m., due to staffing constraints and a low volume of bookings. Prisoners arrested during this time frame are transported directly to the Placer County Sheriff's Department Main Jail or the Juvenile Detention Facility in Auburn.

The Department uses a revenue generating Sentenced Prisoner Program which allows inmates to serve reduced sentence time at a cost to the inmate of \$60.00 per night. The stated reason for this practice is to allow employed inmates to retain their employment. The Department also uses a revenue-generating program allowing a third party vendor to place fourteen (14) bail bond advertisement boards in the holding facility.

On June 8, 2010 the Roseville City Council, during a budget workshop made a policy decision to close the Roseville jail facility upon the opening of the South Placer County

Adult Corrections Facility in Roseville. The Council ratified that decision by officially adopting the Fiscal Year 2011 budget on June 26, 2010.

Rocklin Police Department Holding Facility

The Rocklin Police Department has a temporary holding facility authorized to hold inmates up to twenty-four (24) hours. The facility was inspected on October 24, 2011. This facility was, completed in 2006, and was found to be clean and well maintained. Inmates are supervised by on-duty police department personnel. No inmates remain in this facility longer than six (6) hours. Prisoners are transported to the Placer County Sheriff's Department Main Jail or the Juvenile Detention Facility in Auburn.

Auburn Police Department Holding Facility

The Auburn Police Department holding facility is not classified by the California Corrections Standards Authority (CSA). This facility operates as a *de facto* Lockup which is a locked room or secure enclosure under the control of a peace officer or custodial officer primarily for the temporary confinement of those recently arrested. It was inspected on October 19, 2011. This facility was found to be clean and well-maintained. It does not have a holding cell.

There is no corrections staff so prisoners are supervised by on-duty police and dispatch personnel with the assistance of a video camera and monitor located in the dispatch center. Prisoners are restrained with handcuffs and/or plastic strips or with two (2) metal restraints attached to a wall with a seat for the inmate to sit. Prisoners are escorted to bathroom facilities. Prisoners are transported to Placer County Sheriff's Department Main Jail or the Juvenile Detention Facility in Auburn. Prisoners do not stay at this facility longer than four (4) hours.

Auburn Historic Courthouse Holding Facility

The Auburn Historic Courthouse holding facility is classified as a Court Holding Facility used to hold inmates for a court appearance not more than twelve (12) hours. This facility was inspected on October 12, 2011. This historic building was found to be clean and generally well maintained. Inmates are detained only for the purpose of court appearance and do not stay overnight or weekends.

There is one “blind spot” preventing control room personnel from observing the inmates in the hallway outside the holding cells.

Bill Santucci Justice Center Courthouse Holding Facility

The Santucci Facility is classified as a Court Holding Facility used to hold inmates for up to 12 hours for a court appearance. This facility was inspected on October 21, 2011 and found to be state-of-the-art, clean and well-maintained. Inmates do not stay overnight or on the weekends. Sheriff’s Office personnel interviewed were well-informed and answered questions quickly and enthusiastically.

Sheriff’s Office Tahoe Substation at Burton Creek, Tahoe City

The Burton Creek Substation is classified as a Type 1 holding facility authorized to hold inmates up to 96 hours but operates as a *de facto* Court Holding Facility capable of holding inmates up to twelve (12) hours – no prisoners remain overnight. It was inspected on October 26, 2011. The facility appeared as clean as its advanced age and design will permit.

This building was constructed prior to the 1960 Winter Olympics in nearby Squaw Valley and includes the courthouse as well as the Sheriff’s holding facility. Staff at the facility indicated the building does not meet either the Americans with Disabilities Act (ADA) or seismic standards. According to the website for the Administrative Office of the Courts (AOC), “The current courthouse does not meet modern operational and security requirements. The building is not up to current seismic standards.” There is no elevator to the second floor, which contains the Emergency Operations Center, so the building does not meet current ADA standards. Although the 2010-2011 Grand Jury recommended that the sprinkling system for fire suppression be extended to the entire building, it has yet to be completed.

For at least seventeen (17) years, Placer County Grand Juries have recommended replacement of the Sheriff’s Substation at Burton Creek, North Lake Tahoe, because of its age and its failure to meet current standards. Because it does not meet safety standards, it is potentially dangerous to staff, prisoners and the public.

According to the Placer County Sheriff's website, "The Tahoe Station is slotted for 48 positions and commanded by a Sheriff's Captain. At the time of this report staffing includes 1 field operations lieutenant, 18 patrol deputy positions, 6 patrol sergeants, 4 detectives, 1 detective sergeant, 1 problem-oriented deputy (neighborhood disputes and Placer County code violations), 1 administrative sergeant, 2 jail deputies, 1 evidence technician, 2 community services officers and 5 professional staff." That is a current staff of forty-two (42), clearly indicating that Placer County supports a sizeable staff in that Substation.

Previous reasons for not replacing the Burton Creek facility were based on fiscal constraints. Now, interagency coordination between the County of Placer and the AOC is the new stumbling block.

According to its website, the AOC has plans to replace the court facility, which is a portion of the existing building. However, replacement of the courthouse portion is not projected to be completed earlier than 2015.

Response from the County Executive Officer (CEO) to the Final Report of the 2010-2011 Grand Jury indicated recognition of the need for replacement, but expressed the County's interest in a cooperative project with the AOC for a multi-use, co-located facility, similar in concept to the Santucci Justice Center Court and jail holding complex. According to the CEO, there is no agreement of any sort between the County and AOC for such a multi-use, co-located facility.

Included in that published response was information regarding an allocation of approximately \$2.7 million in the Capital Improvement Projects portion of the 2011-2012 budget, which the County CEO indicated would be used, in part, on the initial work replacing the substation. However, no information has been provided to the 2011-12 Grand Jury which would indicate the County has expended any of this allocation for any purpose related to the replacement of this facility.

Placer County Jail – Auburn

The Placer County Jail includes both the main jail and minimum security jail. The facility is a Type II jail authorized to hold inmates pending arraignment, during trial, and upon sentencing. The facility was inspected on September 8, 2011. The main jail is

substantially more modern than the nearby minimum security facility (World War II barracks), but as a whole the Placer County Jail is clean and well maintained.

Sheriff's Office personnel contacted during the inspection were knowledgeable and exhibited pride in their facility. Medical services are contracted.

Kitchen facilities are operated by the Sheriff's Office personnel, contract civilians and inmates. Kitchen staff indicates that storage space for nonperishable goods is limited and it is possible greater monetary savings and efficiency could be achieved by the availability of more storage capacity to allow for buying in larger quantity.

Findings

F1 Roseville Police Department

The Roseville Police Department holding facility is currently underutilized as evidenced by its closure in the morning, a low prisoner population (except for the Sentenced Prisoner Program), and the fact that almost all prisoners are transported immediately to the Sheriff's Office Auburn Jail or Placer County Juvenile Detention Facility.

F2 Rocklin Police Department

The Rocklin Police Department holding facility is currently under utilized as evidenced by the facts that they have no corrections personnel, no over-night inmates, and nearly all prisoners are taken to the Placer County Jail or Juvenile Detention Facility in Auburn within six (6) hours of arrest.

F3 Auburn Historic Courthouse Holding Facility

The "blind spot" in the hallway between the control room and the holding cell prevents corrections personnel from observing inmates and represents a safety issue for both corrections personnel and inmates.

F4 Sheriff's Office Tahoe Substation at Burton Creek, Tahoe City

Based on a 17-year history of inaction and a clear and well documented lack of progress, there seems to be a lack of motivation on the part of Placer County officials, at all levels, to replace this facility. With a staff of 42 officers and/or employees, it is clear the Sheriff's Substation at Burton Creek has a meaningful complement of personnel, and an adequate facility is required. The Board of Supervisors intransigence with regard to building a new facility indicates neglect.

The County's current position, as stated in the CEO's response dated June 15, 2011, is to simply wait for the AOC to move on this issue and to hope AOC will consider Placer County's needs. This approach is not acceptable. The County has simply replaced its previous excuse for not moving on the Burton Creek issue – money - with a new excuse – bureaucracy.

Failure to take an active approach to acquiring a new facility is both administratively and operationally negligent and displays a level of nonfeasance among county leadership.

F5 There is a potential cost savings at the Auburn jail if sufficient storage could be arranged to allow for volume purchasing.

Conclusion

The Grand Jury concludes that the holding facilities within Placer County, with the exception of the Sheriff's Office Burton Creek Substation, operate in accordance with California law and the policies and procedures of the agencies which operate them. The Grand Jury makes the following recommendations for improvement.

Recommendations

R1 The City of Roseville monitor the status of the South Placer County Adult Corrections Facility and execute its plan to close the Roseville Police Department jail upon the opening of the County Facility.

- R2** The Rocklin City Council authorize the study and development of a space utilization plan for the Police Department in the likely event that the Placer County Sheriff's Department will be able to directly accept Rocklin Police Department prisoners at the nearby Santucci Justice Center.
- R3** The Placer County Sheriff coordinates with the Administrative Office of the Courts to install a convex mirror in the holding facility at the end of the hallway between the control room and the holding cells at the Auburn Historical Courthouse Court Holding Facility.
- R4** The Placer County Board of Supervisors should replace the Sheriff's Substation at Burton Creek. After seventeen (17) years of inaction on the part of the Board of Supervisors, it is time for the Board of Supervisors to act.

The Placer County Board of Supervisors should either:

1. Actively seek a written agreement with the AOC on the co-location of these services in consideration of the potential monetary savings and convenience realized if a multi-use, co-located facility can be arranged.
- or:
2. Make it a priority to develop and execute a unilateral plan of action for the replacement of the current facility with a stand-alone Sheriff's Office Substation facility.
- R5** The Sheriff should study the possibility of savings which could be realized by additional storage space for non-perishable foods bought in bulk.

Request for Responses

Mr. Ray Kerridge, City Manager City of Roseville 311 Vernon Street Roseville, Ca 95678	#R1	Due October 1, 2012
Daniel Hahn, Chief of Police Roseville Police Department 1501 Junction Blvd. Roseville, CA 95678	#R1	Due October 1, 2012
Mr. Ricky Horst, City Manager City of Rocklin 3970 Rocklin Road Rocklin, CA 95677	#R2	Due October 1, 2012
Ronald A. Lawrence, Chief of Police Rocklin Police Department 3970 Rocklin Road Rocklin, CA 95677	#R2	Due October 1, 2012
Board of Supervisors County of Placer 175 Fulweiler Ave. Auburn, CA 95603	#R3, R4, R5	Due October 1, 2012
Holly Heinzen Interim County Executive Officer 175 Fulweiler Ave. Auburn, CA 95603	#R3, R4, R5	Due October 1, 2012
Edward N. Bonner, Sheriff County of Placer 2929 Richardson Blvd. Auburn, CA 95603	#R3, R4, R5	Due September 1, 2012
Jim Durfee, Director County Facility Services 11476 C Avenue Auburn, CA 95603	#R3, R4, R5	Due October 1, 2012

COPY SENT TO:

Roseville City Council
311 Vernon Street
Roseville, CA 95678

Rocklin City Council
3970 Rocklin Road
Rocklin, CA 95677

John Ruffcorn, Chief of Police
City of Auburn Police Department
1215 Lincoln Way
Auburn, CA 95603

Auburn City Council
1225 Lincoln Way
Auburn, CA 95603

Paul Shelgren, Chief of Police
Lincoln Police Department
770 7th Street
Lincoln, CA 95648

Lincoln City Council
600 Sixth Street
Lincoln, CA 95648

**Juvenile Detention
Facility**



PLACER COUNTY GRAND JURY

Annual Inspection of the Placer County Juvenile Detention Facility

Annual Inspection of the Placer County Juvenile Detention Facility

Summary

The 2011-2012 Grand Jury inspected the Juvenile Detention Facility on October 3, 2011, and found it to be clean, well maintained, and appropriately staffed. There are web-based security cameras installed and fully functional. The medical services are provided by California Forensic Medical Group (CFMG). The services are well-organized and are trusted by the staff and minors. There are two certificated teachers and two instructional teachers.

Background

The Grand Jury is responsible for inspecting all jails, and in Placer County that includes the Juvenile Detention Facility (JDF). The JDF is defined as a county facility designed for the reception of temporary care of minors detained in accordance with California Code of Regulations, Title 15, Section 5; Welfare and Institutions Code Section 210 and Juvenile Court Law.

The Grand Jury is charged with investigating and reporting on the welfare, safety and security of the minors detained and employees working in the JDF.

Investigation Methods

Members of the Grand Jury inspected the JDF on October 3, 2011. Superintendent, Assistant Superintendent, and Director III of Alternative Education led the jury members on a tour of the facility and provided time for questions and answers.

The Grand Jury asked for and received a copy of the Procedure and Policy manual. Records of Serious Incident and Inmate Grievances were requested, but were denied to the Grand Jury due to the confidentiality of minors' records. The possibility of filing a petition under Welfare and Institutions Code (WIC) § 827 was explored with the office of the Placer County District Attorney. The process for filing such a petition is too cumbersome and time-consuming for the 2011-2012 Grand Jury to complete during its tenure. The District Attorney's office informed us that the Juvenile Justice/Delinquency Prevention Commission is another investigating body within the Placer County Government that looks into the facility for juveniles. That commission has access to the reports.

Facts

- The facility was clean and well maintained.
- There is appropriately trained staff for each of the positions.
- The State-recommended ratio of Probation Officers to minors is in place.
- The JDF has a capacity of 58 minors, 78 if all units are opened. There were 34 detainees on the day of the inspection.
- Currently, Unit A, Unit C and Maximum Security are in use. Unit B is unoccupied at this time and can be opened as the need arises.
- There is a fire safety plan in place and fire inspections are required annually. Fire drills occur quarterly.
- California Forensics Medical Group (CFMG) provides medical care for the minors and staff. There are medical personnel on site 12 hours per day. The closest paramedics are located at the Sutter Auburn Faith Hospital; minors are taken there if an emergency occurs.
- Placer County Office of Education provides the education program for the minors. There are two classrooms, two certificated teachers, and two instructional assistants. This is appropriate for the amount of minors currently in the facility. If another teacher and classroom are needed they will be provided.
- The kitchen area is clean and well maintained. Meals are prepared and transported from the Placer County Main Jail kitchen and served to the minors on disposable plates, with disposable utensils.
- There is a suicide prevention plan in place. All minors are monitored to see if they have suicidal indications and/or have expressed suicidal thoughts.
- There are service programs to assist the minors:
 - TPS – Teaching Pro-Social Skills;
 - ARP – Adolescence Recovery Program – Drug Program;
 - Access to mentors and chaplains as requested.
- A point system is in place for the minors who earn privileges for good behavior.

Findings

- F1 The Grand Jury found the facility to be clean, organized, and well maintained with the exception of graffiti on the floors of the minors' cells, which was quite extensive.
- F2 The Grand Jury is unable to secure the Serious Incident and Grievance Reports since they relate to minors. This inhibited our investigation and leaves open the question of grievances minor inmates may have.

- F3 The lack of the Grand Jury's ability to review Serious Incident and Grievance Reports is a serious barrier to our mandated investigation.

Recommendations

- R1 The Grand Jury recommends painting over the graffiti quarterly instead of annually.
- R2 The Grand Jury recommends that the Juvenile Justice/Delinquency Prevention Commission be made aware of the Grand Jury's mandate to investigate, and that they provide a summary of incidents and grievances dealing with the Juvenile Delinquency Facility, as appropriate.
- R3 The Board of Supervisors and Chief Probation Officer seek to amend WIC § 827 to include the Grand Jury.

Request for Responses

Marshall Hopper, Chief Probation Officer
Placer County Probation Department
DeWitt Center
2929 Richardson Drive
Auburn, CA 95603

#R1, R3

Due October 1, 2012

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

#R2, R3

Due September 1, 2012

Jim Durfee, Director
Department of Facility Services
11476 C Avenue
Auburn, CA 95603

#R1

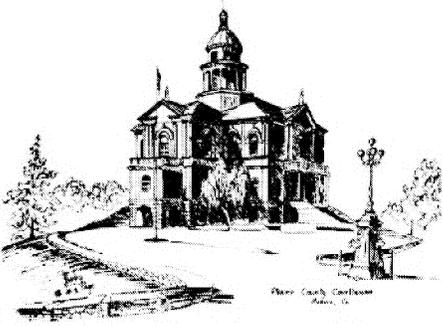
Due October 1, 2012

Copy Sent To:

Jeffery Cann, Superintendent
Placer County Juvenile Detention Center
11260 B Avenue
DeWitt Center
Auburn, CA 95603

Sam Stodolski – Chair
Juvenile Justice/Delinquency Prevention
Commission
PO Box 1684
Loomis, CA 95650

Gayle Garbolino-Mojica
County Superintendent of Schools
Placer County Office of Education
360 Nevada Street
Auburn, CA 95603



PLACER COUNTY GRAND JURY

Taking Care of Placer County Veterans Today and Tomorrow

Taking Care of Placer County Veterans Today and Tomorrow

Summary

As Veterans from Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) in Afghanistan begin to return to their homes and join their already-returned-home Comrades-In-Arms from WWII, the Cold War, Korea, Viet Nam, the Persian Gulf War and numerous other conflicts, the legal and moral responsibility to care for and tend to the welfare of these selfless Americans has become increasingly important to the American – and Placer County - public.

Because of the success of the Placer County Veterans Service Office in assisting veterans to receive benefits, the Grand Jury recommends the Board of Supervisors increase staff and funding.

Background

Although the U.S. Veterans Administration (VA) at the federal level (<http://www.va.gov/>), and the California Department of Veterans Affairs (CDVA) at the state level (<http://www.calvet.ca.gov/>) provide varying levels of valuable assistance, including monetary benefits, medical care, cemetery benefits, political support, and enabling legislation for Veterans, the preponderance of the day-to-day, personal, assistance, counseling, guidance and direction is done in Placer County by the Placer County Veterans Service Office (VSO) (<http://www.placer.ca.gov/Departments/Veteran.aspx>). There are only four (4) federal VA offices in California but over 100+ County Veteran Service Offices in California. Over 65% of California veterans live outside a federal VA office service area.

Section 970 of the California Military and Veterans Code (CM&VC) reads, in part:

a) The board of supervisors of each county may, but is not required to, appoint, prescribe the qualifications of, and fix the compensation of an officer to be titled “county veterans service officer.” ***The appointee shall be a veteran.*** (Emphasis added.)

b) It shall be the duty of the county veterans service officer to administer the aid provided for in this chapter, to investigate all claims, applications, or requests for aid made pursuant to the terms of this chapter, and to perform any other veteran related services as requested by the county board of supervisors.

Investigation Methods

The 2011-2012 Grand Jury:

Interviewed the Veterans Service Officer as well as other full-time, part-time, volunteer, and adjunct personnel within the VSO.

Reviewed the following:

- a. California Military and Veterans Code sections 970-974.5
- b. California Department of Veterans Affairs (Veterans Service Division) Semi-Annual Workload Reports from January 2010 to December 2011 (four (4) separate reports)
- c. California Association of County Veterans Service Officers, Inc., 2010 Annual Report (latest available)
- d. 2010 Placer County Veterans Service Office Annual Report (latest available)
- e. Economic Impacts of Benefit Payments to Veterans in California dated March 30, 2011.
- f. California Veteran’s Resource Book 2011

Inspected the Placer County Veterans Service Office on January 11, 2012

Facts

- In accordance with CM&VC 970 (a) the Placer County Board of Supervisors has established a Veteran's Service Office.
- In accordance with CM&VC 970 (a) the Placer County Veterans Service Officer is a veteran.
- According to the 2010 Placer County Veterans Service Office Annual Report, in 2009/2010 the California Department of Veterans Affairs reported to the State Department of Finance and the State Legislature that the Placer County VSO, using a \$368,827 county budget allotment, obtained \$29.2 million dollars in federal benefits for both veterans and their families
- According to the 2010 Placer County Veterans Service Office Annual Report in 2010/11 the principle funding of the Placer County VSO was from the County general fund, \$381,554 (79%). State of California funding was \$85,000 (17%), Medi-Cal \$12,000 (2%), and the VSO program (Veterans License Plates) \$12,000 (2%).
- According to the 2010 Placer County Veterans Service Office Annual Report since FY05/06 the amount of non-county revenue, number of claims filed, number of awards granted, and the annualized value of awards obtained has increased.
- According to the California Association of County Veterans Service Officer (2010) Annual Report, of the fifty-five (55) participating counties in California with VSOs, Placer County exceeds all counties with the "Value of Monthly Benefit Payments" to veterans.
- According to the California Association of County Veterans Service Officers (2010) Annual Report, of the fifty-five (55) counties in California with VSOs, Placer County has the third highest number of "Monthly Benefit Payments" to veterans, exceeded only by Riverside and San Bernardino Counties and exceeding Los Angeles, San Diego, Alameda, and Santa Clara Counties.
- According to the "Economic Impacts of Benefit Payments to Veterans in California" report, dated March 30, 2011, prepared by Center Strategic Economic Research (CSER), "The Placer County economy benefits from a total of roughly 105 jobs, \$14.2 million of output, and \$4.9 million of employee compensation with a state and local tax impact of \$1.1 million resulting from the direct spending supported by veteran benefit payments obtained by the Placer County CVSO."

Findings

F1 The Placer County VSO is a highly productive yet modestly funded and staffed office. If “bang for the buck” is the measure of success for public agencies then the Placer County VSO speaks for Placer County Veterans like a battery of howitzers.

Conclusion

The Placer County VSO is a highly motivated, energized, dedicated, and productive, albeit modestly staffed and funded, agency. The Placer County Veterans Service Office conducts itself according to law. The veterans of Placer County, the County, and the taxpayers are well-served by this office.

Recommendations

The Grand Jury recommends:

R1 That in anticipation of a significant increase in the number of returning veterans, the Board of Supervisors should give special attention to this small yet exceedingly productive part of county government and increase both staffing and budget for the VSO, not forgetting that “A Veteran is someone who at one point in his life wrote a blank check made payable to 'The US ' for an amount of 'up to and including my life” (author unknown).

Request for Responses

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

#R1

DUE OCTOBER 1, 2012

Copy Sent To:

Rick Buckman
Veterans Service Officer
1000 Sunset Blvd., Suite 115
Rocklin, CA 95765



PLACER COUNTY GRAND JURY

PLACER COUNTY FAMILY AND CHILDREN'S SERVICES

A tough job in tough times

FAMILY AND CHILDREN'S SERVICES

Summary

The 2011-2012 Placer County Grand Jury elected to look into the workings of the Family and Children's Services (FCS), commonly known as the Children's Protective Services or Children's Welfare Services (CWS). Currently this department is a Division of the Children's System of Care (CSOC) in Placer County's Health and Human Services Department (HHS).

The Grand Jury felt FCS has a heavy burden of responsibility to the children and families in Placer County, and it behooves a body such as the Grand Jury to explore the agency's handling of that responsibility during these economically difficult times. A complete analysis is not possible in the time frame available to this Grand Jury, and this report provides only a partial look at the agency.

Background

The authority for the Grand Jury to look into the operation of public agencies is mandated in Penal Code section 925 as follows:

“The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county . . .”

No complaint was received about a particular problem or procedure within FCS. The Grand Jury decided to look at the statistics on complaints and caseloads, methods of decision-making and the effect of fiscal constraints on the agency.

Due to confidentiality limitations regarding accessing records and data, this report does not address any particular events. It is intended to look at some statistics and discern some measure of the agency's ability to respond.

Investigation Methods

The Grand Jury asked FCS to supply statistical reports on the number of contacts to the agency, the number of resulting investigations and the disposition of those investigations. We also looked at the availability of foster homes or other facilities for placement of children.

Several officials and caseworkers were interviewed.

Documents supplied by the agency, and reviewed by the committee included:

- Child fatality/near fatality report to the State
- List of Full-Time CSP staff in CWS
- University of California Berkeley baseline report for comparisons of past results
- CWS Call logs for 4th quarter of 2011
- System of Care Monthly Utilization Review Report, Oct-Dec 2011
- Current statistics on open investigation/referrals (Feb 2012)
- CSOC Monthly Managers Report - Dec 2011
- CWS Statistics as average for 2011 as well as for last 6 years.

Other documents obtained by jurors:

- California's Title IV-B Child and Family Services Plan—Federal Fiscal Year 2010-2014
- Placer County System Improvement Plan (Mar 25, 2010 - March 25,2013)

Facts

- Placer County has a unique organization within the Department of Health and Human Services (HHS), in that the Children's System of Care (CSOC) provides a complex and blended set of services for abused and at-risk children in Placer County. These services include Family and Children's Services (FCS), Children's Mental Health Services, Substance Abuse Services, Public Health, Juvenile Probation and some of the Special Education Services.

- This unique combination of services allows for a free flow of information between programs, which is helpful when a child is being provided services by more than one program. This is a net benefit to the personnel and clients. However, it also means supervisors are recruited from the entire network, and may not have sufficient experience in the program.
- CSOC has approximately 155 full time employees (reduced from 225 due to budget constraints), a small number of extra help, and several partnerships with public agencies and non-profit agencies. CSOC serves between 3000 and 4000 children per year. FCS is a component of this agency.
- FCS has approximately 27-30 full time employees. The caseworkers are all educated at the Masters level. Several hold counselor or therapist licenses. The workload is divided into two sections: the Emergency Response Team receives new cases for investigation and the "ongoing" caseworkers handle the case if a child has been removed from the home.
- An analysis of the call log supplied by the agency, which reflects calls to FCS for the 4th quarter of 2011, indicated a total of 1312 calls were received. Of those, 743 calls were "evaluated out" - meaning they were not reporting a new incident of abuse or neglect.
- The remaining 569 calls (43.3% of the total 1312 calls) were screened using the Structured Decision Making (SDM) software used by most California counties to determine if the situation required immediate investigation (within 24 hours) or investigation within 10 days.
- Of the 569 calls, 162 were deemed "immediate" and 407 were deemed "investigation needed within 10 days".
- These 569 calls were investigated and resulted in findings of: 396 cases -"unfounded" (no evidence of abuse or neglect); 69 cases -"inconclusive" (possible evidence, but not conclusive); 104 cases "substantiated" (evidence of abuse or neglect).
- There are 12 full-time staff members in the Emergency Response Investigation team; two are on leave and a third is a supervisor, leaving nine caseworkers to do investigations. There is one part-time caseworker in the Tahoe area. This

staffing level represents approximately one new case per day, per caseworker, which requires investigation.

- The "Ongoing Staff" portion has ten caseworkers; with some of them maintaining smaller caseloads because they also supervise other caseworkers. As indicated, these caseworkers continue to work with the family if the child has been removed from the home, either placed with another family member, or in a foster home or group home.
- It is important to note that each caseworker has a "rolling" caseload in addition to these new referrals, as the Emergency Response caseworker retains the case through the initial investigation and while working to stabilize the family. A plan to address the family issues and improve the family situation is developed, including referrals to programs such as anger management, drug counseling, parenting classes, conflicted parent classes, etc.
- The total amount of open cases on February 26, 2011 was 484; 228 of those were open for more than 60 days. Most of those cases, 459, were being handled by the Emergency Response caseworkers. This results in an average "rolling" caseload of 50 cases for each worker.
- With a goal of 90% or better on meeting time frames for investigations, those that were deemed "immediate" exceeded the goal at 98%. Those deemed "10 day" were at 81.6%, according to U.C. Berkeley Center for Social Services Research data. To emphasize this point, at least 3 families deemed to need immediate intervention did not receive intervention. 75% of the families needing an evaluation within ten days did not receive that intervention. Each contact can represent multiple children at risk.
- There have been two incidents during the two year period of 2010-2011, where caseworkers were terminated for either failing to take an action, or taking inappropriate action.
- There was one near fatality that was reported to the California Department of Social Services during 2011.
- The California Department of Social Services shows Placer County was supervising 313 children in out-of-home placement during October 2011. It is unfortunate that only 179 of those children were in placement inside Placer

County, while 134 were out of Placer County. This is due largely to a shortage in Placer County of licensed facilities of the appropriate type.

- Personnel interviewed were upbeat and positive about their duties and responsibilities. Most of them are feeling the pressure of a reduced work force and an increased workload. When the "workload" is the well-being of the children under your protection, this can be particularly stressful.

Findings

- F1 Personnel cuts for budgetary reasons have created heavier workloads for caseworkers and management, with a resultant decrease in response statistics for the 4th quarter of 2011.
- F2 The integrated program creates greater ability for agencies to communicate between agency programs to provide a more seamless approach to addressing the needs of families and children. The Grand Jury has a concern that cross-program supervision might make it more difficult for caseworkers to receive appropriate support from management.
- F3 Placer County children in foster care are placed in out-of-county facilities because there are not enough facilities within the county. This makes it difficult for families to work toward reunification.

Conclusion

Placer County's Family and Children's Services is doing an extraordinarily good job in very difficult times. Although there are the expected workload problems, the staff largely meets that situation with competence and professionalism. However, it would be unfortunate if the stresses were allowed to continue. Overburdening this system can have dire results with the well-being and safety of our county's children.

Recommendations

- R1 County officials at all levels should immediately seek budgetary resources to increase personnel, and significantly reduce resultant caseloads.
- R2 Senior management needs to assure that caseworkers have supervision by those who have experience in their particular program.
- R3 Board of Supervisors needs to increase funds for identifying and licensing more foster care providers within Placer County.

Request For Responses

Board of Supervisors #R1, #R3 **Due October 1, 2012**
County of Placer
175 Fulweiler Ave.
Auburn, CA 95603

Holly Heinzen #R1, #R3 **Due October 1, 2012**
Interim County Executive
Officer 175 Fulweiler Ave.
Auburn, CA 95603

Director Richard J. Burton, M.D., MPH #R1, #R2, #R3 **Due October 1, 2012**
Placer County Health
and Human Services Department
11486 B Avenue
Auburn, CA 95603

Copies Sent to:

Richard S. Knecht, M.S. Client
Services Director,
Children's System of Care
11716 Enterprise Drive
Auburn, CA 95603

2011-2012 Placer County Grand Jury

Responses to Reports

This section is used to report responses received prior to the time of publishing. No responses were received.

The responses received after publishing date will be published during the 2012-2013 term.