

The 2015-2016 Imperial County Civil Grand Jury



Final Report

<http://www.imperial.courts.ca.gov/>
Superior Court of California, County of Imperial

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2015 – 2016 Final Report

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Courthouse
P.O. Box 2011
El Centro, CA 92244

Imperial County Grand Jury

June 15, 2016

Honorable Christopher J. Plourd, Presiding Judge,
Superior Court of California in the County of Imperial
El Centro, California

Citizens of Imperial County,

Judge Plourd and Citizens of Imperial County,

In accordance with the California Penal Code, Section 933 (a), and in the name of the 2015-2016 Imperial County Civil Grand Jury, it is my privilege to submit our Final Report.

Each year, ordinary everyday citizens of this county, from many walks in life, dedicate much of their own time with the objective of fair play as the official watchdogs of the county. Many jurors spent personal time and resources in order to accomplish this goal. This panel of jurors was certainly no exception. It was my honor to have served with them. We met with many people in different places of government from the smallest agencies and the largest. It was a grand learning experience for those on the various committees and certainly for myself. I was pleased with the teamwork I encountered. I salute them for their hard work.

We appreciate the hard work of the members of the Jury Commissioner's Office, Superior Court staff, and county employees working with us. Our legal consultant was County Counsel Michael Rood for the first two months of our term, then County Counsel Katherine Turner and Assistant County Counsel Geoffrey P. Holbrook for the remainder of our term. Much is appreciated for the great legal advice received and recommendations about what we could or could not do as jurors. This year it was the 2015-2016 Grand Jury's benefit to have had two presiding judges to work with, Honorable Poli Flores Jr, Presiding Judge during the first half of our term, and Honorable Christopher J. Plourd, Presiding Judge during the second half of our term.

I take this opportunity to invite county citizens to consider becoming future Civil Grand Jury members.

Sincerely,

Gill Rapoza, Foreman,
2015-2016 Imperial County Civil Grand Jury



Superior Court of California
County of Imperial

On behalf of our judiciary, jury commissioner staff, we would like to thank and congratulate the 2015-2016 Civil Grand Jury of Imperial County for its service, commitment, and contributions in making the Grand Jury system a relevant and important part of our local government. It is community members, like the grand jurors and regular trial jurors that help us preserve the principles of democracy in action and public trust in our local government.

The many hours devoted by members of the grand jury have resulted in investigations and recommendations aimed at improving the operations and of services by the agencies audited. Each year, the Court engages in community outreach to promote jury service and ensure that community participation in this important civic duty is not simply seen as a burden or inconvenience, but as an opportunity to participate in our democratic governance process and improve our community.

Demographical data required by Rule 10.625 of the California Rules of Court, for the 2015-2016 Civil Grand Jury reflects the following representation of our community:

By Supervisorial District

District 1 = 0, District 2 = 1, District 3 = 3, District 4 = 0, District 5 = 6, Unknown= 9

Gender

Males = 8, Females = 11

Age

(18-25) = 1, (26-34) = 3, (35-44) = 1, (45-54) = 2, (55-64) = 3, (65-74) = 7, (75 & over) = 2,
Not Available = 0

Race/Ethnicity

American Indian = 0 Asian American = 2, African American = 0, Hispanic = 2,
Native Hawaiian = 0, White = 8, Not Available = 6, Other = 1

Again, many thanks to each member of the 2015-2016 Civil Grand Jury for their civic duty and for making a difference.

Sincerely yours,

Christopher J. Plourd
Presiding Judge

Tammy L. Grimm
Court Executive Officer
Jury Commissioner

**The California Penal Code Section 933.05 covers
the following areas of Civil Grand Jury activity**
(as written in the Penal Code)

(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 therefor.

(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 therefor.

(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.

The 2015-2016 Imperial County Civil Grand Jury Overview

Purpose

The 2015-2016 Imperial County Civil Grand Jury members were drawn from varied places, and walks of life within the county with the combined purpose of service and civic duty. Our duties included investigating, inquiring and reporting on county and local government entities, as well as the two state prisons within Imperial County. Some of our investigations/inquiries were routine tours as per an established matrix or by law, while others were holdover investigations suggested by a previous Civil Grand Jury. Some investigations/inquiries were suggested by members of the jury and some were from others. Anything that was considered a criminal matter was referred to the appropriate authorities. The Civil Grand Jury does not investigate criminal matters. The CGJ has a lesser-known purpose of investigating/inquiring, which is to recommend improvements of government agency operation in the areas of efficiency and/or cost savings

Authority

The Grand Jury is a judicial body of citizens comprised of nineteen (19) members. It acts as an arm of the court and has authority taken from the State Constitution, the California Penal Code, and from the Government Code of California.

History

Grand Juries were empanelled in some forms in history as far back as the beginning of Western Civilization, which included the Greeks, and later on the early British nation. The Commonwealth of Massachusetts, also known as the “Bay Colony,” began using grand juries only 15 years after colonists landed at Plymouth. Originally it was to deal with criminal matters; however the idea of an empanelled body of citizens in the judicial system was a precursor to what eventually became the modern grand jury system. Most states do not have both a civil and a criminal grand jury. California is among the few to have the former. It has been so since the early years of this state. Not all counties within this state have both civil and criminal juries as does Imperial County.

Organization

The 2015-2016 Imperial County Civil Grand Jury was made up of nineteen (19) members and up to six (6) alternate members, whose term is from July 1st through June 30th. Its officers included a foreperson, a foreperson pro tempore, a secretary, a treasurer, a sergeant-at-arms, and a chairperson for each committee. During the course of the term, members were divided into various committees and often have served on several committees. General meetings were twice monthly, and sometimes jurors met several times in a week or month for specific committee functions. No less than twelve (12) members of the Grand Jury approved all investigations/inquiries, and reports. All reports are completed, published, and become public information no later than June 30 of the Grand Jury term. The final reports are published at the Superior Court web site: <http://www.imperial.courts.ca.gov/>.

Confidentiality

All jury meetings, discussions, decisions, complaints, documents, investigations, and testimonies received are considered to be confidential, and members may not discuss these matters with others prior to publication of reports.



Honorable Poli Flores Jr
Presiding Judge
2014-2015



Honorable Christopher J. Plourd
Presiding Judge
2016-2017



Michael L. Rood
County Counsel
(Retired 2015)



Katherine Turner
County Counsel
(Began 2015)



Geoffrey P. Holbrook
Assistant County Counsel



**Analisa Cortez – Estella Munoz
Jury Commissioner Staff**



Civil Grand Jury Members 2015-2016 Term

(In the order appointed)

Rosalie Avila
Sharon Jay
Janice Barr
Fred Bryant

Gill Rapoza
David Wells
Thomas Stroud
Carol Latino

Cecelia Gastelo
Atul Kumar
Michelle Velasco

Phyllis Elijah
John "Hud" Taylor
Thomas Turner

Members not in picture:

Lisa Jimenez, Jose Morales, Cynthia Enz, Gladys Silva, Jenard Reverente, Rosa Vizcarra

Subject of Investigation:

Calipatria State Prison

Justification: California State Law mandates that the Civil Grand Jury (CGJ) will inspect all prison and jail facilities on a yearly basis.

Background: Calipatria State Prison (CAL) is operated by the California Department of Corrections and Rehabilitation. Construction was completed on CAL in late 1991, and the prison began receiving inmates in January 1992. The prison was originally designed to house 2,208 inmates, though modifications took place prior to activation so that the prison could hold nearly double that amount, over 4,000 inmates.

Overview: A committee of the CGJ inspected the prison using a checklist developed for the prison by the Grand Jury, as well as additional information requested by the committee making the tour. The check list included, but was not limited to the general safety and security of the facility, fire safety, food services, medical services, job training requirements for staff, escape procedures, law library, inmate treatment, investigations, a housing unit, and staff morale. The committee of jurors assigned to this visit toured the major areas of the prison. CAL has nearly twelve-hundred (1,200) staff members; this includes approximately 677 peace officers.

The CGJ learned that at the time of the visit, October 2015, there were approximately 3,900 inmates assigned to CAL, the greatest number are Level Four custody (highest) inmates with approximately 100 inmates at the Level One custody (lowest), which included eight (8) inmates assigned as institutional firefighters. Approximately three to four hundred of the CAL inmates are serving a sentence of life without parole (LWOP). CAL is a designated Immigration and Naturalization Service (INS) prison for inmates who are to be deported at the conclusion of their prison sentences. CAL is also a designated prison for inmates needing to be housed on a Sensitive Needs Yard (SNY), and not housed with the General Population (GP) inmates. The prison has an annual operating budget of \$145 million.

CAL provided the following as their mission statement:

The primary mission of Calipatria State Prison (CAL) is to protect the public by providing safe custody, quality health care and the appropriate supervision of sentenced offenders. In conjunction with the Mission, the institution will promote viable work assignments, vocational training, and educational opportunities for offenders in order to foster an environment in which positive changes can occur.

Prison Tour: Before the beginning of the CGJ tour of the prison, the committee met with the warden and his Administrative Assistant/Public Information Officer (AA/PIO). The warden was open and responsive to any and all questions. He invited further questions and assured the committee that all areas were open to inspection and that questions may be asked about any of the areas. The warden advised that while CAL has had some serious riots, numerous in some years, this calendar year has not been as bad as most, with two actual riots to date. He attributed that to better program techniques and well trained staff who are able to handle difficulties.

The areas the CGJ committee chose to visit were the administration building, the perimeter, the prison Outpatient Housing Unit (health care), an inmate housing facility (also called a yard), educational classrooms, a satellite kitchen building, vocational training and a housing unit. The tour was primarily led by the AA/PIO. One of the facility lieutenants assisted the jury while visiting his yard.

- **Administration Building** – this building was clean and well kept. It contained the offices for the administrative staff, staff In Service training rooms, a prison snack bar for staff and visitors, prison records department, and office space for staff to keep the prison in compliance with American Correctional Association (ACA) personnel, and their business office. It was noted that complete inmate records are still kept by the prison, but are now in electronic format.
- **Prison Perimeter** – the perimeter of the main part of the prison is protected by two layers of tall chain linked fencing, topped by concertina wire. Between the layers of fencing is a third fence, the lethal fence, which is electrically charged at all times as a strong deterrent for escape attempts. It should be noted that each inmate facility also has its own tall fencing to keep inmates contained within them. CAL has twelve armed towers on the perimeter, but normally only two are used due to the electrified fence.
- **Outpatient Housing Unit** – the health care building, located at the center of the prison, is designed to meet all of the medical needs of inmates. It has short term housing for inmates that need medical attention not available on the facilities. It contains a complete pharmacy, a two bed emergency room, negative pressure rooms for air-borne contagious inmate patients, a complete x-ray unit, and rooms for examining inmates by both medical staff that work at the prison and contract medical staff who are brought in to treat the inmates. Staff treat inmates with dental problems and possible mental health issues. In general, it is similar to a small hospital. Jury members who had toured the prison previously noted there were many more medical related staff members than had been seen in other years. Pioneers Memorial Hospital (PMH) and CAL have jointly worked out a plan using a secure modular facility at PMH, which reduces medical costs. There is also a TeleMed program where inmates can be seen by medical staff outside of the prison electronically. This can reduce transportation costs and keep a better security by not needing to transport inmates outside of the institution as often for medical needs.
- **Inmate Housing Facility** – the inmate facility the jury elected to visit was operational and there were inmates on the recreation yard at the time. Each of the four main facilities has five housing units, and up to two hundred inmates, with a total of up to a thousand inmates per facility. Correctional staff on the facilities have equipment to deal with adverse situations including batons and pepper spray. There is also an observation officer posted above the inmates that is equipped with other gear including lethal and less lethal weapons. Each facility also has educational classrooms, a satellite kitchen, and a vocational training area.
 - **Educational Classrooms** – the state mandates that inmates are provided with educational opportunities while incarcerated. For some this includes a basic Graduate Equivalency Diploma (GED) for those who did not complete high school. Adult Basic Education is offered, and there are joint programs with local colleges such as Imperial Valley College (IVC) and University of California San Diego (UCSD) so that willing inmates may obtain a degree. The prison provides four televised education program channels, plus there is volunteer literacy/peer tutor program.
 - **Satellite Kitchen** – each kitchen is equipped to provide two hot meals a day, morning and evening, plus a bag lunch, for all inmates on the facility. It takes approximately two hours to serve each meal for inmates. Inmates participate in the food services under the control of a staff cook and a correctional officer. The food for inmates is prepared in a Central Kitchen, quick chilled, then heated three days later at the Satellite Kitchens. The Central Kitchen was not toured during this visit but jury members were advised that it resembled the large kitchens used by the military. A state nutritionist/dietician determines what food is to be prepared and served. Varied meals are provided for inmates on medical diets such as those with diabetes, those on religious diets, and vegetarians.

- **Prison Canteen** – each facility has a canteen where inmates may purchase extra items such as snacks, personal hygiene items, or other goods permitted at the prison. There is a limit as to how much an inmate may buy each month determined by both the money they have on the books and maximum amounts based on prison policy.
- **Law Library** – inmates have access to a law library to do legal research on their cases as well as for other matters. There is also a general library for inmates on the facilities.
- **Vocational Training** – each facility has a vocational training area for inmates to learn skills in areas such as carpentry, heating ventilation and air conditioning, electrical, electronics, computer literacy, auto repair, plus auto body and paint. Vocational programs are certified by the National Center for Construction Education & Research (NCCER). The vocational area is a part of the facility, but is away from the recreational yard and the housing units.
 - During this tour the jury committee observed the computer lab up close. The computer equipment was modern and up to date and so were the computer programs. The computer instructor showed the daily quizzes she gave inmates. They appeared to be good and very informative for this computer age.
 - The new auto repair shop is a great improvement over the previous one. There are complete modern front and backs of cars that had been provided to the prison for training inmates in skills they needed in life after prison. There was diagnostic equipment that looked like the same types used at car dealerships and large auto repair shops.
 - The auto body paint shop was not operational on the day of the jury visit. It was awaiting remodeling and more equipment.
- **Housing Unit** – each regular housing unit has fifty cells on each of the two tiers with up to two inmates per cell. It was estimated by jury staff that a cell is approximately twelve by six feet. They are self contained and secured. There are six showers per housing unit with inmates being permitted to take showers once every three days, and more if they work or are in vocational training. Some inmates had visible canteen items in their cells. Some had personal TV's or radios. There are three correctional officers assigned to each housing unit. Two are on the floor with the inmates and one is in the control booth that opens and closes all of the doors. All carry equipment to deal with possible emergencies.

Additional Information:

- **Training** – Peace Officers are required to attend a 16-week Correctional Peace Officer Academy prior to beginning work at CAL. All staff are provided with at least 32 to 40 hours of annual In Service Training (IST). Almost all IST is provided to staff by other staff who are trained in the needed areas. Some of the training includes prison security, escape prevention, First Aid/CPR, and working with inmates with mental or physical disabilities. On the Job Training (OJT) is also provided at the work sites.
- **Security** – CAL has very good security in general. Previous civil grand jury committees recommended that CAL acquire trained dogs for drug detection and deterrent. CAL now has such dogs which the jury members see as an improvement. There had been a problem with inmates with cell phones. There are presently cell phone blockers in place to stop inmates from using them to make unmonitored phone calls to those outside the prison and to each other. This has been a problem in most prisons nationwide. For inmates who commit more crimes or have particular safety or security needs they may be placed in the Administrative Security Unit (ASU). While all staff have responsibilities for the safety and security of the prison, there is also an Investigations Security Unit (ISU) that is responsible for investigating crimes and serious incidents within the prison. There is a particular challenge for CAL and most state

prisons with the recent release of many validated, some high ranking, gang members from Security Housing Units (SHU) to the mainlines. Mainlines are the areas most inmates are housed.

- **Other –**

- CAL participates in community outreach programs. These include Angel Tree for the Salvation Army, Tootsie Tree for Grace Smith School, ADOPT a Family for the Center for Family Solutions, and Human Society Drive. CAL has adopted the Brawley Convalescent Home, including providing them with things for Christmas such as blankets, clothing and hygiene items. This past fiscal year the Inmate Leisure Time Activity Groups donated a total of \$40,500 to local non-profit organizations; \$23,500 from inmate AA/NA groups and \$17,000 from Calipatria Incarcerated Veterans Group.
- The CGJ found that in general, staff members were very willing to speak with and greet jurors. All were civil and polite.
- Some of the CGJ committee members spoke freely with several inmates, identifying the purpose of the visit. None spoke ill of their circumstances. Some were pleased with the vocations training they were receiving.

Conclusion: It was determined by CGJ committee members that CAL is a well-run prison with no major issues discovered. The committee enjoyed the fact that many staff were very willing to speak with us. Based on what we have seen, there is a surprising amount of medical treatment available to inmates in prison.

Findings:

- F1** CAL, like other state prisons, may be impacted by the court ordered release of validated gang inmates to the mainlines from the more secure SHU. Previous California prison history shows many gang related crimes take place when higher ranking gang members are on the mainlines.
- F2** The vocations training inmates receive looks to have practical applications for when inmates are eventually released.

Recommendations:

- R1** It is recommended that the prison attempts to increase the number of staff that are assigned to track gang members and their activities.
- R2** It is recommended that CAL continue to expand the useful vocational programs in place, including finishing the auto paint shop overhaul.

Response Required: No response is required as Calipatria State Prison is a part of a state agency.

Subject of Investigation:

Centinela State Prison

Justification: California State Law Penal Code Section 919 (b) mandates that the Civil Grand Jury (CGJ) shall inquire into the condition and management of the public prisons within the county.

Background: Centinela State Prison (CEN) is operated by the California Department of Corrections and Rehabilitation. The prison was opened in October 1993, and the prison began receiving inmates immediately thereafter. The prison was originally designed to house 2,208, and has held more than double that amount, over 5,100 inmates. Currently there are approximately 3,200 in the inmate population.

Overview: A committee of the Imperial County Civil Grand Jury conducted an inspection of the prison facilities in November 2015. The CGJ was greeted by the Community Resource Manager (CRM) and the Administrative Assistant/Public Information Officer (AA/PIO) lieutenant. The CRM and the AA/PIO were professional, accommodating, and open to CGJ questions and requests for information concerning CEN. The CGJ committee was encouraged to visit any department or to observe any activity taking place during the inspection.

The CGJ learned that at the time of the visit, November 3, 2015, one of the CEN facilities, Facility B, is being converted to a Level 4 facility. CEN has had three Level 3 facilities and a Level 4 facility. This would change it to two each. This was being done in order to accommodate the influx of Level 4 prisoners. Facility B shower doors are to being converted from the current partial doors to metal, full sized, lockable doors. Additionally, work was planned to construct a support fence for additional security. The yard program would be cancelled during the days the fence is being worked on. Once the facility receives the Level 4 inmates, the Level 4 program would commence. Last year's CGJ report indicated that there was an ongoing plan to return the facility to no higher than a Level 3. However, this current report recognizes the new facility level changes.

Tour: The CGJ committee visited with the officers working in the investigations unit of the prison. It was observed that there are very few investigators considering the size of the prison and that many more validated gang members were placed on the prison mainline due to court orders. They expressed frustration about being understaffed. Their work load has increased significantly with no additional officers to shoulder the load.

The CGJ inspected the visitation facility associated with Facility B and its yard. Passing by the visitation area we met two K-9 unit officers and their dogs. We spoke with them briefly asking them about their duties. The committee also asked them if the visitation areas were inspected during visiting hours. They replied that although it has not been approved yet, they agreed that inmate drug possession and drug usage would decrease if this inspection were allowed during visiting hours.

The CGJ also inspected Facility B, including the kitchen, serving and eating area, a housing unit, and a gym facility.

- The kitchen provides three meals per day for the inmates in Facility B. Each inmate are provided with two hot meals and one bag lunch. Food is not cooked in the facility kitchen. All cooking is done in the central kitchen, then distributed daily to each facility. However, each facility is responsible for the heating and serving the correct portions to each inmate. The dining area is consistent with the standard of all CEN facility kitchen/eating area combinations.

- The CGJ committee inspected a housing unit in Facility B. It consists of 100 two person cells and six shower facilities.

There are three shower facilities on the top floor and three on the bottom floor. There are three correctional officers per unit in the prison; two on the floor with the inmates and one in the control booth officer that opens and closes all of the doors.

Education: Education operations were observed in progress. Classroom teachers are all credentialed by the State of California. Inmate grade levels are assessed upon entry and inmates are expected to attain at least a sixth grade level. Graduate Equivalency Diploma (GED) certificates are offered to those who have not completed high school. Inmates are also offered the opportunity to earn college degrees. The officer assisting with the educational portion of the tour pointed out that the substance abuse program offered to inmates at the facility has a high success rate.

Medical Care: The prison includes an Outpatient Housing Unit (OHU) for inmates needing emergency or short term medical care. Inmates requiring long term care are transferred to prisons better equipped to handle long term medical needs. The medical treatment includes accredited health care doctors, nurses, a dentist, a dental technician, psychological techs, and six contracted psychiatrists. Physicians utilize a Tele-Med system to assist in diagnosis and treatment. There are times when inmates need to be transported to Pioneers Memorial Hospital (PMH). There is an on-grounds medical transport vehicle for prison use only.

Other: Toward the end of the prison tour, the CGJ committee was able to have an informal question and answer session with the Warden. He answered questions freely as they were asked. The committee did not speak with any inmates other than simple greetings. No issues with inmates were observed. The prison supports the local community through donations, when appropriate needs are identified. CEN considers itself a partner in local law enforcement and community endeavors.

Conclusion: CGJ members determined that CEN appears to be a well run prison. CEN staff were very willing to answer questions with no difficulties. The general climate of the institution came across as being positive.

Findings:

F1 The prison investigations unit is anticipating an increased work load as high ranking gang members are being released into the general population from the more secure Security Housing Units (SHU) which may result in more gang violence throughout the whole facility.

F2 Some walkways/tracks on all yards are in dire need of repaving.

Recommendations:

R1 It is recommended that the investigations unit receive additional personnel to facilitate timely completion of their cases.

R2 Contingent on funding, it is highly recommended that the walkway/running tracks on all yards be repaved. No plan is in place to resurface them at this time.

Response Required: No response is required as Centinela State Prison is a part of a state agency.

Subject of Investigation:

Imperial County Jail

Justification: California State Law mandates that the Civil Grand Jury (CGJ) will inspect all prisons and jail facilities on a yearly basis.

Background: The Corrections Division of the Imperial County's Sheriff's Office (ICSO) operates the jail. There are one hundred and twenty-one (121) employees, sixteen (16) which are female. These employees work at the two (2) facilities adjoining the main ICSO building. The jail consists of two main sections, the Herbert Hughes Correctional Center (HHCC) which was built in the 1960's and the Regional Adult Detention Facility (RADF) built in the 1970's.

The Herbert Hughes Correctional Center (HHCC) houses up to 324 male inmates. In 1989, two (2) dormitories and a multipurpose room were added to the facility. The dormitories are divided into six (6) separate dormitories. This facility houses the sentenced, non-sentenced county and federal inmates.

The Regional Adult Detention Facility (RADF) was constructed in the late 1970's and houses up to 288 inmates, both male and female. Both sentenced and non-sentenced county, state, and federal inmates are housed there. There are twelve (12) separate modules consisting of ten (10) to twenty (20) cells per module. These modules are also known as pods. There are a total of 612 beds to house the inmates. The facility includes housing for general population, special needs, administrative segregation, and high risk inmates. There is also a medical treatment center at RADF.

Tour: A committee of the Civil Grand Jury inspected the jail using a checklist recommended by previous Civil Grand Juries, as well as additional information requested by the committee. The checklist included, but was not limited to, the general safety and security of the facility, food services, medical services, job requirements for staff, escape procedures, key and tool control, inmate treatment and staff morale. The committee toured all areas in both portions of the jail facilities. Some staff members spoke directly with inmates. The jail chief, two lieutenants, several sergeants, and other staff members working for the jail conducted at least part of the tour for the CGJ. The CGJ spoke to staff of all ranks, including medical staff and other non-peace officer staff members. All of the staff at these facilities were very courteous and willing to speak with jury members. No staff members were found to be less than professional and cooperative with jury members. One staff member stated that the jail is very often understaffed. Many staff members are bilingual in English and Spanish, an asset in the Imperial County area. The jury learned that there are language services available for communicating with inmates who speak other languages. The inmate count was 507 on the day of the tour.

Medical Care: The jail has medical staff on duty twenty-four hours per day for inmate injuries and illnesses. The county contracts with an outside medical care service at a cost of \$2.6 million a year. When the jury toured the jail medical unit, it was observed that there were only five beds available. The jail has a small number of medical isolation units and at least one padded room for inmates with some mental health difficulties.

Food Preparation/Service: The jail serves 50,200 meals per year. Jail staff reported that the cost of each meal was between \$1.22 and \$1.40. Correctional staff serve meals on the pods directly to where the inmates are housed. At the other part of the jail, called the camp, inmates walk to meals in the dining hall. The jury members observed the food preparation area which appeared to be clean and sanitary. Some of that area also appeared to be worn but still very usable. Jury members did not notice any kitchen appliances

to be deficient. Jury members noticed that the kitchen door was repaired, a recommendation from the previous year CGJ.

Safety and Security: In each part off the jail cameras are installed. Jail staff are assigned the responsibility of watching the video monitors to increase safety and security. Some cameras can pan, tilt and zoom in on different jail areas. Inmate visits are conducted behind a glass partition to reduce the introduction of contraband in the facility. A smaller number of inmates are permitted contact visits in an outside controlled area. It was observed that some door mechanisms appear to be worn. More than one staff member admitted that at times they have been problematic. None of those doors were leading to the outside that the jury observed, but because this is a secure jail it may lead to further problems even for those on the interior of the jail. The jail court is now closed. Because of that closure, inmates needing to go to court must be transported elsewhere more often, mostly to Brawley. The jury believes this may lessen security. An improvement was made to the jail vans since the last CGJ report. Corrections were made to some and more are anticipated.

Miscellaneous: Prior to the actual tour, jail staff members gave the jury a PowerPoint presentation of what is hoped to be the future of the jail. There were questions and answers exchanged between jury members and staff members during this time. Questions were answered freely. The jail chief advised the jury that the philosophy of inmate treatment at the jail was changing to become more rehabilitative and not just warehousing them. The jail also had new programs to help inmates with general counseling, alcohol and/or drug issues, training for food handling, and life skills. Some of the rehabilitative services are provided by the county and some by volunteer staff. Jail staff were not able to give precise percentages as to the recidivism rate of inmates having to return to jail. This was attributed to a combination of it not being specifically tracked, and because the State of California does not give a clear definition of what constitutes recidivism. Jail staff discussed the impacts of state assembly and senate bills that became law in recent years. AB-109 changed the way inmates are housed when sentenced. An inmate realignment program will now determine where inmates are placed. More inmates are now sent to county jails. The inmates housed at the jail under AB-109 will be much longer in many cases, including one inmate having up to sixteen years to serve. Previously, inmates were held until they were sentenced to prison or up to a year for county terms. The jail expects that it will cost an additional \$4 million for AB-109 inmates. The jail has a very small medical treatment facility presently and hopes the new funding will alleviate that problem.

Other: Grand jury members also talked with prison staff employees discussing the issues they have with the county with getting funds to get things done, for example painting the observation booth and classroom. Both were in dire need of upkeep.

Conclusion: CGJ members determined that the Imperial County Jail appears to be a well-run jail, although some repairs need to be finished. A skin rash incident that occurred at the ICJ is still an unknown problem. The jail staff members appear to enjoy their work and want to continue to do a good job.

Findings:

- F1** Due to the age of the jail, some door mechanisms and possibly other physical areas that affect security are not what they need to be, such as painting.
- F2** Low numbers of female correctional officers.
- F3** There were only five beds available in the medical unit which did not seem to be enough for the increasing inmate population.

Recommendations:

- R1** All doors, all locks and any other areas of physical security should be examined. Repairs and/or replacements should be made as needed.
- R2** Focus on a recruitment plan for female officers and employ qualified females in order to balance gender equity in staffing.
- R3** Jail administrators work with county supervisors and administrators to seek the needed funding to ensure that medical care keeps up with the increase of long term inmates.

Response Required: The Imperial County Civil Grand Jury requires a written response from the Imperial County Sheriff's Office within ninety (90) days from the issuance of the report.

Subject of Investigation:

Imperial County Juvenile Hall

Justification: California State Law mandates that the Civil Grand Jury (CGI) investigate and report on the state prisons and jail facilities on a year basis, this mandate includes Juvenile Hall (JH).

Background: Juvenile Hall is part of the Imperial County Probation Department. The facility is a secure facility consisting of five (5) dorms to house juvenile Wards, a central control center, classrooms, medical room, recreation areas, cafeteria and other offices used for services offered to the wards. On October 29, 2015, a committee of the Imperial County Civil Grand Jury (CGJ) members met with the Juvenile Hall Facility Manager and other staff members. They provided a tour of the facility and responded to our questions regarding procedures and programs for minors detained at the facility. Working with JH are 10.5 Probation Officers. Six dedicated to the field, one to truancy at schools, and three fulltime plus one half-time position dedicated to Placement.

Overview: The Imperial County Juvenile Hall (ICJH) can house a total of seventy-two (72) Wards in five (5) dorms within the facility. On the day of our tour there were eight (8) Wards residing in the facility. The average population this year is thirteen (13) Wards with an average stay of eight (8) days. After their stay in JH, minors may be put on probation, enter a Foster/Group Home or go the Department of Juvenile Justice (DJJ) facility run by the state. Foster/Group Homes are located outside of Imperial County; they are often 6 bed homes and are not locked down facilities. The length of stay in a Foster/Group Home can be a year or two. The DJJ is a longer term for a minor who has committed a serious or violent crime. Currently Imperial Valley has no minors in a DJJ facility.

Security: Security consists of locked entry/exit doors, security cameras and reinforced fencing. Standards set by Title 15 of the California Penal Code require one (1) staff member for every ten (10) minors in detention. The facility manager and correctional officers provide structure, support and supervision to detained minors. Once minors are detained they are called Wards.

Staff: Staff members attend to discipline, security, personal hygiene, mental health and drug/alcohol counseling, recreation and exercise programs. Continuing the education of the Wards at the level they are currently in school is also provided. This is accomplished by the JH teachers coordinating with the Ward's teachers in the public school system. There are currently five (5) probation officers assigned to juveniles. One (1) officer deals with truancy and the schools. The other four (4) officers handle the individual cases.

Field Supervision: There are currently seven officers assigned to Field Supervision. One officer each is assigned to ICOE Academies (formerly known as Community Schools), DEJ, and Wraparound Services. In addition, there are three officers assigned to Moderate to High Risk Youth and one officer and a probation assistant assigned to the Evening Learning Center. There are also four officers assigned full time to investigations.

Auxiliary and Volunteer Programs: In addition to paid staff of the JH the Wards have access to on call Behavioral Health Services if deemed appropriate by the staff or court. There is also a Grandparent Volunteer Program that has been very successful in helping the Wards adjust to problems in their personal lives. These Grandparent Volunteers are seniors that have extensive experience at JH. They listen to what the Wards have to say and provide advice and counseling as needed. They also help with schoolwork as a parent or grandparent might do in a home environment. On the day of our visit there were two Grandparent Volunteers present.

Intake Procedures: When minors first arrive at JH they go through an intake process, which is held in private in one of the dorms not currently being used for housing Wards. The process includes an assessment of their mental health using a computer program, which asks yes/no questions called Massachusetts Adolescent Youth Screening Instrument (MAYSI). The program is being used successfully in several counties in California.

JH also uses a computerized Detention Risk Assessment Instrument (DRAI) in the intake process. This program evaluates the minor based on prior and current convictions and offenses. This assessment tool helps determine whether a minor should be detained, released to his/her guardian prior to the court date, or placed on probation without staying at ICJH. The intake process is fairly lengthy but it seemed appropriate due to the amount of subjects and variables to be covered. As part of the intake process, Wards are given a detailed Orientation Manual which covers Juvenile Hall rules and regulations, behavioral consequences, grievance procedures, minor's legal rights, information on court procedures. It also covers access to legal services, health care, housing, and other issues Wards need to know. All material is available in Spanish and English.

Food Service: As part of the tour, the jury also visited the kitchens where the food is prepared for the Wards. It was clean and had recently passed inspections by other state/county departments. The food is transported to the cafeteria inside the JH facility. There it is kept warm with working food-warming stations until served to the Wards. The cafeteria is clean and bright. The food looked appetizing.

Medical Services: In the JH facility there is a nurse's station with a nurse on duty. A doctor can be called or a Ward can be transported to a hospital if more serious medical attention is warranted. On call Behavioral Health Services are also available.

Educational Services: There are two education classrooms, and both have teachers with valid California Teaching Credentials. The classroom had well equipped computers but access to the Internet was limited due to security concerns. Access is allowed for a particular assignment. JH is in compliance with California state educational standards and offers a high school diploma program or the General Equivalency Diploma (GED). Since the stay for each Ward is fairly short, the teachers try to keep the Wards working on the same subjects, as they would be learning in the home school, including actual assignments that can go back with them to their school.

Housing Procedures: Wards are responsible for keeping their rooms clean and have specific work responsibilities assigned to them in the facility. ICJH staff uses a point rewards program to control behavior in a positive way. Wards may accumulate daily points based on behavior, attitude, work performance, grooming, manners and room maintenance.

The majority of the Wards, after a short stay, go on to probation. The judge determines this, with a recommendation from the JH staff, as well as other factors. The number of Wards in the JH facility could increase dramatically if a different judge deemed it appropriate to prioritize detention over probation. Currently there are 243 juveniles on probation.

Conclusion: CGJ members on this committee concluded that the staff of Juvenile Hall is doing an excellent job and have implemented policies that give the Wards a clear understanding of what is expected of them during their stay while trying to prepare them for returning home.

Findings:

- F1** There is no permanently designated private room where confidential intake and orientation interviews with wards are done. Presently an available room in Dorm #3 is being used for this purpose. Prior to this dorm being used, intake orientation was held in the open center control room with multiple distractions and no privacy.

Recommendations:

- R1** A plan be put in place so that there is always a designated private room to conduct the intake and orientation interviews. This is the only way for staff to insure a minor will talk openly if he/she has a confidential issue and that the orientation is conducted without distractions or eavesdropping.

Overview – Probation: On January 20, 2016 a committee of the Imperial County CGJ met with Probation Officers (POs) serving the Juvenile Clients. They provided an overview of the process and answered many questions on services provided or lacking to reach their goals. The overall goal of the Probation Officers is to get their clients off probation and performing successfully back in their school and home environments.

One Probation employee is assigned to screen all of the clients as they are assigned to the Probation Department (PD). A recommendation is made to the Court and, if assigned to Probation, they fall into one of three categories:

- (1) Informal Probation – new offenders, 6 months
- (2) Deferred Intra Judgment – 12 months (being adjudicated or investigated)
- (3) Formal Probation – 12 months and longer.

Field POs are assigned by geographical areas to save on travel times since they cover a large area and visit to clients and their environment often. Since POs clients are minors, they deal with parents, schools, family members, other agencies and the regional center. AB 12 I a foster care program with additional services like special housing, ROP, special or remedial education or mental health services. This is their guide for their compliance goals. Reaching their goal requires facilitating a change in the environment as much as the individual.

Success is reached in little steps: getting a client off heroin, getting a client to stay in school, or getting a guardian to get a client to an appointment for needed services.

POs assigned to Placement deals with many facilities most of the out of the area and many out of the state. These are group homes certified by the state of California to provide specific behavioral, mental health issues, or physical needs. The Imperial Valley POs deal with placements in homes in Iowa, Michigan, Pennsylvania, Nevada and Arizona in addition to California.

The only services available to their clients in Imperial County are provided by Behavioral Health Services. Many other services addressing such issues as additional drug or psychiatric needs have been discontinued over the years due to lack of funding.

Conclusion – Probation: CGJ members on this committee concluded that the Probation Department staff assigned to juvenile clients is dedicated and doing an excellent job of providing the services and guidance their clients need in order to succeed with limited resources available in Imperial County.

Findings – Probation:

- F1** The POs use their radios to report the status and locations throughout the day but no one monitors them; there is no dispatcher. If there was an emergency, the POs would have to use another means such as their cell phones to communicate with their central office or police
- F2** Paperwork is a problem and getting bigger as data is required to be input on the clients into two databases, the state CWS and the local database. POs must keep notes as they work with clients in remote locations throughout the day.

- F3** While some services are provided through Behavioral Health Services, many needs of the clients are not being met in Imperial County. Some of these needs are being met by placements outside of Imperial County, but others are not met due to lack of programs addressed to minors. Specifically, more preventive programs in the areas of drug and alcohol abuse, anger management, other mental health issues, and parenting are sorely needed. For example, there is no detox facility for minors in Imperial County, nor are there programs that address needs beyond the scope of our Behavioral Health Services Department.
- F4** POs know that their clients won't succeed if they miss court dates and appointments with health and behavioral services. The clients come from homes without cars or access to transportation. For these reasons, the POs often provide the transportation necessary to get clients to the appointments.

Recommendations – Probation:

- R1** A plan be put in place to have someone monitor the radio traffic for the security of the POs. This could be someone at a central desk such as in the Juvenile Hall, in their own offices, or another department as appropriate.
- R2** Technology can greatly increase the efficiency of the POs and eliminate duplicate paperwork. It can also enable the POs to make more thorough reports if input at the time rather than later in the day or week when they get back to the office. Photos, if required, can be taken as needed. The jury recommends the POs have tablets to make notes and connect to databases. They can be used for many things to increase efficiency and better use of the POs time.
- R3** The jury recommends funding through possible grants be researched to provide more needed programs addressing the needs of the juvenile probation clients in Imperial County. We also recommend other funding within the state and county budgets be examined to find ways to provide some of the programs necessary to allow the PO's clients to succeed and thus avoid prison as adults.
- R4** Consider establishing a program providing transportation vouchers to be used by clients to attend necessary appointments and services or an arrangement with IV Transit for a van or small bus transportation system that can be scheduled and relied on to be on time.

Response Required: A written response is required ninety days from the date of public release of this report.

Subject of Investigation:

County Office of Emergency Services

Justification: The Imperial County Civil Grand Jury investigates various agencies and special districts on a rotating cycle. The Imperial county Office of Emergency Services (OES) is the subject of this review, this cycle. The civil Grand Jury selected the agency, County Office of Emergency Services to determine their readiness status as to being able to respond to catastrophic issues that may occur within the Imperial County area.

Background: The Office of Emergency Services (OES) first established in 1963, provides emergency management services for the County/Operational Area including its seven cities/towns and special districts. OES coordinates emergency operations activities among all the various local jurisdictions and develops written guidelines for emergency preparedness, response, recovery and mitigation to natural / man-made disasters, and technological disasters.

Overview: The Civil Grand Jury as a body was interested in determining the status of the OES in its capability, readiness and functionality to deal with a disaster happening in their jurisdiction.

Tour: The Grand Jury committee met with the Chief of Emergency Services and his immediate staff to be informed as to how they function and the process of response to Emergencies such as earthquakes, fires, floods and all other major disasters that might occur in the Imperial County area. The Chief explained his total expenditures for this year are shown to be approximately \$384,901.00. The State funds 228,081.00, this is through Emergency Management Preparedness Funds (EMPF) there is another \$156,820.00 assessed by the County and a couple of other small funding sources to assist. This doesn't include the funds that the county ads to pay 50% of two salaries as well, said salaries amount was not disclosed. He indicated that the funding was based on population and not territory which in prospective, was not near what it should be, based on the vast territory required to serve. Budget issues are a concern but they are able to get the job done with the limitations that the budget imposed.

In order to meet additional needs of Imperial county OES has written and received Grants from Homeland Security (HLS) and other State/Federal Sources. They recently received a grant for a HAZARDOUS MATERIAL RESPONSE UNIT, in the amount of \$259,635.00 The total cost paid for the HAZ-MAT Unit was \$288,000.00. The balance of the cost being \$28,365.00 coming from an additional revenue source. They also received a Grant for an EARTHQUAKE EARLY WARNING SYSTEM for fire, police, hospitals and schools. These Grants come with additional responsibilities, such as audits on the use of the funds granted.

The four (4) people that make up the (OES) is structured as follows: OES Coordinator, a part time position of the Fire Chief, who reports to the Imperial County Board of Supervisors (CBOS); Manager of Emergency Services, a full time position reporting to the Fire Chief; and an Office Technician, a position that supports the OES on a shared basis.

The CGJ extended its investigation of the OES to the Imperial County Sheriff's Dispatch Unit which is a vital part of the OES. The committee found that with the Mobil Communications Command Post and the current capabilities that they have will be fully able to meet the need it will be pressed to provide within the Imperial County area. This important communication unit is well prepared to function at its highest level.

People forming important elements of the organization are the Disaster Council, which meets quarterly and insures the County is prepared. In addition the OES department members include: representatives from State OES, Field Incident Command Post (ICP) and Department Operation Center (DOC) consisting of Police, Sheriff, Fire, California Department of Corrections, Public Works, Public Health, Social Services and other Special Districts such as all school districts. All Imperial County cities/towns EOC's (17), Imperial Irrigation District (IID), IV Transit, Volunteer Ham Radio Group, Non Profit groups such as American Red Cross and Federal Military are also members.

In the event of an emergency in which the County OES deems outside assistance is needed the OES Coordinator, with approval from CBOS, requests assistance from the State of California Office of Emergency Services, who after reviewing the nature of the emergency, requests assistance from Federal Emergency Management Agency (FEMA).

The CGJ also saw that there is a great need of public outreach and awareness in this area of concern. While the (OES) has some extensive programs involving the schools and agencies, with limited staffing it is a hard task to enlighten the masses with information to keep citizens informed as to where to go and what to do in a disaster situation. There is emergency information provided by way of radio, TV, phone services. There is emergency broadcast over radio station KXO. There are also 911 and reverse 911 services available and also a new system is now operational, 211, is a notice to selected areas and communities that will alert them to specific issue of possible safety and pending disasters.

Conclusion: The Civil Grand Jury finds that the OES is doing a very good job of being ready for a potential disaster happening in their jurisdiction. They could be even more prepared if additional funding was available to them.

Findings:

- F1** OES is responsible for implementing the State mandated Robert T. Stafford - Disaster Recovery Act (see summary of this Act). State funding for this Act is based solely on population. The size of the geographic territory and the number of ports of entry, which in Imperial County there are three from Mexico, is not taken into consideration. Population in Imperial County is much greater than stated in census due to winter visitors, temporary farm workers and migration through the Valley. In addition the size of the territory and terrain makes costs higher per person than in a densely populated area.
- F2** OES does an excellent job of training all new County employees as to their role as a County Emergency Response Team member. They also conduct yearly refresher training for many of the county Departments. Who gets the subsequent training is up to the Department Heads and their top Management.
- F3** In the event of an emergency in which the County OES deems that emergency facilities need to be made available to the general public, the location of these facilities should be communicated to the general public using their designated means of communications, radio, TV, phone services.

Recommendations:

- R1** A strong effort should be made, working through all possible channels including our State Legislature Representatives, to convince the State to reconfigure how funds are allocated to Imperial County. They should be asked to take into consideration other mitigating factors.
- R2** It is our recommendation that annual subsequent refresher training be given to all employees. It can be a different shorter version depending on what job position an employee holds. If they are

to be called a member of the Emergency Response Team, they need to receive more training than just the year they were hired.

- R3** It is the jury's recommendation that at least two locations, one serving the north and one serving the south part of the county be made known to the general public in case people needing to evacuate to a safe location do not have access to phone, TV or radio to learn the address of the emergency facilities.

Response Required: The Civil Grand Jury is not requiring a written response to this report.

Subject of Investigation:

Inquiry Of DNA Use In Superior Court

Justification: The Civil Grand Jury (CGJ) may take up inquiries within its respective county involving matters that include multiple agencies.

Background: There have been no specific complaints received by the CGJ concerning the usage of or presentation of human DNA in the courts here in Imperial County, but there was a request for an inquiry involving DNA in court cases. The present jury elected to take up that inquiry.

Investigation: A committee of the CGJ visited with representatives of Imperial County District Attorney's Office (DA) and the Imperial County Public Defender's Office (PD). The committee also attempted to find a spokesperson for the California Department of Justice (CAL-DOJ) who would speak to the jury on the topic of DNA in the courts, but were not successful.

A specific part of the inquiry was to determine if the use, or lack of use, of DNA testing makes a difference in local court cases. A secondary question was concerning court cases already settled, if DNA would have made much of a difference in the results of those cases.

The committee first spoke with the DA's office. The DA does not use DNA on a majority of their cases. They find that in Imperial County most cases do not involve the transfer of bodily DNA from one person to another or has traces of DNA left behind that need to be tested. The two types of cases most likely to have some sort of DNA involved are those involving homicide and those involving rape. In the cases of homicide there have been cases where DNA was used. In rape cases it is much less often needed in Imperial County as these cases very often turn out to be a question of consent given or not rather than a question of who committed a crime.

As a rule, possible DNA is sent to the (CAL-DOJ) lab by the agencies responsible for the crime scenes. A collection is made at the scene or other relevant location, labeled and shipped per established procedures. When the DA gets a case, a determination is made as to the possible value of the DNA evidence to their case. When the DA gets a court date it notifies the CAL-DOJ and they set the priority of how soon the DNA would be processed. The sooner the case is due in court the higher it would get on the CAL-DOJ's priority list. The DA has no difficulties with CAL-DOJ getting the DNA evidence processed for soon upcoming court cases. Otherwise the CAL-DOJ sets the priority. The DA rarely has a case that involves spittle or sweat.

In the case of a rape allegation, there are procedures set where a rape kit is used, and specially trained medical staff do the testing. The rape kit is used on both the victim and the alleged suspect when known. There is one or more designated medical locations where that testing is done.

The committee next spoke with the PD's office. The PD agreed that there are not that many cases where DNA evidence is presented. They also agreed that there are not what was called a flood of cases involving DNA. The PD office thought that it was possible that DNA evidence could be mishandled by law enforcement agencies, but did not believe it was mishandled in our local courts.

The PD believed that there were times that CAL-DOJ did not process the evidence as quickly as possible, and that might cause a delay in cases. There were no cases cited or discussed to that effect. In the cases where DNA evidence is used, the PD might use a private investigator to check the evidence to be presented.

That is done with a private testing lab. The DA is required to advise the PD (or other defense lawyers) of the evidence planned against a defendant in criminal cases, including DNA.

In the cases of alleged rape, if a defendant's case was that he/she had nothing to do with what was alleged, then DNA evidence could become critical, as opposed to cases where the question involved consent.

The PD's office thought that some local law enforcement staff would like to see DNA evidence used more often.

The following items both agencies agreed upon completely or nearly so:

- 01) The television sort of DNA processing and presentations in court have very little to do with reality as a rule and not everyone understands that.
- 02) The processing and presentation of DNA evidence is not nearly as complicated or as sensational as it was when it was presented in court in a well known Los Angeles County case in the 1990s.
- 03) While DNA evidence is an important tool it is not needed in every case.
- 04) Neither agency cited a local case where they thought DNA evidence would have changed a local case that had already been concluded.

While the Grand Jury committee did not personally speak with representatives of CAL-DOJ, it was aware that there is a web page they have through the California Office of the Attorney General, Bureau of Forensic Services (BFS) involving DNA evidence. It is located here: <https://oag.ca.gov/bfs>

The BFS provides interesting information on the collection of the sort of DNA used such as these two studies:

Study 1: This study of 100 adult felony arrestees with no prior felony convictions found the majority of DNA database hits between these persons and murder, rape & robbery crimes, come from DNA database samples collected at their arrest for drug, DUI, fraud, & property offenses.

Study 2: This study of 3,778 adult felony arrestees found only 8 percent of DNA database hits to murder, rape and robbery crimes come from DNA database samples collected from persons who have their DNA collected at arrest for another murder, rape, or robbery crime.

Full report here: https://oag.ca.gov/sites/all/files/agweb/pdfs/bfs/arrestee_2013.pdf

It also provides information for the legal removal of persons from the DNA database, for some persons. That includes those under these conditions.

- If not charged with a felony
- If not convicted of a felony
- If misdemeanor conviction, must have no prior felonies
- If not a registering sex or arson offender
- Other conditions apply

Findings:

DNA evidence can be a very good tool for court use for either the prosecution or the defense. It should be used in court in cases where evidence might be important enough to prove or disprove guilt or innocence.

Response Required: No response is required from either of the agencies contacted.

SUBJECT OF INVESTIGATION

Imperial Valley College (IVC)

JUSTIFICATION

There are several quality of life issues in Imperial County, one of which is employment. Historically, Imperial County has a significantly high unemployment rate. For January 2016, the Imperial County unemployment rate was 20.5%. In contrast, the California and Federal unemployment rates were 5.7% and 5.2%. One means of improving employment opportunities is through initiatives that elevate a person's education and skill level. For this reason, the Civil Grand Jury initiated an investigation to evaluate if IVC resources are contributing to an increased level of education and skills in Imperial County.

INVESTIGATION

BACKGROUND

For 40 years, beginning in the early 1920s, junior college classes were conducted on various high school campuses throughout the Imperial Valley. The junior college classes were brought together at a permanent single location in 1962 with the grand opening of the IVC campus on Highway 111 and Aten Road.

OVERVIEW

Purpose (Mission & Services) – The IVC mission is to foster excellence in education that challenges students of every background to develop their intellect, character, and abilities; to assist students in achieving their educational and career goals; and to be responsive to the greater community. IVC prepares students for transfer to four-year colleges, offers Associate Degrees, and Certificates in various areas of study and training.

Place – The IVC campus on Highway 111 and Aten Road is situated on 150 acres and has 36 buildings. In addition to classes conducted on campus, IVC has an on-line internet location where classes are offered.

Programs

- Curriculum: 60% of IVC students have an academic concentration in areas such as English, History, Math, Science, etc. There is a 40% concentration of students in technical and vocational areas such as Criminal Justice (Police), Firefighting, Healthcare (Nursing), Air-Conditioning, Electrical Wiring, Renewable Energy, Welding, etc.
- Counseling services are provided to help students with a variety of academic, career, and personal concerns.
- Student Financial Aid

Government Programs include Student aid from Board of Governors Fee Waivers, State Grants, Pell Grants, Supplemental Education Opportunity Grants, and Work Study – totaling \$29,339,876 provided to about 80% of IVC students – with an average of \$3,647 per Student.

Scholarships are provided by private donations, investment income and event revenues totaled \$171,842 for 268 Students

Note: average cost per academic year (tuition & books) is \$3090 for residents and \$8,970 for non-residents.

People

- IVC has a staff of 472 which is made up of 10 Administrators, 302 Academics (143 full-time and 159 part-time), and 160 Classified employees.
- The student enrolment at IVC is 10,016. If expressed in terms of full-time-equivalent students, there would be 6,881.
- During the 2014-2015 year (Fall, Winter, and Spring), there were new student enrollments of 2,763.

Payments

- Revenue Payments totaling \$47,055,774 were received from the following sources: Federal \$2,877,497 (6.12%), State \$36,583,514 (77.75%), Student Fees \$2,353,129 (5.00%), Local Property Taxes \$7,868,267 (16.72%), Local (Other) \$752,409 (1.60%), Education Revenues Augmentation Fund (ERAF) -\$3,379,042 (-7.18%).
- Operating cost Payments were made that totaled \$46,413,006.
- Facility and Resource Sources

Measure L (November 2004) Imperial Community College \$58.6 million General Obligation Bond. Passed to prepare students for jobs, four-year colleges, and to better serve the community by training nurses, law enforcement and construction trades. Funds allocated to build a new science and technology facility, modernize all buildings, remove asbestos; upgrade security, improve student safety, repair leaky roofs, plumbing, air conditioning; and upgrade wiring for computer technology. As of 12/01/15, all but \$6,162.63 of the Measure L \$58.6 million had been spent as intended.

Measure J (November 2010) Imperial Community College \$80 million General Obligation Bond. Passed to improve the quality of education and expand career opportunities. Funds allocated to acquire, construct and improve facilities, including vocational, career, and technical facilities, as well as the modernization of outdated classrooms, and improve student access to modern technology. The total \$80 million Measure J funds have been spent as intended.

Performance

Performance measurement is made in terms of achievement goals targeting Transfers, Degrees, or Certificates. The number of Transfers, Degrees, and Certificates (1) totaled 1,721 by 1,626 students (some students accomplished more than one). Goal achievement can be measured in percentages related to the 10,016 total student enrollment (2) and the 2,763 incoming new student enrollment (3) as follows:

	(1)	(2)	(3)
2013-14 Transfers	102	1.0%	3.7%
2014-15 Annual Degrees	1,120	11.2%	40.5%
2014-15 Annual Certificates	<u>499</u>	<u>5.0%</u>	<u>18.1%</u>
Achievement Totals	1,721	17.2%	62.3%
Total Students	1,626	16.2%	58.8%

When assessing IVC student goal achievement in terms of Transfers, Degrees, and Certificates, the fact that some students attend classes on a part-time basis means students who enter at the same time will not all finish at the same time. However, if IVC is viewed as a student pipeline, with 2,763 new students coming into the pipeline annually, over time the number of students coming out of the pipe would become the same number as the incoming students. However, this is not the case. If 1,626 students achieved one or more goals, 1137 students did not – resulting in a 41% short-fall (1137/2763). Even though in many colleges it is not unusual for a significant number of students to drop out, diligent attempts should be made to limit the short-fall problem.

In order to deal with the short-fall issue, some questions should be asked. First, one should consider how many of the 2,763 in-coming students had a Transfer, Degree, or Certificate goal when they enrolled? It seems reasonable to recognize the probability that not all new incoming IVC students have a goal to Transfer, or to earn a Degree or Certificate. For example, what if 85%, or 2,349 of the 2,763 incoming students had such a goal. The result would be a short-fall of 723 students (2,349 – 1,626), or about 31%. If this theoretical 723 student short-fall is approximately correct, an important question to ask is, why do students not achieve their goal? Are there some students who do not make a serious commitment to achieving a goal? If so, is there something that can be done to help strengthen student goal commitments?

What are some other areas that might be strengthened to help more students achieve a Transfer, Degree or Certificate goal?

CONCLUSION

In Conclusion, IVC has been a vital part of the overall success and progress of the Imperial Valley Community – as the Valley has grown, so has IVC. The CGJ is impressed with the advances IVC has made. Allocated monies have been spent with a mindset to improve the community by providing students with opportunities to achieve goals such as Transfers, Degrees, and Certificates, as well as the acquisition of skills in specific vocational work areas. There has been a commitment to serve the community by improving the quality of education and providing students with resources to meet their individual goals.

IVC growth and improvement has placed the campus on a par with campuses located in larger metropolitan cities. However, as is the case with most community colleges, excellent facilities and programs do not in and of themselves guarantee student success. The CGJ and IVC both recognize the need for support programs to assist student success in the process of setting and completion of college goals.

FINDINGS

F1 The IVC physical facilities are first-class. The campus has been transformed by the construction of two signature Career Technical Buildings, funded by Measure J. Funds from various sources, including bond issues L & J, have obviously been well spent.

F2 The number and quality of resources devoted to teaching Technical and Vocational skills to students is very good. The campus has been equipped with state-of-the-art facilities that house smart classrooms and labs for administration of justice, building construction, correctional science, electrical wiring, electronics, emergency medical technology, fire technology, peace officer standards and training, renewable energy, and welding technology.

RECOMMENDATIONS

Based on the tendency of too many college students to drop out, we recommend the expansion and establishment of programs focused on student success and support. These programs could include:

- Promotion of messages that encourage students to create a goal-focused mindset.
- Establishment of short-term intermediate goals.
- Student goal progress tracking.
- Exposure to goal-focused career mentoring and workshop opportunities.
- Counseling related to work habits and study scheduling.

To the extent that these and similar programs exist, we recommend that they be expanded and strengthened. For those that do not presently exist, we recommend that they be given serious consideration.

Response Required: The Civil Grand Jury requires a written response within ninety (90) of the release of this report.

Subject of Investigation:

**Imperial County Department of Social Services
Children and Family Services**

Justification: The Imperial County Civil Grand Jury investigates various agencies and special districts as permitted under California law. The Civil Grand Jury (CGJ) has elected to do a follow up investigation of the Imperial County Department of Social Services' Family Support Services (CFS).

Background: The Civil Grand Jury did not receive a specific complaint this term, but wanted to do a follow-up from previous years.

Investigation: As part of the CGJ investigation, a committee was invited to meet with the Imperial County CFS, located at 2795 S. 4th Street in El Centro.

A jury committee met with SS/CFS on Nov 23rd 2015 to discuss the questions we had formulated. The committee met in a conference room where the department director had set up a meeting with some of her employees. Several jury questions concerned the average number of children assigned to each social worker and how the caseloads are handled.

The breakdown of the caseloads were as follows:

- Voluntary Family FM (Maintenance) 21 children per month
- Family Reunification 18 children per month
- Independent Living Program 13 children per month
- Guardianship 36 children per month
- Supportive Transition 10 Minor Dependents per month
- Approximately 98 per Social Worker

Another concern was the delay in providing necessary services for children for mental health and counseling, as well as physical health. It appears there is a lack of communication or cooperation between agencies that should be responsible for children in transition.

The director also provided us with a pamphlet that answered many questions the committee might have. It was a well-organized meeting. The staff members were very forthright in answering the questions.

The Social Services staff advised the jury in person and via their web site about their functions, which include the following services:

- Emergency Response
- Family Support services
- Family Maintenance
- Foster Care (out-of-home care)
- Family Reunification
- Permanent Placement
- Independent Living
- Adoption services
- Foster Family Home Licensing and Relative Home Approval services

The CGJ learned that if either parent feels that the CFS has erred in the actions they have taken, the parent(s) can register their complaint at the CFS office. CFS is required to respond to any complaints within two days. If the complaint cannot be resolved, the complainant may file an administrative appeal with the state. A social worker's responsibility is always to maintain an appropriate schedule for face to face contact and observe the comfort level between caregiver and a placed child. They are also responsible for touring the placement of a child and to reassure the child about their current placement.

The CFS provides a variety of documents or forms (which may be mailed in) to facilitate proper placement. Documents include a very detailed Confidential Paternity Questionnaire, Family Violence Questionnaire, Visitation Verification form, Health Insurance Information form, an Income and Expense Declaration, a Declaration of Support Payment History, a Simplified Application for Child Support Services, and a Request for Support Services. Some of these documents will be filled out by the custodial parent (CP) and the other documents must be filled out by the non-custodial parent (NCP). Once the documentation is completed, the CP will be interviewed. When the interview is completed, the CP is assigned a case worker and a case number, the NCP is notified by summons, and a complaint is served. The NCP has 30 days to respond. The case is considered in "default" if the NCP does not respond within 30 days. During the 30 days, the NCP may dispute paternity and submit to a DNA test (performed in house and analyzed by Lab Corp). The NCP may also dispute the income reported and bring in documentation to have it corrected.

Most cases are referred through the county welfare department. These cases are transferred to CFS electronically. All files are then kept electronically to facilitate the ease of transfer between counties and for easy access to records. Some cases are referred through a walk up service as well. When someone opens a case through the welfare database, certain documents are requested of them. It was noted that the CFS requires a lot more documentation than the welfare office, and that packets can either be picked up, or may be requested to be mailed.

If a CP is moving to another county they can (and possibly should) transfer their case with them. They can request an inter-county transfer (ICT). However, the CP may also choose to leave their case where it is. If a CP moves out of state, they are called intergovernmental cases and modifications to their case will need to be requested through the CP's local agency. The Imperial County CFS will still process and collect child support money for CP's who have moved out of state and will send collected funds to the CP's local social services agency.

It should be noted that in cases where there is a dispute, or a question of other legal matters involving CFS, the matter is taken to Family Court. These Family Court cases are not open to the public, but will involve several agencies that include CFS, SS, the Public Defender's Office, as well as private faith based agencies which provide drug counseling as needed to either parent, and Court Appointed Special Advocates (CASA), or other private agencies that offer support or advocacy for children and parents. A Grand Jury committee was permitted to attend one morning session of Family Court. The jury was well received and advised of how the court procedures worked, of how cases were handled, and of the functions of the interested parties. The judge in the case expressed his own interest in seeing that what was best for children was applied as the law permits. He advised that the purpose of this court is focused on protecting children, as opposed to just removing them from homes.

Jury members also visited the Betty Jo McNeece Shelter in El Centro located at 315 W McCabe Road, El Centro CA. The Betty Jo McNeece Facility provides temporary shelter to children who have been removed from their homes based on allegations of neglect, abuse or abandonment. Social Services presently operates the home. Their plan is to develop the receiving home so multiple resources can be provided to children as they come in. These services include education and medical assessment, as well as home placement. The jury found the Betty Jo McNeece Shelter to be a well-run operation.

Findings:

- F1** The Civil Grand Jury believes that children in the system are at a disadvantage because of the lack of case workers.
- F2** The Civil Grand Jury finds that, due to the excessive case load of Social Workers (SW), a plan to use non-credentialed workers should be initiated to lighten the load of SW's.
- F3** The Civil Grand Jury finds that critical services (mental, physical) are not available on a timely basis.

Recommendations:

- R1** The Civil Grand Jury recommends that Family Support Services hire more Social Workers so that their case load is more manageable and children are not neglected because the case worker is overloaded.
- R2** The Civil Grand Jury recommends that a plan be instituted to use less qualified workers to assist in paperwork or other duties required for each family's plan, to allow SW's more time with each family.
- R3** The Civil Grand Jury recommends that greater cooperation between agencies (Behavioral Health, Psychiatry, Health Department and Family Support Services) is necessary to serve the children of Imperial Valley and that a cooperative effort be made on a monthly basis to improve these services.

Response Required: The Civil Grand Jury requires a written response within ninety (90) of the release of this report.

Justification: The Imperial County Civil Grand Jury investigates various agencies and special Districts on a rotating cycle.

Background: The **vision** of the Imperial County Behavioral Health Services (ICBHS) is to be the Gold Standard of community-based mental health and substance abuse treatment. In keeping with this goal ICBHS has continued the introduction of new models designed to help prevent people from developing mental health issues in later life. Two new models implemented this year were First Steps to Success and the PEIR (Portland Identification and Early Referral) Model, which are designed to help prevent people from developing mental health issues later in life.

First Step to Success was implemented at Booker T. Washington, Abraham Lincoln and McKinley Elementary Schools and served 20 at-risk children. These children were identified by patterns of behaviors or symptoms that could later lead to severe implications for their educational and social progress. By intervening early these children will not fall behind in school. The department’s goal is to gradually expand this program to other schools.

PEIR Model identifies prodromal symptoms of schizophrenia. Under the direction of William R. McFarlane, M.D., professor at Tufts University School of Medicine and the Director of the PEIR Training Institute, the PIER staff has more experience with systematic implementation of preventative and family psychoeducational interventions than any other group in the U.S.

These are only two of the programs active within ICBHS. In addition to the PEIR and First Steps Evidence-Based Programs, a critical element of the approach is community outreach by the clinical team to school professionals, general practitioners, pediatricians, and other key groups to educate and inform about the early signs of schizophrenia.

ICBHS has implemented both the identification-training phase and the treatment phase with the goal of preventing patients from ever having an initial psychotic break and thus never experiencing the full-blown effects of schizophrenia.

Growth:

In an effort to provide these and other state of the art treatment models, ICBHS has expanded physical plans to provide more services in Brawley with the addition of 12,000 square feet of office space. The Department is in the planning stages to continue the expansion services in Brawley by adding an additional 6,000 additional square feet in the coming year.

El Centro clinics saw the planning of an additional 20,000 square feet of clinic space, with planning beginning for an additional 10,000 square feet in Calexico.

Revenue Resources:

Federal Medi-Cal	\$19,072,000.31	State Aid/MHSA	\$14,499,370.51
Reim/Services Provided	\$11,441,430.46	State/Realignment	\$ 5,812,809.92
State Aid/OCIP	\$ 1,529,183.07	FFP-MHP Admin	\$ 1,414,274.40
Realignment/Drug MC	\$ 1,186,509.70	Other Behavioral Health	\$ 1,057,754.31
Misc – All less than 1%	\$ 1,013,468.29		
		Total	\$62,272,230.04

Expenditures:

Salaries and Benefits	\$25,972,043.00	Prof Services	\$15,276,240.66
Grl Expenses	\$ 3,054,033.58	Rent and Facilities	\$ 1,733,509.96
Travel and Training	\$ 700,012.45	Intra/Inter	\$ 599,921.00
Communication	\$ 166,299.28	Equipment	101,068.00
		Total	\$47,603,127.00

Overview:

On January 20, 2016 the Civil Grand Jury (CGJ) met with The Director, Deputy Director and six staff members at the BHS facility located in El Centro. We were invited to ask questions and received answers in a forthright manner **during this meeting.**

According to the BHS Director, there appears to be a lack of understanding of the role of BHS in the community. Their mandate is to evaluate and treat otherwise healthy individuals suffering from mental disorders. According to the Director, the operative word is **healthy**. Too often Law Enforcement brings combative individuals to the Crisis Facility before being evaluated for health issues. An example was given of someone brought to the Crisis Facility who was obviously unconscious but later learned to be in a diabetic coma. It is unconscionable to delay possible deadly health complications under the guise of **possibly** being psychotic. According to BHS staff, law enforcement personnel are adverse to taking these cases to the hospital first because, once they are there, the officer must stay up to 5 hours (according to how long it takes to be evaluated) at the hospital with the “patient.” The officer must remain to ensure the safety of hospital personnel as well as other patients. The BHS Director agreed that this is a situation to be addressed between the hospital and law enforcement).

With efforts to bring Mental Health to the forefront of the minds of the community, ICBHS has been working to expand services to meet the much anticipated growth and high demand for services in the past and upcoming years resulting in an expansion of services. In expansion of the services, the department has divided clinical services into three major developmental states; childhood, adolescence and adulthood. To address the needs of each stage, clinical services consists of three specialized units. Children and Adolescent Outpatient Services (0-14), Youth and Young Adult Outpatient Services (14-25), and Adult and Older Adult Outpatient Services (26+).

Personnel:

The department currently employs 11 full time physicians, 289 full time staff and 108 extra help staff members. The department has requested additional staff to experience an influx in the demand for services.

Conclusion:

On the other side of the coin, many complaints have been heard regarding the lack of cooperation from ICBHS when attempting to evaluate individuals for placement. At the center of the criticism is the HIPAA (Health Insurance Portability and Accountably Act) which severely limits access to health and mental health records. Agencies have differing views of what the law says and each agency strives to protect itself from being sued. Law Enforcement finds it particularly difficult to work within the confines of the ICBHS guidelines. Refusal to share records limits their ability to assign the individual to the proper placement. We have been told that on various occasions, even though a Waiver was signed to allow certain information to be released, ICBHS refused to release that information. It has also been reported that ICBHS has, on occasion, refused to appear in court, even when issued a subpoena.

In addition, ICBHS refused to allow the Civil Grand Jury to view a Waiver Form signed by a recent individual who subsequently committed suicide. We were told by the employee who purportedly was the HIPAA expert, that she knew nothing about the case and was unable to even talk about it to us. We

requested the information to learn about the system of assigning patients and how something like the suicide could have been prevented. We had hoped to be able to make recommendations to prevent tragedies like this one from occurring. The question is, since the HIPAA expert did not offer to locate the information, was the jury being stonewalled?

One of the most frustrating omissions is the fact that people trying to reach ICBHS via the 24 hour hotline are unable to contact anyone at various hours. Even Law Enforcement is unable to reach them at all times. With a revenue in excess of \$14 million over Expenditures, there should be no reason not to man the hotline at **all times**.

Findings:

- F1** There is a lack of understanding between agencies and the general public as to the role of ICBHS in the community.
- F2** A spirit of cooperation needs to be reached between agencies which will allow for needed information to be shared within the confines of the HIPAA law.
- F3** The 24 hour hotline is not being manned in the manner reported. Many calls go unanswered.

Recommendations:

- R1** ICBHS should develop a plan to inform other agencies, as well as the general public, of the role of ICBHS in the community, including their limitations.
- R2** Cooperation between agencies can only be obtained by open communication between the Directors of said agencies. In view of this statement this CGJ recommends that a top-level panel be instituted to meet monthly, and work out policies and procedures for cooperation within these agencies. Guidelines need to be set for cooperation regarding HIPAA Waivers and other necessary paperwork.
- R3** The hotline needs to be manned 24 hours a day.

Response Required: The Civil Grand Jury requires a written response within ninety (90) of the release of this report.

Subject of Investigation: **Imperial County Public Administrator – Conservator/Guardian**

Justification California State Law mandates that the Civil Grand Jury (CGI) investigate and report on the various county departments serving the residents of Imperial County.

Background: The Public Administrator Department’s goal is to avoid or reduce premature institutionalization of the disabled or frail elderly through community education and by helping individuals and family members access needed to medial, nutritional, social, legal, and other services.

The Department has four major programs/activities:

1. Probate the estates of decedents who die without a will and where there is no family living in California willing or able to do so.
2. Act as the legally appointed Conservator/Guardian of individuals in the County when appointment by the court when the Superior Court finds the person is unable to properly care for themselves or their finances or who cannot resist undue influence or fraud. Such persons usually suffer from severe mental illness or are older, frail and vulnerable adults.
3. The Representative Payee Program manages the financial need of persons unable to handle their own funds due to age, illness or disability. It is the only agency within Imperial County approved by the Social Security Administration to offer this service. This is a voluntary based program where the person elects to participate.
4. The Area Agency on Aging, Planning and Service Area (PSA) directly provides contracts with third parties to provide services pursuant to Title 22 of the Older Americans Act and AB 2800 of the Older Californians Act. Program services target seniors 60 years and older and include meals, transportation, long term care ombudsman services, legal assistance, health clinics and elder abuse prevention training.

The CGJ committee chose to focus on the three programs, The Conservator/Guardian, the Representative Payee Program and the Area Agency on Aging.

Overview: On March 24, 2016 a committee of the Imperial County CGJ met with the Public Administrators Department. They provided an overview of the department programs and discussed their goals and progress meeting these goals. The department is currently serving as Conservator to 28 seniors; all but five of these seniors are in facilities located outside of Imperial County. They are in nursing homes in Riverside, San Diego and Yuma, AZ. There are two Deputy Case Managers assigned to visiting these individuals and making medical decisions. There is a third Deputy Case Manager position they hope to have filled later this year to help with the overall workload.

The conservatees are seen once every quarter. Most visits are unannounced, unless the Deputy Case Manager needs to see a specific member of the facility’s staff. The visit includes a review of the nurses and doctor’s notes, including all medications prescribed. A face-to-face meeting takes place with the conservatee in their living quarters. All interviews take place with conservatees that are able to communicate. For clients with advanced dementia that are completely bedbound and unresponsive, the Deputy will check to see that client has not developed bedsores and/or treatment has been ordered if any exist. If bedsores are found, they are measured and photographed for comparison at future visits. Facility staff is interviewed and asked for feedback on any visitors, problems or needs noted. An assessment report is completed and put into client’s file, which also includes a picture of the client.

The Staff assists approximately 300 individuals in the Representative Payee Program. Their goal is to visit these individuals once a year. Social Security also visits them annually.

Additional staff includes the Director, Assistant Director, Ombudsman Coordinator, Community Service Worker and two volunteers, one just completing her 30 hours of training. Volunteers primary relieve the paid staff of clerical duties so they can spend more time in the field with their clients.

The Area Agency on Aging is the provider of such programs as Meals on Wheels, congregate meals for seniors provided in community facilities, transportation, ombudsman services, legal assistance, health clinics, nutrition education, providing information of links to community services, respite care providing short term relief for unpaid family caretakers and other services needed by seniors in the community. There is an Advisory Council to the Area Agency on Aging whose members provide a liaison between the agency and the senior population throughout Imperial County. There are 34 seats on this Advisory Council but half of its seats are vacant. This Council is charged with holding public hearings to encourage public participation in determining the needs of the aging in Imperial County. They develop recommendations to the Imperial County Board of Supervisors regarding the Area Plan, Area Agency policies and funding allocations.

Funding for the programs provided by DPA comes from the federal budget, Community Block Grant, through state budget and then to county budget. The Area Agency on Aging has a budget of \$856,925 for its Programs. The funding formula on how the state distributes funds favors the counties who first developed programs for the aging.

Conclusion CGJ members on this committee concluded that the staff of Department of Public Administrator (DPA) is doing a very good job and have implemented programs that serve the needs of the individuals they are charged to serve.

Findings:

- F1** DPA has an informal volunteer program reaching out to the colleges and unemployment departments for volunteers. It is not an intern program with any of the colleges, but has a more informal structure. Volunteers are trained to help primarily with clerical work. There seems to be a lot of paperwork required in this department. Technology might be able to reduce some of the paperwork load freeing up employees and volunteer-interns to spend more time with clients, perusing grants or developing new programs.
- F2** Additional funding is necessary to provide the quality programs needed in Imperial County including expanding such things as congregate meals, health clinics and preventing elder abuse.
- F3** The Advisory Council for the Aging is not functioning as well as it could due to the number of vacancies on the Council.

Recommendations:

- R1** DPA needs more staff to provide all the services needed for seniors in the County. This staff shortage could be filled by volunteer-interns that have an interest in working with the elderly or providing services the elderly need such as medical, legal and social services. We recommend an Internship program be considered and implemented, if appropriate, with the local colleges. A program where the student gets credit for the work they do at the DPA. These functions should include actual interaction with the seniors in the County and not just clerical work. This should attract students in the fields of medical, law, financial, education and general social services. In addition, we recommend the departments explore how other California counties have used technology to reduce the clerical workload.

- R2** The County recently hired a professional grant writer. We recommend the DPA meet with this individual and take advantage of their knowledge in preparing grant requests that will benefit the seniors in Imperial County. We also recommend the DPA or Advisory Council reach out to contacts and representatives at the state level to procure a more equal share of funding.
- R3** Work with the County Board of Supervisors and other agencies that are supposed to have representatives on this Council to fill all of the vacancies so it can be fully functioning. Its image needs improvement so it will be considered more prestigious to be on and receive more publicity so it is known to residents of Imperial County.

Response Required: A written response is required ninety days from the date of public release of this report.

Subject of Investigation:

Inquiry of a Death in Custody in Imperial County

Justification: The Civil Grand Jury (CGJ) may take up inquiries within its respective county involving matters that include multiple agencies.

Background: There have been no specific complaints received by the CGJ in this matter, but there was the death of a female inmate while in the custody of Imperial County. A request was made to see if there were issues in the handling of this case. The present jury elected to take it up as a separate inquiry.

Multiple agencies were involved in the treatment and investigation of the woman who died. These included the times before she was in custody, while she was in custody on more than one occasion, and an investigation concerning her death. The agencies that were contacted during this inquiry include staff members from the Imperial County Probation Department (Probation), the Imperial County Public Defender (PD), the Imperial County District Attorney (DA), the Imperial County Jail (ICJ), and the Imperial County Behavioral Health Department (BH). A report was also requested by jury of the Riverside County Coroner's Office.

It should be noted that this jury has elected to not name the woman who died. Out of respect for the woman, her family and friends, in this report she will only be referred to as the deceased or the woman. Her death has been ruled a suicide by a different body. Her death is believed to have taken place in Riverside County where she was transferred shortly prior to that.

It should also be noted that this report was done as an inquiry to see if the CGJ could determine what possibly might have been done differently or better to prevent such a tragic occurrence. This is more a fact finding and an inquiry rather than seeking any person or agency to blame. It is also the function of this jury in such matters to recommend improvements or better ways of doing things. It is within CGJ's mission to make recommendations in the hope that there would be less of a chance of a repeat of the same situation.

The jury committee has separated this report into segments to reflect the information gleaned at the meetings of the various agencies visited. The term HIPAA was often brought up. It stands for Health Insurance Portability and Accountability Act.

Inquiry: This inquiry is based on a summary of information gained from speaking with staff members at all of the above agencies. The jury is sharing their views and opinions as accurately as possible to better determine what may have happened or could have been done differently.

Probation: The following information was provided by Probation staff.

The woman had been placed in the custody of Probation. This was after she had gone to court for charges that included battery on a family member counting biting her mom. The woman had been ordered to a fifty-two (52) week program for anger management, that she not use any illegal drugs, not abuse alcohol, report her address to Probation, and not leave the county without permission. The woman violated all of those things. She was eventually taken back into custody by Probation in December of 2015. This was after Probation discovered that she had crossed the US/Mexican border to Mexicali numerous times, which was a violation. Her mom had taken her there. Probation staff indicated that observed signs of physical trauma that likely happened on the other side of the international border, before coming back into custody.

Probation wanted to get the woman into some type of program where she could receive treatment for mental health issues. No appropriate resident programs were found due to the woman having a violent history.

The woman was referred to BH for treatment as well. Probation did not get the information they requested for the woman from BH. Probation does not find that BH will share info with them. Probation has a form for a HIPAA release, but BH did not accept Probation's HIPAA waiver. Probation staff do not believe that BH staff visited the deceased woman while she was in the county jail.

Probation has a mission statement on their web site:

“Committed to enhancing public safety by reducing recidivism, motivating behavioral change, enforcing court orders and advocating for victims.”

Public Defender: The following information was provided by PD staff.

The PD believed that the woman who died was more in need of mental health treatment than further jail time. PD does not think that persons who have mental health issues should necessarily be in jail. Instead they belong in treatment programs as needed, but there are no secure facilities here in Imperial County. Sometimes defendants/inmates with mental problems are taken out of the county for treatment. The woman in this case was said to have acted irrational in both the courtroom and the jail.

There are some faith based treatment programs locally, but the woman did not seem to qualify. The local programs generally do not accept people who are taking prescription meds. PD staff believed there should be something local based on the Patton State Hospital model of treatment and evaluation. Otherwise their clients (generally defendants) with mental health issues tend to self medicate with illegal drugs and excess alcohol.

PD staff believes that both many in law enforcement officers and in the DA's office are not trained well enough in dealing with people who have mental health problems and may show some callousness. There was no officer from Probation assigned to the woman for over a week and perhaps a month after her initial release from jail. The PD was aware that the woman had crossed the border multiple times in violation of her Probation terms.

PD has found that they can generally get all of the info they need from BH, but not always. There have been times when they needed to issue a subpoena to get needed records.

PD was aware that Probation tried to get mental health treatment for the woman, but was not certain of any success. They believe that Probation sometimes prefers jail time which can be for up to six months. At the jail there are treatment programs that the PD does not believe are used included one called the Jail Support Treatment Service (JSTS). *It should be noted that the jury did not ask jail staff if they have such a program.*

The PD also thought it would have been better for people like this woman to have received a ninety (90) day mental health diagnostics such as available through the California Department of Corrections and Rehabilitation (CDCR). Presently though, more people are being sent to county jail instead of CDCR because of California Assembly Bill 109 (AB 109).

Note: The jury was not able to get a representative from CDCR to speak on their mental health diagnostics program.

The PD has a mission statement on their web site:

The mission of the Imperial County Public Defender's Office is to protect and defend the rights of our clients through zealous legal representation of the highest quality, in pursuit of a fair and impartial system of justice for all.

District Attorney: The following information was provided by DA staff.

The DA's office has a responsibility to see that the general public is protected through the courts from all persons who may pose a danger to others or themselves. In this case the woman in question was thought to be a danger in that she had a history that included striking and biting a family member. They did not see that she should be released into the public. They believed that because the woman had failed to follow any mandated instructions including anger management class and that she had left the county and the country seventeen times while on probation, they could not let her or any other violent person remain loose.

DA staff were aware that Probation had tried to get records from BH, but that BH was not willing to give them to Probation. DA staff are of the impression that BH is not an agency that willingly shares information. It is their experience that BH staff do not ever want testify in court when needed.

DA staff do not find that there are secure programs for persons such as for the woman in this case. There are also not enough local programs to help persons with serious mental issues. The DA staff wanted to send the woman in this case to a CDCR mental health diagnostics, but there was some dispute with the judge over legalities, and it did not happen.

DA staff are also very interested in HIPAA and some clarification on that federal law may be needed.

The DA has a mission statement on their web site:

The district attorney, as a public prosecutor of both criminal and civil cases, ensures that justice is done and that the rights of all are safeguarded. The district attorney works with every component of the criminal justice system and the entire community, to protect the innocent, to convict and appropriately punish the guilty, and to protect the rights of victims and witnesses.

County Jail: The following information was provided by ICJ staff.

ICJ staff finds that, unfortunately, the jail is a sort of a dumping grounds for people that cannot be placed anywhere else. This is not in any way an isolated event to Imperial County. People often end up in jail that may have mental issues. Jail staff do not want it that way, but it does happen. The ICJ personnel do the best they can with the resources they have for all the individuals in their custody. The jail staff are doing what they can to reduce the number of inmates that have mental health issues.

The county has hired a private health care company to handle inmate care at the jail. They have their own forms, including a HIPAA release form to get medical and mental health information. The person representing the company was not willing to provide a blank copy of their HIPAA waiver form to the jury saying it was something their company had proprietary rights over. The private company representative did state that they normally get information from BH when needed.

Note: It should be clear that the jury did not ask for a copy of the HIPAA form that may have been used with the woman who died, but only a blank form for HIPAA form comparison. A copy was permitted for

review in the interview room only and was returned. The jail staff brought in the private health care person during this interview, who works for the company hired by the county to provide care in the jail.

When the jail discovers they have an inmate with mental health issues they have several avenues. Such an inmate may be isolated, or secured, or placed with other inmates with similar issues. In some cases there is no problem with letting the inmate stay in with the general inmate population and administer the needed medication. Jail staff believe that they get some inmates who should have been taken to a hospital prior to being locked in the jail, but there are conflicts between the arresting departments and the hospitals who also do not always cooperate with each other.

The woman in this case actually did not die while in Imperial County. She died after being transferred to Riverside County for further care. Jail staff were reluctant to provide specific information on the death of this woman. The jury was advised that the Riverside County Sheriff-Coroner had all of the needed reports.

Jail staff believe that there needs to be collaborative effort for departments to work with BH, but that does not happen. After 5 PM there is no help from BH and law enforcement are on their own to deal with persons with mental health issues. They believe that BH needs to have 24 hour crisis care. The community at large lacks sufficient care facilities and more people end up going back to the jail which is not a cure all.

The ICJ has asked for a Psychiatric Social Worker III, one that would be assigned to the jail, and not assigned to BH. *As of the date of this interview that has not yet happened.* Ground has been broken for a new jail building. It will include an increase in medical care.

The ICJ does not have a mission statement of their own that the jury found, but are a part of the Imperial County Sheriff's department. In part, this mission statement is on their web site:

Committed to professional service and protection.

and

To be the leading public safety agency in Imperial County through progressive, innovative law enforcement services. This will be accomplished through collaborative efforts, responsible use of resources, sound administrative policies, technological advances, and leadership development.

Behavioral Health: The following information was provided by BH staff.

The BH staff member that spoke to the jury committee was not able provide any information on the woman who had died. That staff did not seem to be aware of the care BH had provided her and was prevented by HIPAA from releasing any information. The jury had expected more information would be provided in a follow-up, but that did not take place.

The BH staff said they use their own form for a HIPAA release. They would be willing to use the form of another agency, but it would have to meet all of their requirements, including being signed by a patient. BH staff have released information to agencies in the past that have met their HIPAA requirements or have subpoenaed the information.

BH has a mission statement on their web site:

Imperial County Behavioral Health Services provides quality professional services to achieve independence and community integration for individuals suffering from mental illness and substance abuse.

Recommendations:

The jury committee notes that this inquiry was not as thorough as desired. Much of it began late in the jury's term and there was simply not time enough for everything. This jury believes there is more relevant information out there. If more info was obtained additional recommendations might have been made.

These are general observations and recommendations made by this jury that involve at least the agencies noted above and many more in the Imperial Valley.

- 01)** It is recommended that the Imperial County Board of Supervisors take note that agencies under its umbrella have a serious lack of cohesion and agreement. While this jury does not fault the Board of Supervisors directly or at all, it is believed that they can ensure that the needed meetings take place with the heads of the individual agencies.
- 02)** It is recommended that the county hire a Psychiatric Social Worker III for the jail, and do so soon. That person needs to be accountable to jail administration and not just another arm of BH.
- 03)** It is recommended that there be a single uniform HIPAA release form that all relevant local agencies use within this county. Critical information must be shared when needed.
- 04)** It is recommended that there be training for all relevant (custody/arrest/mental and medical health care) local agencies on just what HIPAA means and what may be released, including under exigent circumstances. If needed, request clarification and/or training from the federal agency that created and implements HIPAA, the U.S. Department of Health & Human Services.
- 05)** It is recommended that if there is a lack of cooperation due to believed HIPAA rules, then the local agency needing important health information should pursue it further and even have subpoenas issued through the court if needed.
- 06)** It is recommended that persons with behavioral health info, and specifically within BH, attend court sessions when there are people with mental health issues there, particularly if there are questions as to the mental condition of such persons. The court may make orders concerning persons under BH care and direct that records be provided as deemed necessary.
- 07)** It is recommended that all of the named agencies and others in this county ensure they are doing all they can to see that the general public is safe from harm in general. Attention should also be paid to persons that may need to be placed or remain in custody, where the jail may not always be the best option. The jury acknowledges that there is not always a better option immediately available.
- 08)** It is recommended that county personnel contact staff at the CDCR diagnostics program and also contact staff at Patton State Hospital. Based on information provided by persons the jury spoke with during the interviews of this inquiry, these may be good models for learning.
- 09)** It is recommended that a larger and/or more secure place for persons with mental health issues that cannot otherwise be released from custody be found or created. As jail personnel correctly stated, jail is not in itself a cure-all, and it should not be.
- 10)** It is recommended that better arrangements should be made to send persons in custody with severe mental issues to places outside the county in the meantime until a larger and/or more secure place can be established locally.

Miscellaneous Information:

This is a partial list but not complete information provided by the U.S. Department of Health & Human Services as related to HIPAA:

Who Must Follow These Laws

We call the entities that must follow the HIPAA regulations “covered entities.”

Covered entities include:

- **Health Plans**, including health insurance companies, HMOs, company health plans, and certain government programs that pay for health care, such as Medicare and Medicaid.
- **Most Health Care Providers**—those that conduct certain business electronically, such as electronically billing your health insurance—including most doctors, clinics, hospitals, psychologists, chiropractors, nursing homes, pharmacies, and dentists.
- **Health Care Clearinghouses**—entities that process nonstandard health information they receive from another entity into a standard (i.e., standard electronic format or data content), or vice versa.

==EDIT==

Examples of business associates include:

- Companies that help your doctors get paid for providing health care, including billing companies and companies that process your health care claims
- Companies that help administer health plans
- People like outside lawyers, accountants, and IT specialists
- Companies that store or destroy medical records

==EDIT==

Who Is Not Required to Follow These Laws

Many organizations that have health information about you do not have to follow these laws.

Examples of organizations that do not have to follow the Privacy and Security Rules include:

- Life insurers
- Employers
- Workers compensation carriers
- Most schools and school districts
- Many state agencies like child protective service agencies
- Most law enforcement agencies
- Many municipal offices

<http://www.hhs.gov/hipaa/for-individuals/guidance-materials-for-consumers/index.html>

Patton State Hospital is operated by the Department of State Hospitals located in San Bernardino County. Their web site states the following (in part):

The four primary commitment categories of patients treated at DSH-Patton are described below:

- » *Incompetent to Stand Trial (PC 1370)*
- » *Mentally Disordered Offenders (Penal Code Section 2962/2972)*
- » *Not Guilty by Reason of Insanity (PC 1026)*
- » *Conservatees (LPS & Murphy)*

<http://www.dsh.ca.gov/Patton/>

Response Required: No response is required from any of the agencies contacted.



IMPERIAL COUNTY SHERIFF'S OFFICE
RAYMOND LOERA
SHERIFF • CORONER • MARSHAL



July 9, 2015

Imperial County Civil Grand Jury
Attention: Foreman G. Sanchez
P.O. Box 2011
El Centro, CA 92244

Re: Response to Findings and Recommendations

Mr. Sanchez and Jurors:

Our office is in receipt of your letter dated June 26, 2015. We are in agreement with you on the limitations identified. I have reviewed the findings and recommendations. We have rectified most of the findings pursuant to the recommendations and will continue to address and rectify the remaining issues found by the Civil Grand Jury committee.

Correction Division:

F1 & R1 – Both refer to the security door at the kitchen. We have submitted to the Board of Supervisors for approval on a replacement door and threshold at \$25,000.00. We are pending approval and installation.

F2 & R2 – Both refer to the low number of female employees we have as Correctional Officers. We have convened a Recruitment Team with their main focus, to elicit female applicants to test for Correctional Officer. This plan includes active recruitment in the community, brochures, orientation, and a mock physical agility test to better prepare female candidates for the testing process.

F3 & R3 – Both refer to SB-2011 Grant. Imperial County Jail did not rank high enough in this competitive process to receive funding. However, we are actively seeking construction funding under SB863 to build a support building and new kitchen to be located near Herbert Hughes Correctional Center. We appreciate your support in these endeavors and know you would be pleased with the proposed plan under SB863.

Coroner's Office:

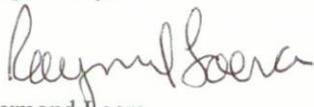
F1 & R1 – The Coroner Investigators handle cases at all hours of the day and must input the information in our database immediately therefore it is imperative that each Investigator input his or her cases in the database. The Sheriff's Office has temporarily transferred two light duty

deputies to our office and they have helped with entering and updating older cases as well as transferring older cases to electronic files, thus eliminating extra storage.

F2 & R2 – Our Office is currently using an old case management system which is outdated and extremely time consuming to use. Our office has been approved for a new coroner case management system from the 2015-2016 fiscal budget. Once the budget is signed, the agency can order the system, receive proper training, and have the system operational soon thereafter.

Thank you for your service to our community and the provided recommendations. The Imperial County Sheriff's Office shares your sentiments and appreciates your assistance in what you envision for our facilities.

Respectfully,

A handwritten signature in black ink, appearing to read "Raymond Loera". The signature is fluid and cursive, written over a faint horizontal line.

Raymond Loera
Sheriff/Marshal/Coroner

COUNTY OF IMPERIAL

DAN PRINCE
Chief Probation Officer



PROBATION DEPARTMENT
JUVENILE HALL

324 Applestill Rd.
El Centro, CA 92243

(760) 339-6229
(760) 352-8933 fax

PROBATION DEPARTMENT

July 27, 2015

Imperial County Grand Jury
P.O. Box 2011
El Centro, CA 92243

Attn: G. Sanchez, Grand Jury Foreman

Dear Mrs. Sanchez,

This letter is in response to the 2014/2015 Imperial County Grand Jury's Inspection Report; Findings and Recommendations based on their inspection conducted on March 6, 2015. I will address each recommendation as indicated by Penal Code Section 933.05, covering the Civil Grand Jury.

Finding and Recommendation:

1. Paint the counter half walls and replace countertops as needed.

Response:

- The respondent agrees with the finding.

The Facility Manager had the walls of the counter in the control center painted last year. A quote will be obtained to have the countertop professionally coated.

Finding and Recommendation:

2. Purchase and install the cameras to improve the safety of wards and staff.

Response:

- The respondent agrees with the finding.

On September 25, 2012, the Board of Supervisors approved the First Modification Agreement between the County of Imperial and American Alarm Company to upgrade the Juvenile Hall electronic control system. The upgrade included the

"Committed to enhancing public safety by reducing recidivism, motivating behavioral change, enforcing court orders and advocating for victims."

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

replacement of cameras that were faulty and upgrades to various areas that required audio capability, inclusive of monitoring and recording for life and safety purposes.

In March of 2015, the Probation Department submitted the 2015/2016 budget allocation to the County Executive Officer to purchase additional cameras and recorder. Upon approval of the final 2015/2016 budget, the Probation Department will begin the RFP process for the purchase and installation of the cameras and recorder.

We would like to take this opportunity to thank the Imperial County Civil Grand Jury for their support. The safety and well-being of the youth in our care is of the utmost importance to our Department. We strive to provide an optimum level of services to all youth during their stay in the Imperial County Juvenile Hall.

If you have any questions, please feel free to call me at (442) 265-2401 or email me at DanPrince@co.imperial.ca.us. I will be more than happy to answer any additional questions or concerns.

Sincerely,



Dan Prince
Chief Probation Officer

Cc: The Honorable Poli Flores Jr., Presiding Superior Court Judge
The Honorable William D. Quan, Juvenile Judge
Supervisor Ryan E. Kelley, Chairman of the Board of Supervisors
Ralph Cordova Jr., County Executive Officer for the County of Imperial



CITY OF WESTMORLAND

355 South Center Street • Post Office Box 699
Westmorland, California 92281
Tel: (760) 344-3411 • Fax (760) 344-5307
westcityusa@roadrunner.com
www.cityofwestmorland.net

FROM THE DESK OF: LAWRENCE RITCHIE
MAYOR

July 31, 2015

CGJ Foreperson
Post Office Box 2011
El Centro, California 92243

Subject: **2014-15 Grand Jury Response Letter**

Dear Foreperson:

Please accept this letter as the City's response to the 2014-2015, Imperial County Grand Jury report for the City of Westmorland.

Recommendation #1:

The City has taken steps to hire a part-time file clerk to assist in organizing the files and assist in the office by answering the phone and assisting with the front office.

Recommendation #2:

Cross training will take place in the fiscal year 2015-2016.

Recommendation #3:

Additional file storage space is available already at the Water Plant in a 40x40 container that is considered to be an on-site location for storing city records.

Recommendation #4:

The City is actively pursuing funds to repair the pool.

Please call me at 760-344-3411 if you have questions or require additional information.

Lawrence D Ritchie
Mayor

Cc: City Council
File: OC073115.ltr

RECEIVED 9/2/2015

CALIPATRIA UNIFIED SCHOOL DISTRICT

501 West Main Street • Calipatria, California 92233
Telephone (760) 348-2892 Fax (760) 344-8926



Superintendent
Douglas T. Kline
(760) 348-2151

Administrative Assistant
Betty J. Raceles
(760) 348-2151

Chief Business Official
Corey Caston
(760) 348-2892

**Associate Superintendent
Instructional Services**
Angelita Ortiz
(760) 348-2158

August 17, 2015

G. Sanchez
CGJ Foreperson
P. O. Box 2011
El Centro, CA 92243

Re: Written Response to Civil Grand Jury Investigations

Dear Mr. Sanchez:

Attached are the written responses to the two (2) complaints submitted to the 2014-15 Imperial County Civil Grand Jury.

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas T. Kline".

Douglas T. Kline
Superintendent

CALIPATRIA UNIFIED SCHOOL DISTRICT

501 West Main Street • Calipatria, California 92233
Telephone (760) 348-2892 Fax (760) 344-8926

2014-15 Imperial County Civil Grand Jury

Response to Final Report of Findings

Subject:

Complaint #1
Family Resource Center Coordinator

Recommendation #1

The district will inform the Calipatria/Niland community in writing of the changes in the program. District will update the district/school website and send school-to-home flyers describing the program in detail. This will be completed by June/July 2015.

Recommendation #2

Program goals and objectives will be published via flyers. These flyers will be sent to Calipatria/Niland community. The name "Family Resource Center" may be confusing to the community. Decide on what this program will be called and publish on district/school website. Communicate clearly about the duties, funding and services that will be provided. Complete this by June/July 2015.

Recommendation #3

For the school year 2015-16, publish on the district website and/or flyers a timeline of activities so that the community may reference them easily and plan to participate.

Recommendation #4

Document parent and student participate through logs and sign-in sheets.

Response:

The following is a description of the intended purpose of Family Resource Centers, taken from the Imperial County Office of Education's webpage:

The FRCs integrate medical, social services, mental health and education service to provide a holistic approach to addressing the needs of youth and their Families. With the collaboration of many agencies, the Family Resource Centers ensure the education, health and well-being of students and their families increasing the likelihood of student success.

As of July 1, 2015, the position of Family Resource Center Coordinator has been vacant. The District has advertised to fill the vacancy, however, before the position is filled, the District needs to reevaluate program, goals and services to be provided by and through the Family Resource Center.

As soon as this has been accomplished, the District will update the district/school website, send school-to-home flyers describing the program goals and objectives, and publish on the district website and/or flyers a timeline of activities.

Documentation of parent and student participation through dated logs and sign-in sheets will be done when not in violation of privacy laws.

CALIPATRIA UNIFIED SCHOOL DISTRICT

501 West Main Street • Calipatria, California 92233
Telephone (760) 348-2892 Fax (760) 344-8926

2014-15 Imperial County Civil Grand Jury Response to Final Report of Findings

Subject: Grace Smith School in Niland Lacking Administrative Presence Complaint #2

Recommendations #1

The Superintendent will publish a schedule of “principal availability” to the community via district/school website and school-to-home information flyers.

Recommendation #2

Parents will be informed via school-to-home flyer to “principal availability.” It will also be posted at the Post Office’s community bulletin board, which is a location that many parents frequent.

Recommendation #3

The Superintendent and Associate Superintendent will publish a schedule of when the “principal” will be at the school and they will abide by it.

Response:

School site principals are never available to parents at a moment’s notice. They are often “off-campus” doing home visits, attending district and county meetings, workshops, and trainings. Even when “on-campus,” they may not be available for unscheduled meetings due to scheduled parent conferences, special education Individualized Education Program (IEP) meetings, student study team meetings, and other types of meetings.

Posting a schedule of when a principal is “available” is not advisable because of potential safety and/or security issues. Groups or individuals may take advantage of days or times when a principal is “not available” to plan for disruption of school activities.

The Associate Superintendent maintained a regular schedule (Mondays, Wednesdays, and Fridays) at the school site throughout the 2014-15 school year. For the 2015-16 school year, the Superintendent and Associate Superintendent will develop a schedule for an administrator to be present on campus when not otherwise doing home visits, attending district and county meetings, workshops and trainings. As with other school sites, when a principal is not available on campus, district policies and procedures will be followed.



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES
383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

22 September 2015

Mr. G. Sanchez
Civil Grand Jury Foreperson
County of Imperial
P. O. Box 2011
El Centro, CA 92243

Re: City of Brawley Response to 2014/15 Civil Grand Jury Report

Dear Mr. Sanchez:

Thank you for your interest in the administration of the City of Brawley's Office of the City Clerk, located at 383 Main Street. This letter shall serve as the City's formal response to the findings and recommendations of the 2014/15 Civil Grand Jury.

Response to Recommendation No. 1

Please be advised that the City considers preventative measures to enhance security for all public facilities, including the Administrative Offices, as part of the annual budget process. It is noted that the annual budget process commencing in March of each year results in a City Council adopted budget in May with assigned financial resources to identified projects. Every year the number of requested projects and improvements exceed the financial resources available.

At present, the City lacks sufficient resources to install security cameras at the Administrative Offices. However, please be advised that employee safety is paramount. Procedures are currently in place to effectively manage angry, threatening or disgruntled members of the public.

Response to Recommendation No. 2

The City of Brawley is committed to compliance with the Americans with Disabilities Act (ADA) of 1990, requiring access to public facilities. Title II of the ADA requires that municipalities develop and adopt a Transition Plan that documents physical barriers to accessibility, proposed structural modification to remove those barriers, and a schedule to complete the modifications. The Brawley City Council last adopted the City of Brawley ADA Transition Plan in June of 2015. Notably, the City's implementation of ADA improvements is fiscally

constrained. Projects are considered as part of the annual budget process.

On August 27, 2015, the north entrance to the Administrative Offices was modified to provide an ADA entrance with a push button automatic door. The automatic door abuts ramp access and an ADA accessible public parking lot.

Response to Recommendation No. 3

The City of Brawley solicited quotes for the installation of handrails at the south entrance to the Administrative Offices in Summer of 2015. The lowest bidder, George Mitchell Builders, was awarded the contract for handrail installation, anticipated for completion within the next 90 calendar days.

Should you have any additional questions, comments or concerns, please feel free to contact me directly at 760-351-3048 or via email at rbmoore@brawley-ca.gov.

Sincerely,



Rosanna Bayon Moore
City Manager

Cc: Alma Benavides, City Clerk
Brawley City Council

Enclosure

IMPERIAL COUNTY FREE LIBRARY

Connie Barrington
County Librarian



1331 S. Clark, Bldg. 24
El Centro, CA 92243-2875
Phone: (760) 339-6460
Fax: (760) 339-6465
E-mail: conniebarrington@imperialcounty.net

September 23, 2015

G. Sanchez, Foreperson
CGJ Foreperson
P.O. Box 2011
El Centro, CA 92243

Re: Formal response to the 2014-15 CGJ Report on ICFL

Dear Foreperson Sanchez:

Enclosed with this letter please find the Imperial County Free Library's (ICFL) formal response to the 2014-15 Imperial County Civil Grand Jury (CGJ) report. If there are any questions, please feel free to contact me at the number below.

Sincerely yours,

Connie Barrington, MLS
County Librarian
Imperial County Free Library
Mailing address: 1125 W. Main St.
El Centro, CA 92243
(760) 339-6462

Formal Response to the 2014-15 Imperial County Civil Grand Jury
Final Report of Findings for the Imperial County Free Library

INVESTIGATION

Grand Jury Statement: “The Imperial County Free Libraries are funded by grants and Imperial County.”

Response: While the Imperial County Free Library (ICFL) receives income from grants and in 2014-15 from Imperial County in the form of augmentations, the base income is from the tax district revenue and the ICFL is one of twenty-three such tax district county libraries in the State of California.

Grand Jury Statement: “Imperial County is the lowest per capita funded county library in the state.”

Response: Using the most recent public data for California libraries (2012-13), Imperial County is not the lowest per-capita-funded County library in the state. It is the lowest per-capita funded library in the County of Imperial and is in the bottom ten libraries for per-capita funding that year.

Grand Jury Statement: “All branches have encyclopedias, dictionaries and other basic reference materials or online.”

Response: add “access” after online.

FINDING #1 Most libraries have a limited amount of space and computer availability.

Response: While additional space at all locations would be welcome, ICFL staff believe computer availability is adequate at all locations. In fact, computers and software for the public were upgraded in 2015 and special computers are available for children and preschoolers.

FINDING #2 ICFL in Seeley and Ocotillo demonstrate a need for additional service hours and trained personnel.

Response: ICFL staff are looking at different scheduling in Ocotillo and would welcome funds to provide more hours in Seeley (potentially available with augmentations in the 2015-16 Imperial County budget). Trained staff, however, are provided for both locations during hours open.

FINDING #3 ICFL hours open for business are not meeting the needs of students in general, minors and adults.

Response: While ICFL staff would love to be able to provide more hours in Heber, Ocotillo, Salton City and Seeley, we feel that our 40 plus hours open in Calipatria and Holtville are adequate for the needs of students. Increased hours will be offered in Heber as of October 2015.

RECOMMENDATION #1 Find larger space and access to additional computers by partnering up with school district libraries throughout Imperial County.

Response: ICFL works with a wide-variety of school districts in Imperial County and has had several joint-use projects with school libraries, such as with San Pasqual and Seeley and Westmorland Union School Districts. Such models require special arrangements and staffing. Computer usage can be an issue for the schools and for the County Library with such arrangements, and it is not always ideal, since citizens sometimes, in our experience, do not wish to come onto campuses (our experience in Westmorland), or do not have transportation to the school (our experience in San Pasqual). Additional computers are not currently needed at existing locations.

RECOMMENDATION #2 Partner up with service entities throughout Imperial County such as the Department of Social Services CalWORKS Program and identify workers/volunteers to work the library branches throughout the county. Certify employees and/or volunteers to work in the libraries by providing appropriate training.

Response: ICFL works with CalWORKS, several Senior job partners, IVC's work-study students, Americorp and Minicorp, as well as actively seeks volunteers through notices and participation in programs such as the online "Get Involved". Volunteers are processed using County procedures and are trained for the duties requested. While more volunteers are always welcome, there are a lot of issues with attempting to use volunteers to staff locations in place of, rather than in addition to, paid staff.

RECOMMENDATION #3 Explore hours of service to extend for after school and during school breaks. ICFL should reach out to adults and university students and make resources available.

Response: ICFL will be adding staff in 2015. ICFL has extensive outreach, working with area school districts, chambers, community health fairs, utility districts, etc., as well as using a variety of means to get the word out in the community about our programming. We have worked with Imperial Valley College and their faculty/librarians, as appropriate, and do our best to provide resources that are needed, although primary access to such resources is normally the domain of their respective institutional libraries. We offer programming for adults, from computer classes to crafts, and several book discussion groups. We have after school hours at all four branches and are open most school breaks.

PEGGY PRICE
DIRECTOR


IMPERIAL COUNTY
DEPARTMENT OF SOCIAL SERVICES

2995 S. 4TH STREET • SUITE 105
EL CENTRO, CA 92243
TELEPHONE: (760) 337-6800

September 30, 2015

CGJ Foreperson
P.O. Box 2011
El Centro, A 92243

RE: Response to the Civil Grand Jury (CGJ) Findings and Recommendations.

Dear Civil Grand Jury,

On October 29, 2014 the CGJ conducted an investigation of the County of Imperial, Department of Social Services CalWORKs program. On March 6, 2015 the CGJ conducted an investigation of the County of Imperial, Department of Social Services IHSS program due to an anonymous complaint. Attached is the response to the CGJ findings and recommendations.

RESPONSE TO THE CGJ FINDINGS AND RECOMMENDATIONS - CALWORKS

Recommendation #1: Eliminate the use and need of verbal procedures. Verbal procedures should be followed with written procedures immediately. Assign an employee to update procedure manuals on a regular basis and hold this person accountable.

The Staff Development Unit within the Eligibility Division is responsible for policy interpretation of new regulations drafted and submitted to all the counties within California by the State. Once the new policy is interpreted a training module is developed and shared with the staff and supervision in the form of in-service trainings by Staff Development. Written handouts or page substitutions are provided at the time of the in-service trainings and the staff is given the opportunity to ask any questions regarding changes in policy and procedures at that time. Each employee is responsible for maintaining their procedure manual by including any and all handouts or page substitutions given by Staff Development. Staff Development in turn updates their training manuals to address any and all changes in policy and procedure for newly hired trainees.

Recommendation #2: Cross train other department employees to assist in reducing the caseload.

Eligibility Technicians have their own classification within the Department of Social Services. The primary function of an Eligibility Technician involves determining the eligibility of applicants and recipients for public assistance programs. The training is comprehensive and involves areas of competency specific for eligibility determination for that program. Staffing to caseload

ratios are assigned based on the complexity of work. Methodologies set by the state for funding include population, eligible individuals, and active cases for Medi-Cal, CalFresh and Temporary Assistance to Needy Families (TANF)/CalWORKs. Imperial County utilizes the full allocation for staffing in the TANF/CalWORKs program. The program has an employment requirement for parents receiving TANF. The CalWORKs employment services program also has a specific classification of Employment and Training Workers assigned to work specifically with the parents of children receiving TANF program. These classifications are not interchangeable. The department practices continuous improvement to ensure program efficiency and effectiveness. This includes assessing business practices to streamline processes as long as the impact is positive and ensures the integrity of the program.

Recommendation #3: Staff at all levels need to be briefed on budgetary items. Determine a process and implement.

Historically, the budget and budgetary issues are handled exclusively by Administration and administrative staff. More recently, we have begun to discuss budget items with the Deputy Directors. The goal is to have the Deputy Directors and Program Managers develop an understanding of the funding for their assigned program. One area that has been implemented is the Time Studies, which impacts funding. Staff are learning the purpose and importance of this mechanism that is used to draw the funding that supports our programs.

RESPONSE TO THE CGJ FINDINGS AND RECOMMENDATIONS - IHSS

Recommendation #1: While the reason to change the offices to combine services and programs may have looked good on paper, more planning and dialog with the employees needs to take place to diminish confusion and inconvenience for the clients.

A program manager was assigned to assist in a project to transition the staff with improved customer service. The manager worked closely with administrative staff who oversee the reception staff and managers and supervisors of the Medi-Cal and CalWORKs programs. The objective was to identify customer service issues and business process that needed improvement. The goal was to provide a streamlined approach to service delivery with a positive customer experience. This project was implemented prior to the Civil Grand Jury investigation on March 6, 2015.

During the expansion of Medi-Cal under Health Care Reform, the direction at the state level is to provide the best customer experience to individuals seeking health care. The department is responsible to enrolling families in to health care programs, determining eligibility of state and federal programs and managing their case. The "customer experience" is for some staff a new way of thinking for government programs. This has been a culture change for many but through training and support we have decreased wait times and complaints from individuals applying for our programs.

Recommendation #2: Provide lobby navigators so that clients do not have to line up to get procedure clarification or needed forms.

A client navigator in every reception is our goal for the department. Given staffing, we use them as needed during peak times. Training has been provided to staff on customer service and expectations set to help a client navigate our systems by using communication skills to assist them in written and verbal

form. Staff was instructed to request assistance during peak times to reduce the time clients are standing in line. Procedures were implemented to expedite the service requests to reduce wait times. A brochure and map was also developed to assist clients with program information and location. This was provided at each reception area to give to clients when needed.

Recommendation #3: Provide access to more than one (1) telephone and move furniture around to accommodate space in the telephone area.

The lobbies were assessed for improved placement of furniture for better access and mobility to all phones. New phones were installed where needed and janitorial services was directed to clean and sanitize phones each night. Future plans include tables, paint and new signage for all lobby and reception areas.

Respectfully,

A handwritten signature in blue ink, appearing to read "Peggy Price", with a small dot at the end.

Peggy Price
Director



REGISTRAR OF VOTERS

Debra Porter

940 Main Street, Suite 206, El Centro, CA 92243

Ph: (442) 265-1060 Fax: (442) 265-1062

www.co.imperial.ca.us

October 29, 2015

Gill Rapoza, Foreman
2015 – 2016 Imperial County Civil Grand Jury
PO Box 2011
El Centro, CA 92244

RE: Grand Jury Report Response – Imperial County Registrar of Voters

Please allow this letter to serve as the required response to the report issued by the Civil Grand Jury concerning the Imperial County Registrar of Voters Department. The Registrar of Voters appreciates your findings and recommendations filed in your report.

The following are the responses of the Imperial County Registrar of Voters:

Recommendation 1 – Staffing

With the increasing daily tasks associated with data entry and maintenance of the voter file, filing and maintenance of candidate and office holder forms, filing and maintenance of annual and biennial statement of economic interest forms and the ever increasing amount of laws, rules and regulations associated with conducting an election, the Registrar of Voters agrees with the recommendation of a full allocation of 5.0 staff members and will work with Human Resources and the Fiscal department to acquire funding to meet this need.

Recommendation 2 – Office entrance doors

We are currently exploring either windows being placed in the entrance doors or new doors with windows built in for the safety of staff and the public.

Recommendation 3 – Safety barrier

Plans are being drawn to allow for a safety barrier wall with glass to be built that would allow for separation of staff from the public.

Recommendation 4 – Procedure Manual

A Best Practices manual is being updated and Best Practices for the department new election equipment is also included.

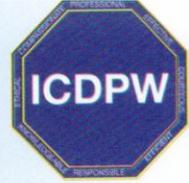
Respectfully submitted,

Debra Porter, Registrar of Voters

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER



Public Works works for the Public



COUNTY OF
IMPERIAL

DEPARTMENT OF
PUBLIC WORKS

155 S. 11th Street
El Centro, CA
92243

Tel: (760) 482-4462
Fax: (760) 352-1272

July 7, 2015

CGJ Foreperson
P.O. Box 2011
El Centro, CA 92243

SUBJECT: Final Written Report on Investigation/Citizen Complaint – Official Report
Response

To whom it may concern:

Imperial County Department of Public Works has received the notification of publishing for the Final Written Report on Investigation/Citizen Complaint dated June 26, 2015.

As noted in the letter, the Department cooperated with the Grand Jury by answering general questions submitted and providing the Grand Jury with the documentation being requested. Clarification as to the intent of the line of questioning was more prominent with release of the subject report.

The Department of Public Works intends to issue an official response by September 30, 2015 as indicated in the written report submitted to the Department.

Should you have any questions please do not hesitate to contact Jose Castaneda, Administrative Analyst II, with this Department at (442) 265-1818 or josecastaneda@co.imperial.ca.us.

Respectfully,

William S. Brunet, P.E.
Director of Public Works

JC/dm

An Equal Opportunity / Affirmative Action Employer

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Public Works works for the Public



COUNTY OF IMPERIAL

DEPARTMENT OF PUBLIC WORKS

155 S. 11th Street
El Centro, CA
92243

Tel: (442) 265-1818
Fax: (442) 265-1858

September 25, 2015

Imperial County Civil Grand Jury
c/o Mr. Gill Rapoza – Jury Foreperson
Imperial County
P.O. Box 2011
El Centro, CA 92243

SUBJECT: Final Written Report on Investigation/ Citizen Complaint for
Worthington Road – Request for Extension

Dear Ladies and Gentlemen:

Imperial County Department of Public Works (ICDPW) has received the Final Written Report on Investigation / Citizen Complaint for Worthington Road. Since the receipt of the report, staff has been working diligently on compiling information and records for an official department response. The response will demonstrate that ICDPW has upheld design criteria for the road segment in question and has made effective use of available road funding.

The endeavor has proven to be taxing on department resources and it is for this reason ICDPW requests an extension for the submission of the official response to the recommendations. The response is being reviewed internally and will need to be reviewed by County Counsel before submission to the Grand Jury. ICDPW intends to submit the official response no later than the close of business (5:00 p.m.) on November 2, 2015.

Should you have any questions, please do not hesitate to contact Jose Castaneda, Administrative Analyst II of this Department.

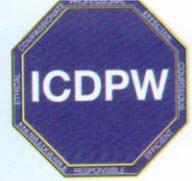
Respectfully,

William S. Brunet, P.E.
Director of Public Works

Jc/cv

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Public Works works for the Public

COUNTY OF IMPERIAL

DEPARTMENT OF PUBLIC WORKS

155 S. 11th Street
El Centro, CA
92243

Tel: (442) 265-1818
Fax: (442) 265-1858

October 29, 2015

Imperial County Civil Grand Jury
c/o Mr. Gill Rapoza – Jury Foreperson
Imperial County
P.O. Box 2011
El Centro, CA 92243

SUBJECT: Final Written Report on Investigation/ Citizen Complaint for Worthington Road
– Second Request for Extension

Dear Ladies and Gentlemen:

Imperial County Department of Public Works (ICDPW) has received the Final Written Report on Investigation / Citizen Complaint for Worthington Road. Since the receipt of the report, staff has been working diligently on compiling information and records for an official department response. The response will demonstrate that ICDPW has upheld design criteria for the road segment in question and has made effective use of available road funding.

The endeavor has continued to be proven taxing on department resources in light of regular department business and road emergencies that have presented themselves. It is for this reason ICDPW requests an extension for the submission of the official response to the recommendations. The response is in review for finalization but will need to be reviewed by County Counsel before submission to the Grand Jury. ICDPW intends to submit the official response no later than the close of business (5:00 p.m.) on December 2, 2015.

Should you have any questions, please do not hesitate to contact Jose Castaneda, Administrative Analyst II of this Department.

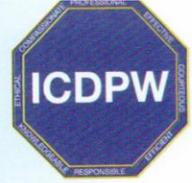
Respectfully,

William S. Brunet, PE
Director of Public Works

Jc/dm

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Public Works works for the Public

COUNTY OF
IMPERIAL

DEPARTMENT OF
PUBLIC WORKS

155 S. 11th Street
El Centro, CA
92243

Tel: (442) 265-1818
Fax: (442) 265-1858

December 20, 2015

Imperial County Civil Grand Jury
c/o Mr. Gill Rapoza – Jury Foreperson
Imperial County
P.O. Box 2011
El Centro, CA 92243

SUBJECT: Final Written Report on Investigation/ Citizen Complaint for Worthington Road – Submission of DRAFT Answer.

Dear Ladies and Gentlemen:

Imperial County Department of Public Works (ICDPW) has received the Final Written Report on Investigation / Citizen Complaint for Worthington Road. Since the receipt of the report, staff has been working diligently on compiling information and records for an official department response. The response will demonstrate that ICDPW has upheld design criteria for the road segment in question and has made effective use of available road funding.

As stated previously, the endeavor has proven to be taxing on department resources with different priorities dictating timelines. We apologize for the delay however we wanted to ensure we prepared a report that answered the Grand Jury's questions in a complete manner. The attached document is to be considered a DRAFT document for review. A copy of the document is currently being reviewed by County Counsel. Upon the completion of their review, the department will update the document and resubmit if required.

Should you have any questions, please do not hesitate to contact Jose Castaneda, Administrative Analyst II of this Department.

Respectfully,

William S. Brunet, PE
Director of Public Works

By

John Gay
Deputy Director of Engineering

Jc/dm

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Imperial County Department of Public Works

County Response to Investigation/Citizen Complaint Civil Grand Jury Report



The final response recieved from the ICDPW was a report over 1,200 pages long. It is too large to include in this report.



Prepared by:

Jose Castaneda – Administrative Analyst II

Approved by:

William S. Brunet – Director of Public Works

End of Report