

**The Grand Jury  
of Humboldt County**



**2005 – 2006  
Final Report**



GRAND JURY  
COUNTY OF HUMBOLDT

825 FIFTH STREET  
EUREKA, CALIFORNIA 95501-1153      PHONE (707) 476-2475

June 13, 2006

The Honorable Timothy P. Cissna, Presiding Judge  
Superior Court of California  
County of Humboldt

Your Honor:

The following report reflects the work of twenty-one dedicated Humboldt County Citizens – including alternates – seventeen of whom completed the year's service and who have worked together since July, 2005, investigating local government agencies, elected officials, dozens of citizen complaints, and issues brought to our attention through the media. The citizen volunteers for the Grand Jury, the county's "watchdog," performed their duties tirelessly, honestly, and with their minds open to understanding the county's myriad of problems that exist because we live in a complex society. Some investigations are not yet concluded. Others were dropped due to a number of reasons, but mostly because complainants achieved redress through alternative means: litigation, settlement, or cessation of complaint.

This year's Grand Jury of Humboldt County is comprised of an impressive, cooperative, and diverse group of people whose ages range from the mid 40s to the mid 80s, and whose experience came from the field of teachers, tradesmen; technicians; engineers; businessmen and women; social workers, soldiers, and artists. A more diverse group one could not wish for, nor a more cooperative collection of hard-working, dedicated citizens.

As citizen "overseers" empanelled to serve the county by entering the offices and occupations of our public servants and reporting on what they see, I can assure you that this group is fully cognizant of the delicacy with which they must tread before making a public statement, and I am proud to say that every member of this year's jury took their responsibilities seriously, exercised judiciousness, and triple-checked what they put into print. Once written, the reports were checked again by an editing committee, then by the County Counsel, and finally by Your Honor, himself. We are confident that what we present to you and the citizens of Humboldt County reflects honesty, integrity, and care in offering a small glimpse into the workings of a very dedicated group of employees or elected officials who comprise the government of Humboldt County.

Sincerely,

*Allan Edwards*  
Allan Edwards, Foreperson

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The full text of the 2005-2006 Grand Jury Final Report is also available at <http://www.co.humboldt.ca.us/grandjury>. When the responses are received, sixty days after publication, they will also be added to the website.

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**2005-2006 Grand Jury Members**

**Allan B. Edwards, Foreperson**  
**Fred Hebert, Foreperson, *pro tem***  
**Nick Viesselman, Recording Secretary**  
**Sue Oringer, Corresponding Secretary**  
**Fred Hebert, Sergeant-at-Arms**  
**Vivian Zimmerman, Budget Chair**

<b>Anne Christen*</b>	<b>Ferndale</b>
<b>David Colón*</b>	<b>Eureka</b>
<b>Dwayne Darnell</b>	<b>Eureka</b>
<b>Allan Edwards</b>	<b>McKinleyville</b>
<b>Don Enos</b>	<b>McKinleyville</b>
<b>Don Fahrar*</b>	<b>Eureka</b>
<b>James Filomeo</b>	<b>Eureka</b>
<b>Simon Fuller</b>	<b>Eureka</b>
<b>Fred Hebert</b>	<b>Eureka</b>
<b>Steve Huston*</b>	<b>Eureka</b>
<b>Mike Kears</b>	<b>Eureka</b>
<b>Diane Lehman</b>	<b>Garberville</b>
<b>Sandra Lingle</b>	<b>Eureka</b>
<b>Kevin Matlock</b>	<b>Samoa</b>
<b>William Nash</b>	<b>Fortuna</b>
<b>Tracy Nelson</b>	<b>Ferndale</b>
<b>Sue Oringer</b>	<b>Bayside</b>
<b>Sylvia Riewerts</b>	<b>Eureka</b>
<b>Diane Reno</b>	<b>Eureka</b>
<b>Nick Viesselman</b>	<b>Eureka</b>
<b>Vivian Zimmerman</b>	<b>Eureka</b>

\* Members whose served but who were compelled because of personal circumstances to terminate service before July, 2006. Their service was valuable and appreciated.

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**The Grand Jury of Humboldt County**

The Grand Jury is an arm of the court yet an entirely independent body. The 19 Grand Jurors are citizens drawn from a pool of volunteers. The Presiding Judge of the Superior Court, the District Attorney, the County Counsel, and the State Attorney General all act as advisors to the Grand Jury.

The Grand Jury seeks to assure honest, efficient government in the best interests of the people. It is a civil investigative body having for its objective the detection and correction of flaws in government.

One function of the Grand Jury is to examine all aspects of county and city government – including special districts and joint powers agencies – to see that monies are handled judiciously, and that all accounts are properly audited.

The Grand Jury serves as ombudsman for citizens of Humboldt County. It may receive and investigate complaints by individuals concerning the actions and performance of public officials.

Members of the Grand Jury are sworn to secrecy and conduct most of their work in closed sessions. All testimony and deliberations are confidential. Breach of confidentiality is a misdemeanor punishable under the Penal Code.

Grand Jurors may act only through the Grand Jury as a body. Individually they have no official standing, power, or authority. A Grand Juror may take no official action without the prior approval and authorization of a majority of the Grand Jury. The foreperson is the only official spokesperson for the Grand Jury.

In their official capacity, Grand Jurors are permitted access to inspect prisons, jails, and other government facilities. They also have the right to review official books and records to which other citizens are denied access, with limited exceptions. Because of their extraordinary privileges and responsibilities, Grand Jurors have a special obligation to exercise their authority and carry out their duties in a proper and responsible manner within the boundaries of the law.

Grand Jurors serve for one year. Some Jurors may serve for a second year to provide an element of continuity from one Jury term to the next. Continuity is also provided by documents collected and retained in the Grand Jury library. The Penal Code provides for the transmission of information from one Grand Jury to the next.

To be a Grand Juror in Humboldt County, according to Penal Code 893, a person must be: a citizen of the United States; 18 years or older; a resident of Humboldt County for at least one year; be in possession of natural faculties, of ordinary intelligence, of sound judgment, and of fair character; and be able to speak English.

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The person cannot be serving as a trial juror in any court, discharged as a grand juror within one year, convicted of malfeasance in office or any felony or other high crime, serving as an elected public official.

In Humboldt County, citizens volunteer by writing  
Jury Commissioner Betty Finley, Superior Court  
Humboldt County Courthouse, 825 Fifth Street  
Eureka, CA 95501 Or by calling 707-269-1270

Each spring, announcements are made calling for volunteers for the Grand Jury. People who have volunteered throughout the year are also notified. After a person volunteers to be in the pool, he or she is interviewed by the Presiding Judge. If the person is accepted for the pool, he or she is invited to an orientation and training program of at least one day, generally at the end of June or the beginning of July.

Soon after orientation and training, prospective jurors assemble in the Judge's courtroom. Nineteen jurors are chosen at random, less any jurors holding over from the previous jury with the Judge's permission. At least three alternates are also chosen, to fill in during the year should anyone chosen be unable or unwilling to serve the entire year. Then the Judge swears the new jurors in and admonishes them about Grand Jury secrecy, and they begin work.

Grand Jurors meet on Monday mornings from 9:00 to noon and on Tuesdays from 9:00 to 3:00. Sometimes committee work requires jurors to meet at other times to inspect a county facility or interview a witness or gather other information. Grand Jurors are paid a stipend of \$15.00 for every seven hours they are in session, not counting outside interviews or report-writing. Grand Jurors also get paid mileage from their homes to the Courthouse and back. The Grand Jury takes off the last two weeks of December but otherwise meets every week for the year term.

Grand Jury service calls for diligence, impartiality, courage, and responsibility. Selection as a Grand Juror is an honor. It is a unique opportunity to learn about government and to provide a valuable service to the community.

The Grand Jury would like to have members from all over the county who have diverse backgrounds, skills, and interests to assist with the work of helping county and local governments perform effectively, efficiently, and ethically.

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**Citizen Complaint Form**

**Grand Jury of Humboldt County**  
**Humboldt County Courthouse 825 Fifth Street Eureka, CA 95501**  
**707-476-2475 <http://www.co.humboldt.ca.us/grandjury>**

All information on this form is confidential. Please write legibly and be specific.

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number and e-mail: \_\_\_\_\_

Complaint about which Agency, City, District, or County Department?  
\_\_\_\_\_

Address/Location: \_\_\_\_\_

Does complaint involve specific official(s) or employee(s)?

Name(s): \_\_\_\_\_

Does complaint involve a specific event? Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

Please state your specific complaint, including names, locations, witnesses, and supporting facts. Use the back and attach additional sheets if necessary.

\_\_\_\_\_  
Your signature is required here

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**Grand Jury Report # AH-2006-19**  
**Fortuna City Council**

**Executive Summary:**

The Grand Jury of Humboldt County conducted an investigation into the Fortuna City Council's indemnifying Councilwoman August for partial payment of her attorney fees resulting from the 2003-2004 Grand Jury's accusation against her. The Grand Jury found that the laws governing this issue give governing agencies discretionary powers to approve or disapprove the providing of a defense of an employee or former employee who acted, or failed to act, in good faith without actual malice and in the apparent interests of the public entity. The Grand Jury found no evidence of mal-feasance, misfeasance, or nonfeasance on the part of the Fortuna City Council.

**Who Shall Respond:**

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of GRAND JURY REPORT # 2006-AH-19 shall be provided as follows:

- **No response is required.**

**Report:**

In response to citizen complaints, the 2005-06 Grand Jury conducted an investigation into the Fortuna City Council's decision to award Councilwoman Debi August \$52,000 for legal fees resulting from a Grand Jury Accusation against her in 2004.

Councilwoman Debi August accrued attorney's fees and costs in excess of \$157,000 resulting from a Grand Jury Accusation against her in 2004. The case was eventually dismissed in July, 2005. On or about July 21, 2005, Councilwoman August's attorney requested that the Fortuna City Council consider and approve reimbursement of her attorney's fees relevant to the Grand Jury's accusation, citing Government Code §995.8 as the basis for the request. §995.8 states:

**995.8.** A public entity is not required to provide for the defense of a criminal action or proceeding (including a proceeding to remove an officer under Sections 3060 to 3073, inclusive, of the Government Code) brought against an employee or former employee, but a public entity may provide for the defense of a criminal action or proceeding (including a proceeding to remove an officer under Sections 3060 to 3073, inclusive, of the Government Code) brought against an employee or former employee if:

- (a) The criminal action or proceeding is brought on account of an act or omission in the scope of his employment as an employee of the public entity; and
- (b) The public entity determines that such defense would be in the best interests of the public entity and that the employee or former employee acted, or failed to act, in good faith, without actual malice and in the apparent interests of the public entity.

Fortuna City Council was advised that its insurance agency, Redwood Empire Municipal Insurance Fund, had no coverage for the matter of Councilwoman August, and that the City Manager seek a review of the claim by the City Attorney.

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Fortuna City Council's Attorney noted that according to Government Code §995.8 a public entity *may* provide a defense of certain legal proceedings brought against an employee, but it was not obligated to do so. (Original emphasis)

In closed session, the Fortuna City Council voted to pay \$52,000 of Councilwoman August's legal fees. Open meetings were held on this topic prior to the closed session vote, and none of the complainants attended those meetings. The complainants had, however, contacted individual members of the Fortuna City Council concerning the payment issue, but nothing resulted from their inquiries.

At one point, a citizen of Fortuna filed criminal grand theft charges against the Fortuna City Council, but the Humboldt County District Attorney found that the Council had broken no laws. The case was dismissed.

The Grand Jury of Humboldt County interviewed witnesses regarding the rights and authorities of a city council either to indemnify or provide for the defense of a city council member after the fact.

**Findings and Recommendations:**

**Finding 1:** Government Code 995.8 gives a governing body discretion to provide legal defense for an accusation or criminal action brought against an employee or former employee. The Grand Jury makes no finding regarding malfeasance, misfeasance, or nonfeasance on the part of the Fortuna City Council. Consequently, the Grand Jury will take no further action on this matter.

**Recommendation 1:** The Grand Jury has no recommendation on this matter.

**Grand Jury Report #2006-AF-01**  
**Asset Forfeiture**

**Executive Summary:**

The Grand Jury of Humboldt County made inquiries regarding the distribution of funds received from the sale of asset forfeitures. These funds are distributed to the County and occur as a result of crime related action taken against individuals, or groups of residents, of Humboldt County.

**Who Shall Respond:**

Pursuant to California Penal Code Sections 933 and 93305, responses to the Findings and Recommendations of Grand Jury Report #2006-AF-01 shall be provided as follows:

- **No Response is required.**

Asset forfeiture is the result of having property seized when the property is alleged to have been used in illegal activities. Seizures in Humboldt County include vehicles, cash, generators,

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chemicals, and illegal monies. Houses and unimproved property also may be seized. Owners of seized property have 30 days to make an appeal to the courts. An asset may be released if the owner can prove that this asset was not used in any illegal activity. In cases of proven hardship, seized vehicles or houses may be returned.

Court procedures to determine if the property was in fact used in illegal activities is complicated and require a great deal of time and effort. This may process often takes many months, even years to complete. Assets confiscated during this process must remain secured, in the custody of law enforcement, until the presiding judge in each case has made a ruling regarding the legality of the seizure. Those assets which are able to be transported are held in the Sheriff's Evidence Yard until a decision has been made by the court in each situation. Assets which are involved in Federal seizures are turned over to the Federal Marshal.

Some of the forfeitures are equipment, which may be donated to Humboldt County agencies, or sold to them for a token amount. The remaining items, upon release by the courts, may be sold at auction.

The funds, generated by the sale of these assets, are distributed through the actions of the State or Federal Court, and are deposited in either a State or Federal Trust Account. Distribution of the State Trust Account Funds is determined by the State Health and Safety Code, Section 11489. This was last amended by the State Legislature in SB457 in 1997.

The Grand Jury of Humboldt County also inquired of the Auditor-Controller what the current distributions are, in accounting for this income to the County. These distributions are listed below. According to estimates made by the Sheriff, these figures are typical of the average funds the county receives from asset forfeitures.

Distribution Formula for the State Trust Account Funds

Seizing agency	65%	(Normally the Drug Task Force, occasionally the Sheriff)
District Attorney	10%	
State	24%	
Private non-profit	1%	

Total distributions, by year:

2000-01:	\$280,656
2001-02:	\$134,888
2002-03:	\$256,764
2003-04:	\$198,491
2004-05:	\$302,960

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**Grand Jury Report #2006-AF-02**  
**County Elections Department**

**Executive Summary:**

The Grand Jury recognizes that one of the most important functions of County government is to insure fair and accurate elections – the backbone of our representative democracy. Concerns from the public led Congress to pass the “Help America Vote Act” (HAVA) and California voters to pass Proposition 41, the “Voting Modernization Bond Act” in 2002. These actions suggested to the Grand Jury that it review the Humboldt County Election Department’s procedures and determine the impact, if any, these legislative changes will have on future election practices.

Therefore, members of the Grand Jury monitored all phases of the November 2005 Special Election, interviewed Election Department personnel and participated in the pre-election Logic and Accuracy Observer Panel.

**Who Shall Respond:**

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2006-AF-02 shall be provided as follows:

- **No response is required.**

**Report:**

Humboldt County has approximately 81,000 registered voters clustered in over 270 precincts who vote by mail or at one of seventy polling places. Presently, some 17,000 residents are permanent absentee voters joined by 5,000 or more “one-time” absentee voters. In recent elections, one in four registered voters in the County voted absentee.

The County Election Department starts preparing four and one half months in advance of an election. Candidate filing fees and “petitions in lieu of” fees start arriving 113 days in advance. Depending upon the number of candidates and local races, ballots must be constructed and a contract with a State certified printer must be negotiated well in advance. The November 2005 Special Election required twenty-five ballot types and a general election often requires more than 100 ballot types. State law requires ballots be printed for at least 75% of the registered voters in a county. At a cost of between thirty to forty cents per ballot, this significant expense to the County is multiplied by the cost of printing and mailing sample ballots.

Ballots are mailed out to voters outside the United States sixty days before an election. Domestic absentee ballots are mailed out directly from the printer approximately thirty days before an election. County election officials favor absentee voting because it is necessary to handle the ballots only once (when they are returned), absentee voting relieves congestion at polling locations, and voter participation is much greater among absentee voters (approximately 85% return their ballots). Absentee ballots may be processed and counted beginning seven days before Election Day, allowing Election Department staff time to verify the signatures on the returned ballots.

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Voting rosters are printed three weeks before Election Day. These are the books poll workers use to identify voters and insure each voter gets the correct ballot type.

Two weeks before an election County staff begins assembling supplies for the seventy polling locations. These supplies include all material needed by poll workers, such as office supplies, rosters, and an exact number of ballots. Ballot boxes, secured supply boxes and polling booths are delivered to the polling locations the Thursday before Election Day. The AccuVote machines are picked up by poll location inspectors the night before the election and remain in their custody until polls open. These vote-tabulating machines have sealed locks that prevent tampering.

Humboldt County employs approximately 280 poll workers on Election Day who work a fifteen-hour day for \$71.00. The inspectors (supervisors) at each polling location receive \$76.00 and can earn a \$20.00 bonus if they successfully complete a checklist of assigned tasks. Inspectors are required to attend a two-hour training session the week before an election for which they are paid \$7.50.

Members of the Grand Jury observed Humboldt County's preparations for and execution of the November 2005 Special Election. They were impressed with the overall organization, meticulous attention to detail, and commitment to accuracy shown by the Election Department's staff.

County election officials actively seek citizen review of their policies and procedures. They solicit volunteers to participate in the "Logic and Accuracy Observer Panel" that convenes prior to every election to test the accuracy of all ballot types and the AccuVote optical scan machines that will tally the votes. They also welcome citizens to join their Election Observer Panel on election night to monitor voting returns as the precincts report in.

Grand Jury members who participated in both panels for the November 2005 Special Election were satisfied that Humboldt County reported accurate election results. There are security measures and procedures in place to prevent unauthorized tampering with the AccuVote machines. The methods employed to transmit election results accurately from the polling locations to election headquarters after the polls closed were observed to be well thought out, effective, and secure.

In 1995, Humboldt County abandoned punch-card voting machines for an optical scan system manufactured by Diebold Corporation. The Diebold model used by the County was approved by the State of California at the time of purchase.

In March 2002 California voters passed Proposition 41 establishing a bond fund for California counties to modernize their voting systems and eliminate all punch-card systems in the State. Although Humboldt County had already eliminated its punch-card equipment, it will still receive \$980,000 from this fund. These monies are available for the County to further improve its voting systems to comply with the Help America Vote Act (HAVA) by the June 2006 election.

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HAVA has presented new challenges for County election officials. One of its requirements is that all polling places must be accessible to the handicapped. Several of the seventy polling places the county has used are not in compliance with Americans With Disabilities Act (ADA) standards. The county must make these locations handicapped-accessible on Election Day or find substitute locations.

HAVA also requires that every polling place must have at least one handicapped-accessible voting machine. California also requires that any touch-screen voting system used in the state must provide a verifiable paper trail of every vote and be pre-certified by the Secretary of State prior to use.

The county plans to purchase Diebold touch-screen machines that will be compatible with the Diebold system presently in use, but these machines were not certified by the State until February 2006. Humboldt County shares the same predicament as many counties in the state. It will be impossible to purchase, install, and train staff on the equipment necessary to be in compliance with HAVA by the June 2006 election. This issue was not resolved by the time this report was compiled.

**GRAND JURY REPORT #2006-HS-01**  
**County Veterans Service Office**

**Executive Summary:**

The County Veterans Service Office (CVSO) was established by the Board of Supervisors of Humboldt County to assist veterans and their dependents in obtaining benefits from federal, state and local agencies administering programs for veterans. The CVSO staff consists of a Veterans Service Officer and a Veterans Service Representative. The CVSO also works in cooperation with other veteran's organizations within the county and state. The CVSO is fulfilling its mission to the veterans of Humboldt County.

**Who Shall Respond:**

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2006-HS-01 shall be provided as follows:

- **No response is required.**

**Report:**

The Grand Jury finds that the County Veterans Service Office (CVSO) is fulfilling its responsibilities to the veterans of Humboldt County in a prudent and efficient manner. Its communication and coordination with other veteran's organizations within the county, as well as veteran's service facilities outside the county, is admirable. The management of its resources, despite its limited manpower and budget, has been maximized to the fullest potential.

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The County Veterans Service Office staff is to be commended on the exemplary performance of their duties.

**Grand Jury Report #2006-HS-02**  
**Humboldt Senior Resource Center**

**Executive Summary:**

The Humboldt Senior Resource Center is a non-profit organization which provides numerous services to the community's senior citizens, including Dial-a-Ride, a firewood program, senior home repair, a job bank, a senior nutrition program, Adult Day Health Services, an Alzheimer's Resource Center, and ombudsman services. The Senior Resource Center is committed to collaboration with other agencies in both private and public sectors.

**Who Shall Respond:**

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report # 2006-HS-02 shall be provided as follows:

- **No response is required.**

**Report:**

The Senior Resource Center receives funding from multiple sources, including state and federal, the Area Agency on Aging, local government, and donations and bequests. It has responsibly managed its funds in order to provide senior citizens with many essential services not duplicated elsewhere. The programs and services include:

- Partnership with the Sheriff's Work Alternative Program (SWAP) that provided vouchers for 1,500 cords of firewood over the past year for seniors in need
- Home delivered meal programs in Fortuna and Eureka
- Dial-a-Ride vouchers in collaboration with the city of Eureka
- Senior Home Repair
- Referrals for work requests for seniors (Job Bank)
- Nutrition services, including 39,592 meals served at the Center's dining room, plus an additional 56,803 home delivered meals over the past year
- Adult Day Health services, serving people with chronic physical or mental disabilities
- An Alzheimer's Resource Center, with library annexes in Hoopa and Del Norte County
- A monthly Senior Newspaper, circulation 5,000
- Partnerships with HSU Nursing and Social Welfare departments which provide social service interns throughout the year
- Long Term Care Ombudsman

The Senior Resource Center is governed by a Board of Directors which represents a cross section of the community including a judge, a banker, businessmen, religious leaders and health care providers from throughout the county.

The Director of the Senior Resource Center provided a tour of the facilities for the Grand Jury.

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The facilities are well maintained and user-friendly, and the kitchen has recently undergone a major upgrade. The Grand Jury appreciated the openness of the director and her staff, as well as the friendly and welcoming attitude of seniors at the center.

The Grand Jury commends the Senior Resource Center for providing vital services to the senior community.

**Grand Jury Report # 2006-HS-03**

**Mental Health Services to the Humboldt County Correctional Facility**

**Executive Summary:**

The Grand Jury received information that the mental health services being provided to the inmates in the Humboldt County Correctional Facility (HCCF) were not meeting the facility's expectations or the inmate's needs. The information alleged the lack of sufficient mental health services at the HCCF was having an adverse effect upon correctional staff and inmates. The Grand Jury was further provided testimony that there exists some degree of inconsistency in mental health treatment to inmates due to a rotating system of doctors, each with their own method of patient management. The Grand Jury's subsequent investigation revealed a significant difference between the services that the Mental Health Branch, Department of Health & Human Services, had set forth in its policies to provide to the HCCF, and the services they were actually providing.

**Who Shall Respond:**

Pursuant to California Penal Code Section 933 and 933.05, Findings and Recommendations of Grand Jury #2006-HS-04 shall be as follows:

- The Department of Health & Human Services, Mental Health Services Branch, shall respond to Finding 1 and Recommendation 1.

**Report:**

The Grand Jury interviewed administrative and line level staff from both the HCCF and the Mental Health Branch. In the opinion of the majority of those interviewed, the Grand Jury learned the number of inmates in need of mental health services has increased during the last several years and the mental health problems of inmates have become more intense and severe. The Grand Jury reviewed statistics from several sources indicating the inmate population requiring mental health services at the HCCF had reached 30% of those incarcerated. At the same time that the mental health population and the severity of problems were increasing at the HCCF, the Mental Health Branch reduced their staff at the HCCF. The specifics of this staff reduction were identified in a document entitled "Jail Service Program" written by the Mental Health Branch and of the Department of Health and Human Services. The policies contained in the Jail Services Program were approved by the HCCF. In this Jail Services Program Document, the Mental Health Branch identified specific staffing for the HCCF, including an Alcohol and Other Drugs Counselor and a Discharge Planner. During the Grand Jury's investigation, it was learned that against the wishes of the HCCF administration, both of these positions have remained unfilled at the HCCF by the

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Mental Health Branch. These unfilled positions have caused the Mental Health Branch to not be following the policies in its own Jail Services Program to provide specific staff

services. According to testimony, these vacancies have been to the detriment of the remaining mental health staff, the correctional staff, and the inmates. It was reported to the Grand Jury there had been as many as six on-site mental health staff at the HCCF when policies in the 2003 Jail Services Program were approved and signed. At the time of this investigation the Grand Jury found only two staff members remain at the HCCF, a nurse and a clinician. The registered nurse is not a Certified Psychiatric Nurse. The clinician, a Licensed Clinical Social Worker, is soon to leave this position and a replacement will have to be found. The Grand Jury was informed that the Mental Health Branch has plans to fill some of the vacant staff positions before the next scheduled State inspection of HCCF. The Grand Jury was told that the correctional officers would continue to spend a significant number of extra man-hours dealing with the problems created by the large number of inmates requiring mental health services.

The Grand Jury learned that while the population of inmates at the HCCF needing mental health services has increased, the number of patients housed at Sempervirens (SV: the county's acute mental health facility) has decreased. Currently admissions to SV have averaged eight patients. The staff-to-patient ratio at SV is one staff member for every five patients. In previous years SV had consistently remained at or near its full capacity of sixteen patients. The Grand Jury was informed that while there are occasions when an inmate of the HCCF is brought to SV to receive more controlled and intensive treatment, those occasions average only six to eight per year. Testimony revealed that once an individual is booked into the HCCF, the county is no longer reimbursed for any medical or mental health services it provides.

Witnesses informed the Grand Jury that some key staff members from the Mental Health Branch who oversee the mental health services at the HCCF either had never been to the facility or had not been to the HCCF in years.

Testimony was received that the Mental Health Branch has no legal requirement to provide mental health services to inmates at the HCCF and that their doing so was an act of generosity. Contradicting this belief by the Mental Health Branch, the Grand Jury located mandates within the California Welfare & Institutions Code, the California Code of Regulations Title 15, and Title 9 of the State Department of Mental Health, all of which clearly state that mental health services shall be provided to inmates by the local Mental Health Director.

The Grand Jury received testimony that psychiatric services from medical doctors are provided to the HCCF inmates three afternoons a week. These services consist primarily of evaluating, reviewing and refilling medications. Because the county has had difficulty in recruiting and retaining medical staff, temporary physicians are often used at the HCCF on a rotating basis, along with some county staff physicians. Doctors on rotation may remain for

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as little a few weeks and rarely, if ever, do they remain more than a few months. This means in any given week, a substantial percentage of inmates requiring mental health services are

being seen by whatever doctor happens to be available that day.

Since each physician could have different approaches to medication protocols, inmates may receive several different psychotropic medications within a short period of time. The Grand Jury also found the majority of physicians being utilized by Mental Health were not board certified as psychiatrists. In contrast, according to the American Board of Medical Specialists, which provides board certification in psychiatry, approximately 89% of medical doctors today are board- certified in their field of practice.

The Grand Jury learned that the policies in 2003 Jail Service Program to provide the HCCF with an Alcohol and Other Drugs counselor and a Discharge Planner are not being followed. The Grand Jury learned that, due to increases in both the number and severity of mental health problems in the inmate population, the filling of these positions is even more essential now than it was in 2003. The Grand Jury finds that there are only two on-site mental health staff at the present time, compared with up to six staff in recent years. The Mental Health Branch acknowledges it has the ability to fill one or more of the vacant staff positions at least temporarily through staff transfers.

The Grand Jury received testimony from several sources regarding the inconsistency of mental health services to inmates of the HCCF, due to the constant rotation of doctors. The Grand Jury acknowledges the difficulty of the Mental Health Branch in recruiting and retaining physicians.

**Findings and Recommendations:**

**Finding 1:** The Grand Jury finds that the Mental Health Branch of the Department of Health & Human Services is not following the written policies of its 2003 Jail Services Program to provide mental health services to the HCCF.

**Recommendation 1:** The Grand Jury recommends that the Mental Health Branch of the Department of Health & Human Services follow the policies as written in its 2003 Jail Services Program to provide adequate staff to the HCCF as noted herein.

**Grand Jury Report #2006-HS-04**  
**Multiple Assistance Center (MAC)**

**Executive Summary:**

The Multiple Assistance Center (MAC) is operated by the Redwood Community Action Agency. The facility provides transitional housing to homeless men, women, and families. MAC requires adult participants to actively follow a self-development and education program. Case managers monitor each participant in the

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formulation and progression of a personalized action plan.

**Who Shall Respond:**

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury report #2006-HS-05 shall be as follows:

- **No response required**

**Report:**

The Grand Jury of Humboldt County inspected the Multiple Assistance Center (MAC) on August 22, 2005 and conducted a follow-up visit on February 21, 2006. The 22,000square foot facility was clean, organized, and well-maintained. The facility can provide housing for twelve families, eighteen single men, and sixteen single women with a maximum capacity of seventy-five residents. MAC has twenty-five employees, and a minimum staffing of two employees is maintained at all times. The facility has an estimated operations budget for fiscal year 2006-2007 of \$868,778. Initial funding for acquisition of the site was completed through a City of Eureka Community Development Block Grant of one million dollars. The balance of funding for purchase was acquired through \$250,000 from the St. Joseph Healthcare Foundation and the Eureka Housing Advisory Board. The design, remodeling and conversion phase of the property was funded by two million dollars in grants that are a combination of federal and state dollars.

Participant referral to the MAC program is only by social service agencies. The program is voluntary and participants have the option to leave at anytime. The U.S. Department of Housing and Urban Development guidelines allow participants to maintain residency up to two years, although the reported average stay is three to five months. As a condition of residency, participants are required to submit to an intake assessment consisting of an in-depth social history and review of the program and its rules. MAC program focuses on addressing the needs of the individual. Customized plans include emphasis on permanent housing, employment, financial planning, education, parenting skills, nutrition, and physical and mental health issues. The program is designed to ameliorate the conditions prevalent to adult homelessness, such as:

- substance abuse (40%)
- mental health concerns (15%)
- dual diagnosis, (both mental and substance abuse issues-38%)
- physical disabilities (22%).

Fifty-eight percent of all households in MAC are chronically homeless, meaning there has been more than one instance of homelessness in the preceding three years. In the calendar year 2005, MAC served an estimated 180 individuals, with 27% to 33% of those transferring into rental housing.

The facility provides separate sleeping areas for families with children, single men and single women, meal service, children's day care and play area, staff offices, class and meeting rooms, kitchen, dining room, laundry and personal storage areas. Upon intake to MAC, residents are

issued a participant handbook consisting of general information and fifteen rules. The facility has a curfew policy in effect and a zero tolerance drug/alcohol rule. A sampling of residents

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interviewed expressed their complete satisfaction with the facility, the program and its staff. The MAC program is not designed to meet and the need for emergency shelter, or to serve those individuals deemed inappropriate for transitional housing.

The Grand Jury commends the Multiple Assistance Center on their contribution to the residents of Humboldt County.

**Grand Jury Reports # 2006-JL-01 through 16**  
**Humboldt County's Jails and Holding Facilities**

**Executive Summary:**

Pursuant to California Penal Code Section 919(b), the Grand Jury inspected each prison, jail and holding facility within the county. Eleven such facilities are addressed in the reports referenced above. Five additional facilities, Sheriff's Agricultural Farm, McKinleyville Sheriff's Substation, Sheriff's Evidence Room, Sheriff's Evidence Yard, and the Coroner's Office, were also inspected and are included in these reports.

**Grand Jury Reports #2006-JL-01 through #2006-JL-03**  
**Humboldt County's Jails and Holding Facilities**

**Who shall respond:**

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Reports #2006-JL-01 through #2006-JL-03 shall be provided as follows:

- **No responses are required.**

These three facilities were inspected and found to be clean, well maintained, and in good repair. No Findings or Recommendations are warranted.

**Arcata Police Department** inspected September 29, 2005

**Eureka Police Department** inspected September 13, 2005

**Fortuna Police Department** inspected September 19, 2005

**Grand Jury Report #2006-JL-04**  
**The Northern California Regional Facility**

**Who shall respond:**

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Reports #2006-JL-04 shall be provided as follows

- **No response is required.**

The Northern California Regional Facility for juveniles was inspected on October 3, 2005. The secured building was found to be in good order, with trained employees sufficient to maintain

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order. Juveniles are assigned to the facility by court order from various counties in Northern California. The juveniles are required to follow a specific treatment program in an attempt to modify their behavior. There are eighteen cells, each with one bed and lavatory facilities. The juveniles follow a regular routine for meals, school, cleaning activities, exercise, and recreational activities. The program is limited to a maximum of six months. Space is available for conferences, treatment and visitations, staff supervision is provided at all times.

**Grand Jury Report #2006-JL-05**  
**Sheriff's Work Alternative Program (SWAP) woodlot**

**Who Shall Respond:**

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Reports # 2006-JL-05 shall be provided as follows:

- The Humboldt County Sheriff's Department shall respond to Finding 1 and Recommendation 1

The Grand Jury inspected the Sheriff's Work Alternative Program (SWAP) woodlot on September 26, 2005. It is located off Harrison Avenue in Eureka next to the Humboldt County Probation Department/Juvenile Hall. Offenders assigned to SWAP perform thousands of community service hours each year for dozens of programs. Participants in the woodlot program cut and stack hundreds of cords of wood which are sold at significantly reduced prices to needy households throughout Humboldt County. The proceeds from these sales, amounting to tens of thousands of dollars, are donated to the Humboldt County Senior Resource Center.

**Findings and Recommendations:**

**Finding 1:** The Grand Jury applauds the continued success of SWAP and the deputies who oversee the program. One area of concern was discovered during the investigation. No emergency telephone or means for radio communication exists on the woodlot in the absence of a deputy. While deputies are on site most of the time, there are periods when they are absent. During that time chainsaws and hydraulic wood splitters are in use. Should a serious medical emergency arise when a deputy is absent, a SWAP assignee would have to run to a neighboring facility to summon emergency personnel. This would add significantly to any emergency response time, and the person reporting the emergency would be out of sight and contact with the accident victim(s).

**Recommendation 1:** The Grand Jury recommends an emergency communication system be installed at the woodlot for use by SWAP assignees during a medical emergency in the absence of a deputy.

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**Grand Jury Report #2006-JL-06**  
**Humboldt County Correctional Facility**

**Who Shall Respond:**

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2006-JL-06 shall be provided as follows:

- **No response is required.**

On the day of the Grand Jury inspection there were 402 inmates in the facility, of whom thirty-five percent were women. In general a large percentage of the inmates are addicted to drugs or alcohol. Of the total population, thirty percent were reported to have mental health issues. Convicted offenders and suspects are housed together.

At the time of the Grand Jury's inspection mental health services were provided by one clinician and one nurse working at the facility. Various doctors, on a rotating basis, visit during regular business hours. Health screening is conducted as required. Tylenol is now regulated due to previous inmate misuse.

Recreational facilities are available to inmates. The facility provides and monitors numerous educational and vocational programs. Special religious requests are provided to the inmates by volunteers and meals for special religious holidays are provided

For inmate and staff safety, no firearms are kept on site and first aid supplies are organized and easily accessible. All areas of the facility are covered by video surveillance. The ratio of staff to inmates fluctuates throughout the year and is at times out of compliance with regard to state mandates. The facility has an evacuation plan in place and periodic drills are implemented.

Cells, bathrooms, study and recreation areas were in reasonably good condition; however, constant maintenance is necessary due to inmate vandalism. The temperature was comfortable and the facility is well lit.

Inmate complaints not resolved at the line level are moved up the chain of command.

**Grand Jury Report #2006-JL-07**  
**High Rock Conservation Camp #32**

**Who Shall Respond:**

Pursuant to California Penal Code Section 933 and 933.5, responses to the Findings and Recommendations of Grand Jury Report #2006-JL-07 shall be provided as follows:

- **No response is required.**

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As mandated by California Penal Code Sections 919(b), The Grand Jury inspected High Rock Conservation Camp #32 on November 10, 2005. The Camp is located south of Redcrest, adjacent to the Avenue of the Giants. The Camp was opened in the 1950's and has been in continuous operation since that time. California Conservation Camps are operated under a Joint Agency Agreement between the California Department of Corrections and Rehabilitation (CDC), and the California Department of Forestry (CDF).

High Rock Conservation Camp #32, one of ten camps in Northern California, had a population of 110 inmates, ten CDC officers, and fourteen CDF officers. Under the Joint Agency Agreement, the CDC is responsible for the selection, security, supervision, health, welfare, and discipline of the inmates. CDC staff accompany the inmate crews at all times to provide additional security and care of inmates. The Joint Agency Agreement requires the CDF to maintain the camps, provide additional supervision of inmate fire crews and be responsible for the custody and safety of each inmate while on assignment.

The inmates are selected and trained at the California Correctional Center at Susanville. After fire training, they are assigned to a camp to serve the remainder of their sentence. In order to be accepted for camp placement, inmates cannot have a history of escapes, arson, sex-related offenses, or have a high potential for violence. The majority of inmates are serving time for alcohol, drug-related, or property offenses.

During their stay in camp each inmate is given additional job training. The majority of inmates are laborers who receive \$1.45 per day. Skilled inmates may earn up to \$2.56 per day. These positions include, but are not limited to, cooks, mechanics, clerks, plumbers, welders, carpenters, landscapers, and electricians. The Lead Cook may earn up to \$3.90 per day. While assigned to fighting fires, inmates earn an additional \$1.00 per hour. These funds may be sent to an inmate's family, which permits the inmate to assist in the care of his family while incarcerated. The job training also contributes to the maintenance of the camp. Because of the age of the facility, it requires constant maintenance to the infrastructure. The inmate workforce allows for appropriate upkeep even during periods of fiscal constraints.

Medical and dental care are provided by the Susanville facility. In case of emergency, inmates can be treated at local medical and dental offices. Should an inmate require non-emergency care, they are bussed to the Susanville facility. This CDC bus can also return inmates to the regular prison system should it be found that they are unable to function in the camp system.

The primary mission of the camp is to provide fire crews for fire suppression in the Humboldt/Del Norte CDF Ranger Unit area. Fire crews can also be dispatched anywhere in California and into limited areas of Nevada. In addition to fire suppression, crews provide a work force for flood control, watershed clearance, dune restoration, eradication of non-native vegetation, and community improvement projects. Inmate crews provide playground improvement for schools, trail construction, as well as maintenance and improvements in state parks.

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A training program for companion animals is in the formative stage at High Rock. The inmates would be training companion animals in basic obedience so the animals would be ready for placement in permanent homes. Animals who need homes would be much more desirable for adoption if they have been socialized and trained. Being responsible for the care and training of an animal would enhance the efforts of the staff to instill in the inmates a work ethic, self-discipline, self-respect and an improved self-image.

The aforementioned skills are the basis of rehabilitation, which is the primary purpose of the camp program. The staff related cases of former inmates who are now employed as CDF and municipal fire fighters.

Unlike some other prison programs, the camp programs provide significant benefits to the inmates and to the taxpayers of California. The High Rock facility is well-run. Dormitories, washrooms, kitchen, and grounds are clean and well maintained. Staff is professional, respectful, and express strong belief in the programs they implement.

The Grand Jury commends the CDC and the CDF for their success in operating the High Rock camp located in Humboldt County.

**Grand Jury Report #2006-JL-08**  
**Eel River Conservation Camp # 31**

**Who Shall Respond:**

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of the Grand Jury Report #2006-JL-08 shall be provided as follows:

- **No response is required.**

As mandated by California Penal Code Section 919(b), the Grand Jury inspected the Eel River Conservation Camp #31 on November 10, 2005. This facility was found to be very well maintained and professionally staffed. The conservation camp is jointly operated by the California Department of Corrections (CDC) and the California Department of Forestry (CDF). This facility provides inmate fire and work crews for fire suppression and community improvement projects in the Humboldt/Del Norte CDF Ranger unit area. Additionally, crews provide a variety of services such as flood control, dune restoration and improvements to state parks, roads, communities and school sites.

The CDC inmates have been carefully screened, using a point system, and require a mental and physical evaluation before receiving fire fighter training and placement at the camp. Inmates may not have a history of violence, escapes, arson or sex-related crimes. Most of the inmates are serving a sentence for substance abuse or property related crimes. Inmates are directly supervised by both CDC and CDF staff. There are 132 inmates and eleven staff. Inmates are required to work an eight hour day, five days a week. They are allowed leisure, recreational,

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visiting and spiritual time on weekends as well as five designated holidays per year. The inmates earn a minimal wage for their work and one in three inmates willingly contributes to the spiritual charity of his choice. The camp also provides vocational training such as sawyer, electrician, auto mechanic, carpenter, cook, landscaper and data entry operator. Inmates are encouraged to participate in the General Equivalency Diploma (GED) program and a strong work ethic is always emphasized.

A sawmill, a large staging area for non-local fire crews, and a 21,000 sq. ft warehouse that can supply ten fire camps are also located at this facility. The warehouse can be used by the State of California Office of Emergency Management for a staging area. The camp is well run and well maintained. The inmate labor from this camp provides a cost savings to the taxpayers of California in excess of \$2,000,000 per year. The Grand Jury acknowledges that for two years in a row the camp has won an award for their recycling program wherein seventy percent of all camp refuse (25,000 lbs. per month) is recycled. The Grand Jury commends the CDC and the CDF for their commitment to the community and the rehabilitation of inmates.

**Grand Jury Report #2006-JL-09**  
**Juvenile Hall**

**Who shall respond:**

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2006-JL-09 shall be provided as follows:

- **No response is required.**

The Juvenile Hall was inspected on October 3, 2005. The building is located in Eureka off Harrison Avenue. This division of the County Probation Department contains 26 beds for juveniles assigned to this facility. The building was found to be in good order, neat, and clean.

The facility provides a highly qualified teacher and aide in the classroom for students desiring to continue their education, or achieve a high school diploma. A diploma is attainable, if their stay is for the period of time required to complete necessary credits. Credits may also be transferred to a regular educational institution after the students have been released from this facility. There are many innovative practices to instill a desire for learning. The facility is commended for its efforts on behalf of all those wishing to utilize their time in further educational pursuits.

**Grand Jury Report #2006-JL-10**  
**Humboldt County's Sheriff's Agricultural Farm**

**Who shall respond:**

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2006-JL-10 shall be provided as follows:

- **No response is required.**

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On September 26, 2005, members of the Grand Jury visited the Sheriff's Agricultural Farm. The farm is located near the city of Fortuna off Airport Road. The farm provides work for offenders assigned to the Sheriff's Work Alternative Program (SWAP). The program provides a small farm atmosphere and includes a small garden, a few beef cattle, pigs and chickens. The program provides vegetables, meat and eggs for use in the Humboldt County Correctional Facility. Excess products provide revenue when sold. The funds received are then used to purchase equipment for use by the Sheriff's Department. The program is a self-sufficient operation and has provided an alternative to jail overcrowding.

Previous Grand Juries have noted the need for a bucket for the farm tractor. This Jury noted the bucket has yet to be obtained.

**Grand Jury Report #2006-JL-11**  
**McKinleyville Sheriff's Substation**

**Who Shall Respond:**

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2006-JL-11 shall be provided as follows:

- The Sheriff shall respond to Finding 1 and Recommendation 1

The Grand Jury inspected the McKinleyville Sheriff's Substation on September 14, 2005. The facility provides the McKinleyville area with its own regional unit of the Humboldt County Sheriff's Department. The building was community funded and built, is in good repair, and well maintained. Interior space provides deputies with office, storage, communication, and a community conference room. Sheriff's Citizens on Patrol (SCOP) also maintains an office at this facility. There are no holding cells at this location.

**Findings and Recommendations:**

**Finding 1:** There is no telephone on, or reasonably near, the exterior of this facility for after hours use by the public, in an emergency situation.

**Recommendation 1:** The Grand Jury recommends the installation of a dedicated 911 telephone be located on the exterior of the substation.

**Grand Jury Report #2006-JL-12**  
**Hoopa Sheriff's Substation and Holding Facility**

**Who Shall Respond:**

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2006-JL-12 shall be provided as follows:

- The Sheriff's Department shall respond to Finding 1, and Recommendation 1.

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The Grand Jury inspected this facility on September 28, 2005. The Hoopa facility has two holding cells which are used briefly while suspects are being written up. The suspects are then transported to the Humboldt County Correctional Facility (HCCF) in Eureka. This leaves a large geographical area short one deputy where there are already limited resources. This facility serves a vital function in the community and is utilized by the California Highway Patrol and the various tribal police departments, as well as the Sheriff's Department.

**Findings and Recommendations:**

**Finding 1:** The Grand Jury finds that while one deputy is transporting an arrestee to HCCF, a large geographical area is left short a sworn officer when there are already limited resources.

**Recommendation 1:** The Grand Jury recommends that the Sheriff's Office investigate the feasibility of placing a qualified person to transport arrestees, leaving deputies available for other responsibilities. The benefits and expenses could be shared among the Sheriff's Department, the California Highway Patrol and the Tribal Police departments utilizing the facility.

**Grand Jury Report #2006-JL-13**  
**Garberville Substation**

**Who shall respond:**

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2006-JL-13 shall be provided as follows:

- The Sheriff shall respond to Findings 1 through 4 and Recommendations 1 through 4.

The Garberville Substation was inspected on October 12, 2005. The facility was found to be lacking in proper care and maintenance. There were a number of bags and boxes scattered in different areas of the office and in the hallway where the holding cells are located. There was no working light bulb in the hallway of the holding cells, nor in one of the three cells. The cells were unkempt, and one was strewn with toilet paper. The deputy stated he had not been back in that area in a week. The Grand Jury was told that the janitor was absent for a period of time. There is no provision for a replacement.

The cells are used primarily for short periods while paper work is being completed. No continuous visual monitoring of cells is performed.

No phone is available on the outside of the building to call 911 or the Sheriff's Office, when the office is closed.

Visible from the main counter is a wall covered with photos of arrestees. No distinction is made that the individuals in the photographs are convicted persons.

Evidence is stored in the building although no alarm system exists and the office is not manned 24/7.

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**Finding and Recommendations:**

**Finding 1:** The Grand Jury finds the facility to be lacking in proper care and maintenance.

**Recommendation 1:** The Grand Jury recommends that the Sheriff's Office provide for proper care and maintenance of the facility. Regular inspections are recommended to insure compliance.

**Finding 2:** The Grand Jury finds no external phone available for emergencies.

**Recommendation 2:** The Grand Jury recommends that a dedicated 911 line be installed on the exterior of the facility.

**Finding 3:** The Grand Jury finds that there is no alarm system in the facility.

**Recommendation 3:** The Grand Jury recommends either the installation of an alarm system, or that evidence should not be stored at the facility.

**Finding 4:** The Grand Jury finds that photos of arrestees are displayed in public view.

**Recommendation 4:** The Grand Jury recommends these photographs be removed from public view.

**Grand Jury Reports #2006-JL-14**  
**Sheriff's Evidence Yard**

**Who shall respond:**

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Reports #2006-JL-14 shall be provided as follows:

- **No response is required.**

The Sheriff's Evidence Yard was inspected September 12, 2005. Items needed by the volunteer search and rescue team are stored at the yard. Evidence is labeled or tagged. Large equipment such as generators and vehicles are stored outside. The facility is fenced and alarmed.

Confiscated materials are warehoused until no longer required in the justice system. Surplus materials are then sold. Garden materials are contributed to local school programs. Surplus and abandoned clothing are donated to charitable programs.

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**Grand Jury Report #2006-JL-15**  
**Sheriff's Evidence Room**

**Who Shall Respond:**

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2006-JL-15 shall be provided as follows:

- The Sheriff shall respond to Findings 1, 2, and 3 and Recommendations 1 and 2.

An inspection of the Humboldt County Evidence Room was conducted on September 13, 2005. The evidence room is located in the basement of the Court House in what was once jail cells and compartments. Due to the large amount of materials stored in the configuration of the space, the facility is cramped and crowded.

The area appeared to be secure, and only three persons have keys. A new alarm system is in place providing better security than in the past. Items of evidence left for storage when the office is closed are placed in secure lockers. A Property/Evidence Booking and Release Report remains with the evidence throughout the storage period. This document is used to track all movement of the evidence. There has been only one case of evidence being lost during the period for which records have been kept. There have been no reported cases where evidence was inadmissible due to improper handling.

No process is in place for scanning the older style finger print cards into a computer data base. Fingerprints are currently recorded electronically. Therefore, the older style cards are only examined if there is a lead or a suspect.

There are hundreds of confiscated firearms currently stored in several areas. In the past, once firearms were no longer required for evidence, they were sold at auction, which provided revenue for the County. Presently, the firearms are stored until arrangements are made for their destruction.

Personnel are very knowledgeable and well trained. Staff presently consists of one full-time and two part-time persons. These individuals work in very difficult surroundings, maintaining evidence in acceptable condition for extended periods of time. Only the full-time person is knowledgeable in all areas of storage and procedure. There is no electronic data base of this information.

Evidence Room personnel are presently required to maintain custody of large items belonging to jail inmates. Items in the inmate's possession at the time of arrest must be stored if the inmate has no one to take possession. These personal effects are often held for long periods of time, based on the circumstances of discharge or due to length of incarceration. The Evidence Room is open only during regular business hours.

**Findings and Recommendations:**

**Finding 1:** Stored weapons are no longer a source of revenue for the county.

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**Recommendation 1:** The Grand Jury recommends that the county consider the feasibility of reinstating the auction process to bring back a source of revenue.

**Finding 2:** The storage of inmate property is a burden to the staff of the Evidence Room due to space constraints.

**Recommendation 2:** The Grand Jury recommends that possessions of inmates of the Humboldt County Correctional Facility be stored at that facility to relieve the storage problems at the Evidence Room and to be accessible to the inmate at the time of discharge.

**Finding 3:** Inmate possessions are only retrievable during business hours. This can be a hardship to the inmate released at times other than business hours. This also adds to the storage problems as some inmates may not pick-up the stored items at all.

**Grand Jury Report #2006-JL-16**  
**Coroner's Office**

**Who Shall Respond:**

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Reports #2006-JL-16 shall be provided as follows:

- **No response is required.**

The Grand Jury inspected the Coroner's facility on September 20, 2005. The offices are efficiently run, clean, and well organized. Forensic pathology services are performed out of the county. The office receives money from Homeland Security for disaster supplies. The Coroner can provide estate services for those who die intestate or when executors and heirs cannot be located. The Grand Jury commends the Coroner's office for its efficiency.

**Grand Jury Report # 2006-LJ-01**  
**Humboldt County Adult Probation Department**

**Executive Summary:**

Previous Grand Juries of Humboldt County have conducted investigations and interviews with the Probation Department, regarding Juvenile Probation. The current Grand Jury of Humboldt County conducted an investigation with specific regard to the Adult Probation Department.

**Who Shall Respond:**

Pursuant to California Penal Code Section 933 and 933.05, responses to the Finding and Recommendations of Grand Jury report #2006-LJ-01 shall be provided as follows:

- **No response is required.**

After having conducted seven interviews at various levels of the Adult Probation Department, the Grand Jury of Humboldt County is pleased to report a high degree of dedication and commitment by the management and staff. The Grand Jury has found that despite the budgetary

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restraints and the resultant personnel shortages, the current staff is performing in an exemplary manner.

Although most Probation Officers manage at least one and a half times of what would be considered a case load consistent with previous years, staff continues to perform at a high level and are deserving of our commendation.

According to all interviewees, it will be impossible for staff to sustain their present level of performance, without additional personnel.

**Grand Jury Report #2006-LJ-#02**  
**Police Department Handling of Citizen Complaints**

**Executive Summary:**

The Grand Jury reviewed the polices, practices and procedures of the police departments in small Humboldt County communities, with specific regard to the processing of citizen complaints.

**Who Shall Respond:**

Pursuant to California Penal Code Sections 933 and 933.05, responses to Findings and Recommendations to Grand Jury Report #2006-LJ-#02 shall be provided as follows:

- **No responses are necessary.**

**Report:**

The Grand Jury interviewed the police chiefs of Blue Lake, Ferndale, Rio Dell and Trinidad to determine how these jurisdictions with smaller populations and limited staffs process citizen complaints.

Without exception, the Grand Jury found that these facilities were well versed in dealing with their respective communities regarding complaints. All interviewed jurisdictions had complaint forms and accompanying instructions readily available to the public.

The various police chiefs have instructed their staff, uniformed or otherwise, in the processing of citizen complaints.

Most complaints received by these police agencies are verbal and are discussed and resolved directly with the complainant. If required a written report may be filed, in all of the jurisdictions interviewed, a very small number of complaints (one or two) per year result in a written report filed.

The individual police chiefs are the determining authority regarding the disposition of the citizen complaints. In the event of a conflict of interest or even the appearance of a conflict of interest, all of the noted jurisdictions have indicated that they would engage an outside agency to resolve the complaint.

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The Grand Jury is satisfied that the jurisdictions interviewed have established proper policies, procedures and practices. The Grand Jury of Humboldt County commends the Blue Lake, Ferndale, Rio Dell and Trinidad Police Departments for their professionalism and sensitivity in dealing with their citizens.

**Grand Jury Report #2006-PW-01**  
**Arcata/Eureka Airport**

**Executive Summary:**

The Grand Jury of Humboldt County visited the Arcata/Eureka airport in October 2005. The Airport Manager provided a tour of the airport facilities as well as an overview of the airport's evolution from a World War II training facility to a modern regional transportation hub.

**Who Shall Respond:**

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2006-PW-01 shall be provided as follows:

- The Airport Manager shall respond to Findings 1 and 2 and Recommendations 1 and 2.
- The Humboldt County Board of Supervisors shall respond to Findings 1 and 2 and Recommendations 1 and 2.

**Report:**

The Arcata/Eureka Airport is located in McKinleyville and was first built for the U.S. Navy in 1942. It was used as a flight training facility to give pilots experience landing in foggy conditions. After World War II, the facility was converted into a Landing Aids Experiment Station conducting research in fog dissipation. In the early 1950s, the Navy transferred control of the airport to Humboldt County. At that time, the Board of Supervisors established the Department of Aviation to manage not only the Arcata/Eureka Airport, but other county airstrips at Murray Field, Kneeland, Rohnerville, and Hoopa.

The tour given to the Grand Jury by the Airport Manager showed a major reduction in the amount of surplus/obsolete equipment and "junk" noted by a previous Grand Jury. However, major items still remain, including an old safe, an X-ray machine, and an obsolete 50,000 gallon underground fuel tank. These items were left behind when the U.S. Government abandoned the site and are still awaiting removal by the U.S. Army Corp of Engineers.

Since "9/11" the Transportation Security Agency (TSA) has come to occupy one-third of the airport's main terminal as well as outside areas. Therefore, priorities have been set to expand the terminal facilities before extending the runway. Extension of the runway 500 feet will allow fully-loaded, larger aircraft to land year-round. Wet runways require a longer landing surface and limit aircraft size and/or weight load during winter months.

The Arcata/Eureka Airport is home to the U.S. Coast Guard's Search and Rescue Unit. The airport also negotiates approximately 250 leases for such services as restaurants, hangers, tie-

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downs, etc. All this activity, combined with servicing over 200,000 air travelers annually establishes the Arcata/Eureka Airport as Humboldt County's major transportation center.

The Arcata/Eureka Airport maintains a National Weather Service Bureau Automated Surface Observation System (ASOS) at no cost to the county. This equipment sends moisture (fog) readings to pilots approaching the airport to advise them on ground conditions. FAA regulations require certain minimum visibility distances before planes are allowed to land. The ASOS is very dependable and requires little maintenance.

Security personnel is on site at all times. All emergency response equipment is in good condition. The principal emergency response vehicle, is a crash truck, immaculate in appearance, well maintained, but 30-years old. Its age makes it difficult to find replacement parts. Airport management stated it is well past time to replace this crucial piece of equipment. Safety concerns of deer wandering onto the runway have been mitigated by the construction of a fence.

The Grand Jury of Humboldt County commends airport staff for the accomplishments achieved under severe budgetary restraints.

**Findings and Recommendations:**

**Finding 1:** Obsolete items left over from when the airport facility was under the control of the U.S. Government present a degree of hazard and liability.

**Recommendation 1:** The Grand Jury recommends the Board of Supervisors and County Department of Aviation personnel appeal to the U.S. Army Corp of Engineers for the removal of all "left-over" government material from the airport.

**Finding 2:** The Arcata/Eureka Airport's principal emergency response vehicle is thirty years old.

**Recommendation 2:** The Grand Jury strongly recommends the Board of Supervisors and County Department of Aviation management determine if there is a need to replace or upgrade the airport's emergency response vehicles.

**Grand Jury Report #2006-PW-02**  
**Department of Community Development Services (CDS)**  
**Planning Division**

**Executive Summary:**

The 2006 Grand Jury of Humboldt County received several citizen complaints concerning aspects of the county's Department of Community Development Services (CDS) operations. The Grand Jury was introduced to a large, specialized, and complex county agency during its investigation.

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CDS is divided into three main divisions; building, planning, and economic development. Most of the complaints received dealt with problems in the planning division, consequently the Grand Jury focused its attention on this area.

**Who Shall Respond:**

Pursuant to California Penal Code Sections 933 and 933.05, responses to the **Findings and Recommendations** of the **GRAND JURY REPORT #2006-PW-02** shall be provided as follows:

- The Board of Supervisors shall respond to Findings 1 and 2 and Recommendations 1 and 2.
- The Director of the Department of Community Development Services shall respond to Finding 2 and Recommendation 2.

**Report:**

Permit processing procedures and requirements in the planning division for any alteration of existing parcels are cumbersome, time-consuming, and costly. Planners must take into consideration hundreds of codes and ordinances that could impact any project and must seek the approval of other regulatory agencies that have jurisdictional authority. These referral agencies can be county-level such as Public Works and the Department of Environmental Health; or state-level such as California Department of Forestry, California Department of Fish and Game, and the California Coastal Commission. In addition, CDS planners must review each permit application as it applies to such state laws as the California Environmental Quality Act (CEQA), The Subdivision Map Act, The Williamson Act, and The Permit Streamlining Act. Many of these state laws have spawned local county ordinances, further complicating the permitting process.

Individuals who enter into the permitting process for the first time are often overwhelmed by the time and cost necessary to get their project approved. Even experienced developers complain about the timeliness, lack of communication, and unexpected setbacks they encounter attempting to get their sites approved for building.

It is no surprise that most Grand Juries receive complaints about CDS. In fact, the 2004 Grand Jury of Humboldt County polled the County Board of Supervisors and found that these five individuals personally handled over 200 constituent complaints concerning CDS in the course of a year. CDS is also very aware of the nature and validity of many of the complaints it receives. In 2005, CDS conducted a survey of past permit applicants and followed it up with an October 2005, public comment session at the County Board of Supervisors meeting.

Citizen feedback to CDS highlights a consistent cluster of complaints. Briefly stated, applicants are frustrated over the time it takes to get a permit approved. Many feel delays from referring agencies back to CDS staff about issues that need attention or corrections, and the further delay from CDS staff communicating these concerns back to the applicant is excessive. Associated with this generally held complaint are the additional frustrations some applicants feel when they are directed to do different things by different CDS staff and when unexpected additional studies or reports are required after a project is well into the permitting process.

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To address these complaints the Humboldt County Board of Supervisors created a Permit Reform Committee. Committee members are selected from the Board of Supervisors, the County Planning Commission, and county departments affecting permit approvals. This committee has met numerous times in the past year and has developed a number of reform measures to decrease processing timeframes, improve coordination between agencies, increase communication with applicants, and improve the consistency of staff feedback to applicants about what is required to complete the permitting process.

Reforms already approved by the Board of Supervisors include the addition of five new positions in CDS, the creation of a Permit Assistance division within CDS, and the development of a Permit Processing Center supervised by a knowledgeable senior planner to accurately convey information to applicants and to streamline the processing of all CDS permits in both the planning and building divisions. The Permit Reform Committee is developing additional short-term, mid-term, and long-term reforms for consideration by the Board of Supervisors.

**Application Assistance:** The purpose of the Application Assistance Division is to provide "for-a-fee" services to permit applicants who want special help from CDS. Applicants not experienced in compiling the material necessary as part of a complete permit application can pay for CDS assistance. A crucial piece of all application material is a plot plan. This detailed map locates and identifies most of the information that can affect the issuance of a permit such as: existing structures, roads, utility lines, septic systems, storm drains, grading, and unstable topography. A CDS project facilitator can prepare plot plans and assist in other application material so when the application is submitted it is complete and should be able to be processed efficiently.

Another applicant service developed by CDS is intended to alleviate most of the communication complaints the department receives. Presently, CDS staff does not have the time to check on the status of all active applications and report back to applicants. Usually, applicants call the planner handling their project to find out "How's it going?" A common response is that CDS is waiting for additional information or responses from one of several possible referral agencies. The applicant must then contact these agencies personally to get a verbal status report in an attempt to move the project along. CDS's new On-Track Program will provide applicants with a customized permit processing timeline and a CDS planner will notify applicants when their project passes "milestones" in the scheduled timeline. The planner will also maintain close communication with other agencies in an attempt to keep the project on track.

**Fees:** A common complaint by individuals is the cost to complete the application process. The fees charged by CDS and the referral agencies are often viewed as too high, and the additional cost of hiring outside firms to provide the surveys, reports, and documents required as part of the application adds considerably to the final permit cost. These costs and any additional money spent on special applicant services often leads to "sticker shock" when one inquires about a permit.

CDS officials claim the special application services mentioned above must pay for themselves. Budget cutbacks and constraints throughout county government require CDS to get as close to

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self-sufficiency as it can. Existing permit fees and other revenue generating sources combined are projected to cover only 70% of the planning division's financial liabilities in the 2005-06 fiscal year. General fund contributions must cover the difference.

**Legally Non-Recognized Parcels:** The Grand Jury was made aware of a persistent but generally ignored problem in the county that affects many rural parcels of land. The Subdivision Map Act, formally named in a 1937 revision of the state's subdivision laws dating back to 1893, prohibits the issuance of any permit on pieces of land which have been divided in violation of the rules set forth in the Subdivision Map Act.

Humboldt County has many duly recorded deeds and taxable parcels of land that are not legally recognized by CDS. These parcels often originated in the county's many wilderness areas when large tracts of timberland were broken into pieces and sold without being properly represented by an approved subdivision map. As a result, when an owner of such a parcel attempts to develop it, he/she learns no permits can be issued until an approved subdivision map is recorded. This is often a shock to the landowner and is the start of a costly and time-consuming process to remedy the situation.

California Government Code 66499.36 states:

"Whenever a local agency has knowledge that real property has been divided in violation of the provisions of this division or of local ordinances enacted pursuant to this division, it shall cause to be mailed by certified mail to the then current owner of record of the property a notice of intention to record a notice of violation . . ."

However, CDS does not comply with this code because the parcels in question are considered "suspect" but not necessarily illegal.

To determine the legal status of a parcel, a property owner must apply for a Determination of Status. This pays for CDS to research the history of the parcel to determine if at the time of its creation it was **subdivided in accordance with the subdivision laws applicable at that time**. If so, CDS will issue a Certificate of Compliance certifying that the parcel is legally created. If the parcel is not legally created the property owner will receive a Conditional Certificate of Compliance listing conditions to make the parcel legal. This will require the parcel to be subject to existing subdivision ordinances.

Although no one has actually counted the number of "suspect" parcels in the county, one official estimated it is at least 2,000. This number continues to increase whenever the County Assessor assigns an Assessor's Parcel Number (APN) to a newly recorded piece of property when entering it onto the tax roll. This information is passed on to CDS, who then notes the new parcel in the appropriate map book and shades it as "suspect" if it doesn't correspond to an existing approved subdivision map.

CDS officials admit this is a big problem. They experience first-hand the frustrations felt by individuals who purchase land with the expectation of building a home on it only to be

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confronted with the fact no building permits can be issued until the parcel's legal status is determined.

The county does not notify owners of "suspect" properties that they have a problem, because CDS officials claim the man-hours necessary to accomplish this feat are not included in the budget. Higher priority tasks take up all available staff time. Additionally, the responses to such a notice would obviously cause an overwhelming increase in work load for the existing CDS staff. CDS has previously held workshops for the real estate community and encouraged them to ask for Certificates of Compliance when negotiating sales of all rural parcels. CDS only deals with these problems on an individual basis.

**Findings and Recommendations:**

**Finding 1:** The Planning Division of Humboldt County's Department of Community Development Services (CDS) is responsible for planning and facilitating land use development based on the policies of the county's General Plan, Community Plans, Codes, and Ordinances as well as state and federal regulations. This complex division receives numerous complaints from permit applicants that CDS acknowledges and for which it is attempting to develop solutions.

**Recommendation 1:** The Grand Jury strongly urges the Board of Supervisors to assist, approve, and expedite the recommendations of the Permit Reform Committee when presented and to closely monitor the effectiveness of the reforms implemented.

**Finding 2:** Many parcels of land in Humboldt County are of "suspect" legality under California's Subdivision Map Act. CDS does not proactively attempt to rectify this problem by contacting the owners of these "suspect" properties.

**Recommendation 2:** The Grand Jury understands the size and complexity of this problem is beyond CDS's present resources to rectify. This does not mean the problem should continue to be allowed to grow. The Grand Jury strongly recommends that CDS begin sending form letters to the taxpayers of all newly assigned Assessor Parcel Numbers that are not recognized on an approved subdivision map. The purpose of the letter would be to alert the property owner of CDS's inability to process any permits for the property until a Determination of Status is made and, if necessary, a Certificate of Compliance is issued. Similar form letters need be sent to landowners of existing "suspect" parcels as staff and time allows.

**Grand Jury Report #2006-CC-01**  
**Follow-up on Responses to 2004-2005 Grand Jury Final Report**

**Note:** The following continuity report is included in this report because the responses contained herein arrived after the publication of the *Responses to the 2004 - 2005 Grand Jury Report*, which is currently online and available at the Humboldt County Public Library.

**Executive Summary:**

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The following verbatim responses are in addition to those previously made to the Grand Jury Final Report of 2004-2005. These responses indicate the current status in implementing actions initially stated by the respondents.

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

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

**Response from Manila Community Services District General Manager:** MCSD Agrees. This recommendation is in process with an anticipated implementation date of **January 2006**.

- **Additional Response from Manila Community Service:**

Not fully implemented – MCSD has contracted with an outside consultant to complete a sewer and water rate study. We expect completion and implementation of the rate study by fiscal year ending June 30, 2006.

**Response from Manila Community Services District Board of Directors:** This recommendation is in process with an anticipated implementation date of **January 2006**.

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

**Response from Manila Community Services District General Manager:** MCSD GM disagrees. MCSD is the latest audit shows that MCSD is addressing audit recommendation number 1 by having a rate study to be **completed before the end of the year**; audit recommendation number 2 has been partially implemented, reimbursements have been decreased this year compared with last year; audit recommendation number 3 is implemented to the fullest extent practical (see audit); and audit recommendation number 4 can be dropped from the audit. MCSD no longer has a booth at Reggae on the River for fundraising.

- **Additional Response from Manila Community Service:**

**Prior Year Audit Findings and Recommendations:**

In previous year audits it was noted that the District's recreation directors pay for a substantial amount of program expenses out-of-pocket and later submit receipts for reimbursement. Whenever practicable purchases are purchase supplies on charge accounts so that the expenses may be processed through the accounts payable system.

**Implemented – The recreation director now uses a District credit card that is processed on a monthly basis.**

In the previous year audits it was noted that there was a lack of segregation of duties in the areas of cash receipts. Due to the District's limited staff size, a recommendation to completely segregate duties is not considered practical.

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**Partially implemented – Oversight of the cash receipts and accounts receivable by the District’s manager is considered to be a good mitigating control in these circumstances.** In prior years audits it was noted that the Reggae on the River fundraiser lacks sufficient control over cash. The volunteer workers collect sales revenue and turned it into the individual managing the booth without benefit of documenting each sale with a cash register receipt.

**Not Implemented/No Need – The District no longer plans to participate in the Reggae on the River fundraiser.**

**GRAND JURY REPORT #2005-LJ-01**  
**A Review of the Humboldt County Child Abuse Services Team**

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

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

- **Additional Response from the District Attorney:**

Our office assigned Deputy District Attorney, Maggie Fleming, to fulfill the responsibilities of a director position and to coordinate and make decisions about CAST. Deputy Fleming is an outstanding attorney who is both experienced in and dedicated to CAST.

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

**Response from the District Attorney:** The recommendation will be implemented before January 1, 2006. The Department of Health and Human Services and the District Attorney’s Office are currently in the process of developing a Memorandum of Understanding which

outlines the respective duties and obligations of each agency. The method of tracking cases for billing purposes will be determined by the Department of Health and Human Services and the District Attorney’s Office.

- **Additional Response from the District Attorney:**

Similarly, the MOU regarding funding between the DA’s Office and DHHS has been executed.