

June 21, 2007

The Honorable John T. Feeney, Presiding Judge
Superior Court of California
County of Humboldt

Your Honor:

The 2006-2007 Grand Jury of Humboldt County has completed its year of investigation, fact finding and responding to citizen complaints.

In fulfilling our “watchdog role”, we have investigated several agencies and departments. Our Final Report follows this letter.

We are proud to have been of service to the people of Humboldt County.

The dedicated men and women who serve on the Grand Jury are to be applauded for their integrity, diligence and commitment to excellence.

This year, we have written 30 reports, addressed 49 complaints and interviewed more than 100 witnesses. We also handed up an accusation against a public official.

Although there were times of frustration, we are pleased that the majority of public agencies and staff were helpful and courteous during our interviews and investigations.

The Humboldt County Grand Jury thanks those involved that aided in doing our job.

Sincerely,

Jim Snow, Foreman

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Full Text of the 2006-2007 Grand Jury Final Report is available at <http://www.co.humboldt.ca.us/grandjury>. Responses to the Findings and Recommendations will be added to the website when received.

2006-2007 Grand Jury Members

Jim Snow, Eureka, Foreman
Matt Morehouse, Eureka, Foreman, *pro tem*
Darlene Hicks, Arcata, Recording Secretary
Janet Lee Porteous, Shelter Cove, Corresponding Secretary
Richard T. Twiddy, Eureka, Sergeant-at-Arms
Don Scheaffer, Eureka, Budget Chair

Christine L. Bolz, Eureka
Aldo Bongio, Eureka
Suzi Fregeau, Loleta
Paul Glennie, Fortuna
Donald M. Hanner, Arcata
Gene Lombardo, Fortuna
Sam Sloane, Garberville
Elaine Wolfsen, McKinleyville

The following members served on the Grand Jury but discontinued service before July, 2007.
Their services were valuable and appreciated.

Elizabeth Berrien-Viesselman, Eureka
Alana Garey, Loleta
William B. Nash, Fortuna
Tracy J. Nelson, Ferndale
Karen Lee Olson, Eureka
Stephanie M. Richter, Trinidad
James S. Robertson, Fortuna
Charles Trujillo, Fortuna
Nicholas Viesselman, Eureka
Grady Ward, Arcata

Abbreviations used in this report:

AF: Administration and Finance Committee
CD: Cities and Districts Committee
HS: Health, Education and Social Service Committee
JL: Jail Committee
LJ: Law and Justice Committee
PW: Public Works Committee

The Grand Jury

The Grand Jury is an arm of the court yet an entirely independent body. The nineteen 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 act as advisors to the Grand Jury.

As a civil investigative body, the Grand Jury seeks to assure honest, efficient government. The mission of the Grand Jury is the detection and correction of flaws in county government.

The Grand Jury examines all aspects of county and city government, including special districts and joint powers agencies. The Grand Jury also serves as ombudsman for citizens. It receives and investigates citizen complaints concerning the actions and performance of public officials.

The Grand Jury conducts most proceedings in closed session. Breach of confidentiality is a misdemeanor punishable as contempt of court. Grand Jurors act as a body. Individually a juror has no official power or authority and may take no official action without the prior approval and authorization of a majority of the Grand Jury. The foreman is the only spokesperson for the Grand Jury.

In their official capacity, Grand Jurors are permitted access to prisons, jails, and other Humboldt County facilities. They have the right to review official records. Because of its privileges and responsibilities, the Grand Jury has a special obligation to exercise authority and perform its duties in a proper and responsible manner.

Grand Jurors serve for one year. Some Jurors may serve a second year to provide continuity. Continuity also flows from documents and other materials maintained in the Grand Jury library.

The statutory requirements to be a Grand Juror are simple and straightforward. A person must be: a citizen; 18 years or older; a resident of Humboldt County for at least one year; in possession of natural faculties, of ordinary intelligence, of sound judgment, and of fair character; and able to fluently speak and understand the English language. The person cannot be serving as a trial juror, have been discharged as a Grand Juror within one year, have been convicted of malfeasance in office or any felony or other high crime, or serving as an elected public official. To be *effective* as a Grand Juror and to enjoy the experience, a person must have a lot more than the basic statutory requirements. In addition to those legal requirements, the following is necessary to effective and enjoyable service:

1. Health. Reasonably good health is essential since Jurors are expected to spend two days per week at the courthouse. In addition, there is homework and time spent in field investigations.
2. Computer skills are very helpful. Much jury business is conducted by e-mail. Jurors should have a computer (PC or Mac), an e-mail address, and familiarity with the Internet and MS Word.

3. The ability to communicate fluently in spoken and written English.
4. The ability to engage in and enjoy sometimes heated verbal and written debate.
5. A sense of humor and a willingness to accept compromise and work as a team member.
6. A California driver's license and reliable personal transportation.

If all of this sounds overwhelming, Grand Jury service probably is not for you. However, if it does not sound overwhelming, and if you would enjoy an interesting, stimulating experience, consider applying for Grand Jury service.

In Humboldt County, citizens volunteer by writing
Jury Commissioner, Superior Court
Humboldt County Courthouse, 825 Fifth Street
Eureka, CA 95501;
or by calling 707-269-1270;
or online at www.humboldt.ca.us/grandjury.

Each spring, announcements are made calling for volunteers. People who have volunteered throughout the year are also notified. After a person volunteers to be in the pool, he is interviewed by the presiding judge. If accepted for the pool, he or she is invited to an orientation program.

Soon after orientation, prospective jurors assemble in the judge's courtroom. As many as nineteen jurors and at least three alternates are chosen at random, less any jurors holding over from the previous jury. The judge then swears in the new jurors and they retire to chambers and begin work.

Grand Jurors meet two days a week at the County Court House: on one day from 9:00 to noon and on the next from 9:00 to 3:00. Sometimes committee work requires jurors to meet at other times to inspect a county facility, interview witnesses, or gather information. Grand Jurors are paid a stipend of \$20.00 every seven hours they are in session or when conducting outside interviews. Grand Jurors are also paid mileage from home to the courthouse and back and while on Grand Jury business. The Grand Jury takes off the last two weeks of December but otherwise meets every week for the one year term. A Grand Juror must expect and be willing to devote at least 20 hours per week to jury work.

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

The Grand Jury seeks 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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GRAND JURY REPORTS

Grand Jury Report #2007-LJ-01 Accusation against Blue Lake Police Chief

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-LJ-01 shall be provided as follows:

- No response is required.

Report:

The Grand Jury received a complaint from a citizen of Blue Lake stating that the Chief of Police of that community had filed a false report about that citizen. As a result of the alleged false report, the citizen lost driving privileges for a period of about three months.

The Grand Jury initiated a preliminary investigation. After all significant witnesses had been identified a closed hearing was held. Following this hearing, the Grand Jury handed up an accusation against the Blue Lake Chief of Police for willful misconduct in office. The matter was then referred to the Superior Court for adjudication.

Grand Jury Report #2007-JL-01 Arcata Jail and Holding Facility

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-JL-01 shall be provided as follows:

- No response is required.

Report:

The Arcata holding facility was inspected on September 25, 2006. The facility is used primarily for interviewing detainees. Those arrested are transported to the Humboldt County Correctional Facility as soon as practical. The holding facility is adequate. A follow up inspection was conducted on October 31, 2006, to review janitorial maintenance of the facility. The facility was found to be sufficiently clean and in good order.

Grand Jury Report #2007-AF-02
Board of Supervisors Settlement and Release for Tamara Falor

Who shall respond:

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-AF-02 shall be provided as follows:

- No response is required.

Report:

As a result of numerous citizen complaints, the Grand Jury undertook an investigation of the departure of County Counsel Tamara Falor.

During this investigation the Grand Jury interviewed all five members of the Board of Supervisors (BOS), two members of the present county counsel's office, and three other county officials. The Jury also reviewed numerous documents relating to this matter. As a result of this investigation, these facts came to light:

- Tamara Falor was employed as an attorney, assistant county counsel, and then county counsel over a period of twenty years.
- She was appointed to the post of county counsel effective 7/16/95 for a four-year term that was twice renewed.
- If she had not resigned her position on February 13, 2007, her current term would have expired on July 15, 2007, approximately five months later.
- Rather than let her term expire, the BOS awarded her \$289,000 to settle a nonspecific claim she filed against Humboldt County.
- The BOS voted 3-2 in favor of the \$289,000 award. This settlement was decided upon secretly and quickly.
- There was considerable written evidence and oral testimony to the effect that Ms. Falor's job performance had been less than satisfactory for several years.
- Written performance evaluations for county department heads are not being conducted on a regular and timely basis.

Even though the Grand Jury operates in secret, no supervisor or anyone else with detailed knowledge of this incident would reveal the exact reason Ms. Falor was awarded \$289,000. Consequently, the Jury was unable to answer these very important questions:

- If Ms. Falor's performance was unsatisfactory, why was she not discharged for cause?
- Could the BOS have put her on paid leave at \$10,240 monthly and let her term expire on July 15 and not renew? This would have resulted in a payout of approximately \$51,000, not \$289,000, a savings to the county of \$238,000.
- Why did the BOS agree so rapidly to the settlement demand?
- Would the performance of the county counsel been improved if a thorough job evaluation had been performed?

Because of time constraints, this Jury was unable to pursue this matter to conclusion. The Jury will ask the presiding judge to turn all records and evidence over to the 2007-2008 Jury which could petition the court to make the confidential BOS testimony available to the Jury.

Grand Jury Report #2007-CD-02 Bond Measures S and T

Executive Summary:

The 2005-2006 Grand Jury began an investigation regarding the Eureka City Schools Bond Measures S and T. The investigative work was not completed by the end of the 2005-2006 Grand Jury term and was extended, by the presiding judge, into the 2006-2007 session. Overall, it appears the Eureka Unified Schools District Board of Directors and Administration efforts to provide a safe and efficient learning experience for Eureka children has been reasonably effective given the various constraints and demographics changes.

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-CD-02 shall be provided as follows:

- No response is required.

Report:

On March 5, 2002, Eureka voters passed two school improvement bonds. Measure S for the high and middle schools and Measure T for elementary schools. Combined, the bonds provided approximately \$43 million to modernize and make safe the classrooms and facilities of the Eureka Unified School District (EUSD) with an anticipated \$16.5 million in state matching grants (proposition 55). Primarily the bonds were to address safety, class size reduction and updated information technology.

The EUSD Board and Administration conducted extensive planning and discussion on the proposed improvements. At that time, in 2002, decisions were directed toward emphasizing the most important issues to assure bond passage. Not all the facility issues could be considered and thus priorities were developed. See exhibit A attachment.

The bonds required:

1. an Independent Citizens Oversight Committee (COC),
2. expenditure of funds for exhibit A items only,
3. annual performance and financial audits, and
4. various periodic status reports.

After the sale of the first bonds, the EUSD Board of Directors (BOD) hired architectural, engineering, project management and inspection firms to assist with planning and implementation of construction. The majority of construction contracts were let to local companies.

The Grand Jury concludes that the requirements of the Bond measures were generally followed. There are indications that some problems occurred as work proceeded as anyone would expect with any large project. The COC work was extensive, intuitive and complete. The financial and status reports were prepared by qualified financial accountants and evaluated by the responsible parties.

There appeared to be some disagreement with the wording of the bond and ultimate use of the funds. The Grand Jury discovered no evidence of negligence or malfeasance. The work to date meets the bond's requirements. Some may argue that work was done, or not done, in accord with the bond appendix A. Close reading of the bond will show wording loose enough to permit everything that was done.

The plan to remove and replace the Eureka High School gym has been challenged by a citizen group. The Grand Jury did not investigate further.

Another complaint was filed with the current Grand Jury regarding misuse of Measure S bond funds by the BOD and the Administration related to the Jacobs Education Center closure. Unfortunately, unforeseen extensive repairs at the Jacobs Educational proved too costly to continue the project. A Grand Jury investigation determined the complaint had no merit and thus no further action was taken.

Finally, over the four years of the construction work, demographics have changed and some school facilities have been closed with students consolidated into other schools. Overall, it appears the Eureka Unified Schools District BOD and Administration efforts to provide a safe and efficient learning experience for Eureka children has been reasonably effective. Although some minor problems remain, the construction processes will provide the citizens and taxpayers a good return on investment.

Grand Jury Report #2007-PW-08 Builder Bill of Rights

Who shall respond:

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-PW-08 shall be provided as follows:

- The Board of Supervisors and the Senior Building Official, Humboldt County Building Department

Report:

The Grand Jury received a citizen complaint regarding the Humboldt County Building Department's interpretation and enforcement of the Uniform Building Code (UBC), especially pertaining to the duties and responsibility of the building official. The complaint prompted the Grand Jury to investigate the county's appeal process; if it allows input from experienced and knowledgeable engineers and if it supports the "Builder Bill of Rights", a document issued by the Board of Supervisors.

It is the duty of the County Building Official to enforce the provisions of the UBC. Code requirements can be modified only by an extensive and costly engineering process adequately tested, proven, documented and approved by a California Registered Engineer who assumes full liability for the decision. Even so, the engineering process must meet the intent of the UBC. Numerous code interpretations that do not modify the code requirements are routinely made by building officials, who are trained and certified as experts. They have access to resources such

as the national code associations, UBC officials and code decisions in other jurisdictions. The nature of the risk is assessed and decisions are reached in a timely manner. These decisions are the responsibility of the county building officials and cannot be delegated to a private contractor or builder.

The Grand Jury investigated the availability of a fair appeal process when the contractor or builder is denied a building permit due to an interpretation of the UBC. A formal appeal process is in place and can be initiated by any contractor who so desires. Appeals can only be regarding the interpretation of the UBC, as the building code cannot be changed by the contractor or the County Building Official. Appeals are generally a routine matter handled within the Planning Commission to accommodate the wide variety of building projects in the county. Building inspector or plan-checker interpretations can be appealed to the Supervising Building Official, who generally resolves the issue. Rarely is an appeal made directly to the Board of Supervisors.

The Grand Jury determined that this is a fair appeal process. The county Planning Commission members have the necessary education and experience to determine any appeal. Procedures are in place to request outside professional expertise when needed. There is no additional fee for an appeal within the building department. In May, 2006, a special permit reform committee was formed within the building department to assist with reducing the approval time, increasing communication with the private builders and contractors and simplifying the permit process. Additionally, the department is trying to improve consistency of decision making, develop better customer service and establish performance measures.

The Grand Jury investigated the effectiveness of the county's Builder Bill of Rights document approved by the Board of Supervisors in 1989. The document provides a general outline of requirements for builders to obtain a building permit. Annually, the building department processes over 1800 permits, most within 30 days from application. During the busy construction season, permit approval may be outsourced. The building department assumes that private builders will comply with UBC requirements and will cooperate with the building inspectors who have the ultimate responsibility to protect the public from any harm that could reasonably arise from building activities. While building officials have the full backing of the law to enforce building regulations, the Builder Bill of Rights could provide better guidance to builders and contractors in Humboldt County.

Finding 1: The Builder Bill of Rights is outdated and vague.

Recommendation 1: Review, reword or modify the Builder Bill of Rights.

**Grand Jury Report #2007-LJ-05
Christopher Burgess**

Who shall respond:

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-LJ-05 shall be provided as follows:

- No response is required.

Report:

Following recent Eureka Police Department fatal shootings, the Grand Jury received many requests from private citizens and one public advocacy agency to investigate. The Grand Jury does not investigate or otherwise interfere in any matter under litigation. However, the Grand Jury examined two areas of inquiry that would not conflict with other court processes.

The Jury examined the use of lethal and less-than-lethal force by police agencies. That report, 2007-LJ-02, Police Use of Force, is published in this report.

The Jury examined the life of Christopher Burgess, from the time he first came to the notice of county agencies up to his death. The questions the Jury asked itself were:

- Were the County resources adequate and available?
- Is there anything that could have been done in the County's interaction with Christopher Burgess that might reasonably have been expected to result in a different outcome?

In the course of the investigation, the Grand Jury conducted numerous interviews with those familiar with the particulars. The Jury was also granted, by court order, complete access the Burgess's confidential juvenile records.

The Grand Jury found that County resources were aggressively and appropriately made available to the Burgess family. Numerous interventions were made over almost a decade of agency involvement. In the end, there was insufficient family strength to take advantage of what public agencies offered.

Hindsight is an unfair critic. After reviewing Burgess's history, the Grand Jury came to the conclusion that the only course that might have altered the outcome would have been the removal of Christopher from his home at an early age. The Grand Jury found that the public agencies involved with Burgess tried to help, but were unsuccessful.

Grand Jury Report #2007-JL-16
Coroners Office

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-JL-16 shall be provided as follows:

- The Board of Supervisors and the County Coroner will respond to the Finding and Recommendation.

Report:

The Grand Jury met with the coroner on December 18, 2006 to view the coroner's office and facilities. The County Coroner went over his responsibilities and conducted a tour of the facilities. The coroner is an elected official having both law enforcement and civil administration duties.

The coroner performs approximately 100 autopsies per year. Generally the coroner determines cause and method of death. Over 1,400 deaths occur in the county every year. About 700 of those cases are referred to the coroner; about 200 cases may require a coroner's investigation. There is a morgue with facilities to perform autopsies. Autopsies are occasionally contracted to coroners in other counties, to speed the results. The Coroners staff includes three assistant coroners and an office assistant. Temporary help is needed from time to time.

Since all autopsies must be performed by a certified pathologist and the current contract pathologist plans to retire soon, the coroner's office will be unable to perform autopsies. The coroner has instituted a search for another pathologist.

Adequate office space is a pressing problem for the coroner. Because of space limitations at least one staff member must work at the end hallway alongside an area where incoming bodies arrive. This is an environmental and safety hazard. In some cases bio-hazard and other environmental hazards cannot be isolated from the deputy's work space. Further compounding the problem, the workspace in the hallway is so cramped that the deputy coroner has to move to allow others to enter the bathroom. Modification of an available space currently occupied by Mental Health adjacent office could alleviate the problem.

The facility has a lock down area for storage of contraband and other evidence. The entire building has a security system. The coroner's office and staff are on 24 hour call. The coroner's office contracts for overflow storage of materials and records, mostly from the estate portion of the coroners duties.

Estate administration consumes about 25% of office time. At the request of the family of the deceased, or if the deceased has no family to arrange settlement of the estate, the public administrator will provide the necessary services. The fee charged for this service goes to the county general fund.

The team toured the facilities including the autopsy room and morgue. The area was clean, neat and well arranged but cramped. We are fortunate to have the coroner's office housed in the old general hospital facilities which provide a well ventilated and lighted space to perform autopsies and provide secure storage as required. Coroner deputies have had training in their duties as well as police officers service training (POST), including the use of firearms. Periodic update and retraining is required.

Finding and Recommendation:

Finding 1: Lack of work space is causing an environmental safety hazard in the coroner's office.

Recommendation 1: Arrange to trade some space with the Health Department in the same building.

Grand Jury Report #2007-LJ-03 Courthouse Security

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-LJ-03 shall be provided as follows:

- The Board of Supervisors will respond to the Finding and Recommendation.

Report:

The Grand Jury investigated security at the County Courthouse. County Ordinance 2243, passed in 2001, mandates a level of security screening for the courthouse that is not currently being enforced. Ordinance 2243 requires “all persons entering the county courthouse to enter through designated entry screening areas and submit their persons and property to screening for weapons.”

Personnel responsible for courthouse security were interviewed: police and sheriff personnel, county executive personnel, court administrative personnel and a Superior Court Judge. All interviewed confirmed that the existing courthouse security is inadequate and needed improvement. The Grand Jury also determined that courthouse security is an ongoing concern among county officials. The county has the necessary equipment for screening. The courthouse design is such that providing a high level of security presents a challenge and would be costly. This does not mean, however, that courthouse security cannot be greatly improved.

During the course of this investigation, the county’s financial condition improved and funds were made available through the courts for security. Several improvements have recently been implemented:

1. Entrance and exit points have been reduced to two,
2. An armed guard has been stationed at each entrance, and
3. A third armed guard roams throughout the building.

These improvements are permanent and represent the minimum level of security. At the present time, this consists of visual observation only. A more thorough screening would provide better assessment of possible dangerous situations or weapons. The county plans to upgrade to a higher level of security in the future. The exception to this is the second floor courtroom which appears to have ample security provided by the Sheriff’s department.

Finding 1: The Grand Jury finds that county ordinance 2243, passed April 24, 2001, has not been implemented.

Recommendation 1: The Grand Jury recommends that the Humboldt County Board of Supervisors implement county ordinance 2243.

Grand Jury Report #2007-JL-08
Eel River Conservation Camp #31

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.5, responses to the Finding and Recommendations of Grand Jury Report #2007-JL-08 shall be provided as follows:

- No response is required.

Report:

The Jail Committee of the Grand Jury inspected Eel River Conservation camp on September 28, 2006. The primary mission of this camp is to provide crews for fire suppression anywhere in California. The camp has a normal complement of 110 inmates. At the time of this inspection, however, fire season was in full swing and the camp dining hall was serving 4,500 meals per day.

The 120 mostly level acres at the camp was the staging area for the “Noble” fire, east of Piercy. Fire crews, California Department of Corrections Officers (CDC) and California Department of Forestry and Fire (CDF) personnel were busy everywhere, making equipment ready to leave for the fire lines and dealing with support services and supplies throughout the camp. Numerous 40 foot trailers with food and other supplies were parked about and a large tent city had been erected for the administration of the fire campaign.

The inmate quarters are large dormitories, divided into cubicles by low walls. Each cubicle contains two cots and lockers for personal effects. The living areas, restrooms and showers all appeared clean and in order.

A large well kept warehouse is on the site. Clean up crews were busy there, as throughout the camp. The overall impression was that everyone had something to do and was willingly engaged in doing it.

Interviews with inmates revealed general satisfaction with their treatment by CDC and CDF personnel. The inmates were aware of the grievance procedure, but none of those interviewed had used it. All claimed to benefit from their conservation camp experience. The threat of return to the state prison at Susanville is sufficient to insure that most inmates adhere to the rules. There were no indications of gang activities.

The Grand Jury commends the California Department of Forestry and Fire and the California Department of Corrections for their efficient efforts in providing fire protection for the citizens of Humboldt County. The Grand Jury also extends its appreciation for the courtesy shown the inspection team during a particularly tumultuous period.

**Grand Jury Report #2007-JL-02
Eureka Police Department**

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-JL-02 shall be provided as follows:

- No response is required.

Report:

The facility was inspected on September 29, 2006, and found to be clean, well maintained, and in good repair. No findings or recommendations are warranted.

**Grand Jury Report #2007-JL-03
Fortuna Police Department**

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-JL-03 shall be provided as follows:

- No response is required.

Report:

The facility was inspected September 28, 2006, and found to be clean, well maintained and in good repair. No findings or recommendations are warranted.

**Grand Jury Report #2007-JL-13
Garberville Substation and Holding Facility**

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-JL-13 shall be provided as follows:

- The Board of Supervisors and the Sheriff shall respond to Finding 1 and 2 and Recommendations 1 and 2.

Report:

The Garberville substation was inspected on September 28, 2006. The small building is neat and well kept. The public restroom was clean and well maintained. The office area was orderly. The three holding cells were clean with working toilets. Suspects arrested are held until transportation to the Humboldt County Correctional Facility can be arranged, usually within an hour or two.

There is a fire alarm and suppression system in the building but no record that it has been inspected or tested. There is no perimeter or interior security or alarm system within the building. Most of the time there are no personnel present. Evidence is occasionally stored in the building, which was the case at the time of this inspection. This situation was described in the

2005-06 Grand Jury report and the response was that “all items of evidence will now be transported, booked, and held at our Eureka Main Station Evidence/Property storage Facility”.

The building is painted and signed in a manner suggesting that a citizen would find a deputy present. This is misleading since rarely is a deputy present.

Findings and Recommendations:

Finding 1: The Grand Jury finds there is no testing or inspection of fire alarm and suppression system.

Recommendation 1: The Grand Jury recommends the sheriff have the local fire department inspect the fire alarm and suppression system and post a record of each inspection at the facility.

Finding 2: The Grand Jury finds there is inadequate security at the facility for evidence storing.

Recommendation 2: The Grand Jury recommends that the sheriff’s stated policy to “not hold evidence at the Garberville substation” be enforced.

**Grand Jury Report #2007-JL-18
Group Homes: Homes of Refuge**

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-JL-18 shall be provided as follows:

- No response is required.

Report:

Humboldt County contracts with a private, non-profit organization to provide safe shelter to juveniles referred from the Probation Department and Child Welfare Services. Homes of Refuge is a group home licensed by the state and defined as a facility providing 24-hour care to juveniles in a structured environment. The Homes of Refuge is owned and operated by the Bethel Church on church property. Religious orientation is not a factor in evaluation or acceptance of residents. Placement is not mandatory, as a referred juvenile may not be accepted, based on the needs of the juvenile and the capabilities of the staff to provide effective treatment.

Referral to the Homes of Refuge is an option for children with significant emotional or behavioral problems requiring restrictive environments. The goal is behavior modification, development of social skills, and drug and alcohol awareness. Placement is from one to ten months. Capacity is 12 residents in two houses: six boys in one house and six girls in the other. Meals are prepared in the girl’s kitchen for all residents and delivered to the boy’s house. A minimum of eight residents is needed to meet base costs. When occupancy is not at capacity, subsidies from the church are required.

Placement at the Homes of Refuge can be a positive influence for troubled youth, allowing them to develop skills to be a responsible adult. It is providing much needed service to the youth of the county.

Grand Jury Report #2007-JL-07 High Rock Conservation Camp #32

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.5, responses to the Finding and Recommendations of Grand Jury Report #2007-JL-07 shall be provided as follows:

- No response is required.

Report:

On September 27, 2006, the Jail Committee of the Grand Jury inspected High Rock Conservation Camp #32, located just south of Redcrest on the Avenue of the Giants. The camp is operated under a joint agency agreement. The California Department of Forestry and Fire is responsible for the physical facility and the equipment located at the camp. The California Department of Corrections is responsible for the inmate personnel and camp security. The camp can accommodate up to 110 inmates.

The mission of the camp is to provide crews for fire suppression anywhere in California. During the last fire season, to date of inspection, the camp had provided 1,500 man hours on the fire lines. Secondly, the camp provides community support services including trail development, after storm clean-up, tree removal, roadside brush removal, and the making of wooden products for state and county facilities. In the three months before the last fire season, the camp provided local communities with an estimated \$102,000 in services (calculated at \$7.50 per inmate hour).

During a review of numerous camp inspection reports by various departments and agencies, the Grand Jury noted that all instances of non-compliance appeared to have been corrected or scheduled for correction. Direct observation during a subsequent tour supported the conclusion of corrective response on the part of camp personnel.

Inmate interviews revealed no dissatisfaction with conditions. It is generally seen as a privilege to be assigned to the camp. Any significant misbehavior results in the inmate's immediate return to the state prison at Susanville. The general feeling among inmates is that they can talk about problems with most of the Correctional Officers, and other supervisory personnel; they are aware of camp grievance procedures available to them.

The camp was clean and orderly with only the occasional unmade bed where an inmate had been turned out in a hurry. At the time of the inspection, most inmates were on the fire lines. The living facilities consist of low-walled cubicles within a large, open, well lighted and ventilated room. Each cubicle contains two single cots with lockers and locks. The living areas, restrooms and showers all appeared clean and in order. Recreational facilities appeared adequate and well used. The hobby shop was crowded with projects in various stages of completion. Movies are

shown periodically. In the television room, channel selection is up to the inmates, who claim to know what programs were acceptable.

In summary, the High Rock Conservation Camp appears to be a well supervised facility, competently operated to the economic and societal benefit of the state and local communities.

Grand Jury Report #2007-JL-12 Hoopa Sheriff's Substation and Holding Facility

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-JL-12 shall be provided as follows:

- No response is required.

Report:

The Grand Jury visited the Hoopa Substation and Holding Facility on November 13, 2006. The Hoopa facility has two holding cells for use by the law enforcement agencies operating in the area. Suspects are held briefly either before release or transport to the Humboldt County Correctional Facility (HCCF) in Eureka. Transportation to Eureka results in the absence of one deputy for the duration of the round trip to Eureka. When a deputy is available in Eureka, he or she will meet the Hoopa deputy half-way to transport the suspect, thus reducing the time the Hoopa deputy is absent from the substation. While this problem was cited in the 2005-2006 Grand Jury report, the Sheriff believes that the transportation problem would be reduced by assigning additional deputies to the area. With reduced staffing at Hoopa, the substation is often closed. The facility does not have adequate janitorial service. It is not staffed on a twenty-four hour, seven-day a week basis. The Sheriff is aware of the deficiencies at the Hoopa substation. The deficiencies will most likely remain until sufficient funding for staff and equipment is available.

Grand Jury Report #2007-CD-01 Humboldt Bay Harbor Recreation and Conservation District

Executive Summary:

In 1970 California State Legislature drafted legislation to create Humboldt Bay Harbor, Recreation and Conservation District for the regulation and economic development of Humboldt Bay. In their wisdom and foresight, they included promotion and protection of recreation and conservation as statutory requirements of the District's functions. The reasoning was to preserve the rural uniqueness of Humboldt Bay, its tidelands and estuaries, while promoting economic development of the harbor. This legislation created a check-valve to keep heavy commercial marine shipping/harbor development from dominating or diminishing conservation and recreational activities in Humboldt Bay, as it did in the Ports of Oakland and Long Beach.

In 1973 the voters of Humboldt County ratified the founding act. The District is a countywide public agency with specific boundaries of jurisdiction, governed by a board of five elected

commissioners. The Harbor District receives statutory authority from the California Harbors & Navigation Code, Appendix 2, which is the District's enabling legislation (charter). The District has the additional right to pass ordinances and enforce regulations within its boundaries. The agency is funded by a combination of property taxes, grants, permit fees, tideland leases, enterprise funds (rents, leases, etc.), and harbor tariffs. The mission of the Harbor District is "to serve all the people of Humboldt County by promoting harbor use, enhancing recreational opportunities, and protecting bay and tidal environments." An informative District overview can be found on the District's website <http://www.humboltdbay.org>.

Who Shall Respond:

Pursuant to California Penal Code Sections 933 and 955.05, responses to the Findings and Recommendations of the Grand Jury Report #2007-CD-01 shall be as follows:

- The Humboldt Bay Harbor, Recreation and Conservation District shall respond to findings and recommendations 1, 2, 3, 4 and 5.

Report:

In August, 2006, a staff member from the Harbor District gave a district overview presentation to the members of the Grand Jury. The District's mission, functions, and jurisdictional authority were outlined. Additionally, the Grand Jury received information regarding an upcoming maintenance-dredging project around the bay. This project was scheduled to begin in November, 2006, and expected to be completed by late March, 2007. The project is a cost-share with the City of Eureka.

There was testimony the maintenance-dredging project was delayed one year when Humboldt Baykeeper brought environmental concerns to the attention of the California Coastal Commission; it should be noted the District's share of cost for the dredging project is \$2,060,110. The delay added more than \$440,000 to the District's costs, a sum that could have been used for other District-funded projects.

The Grand Jury reviewed the Harbor District in 1983, 1989, and 1996 with results of their investigation published in Final Reports. In the course of the 2006-2007 Grand Jury inquiry of the District, the Grand Jury attended a District board meeting; reviewed meeting minutes; visited some of the District's facilities; and interviewed District staff and several citizens. Additionally the Grand Jury interviewed a retired Bar Pilot who had worked Humboldt Bay for many years. The Grand Jury reviewed the District's budget, studied audited financial statements, and reviewed other supporting documentation. The Port of Humboldt Bay Revitalization Plan and the Humboldt Bay Management Plan were also reviewed. The Grand Jury observes that a considerable amount of time and money have been spent on these plans. The Grand Jury commends the Harbor District for its effort in producing the Humboldt Bay Management Plan.

The Port of Humboldt Bay Harbor Revitalization Plan was co-funded by the Harbor District, the City of Eureka, and Humboldt County in an effort to identify ways to infuse new economic development in and around Humboldt Bay. This plan, developed with the premise of Humboldt Bay becoming a deep-water port, was drafted by PB Ports & Marine Inc, a private consulting firm, and released in February, 2003, without soliciting public input or review. Subsequently, the Institute for Study of Alternative Dispute Resolution (ISADR) contacted the Harbor District

to present its concept of a “visioning” process to include public input. A visioning forum was held in April, 2004, which did allow for public input.

The harbor revitalization plan identified many possible marketing opportunities and scenarios. The concept of Humboldt Bay becoming a container port was identified as a “weak competitive position,” “unattractive,” and of the “lowest priority,” even if rail service to this region were to be restored.

The Harbor District continues to promote and support the concept of a deep-water modern industrial container port in Humboldt Bay, a position for which there is both praise and criticism. Perceptions on the positive side include the idea that a container port would create jobs; on the negative side it is seen as potentially “increasing air/water pollution.”

Members of the Grand Jury visited the Redwood Dock property and the Fields Landing Boatyard in November, 2006. The Redwood Dock property (now known as Redwood Marine Terminal) is part of the old Louisiana Pacific lumber mill complex in Samoa. The District recently acquired this property through a one-time lease buy-out. The District received \$558,364 and the real estate, which is valued at \$3,508,038. The property consists of about 84 acres, a water storage tank, warehouses, large shop buildings, an old railroad roundhouse and a 1,064-foot-long wooden dock. The buildings, warehouses, and dock are all in a state of significant disrepair due in part to age and neglect. Engineering services will need to be utilized to fully assess the condition of the buildings, dock and overall infrastructure of this facility. There have been allegations that the District always hires the same engineering firm and/or consultants without going through a competitive bidding process. The District has received a \$200,000 grant from the Headwaters Fund for a feasibility study to aid the District in deciding the best options for the use of this property.

The Grand Jury visited the Fields Landing Boatyard, a public semi-self-service operation catering to the commercial boat operator. This facility is owned and operated by the District. A user fee is charged for boat storage and other related services. In the past, a private contractor has operated this facility through a lease agreement. The Harbor District has been seeking another private contractor to lease and operate the facility as a boat repair business. The boatyard appeared clean, well kept, well maintained and under-utilized. There is an 8,600-square-foot metal building that can be used for boat repair; it houses a 150-ton travel lift used to remove and return boats to the water. This facility has a 900-foot-long dock that is very old and in disrepair. The 1996 Grand Jury reported the District had a 5-year plan that included renovating this dock, however, it is currently being dismantled because of deterioration and storm damage.

Members of the Grand Jury did not tour the Woodley Island Marina. This is a full-service facility, owned and operated by the District. Hosting 237 slips, it has been in service since 1981. Woodley Island Marina is a compliment to the efforts of the Harbor District and the Board of Commissioners (current and past) in fulfilling the District’s mission and functions.

The Grand Jury studied the District’s budgets and financial statements for the fiscal years 2004, 2005 and 2006. FY ’04 had a budget deficit of \$451,366. FYs ’05 and ’06 showed a surplus of

\$3,451,500 and \$284,697 respectively. If not for the lease buy-outs of '05 and '06, these two years would have shown a budget deficit, as well.

Tideland leases are required for dock operators and mariculture operations within the jurisdictional boundaries of the Harbor District. These leases are a source of operating income for the District. The steady decline of the forest and fishing industries in Humboldt County has resulted in a reduction of revenue to the District due to lease terminations and non-renewals. Annual tideland lease revenues have continually spiraled downward from \$405,000 (02/03) to \$152,000 (06/07).

Two recent tideland lease buy-outs (Redwood dock property-Chemical dock) have increased the Districts assets with cash in the amount of \$1,399,828 and properties valued at \$3,508,038. These leases that were once an ongoing source of operating revenue now have become an added expense to the District. This is due to the financial liability created by the accumulation of these properties through the lease buy-outs. These newly acquired docks, buildings and property will require repairs, maintenance, security, insurance, etc. This will result in additional annual budget expenses until these costs can be off-set by these facilities becoming once again revenue producing.

In examining the financial records, the Grand Jury found that the District's enterprises are operating at a loss. The District's operating expenses exceed its operating income, but other sources of revenue (taxes, interest, tideland leases, and so forth) have in the past more than offset this shortfall. The District has moderate long-term debt, offset by ample cash reserves. Long-term liabilities are reasonable and decreasing, while equity is increasing. The District has a positive net worth and appears to enjoy good financial health.

During the review of the financial activities of the Harbor District the Grand Jury became aware of a \$170,000 loan made to the North Coast Rail Authority that was not repaid when due. The Board of Commissioners approved this loan in October, 2004, with a due date of December 31, 2006. Because the loan was not repaid as promised, the Board voted and approved to extend the due date of the loan for three (3) years. Questions were then raised by the Grand Jury as to the District's authority to loan money. A review of the District's enabling legislation revealed that sections in their charter are very specific on the use of money in the District's fund. The Grand Jury could find no provision in the District's charter granting statutory authority to use their fund money to act in the capacity of a financial institution.

The hiring of two Bar Pilots at an annual cost of about \$393,000, coupled with the reduction in tideland lease income and the added expenses of the lease buy-out properties, will contribute to probable future budget deficits. The District must find increased income and/or reduce expenditures. In an effort to increase revenues, the Harbor District is actively pursuing new marketing and marine industrial opportunities.

The complex federal and state regulations, and the District's own mandates, make decisions facing the Board of Commissioners difficult and challenging. That board will need the input, cooperation, and support of other public agencies-the commercial fishing industry, sport-fishing and recreational groups, environmental groups, the forest products industry, business and

industrial development advocates, and, most of all, the community, in order to make the correct decisions for the future of Humboldt Bay and for the benefit of all the people of Humboldt County.

Finding 1:

Because of a \$170,000 loan to the North Coast Rail Authority The Humboldt Bay Harbor, Recreation and Conservation District and its board may appear to be in violation of Sections 32, 50, and/or 52 Appendix 2 of the California Harbors and Navigation code. Section 52 states in part: *“The money in or belonging to the fund shall not be appropriated or used for any purpose except those enumerated in this act and such enumeration shall not be deemed to create any priority of one use of purpose over another”*.

RECOMMENDATION 1:

The Harbor District’s Board of Commissioners seek independent legal opinion as to whether it is in violation of the sections mentioned or any other regulatory statutes in regards to this loan. If legal opinion confirms the District is in violation, the board must make every effort to have the loan repaid to them immediately. It is recommended and requested that a copy of the independent legal opinion be sent to the Grand Jury on or before January 1, 2008.

Finding 2:

The Grand Jury requested the Harbor District furnish copies of the Commissioners performance bonds as required by Section 6056 of the California Harbors and Navigation Code. The District responded by sending a copy of the District’s certificate of insurance. To date the Grand Jury has not received the requested material and therefore the District may be in violation of Section 6056 *“Each commissioner upon taking the oath of office, and for each term, shall file with the county elections official of the county in which the district is situated, a bond in the sum of five thousand dollars (\$5,000), made payable to the district and conditioned on the faithful performance of his or her duties; the bonds are subject to approval by the board of supervisors of the county”*.

Recommendation 2:

If the District is not in compliance with section 6056 it shall take immediate action necessary to become compliant. It is recommended and requested that the District provide the Grand Jury copies of the requested documents immediately thereafter.

Finding 3:

For many years the Harbor District has been seeking a private contractor to lease and operate the Fields Landing Boatyard. The Fields Landing Boatyard is operating at a monetary loss.

Recommendation 3:

The District review its business operation in an effort to curtail the loss of public funds. Additionally the District actively and aggressively make every effort to recruit a qualified private

operator to lease and run this facility. It is requested and recommended that the results of this review be submitted to the Grand Jury by January 1, 2008.

Finding 4:

The Grand Jury finds that the District's enabling legislation (Appendix 2, Section 36) permits the District to procure specific services on a non-bid basis.

Recommendation 4:

The Board of Commissioners exercise their fiduciary responsibility to the public to insure the charges on a non-bid contract and/or bills are competitive with others for the work, and/or services rendered.

Finding 5:

Tideland leases that in the past provided a reliable revenue stream have declined, resulting in a five-year loss of approximately \$649,000. Lease buy-outs have resulted in accumulation of properties with the loss of their tideland lease revenues.

Recommendation 5:

The Harbor District aggressively seek to return the properties acquired to a revenue producing status. If the properties cannot be returned to a positive status within a reasonable time (two to three years), the Grand Jury recommends that the District divest itself of these properties, thus enhancing property tax rolls. It is recommended and requested that the Harbor District report progress, or lack thereof, to the Grand Jury on or before the first day of January each year until the properties are either returned to profitability or sold.

**Grand Jury Report #2007-JL-17
Humboldt County Animal Shelter, McKinleyville**

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-JL-17 shall be provided as follows:

- No Response is required.

Report:

The Animal Shelter inspection was conducted on October 25, 2006, by several members of the committee. The new center has a kennel capacity of 54 dogs and 120 cats. The staff of one supervisor, four kennel attendants, four front counter/office and three animal control officers is supplemented by trained volunteers and several supervised Sheriff's Work Alternate Program (SWAP) members. Besides pick up of stray domestic animals within the county some animals are brought directly to the facility by cities and private citizens. There are approximately 200 calls per month, with the number increasing.

The staff checks owner records and secures veterinarian care when required. Transport to medical facilities requires considerable resources and time. Studies are underway to suggest various methods of reducing medical care costs.

The sheriff issues licenses, sets fee schedules, tracks offenders and issues citations for animal welfare offenses. The facility, about 90% full at time of inspection, was well maintained and clean. There are rooms for viewing by prospective new owners.

The Sheriff's office, management and staff is commended for a well run, inviting facility, that supports a progressive program of animal welfare.

Grand Jury Report #2007-JL-19 Humboldt County Children's Center

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-JL-19 shall be provided as follows:

- No response is required.

Report:

The Grand Jury inspected the county Children's Center on February 5, 2007. The Center is a short-term residential shelter, with a capacity for six residents ranging in age from six to seventeen. The program focuses on assessing and then addressing problems that interfere with success at home or in foster home, to assure a successful transition back to the biological family, foster family or group home. The program's services are designed and monitored by staff from the county offices of Children, Youth and Family Services (CYFS) and Mental Health. The residents are trained in social and communication skills, anger management, alcohol and drug prevention.

The center provides comfortable, home-like surroundings for a structured program designed to bring stability and maturity to the residents. The kitchen area is clean and adequate. There are meeting rooms for individual and family counseling. The staff is capable and dedicated to the welfare of residents and their families. This is a small, yet valuable part of the services provided by the county for juveniles in need of behavior modification, mental health services or a safe, secure shelter.

Grand Jury Report #2007-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 #2007-JL-06 shall be provided as follows:

- The Board of Supervisors and the Sheriff shall respond to Findings and Recommendations 1 and 2.

Report:

Over a three day period in November 2006 several teams inspected the facilities and talked with staff and inmates. The correctional facility is in good condition. The interior of the building is clean, neat and in good order. There was little evidence of gang markings or graffiti on the walls. We were told that there is an ongoing maintenance program including painting and cleanup. There is a continuous need for plant maintenance personnel as occasional maintenance items may be neglected before county building maintenance can resolve the problem. We found that the east building heating-ventilating-air-conditioning (HVAC) vent and variable frequency drive system do not function because the dampers are rusted open. This allows outside air containing carbon monoxide and other contaminants to flow directly into the building. There is a proposal to repair the dampers at a cost of \$60,000. A contract for repairs has not been let.

On the east side of the jail building, next to a trash compactor, there is an open dumpster that could be a security concern. The dumpster is located alongside the building with no barriers or security fencing. Correctional officers have requested installation of security fencing in the area, but it is not at present being considered.

We toured the facility including exercise areas, secure cells, inmate pods, bathrooms, and kitchen area. All areas inspected including cells, bathrooms, study, and recreation areas were in reasonable condition. The temperature was comfortable and the facility well lit. We inspected the security and fire alarm systems including various inspection schedules and reports.

Two members of the Jails committee talked with several staff and inmates over several days to determine how the systems and procedures for staff and inmates were functioning. We found meals were sufficient and of good quality, served properly and usually on time. All activities were scheduled and clearly described to allow everyone to comply without problems. Personal belongings, although controlled, were generally safe and very little, if any, pilfering has been reported. Health problems are treated quickly. Correctional officers are involved with health issues and generally seem helpful in resolving problems. Grievance procedures are in place, but seldom used because most problems are resolved by direct action of the officer in charge of the ward. There is no evidence of gang activity. Violent offenders are separated from the general population. Personal problems between inmates are usually resolved by the officer in charge. There is plenty of opportunity for family and friends to visit. The same issues were discussed with male and female inmates. A female inmate indicated, there was a propensity for depression because there is very little to do during the day, except walk around. A lot of time is spent in lockdown or at her bunk sitting quietly. The female inmates would like an opportunity to work outside similar to the men.

Both inmates had not received the “Indoctrination Booklet” which is invaluable for first time inmates.

Findings and Recommendations:

Finding 1: East building HVAC vent openings are not working.

Recommendation 1: Evaluate the priority of the HVAC repairs to assure that repairs are at least commenced by January 1, 2008.

Finding 2: Some inmates were not given the “Indoctrination Booklet” upon arrival at the facility.

Recommendation 2: Set up a procedure to assure that each inmate is given the “Indoctrination Booklet” immediately upon arriving.

**Grand Jury Report #2007-AF-01
Humboldt County Elections Office**

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-AF-01 shall be provided as follows:

- No response is required.

Report:

The Grand Jury investigated whether registered voters who are physically disabled can cast ballots at polling places pursuant to the Help America Vote Act of 2002 (HAVA). Before the general election in November, 2006, it was determined that new voting apparatus would be necessary to meet the HAVA requirement of one accessible voting machine in each polling place. Vision impairment is the major handicap for disabled voters in Humboldt County. In September, 2006, the Humboldt County Elections department contracted to purchase Hart InterCivic e-Slate devices for each polling place to meet accessibility requirements. State Proposition 41 funds and federal HAVA funds reimbursed the county over \$680,000 for the total cost of hardware, software, training and support. Voter education programs on the availability and use of the devices are being planned. The relatively small number of voters, less than 100, who used the voting devices for the fall general election, suggests that the cost was excessive, even if no county money was expended. The county is now in compliance with HAVA in relation to disabled voter access.

Absentee ballots can be cast prior to the day of election, but ballots will not be counted if received after the polls close, regardless of the date of the postmark. Since absentee ballots may be verified by the voters’ signatures on file, voters whose signatures have changed significantly due to illness, injury or life events are encouraged to re-register.

Accessibility for disabled voters may cause a change in voting method. In one instance, when the polling place was found to not meet accessibility requirements, the precinct was required to be a “vote-by-mail” precinct. That precinct actually realized a substantial increase in voter turnout in the “vote-by-mail” election.

The Elections office operates under the guidelines of the Secretary of State and must adhere to the California Elections Code. The department is commended for its support and assistance to disabled voters in Humboldt County.

Grand Jury Report #2007-HS-01 Humboldt County School Systems

Executive Summary:

The California Department of Education code EC Section 38263 states “*When a student is a habitual truant, or is irregular in attendance at school, or is habitually insubordinate or disorderly during school, the student may be referred to a school attendance review board (SARB) or the county probation department*”. The student may also be referred to a probation officer or district attorney mediation program pursuant to EC Section 48263.5. The intent of these laws is to provide intensive guidance to meet the special needs of students with school attendance problems or school behavior problems pursuant to EC Section 48320. The Grand Jury acknowledges that early intervention is crucial to the success of these students. Therefore, the Grand Jury reviewed programs available to students in the Eureka City School district, grades 7-12, Eureka Community Schools, as well as two local K-6 school districts; which are feeder schools into the Eureka City School District.

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.5, responses to the Findings and Recommendations of Grand Jury Report #2007-HS-01 shall be as follows:

- The Humboldt County Office of Education shall respond to Findings 1, 2, and 3 and Recommendations 1, 2 and 3,
- The District Attorney shall respond to Finding 4 and Recommendation 4, and
- The Department of Health & Human Resources shall respond to Finding 5 and Recommendation 5.

Report:

Humboldt County has a SARB program, which consists of the student’s parent/caregiver as well as of a group of diverse professionals, the principal of the school where the student attends, law enforcement representatives, counselors and psychologists. This program is a countywide program that deals with truancy, as well as excessive excused or unexcused absences. Following a meeting of the SARB, the student, and the parent/caregiver enter into a contract in which they agree to specific schooling requirements, such as: continued attendance, homework completed and submitted in a timely manner. etc. If the student does not follow the contract, more stringent penalties can be imposed, up to and including expulsion.

The Eureka City School district has a program titled Committee for Alternative Placement (CAP), which works with students' grades 7 through 12 that have discipline or behavioral problems. This program allows for a change of the school campus if the student is unable or unwilling to agree to conditions of the CAP meeting. Much like the SARB, this group is comprised of administrators, counselors, parents and the student.

The two school districts in which the K-6 schools are located use the SARB, but they must devise their own internal system to deal with behavioral problems. Neither of these programs receives additional funding; resources must be used from the regular school budget allocations. The final opportunity for students in grades 7-12 is to become a part of the Eureka Community School program. This program offers multiple campuses and programs, each allowing different learning experiences for students challenged by the conventional school environment.

During the course of the investigation it became apparent that many student's disciplinary or behavioral problems began at home. Many of their parents are neither skilled in parenting, nor interested in participating in parenting programs. Also, though there are mechanisms available to the schools through the courts and punitive actions against parents, i.e., withholding public assistance funds and threatening incarceration, it has been the experience of school and probation officials that these regulations are not used by the agencies entrusted with this authority.

The Grand Jury acknowledges and commends administrators responsible for oversight of these programs and finds them to be creative in searching for solutions. It is apparent that those interviewed have a strong commitment to the students they serve. The K-6 school districts handle children with discipline problems at the school site and are committed to helping resolve problems before the student goes to middle school. One of the school sites visited used a program called "Emotionally Disturbed Student Program" which is available through the county. However, the lack of sufficient funds can limit the success of these programs.

Finding 1:

While the K-6 Humboldt County schools can utilize the SARB there is a lack of funding and/or resources available for students having discipline or behavioral problems in these schools.

Recommendation 1:

That Humboldt County School District research, obtain, and allocate funds that would allow all K-6 schools to provide guidance for students with at-risk behavior.

Finding 2:

There is no Truant Officer in Humboldt County. This officer could oversee students with truancy: excessive, excused or unexcused absences. At present, it is the responsibility of the individual school to contact the parent or caregiver.

Recommendation 2:

That Humboldt County hire and fund a permanent Truant Officer.

Finding 3:

It was determined that many of these at-risk students have problems with both attendance and behavior. It would benefit these students and better use resources if the CAP and SARB were operated as one program to provide better and more comprehensive guidance for these students.

Recommendation 3:

Blend the resources of the SARB and CAP to better serve at-risk students, many of whom have problems in both areas.

Finding 4:

There is a failure on the part of the District Attorney's office to enforce laws that allow for action to be taken against parents who refuse to make their children attend school, as prescribed by law EC Section 48293 (a): *"Any parent, guardian, or other person having control or charge of any pupil who fails to comply with this chapter, unless excused or exempted there from, is guilty of an infraction and shall be punished as follows:*

1. *Upon first conviction, by a fine of not more than one hundred dollars (\$100).*
2. *Upon a second conviction, by a fine of not more than two hundred fifty dollars (\$250).*
3. *Upon a third or subsequent conviction, if the person has willfully refused to comply with this section, by a fine of not more than five hundred dollars (\$500). In lieu of the fines prescribed in paragraphs 1, 2, and 3, the court may order the person be placed in a parent education and counseling program".*

Recommendation 4:

The District Attorney enforce existing laws relating to the responsibilities of parents.

Finding 5:

There is a failure on the part of Child Welfare Service (CWS) to enforce available legislation that encourages parents or caregivers to assure their children attend school as prescribed by law.

Recommendation 5:

That CWS use all applicable legislation to encourage parents to assure children are in compliance with the California Education Code.

**Grand Jury Report #2007-JL-09
Juvenile Hall**

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-JL-09 shall be provided as follows:

- No response is required.

Report:

The Juvenile Hall was inspected on January 24, 2007. The facility, a division of the County Probation Department, is designed for incarcerated juveniles, aged eight to seventeen. The

facility has a capacity for 26 inmates. Meals are provided by the kitchen staff for the residents of the hall and residents of the Regional Facility which is located in an adjacent building. There is a large outdoor, grassy, recreational area. The interior is clean, well maintained and in good order.

Residents participate in educational activities designed to meet individual needs, whether completing a General Educational Development test (GED) or providing basic education. There is one teacher to every eight students. Instruction and instructors are provided for and approved by Humboldt County Office of Education. A variety of instructional, motivational and cultural programs are presented, often with speakers and instructors with specific skills and abilities. Residents who have been discharged but remain on probation can return to complete their education goals.

A structured program, generally referred to as STEP, is designed to assist residents in dealing with behavioral problems as well as drug and alcohol problems. The goal of the STEP program is to allow the residents to be clean and sober. Privileges can be earned by acceptance of and adherence to the rules.

The Grand Jury commends the staff of Juvenile Hall for providing a positive influence to the juveniles assigned to their care.

Grand Jury Report #2007-JL-04 Northern California Regional Facility

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-JL-04 shall be provided as follows:

- No response is required.

Report:

The Grand Jury inspected the Northern California Regional Facility on January 24, 2007. The facility is designed to house juveniles for mental health treatment during their court mandated incarceration. Placement in this facility allows incarcerated juveniles to stay in the county, close to their homes and family; formerly, they were transferred to other locations out of county. The treatment program, entitled New Horizons, is managed by Humboldt County Mental Health's Children Youth and Family Services staff to provide individual, group and family counseling to the inmates. Inmates (residents) qualify for placement in the program by a dual diagnosis of drug or alcohol abuse and conduct disorders. Residents range in age from 12 to 18 years. Group sessions with the counselors help residents develop mature moral judgment, acquire anger management and social skills and the ability to correct criminal patterns. The program requires a minimum of four months to a maximum of six months participation. Residents are carefully evaluated on the outcomes from their activities and judgments. They can earn privileges as they transition through a program designed to evaluate their ability to respond in a positive and meaningful way to the treatment plan. Aggression Replacement Therapy, designed to change behavior, is an evidence based program meaning that the treatment plans are based on the best

science available. Probation, corrections, school, mental health and family work together in a coordinated and collaborative approach to benefit the residents. The program is relatively new to Humboldt County and, although results are yet to be measured, there is reason to believe that this program will be beneficial.

The goal of the program is to return participants to family and community. A transition plan that involves the resident, his or her family and support persons, facility staff and a family team facilitator is used for treatment that can continue up to six months after the resident leaves the facility.

The county is fortunate to have a qualified and dedicated staff to address the problems facing incarcerated youth.

Grand Jury Report #2007-AF-18 Parking within the City of Eureka

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-AF-18 shall be provided as follows:

- The City of Eureka and the Parking Place Commission will respond to Finding 1 and Recommendation 1.

Report:

In a response to a citizen's complaint, the Grand Jury investigated the availability of parking and the enforcement of parking regulations in the City of Eureka, specifically in Old Town. Employees and residents in the area are impacted by the availability of parking, especially when events and activities draw many visitors to the area.

Adequate, secure and convenient parking is a desirable goal for employers and employees as well as business owners and their customers. Availability of parking varies according to the activities and events held in the area. In Old Town, the Grand Jury discovered that the parking problems are spot problems, largely caused by the activities and events which draw patrons and visitors. Difficulty in readily finding a parking spot can be a sign that business is successful in attracting customers. Consequently, a little parking problem is a good thing. When the most desirable parking places are filled, however, visitors and customers are often unaware of ample parking facilities within easy walking distance from their destination.

Enforcement of parking regulations is the responsibility of the Eureka Police Department. Due to the limited staff available for enforcement, parking violators are not issued citations on a consistent basis. Even when citations are issued, violators can appeal the citation, often resulting in a dismissal.

The Parking Place Commission is a city sponsored commission of seven members who meet monthly to discuss and resolve parking issues. The commission is open to suggestions and recommendations from the general public and concerned citizens.

Finding and Recommendation:

Finding 1:

The Grand Jury finds that the desirable parking places are often occupied by employees or residents of the Old Town and the public is unaware of adequate parking within a reasonable distance.

Recommendation 1:

The Grand Jury recommends that the Parking Place Commission work with employers and businesses in the Old Town area to increase awareness of available parking. Appropriate signage directing citizens to parking areas a short distance from their destination may be helpful.

Grand Jury Report #2007-LJ-02 Police Use Of Force

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-LJ-02 shall be provided as follows:

- The Board of Supervisors and the Humboldt County Sheriff's Office,
- The City Councils and Police Departments of Arcata, Blue Lake, Eureka, Ferndale Fortuna and Trinidad are required to respond to Findings 1, 2, and 3, and Recommendations 1, 2, and 3, and,
- The Rio Dell City Council and Rio Dell Police are required to respond to Findings 1 and 2 and Recommendations 1 and 2.

Report:

The Grand Jury investigated the training and policies of police agencies within the county as they relate to the use of lethal and less than lethal force. Six police departments and the Sheriff's Office participated by supplying training materials, departmental policy statements and officer training records. Training Officers from three police departments and the Sheriff's Office provided closed session testimony.

The Grand Jury examined departmental records of training in the use of less than lethal weapons and the practice of deployment of such weapons. The Grand Jury also reviewed a training DVD entitled "The Ethical Use of Force".

The Grand Jury visited the "Force Option" training facility at the College of the Redwoods. This is a training venue which forces an officer to make sudden and dramatic decisions in the use of weapons. Success or failure is recorded and analyzed for the trainee.

Before employment as a police officer in California, a person must receive a basic level of training, referred to as Police Officer Standard Training certification (POST). This consists of a minimum of 664 hours extending over 23 weeks of the basic academy and an additional 17 weeks of field training at the hiring department. During employment, an officer is required to

receive 24 hours of mandatory training in each succeeding two year period. Of these 24 hours, 14 hours are in required fields with perishable skills, such as defensive tactics, firearms, tactical communication and driving. The remaining 10 hours are elective.

The Grand Jury learned that training requirements are uniform throughout county law enforcement agencies. Additional, the Grand Jury interviewed those responsible for the development and oversight of POST programs. The POST training component on the ethical use of force is not required for employment as a police officer. Studies by those responsible for POST oversight indicate that training is much more effective when presented by a facilitator, followed by peer interaction.

The prevailing practice in Humboldt County for non-required subjects is to place a training DVD in a training room for an officer to review as time permits. The officer signs a log indicating the DVD has been reviewed. This log only indicates the officer has reviewed the DVD. There is no test or other evaluation of training. No police officer, to the knowledge of any of the persons interviewed, had ever failed a training course.

Use of Tasers

Training in the use of Tasers and the policy on deployment of them was almost uniform. While the majority of officers had been certified in the use of this weapon, it was not a requirement to be so trained. If trained in the use of Tasers, there was no requirement to carry it. On average, one might expect to encounter a Taser equipped officer less than a quarter of the time. The lone exception to this policy was Rio Dell Police Department, which requires all of its officers to be Taser trained and equipped.

Departmental policies on the use of force, when to use it and how much to use, are uniform throughout the agencies. These policies are strictly based on law and clearly stated. Two police departments, Blue Lake and Ferndale, had additional policies describing when lethal force was *not* to be used, i.e., “Suspicion or flight alone are insufficient basis for shooting at a suspect” and “If in doubt, do not fire”.

Findings and Recommendations:

Finding 1:

The Grand Jury finds that training in the use of less than lethal force is inadequate, ineffective and secondary to required training in the use of force and defensive tactics.

Recommendation 1:

The Grand Jury recommends that police department and Sheriff’s Office training sessions in the Ethical Use of Force, and other training dealing with less than lethal force, be done with training facilitators and made interactive. This training should include trainee evaluation and be included in the trained officer’s personnel record.

Finding 2:

The Grand Jury finds that Tasers are not adequately deployed.

Recommendation 2:

The Grand Jury recommends that all law enforcements agencies adopt the policy that all patrol officers be trained in the use of Tasers and required to carry them on patrol.

Finding 3:

The Grand Jury finds that Tasers are expensive tools costing approximately \$1,000.00 each.

Recommendation 3:

The Grand Jury recommends that all county police agencies, except Rio Dell, explore sources of funding for acquiring Tasers for all patrol officers.

**Grand Jury Report #2007-JL-14
Sheriff's Evidence Yard**

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-JL-14 shall be provided as follows:

- No response is required.

Report:

The sheriff's evidence yard was inspected on November 14, 2006. Large items of evidence are stored at the facility. The Sheriff's Department also stores search and rescue equipment including vehicles, watercraft, portable generators and lights. Items, other than contraband no longer needed for evidence, are either transferred to other county departments or sold at auction. Contraband is destroyed.

The facility is secured by a perimeter fence topped with barbed wire. The building is additionally secured by an alarm system monitored by the sheriff's dispatch center and a private alarm company. The facility appears to be secure and well maintained.

**Grand Jury Report #2007-LJ-04
Sheriff's Office Repeater Sites**

Who Shall Respond:

Pursuant to California Penal Code Sections 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-LJ-04 shall be provided as follows:

- The Office of Risk Management shall respond to Findings 1, 2, 3, 4 and 5 and Recommendations 1, 2, 3, 4 and 5.
- The Sheriff's Office shall respond to Finding 5 and Recommendation 5.

Report:

Emergency communications are essential to the safety of the citizens of Humboldt County. The Grand Jury examined the communications systems used by the Sheriff's Office and the Office of

Emergency Services. Specifically, the Jury inspected the repeaters used by the Sheriff's dispatcher to communicate with all areas of the county. There are four repeaters in the county:

1. Rogers Peak, southeast of Orick,
2. Horse Mountain, north of Blue Lake,
3. Mount Pierce, outside of Rio Dell,
4. Pratt Mountain, east of Garberville.

In addition to the Sheriff's Office and Office of Emergency Services, the repeaters are also used by the Road Department, Public Works Department, District Attorney, Agriculture Department, Building Inspection, Aviation Division, Health Department, Probation, and the Board of Supervisors.

The Pratt Mountain repeater serves the southern part of the county, but does not serve Shelter Cove. A Sheriff's Deputy is not on duty at Shelter Cove at the present time.

The system allows the dispatcher to communicate through one repeater at a time. When the dispatcher is switched to the north county repeater at Rogers Peak deputies in south county can not hear the transmission. If a south county deputy then attempts a transmission, both communications are blanked out, causing lost communication.

During the course of its investigation, the Grand Jury became aware of communication problems beyond that related to the repeaters. The Sheriff's Office and the Office of Emergency Services, and other users of the communications system, must communicate through the chain-of-command to relate problems to the department responsible for maintaining the communications system, the Office of Risk Management. This method has proved problematic: users can not effectively communicate with the Office of Risk Management that is responsible for maintenance of the site.

Finding 1:

The Horse Mountain repeater site has no fuel gauge on the generator propane tank.

Recommendation 1:

The Office of Risk Management install a fuel gauge on the Horse Mountain site.

Finding 2:

Shelter Cove is not covered by the Sheriff's communication system.

Recommendation 2:

The Office of Risk Management commission a study to determine the cost and feasibility of establishing reliable radio communication with Shelter Cove.

Finding 3:

A potential electrical hazard exists at Rogers Peak where electrical supply lines are attached to the side of the metal shipping container in which the repeater equipment is located.

Recommendation 3:

The Office of Risk Management should have this potential hazard inspected by a qualified electrician and take any recommended corrective action.

Finding 4:

The current system allows transmissions from one station to block transmissions from other stations and from dispatch.

Recommendation 4:

The Office of Risk Management contract a competent communications company to determine if the system can be improved.

Finding 5:

Chain-of-command requirements hamper the efforts to inform the Office of Risk Management when service is needed.

Recommendation 5:

The Office of Risk Management, the Sheriff's Office, and the Office of Emergency Services create a liaison committee to establish a method where the system users can communicate their routine needs directly to the Office of Risk Management.

**Grand Jury Report #2007-JL-11
Sheriff's Substation, McKinleyville**

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-JL-11 shall be provided as follows:

- No response is required.

Report:

The McKinleyville Sheriff's substation, located within the community center area, was inspected by several members of the Grand Jury on October 25, 2006. The facility has no holding area. Occasionally persons are detained on site for questioning and release or parent pick up. There is a locker for evidence storage. There are ten deputies, one receptionist and a supervisor on site. The facility has sufficient space for staff as well as the Sheriff's Citizens on Patrol (SCOP). The facility was neat, clean and in good condition.

A new phone, for emergency calls only, was being installed outside the building, as had been recommended by the 2005-06 Grand Jury. The Grand Jury commends the sheriff's staff and community for building and maintaining this facility.

Grand Jury Report #2007-JL-10
Sheriff's Work Alternative Program (SWAP): Agricultural Farm

Who Shall Respond:

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-JL-10 shall be provided as follows:

- No response is required.

Report:

The agricultural farm, located next to Rohnerville Airport off Airport Road, was inspected on October 4, 2006. The facility is a section of SWAP and provides work for offenders. It is similar to the wood lot in Eureka. The farm includes a garden, beef cattle and swine. It produces vegetables and meat for consumption in the Humboldt County Correctional Facility (HCCF). Some of the excess products are sold providing revenue for the program. Animal feed is supplemented by excess produce and clippings from various stores around the county that would otherwise go to landfill.

The tour of the facility indicated that the program is well run and maintained. It is a benefit to the community and the participants. Also, the program reduces overcrowding and costs at the HCCF.

SWAP managers are commended for a very well run program that provides many benefits to the community at a minimum cost.

Grand Jury Report #2007-JL-05
Sheriff's Work Alternate Program (SWAP): Wood Lot

Who Shall Respond

Pursuant to California Penal Code Section 933 and 933.05, responses to the Findings and Recommendations of Grand Jury Report #2007-JL-05 shall be provided as follows:

- No response is required.

Report:

The wood lot, located off Harrison Avenue in Eureka, was inspected on October 4th, 2006. The officer in charge provided an overview of the program and described procedures for crew assignments. SWAP participants are non-violent and their offenses were not sex-related. SWAP allows individuals to live at home, work normal hours and serve their sentences without spending time in jail. Inmates can also donate a cord of wood to reduce jail time by one day. Currently there are over 400 persons in the program who must spend at least one day per week working. The area was clean and appeared in order. There are portable toilets, a snack bar and first aid materials for the work crews. Work performed includes county road maintenance, wood cutting for seniors and low income families and farm work. In addition, they provide labor for community service programs and non-profit organizations throughout the county.

The committee reviewed the senior wood account. The Sheriff's Department and Senior Center have a yearly agreement to return some funds to SWAP for tools and maintenance. The account is a normal county account subject to audit in accordance with county standards.

The Sheriff, SWAP managers and staff are commended for a very well run program that provides many benefits to the community at a minimal cost.