



Mimi Duzenski  
Clerk of the Board

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August 13, 2013

Honorable David P. Warner, Presiding Judge  
San Joaquin County Superior Court  
P.O. Box 201022  
Stockton, CA 95201

Dear Judge Warner:

### Responses to 2012-13 Grand Jury Reports

Pursuant to Sections 933 and 933.05 of the California Penal Code, following are responses to the following reports:

- A. Getting Rid of Stuff -- Improving Disposal of City and County Surplus Public Assets (Case No. 0312)
- B. Fractured Oversight Fails to Serve At-Risk Youth (Case No. 0412)
- C. Crime -- Budget Cuts + AB 109 ≠ Safe Communities (Case No. 0912)
- D. County Board of Supervisors' Agendas: Consent or Discussion? (Case No. 1012)
- E. 2012-2013 Law and Justice Report
- F. District Board Ignores the Peoples' Right to be Informed (Case No. 1112)

If you have any questions regarding these responses, please contact Interim County Administrator Rosa Lee at (209) 468-3203.

Sincerely,

A handwritten signature in cursive script that reads "Ken Vogel".

Ken Vogel  
Chairman, Board of Supervisors

#### Attachments

c: Board of Supervisors  
Auditor-Controller  
Clerk of the Board  
County Administrator  
County Counsel  
District Attorney  
Human Services Agency  
Information Systems  
Probation  
Public Defender  
Purchasing and Support Services  
Sheriff-Coroner-Public Administrator  
Treasurer-Tax Collector  
Mosquito and Vector Control District

BOS08-01

**Getting Rid of Stuff – Improving Disposal of City and County Surplus Public Assets  
(Case No. 0312)**

**Responses from Purchasing and Support Services, General Services, and County Administrator's Office:**

**Finding F8.1:**

*There was no indication from the County materials received that a public disclosure of the results of sales of surplus vehicles and equipment was made. Unless the Board of Supervisors was the authorizing agent for the sale pursuant to the County Administrative Manual, the process is handled completely at an administrative level.*

**Response to F8.1:**

Agree.

In order to decrease costs, this process is handled at an administrative level and the information is retained within the Purchasing Department.

**Finding F8.2:**

*The County indicated that it does not have a policy requiring independent appraisals of real property it sells because there is no requirement for an appraisal under the Government Code. This lack of information makes it difficult for the public to determine if the sale was in the public interest.*

**Response to F8.2:**

Disagree.

Real property is sold at market value with a bidding process. Appraisals are subjective and would create an added delay to the sale of property by approximately six weeks.

**Recommendation R8.1:**

*Beginning September 30, 2013 the County Administrative Officer provide a quarterly public report to the Board of Supervisors summarizing the disposals of vehicles and equipment during the preceding quarter. The report should include the amount of revenues derived from the sales.*

**Response to R8.1:**

This recommendation will not be implemented.

Given recent Board direction with Delegated Authority, in an effort to streamline the disposal process, the County Administrator will not be providing a quarterly report to the Board of Supervisors. However, based upon the Grand Jury's recommendation, the Purchasing department will now file an annual report with the Clerk of the Board that will be available to the public. This report will be filed around September 1 and will cover the preceding fiscal year. As was evident in the documentation provided to the Grand Jury, the Purchasing department is the repository for such information.

**Recommendation R8.2:**

*No later than December 1, 2013 the County Board of Supervisors amend the County's Administrative Manual regarding procedures for disposal of surplus land and buildings to include a policy for when an appraisal of the property/building shall be required.*

**Response to R8.2:**

The recommendation will not be implemented.

The County Administrative Manual is updated on an as needed basis. The County will review Section 2711.1-2711.7 and determine if further clarification and specification should be accommodated.

**Fractured Oversight Fails to Serve At-Risk Youth  
(Case No. 0412)**

**Responses from Human Services Agency and Probation Department:**

**1.0 Community Care Licensing Divisions (CCLD) Role**

**Finding F1.1:**

*Citing budget cuts, CCLD's fulfillment of its regulatory and oversight role has deteriorated to the point of allowing some Group Homes to go unmonitored or un-inspected for periods of up to four years.*

**Response to F1.1:**

Agree.

**Finding F1.2:**

*There is no indication that CCLD provides follow-up review of the Group Home's Program Statement to assure that it is in compliance with new laws or regulations.*

**Response to F1.2:**

Partially disagree.

San Joaquin County Children's Services and Probation do not possess sufficient information relative to this finding to agree or disagree.

**Finding F1.3:**

*HSA/CPS and Probation do not receive copies of CCLD inspections unless they specifically request them.*

**Response to F1.3:**

Agree.

**Finding F1.4:**

*HSA/CPS and Probation do not routinely receive copies of investigations of Group Home violations by CCLD.*

**Response to F1.4:**

Agree.

**Finding F1.5:**

*Investigations and inspections do not take place on weekends or after regular business hours.*

**Response to F1.5:**

Agree.

**Finding F1.6:**

*Investigations of major incidents are not always handled by CCLD in a timely manner.*

**Response to F1.6:**

Agree.

**Finding F1.7:**

*CCLD performed unannounced audits of 21 of the 28 Group Homes under Grand Jury review between February 21, 2013, and March 20, 2013.*

**Response to F1.7:**

Partially disagree.

San Joaquin County Children's Services and Probation do not possess sufficient information relative to this finding to agree or disagree.

**Finding F1.8:**

*CCLD issued 34 citations to the Group Homes under Grand Jury review between February 21, 2013, and March 20, 2013.*

**Response to F1.8:**

Partially disagree.

San Joaquin County Children's Services and Probation do not possess sufficient information relative to this finding to agree or disagree.

**Recommendation R1.1:**

*Within 90 days, CPS and Probation submit a written request to CCLD that it fulfill statutory requirements for annual Inspections of all Group Homes in San Joaquin County.*

**Response to R1.1:**

The recommendation has been implemented.

Per regulation 80044 (Inspection Authority of the Licensing Agency) of the California Department of Social Services Manual for Community Care Licensing, the department shall conduct an annual unannounced visit to a facility under any of the following circumstances: 1) when a license is on probation; 2) when the terms of agreement in a facility compliance plan require an annual evaluation; 3) when an accusation against licensee is pending; 4) when a facility requires an annual visit as a condition of receiving federal financial participation; or, 5) in order to verify that a person who has been ordered out of a facility by a department is no longer at the facility. Further, the department shall conduct (random) unannounced visits to no less than 10 percent of facilities not subject to an evaluation above. Lastly, under no circumstance shall the department visit a community care facility less often than once every five years.

On July 19, 2013, a joint letter was sent by San Joaquin County Children's Services and Probation to Community Care Licensing requesting CCLD adhere to the above requirements. (See attached letter.)

**Recommendation R1.3:**

*Within 90 days, CPS and Probation submit a written request to CCLD clearly stating the requirements for immediate notification from CCLD of all investigations and/or inspections being conducted on Group Homes in the county, including correction plans and follow-up reports.*

**Response to R1.3:**

The recommendation has been implemented.

On July 19, 2013, a joint letter was sent by San Joaquin County Children's Services and Probation to Community Care Licensing requesting CCLD immediately begin providing both agencies with a copy of all inspections being conducted on Group Homes in San Joaquin County. Additionally, it was requested CCLD immediately begin providing copies of all inspection reports, list of deficiencies, and plans of correction pertaining to every group home in San Joaquin County. (See attached letter.)

CPS and Probation will keep copies of CCLD documentation of investigations so that it is available to staff and supervisors involved with residential placement youth.

## **2.0 Group Home Approval Process and Operations**

### **Finding F2.1.1:**

*The distribution of AFDC-FC Funds flow through HSA and are tied to a one page Placement Agreement between the Group Home Provider and HSA/CPS and or Probation Department.*

### **Response to F2.1.1:**

Agree.

### **Finding F2.1.2:**

*Neither HSA/CPS nor the Probation Department has the ability to rescind their original Host Letter. The only recourse a placement agency has with a non-compliant Group Home Provider is removal of the At-Risk Youth from the home and placing them elsewhere.*

### **Response to F2.1.2:**

Agree.

### **Finding F2.3:**

*Review of documents and sworn testimony revealed a number of providers were not operating in compliance with their approved Program Statements.*

### **Response to F2.3:**

Partially disagree.

San Joaquin County Children's Services and Probation do not possess sufficient information relative to this finding to agree or disagree.

### **Finding F2.4:**

*There is a lack of comprehension and/or a misinterpretation of a Group Home Providers and their staff regarding obligations under the Mandatory Reporting Laws.*

### **Response to F2.4:**

Partially disagree.

San Joaquin County Children's Services and Probation do not possess sufficient information relative to this finding to agree or disagree.

### **Finding F2.5.1:**

*Many State required incident report forms reviewed were filled out incompletely; specifically, the check-off sections indicating whether or not reporting requirements has been met.*

### **Response to F2.5.1:**

Partially disagree.

San Joaquin County Children's Services and Probation do not possess sufficient information relative to this finding to agree or disagree.

### **Finding F2.5.2:**

*Cases reviewed reveal some incident reports were made by a supervisor, not necessarily the employee who witnessed the incident. This has resulted in delays in submitting the reports to CCLD, HSA/CPS and Probation.*

### **Response to F2.5.2:**

Partially disagree.

San Joaquin County Children's Services and Probation do not possess sufficient information relative to this finding to agree or disagree.

**Finding F2.5.4:**

*Some Supervisors modified reports prior to submittal to CCLD.*

**Response to F2.5.4:**

Partially disagree.

San Joaquin County Children's Services and Probation do not possess sufficient information relative to this finding to agree or disagree.

**Finding F2.5.5:**

*Many Unusual Incident/Injury Reports failed to indicate if any follow-up had been undertaken to determine why the youth had run away.*

**Response to F2.5.5:**

Agree.

**Finding F2.6.1:**

*Facility Managers and staff from both large and small Group Homes were unaware of State's minimum staffing ratio requirements.*

**Response to F2.6.1:**

Partially disagree.

San Joaquin County Children's Services and Probation do not possess sufficient information relative to this finding to agree or disagree.

**Finding F2.6.2:**

*Caregiver's testimony revealed they were occasionally required to care for up to six youths by themselves, which they attributed to an increase in the number of runaways during the periods of understaffing.*

**Response to F2.6.2:**

Partially disagree.

San Joaquin County Children's Services and Probation do not possess sufficient information relative to this finding to agree or disagree.

**Finding F2.7.1:**

*A number of caregivers were terminated by Group Home Providers during the period of 2007 through 2012 for sexual misconduct or violations of the At-Risk Youths' personal rights.*

**Response to F2.7.1:**

Partially disagree.

San Joaquin County Children's Services and Probation do not possess sufficient information relative to this finding to agree or disagree.

**Finding F2.7.2:**

*Group Home Providers are not required to conduct their own review of National Sex Offender registries as part of their hiring process.*

**Response to F2.7.2:**

Agree.

**Finding F2.8:**

*Some Group Home Providers have created their own Non-Public School (NPS) to educate the special educational youth in their charge.*

**Response to F2.8:**

Agree.

**Finding F2.9:**

*A Group Home Provider changed the educational placement of a county-placed youth without notification or consent of the placement agency.*

**Response to F2.9:**

Partially disagree.

San Joaquin County Children's Services and Probation do not possess sufficient information relative to this finding to agree or disagree.

**Recommendation R2.1.2:**

*Within six months, HSA/CPS and Probation revise its current Placement Agreement with Group Homes to include a provision that HSA/CPS and Probation have a contractual right to rescind a Host Letter.*

**Response to R2.1.2:**

The recommendation will be implemented partially.

HSA/CPS and Probation will work with County Counsel to create addendums where feasible to address concerns stated in the Grand Jury report related to the Group Home Placement Agreement.

As to this specific recommendation, it is important to understand that the right to rescind a Host Letter provides no leverage. While a Host Letter is required to start the licensing process, it becomes irrelevant once the license is operational. The only mechanism to impact a group home's operation once that facility has been licensed is through the CCL complaint process: investigation, corrective action if indicated and further follow up, etc. The facility then has the right to an administrative hearing and due process.

**Recommendation R2.3:**

*Within six months, HSA/CPS and Probation develop a new comprehensive Placement Agreement including an on-site inspection process to ensure that Group Home Providers are in full compliance with their State approved Program Statements.*

**Response to R2.3:**

The recommendation will be implemented partially.

HSA/CPS and Probation will work with County Counsel to create addendums where feasible to address concerns stated in the Grand Jury report related to the Group Home Placement Agreement.

Neither County agency possesses the necessary staffing to adequately implement a program of oversight that would fulfill this recommendation of the Grand Jury. Placement staff from both agencies will, however, follow up on Special Incident Reports as well as all concerns noted by San Joaquin-placed youth.

**Recommendation R2.4:**

*Within six months, HSA/CPS and Probation include, within the more comprehensive Placement Agreement, a requirement that all Group Home Providers use the Mandatory Reporter training program known as the Child Abuse Mandated Reporter Training Project. Further, those Certificates of successful completion be maintained within the Group Home Providers employees individual training records, as required by law.*

**Response to R2.4:**

The recommendation will be implemented partially.

HSA/CPS and Probation will work with County Counsel to create addendums where feasible to address concerns stated in the Grand Jury report related to the Group Home Placement Agreement.

Reiteration of group home responsibility to provide staff Mandated Reporter Training in accordance with Group Home Licensing Manual, Title 22, Division 6, Chapter 5 requirements will be addressed.

**Recommendation R2.5.2:**

*Within six months, Placement Agreements between HSA/CPS and Probation and the Group Home require Group Homes to notify the Placement Agency of any incidents/violations at the same time as CCLD is notified, and within the timelines required by CCR's.*

**Response to R2.5.2:**

The recommendation will be implemented partially.

HSA/CPS and Probation will work with County Counsel to create addendums where feasible to address concerns stated in the Grand Jury report related to the Group Home Placement Agreement.

Reiteration of group home responsibility to report incidents to CCL and the placing agency within regulatory time frames contained in the Group Home Licensing Manual, Title 22, Division 6, Chapter 5 will be addressed.

**Recommendation R2.5.3:**

*Within six months, revise the Placement Agreement to require employees witnessing incidents involving youth to sign-off on all reports submitted to CCLD, HSA/CPS and Probation, as required by law.*

**Response to R2.5.2:**

The recommendation will be implemented partially.

HSA/CPS and Probation will work with County Counsel to create addendums where feasible to address concerns stated in the Grand Jury report related to the Group Home Placement Agreement.

Reiteration of the expectation that group homes will meet their responsibility to adhere to CCL group home regulations regarding incident report verification contained in the Group Home Licensing Manual, Title 22, Division 6, Chapter 5 will be addressed.

**Recommendation R2.6.2:**

*Within six months, Placement Agreements be revised to include requirements that Group Home Social Workers be required to investigate the reason/s a youth had run away and provide follow up*



*reports to the CCL, HSA/CPS and Probation on their findings or impressions, to include staff levels at the time the runaway took place.*

**Response to R2.6.2:**

The recommendation will be implemented partially.

HSA/CPS and Probation will work with County Counsel to create addendums where feasible to address concerns stated in the Grand Jury report related to the Group Home Placement Agreement.

Reiteration of the expectation that group homes will meet their responsibility to adhere to CCL group home regulations regarding runaway reporting requirements contained in the Group Home Licensing Manual, Title 22, Division 6, Chapter 5 will be addressed.

**Recommendation R2.7.2:**

*HSA/CPS and Probation require Group Home providers to include as part of fulfilling their Background Check requirements, the search of the National Sex Offender Registry for the names of prospective employees and provide documentation to substantiate that action on the appropriate form.*

**Response to R2.7.2:**

The recommendation will not be implemented.

Community Care Licensing requires a Department of Justice clearance and FBI background clearance. These clearances meet or exceed State licensing requirements and are national in scope.

**Recommendation R2.8:**

*Within 60 days, HSA/CPS and Probation request the San Joaquin County Board of Education review all Non-Public Schools associated with owners of Group Homes to ensure the goals, recommendations, and objectives of the IEP's are being met by appropriately credentialed staff.*

**Response to R2.8:**

The recommendation has been implemented.

San Joaquin County Children's Services and Probation followed up with the three Special Education Local Plan Area (SELPA) in San Joaquin County to determine the regulatory and monitoring system in place for Non-Public Schools associated with owners of Group Homes in San Joaquin County. The three Assistant Superintendents overseeing the SELPAs in San Joaquin County wrote a joint letter describing the regulatory systems in place at the State level as well as at the Local level for monitoring Non-Public Schools. (See attached letter.)

The San Joaquin County SELPA, Lodi SELPA and Stockton SELPA either meet or exceed the recommendations made by the Grand Jury in regard to educational oversight and monitoring of Non-Public Schools associated with owners of Group Homes in San Joaquin County.

**3.0 Group Home Administrators and Caregiver Qualifications and Training**

**Finding F3.1:**

*An alarming number of Administrators demonstrated a lack of comprehension and/or a misinterpretation of their, as well as their staff's obligations, under the Mandatory Reporting Laws.*

**Response to F3.1:**

Partially disagree.

San Joaquin County Children's Services and Probation do not possess sufficient information relative to this finding to agree or disagree.

**Finding F3.2:**

*Some Administrators responsible for multiple Group Homes throughout the County seldom visit these individual homes.*

**Response to F3.2:**

Partially disagree.

San Joaquin County Children's Services and Probation do not possess sufficient information relative to this finding to agree or disagree.

**Finding F3.3:**

*One Administrator, by standing practice, had delegated most of the Administrative responsibilities to an individual classified as a Facility Manager who did not possess the prerequisite education or certification, in violation of CCR's.*

**Response to F3.3:**

Partially disagree.

San Joaquin County Children's Services and Probation do not possess sufficient information relative to this finding to agree or disagree.

**Finding F3.4:**

*Compliance for attendance at weekly training sessions developed to meet state mandated annual training requirements varied among the group homes.*

**Response to F3.4:**

Partially disagree.

San Joaquin County Children's Services and Probation do not possess sufficient information relative to this finding to agree or disagree.

**Recommendation R3.1.1:**

*Within six months, HSA/CPS and Probation develop an enhancement Placement Agreement to include the requirement that all Group Home Administrators complete the Mandatory Reporter training group developed by CDSS and the Office of Child Abuse Prevention (OCAP) (known as the Child Abuse Mandated Reporter Training).*

**Response to R3.1.1:**

The recommendation will be implemented.

HSA/CPS and Probation will work with County Counsel to create addendums where feasible to address concerns stated in the Grand Jury report related to the Group Home Placement Agreement.

Reiteration of the expectation that Group Home Administrators to comply with the requirements for Mandated Reporter Training contained in the Group Home Licensing Manual, Title 22, Division 6, Chapter 5 will be addressed.

**Recommendation R3.1.2:**

*Within six months, HSA/CPS and Probation develop a strengthened Placement Agreement that requires certificates proving successful completion of Child Abuse Mandated Reporter Training be maintained within the Group Home Providers Administrators training records for all employees.*

**Response to R3.1.2:**

The recommendation will be implemented partially.

HSA/CPS and Probation will work with County Counsel to create addendums where feasible to address concerns stated in the Grand Jury report related to the Group Home Placement Agreement.

Reiteration of the expectation that Group Home Providers to comply with the requirements for Mandated Reporter Training records for staff in their employ as required in the Group Home Licensing Manual, Title 22, Division 6, Chapter 5 will be addressed.

**Recommendation R3.2:**

*Within six months, HSA/CPS and Probation develop a new strengthened Placement Agreement to include the requirement that all Group Home Administrators to visit each Group Home within their organization, no less than ever 60 days, to ensure that all provisions of their Program Statements and the CCR's are fully adhered to and in compliance.*

**Response to R3.2:**

The recommendation will be implemented partially.

HSA/CPS and Probation will work with County Counsel to create addendums where feasible to address concerns stated in the Grand Jury report related to the Group Home Placement Agreement.

Reiteration of the expectation that Group Home Providers to comply with the requirements for Group Home Administrator facility visits as required in the Group Home Licensing Manual, Title 22, Division 6, Chapter 5 will be addressed.

**Recommendation R3.3:**

*Within four months, HSA/CPS and Probation conduct a review of the qualifications and duties being performed by Group Home Facility Managers.*

**Response to R3.3:**

The recommendation will not be implemented.

Neither County agency possesses the necessary staffing to adequately implement a program of oversight that would fulfill this recommendation of the Grand Jury. To re-allocate existing staff from child protection (CPS) and community safety (Probation) would place children or the public at greater risk by providing duplicative oversight of institutions where children are placed who are already reasonably safe in those settings.

**Recommendation R3.4:**

*Within three months, HSA/CPS and Probation implement a program to randomly review Training records to ensure all employees meet CCR's training requirements.*

**Response to R3.4:**

The recommendation will not be implemented.

Neither County agency possesses the necessary staffing to adequately implement a program of oversight that would fulfill this recommendation of the Grand Jury. To re-allocate existing staff from child protection (CPS) and community safety (Probation) would place children or the public at greater risk by providing duplicative oversight of institutions where children are placed who are already reasonably safe in those settings.

#### **4.0 CCPS and Probation Department Roles**

##### **Finding F4.1:**

*The contractual relationship between the Group Home Providers, HSA/CPS and Probation is the execution of a one page Group Home Placement Agreement which is inadequate to provide sufficient detail of living environment and allow for proper enforcement and oversight of the Group Home Providers and the At-Risk Youth that reside in them.*

##### **Response to F4.1:**

Disagree.

The current Placement Agreement document is child oriented and places specific responsibilities on each of the participants (County agency and group home) for provision of services and adherence to regulation. The Social Worker and/or Probation Officer can and does provide enforcement and oversight of the group home activities impacting the child. They have recourse including removing a child and in the future, no longer utilizing facilities that do not meet County expectations.

##### **Finding F4.2:**

*CPS Social Workers and/or Probation Officers required to visit their At-Risk Youth at least once a month, but they do not always comply with that requirement.*

##### **Response to F4.2:**

Agree.

Social Workers and Probation Officers complete the vast majority of their in-person compliance visits with minors in residential care according to regulatory requirements. Failure to meet this standard is infrequent, usually confined to out-of-state visits and often due to unusual circumstances such as weather that impacts visits in Midwestern, eastern or mountain states during winter. Occasionally compliance is not completed in-state or out-of-state due to the unavailability of the minor.

##### **Finding F4.2.1:**

*CPS Social Workers and/or Probation Officers visitations with the At-Risk Youth may take place other than at the Group Home.*

##### **Response to F4.2.1:**

Agree.

Statute requires that the majority (seven annually) of visits take place within the facility. Minors can and are visited at neutral sites approximately every other month when possible to provide a more relaxed venue where they may feel more comfortable divulging information regarding their treatment and living conditions in their placement.

##### **Recommendation R4.1:**

*Within six months, HSA/CPS and Probation develop a comprehensive and detailed Group Home Placement Agreement.*

**Response to R4.1:**

The recommendation will be implemented partially.

The County agencies will endeavor to create placement agreement addendums incorporating a number of the foregoing recommendations of the Grand Jury as to the expectation that group homes will meet their responsibility to adhere to CCL group home regulations contained in the Group Home Licensing Manual, Title 22, Division 6, Chapter 5.

**Recommendation R4.2:**

*Beginning immediately, CPS Social Workers and/or Probation Officers establish and maintain a 30 day schedule for youth visitations and conduct on-site visits at the Group Home facility at least every 60 days.*

**Response to R4.2:**

The recommendation has been implemented.

Social Workers and Probation Officers adhere to a schedule of monthly in-person compliance visits with minors in residential care according to regulatory requirements.

**5.0 Enhancement Monitoring and Oversight**

**Finding F5.1.1:**

*Five counties in California have instituted enhanced local oversight of the Group Homes within their jurisdictions to provide better services and protection for At-Risk Youth in an effort to fill the void created by the State's deteriorating oversight.*

**Response to F5.1.1:**

Agree.

**Finding F5.1.2:**

*HSA/CPS and Probation management would embrace a collaborative approach to enhancing the Monitoring of Group Home Providers.*

**Response to F5.1.2:**

Agree.

**Recommendation R5.1.1:**

*Within 90 days, HSA/CPS and Probation, in conjunction with the Department of Human Resources, initiate the establishment of an enhanced Group Home Monitoring Program in San Joaquin County.*

**Response to R5.1.1:**

The recommendation will not be implemented.

Neither County agency possesses the necessary staffing to adequately implement a program of oversight that would fulfill this recommendation of the Grand Jury. To re-allocate existing staff from child protection (CPS) and community safety (Probation) would place children or the public at greater risk by providing duplicative oversight of institutions where children are placed who are already reasonably safe in those settings.

To establish a Group Home Monitoring Program in San Joaquin County would restrict both HSA/CPS and Probation ability to meet mandated requirements upon which existing funding is dependent.

### **GRAND JURY CONCLUSION**

*"The Grand Jury determined that the level of care provided by Group Homes Providers charged with providing care to the community's At-Risk Youth throughout San Joaquin County range from very dedicated to the youth's welfare and often exceeds their statutory obligations. Other Group Homes reviewed demonstrated through their day to day practices and lack of compliance with required regulations, appeared to be in the business only to make money.*

*In view of the State's deteriorating oversight of Group Homes during the last three years, it is incumbent upon San Joaquin County, through its Human Services Agency and Probation Department, to strengthen their current oversight of At-Risk Youth care. While much of the responsibility for regulation and oversight of Group Homes lies within State agencies, over which this Grand Jury has no authority, certain San Joaquin County agencies can take steps to improve the evaluation of care for its youth's environments. Whether alone, in cooperation with other counties having the same concerns, or taking the problem before State leaders, the County must institute corrective action as soon as possible.*

*We cannot turn out backs on the most valuable youth of our community. As a society, we have an obligation to make sure that they are provided a safe, healthy, healing living environment."*

### **Response to Grand Jury Conclusion:**

Both the San Joaquin County Human Services Agency and Probation Department share the desire expressed by the Grand Jury that the oversight of group homes be accomplished in as comprehensive a manner as possible for the benefit of current and future youth in residential placement. The responsibility for such oversight and licensure activities rests with the California State Department of Social Services through its Community Care Licensing Department.

While additional local oversight is possible, it would not be any more effective than current practice. No matter the level of additional oversight instituted by our County agencies, San Joaquin does not possess the authority to alter, restrict, or terminate a group home license. Such authority resides with the State Community Care Licensing Department. While locally the departments can construct additional placement agreement parameters, the authority to enforce them remains unchanged. Both Children's Services and Probation currently have the sole right to place or remove San Joaquin dependents in or from any licensed facility. Both agencies' services to residentially-placed youth are similar: children are monitored monthly for service provision by the provider and children are interviewed monthly regarding the quality and adequacy of their care. When deficiencies in the standards of care for any youth are found, the problems are addressed with the provider for remediation. Where safety, maltreatment or regulatory violations are noted, the appropriate reporting guidelines are followed by County staff and if there is exigent risk, the child is removed from placement.

It is important to note that while there are 42 listed group homes in San Joaquin County (excluding Mary Graham Children's Shelter and Safe House which are temporary emergency shelters), a number of these facilities have more than one housing unit. There are actually 18 operators of group

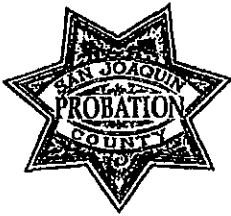
home services listed in the County with CCL licenses. Of those 18 vendors, Children's Services and Probation currently utilize nine. Out of 123 youth in placement through Children's Services, only 34 are placed in-county. Of the 63 Probation placements, 8 are placed in-county. Enhanced monitoring of group homes domiciled within San Joaquin County would impact only 42 of the 186 San Joaquin County dependents placed in residential care.

Many of the recommendations of the Grand Jury involve enhanced oversight of all group homes located within the County. As one can see from the above-referenced numbers, both the majority of placement facilities as well as the vast majority of youth would be untouched by such monitoring since the 77.5% of San Joaquin County's group home placements occur outside of the County.

Because it would divert existing resources from mandated, funded services to discretionary efforts that have no direct funding source, the San Joaquin Human Services Agency and Probation Department are concerned that the level of enhanced oversight recommended by the Grand Jury would come at the expense of existing resources allocated to community safety and child protection. Across the spectrum of community safety and child protection, those who are newly-reported to Children's Services and Probation are, by definition, in the highest risk categories. Beyond that, we need to take care to ensure adequate resources to deliver services to families attempting to reunify with children who may have been removed from their parents' homes regardless of whether the removal was done through Child Welfare or Probation.

Local group home compliance monitoring as recommended in the Grand Jury report is only feasible if each of the 58 counties in California have the authority to enforce regulation, agree to accept oversight responsibility for group homes located within their respective boundaries, and are able to access adequate funding to support those efforts. Assuming those requisites were accomplished, the danger of such decentralization is that some counties may institute a similar or lower standard of compliance enforcement than that currently provided by CCLD, as opposed to a higher one.

The Human Services Agency and Probation Department respectfully submit that CCL is the correct agency to provide both licensure and regulation of group homes serving minors in California. At one time, CCL had robust funding and staffing which enabled them to provide a much higher level of oversight than that which is currently provided. It is both County agencies' opinion that the most prudent course of action with regard to group home oversight is to work through the legislative process to restore CCLD funding to previous highs or even exceed those amounts. CCLD has the authority as well as the policy, procedure, and trained staff to inspect and enforce existing licensing regulations, but according to findings of this Grand Jury, are currently underfunded to do so.



Attachment B  
Response to R 1.1 and R 1.3

## PROBATION DEPARTMENT

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**STEPHANIE L. JAMES**  
CHIEF PROBATION OFFICER

July 19, 2013

Thomas Stahl, Regional Manager  
Department of Social Services  
Community Care Licensing Division  
2525 Natomas Park Drive, Suite 270, MS 19-35  
Sacramento, California 95833

To Mr. Stahl:

The San Joaquin County Civil Grand Jury recently completed a report on their review of Juvenile Group Homes in San Joaquin County. Their findings included that some group homes in San Joaquin County go unmonitored or un-inspected by the Community Care Licensing Division for a period of up to four years; and, investigations of major incidents are not always handled by CCLD in a timely manner. It is important to note, that after being contacted by the Grand Jury, CCLD performed unannounced audits of 21 of the 28 Group Homes and issued 34 citations to the Group Homes under Grand Jury review between February 21, 2013 and March 20, 2013.

Per regulation 80044 (Inspection Authority of the Licensing Agency) of the California Department of Social Services Manual for Community Care Licensing, the department shall conduct an annual unannounced visit to a facility under any of the following circumstances: 1) when a licensee is on probation; 2) when the terms of agreement in a facility compliance plan require an annual evaluation; 3) when an accusation against licensee is pending; 4) when a facility requires an annual visit as a condition of receiving federal financial participation; or, 5) in order to verify that a person who has been ordered out of a facility by a department is no longer at the facility. Further, the department shall conduct (random) unannounced visits to no less than 10 percent of facilities not subject to an evaluation above. Lastly, under no circumstance shall the department visit a community care facility less often than once every five years.

Furthermore, per regulation 80044, "upon receipt of a complaint...the state department shall make a preliminary review and,...it shall make an onsite inspection...within 10 days after receiving the complaint except where a visit would adversely affect the licensing investigation or the investigation of other agencies."

**The San Joaquin County Probation Department and Human Services Agency/Child Protective Services do hereby request you adhere to the above requirements and immediately begin providing both agencies with a copy of all inspections being conducted on Group Homes in San Joaquin County.**

Juvenile Court and Field Services  
575 W. Mathews Road  
French Camp, CA 95231  
209/468-4000

Juvenile Detention Facilities  
535 W. Mathews Road  
French Camp, CA 95231  
209/468-4200

Adult Services  
Room 201, Canlis Building  
24 S. Hunter St.  
Stockton, CA 95202  
209/468-4100

Administration  
575 W. Mathews Road  
French Camp, CA 95231  
209/468-4068



**Attachment B**  
**Response to R 1.1 and R 1.3**

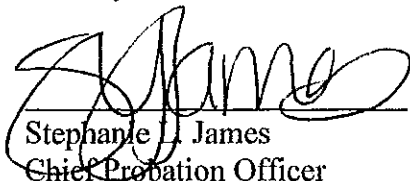
Regulation 80045, Evaluation Visits, requires "the department shall notify the community care facility in writing of all deficiencies in its compliance with the provisions of this chapter and the rules and regulations adopted pursuant to this chapter, and shall set a reasonable length of time for compliance by the facility." Additionally, "reports on the results of each inspection, evaluation, or consultation shall be kept on file in the department, and all inspection reports, consultation reports, list of deficiencies, and plans of correction shall be open to public inspection in the county in which the facility is located."

**The San Joaquin County Probation Department and Human Services Agency/Child Protective Services do hereby request you immediately begin providing copies of all inspection reports, consultation reports, list of deficiencies, and plans of correction pertaining to every group home in San Joaquin County.**

San Joaquin County is very committed to ensuring the youth being served by the Group Homes in our County are receiving the best possible care. We would appreciate your cooperation in providing us with the requested information in a timely manner. Please advise if you will be able to accommodate our requests.

If you have any questions or concerns, please feel free to contact either Stephanie James, Chief Probation Officer at (209) 468-4070 or [sjames@sjgov.org](mailto:sjames@sjgov.org) or Joseph Chelli, Director, Human Services Agency at (209) 468-1651 or [jchelli@sjgov.org](mailto:jchelli@sjgov.org).

Thank you,



Stephanie L. James  
Chief Probation Officer  
San Joaquin County Probation Department



Joseph E. Chelli  
Director  
Human Services Agency



San Joaquin County Office of Education  
Mick Founts, Superintendent of Schools

July 1, 2013

Stephanie L. James, Chief Probation Officer  
Probation Department  
575 West Mathews Road  
French Camp, CA 95231

RE: Grand Jury Report – Non Public Schools

Dear Ms. James:

Thank you for the opportunity to provide additional information regarding educational services for students in non public schools (NPS). San Joaquin County consists of three Special Education Local Plan Area (SELPA); San Joaquin SELPA, Stockton SELPA, and Lodi SELPA. We coordinate educational services for students with special needs that reside in licensed care institutions (LCI).

**Statutes and Education Codes:**

Special education statutes are based on the Federal, Individuals with Disabilities Education Act (IDEA):

California Education Code, Part 30 Chapter 1-8.5 (chapter 2, Article 5, Chapter 4: Article 3 and 4)

California Code of Regulations, Title 5, Division 1 (Chapter 3 and subchapter 1 special education)

California Code of Regulations, Title 2, joint regulations for pupils with disabilities, interagency responsibilities for providing services to pupils with disabilities.

**Current regulatory system in place at the state level:**

There are many systems in place to address the special education needs of all students including those residing in an LCI or group home.

Non Public Schools (NPS) are regulated by the California Department of Education and overseen by the State Superintendent. The State requires that schools requesting to be certified as "nonpublic" must undergo a stringent initial certification review and on-site visit. The State is then required to conduct an on-site review of every certified nonpublic school once every three (3) years to ensure compliance of all regulations. The NPS must recertify every year. The SELPA Directors review the annual recertification documents before they are reviewed by CDE and have the opportunity to provide in-put as needed prior to recertification. The State is authorized to conduct unannounced reviews any time the Department thinks it is warranted.

Page 2 of 3  
Ms. James  
July 1, 2013

**Current regulatory and support system in place at the local level:**

The three SELPAs have a network and system in place to protect the rights of students living in an LCI. Each SELPA has one or two designated specialists assigned to review all new students that enter the program, to ensure their needs will be met. Thirty (30) day IEPs are held to monitor progress. The systematic process that is required for a free and appropriate education (FAPE) is followed. This includes assessments, goals, services, supplemental supports and evaluation of educational benefit from year-to-year. They attend the annual, triennial and special meetings as part of the IEP team. They ensure that placement is in the Least Restrict Environment (LRE) and the students, based on individual needs, have access to the full continuum of services. If students are able to attend a public school, that's where they are placed. There is great care to ensure that students are not automatically placed in the NPS because they live in an affiliated group home. A licensed children's institution at which individuals with exceptional needs reside shall not require as a condition of residential placement that it provide the appropriate educational programs to those individuals through a nonpublic, nonsectarian school or agency owned, operated by, or associated with, a licensed children's institution. Those services may only be provided if the special education local plan area determines that appropriate public alternative educational programs are not available. Placing agency workers are invited to the IEP and are sent copies of the student's IEPs if they are unable to attend. Research is done to determine who holds the educational rights for the student. At times a surrogate educational representative may be required.

The program specialists from each SELPA, that monitors the NPS placements, talk with each other regularly and meet as needed to discuss common issues or concerns. The SELPAs complete monitoring visits to all the NPSs at least twice per year. These are unannounced visits as well as scheduled. Each SELPA is assigned a CDE consultant by region who acts as a resource for district and NPS staff. Currently Shari Presnall is the consultant for San Joaquin County. In addition, we have two analysts assigned from CDE who are also resources.

The NPS are invited to staff development opportunities. Each NPS aligns their curriculum with the district where the school resides and gets their state assessment materials from the district of residence. Transcripts are reviewed by the LEA high school counselors twice per year in both junior and senior years to ensure all graduation requirements are met. NPS students are able to participate in local high school graduation ceremonies.

The master contract used to place students in a NPS has accountability triggers and requirements that are tied to laws, statutes and regulations. The education program is highly monitored. Some examples are instructional minutes, class size, calendars, data reporting, dual enrollment, state achievement testing, positive behavior intervention, discipline, IEP team meetings, surrogate parents, due process proceedings, complaint

procedures, progress reports, attendance, transcripts, parent access, supervision and meals. Clearance requirements including but not limited to obtaining clearance from both the California Department of Justice and from the Federal Bureau of Investigation. Clearance certifications are submitted to the Local Educational Agency (LEA). Staff

Page 3 of 3  
Ms. James  
July 1, 2013

Qualifications are ensured, for all individuals employed, or who provide services hold a license, certificate, permit or other document equivalent to that which staff in a public school are required to hold in the service rendered consistent with Education. Each special education teacher must meet the Highly Qualified Teacher requirements and holds a full CTC credential. Health and safety, incident reporting are also addressed through the contract.

**Interagency Collaboration:**

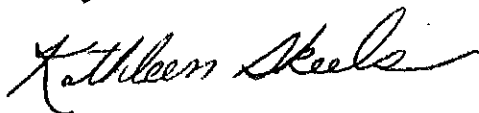
To promote interagency collaboration, SJCOE sends a representative to the weekly SMART committee meeting. SJCOE also has one staff member that works with the SMART team, consults with juvenile hall and Mary Graham as well as sits on the Foster Youth Advisory committee. These committees also work with the group homes and NPS. This gives a collaborative environment, a "big picture" view since many of the students touch multiple systems. This network and communication keeps the NPS visible and accountable to the school districts and to the students.

**Summary:**

Respectfully, San Joaquin County SELPA, Lodi SELPA and Stockton SELPA, continue to meet and exceed the recommendations made by the Grand Jury. We are present at every IEP and review all enrollments to the NPS. As part of the IEP team we assess educational benefits and ensure access to general education peers as appropriate. We network with other educational agencies and maintain a master contract that addresses all areas of education. We value and will continue our collaboration with our partner agencies of Probation and Human Services.

Thank you for the opportunity to respond to your thoughtful recommendations.

Sincerely,



Kathleen Skeels  
Assistant Superintendent - Special Education/SELPA Director  
San Joaquin County Office of Education

Thomas Andersen  
Assistant Superintendent, Special Education  
Stockton Unified School District

William D. Saunders, MA, EdS  
Administrative Director, Student Services/SELPA  
Lodi Unified School District

**Crime – Budget Cuts + AB 109 ≠ Safe Communities  
(Case No. 0912)**

**Responses from County Administrator's Office:**

**Finding F1.1:**

*The staffing of all law and justice agencies in the County has been reduced increasing the threat to the safety of the citizens and their property.*

**Response to F1.1:**

Partially disagree.

It is not known if staffing reductions to law and justice agencies *alone* have directly affected citizen safety or property, or if other factors such as the depressed real estate market, unavailability of jobs, and public safety realignment have also had an impact.

**Finding F1.3:**

*Some lower-level crimes are not being prosecuted due to staffing reductions within the District Attorney and Public Defender offices allowing criminals to remain on the streets without consequences for their actions.*

**Response to F1.3:**

Partially disagree.

The District Attorney has indicated that staffing reductions have affected prosecution of both felonies and misdemeanors; however, staffing levels of the Public Defender's Office do not impact the number of prosecutions filed by the District Attorney.

**Finding F1.5:**

*When the public does not report a crime, law enforcement does not have complete statistics that are necessary for predictive policing.*

**Response to F1.5:**

Agree.

Unreported crimes affect law enforcement's ability to gather crime statistics.

**Recommendation R1.1.1:**

*The Board of Supervisors, before September 1, 2013, adopt a policy that states it is a priority of the County to increase staffing for law enforcement, including patrol and probation.*

**Response to R1.1.1:**

The intent of the recommendation has been implemented as demonstrated by Board actions.

Law enforcement is definitely a priority area for the Board, as evidenced by the significant portion of local revenue (over 50%) allocated to law and justice activities, but it is only one of several areas for which the County has responsibility. Between 2008-09 and 2011-12, overall staffing for the District Attorney, Public Defender, Sheriff, and Probation departments was reduced by 325 full-time positions (-20.8%), while several non-law and justice departments experienced *even greater* proportionate staff reductions (e.g., Auditor -31.4%, Facilities Management -32.8%, Public Health -41.1%, Community Development -47.8%). Budget reductions were not distributed equally "across-the-board," but rather **based on the Board's priority to preserve critical law and justice functions**. Although reductions were necessary, the Board's continued efforts to direct limited available resources to law and justice demonstrates its ongoing commitment to funding law enforcement.

Recent improvements in the economy have allowed the Board to make limited funding restorations to important program areas, including law and justice. In the last two years, 112 positions were restored/added to law and justice departments, including those positions funded by Public Safety Realignment (AB 109). As revenues improve, the Board will continue its past practice of evaluating high priority needs in all County functional areas with a balanced, fiscally conservative approach.

**Recommendation R1.3:**

*The County Board of Supervisors, before December 31, 2013, approve a 2013-14 budget or budget amendment that increases staffing for the Office of the District Attorney and the Public Defender Office to adequately prosecute/defend all individuals arrested for violent crime.*

**Response to R1.3:**

The recommendation has been implemented.

The 2012-13 County budget and recently adopted 2013-14 budget provided for a net increase of 16 full-time positions to the Offices of the District Attorney and Public Defender.

**Recommendation R1.5:**

*The Public Information Officer for San Joaquin County, by September 1, 2013, coordinate efforts with local law enforcement agencies to have local print, radio, TV and cable media outlets use Public Service Announcements (PSAs) to inform the public to report all crimes.*

**Response to R1.5:**

The recommendation will not be implemented.

Budget reductions resulted in the elimination of the County Public Information Officer in 2010-11; however, by copy of this response, the recommendation will be relayed to the Sheriff for his consideration in utilizing the services of the Sheriff's Information Officer to coordinate efforts among law enforcement agencies.

**Finding F2.1:**

*The savings from eliminating 33 correctional officer positions have been partially negated by overtime paid to officers when there are more than 1,252 inmates and therefore does not provide the intended savings.*

**Response to F2.1:**

Partially disagree.

Overtime scheduling is required at times in order to meet mandated staffing ratios for the correctional facilities. These costs do partially offset some of the overall savings resulting from eliminated positions, but there is still a net savings produced as the additional benefits costs associated with an additional employee are not incurred.

**Finding F2.2:**

*County jail inmates who are being released due to jail overcrowding are then able to commit crimes when they otherwise would have been incarcerated, which is increasing the crime problem in the County.*

**Response to F2.2:**

Agree.

Reducing the rate of recidivism is one of the key goals for the Probation Department. Some of the supervision strategies and programs being used include the Assessment Center, Day Reporting Center, case management, close collaboration with the Court and service providers, and providing various evidence-based programming.

**Recommendation R2.1:**

*The County Board of Supervisors, before November 1, 2013, approve an increase to the staffing level of correctional officers to fully staff the County Jail including the Honor Farm.*

**Response to R2.1:**

The recommendation will not be implemented.

Limited resources are available to address all of the County's many responsibilities. Hopefully, the economy will recover sufficiently to eventually allow restoration in the levels of correctional officer staffing, as well as other important County functional areas.

**Recommendation R2.2:**

*The San Joaquin County Board of Supervisors, by December 31, 2013, approve an increase in jail beds (whether at the county jail, a new Community Corrections Center or other options) as well as the necessary associated staffing.*

**Response to R2.2:**

The recommendation requires further analysis.

It would not be feasible to commit to construction of additional correctional facilities without identifying a funding mechanism to support both the construction costs and the ongoing operational costs. At its May 21, 2013 meeting, after a lengthy discussion, the Board of Supervisors directed staff to relinquish the \$80 million AB 900 construction grant which was conditionally awarded by the State for an expanded jail facility. The decision was due to the lack of financial capacity for the County to fund the ongoing operating costs, estimated at \$70 million annually at full occupancy. Without a new revenue source, the additional cost would have needed to come from the County's local discretionary revenues, primarily property and sales taxes. Currently, over 50% of the local discretionary revenue is already allocated to law and justice activities. The remaining funds are used to provide for the mandated matches for health and human services programs, the County's debt obligations (including the existing jail facility), and the County's support to San Joaquin General Hospital, public health services, agricultural and environmental protection activities, community and regional parks, as well as the property tax administration system and various support functions, such as human resources, purchasing, and information systems. To divert an additional \$70 million of the existing local discretionary revenue for an expanded jail would require totally dismantling of some departments and services and in effect, render County services unmanageable.

The pending State SB 1022 process may provide an opportunity to secure State assistance in funding construction; however, the issue of ongoing funding for operations would still need to be addressed. If it is determined feasible to pursue SB 1022 funding for construction AND an ongoing revenue source can be identified to provide operational costs, it is possible there could be options for increasing capacity. In the meantime, the County will continue to explore the use of pretrial assessment tools and incarceration alternatives to reduce the demand for jail bed space.

**Finding F3.1:**

*The duplication of special units, specialized training and police functions (e.g., property room, dispatch, investigation technicians) cause inefficient use of limited resources.*

**Response to F3.1:**

Agree.

Unnecessary duplication of any service is inefficient; however, for law enforcement functions there may be operational/jurisdictional issues that affect the overall benefit of consolidation.

**Finding F3.2:**

*There are examples of cooperation between different agencies in the County but each agency still operates autonomously most of the time.*

**Response to F3.2:**

Agree.

Law enforcement agencies operate in accordance with their respective jurisdictional territories, although there are often situations that require interagency coordination. The Sheriff's Office has been particularly proactive in participating in collaborative multi-jurisdictional efforts.

**Recommendation R3:**

*The Board of Supervisors and the City Councils of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton and Tracy, before September 1, 2013, each appoint two representatives, one to represent law enforcement and one to represent the governing body or management, to form an ad hoc committee. The committee's purpose is to conduct a study on how to increase countywide efficiency of law enforcement agencies by taking a regional approach to some or all of their services. A preliminary report is to be released before December 31, 2013, of actions already taken to increase efficiency and additional actions that will be taken between January 2014 and June 2015.*

**Response to R3:**

The recommendation will not be implemented.

The possible regionalization of law enforcement services should be reviewed first by the Sheriff and Chiefs of Police to determine the operational implications. Should there be consensus from the group that efficiencies could be realized without negatively affecting service levels, further discussion could be referred to the existing Joint City/County Criminal Justice Task Force for evaluation in lieu of creating another committee.



**County Board of Supervisors' Agendas: Consent or Discussion?  
(Case No. 1012)**

**Responses from County Administrator's Office and Clerk of the Board:**

**Finding F1.1:**

*The large percentage of consent items on the agendas of the public Board meetings does not encourage openness in the conduct of its deliberations.*

**Response to F1.1:**

Disagree.

Initial determinations of which category to place the items on the Board of Supervisors' agenda are made at the department level. Consent items are then reviewed by the Chairman of the Board, County Counsel, and the County Administrator to be routine non-controversial matters. Items that have policy making implications, as well as those where it is commonly known that members of the public have expressed interest in the item are placed on the agenda separately for discussion. The Brown Act does not mandate discussion versus consent. There is a balance between an efficient meeting and need for full discussion. During the public meeting, any Board member or the public can request to pull any consent item for discussion by the Board.

**Recommendation R1.1:**

*The Board of Supervisors biannually review its policy, procedures, and practices relative to the structure of the agenda, giving special attention to the placement of a greater number of discussion items on the agenda.*

**Response to R1.1:**

This recommendation will not be implemented.

Whether an item is on consent or discussion, any member of the public or Board of Supervisors can pull the item for full discussion. The Board of Supervisors' agenda process is compliant with State law. Any changes in State law pertaining to public meetings are reviewed by County Counsel. County Counsel advises the Board if any practices should be reviewed for compliance. Reviews are done as need arises.

**Finding F2.1:**

*Improved hyperlinks to staff reports for agenda items were in progress when the Grand Jury began its investigation and are now functioning.*

**Response to F2.1:**

Agree.

On the County website ([www.sjgov.org](http://www.sjgov.org)), the public has access to the Board of Supervisors' agenda. Through the hyperlink function, the public can click on a specific agenda item, whether consent or discussion, and can have access to the Board letter and all backup materials for that item. The hyperlink improvements were in progress when the Grand Jury began its investigation and are now functioning.

**Finding F2.2:**

*Providing more complete description of agenda items was in progress when the Grand Jury began its investigation and is now functioning.*

**Response to F2.2:**

Agree.

The Clerk of the Board worked with County departments and developed procedures to provide more complete descriptions of agenda items.

**Finding F2.3:**

*There is no regular or formal review of the agenda website by County staff or the Board. Any review is informal and sporadic.*

**Response to F2.3:**

Agree.

While there was not a formal schedule for agenda website review, there have been many complex and comprehensive reviews in past years as needed.

**Recommendation R2.1:**

*No later than September 30, 2013, the County develop a schedule for regular review of the website for its ongoing improvement to ensure the accessibility of timely information to the public.*

**Response to R2.1:**

This recommendation has been implemented.

The Clerk of the Board met with the Information Systems Director, and a schedule for regular review of the agenda website has been established. Formal review meetings will be held semi-annually in January and July.

**Finding F3.1:**

*Neither the San Joaquin County Board agenda website nor the posted Board agendas contain information on the public comment process with the exception that a Public Comment Form must be completed to address the Board.*

**Response to F3.1:**

Agree.

The Brown Act only requires that each agenda provide for public comment. The public comment form is a voluntary process. During each Board meeting, the public comment process is described in detail by the Chairman of the Board. This process is compliant with State law.

**Finding F3.2:**

*Neither the County website or the agendas contain information related to removing items from the Consent agenda for discussion.*

**Response to F3.2:**

Agree.

As described in the response to F3.1, during each Board meeting, the public comment process allots time for the public to speak on any item, including consent items. Board members and the public can request the Chairman of the Board to pull any item listed on the agenda, including consent items, for discussion by the full Board. This process is compliant with State law.

**Recommendation R3.1:**

*No later than September 30, 2013, the County update the Board meeting agendas to include complete information about the public comment process, including how to request that an item be pulled from the consent agenda for public discussion.*

**Response to R3.1:**

This recommendation will not be implemented.

The public has the right to speak on, or request to pull, any consent item during public comment periods. The Board members will continue to request the Chairman of the Board to pull consent items for discussion when the Board members need more information than is provided in the Board package, or wishes to have a discussion by the entire Board. This is consistent with practices by other California counties and is compliant with State law.

## 2012-2013 Law and Justice Report

### Responses from Probation Department and County Administrator's Office:

#### San Joaquin County Juvenile Detention Center

##### Finding F1:

*The tables and chairs in Unit 6, which houses juveniles charged as adults, are not secured which raises safety concerns.*

##### Response to F1:

Partially disagree.

Securing furniture to the floor does not necessarily decrease the risk of injury, and in fact, presents other safety concerns as described below.

##### Recommendation R1:

*The Probation Department, by September 1, 2013, secure the furniture in Unit 6 of the Juvenile Hall as is done in the Department of Juvenile Justice and adult facilities.*

##### Response to R1:

The recommendation will not be implemented.

The Probation Department does not have furniture secured in the day rooms of any of the housing units throughout Juvenile Hall or at Camp Peterson. This practice ceased at least twenty years ago. While there have been circumstances where youth will pick up the chair and/or flip a table during a unit disturbance, this is not a regular occurrence. For fiscal year 2012-13, there was only one incident where a youth claimed injury as a result of being hit with a chair during a unit disturbance.

There are a number of reasons why the past practice of having furniture secured to the floor of the day room was abolished. First and foremost, the Department found having metal furniture that was secured to the floor resulted in numerous injuries to youth and responding staff during a disturbance. The furniture would not give and would cause additional serious injury if a youth hit his/her head on it or happened to be trapped and could not defend themselves or easily get away. It also was a hindrance to responding staff in maneuvering around the furniture and could cause a delay in staff being able to stop the fight. This delay could also result in youth being further injured by the fight lasting longer than necessary. Currently, if there is a large scale disturbance on a housing unit, ancillary staff will begin moving the furniture out of the way so as to not cause further injury to youth or responding staff. Additionally, responding staff can easily pick up a chair and move it out of the way in order to get to the fighting youth.

Furthermore, in order to comply with the Minimum Standards for Local Juvenile Facilities, Title 15 of the California Code of Regulations, it is critical to have an open space on each housing unit where a variety of activities can take place. For instance, per Title 15, youth are required to have one hour of large muscle activity each day. When weather does not permit for the youth to go outdoors for large muscle activities, the youth will receive this activity in the day room of the housing unit. Additionally, a variety of religious programs and social awareness programs (also required by Title 15) take place in the day room. During these programs, volunteers will often move some chairs around the dayroom to construct small group settings to pray and or counsel youth in smaller and/or larger groups. Having fixed tables and chairs is not always conducive to

the physical space requirements of the activity. Lastly, there are a variety of unit activities, such as unit plays and talent shows where the empty day room is utilized and having secured tables and chairs would not allow for other activities to take place.

**Public Safety Ride Alongs**

**Finding F1:**

*Drivers of private vehicles often do not pull to the right and stop for an emergency vehicle, which not only delays the emergency vehicle but also causes safety issues for all concerned.*

**Response to F1:**

Agree.

**Recommendation R1:**

*The Public Information Officer for San Joaquin County, by September 1, 2013, coordinate efforts with local print, radio, TV and cable media outlets in the county and the cities of the county to use Public Service Announcements (PSAs) to educate the public on the proper way drivers should respond when approached by an emergency vehicle.*

**Response to R1:**

The recommendation will not be implemented.

Budget reductions resulted in the elimination of the County Public Information Officer position in 2010-11, so there is no longer a staff position or funding allocated to perform the requested function. However, County Administrator's Office staff will research to see if there are existing public education materials from the California Department of Motor Vehicles or Highway Patrol that could be disseminated to media outlets.

**District Board Ignores the Peoples' Right to be Informed  
(Case No. 1112)**

**Responses from County Administrator's Office and County Counsel:**

**Finding F4.1:**

*Membership on the District Board is seen as a family right and obligation passed through generations, or as a pathway for political advancement.*

**Response to F4.1:**

Disagree.

The opening for each position is published in the local newspaper and is publicly posted in the designated public notice areas within the County Administration Building. Any member of the public can apply. Each applicant must meet the statutory qualifications for the position as specified in Health and Safety Code §2022. If there are multiple applicants for a position, the position is not automatically defaulted to the incumbent, as the Board of Supervisors nominate and appoint the position. Even with the outreach efforts, historically 87% of the positions posted do not have multiple applicants.

**Finding F4.2:**

*Long terms on the District Board may lead to complacency in reviewing District financial conditions and a clear understanding of issues brought before the Board for consideration.*

**Response to F4.2:**

Disagree.

Each term is four years. If an existing district board member did not want to be on the board, they would likely not apply for a new term. Complacency can be a trait of an individual board member and not a direct product of serving long terms. In fact, multiple terms can be seen as an opportunity to better understand the budget and issues brought before the district board for consideration.

**Recommendation R4.1:**

*No later than November 1, 2013, the County Board of Supervisors and the City Council of each city in the County petition the appropriate agencies and/or the State legislature to establish term limits of two consecutive four-year terms for District Board Trustees.*

**Response to R4.1:**

This recommendation will not be implemented.

Out of over 60 County boards and commissions, only two have term limits. The current practice is in compliance with Health and Safety Code §2024, and is consistent with the other Mosquito and Vector Control districts within California.

**Finding F5.1:**

*Issues regarding non-transparent functioning and actions of the District Trustees bring into question the need for the District Board as presently appointed by the Cities and the County Board of Supervisors.*

**Response to F5.1:**

Disagree.

The organization and composition of the board is prescribed by State statute (Health and Safety Code §2020 et seq.). Transparency is not the product of organization of the board; rather it is a product of the operation of the board. As required in statute, each member is a voter and a resident of that portion of the County or city that is within in district.