



Honoring Commitments to the Public

Review of 2015-16 Grand Jury Report Responses

Summary

The 2017-18 Santa Cruz County Grand Jury investigated whether respondents to seven 2015-16 Grand Jury reports honored their commitments either to analyze report recommendations within six months or to implement those recommendations within a specified time in the future.

We found that two organizations consistently fulfilled the commitments they made to the public. While most of the other organizations addressed the Grand Jury's recommendations positively in some manner, two organizations could not confirm the steps they took to analyze a recommendation or explain clearly whether or how they implemented a recommendation.

We recommend that all organizations create a formal record of the actions they took to address Grand Jury recommendations, and to share those records with the public.

Background

Each year the Grand Jury investigates local government organizations, makes findings, and then recommends how those organizations can serve the community more effectively. The law requires the investigated organizations to respond to the findings and recommendations in writing.

The investigated organizations receive a response packet that includes the following instruction for each recommendation:^[1]

For the Recommendations included in this Response Packet, select one of the following actions and provide the required additional information:

- a. **HAS BEEN IMPLEMENTED**, with a summary regarding the implemented action, or*
- b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**, with a timeframe or expected date for implementation, or*
- c. **REQUIRES FURTHER ANALYSIS**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report, or*
- d. **WILL NOT BE IMPLEMENTED** because it is not warranted or is not reasonable, with an explanation therefor.*

The elected county officer or governing body has 60 or 90 days respectively to respond to Grand Jury findings and recommendations.

California Penal Code section 933.05 requires each respondent to select one of the four alternatives described above and to explain the response. Respondents selecting either a. or d. need only explain their answers to the public, but have no further responsibilities.

Respondents selecting b. or c. commit to take further action. These respondents must provide additional details of their intended actions, such as the planned time frame for analyzing or implementing a recommendation.

The issuing Grand Jury or succeeding Grand Jury examines all responses for compliance with section 933.05; however, the Grand Jury has no power to hold respondents to their commitments. Its only course of action is to undertake a new investigation to determine whether government officials fulfilled their commitments to the public.

The current Grand Jury reviewed four years of Grand Jury reports from 2013-2017, noting all instances in which respondents committed to take further actions on the reports' recommendations. Over the four years, respondents committed 70 times to analyze a recommendation within six months and 48 times to implement a recommendation at a specified date in the future.

The current Grand Jury chose just one Grand Jury year, 2015-16, to investigate further what actions respondents ultimately took to fulfill their commitments. We chose 2015-16 because it was the most recent year in which the respondents would have had time to take the promised actions. In all, we examined five commitments to undertake further analysis within six months and 15 commitments to implement a recommendation in the future.

This implementation investigation serves as an opportunity to:

- ascertain formally whether respondents to previous investigations performed further analysis, or implemented the Grand Jury's recommendations, as they had committed to do;
- increase public awareness of the positive actions that local government organizations have taken to improve their services to the community; and
- provide future Grand Juries with useful information on whether a follow-up investigation is warranted.

Scope

The Grand Jury requested documents sufficient to determine whether respondents took the actions indicated in their replies to the 2015-16 Grand Jury report recommendations. Table A (next page) summarizes the original 2016 report responses by investigative report and category of response – either to undertake “further analysis within six months” or to implement the recommendation at a specified time “in the future.” Each 2015-16 Grand Jury report title is followed by two or more citations, the first of which points to the Grand Jury report itself, and the second and subsequent citations point to the responses to that report. The table does not include “Has been implemented” or “Will not be implemented” responses.

Table A: Summary of Responses to 2015-16 Investigative Report Recommendations

2015-16 Grand Jury Report Title	Respondent	Response: "Further Analysis" Within 6 Months	Response: Recommendation "Will Be Implemented In The Future"
Reporting Santa Cruz County Retirement Costs and Obligations ^{[2] [3]}	Board of Supervisors	–	R1, R2
Santa Cruz County Mental Health Advisory Board ^{[4] [5] [6]}	Board of Supervisors	R2	–
	Mental Health Advisory Board	–	R2, R5, R8
Soquel Elementary School Board: Full Disclosure Not Optional ^{[7] [8]}	SUESD Board of Trustees	R4	–
Santa Cruz County Domestic Violence Commission: Missing In Action ^{[9] [10]}	Board of Supervisors	R1, R4	R2, R3, R5
Another Death in Our Jail ^{[11] [12] [13]}	Board of Supervisors	–	R6, R7
	Sheriff-Coroner	–	R5, R6, R7
Jails in Transition: 2015-2016 Jails Inspection Report ^{[14] [15]}	Sheriff-Coroner	R1	R7
Felton Fire Protection District's Surplus Land Sale ^{[16] [17]}	Felton Fire Protection District Board of Directors	–	R3

Investigation

In this section we summarize the findings, recommendations, and responses from each 2015-16 Grand Jury investigative report listed in Table A. We then analyze the documents submitted to the current Grand Jury to determine what actions, if any, recipients ultimately took with respect to the 2016 recommendations. Figure 1 and Figure 2 provide summary views of how respondents fulfilled their commitments to analyze or implement Grand Jury recommendations as of June 2018.

Report: “Reporting Santa Cruz County Retirement Costs and Obligations”

This 2015-16 report focused on the presentation of information on Santa Cruz County retirement costs and obligations, and made the following recommendations:

R1. The Board of Supervisors should direct the County Administrative Office to provide an annual summary of all retirement costs and obligations starting in FY 2016/17.

R2. The annual summary of the total retirement costs and obligations should be identified in the county budget in clear and understandable language.

The Board of Supervisors (BOS) committed to offer summary information about pension costs and obligations in the Comprehensive Annual Financial Report (CAFR) in the future. In 2017 the BOS fulfilled its commitment by providing summary information in the Management’s Discussion and Analysis section of the 2016-17 CAFR.^[18]

The BOS also committed to offer clear and understandable information about pension costs and obligations in the County budget. It fulfilled its commitment by offering both a visual representation and summary of proposed pension costs and obligations in the County’s searchable online 2018-19 Budget.^{[19] [20]}

Report: “Santa Cruz County Mental Health Advisory Board Revisited”

This 2015-16 report found that the Board of Supervisors (BOS) did not provide the Mental Health Advisory Board (MHAB) with adequate direction or training. It also found that MHAB members attributed some MHAB performance problems to difficulties in filling vacancies.

Recommendation 2 of the report addressed vacancies and training issues:

R2. The Board of Supervisors should make every effort to fill Mental Health Advisory Board vacancies immediately, provide training for new appointees, and provide annual professional training for all members on how to serve effectively on an advisory board.

The BOS responded that this recommendation would require further analysis within six months. The MHAB responded that it would “request input from the Board of Supervisors” to further the fulfillment of the training component of Recommendation 2.

The BOS confirmed that MHAB members received training in February 2017 and March 2018.^[21] It also indicated that future new members would receive orientation and staff support. At the present time, there are no vacancies on the Board.

Recommendation 5 of the report focused on approaches to establishing and addressing strategic goals:

R5. The Mental Health Advisory Board should hold an annual meeting to establish and evaluate strategic goals, prioritize those goals by focusing on problem areas, and establish committees to develop plans for problem resolution.

The MHAB responded that it would hold annual meetings to evaluate and prioritize strategic goals. The MHAB held a strategy meeting in February 2017. It provided the Grand Jury with materials demonstrating that it had created strategies and priorities for resolving problem areas. The MHAB held a similar meeting in June 2018.

The 2015-16 Grand Jury also found that the MHAB did not have an effective mechanism for sharing information on available programs and services with the community or local mental health professionals.

Recommendation 8 focused on community awareness:

R8. The Mental Health Advisory Board should increase efforts to raise community awareness of mental health issues through public announcements, publications, speaking engagements, and other forms of community outreach.

The MHAB responded that this recommendation would be implemented in the future.

The MHAB engaged with the public, beginning in the summer of 2017, through a public town hall meeting in August 2017; a televised presentation of the MHAB's 2016-17 biennial report to the BOS in April 2018;^[22] and online postings of monthly summaries from the Director of Behavioral Health.^[23]

In sum the BOS and MHAB have fulfilled their commitments to address the 2015-16 Grand Jury's recommendations.

Report: "Soquel Union Elementary School Board – Full Disclosure Not Optional"

This 2015-16 report found that the Soquel Union Elementary School District (SUESD) did not provide guidance on how to file a complaint. The report made the following recommendation:

R4. Soquel Union Elementary School District should make available on their website an easily filed complaint form with guidelines.

The SUESD Board of Trustees made a commitment to analyze the recommendation within six months of the receipt of the report. Since SUESD had no statutory duty to provide supplemental documentation about the actions it took to analyze the recommendation, the 2017-18 Grand Jury's new investigation allowed an assessment of SUESD's follow-through on its 2016 response.

The SUESD did not provide the current Grand Jury with documentation confirming that that it conducted an analysis of the 2016 recommendation within six months of the

receipt of the report, or at any later date.^[24]^[25] In May 2018 however, the District showed two recent alterations to its website home page – first to include information on California Uniform Complaint Procedures, and later, to state that the District does not require complaints to be submitted on a complaint form.^[26] These recent steps addressed Recommendation 4.

Report: “Santa Cruz County Domestic Violence Commission: Missing In Action”

This 2015-16 report found that the dormant Domestic Violence Commission (DVC or Commission) would be unable to restart, or to fulfill its mandate, under the existing organizational structure. The report offered five recommendations to the BOS aimed at reviving the Commission.

Recommendations 1 and 4 addressed DVC meeting and report issues:

R1. Domestic Violence Commission meetings should be held monthly during the first six months with the commission determining the ongoing meeting times and schedule.

R4. The Domestic Violence Commission should report to the Board of Supervisors quarterly for the first year and annually thereafter.

The BOS committed to analyzing Recommendations 1 and 4 within six months. A working group of the DVC met three times between January and March 2017. It analyzed the two Grand Jury recommendations and drafted an ordinance that included requirements for regular meetings and periodic reporting to the BOS.^[27]

Recommendations 2 and 3 addressed the composition of the Commission:

R2. The Board of Supervisors should reduce the Domestic Violence Commission membership from 28 to a workable number.

R3. The District Attorney (or their designee) should be the Domestic Violence Commission’s chair for at least the first year.

The BOS committed to implementing these two recommendations in the future, although it did not provide a timeframe for implementation. During the three January - March 2017 meetings, the DVC working group considered these two recommendations. The ordinance drafted to address Recommendations 1 and 4 also addressed Recommendations 2 and 3 – it proposed to streamline the membership and make the District Attorney (or a designee) the first chair. The BOS has not adopted the draft ordinance as of June 2018, as it is still assessing Commission procedural issues.^[28]

Recommendation 5 focused on the Domestic Violence Court:

R5. The Board of Supervisors should direct the Domestic Violence Commission to investigate the re-establishment of the Domestic Violence Court.

In April 2018 the District Attorney designee met with the presiding judge of the Superior Court to discuss the re-creation of the Domestic Violence Court as suggested in Recommendation 5. The matter is still under discussion.

In sum, the BOS fulfilled its commitments to analyze the meeting and report issues addressed in Recommendations 1, 4 and 5. It also took steps to address the Grand Jury's two other recommendations concerning the Domestic Violence Commission.

Report: "Another Death in Our Jail"

This 2015-16 report found two matters of concern with the third-party provider contract for medical services for the County's adult detention facilities.

First, the report found that a 2012-16 contract requirement regarding inmate hospital admissions may have been a deterrent to providing inmates with appropriate emergency medical care.

Recommendation 5 read as follows:

R5. The Sheriff--Coroner and Board of Supervisors should delete the contract requirement that the medical provider pay up to \$15,000 per inmate for each inmate emergency or catastrophic transfer to hospital care.

Second, the report found no documentary evidence that the Santa Cruz County detention facilities had been evaluated for compliance with key quality standards.

In Recommendation 7, the report recommended adding language to the medical services provider contract:

R7. The Sheriff-Coroner and Board of Supervisors should require in the contract that the medical services provider for detention facilities obtain and maintain accreditation from the California Medical Association-Institute for Medical Quality for adult detention facilities.

In their responses to Recommendations 5 and 7, the Board of Supervisors and the Sheriff-Coroner committed to changes to the medical services provider contract scheduled to go into effect in September 2016. The September 2016 contract eliminated the clause requiring the service provider to pay up to \$15,000 per inmate admitted to a hospital^[29] and added language that required CMA-IMQ accreditation.^[30] CFMG received accreditation for the period June 21, 2017 through June 21, 2019.^[31]

The 2015-16 Grand Jury report also found that the Health Services Agency's 2015 inspection did not address whether the Main Jail was in compliance with the Detoxification Treatment requirements of Title 15 of the California Code of Regulations.

Recommendation 6 read as follows:

R6. The Health Services Agency should complete the annual 2016 Title 15 inspection and identify if the facility is in compliance with the Detoxification Treatment requirements (Title 15, Section 1213), as required by state law.

In their responses, the Board of Supervisors and the Sheriff-Coroner committed to implementing Recommendation 6 in the future, indicating that the Health Services Agency would inspect the Main Jail by the end of 2016.

The Sheriff-Coroner's Office provided the 2017-18 Grand Jury with confirmation that a 2016 Title 15 inspection had taken place and that the Main Jail was in compliance with the Detoxification Treatment requirements (Section 1213) in 2016.^[32]

Report: "Jails in Transition: 2015-2016 Jails Inspection Report"

This 2015-16 report found that the Crisis Intervention Team's Facility Risk Report lacked specific recommendations for inmates. The Facility Risk Report is a daily report for staff that provides alerts for inmates deemed "at-risk for suicide, escape, assault, medical issues, and other destabilizing behaviors."^[33]

Recommendation 1 read as follows:

R1. The Grand Jury recommends the Crisis Intervention Team's Facility Risk Report include written concerns and recommendations for inmates identified as at-risk.

The Sheriff-Coroner's Office committed to analyze Recommendation 1 within six months.

The Sheriff-Coroner's Office confirmed that it performed an analysis of Recommendation 1 within six months.^[34] It also took steps to address Recommendation 1 by updating the Facility Task Report to include inmates who are considered to be "Incompetent to Stand Trial" and those who have requested a "Preference Accommodation" based on their expressed gender identity.^[35]

The 2015-16 Grand Jury report also found that a door in the kitchen of the Main Jail, through which an inmate walked away in 2015, was open and led to an unrestricted and unfenced area. Although funding had been allocated to build a fence surrounding the door, construction had not begun as of the June 2016 report date.

Recommendation 7 read as follows:

R7. The Grand Jury recommends a fence be built within this year to enclose the unrestricted area outside the kitchen back door. Until it is completed, a temporary solution should be installed immediately and inmates should be personally escorted.

The Sheriff-Coroner's Office responded that it would implement the Grand Jury's recommendation in the 2016-17 fiscal year to fully enclose not only the kitchen back door but the entire exterior of the Main Jail as well. The Sheriff-Coroner's Office also indicated that it had taken interim measures as Recommendation 7 suggested. These measures included cameras, an alarmed back door, new staff monitoring procedures, and the outfitting of all inmate kitchen workers with tracking ankle monitors.

In November 2016 the Sheriff-Coroner's Office fulfilled its commitment to install a fence, going beyond Recommendation 7 by enclosing the entire exterior of the Main Jail.^[36]

Report: “Felton Fire Protection District’s Surplus Land Sale”

This 2015-16 Grand Jury report identified irregularities in the 2014 Felton Fire Protection District (District) sale of surplus real property. It also established the fact that Felton Fire Protection District lacked written policies and procedures for the sale or disposal of real property.

The report recommended actions to improve transparency and accountability.

Recommendation 3 read as follows:

R3. The Board should comply with the law and adopt policies and procedures for acquiring, managing, and disposing of surplus property. All policies and procedures should be posted on their website.

The District committed to implement this recommendation in the future but did not indicate the timeframe for implementation as California Penal Code section 933.05 required. Moreover, the District did not indicate in its 2016 response that it had any policies or procedures that addressed the 2015-16 Grand Jury’s concerns.^[37]

In response to the current Grand Jury’s request for documents, however, the District asserted that relevant policies and procedures were already in force at the time of the 2015-16 Grand Jury investigation.^[38]

The District provided copies of three policy and procedure documents for purchasing and for disposing of property. Of the two policy documents related to purchasing, one is undated,^[39] and the other, entitled *Purchasing Policies and Procedures*,^[40] is dated June 7, 2010. A third document, entitled *Policy for the Disposal of Fire District Property*, appears to be dated December 1, 1992.^[41] In its submission to the current Grand Jury, the District did not explain why it failed to mention the existence of these documents in its response to Recommendation 3 of the 2015-16 Grand Jury report, nor why it agreed to implement the recommendation in the future if policies and procedures were already in place.

With respect to the 2015-16 Grand Jury’s recommendation that the District post its policies and procedures on its website, the District has informed us that such a step has not been taken. It does, however, intend to add policies and procedures to its website in 2019, at the same time that it conforms to Brown Act changes mandating the online posting of Board agendas and minutes.^[42]

Conclusion

Five local government bodies responded to a total of 20 recommendations in seven reports:

- Santa Cruz County Board of Supervisors (10 recommendations)
- Mental Health Advisory Board (3 recommendations)
- Soquel Union Elementary School District (1 recommendation)
- Sheriff-Coroner (5 recommendations)
- Felton Fire Protection District Board of Directors (1 recommendation)

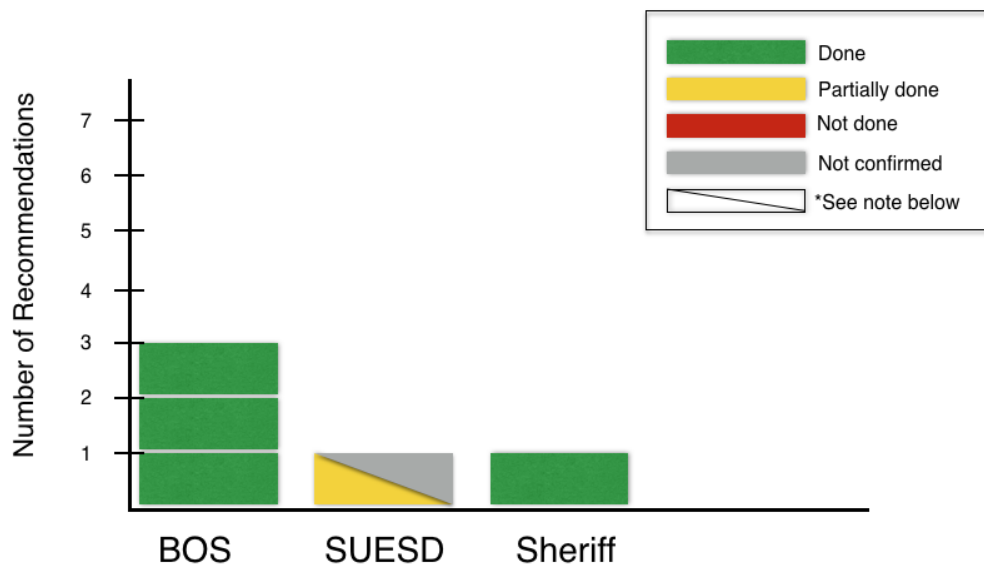
As previously discussed, respondents to Grand Jury investigative reports do not have a statutory duty to provide verification that analyses or changes have been completed; therefore, the current Grand jury opened a new investigation to determine how government officials followed through on their 2016 commitments.

We summarize graphically our findings in Figures 1 and 2. Figure 1 shows the number of recommendations that each government entity committed to consider within 6 months and whether it followed through on those stated commitments. Figure 2 shows the number of recommendations that each government entity committed to implement at a specified time in the future and whether it followed through on those stated commitments.

Figure 1 shows that four of the five submissions provided the current Grand Jury with documentation describing the actions taken to analyze a recommendation; the fifth submission showed that the organization addressed the issues identified in the 2015-16 Grand Jury’s recommendations at some point in time.

Figure 1: Actions Taken to Analyze Recommendations Within 6 Months

Response: “further analysis” within 6 months

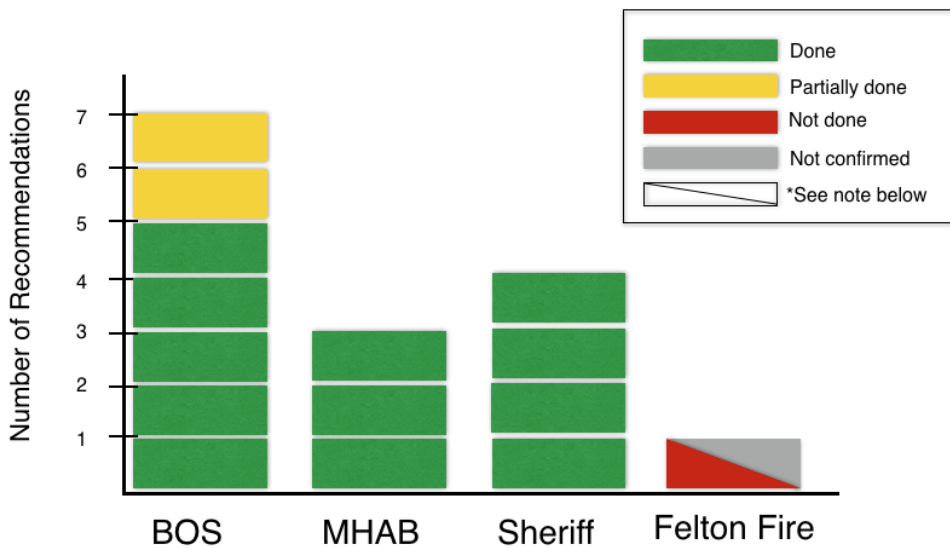


* Split color box indicates a 2-part recommendation with two different outcomes

Figure 2 shows that 12 of 15 submissions confirmed to the current Grand Jury that a recommendation had been implemented. Two more submissions provided documentation confirming the positive actions taken to address the issues raised in the recommendations. The 15th submission did not provide documentation sufficient to confirm action on the first part of the 2015-16 Grand Jury’s 2-part recommendation; moreover, it indicated that it had not yet implemented the second part of that recommendation.

Figure 2: Actions Taken to Implement Recommendations

Response: will be implemented “in the future”



* Split color box indicates a 2-part recommendation with two different outcomes

Both the Sheriff-Coroner’s Office and the Mental Health Board followed through on all the commitments they made to the public. The Board of Supervisors addressed all of the issues raised in the Grand Jury reports, fulfilling in whole or in part its commitments to the public to take action.

Findings

- F1.** Most respondents to the 2015-16 Grand Jury investigations fulfilled or partially fulfilled the commitments they made to analyze a recommendation within six months, or to implement a recommendation at a specified time in the future.
- F2.** The Board of Supervisors fulfilled its commitment to provide a summary of retirement costs and obligations in the Management Discussion and Analysis section of the CAFR.
- F3.** The Board of Supervisors fulfilled its commitment to provide estimated pension costs and obligations in clear and understandable language in the 2018-19 Proposed Budget through an online version.
- F4.** The Board of Supervisors and the Mental Health Advisory Board fulfilled their commitments to fill all MHAB Board vacancies and to train both incoming and continuing members.
- F5.** The Mental Health Advisory Board fulfilled its commitment to hold annual strategy meetings and address strategic plans and priorities.
- F6.** The Board of Supervisors and Mental Health Advisory Board fulfilled their commitments to make more meeting materials and services information available online.
- F7.** The Soquel Union Elementary School District did not provide documentation confirming that it had analyzed the Grand Jury's recommendation within six months; however, in 2018 it took steps to address the complaint form issue identified in the recommendation.
- F8.** The Board of Supervisors followed through on its commitments to analyze Grand Jury recommendations related to Domestic Violence Commission meeting times and reporting practices.
- F9.** A District Attorney designee met with the presiding judge of the Superior Court to explore the re-establishment of a Domestic Violence Court, thus fulfilling the Board of Supervisors' commitment to do so.
- F10.** The Sheriff-Coroner's Office analyzed the Grand Jury's Facility Risk Report recommendation within six months, thus fulfilling its commitment to the public.
- F11.** The Sheriff-Coroner's Office fulfilled its commitment to build a fence to enclose the entire Main Jail.
- F12.** The Board of Supervisors and the Sheriff-Coroner's Office honored their commitments to make changes to the September 2016 provider contract for medical services for County detention facilities.
- F13.** The Board of Supervisors and the Sheriff-Coroner's Office fulfilled their commitment to do a Title 15 inspection of the Main Jail in 2016.

- F14.** The Board of Supervisors and the Sheriff-Coroner’s Office confirmed that the Main Jail was in compliance with Title 15 Detoxification Treatment requirements in 2016.
- F15.** The Felton Fire Protection District’s submission to the current Grand Jury of written policy and procedures regarding the acquisition and sale of real property contradicts the facts established in the 2016 Grand Jury report that the District lacked such documents, and is inconsistent with the District’s 2016 commitment to the public to adopt such policies and procedures in the future.
- F16.** The Felton Fire Protection District has not yet fulfilled its commitment to post policies and procedures on its website.

Recommendations

- R1.** Grand Jury report respondents that commit to analyze a recommendation within a 6-month timeframe should document for the public the actions they took to fulfill the analysis commitment. (F4, F7, F8, F10)
- R2.** Grand Jury report respondents that commit to implement a recommendation should document for the public the completion of that implementation. (F2–F6, F9, F11–F16)

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F2–F4, F6, F8, F9, F12–14	R1, R2	90 Days September 25, 2018
SUESD Board of Trustees	F7	R1	90 Days September 25, 2018
Santa Cruz County Sheriff-Coroner	F10–14	R1, R2	60 Days August 27, 2018
Felton Fire Protection District Board of Directors	F15, F16	R2	90 Days September 25, 2018

Requested Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Mental Health Advisory Board	F4–F6	R2	90 Days September 25, 2018

Definitions

- **BOS:** Board of Supervisors
- **DVC:** Domestic Violence Commission
- **MHAB:** Mental Health Advisory Board
- **SUESD:** Soquel Union Elementary School District

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