

HUMBOLDT COUNTY
CIVIL GRAND JURY



2023-2024
CONSOLIDATED
FINAL REPORT

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HUMBOLDT COUNTY CIVIL GRAND JURY

825 5TH STREET, EUREKA, CA 95501

(707) 476-2475

June 30, 2024,

Honorable Judge Kelly L. Neel, Presiding Judge
Superior Court of California
County of Humboldt

Dear Judge Neel,

The 2023-2024 Humboldt County Civil Grand Jury is pleased to submit our Consolidated Final Report to the Superior Court and the citizens of Humboldt County. This term we completed eight reports on a wide variety of topics and hope that our work is helpful to the community.

Some refer to the Grand Jury as the “watchdog” of local government. Our investigations are driven by complaints received from the community about issues that matter to them. We try to approach these investigations with curiosity, open minds, and a healthy dose of skepticism. Our goal is not to find fault with our government, nor is it to shy away from finding fault when warranted. Our goal is to examine issues, praise areas that are functioning well, find areas that should be addressed, report on those issues, and recommend solutions.

The strength of the Grand Jury comes from the diversity of experience that each juror brings with them. This gives us the advantage of seeing issues from multiple viewpoints and applying different knowledge and life experience to our investigations. Each year nineteen members of the community volunteer countless hours examining our local government. This term a lack of jurors proved challenging, as we completed the term with just sixteen.

We interviewed over sixty people, reviewed thousands of pages of documents, toured at least ten different facilities, and spent thousands of hours doing research and writing reports. We received assistance from hundreds of people in one form or another, for which we are grateful. It is a testament to the skill and dedication of this year’s jury that we can present you with eight thoughtful reports.

We thank you for the opportunity to serve and urge others in the community to consider being members of the Humboldt County Civil Grand Jury. It has been an enriching and enlightening experience for us all.

Respectfully,

A handwritten signature in black ink, appearing to read "Richard Bergstresser".

Richard Bergstresser, Foreperson
2023-2024 Humboldt County Civil Grand Jury

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2023-2024 Humboldt County Civil Grand Jury

Top left: Stephen Avis, Daryl Chinn Top right, Larry Giventer,
Candy Bryant - Foreperson pro tem.

Back row, L to R: David Howard, Lettie Dyer, Alicia Garcia,
Dennis Reid, Marlana Maloney, Leslie Zondervan-Droz,
Patrick Healy, Richard Bergstresser – Foreperson

Front row, L to R: Deborah Bushnell, Michael Davis,
Laura Lee-Chin, Connie DeCoe-Munier

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CITIZEN COMPLAINT FORM

[Confidential Information]

Civil Grand Jury of Humboldt County

Humboldt County Courthouse; 825 Fifth Street; Eureka, CA 95501, 707.476.2475;

Form updated 5-26-2021

<https://humboldt.gov/grandjury>

Form updated 5-26-2021

PLEASE PRINT CLEARLY AND COMPLETE BOTH SIDES

The Civil Grand Jury takes an **oath** and is **sworn to secrecy**. Therefore, (according to Ca Penal Code 924.1) we must keep all complaints, interviews, identities, and other information **strictly confidential for life**. For these reasons, we will acknowledge receipt of all complaints, but we cannot indicate what actions **we will or will not take**. Although anonymous complaints are accepted, the Civil Grand Jury's ability to interview a complainant (you) would greatly assist our ability to investigate your complaint. You may add your contact information at any time by calling (707) 476-2475 and referencing the date on your original complaint.

Your Name: _____ Date: _____

Please note: Any complaints received **after March 1** may not be considered until the following Civil Grand Jury term since the Civil Grand Jury term ends in June.

Mailing Address: _____

Primary Phone: _____ Secondary Phone: _____

Email address: _____

Humboldt County district, city, agency, or department that is the subject of your complaint:

Address or location of events that are the basis of your complaint:

Names of public officials or employees that are subjects of your complaint:

Is your complaint currently in litigation? (An action brought to court.) Yes No

If yes, please explain below:

Is your complaint currently being pursued through other grievance processes? Yes No

If yes, please explain below:

PLEASE COMPLETE THE REVERSE SIDE OF THIS FORM

What are your reasons for filing this complaint?

What is your desired outcome and what do you believe the Grand Jury can do to result in this outcome?

If needed, separately provide a detailed statement of your complaint. The more details provided, the easier. Include the names of all individuals involved in the complaint; the locations, dates, and times of actions relative to the complaint; and the names of all witnesses to actions involved in the complaint.

Signature (unless emailing) _____

You can email a copy of your complaint to grandjury@co.humboldt.ca.us or download and print a copy and mail or deliver to the Civil Grand Jury office at the address above.

[The Civil Grand Jury is an independent group of citizens empaneled and authorized by the Superior Court to make recommendations for the improvement of local government. The Jury's responsibility extends to all county districts, municipalities, authorities, commissions, boards, agencies, departments, and offices. The Jury's authority does not extend to any criminal allegations or offenses, or to any federal, state, or private agencies.]

Humboldt County Sheriff's Office: Is a Lack of Oversight Due to a Lack of Foresight?

Released April 30, 2024

SUMMARY

To paraphrase Reinhold Niebuhr, “The human capacity for justice makes oversight possible, but humanity’s inclination to injustice makes oversight necessary.”¹

Oversight is constructive, not punitive. Oversight strengthens the professionalism of law enforcement. By creating a secondary public review of alleged misconduct or the handling of critical incidents, the people of Humboldt County can gain a clearer view of important events that affect all of us.

Civilian oversight of elected administrative offices such as the Humboldt County Sheriff’s Office (HCSO) promotes good management, fiscal responsibility, transparency, and accountability. It aids the Board of Supervisors’ supervisory responsibility without interfering with the Sheriff’s Office’s enforcement and investigative functions.

The turn of this century brought renewed attention to law enforcement. Many community groups have advocated for police accountability. Incidents captured on video have widely circulated on social media, leading local governments to seek reforms in law enforcement. The President’s Task Force on 21st Century Policing has recommended that local jurisdictions establish civilian oversight for law enforcement.²

The Humboldt County Civil Grand Jury recommends that the Board of Supervisors establish a civilian oversight board to review, report on, and make recommendations in support of law enforcement and an office of inspector general to provide an independent professional assessment of critical incidents and advice regarding law enforcement policies and practices. A civilian oversight board enhances transparency and accountability and gives the community a voice. The Board of Supervisors will be better equipped to oversee the Sheriff’s Office for the community it serves.

GLOSSARY

BOS Humboldt County Board of Supervisors
COPP Community Oversight of Police Practices (Eureka)

¹ Reinhold Niebuhr 1892–1971 American theologian: “Man’s capacity for justice makes democracy possible, but man’s inclination to injustice makes democracy necessary.” *Children of Light and Children of Darkness* (1944)

² President’s Task Force on 21st Century Policing. 2015. Final Report of President’s Task Force on 21st Century Policing. Washington, DC: Office of Community Oriented Policing Services:
https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

DOJ	California Department of Justice
EPD	Eureka Police Department
HCCGJ	Humboldt County Civil Grand Jury
HCSO	Humboldt County Sheriff's Office or the Sheriff's Office
IPA	Independent Police Auditor (Eureka)
OIG	Office of Inspector General
OIR	Independent Police Auditor Group
OIS	Officer-Involved-Shooting

BACKGROUND

Humboldt County

Humboldt County is governed by a five-member Board of Supervisors elected by district, and a plural executive of six officials elected county-wide: Sheriff, Auditor-Controller, Clerk-Recorder, Assessor, Treasurer-Tax Collector, and District Attorney.

The County Board of Supervisors has no direct supervisory authority over how the Humboldt County Sheriff's Office (HCSO) operates. In contrast to the HCSO, municipal police chiefs are appointed, and their police departments are subject to direct oversight regarding performance and adherence to law and policy.

The Board of Supervisors is responsible for supervising the Sheriff's Office as a county agency. It largely accomplishes this through annual budget appropriations. Although the Humboldt County Sheriff is entrusted with enormous power, the accountability of the Sheriff is mostly limited to these annual budget reviews. Voters can potentially exercise authority over the Sheriff during elections. However, this voting authority is available only once every four years.³ Since the elections are often uncontested, it is not an effective means of achieving accountability.

Humboldt County Sheriff's Office

The primary responsibilities of the Sheriff's Office are enforcing the law and running the corrections and custody facilities. The office has several divisions, the largest of which are the Patrol and Corrections divisions. Other divisions include Court Services, Coroner, Public Administrator, Major Crimes, Dispatch, Emergency Services, Animal Control, and Special Services. Special Services include the Drug Task Force and the Marijuana Enforcement Team.

³ Recent legislation changed the timing of sheriff elections. An election for sheriff shall be held with the presidential primary. Election Code section 1300(d) provides: "A district attorney or sheriff elected in 2022 [as in Humboldt County] shall serve a six-year term and the next election for that office shall occur at the 2028 presidential primary."

The Humboldt County Sheriff's Office serves approximately 135,000 county residents with four patrol stations and one jail facility.⁴ The office has about 300 employees. In 2021, there were more than 48,000 calls for service. Table 1 (see Appendix A) illustrates the 2023-2024 HCSO \$61.9 million operating budget. In comparison, the Mendocino County Sheriff's Office, serves approximately 89,000 residents, has about 185 employees, 42,000 annual calls for service, and a budget of \$44 million.

Police Practices and Community Trust

Humboldt County law enforcement has recently been in the spotlight with several critical incidents as listed in Table 2 (see Appendix B).

The Sheriff's Office formal complaint procedure, outlined on its website, promises an internal investigation that provides a summary response (unfounded, exonerated, not sustained, or sustained) with no further explanation.⁵ Critical incidents are only assessed by allied local law enforcement agencies: Humboldt County Critical Incident Response Team, Sheriff's Office Major Crimes Division, and Humboldt County District Attorney's Office. The California Department of Justice (DOJ) is only automatically involved in the event of the death of an unarmed civilian.

Laws

Three state laws and one federal law are of particular relevance to law enforcement:

- **Authorization of County Oversight – California Government Code section 25303.7:** Codifies a Supreme Court of California landmark decision authorizing county sheriff oversight.⁶ The statute provides that the board of supervisors (or through a vote of county residents) a county may establish Sheriff's Office oversight by means of an appointed board and independent review office (termed an inspector general).
- **Officer-Involved-Shooting Investigations – California Government Code section 12525.3:** Provides that the California Department of Justice (DOJ) investigate all incidents of an officer-involved-shooting resulting in the death of an unarmed civilian in the state. Historically, these critical incidents in California had been primarily handled by local law enforcement agencies and the state's 58 district attorneys. When an officer-involved-shooting occurs, transparent and open communication are critical to maintain public trust. The DOJ states on its website that it intends as soon as it is feasible and appropriate, to disseminate relevant information and materials about covered incidents, and ultimately, to make public its determinations regarding the criminal prosecution of such incidents.⁷ Where criminal charges are not appropriate, the DOJ will prepare and make public a written report communicating:

⁴ Main: 826 4th Street, Eureka, CA 95501; Garberville: 715 Cedar Street, Garberville, CA 95542; McKinleyville: 1608 Pickett Road, McKinleyville, CA 95519; Willow Creek: 80 Country Club Drive, Willow Creek, CA 95573

⁵ Humboldt County Sheriff's Office Website: <https://humboldt.gov.org/2545/Sheriffs-Office>

⁶ *Dibb v. County of San Diego*, (1994) 8 Cal. 4th 1200.

⁷ CA Department of Justice Website: <https://www.justice.gov/>

- A statement of facts, as revealed by the investigation
 - An analysis of those facts considering applicable law
 - An explanation of why it was determined that criminal charges were not appropriate
 - Where applicable, recommendations to modify the policies and practices of the involved law enforcement agency
- **Disclosure of Records Information – California Penal Code section 832.7:** Requires the disclosure of records and information, including, without limitation, all investigative reports, photographic, audio and video evidence, transcripts or recordings of interviews, and autopsy reports under the California Public Records Act, Government Code section 7920, et seq., concerning any of the following incidents
 - Discharge of a firearm at a person by a peace officer or custodial officer;
 - Use of force by a peace officer or custodial officer against a person resulting in death, or in great bodily injury;
 - A sustained finding was made by any law enforcement agency or oversight agency involving a complaint that alleges excessive force;
 - A sustained finding was made by any law enforcement agency or oversight agency involving an allegation that a peace officer or custodial officer failed to intervene against another officer using force that is clearly unreasonable or excessive;
 - A sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public;
 - A sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence;
 - A sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status;
 - A sustained finding was made by any law enforcement agency or oversight agency that the peace officer made an unlawful arrest or conducted an unlawful search.

- **Criminal Offense Jurisdiction of Native American Tribes – Public Law 280 (18 United States Code (U.S.C.) section 1162, 28 U.S.C. 1360, and 25 U.S.C. sections 1321-1326):** Public Law 280, passed in 1953, shifted jurisdiction over criminal offenses involving Native Americans and Tribal lands to certain states (known as “PL 280 States”), specifically in California. Law enforcement was delegated to the respective county sheriff.

In response to this law, Tribes in PL 280 States report jurisdictional confusion, discontent, and litigation. Tribal concerns include:

- Infringement of Tribal sovereignty
- Failure of law enforcement to respond in a timely fashion to crimes committed on Tribal lands
- Failure of federal officials to support concurrent Tribal law enforcement authority
- Absence of effective law enforcement, leading to misbehavior and self-help remedies that jeopardize public safety
- Discriminatory, harsh, and culturally insensitive treatment from law enforcement authorities when they do attend to crimes committed on Tribal lands
- Confusion between county versus Tribal police jurisdiction when criminal activity has occurred or presents a threat

A lack of data on crime rates and law enforcement response compounds these concerns. However, there has been some supplemental funding to Tribes in PL 280 States for victims of crimes, violence against women, community-based policing, and court development.

Within Humboldt County, the Blue Lake Rancheria, Yurok, and Hoopa tribal police, pursuant to California Penal Code sections 830.6 and 830.8, each have a cross-deputization agreement with the Humboldt County Sheriff’s Office providing the power to enforce California law on and off Tribal lands.

METHODOLOGY

In preparation for this report, the Humboldt County Civil Grand Jury conducted interviews and reviewed reports from other California Civil Grand Juries. We studied documents related to civilian oversight of law enforcement including:

- Laws from federal and state governments pertaining to oversight and public records
- State of California Penal Code Laws governing law enforcement officers and the use of firearms
- Structural plans for starting a civilian oversight board regarding the eligibility of members and subpoena powers of a civilian oversight board

- Structural plans for starting an office of inspector general regarding eligibility and subpoena powers of an office of inspector general

DISCUSSION

Trust Matters

Many law enforcement officers have stated that the most important tool they possess is trust. Public pressure has motivated many agencies to reevaluate the practices they use to achieve trust, respect, and confidence in the law enforcement and justice systems. Communities that have experienced injustice and mistreatment are questioning the nature of policing. The United States Department of Justice Community Relations Service has found that a community's trust in the police depends upon their belief that police actions reflect local community values and their expectations for procedural justice and legitimacy.

Community Oriented Policing

Community oriented policing is a philosophy that encourages law enforcement officers to establish relationships with the people they serve, fostering a collaborative approach to problem solving. It prioritizes a proactive emphasis on crime prevention, community safety and community engagement.

The benefits of an effective community policing structure include

- A more favorable view of local law enforcement;
- Increased trust between law enforcement and residents;
- Better information from residents regarding criminal activity in their community;
- A fuller understanding of the needs of citizens and their expectations of law enforcement.

Civilian Oversight

It is a fundamental principle of good government in the U.S. that checks and balances are important to provide effectiveness and transparency. Civilian oversight is not intended to interfere with or obstruct the constitutional and statutory duties of either the Sheriff's Office or Board of Supervisors. It has two elements. One is the civilian oversight board appointed by and responsible to the Board of Supervisors. The second is an office, or person, termed an inspector general, who is charged with the review and investigation of complaints and critical incidents. Neither the civilian oversight board nor the office of inspector general have administrative authority. They are advisory only.

The recommended Civilian Oversight Board and Office of Inspector General would

- Establish timely, effective, and public oversight of the Humboldt County Sheriff's Office;
- Provide a transparent public forum for voicing community concerns about the Humboldt County Sheriff's Office;
- Provide the Humboldt County Sheriff's Office with a forum to respond to allegations of misconduct;
- Facilitate trust building between the people of Humboldt County and the Humboldt County Sheriff's Office.

Civilian Oversight Board

A civilian oversight board is a demographically representative committee composed of a cross-section of county residents. Appointed by the Board of Supervisors, it is independent of the Sheriff's Office and District Attorney. Pursuant to California Government Code section 25303.7, the civilian oversight board would have subpoena power over both persons and documents. This is an essential element if the public is to have trust and confidence in the oversight board. It would have authority to investigate policies and practices, produce reports, review policies and practices, and make findings and recommendations. Its proceedings would be subject to the Brown Act (California Government Code sections 54950-54963), making it both public and transparent.

The Sheriff or Undersheriff of Humboldt County should be required to attend all civilian oversight board meetings to hear and respond to public concerns. A civilian oversight board could make recommendations on the desired elements of a community-oriented policing model.

Office of Inspector General

The second essential component of oversight is the appointment of an inspector general by the Board of Supervisors. This oversight component can be done either by employment of an individual, an ongoing service contract, or using an as-needed contract with a qualified professional firm.

The duties of the Office of the Inspector General are to

- Receive and review complaints;
- Investigate critical incidents such as law enforcement use-of-force, deaths-in-custody, alleged constitutional and civil rights violations, and other matters of public concern;
- Investigate allegations of misconduct against persons working for, or on behalf of, the Sheriff's Office, such as bias, racial profiling, use of force, sexual harassment, sexual assault, dishonesty, and abuse of power;
- Issue subpoenas if needed to question witnesses and demand documents;

- Refer evidence of alleged criminal misconduct to the District Attorney;
- Monitor law enforcement operations through audits and investigations, to ensure compliance with applicable laws and policies;
- Review investigations conducted by, or on behalf of the Sheriff's Office and recommend further review if deemed incomplete biased or otherwise deficient;
- Analyze racial profiling data and trends;
- Assess and make periodic recommendations regarding law enforcement policies and practices legislative actions and law enforcement audit trends.

Police Oversight in the City of Eureka

The City of Eureka provides a useful model for effective law enforcement oversight. Eureka implemented police oversight by passing an ordinance for a seven-member Community Oversight on Police Practices (COPP) Board appointed by the City Council.

The Community Oversight on Police Practices board

- Increases the transparency of, and public confidence in, policing matters;
- Provides a community complaint process;
- Advises the City Council on police-community relations and police operations, including community engagement and crime prevention and control efforts;
- Promotes and encourages open communications, constructive dialogue and cooperation between the police department and residents, recognizing that policing in the City of Eureka is a shared responsibility.

Eureka uses an independent third-party contractor, termed the Independent Police Auditor (IPA), for the inspector general oversight function. The Independent Police Auditor (IPA) is an independent, third-party contractor that reviews citizen complaints, and police policies and practices. It provides reports to the COPP Board and makes recommendations to the Chief of Police, the City Manager and the City Council. Eureka's Independent Police Auditor is a firm known as the OIR Group of Playa Del Rey, CA.⁸ The OIR Group provides professional staff with an extensive background in the legal and ethical aspects of law enforcement. They specialize in police oversight and review. In 2022 the City Council authorized the City Manager to negotiate and execute a professional services agreement not to exceed \$90,000 per year with the OIR Group.

⁸ OIR Group: Independent Police Oversight and Review <https://www.oirgroup.com>

Specifically, the Independent Police Auditor is responsible for reviewing

- Any use-of-force incident where an officer uses a taser, a baton, a chemical agent, a less-lethal projectile, a canine, a firearm, or any other force that results in an injury requiring treatment beyond minor medical care in the field;
- Law enforcement’s handling of Supervisory Inquiry Reports;
- Complaints of discrimination, harassment, or retaliation by a police officer;
- Complaints from members of the public.

Civil Grand Jury Oversight

Some people may argue that a civil grand jury provides all the oversight that is potentially needed for the Sheriff’s Office. However, a civil grand jury can’t serve as a substitute for a system of dedicated civilian oversight of the Sheriff’s Office. A civilian oversight board receives complaints solely involving a law enforcement incident. It reviews the incident and makes findings and recommendations. By contrast, a civil grand jury receives complaints regarding any county entity. It investigates how this complaint affects citizens of the county, and then makes findings and recommendations. The Humboldt County Civil Grand Jury’s purview does not include individual cases, especially ones indicating a violation of criminal law.

The Humboldt County Civil Grand Jury is an investigative body whose objective is to detect and correct flaws in government. Its primary function is to examine all aspects of county and city government, including special districts and joint powers authorities. It may investigate whether monies are handled judiciously, and that all accounts are properly audited. The Humboldt County Civil Grand Jury seeks to assure honest, efficient government in the best interest of the people.⁹

The “watchdog” duties and scope of investigation of a civilian oversight board and civil grand jury differ. A civilian oversight board is necessary because of this difference in duty and scope.

CONCLUSION

Humboldt County does not have an adequate means for independent review of the Sheriff’s Office. All review – from citizen complaints to critical incidents – is internal to law enforcement organizations. The residents of Humboldt County deserve professional monitoring and accountability of their public agencies, especially the powerful and influential Sheriff’s Office.

⁹ Humboldt County Civil Grand Jury Website: <https://humboldt.gov/510/Civil-Grand-Jury>

Pursuant to California Government Code section 25303.7, the Humboldt County Civil Grand Jury recommends that the Board of Supervisors establish the Civilian Oversight Board to review, report on, and make recommendations in support of law enforcement. We also recommend the establishment of the office of inspector general to provide an independent professional assessment of critical incidents and advice regarding law enforcement policies and practices.

FINDINGS

The Humboldt County Civil Grand Jury finds that:

F1: Humboldt County does not have an independent means for oversight and review of critical incidents and allegations of misconduct involving the Humboldt County Sheriff's Office. This lack of oversight and review can lead to public misunderstanding and mistrust of law enforcement. **(R1, R2, R3)**

F2: Humboldt County does not have an independent means for oversight and review of critical incidents and allegations of misconduct involving the Humboldt County Sheriff's Office. This lack of oversight and review can lead to a misunderstanding by law enforcement of public expectations. **(R1, R2, R3)**

F3: Humboldt County does not have an adequate means to review critical incidents independent of and external to existing law enforcement agencies. This lack of oversight and review can lead to a public misunderstanding and mistrust of law enforcement. **(R1, R2, R3)**

F4: Humboldt County does not have an effective forum to review alleged misconduct by law enforcement independent and external from existing law enforcement agencies. This lack of an independent and external forum can lead to public misunderstanding and mistrust of law enforcement. **(R1, R2, R3)**

RECOMMENDATIONS

The Humboldt County Civil Grand Jury recommends that:

R1: By December 31, 2025, the Humboldt County Board of Supervisors enact a county ordinance pursuant to Government Code section 25303.7 to create and fund a Humboldt County Sheriff's Office Civilian Oversight Board with subpoena power and subject to the Brown Act. For funding recommendations see the wording below recommendation #2. **(F1, F2, F3, F4)**

R2: By December 31, 2025, the Humboldt County Board of Supervisors, pursuant to Government Code section 25303.7, create and fund a Humboldt County Sheriff's Office of Inspector General with subpoena power. For funding recommendations see the wording below recommendation #2. **(F1, F2, F3, F4)**

Funding Recommendation:

The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors fund the expenses listed in R1 and R2 from existing appropriations in the current fiscal year. If current appropriations are not sufficient, the Grand Jury recommends that the Board of Supervisors, at its next earliest opportunity, pursue additional funding from an appropriate agency, including state or federal agencies.

RESPONSES

Pursuant to California Penal Code sections 933 and 933.05, each entity or individual named below must respond to the enumerated Findings and Recommendations within specific statutory guidelines.

Responses to Findings shall be either:

- The respondent agrees with the finding, or
- The respondent disagrees wholly or partially with the finding in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

Responses to Recommendations shall be either:

- The recommendation has been implemented, with a summary regarding the implemented action, or
- The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation, or
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency where applicable. This time frame shall not exceed six months from the date of the publication of the Grand Jury report, or
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

REQUIRED RESPONSE WITHIN 90-DAYS

The Humboldt County Board of Supervisors
(All findings, all recommendations)

REQUIRED RESPONSE WITHIN 60-DAYS

The Humboldt County Sheriff
(All findings, all recommendations)

Responses are to be sent to:

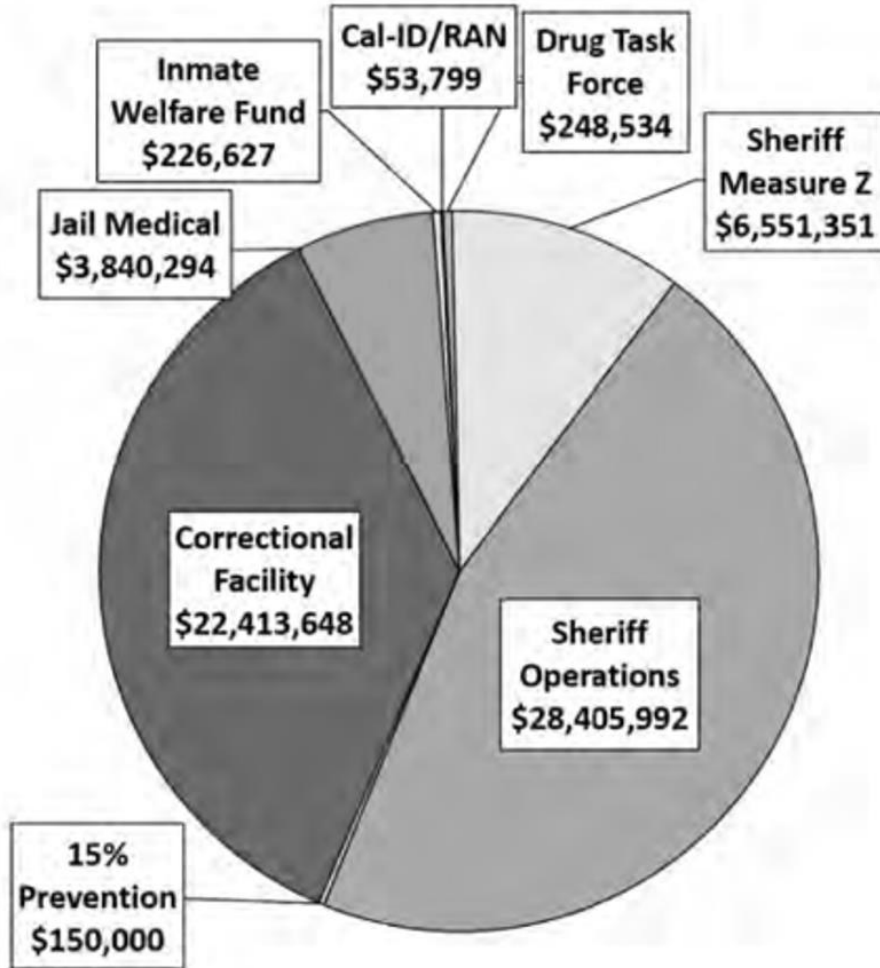
The Honorable Judge Kelly L. Neel
Humboldt County Superior Court
825 5th Street, Eureka, CA 95501

The Humboldt County Civil Grand Jury
825 5th Street, Eureka, CA 95501

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX A

Table 1. Humboldt County Sheriff's Office 2023-2024 Adopted Budget - (Total = \$61.9 Million)



Pie chart illustrating the components of the Humboldt County Sheriff's Office \$61.9 million 2023-2024 budget. The largest components are Operations 46% and Correctional Facility 36%.

Copied Information from Humboldt County Sheriff's Office 2023-24 Adopted Budget
<https://humboldt.gov/247/Budget>

APPENDIX B

Table 2. Recent Critical Incidents in Humboldt County, California:

- **01/22/2024:** Officers with the Eureka Police Department (EPD) responded to a home for reports of a man having injured a child. The suspect barricaded himself inside and held several people hostage. Officers say the man quickly approached them with a large knife, before he was shot and killed.
- **11/30/2023:** Sheriff Deputies observed a man walking with a large fixed-blade knife. The man brandished and refused to drop the knife and fled on foot. Deputies used a Taser device to subdue him.
- **11/26/2023:** An OIS involving EPD officers in which the suspect pulled out a gun and that resulted in the death of the suspect will be investigated by the Humboldt County Critical Incident Response Team, Sheriff's Office Major Crimes Division, and the Humboldt County District Attorney's Office but not the California State DOJ. These investigations will also be eventually reviewed by the City of Eureka's OIR Group, IPA and COPP.
- **11/17/2023:** A man was in custody at the Humboldt County Correctional Facility for brandishing a firearm and a parole hold. He was found in his jail cell by correctional deputies following an apparent suicide attempt.
- **10/15/2023:** Sheriff Deputies arrested a Hoopa resident on charges of public intoxication and resisting arrest. A video appears to show a deputy punching the man in the chest and head and using a Taser while two other deputies pin him to the ground.
- **09/17/2023:** An OIS involving the California Highway Patrol (CHP) that killed an unarmed civilian in Hoopa is being investigated by the Humboldt County Critical Incident Response Team, Sheriff's Office Major Crimes Division, and the Humboldt County District Attorney's Office.
- **07/20/2023:** During a car chase a vehicle passenger opened fire with an AK-47-style rifle. A Sheriff Deputy returned fire, shooting a rifle at suspects through his own windshield. The chase came to an end when the suspects crashed into a civilian vehicle. Two Eureka men were arrested at the scene. Asked about unusual use of force, a Sheriff's Office spokesperson said that an administrative review panel determined that the deputy broke no internal policy.
- **04/18/2023:** The incident involved a police pursuit and multiple vehicle accidents—injuring several people. A shot was fired at officers. Two men were shot and hospitalized. Video recording of the incident is disputed.

APPENDIX C

AB 1185, 2020 McCarty. County board of supervisors: sheriff oversight.

The people of the State of California do enact as follows:

SECTION 1. Section **25303.7** is added to the Government Code, to read:

- (a) (1) A county may create a sheriff oversight board, either by action of the board of supervisors or through a vote of county residents, comprised of civilians to assist the board of supervisors with its duties required pursuant to Section 25303 that relate to the sheriff.
- (2) The members of the sheriff oversight board shall be appointed by the board of supervisors. The board of supervisors shall designate one member to serve as the chairperson of the board.
- (b) (1) The chair of the sheriff oversight board shall issue a subpoena or subpoena duces tecum in accordance with Sections 1985 to 1985.4, inclusive, of the Code of Civil Procedure whenever the board deems it necessary or important to examine the following:
- (A) Any person as a witness upon any subject matter within the jurisdiction of the board.
 - (B) Any officer of the county in relation to the discharge of their official duties on behalf of the sheriff's department.
 - (C) Any books, papers, or documents in the possession of or under the control of a person or officer relating to the affairs of the sheriff's department.
- (2) A subpoena shall be served in accordance with Sections 1987 and 1988 of the Code of Civil Procedure.
- (3) (A) If a witness fails to attend, or in the case of a subpoena duces tecum, if an item is not produced as set forth therein, the chair or the chair authorized deputy issuing the subpoena upon proof of service thereof may certify the facts to the superior court in the county of the board.
- (B) The court shall thereupon issue an order directing the person to appear before the court and show cause why they should not be ordered to comply with the subpoena. The order and a copy of the certified statement shall be served on the person and the court shall have jurisdiction of the matter.
- (C) The same proceedings shall be had, the same penalties imposed, and the person charged may purge themselves of the contempt in the same way as in a case of a person who has committed a contempt in the trial of a civil action before a superior court.

- (c) (1) A county, through action of the board of supervisors or vote by county residents, may establish an office of the inspector general, appointed by the board of supervisors, to assist the board of supervisors with its duties required pursuant to Section 25303 that relate to the sheriff.
- (2) The inspector general shall have the independent authority to issue a subpoena or subpoena duces tecum subject to the procedure provided in subdivision (b).
- (d) The exercise of powers under this section or other investigative functions performed by a board of supervisors, sheriff oversight board, or inspector general vested with oversight responsibility for the sheriff shall not be considered to obstruct the investigative functions of the sheriff.

Humboldt County Facilities: Owning vs. Leasing

Released May 29, 2024

SUMMARY

The County of Humboldt pays close to \$500,000 every month, nearly \$6 million per year, to lease office space for employees throughout the County. Would the money be better spent in the long run by owning these facilities instead?

Over time the County of Humboldt's agencies have evolved to adjust to changing societal needs to provide services. The County currently leases more properties than they own. Fifty-three percent of the buildings used are leased, not owned. Long term leasing tends to be more expensive than building and owning facilities. The trend towards leasing has not been cost-effective for the citizens of Humboldt County.

The Humboldt County Civil Grand Jury investigated Humboldt County's practice of leasing properties rather than purchasing them. Whether leased or owned, consolidation of operations for increased efficiency is also a concern. Given the physical size of Humboldt County consolidation would be practical only in the City of Eureka. We limited our investigation to office space within the City of Eureka, which accounts for \$450,000 of the monthly \$500,000 lease payments. This path led us to the 2020 Humboldt County Facilities Master Plan which showed that more facilities are leased than owned by the County.¹⁰ Most of the leased properties have been under lease for 25 years or more by the County. One of the larger Department of Health and Human Services properties, 929 Koster Street, has 30,669 square feet, accommodates 169 county workers, and has been leased for almost 50 years. The 2020 Facilities Master Plan calls for building and consolidating operations. Progress has been slow.

BACKGROUND

Humboldt County has about 136,000 residents that are dispersed in what is California's 14th largest county by area.¹¹ Services are provided throughout the County, with most offices in the county seat, the City of Eureka. The County owns or leases almost 50 properties within the city limits.

¹⁰ Humboldt County Facilities Master Plan (2020):

<https://humboldt.gov/DocumentCenter/View/87532/Humboldt-Facilities-Master-Plan?bidId=>

¹¹ 2020 Census: https://data.census.gov/profile/Humboldt_County,_California?g=050XX00US06023

METHODOLOGY

The Humboldt County Civil Grand Jury examined County of Humboldt property management. We conducted interviews with employees of the Humboldt County Department of Public Works and surveyed space occupancy and utilization of county offices in Eureka.

Documents reviewed included:

- Humboldt County Facilities Master Plan (June 25, 2020)
- Individual lease documents and summary leasing documentation from the Humboldt County Department of Public Works
- Property ownership and other information from the Humboldt County Treasurer-Tax Assessors public website¹²
- Property tax information from the Humboldt County Treasurer-Tax Collectors public website¹³

DISCUSSION

The Department of Public Works manages the County of Humboldt's portfolio of leased real estate, with over 80 active leases county-wide for many different departments. The monthly payment for these leases is just over \$556,000. Eight of the properties are 'net' leases for which the County pays the property taxes, not the property owner. This is not an uncommon leasing practice, but it does effectively add another \$9,000 per month to the monthly total of \$556,000. Not all of the leases are for office space; the County also leases specialized facilities such as communications towers and solid waste container sites. Looking solely at office space, the monthly leasing cost is just under \$500,000.

Consolidation of Operations

Consolidating County operations into fewer buildings can lead to greater efficiencies. The County provides services to residents all over the county, so consolidation is not a viable option everywhere, but it is in Eureka, where the County operates in almost 50 different sites.

The Department of Health and Human Services (DHHS) occupies most of those sites. Operations could be consolidated, as DHHS did in the 2010's at the Humboldt Plaza, 2440 Sixth Street. DHHS moved several Children and Family Services units, the Nurse-Family Partnership, Child Welfare Services, and Safe Care offices from four different Eureka locations into the Humboldt Plaza. This is a good example of a consolidation that provides improved customer service. Residents can accomplish more in a single stop at a facility that is easily accessible by car or public transit.

¹² Humboldt County Assessor: <https://humboldtgov.org/220/Assessor>

¹³ Humboldt County Treasurer-Tax Collector: <https://humboldtgov.org/282/View-or-Pay-Property-Taxes-Online>

From a customer perspective, consolidation could greatly reduce the amount of time and travel needed to receive County services. For example, for a building project someone might need to interact with both the Division of Planning and Building and the Division of Environmental Health, which are about two miles from each other. If these and other similarly related services were located in the same facility customer service would be improved.

Combining operations into fewer buildings would allow better communication and ease daily operations between agencies.

Ownership vs. Leasing

Owning rather than leasing facilities would be more cost-efficient for the County. The point at which owning becomes preferable to leasing will vary for individual properties, but it is widely accepted that the break-even point is seven years.¹⁴ Leasing can be advantageous if the facility is needed for only a short time. Short-term examples include programs that will cease to operate soon, programs that will grow or shrink significantly, or programs that will need to physically relocate within the county. Few County operations fall into these categories.

Ownership would provide more efficient management of a property for the County. It would also allow possible subletting of excess capacity, becoming a source of income. Control can also simplify maintenance of the properties, although the County will have to start paying for the maintenance that was formerly included in the lease payments. Ownership is cost-effective in the long-term. It builds equity, facilities become assets, and costs are covered by converting expenditures from variable to fixed. Variable expenditures are dependent on the lease terms, so expenditures are not consistent. Fixed expenditures would be a known budgeted item that would ease the budget-planning process and allow the County to pay off a loan or bond. Many County property leases are well past the seven year break-even point, with at least one lease dating back to the 1970's.

The County has at least two opportunities to build in the future. They are in the process of purchasing the property at 803 4th Street known as the Courthouse Union Gas Station. The County already owns the gravel lot to the north of the Humboldt County Correctional Facility; the plan to build a jail expansion and rehabilitation center on this lot was abandoned by the Board of Supervisors in April 2024.

Bonds

Additional land purchases and construction on any purchased land would be difficult given the County's current budget situation. One way to achieve ownership/consolidation goals would be with bonds. General obligation bonds are backed by future property tax collection and are a common way that cities and counties fund capital improvement projects.

¹⁴ Bespoke Commercial Real Estate: <https://bespokecre.com/wp-content/uploads/2019/05/BSK-LeaseVsPurchase-12.18.pdf>

Bonds require voter approval that might be easier to obtain if the public understands the similarities to purchasing a house. Just as most individuals take out a mortgage instead of paying cash for a house, the county needs to essentially get a 20-year loan to finance new buildings. As with the interest paid for a home mortgage, payments in the early years would primarily service the debt. With each passing year the county would gain equity in the purchased buildings, ultimately resulting in fully-owned buildings with only maintenance costs in the future.

Facilities Master Plan

The preference for ownership and consolidation has been expressed many times over the last few decades. The Humboldt County Facilities Master Plan (FMP) of 2020 is a comprehensive planning document developed by the County that identifies facility investment priorities. The FMP summarizes ownership status for County facilities. There are 80 leased properties and 72 owned properties.

The FMP includes eight potential projects, 13 renovations or remodels, and 20 demolitions or vacated locations. In the FMP the County has expressed a preference for ownership and consolidation. That preference is indicated directly in the Department of Health and Human Services section: “Investing in county-owned facilities will save money over a long-term perspective,”¹⁵ and indirectly in the sections with specifications for new buildings.¹⁶

One of the FMP projects is the aging Clark Complex at H and Harris Streets. The Department of Public Works has a plan for the extensive renovation of the DHHS operations in that complex.¹⁷

We surveyed County of Humboldt Departments to determine the current, maximum, and planned occupancy numbers by individual facility in the City of Eureka. The survey showed insignificant pockets of possible availability in some facilities. The occupancy survey does not seem to show any potential for consolidation of operations using existing facilities.

CONCLUSION

Citizens will be better served when the County of Humboldt physically consolidates or combines the offices of programs that are currently widely dispersed within the City of Eureka. It will ease obtaining services by residents and it will lead to operational efficiencies when program staff are co-located.

Ownership of the buildings would become assets for the County. This would build equity and, in the long-term, reduce expenses.

¹⁵ <https://humboldt.gov/DocumentCenter/View/87532/Humboldt-Facilities-Master-Plan?bidId=> page 6

¹⁶ Ibid, pages 12, 14, 16-19

¹⁷ Humboldt County DHHS – Behavioral Health Sempervirens & Crisis Stabilization Unit Preliminary Facility Planning 02/22/2024: <https://humboldt.gov/documentcenter/view/125791>

Consolidation will require the acquisition of new facilities. It would be more cost-effective if the County owned rather than leased these new buildings. Consolidation would enable the County to improve customer service.

The County has a Facilities Master Plan that calls for consolidation and recognizes that ownership is preferable to leasing. To that end, the County is purchasing property near the Courthouse for future use.

The Humboldt County Civil Grand Jury believes that the County should accelerate enactment of their plan to consolidate operations into owned facilities. The clock is ticking; \$500,000 is spent every month to lease buildings.

FINDINGS

The Humboldt County Civil Grand Jury finds that:

F1: County of Humboldt facilities in Eureka are widely dispersed, with some departments occupying multiple buildings in multiple locations. This dispersion can result in less efficient county operations. **(R1)**

F2: County of Humboldt facilities in Eureka are widely dispersed, with some departments occupying multiple buildings in multiple locations. This dispersion can result in unnecessarily increased difficulty for citizens who are conducting business with the county. **(R1)**

F3: The County of Humboldt Facilities Master Plan from 2020 calls for consolidation of facilities throughout the County. However, the County has yet to meet most of these consolidation goals, which results in continued inefficient operations. **(R1)**

F4: Leasing facilities in the long-term is more costly than owning them. Leasing results in additional unnecessary expenses for the County of Humboldt. **(R2, R3)**

F5: Consolidation using currently leased buildings is not a viable option. Until consolidation is achieved, operations will continue to be inefficient, and residents will continue to be inconvenienced. **(R1)**

F6: The current budget situation that the County finds itself in is one of limited resources. Without existing funding, the County would have to use other avenues such as bonds to acquire and/or develop property. **(R2, R3)**

RECOMMENDATIONS

The Humboldt County Civil Grand Jury recommends that:

R1: By no later than March 31, 2025, the County of Humboldt update the Facilities Master Plan to incorporate achievable implementation goals. **(F1, F2, F3, F5)**

R2: By no later than July 1, 2025, the County of Humboldt evaluate funding alternatives, including but not limited to conducting a study into the practicality of floating a bond issue to fund future purchases. For funding recommendations see the wording below Recommendation #3. **(F4, F5, F6)**

R3: As funding becomes available, the County of Humboldt continue to accelerate their pursuit of consolidation by purchasing rather than leasing facilities. **(F4, F5)**

Funding Recommendation: The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors fund the expenses listed in **R2** with existing appropriations in the **current** fiscal year. If current appropriations are not sufficient, the Grand Jury recommends that the Board of Supervisors, at its next earliest opportunity, pursue additional funding from an appropriate agency, including state or federal agencies.

RESPONSES

Pursuant to California Penal Code sections 933 and 933.05, each entity or individual named below must respond to the enumerated Findings and Recommendations within specific statutory guidelines.

Responses to Findings shall be either:

- The respondent agrees with the finding; or
- The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

Responses to Recommendations shall be one of the following:

- The recommendation has been implemented, with a summary regarding the implemented action; or
- The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation; or

- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency where applicable. This time frame shall not exceed six months from the date of the publication of the Grand Jury report; or
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

REQUIRED RESPONSE WITHIN 90 DAYS

The Humboldt County Board of Supervisors
(All findings, all recommendations)

INVITED RESPONSES

The Grand Jury also invites the following entities or individuals to respond.

Humboldt County Department of Health and Human Services
(F1, F2, F4)

Humboldt County Public Works Department
(F1, F2, F3, F4, F5) and (R1)

Responses are to be sent to:

The Honorable Judge Kelly L. Neel
Humboldt County Superior Court
825 5th Street, Eureka, CA 95501

The Humboldt County Civil Grand Jury
825 5th Street, Eureka, CA 95501

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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Humboldt County Custody & Corrections Facilities

Released May 31, 2024

SUMMARY

The 2023-2024 Humboldt County Civil Grand Jury toured a state prison and several Humboldt County Sheriff's Office facilities, including animal control, the Correctional Facility, and the Coroner – Public Administrator Office. In addition, the Grand Jury toured the Sempervirens Psychiatric Health Facility. This report documents positive functions we observed and problems that need to be addressed.

We observed common issues at several facilities including serious needs for repairs, maintenance and upgrading of buildings. We also noted significant understaffing, leading to substantial amounts of required overtime. These issues, along with working in already stressful positions, lead to staff fatigue. Despite these issues, we observed laughter and teamwork in the workplace and discovered during our visits and interviews that many County employees enjoy their work. Staff members were pleasant and responded to our questions. Some staff members have been in their positions for many years despite wages and benefits being more competitive in other parts of the state.

Some physical structures are relatively new. Others are many decades old. Despite these conditions, facilities appear to be functional and serviceable. Responses to the 2022-23 Humboldt County Civil Grand Jury report's recommendations were positive in terms of making changes to address problems, and several of the recommendations have been adopted. However, we observed that some of the recommendations from last year's Grand Jury report which the County agreed to implement have not been addressed or completed as pledged. In some cases, the issues already documented have become worse because of delayed actions. These items are discussed within each section of this report.

Based on our interviews and tours, we recommend upgrading some Humboldt County facilities for the safety of all involved.

BACKGROUND

Every year the Humboldt County Civil Grand Jury inspects vital facilities run by the County, and this year continues that practice. Mandated by the California State Constitution, Article 1, Section §23, the Grand Jury inspected the California Department of Corrections and Rehabilitation Eel River Conservation Camp, a state prison.

METHODOLOGY

The Humboldt County Civil Grand Jury researched documents, toured detention facilities and interviewed people familiar with the following facilities:

- Humboldt County Animal Shelter
- California Department of Corrections and Rehabilitation, Eel River Conservation Camp #31
- Humboldt County Juvenile Detention Center
- Humboldt County Correctional Facility
- Humboldt County Sheriff's Office Coroner - Public Administrator
- Sempervirens Psychiatric Health Facility
- Humboldt County Sheriff's Office Work Alternative Program – Sheriff's Farm

DISCUSSION

HUMBOLDT COUNTY ANIMAL SHELTER

The Humboldt County Civil Grand Jury visited the Humboldt County Animal Shelter in McKinleyville. This facility is under the direction of the Sheriff's Office. The Animal Shelter houses stray, abandoned, and neglected cats and dogs that are awaiting return to their homes or are awaiting adoption. During our tour, the animals housed in this facility appeared to be secure and safe. The lobby presents a welcoming first impression. It is spacious, orderly, colorful, and furnished with animal toys and educational materials.

The shelter is notably clean and almost odorless. The kennels, walkways, food and water containers, and animals themselves are clean. During our tour, we saw several volunteers and employees carrying out tasks very quickly. Volunteers were outside walking dogs. Across from the front of the shelter is a large grassy field that serves as a play, exercise, and socializing area for dogs.

The Humboldt County Animal Shelter's euthanasia numbers are low. In 1998, 4,272 animals were euthanized. By 2021 the number had dropped to 45 (26 cats and 19 dogs). In 2023 the number rose to 78 animals (35 cats and 43 dogs) being euthanized. The overall euthanasia decrease is due to several factors. One is the shelter's policy of no longer accepting surrendered animals from owners. Another factor is that Shelter staff work closely with local animal rescue groups and two low-cost spay-neuter clinics that have opened to reduce the overpopulation of feral cats and dogs.

Prior to our visit of the animal shelter, we reviewed the shelter’s extensive 96-page procedures manual.¹⁸ This manual details the job descriptions, tasks, procedures, record keeping and euthanasia protocol, while including any necessary forms. This document is provided to all paid and volunteer staff. The shelter’s database, known as “Chameleon,” tracks animals, their behaviors, characteristics, and treatments.¹⁹

Staffing

When the Humboldt County Civil Grand Jury visited we were greeted by front desk staff. We observed that staffing did not appear to be adequate and were informed that some positions are “frozen,” meaning they still exist but will remain unfilled for now. The facility administrators need and have requested another full-time staff person for animal care. Full-time staff regularly work overtime. Employees would be working even more if not for the forty shelter volunteers.

Two supervisory staff, a Sheriff’s Lieutenant and a Program Manager/Facilities Manager, jointly oversee the facility. The Sheriff’s Lieutenant’s office is located away from the shelter. There are eight Animal Control Officers positions. These officers, who cover all unincorporated areas of the County, have limited authority to address behavior issues or abuse. Currently, because of budget limitations only four Animal Control Officer positions are filled.

Hiring new staff is a time-consuming process, often taking up to six months, which sometimes leads to missed opportunities. For example, in the Fall of 2023 a potential new Animal Care Attendant applicant was offered a position. By the time the position was offered, the applicant had applied for and accepted a position with a veterinary clinic. As a result, the hiring process had to be started again.

Facility

The Grand Jury visited the Humboldt County Animal Shelter on two occasions to examine the overall facility and specifically to investigate deficiencies in the roof and exterior lighting.

There are several leaks in the roof. These leaks cause damage to ceiling walls and cabinets and allow water to drip on examination tables when it rains. The leaks began about three to four years ago. They have been patched by Public Works, though this was ultimately insufficient to prevent further leakage.

In 2022, it was discovered that the underlayment of the roof had become “squishy” from the leaking water. It was determined that the section of the roof at the mechanical well needed to be replaced. This mechanical well houses electrical cables and venting that provide heating, air conditioning, and electricity to the building.

¹⁸ Animal Shelter Manual: <https://humboldt.gov/DocumentCenter/View/84316/Animal-Control-Proedural-Manual>

¹⁹ Chameleon software: <https://www.comcate.com/animal-control-manager-software-features>

A resident of the County has donated \$60,000 earmarked for maintenance and repair of the Animal Shelter. In the Spring of 2023, Animal Shelter staff were told that a roofing company would examine the roof and submit a repair estimate. In September of 2023, the animal shelter staff was informed that a roofing company would come in November or December. However, as of mid-January 2024, we could find no evidence that a roofing company has inspected the roof. Recent heavy rainfall makes the leaks more significant. This matter is urgent as it could potentially affect the security and safety of staff, visitors, and animals, and further delays will lead to additional damage.

The evaluation of the Animal Shelter in the 2022-23 Humboldt County Civil Grand Jury report noted a “compromised roof,” recommending that it be repaired by March 31, 2024.²⁰ The County’s response was that “this recommendation is in the process of being implemented”, noting that a project request had been submitted by the Sheriff’s Office to the Humboldt County Department of Public Works in 2021.²¹ It is unclear why, with \$60,000 available, this long-standing important repair work has not been addressed.

The evaluation of this shelter in the 2022-2023 Humboldt County Civil Grand Jury report revealed outside lighting deficiencies.²² The response from the County was that funding had not been identified to repair these issues. We identified the same, unresolved problems. The entrance and parking lot of the animal shelter are not well lit due to both nonfunctioning and nonexistent lamp posts.

On the side of the building there are two fenced-in play areas for dogs. No working lighting exists for the two outdoor play pens and sitting areas, where potential adopters may spend time with an adoptable dog. Because the facility is open until 7:00 p.m., this lack of lighting restricts the time that possible adopters can visit with dogs during the winter months.

The 2022-2023 Humboldt County Civil Grand Jury report also noted deficient or non-functioning exterior security cameras. This deficiency has been resolved by the Humboldt County Sheriff’s Office.

FINDINGS: Humboldt County Animal Shelter

The Humboldt County Civil Grand Jury finds that:

F1: The Humboldt County Animal Shelter manual is comprehensive, clear, and defines roles and tasks for staff and volunteers. The manual makes it easier for staff and volunteers to understand their job duties.

F2: The number of euthanasia’s in 1998 of over 4,000 animals was reduced to 78 cats and dogs in 2021. This reduction saves money, reduces stress, and is appreciated by the public.

²⁰ HCCGJ Report: <https://humboldt.gov/Archive.aspx?ADID=1536>

²¹ Sheriff’s response: <https://humboldt.gov/DocumentCenter/View/122794/Custody-and-Corrections---Sheriffs-Office-Response>

²² Ibid.

F3: The Humboldt County Animal Shelter roof has been leaking for several years, causing damage to the building. The leaking roof could result in further damage. **(R1)**

F4: Outdoor parking lot entry lights are dysfunctional or absent. This lack of lighting leads to safety concerns for staff and clients. **(R2)**

F5: Outdoor yard area lighting is dysfunctional or absent. This lack of lighting may lead to fewer evening adoptions. **(R2)**

RECOMMENDATIONS: Humboldt County Animal Shelter

The Humboldt County Civil Grand Jury recommends that:

R1: The Humboldt County Sheriff repair the roof. The repair is to be completed by October 31, 2024. For funding recommendations see the wording below Recommendation #2. **(F3)**

R2: The Humboldt County Sheriff repair or replace inoperable outside parking, exterior, and visitation lights. This is to be completed by October 31, 2024. For funding recommendations see the wording below Recommendation #2. **(F4, F5)**

Funding Recommendation: The Humboldt County Civil Grand Jury recommends that the Humboldt County Sheriff fund the expenses listed in **R1** and **R2** from existing appropriations in the **current** fiscal year. If current appropriations are not sufficient, the Grand Jury recommends that the Humboldt County Sheriff and the Humboldt County Board of Supervisors, at their next earliest opportunity, pursue additional funding from an appropriate agency, including state or federal agencies.

Note: Specific requirements for responding to findings and recommendations, as well as who is to respond, are listed at the end of this report.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, EEL RIVER CONSERVATION CAMP #31

The California Department of Corrections and Rehabilitation (CDCR), Eel River Conservation Camp #31 (ERCC) is a hundred-acre State of California minimum security facility located in Redway, California. It has a capacity of 120 inmates and currently houses 65, as well as 8 correctional staff.

Staffing

The Humboldt County Civil Grand Jury confined our investigation to the health and safety of the inmates incarcerated at this camp. This firefighting camp consists of three California Department of Forestry and Fire Protection (CAL FIRE) firefighting crews and one CDCR work crew. The staff enjoys the work at ERCC and are dedicated. At the time of our tour, three State of California Correctional Officers were on medical leave.

Prisoners

The prisoners at this camp learn skills including food service, facilities maintenance, vegetable and herb farming, small farm animal care, woodworking, construction, and firefighting. All inmates are screened by the Sierra Conservation Center for assignment to the various State of California camps. Inmates must be physically able to perform tasks required for firefighting and other duties. The inmates can earn \$2.50 per day in wages and \$5.00 per day when engaged in firefighting.

Based on their behavior, inmates may be sent from a traditional prison to a camp or vice versa. They may get two weeks off their sentence for every three months spent in a correctional camp. After serving their sentence at a correctional camp, firefighting inmates may qualify to be hired by CAL FIRE. According to staff, three previously incarcerated ERCC inmates were hired by CAL FIRE in the last four years.

On the day of our visit, the HCCGJ observed well-disciplined inmates playing basketball and other sports in the outdoor recreation area. In an indoor recreational activity area, they were playing pool, watching movies, and reading one of the many books available to them. Inmates have dorms and private lockers. Accounting for inmates is done by taking head counts every day. Each Correctional Officer is assigned a certain number of prisoners and must conduct three searches for contraband per shift.

Outbuildings

There is a large warehouse located on the grounds. In addition to CAL FIRE firefighting gear, the warehouse stores supplies including clothing, food staples, cleaning supplies, towels, toilet paper, and bedding.

An emergency fire hose cabinet is on the back wall of the warehouse. The water supply pipe to this cabinet is repaired with what appeared to be duct tape. It is questionable whether this repair would be sufficient in the event of an emergency, and it may be in violation of federal Occupational Safety and Health Act requirements. However, staff told us that the facility passed a fire marshal's inspection on November 20, 2023. We noted that the fire extinguisher located on the front door walkway side wall of the warehouse had a tag indicating it had last been inspected in October of 2022.

The Conservation Camp is adjacent to the privately owned Redway Transfer Station, a publicly available waste transfer site operated by Recology, with no fence separating the two spaces. Staff informed us that this area is commonly used by inmates to obtain contraband from non-incarcerated accomplices. Cell phones and illegal drugs are the most common contraband. A fence that surrounded the waste transfer site, and that was secured during non-operating hours, would discourage the easy transfer of contraband. Because the waste transfer site is privately owned and operated, CDCR would need to collaborate with Recology to secure the site.

FINDINGS: California Department of Corrections & Rehabilitation, Eel River Conservation Camp #31

The Humboldt County Civil Grand Jury finds that:

F6: The California Department of Corrections and Rehabilitation, Eel River Conservation Camp #31 provides inmates with firefighting skills, which can result in future employment with the California Department of Forestry and Fire Protection. These skills can help formerly incarcerated people obtain steady employment that may help prevent recidivism.

F7: The California Department of Corrections and Rehabilitation, Eel River Conservation Camp #31 provides inmates with training in areas including culinary arts, gardening, and construction. This training can help formerly incarcerated people obtain steady employment that may help prevent recidivism.

F8: The California Department of Corrections and Rehabilitation, Eel River Conservation Camp #31, warehouse emergency fire safety equipment is not adequately maintained or inspected recently. This can result in danger to employees, inmates, and property during a fire. **(R3)**

RECOMMENDATIONS: California Department of Corrections and Rehabilitation, Eel River Conservation Camp #31

The Humboldt County Civil Grand Jury recommends that:

R3: The California Department of Corrections and Rehabilitation and the California Department of Forestry and Fire Protection ensure that all fire safety equipment and facilities at the California Department of Corrections and Rehabilitation, Eel River Conservation Camp #31 are in working condition. This is to be completed by November 30, 2024. **(F8)**

Note: Specific requirements for responding to findings and recommendations, as well as who is to respond, are listed at the end of this report.

HUMBOLDT COUNTY JUVENILE DETENTION CENTER

The Humboldt County Juvenile Detention Center (HCJDC) is a facility that offers an open and active setting to serve troubled youths who have been accused or convicted of criminal offenses. The youths housed here are referred to as “wards.” It is managed by the Humboldt County Probation Department. Educational programs, behavior modification, and social interactions within an empathetic environment are designed to help instead of to punish. The HCJDC is a new facility and experienced staff members were engaged in the planning and design phases.

Staff

Currently, the HCJDC has nine Juvenile Correctional Officers (JCO) with a starting pay of \$19.10 per hour. During our investigation, the budgeted staff level was reported to us as 24 JCO positions. This staffing shortage results in mandatory overtime of one or two shifts per week. The HCJDC has an allocated Probation Officer, but the position is currently frozen. There is difficulty in recruiting and retaining staff due to low pay and better opportunities. Often, a JCO applicant passes all background checks and tests to be qualified only to find higher paying opportunities elsewhere within County government. Despite similar duties, Juvenile Correctional Officers earn \$3.50 per hour less than the entry level pay for Correctional Officers at the Humboldt County Correctional Facility.

Juvenile Correctional Officers undergo 40 hours of on-the-job training and within one year are required to have an additional 160 hours of training. Based on our interactions with juvenile hall employees and wards, staff appeared to be very dedicated and open to our questions. Staff performs required security duties such as periodic ward counts, silverware verification, and contraband searches. Wards are visually supervised by staff and are always accompanied by a staff member when not in the group areas. We observed that the staff is very positive about the work they do.

Wards

The HCJDC currently houses nine male and three female wards in one unit. Two of the male wards are over 18 years of age. The older juvenile hall facility, once it is refurbished, will house the older wards during daytime hours. It will also provide programs suitable for these older wards.

The HCJDC houses wards accused or convicted of serious crimes. When a ward is sent to the HCJDC, the goal is to rehabilitate the individual rather than incarcerate. Wards are initially evaluated by staff, a probation officer, and a mental health worker or Licensed Marriage and Family Therapist. A treatment plan is reviewed every six months for progress and modified if necessary.

Wards are given an orientation packet immediately after being admitted into juvenile hall. This packet details behavior requirements and services available to the detainee. Wards are afforded multiple programs such as Anger Management, Alcoholics Anonymous, Narcotics Anonymous, and individual counseling.

Treating wards with respect and offering them every opportunity to correct poor life choices is the philosophy at the HCJDC. Probation seeks to divert rather than incarcerate juveniles whenever possible. Visiting with parents is allowed in the multipurpose room, which is monitored by staff. Visiting siblings use a non-contact area to connect with wards via telephone or Facetime.

If a ward is unruly or aggressive, the staff's first response is to deescalate the situation. If the ward remains unruly, they are required to go to their room to cool down. Physical restraint is available but used as a last resort only. Wards have access to psychological counseling, with ongoing appointments available on an as-needed basis.

Wards attend school and have access to Project Rebound, post-secondary education, and can earn a high school General Education Degree. They also have an option through virtual reality headsets to gain occupational training based on the ward's interest.

Prior to release, wards are provided with a plan that offers certain goals for parents, wards, and probation personnel. A "separation program" is used by the staff to ease reentry of the ward back into the community. Part of the pre-release program is to provide the wards with community service programs for support.

Facility

The new Humboldt County Juvenile Detention Center has been in operation for 3 years. It can house up to 24 wards and at the time of our visit there were 12 wards. It is designed with clear sight lines for unobstructed observation. The furniture is either designed so that it cannot be picked up or it is bolted down. All surfaces are curved for safety. Within the control station at the facility, staff monitor cameras that are located throughout the facility, including the exterior of each ward's room, for the safety of everyone at the Center.

The HCJDC also houses wards from Del Norte County. Given the cost of the facility and its current fifty-percent occupancy, we were told by staff that the HCJDC may become a regional facility serving nearby counties.

We noted that the door from the covered basketball court leading to a grassy outdoor recreation area has no rain gutter. Staff and wards get soaked when exiting to the grassy recreation area during rainfall.

FINDINGS: Humboldt County Juvenile Detention Center

The Humboldt County Civil Grand Jury finds that:

F9: The current staff is dedicated to helping wards make a positive transition into the community after time spent in the Humboldt County Juvenile Detention Center. This positive transition can help prevent recidivism.

F10: Several educational and trade programs are offered to the wards, which can help prevent recidivism.

F11: Due to a lack of personnel, staff is required to put in mandatory overtime. This lack of personnel can cause burnout and low retention of staff. **(R4)**

F12: Juvenile Correctional Officers are paid \$3.50 per hour less than Correctional Deputies but with similar responsibilities and training. This lower wage makes it difficult to attract qualified staff. **(R4)**

F13: There is no rain gutter in the area leading from the basketball court to the grass area. The lack of a rain gutter can cause staff and wards to get wet, leading to the potential for slip-and-fall accidents and repeatedly soaked clothing. **(R5)**

RECOMMENDATIONS: Humboldt County Juvenile Detention Center

The Humboldt County Civil Grand Jury recommends that:

R4: The Humboldt County Board of Supervisors adjust the Juvenile Correctional Officers pay scale to be more competitive with that of Correctional Deputies. This is to take place by July 1, 2025. For funding recommendations see the wording below Recommendation #5. **(F11, F12)**

R5: The Humboldt County Probation Department coordinate with Humboldt County Public Works to install a rain gutter above the walkway to the grass area by October 1, 2024. For funding recommendations see the wording below Recommendation #5. **(F13)**

Funding Recommendation: The Humboldt County Civil Grand Jury recommends that the County Board of Supervisors fund the expenses listed in **R4** and **R5** from existing appropriations in the **current** fiscal year. If current appropriations are not sufficient, the Grand Jury recommends that the Humboldt County Probation Department and the Humboldt County Board of Supervisors, at their next earliest opportunity, pursue additional funding from an appropriate agency, including state or federal agencies.

NOTE: Specific requirements for responding to findings and recommendations, as well as who is to respond, are listed at the end of this report.

HUMBOLDT COUNTY CORRECTIONAL FACILITY

The Custody Services Division, which operates the Humboldt County Correctional Facility (HCCF), is the largest division in the Sheriff's Office, with 109 Correctional Deputies (CD) and health workers. The facility's primary function is the care and custody of sentenced and non-sentenced inmates. Located at 901 Fifth Street in Eureka and adjacent to the County courthouse, the HCCF spans approximately 155,000 square feet on six floors and has a capacity of 417 beds. The facility's kitchen serves over 40,000 meals per year and the commercially sized laundry operates 24 hours per day.

Inmate Processing

All persons under arrest for a crime are processed identically. Upon entry to the facility, they are thoroughly searched and asked a standardized series of questions by a Correctional Deputy. These questions assist in determining where the arrestee will be housed. They are also asked a set of standardized physical health and behavioral health questions by a Registered Nurse. If the arrestee has any medical issues that pose an immediate danger they are "refused" by the facility. They must then be transported by the agency that arrested the person to a local hospital for medical clearance before returning to the facility. If, during intake, the Registered Nurse recognizes that an inmate is off their medication, appropriate medical decisions will be made.

Senate Bill 132, *The Transgender Respect, Agency and Dignity Act*, became effective on January 1, 2021.²³ It allows incarcerated transgender, non-binary and intersex people to request to be housed and searched in a manner consistent with their gender identity. Incoming arrestees are asked which gender they identify as and are also asked which gender they feel most comfortable being searched by. This inquiry also affects where the inmate is housed.

Once the above has been completed the Classification Officer, who is a Correctional Deputy with additional training, determines where the inmate will be housed.

Inmate Behavioral & Physical Health Services

While in the facility, inmates have access to behavioral health clinicians Monday through Friday, 8:00 a.m. to 5:00 p.m. Outside those hours, if necessary, there is an on-call clinician that can respond. However, the clinician's availability is not guaranteed. In these situations, the intake staff makes a best judgement call until a clinician is available. For medical care, there are Registered Nurses and Licensed Vocational Nurses on-duty twenty-four-hours-a-day, seven-days-a-week. Nurse Practitioners and Physicians Assistants are also available if needed.

²³ California Department of Corrections and Rehabilitation: <https://www.cdcr.ca.gov/prea/sb-132-faqs/#:~:text=CDCCR%20does%20not%20determine%20an,%2C%20non%2Dbinary%20or%20intersex>

Staffing

The Humboldt County Correctional Facility has a complicated staffing schedule and hiring procedure. Correctional Deputies work twelve-and-a-half-hour shifts for three days, and then get four days off. The following week they work four twelve-and-a-half-hour shifts, followed by three days off. There is a 30-minute briefing between the oncoming shift and the outgoing shift to pass on necessary information. The HCCF has many unfilled positions. To provide 24-hour staffing, overtime is regularly assigned. Overtime is usually a full twelve-and-a-half-hour shift. The CDs are often exhausted on their days off due to the required overtime.

At least one female CD is always assigned to the female dormitory, so there must be always one female CD on duty. Male CDs can work all housing sections of the jail, including the female side. Female CDs may be pulled from the male side to work the female side. A problem becomes particularly evident when the work shift only has one female assigned to that team. If there are two females assigned to the team, they can rotate with the male side.

The HCCF is a good place to work for young people just starting a law enforcement career. Here, a correctional deputy can start at nineteen years of age and a Peace Officers Standards and Training basic certificate, which takes six months of training, is not required. It is not unusual for the process of hiring a new Correctional Deputy to take from four to six months. The Sheriff's Office has made steps towards shortening this hiring period. For deputies recruited from another law enforcement agency, the hiring time to become a correctional deputy can be shortened because a background check was already done by their previous agency. The lag-time in hiring is discouraging to potential candidates searching for immediate work because they tend to take other jobs instead of waiting to get hired as a Correctional Deputy by Humboldt County. Additionally, the County's time, money, and resources are wasted when the position is offered and not accepted.

Once hired, CDs that are at least 21-years old can go through firearms training per California Penal Code §832. Carrying a firearm is required for transporting inmates outside of the facility. CDs also receive a limited amount of Crisis Intervention Training (CIT) when first hired and in the police academy. However, CDs do not get ongoing CIT training.

Building Maintenance

The Humboldt County Correctional Facility is 28 years old. It was constructed on ground affected by seismic activity and heavy truck traffic from Highway 101. As a result, the building's structure is subject to damage over time. One issue is that the building is concrete and does not flex to absorb vibration. Another drawback of its concrete construction is that it takes hours or days for the air conditioning or heating to reach an appropriate temperature in the inmates' living spaces and staff areas.

We were told by staff that the correctional facility's roof has been problematic since the building was constructed. They reported that in rainy weather the roof always has and still leaks badly, filling walls with moisture and leaking into lower levels. The County is reroofing the courthouse roof, but this does not include the correctional facility.

Maintenance of the building is a near daily activity. The age of the building and the rough treatment it gets by inmates take a toll. Many Maintenance Request Forms have been filled out and recorded and building maintenance workers are dispatched during the day to make fixes.

When maintenance is required at night, an on-call worker may come in to address the issue. If the on-call worker is not readily available, correctional deputies and inmates do what they can to handle the repair themselves. If plumbing cannot be corrected, the fixture's water supply is turned off while awaiting repair.

The Grand Jury visited the inmates exercise area, which has two pieces of equipment: a basketball hoop with no net and a wall-mounted parallel bar piece of exercise equipment. The basketball hoop was observed to be in good condition. The parallel bar equipment has padded sections where the covering is badly torn, and the stuffing is coming out. The torn padding makes it difficult to use for exercise and provides a place to hide contraband. The padding should be repaired, or the Humboldt County Correctional Facility has the option of replacing the exercise equipment. For example, exercise equipment such as that made by SuperMax Systems is made for prison use.²⁴

The Department of Public Works has maintenance staff dedicated to the correctional facility. The Sheriff's Department's budget includes money for maintenance crews to keep up with repairs. Public Works schedules major projects such as reroofing a public building..

FINDINGS: Humboldt County Correctional Facility

The Humboldt County Civil Grand Jury finds that:

F14: The Humboldt County Correctional Facility roof leaks. This leaking results in more maintenance and upkeep and could negatively impact living and working conditions for inmates and staff, as well as incur additional expenses to the County. **(R6)**

F15: The wall-mounted parallel bar exercise equipment at the Humboldt County Correctional Facility needs repair. The torn padded section provides a location to hide contraband and may limit some exercise options. **(R7)**

RECOMMENDATIONS: Humboldt Civil Grand Jury recommends that:

The Humboldt County Civil Grand Jury recommends that:

R6: The Humboldt County Sheriff repair the leaks in the Humboldt County Correctional Facility roof. This repair is to be completed by December 31, 2024. For funding recommendations see the wording below Recommendation #7. **(F14)**

²⁴ SuperMax Systems: <https://www.supermaxsystems.com>

R7: The Humboldt County Sheriff repair the padded parts of the wall-mounted parallel bar exercise equipment, or replace it with new equipment, by no later than October 31, 2024. For funding recommendations see the wording below Recommendation #7. **(F15)**

Funding Recommendation: The Humboldt County Civil Grand Jury recommends that the Humboldt County Sheriff fund the expenses listed in **R6** and **R7** from existing appropriations in the **current** fiscal year. If current appropriations are not sufficient, the Grand Jury recommends that the Humboldt County Sheriff and the Humboldt County Board of Supervisors, at their next earliest opportunity, pursue additional funding from an appropriate agency, including state or federal agencies.

NOTE: Specific requirements for responding to findings and recommendations, as well as who is to respond, are listed at the end of this report.

HUMBOLDT COUNTY SHERIFF'S OFFICE CORONER-PUBLIC ADMINISTRATOR

The Humboldt County Sheriff's Office Coroner-Public Administrator operates under the authority of the State of California per Penal Code section §830.35. In 2015, the Humboldt County Board of Supervisors merged the office of Coroner-Public Administrator with the Humboldt County Sheriff's Office. The Coroner-Public Administrator's offices, facilities, and storage rooms are located on the ground floor of the Clark Complex at 321 I Street in Eureka. The building is in part of a former hospital addition built about seventy years ago. The hospital moved out in the late 1970's.

Staff

The Coroner's Office staff includes the Chief Coroner, three Deputy Coroner-Public Administrators, volunteer religious clergy, and other volunteers. Community volunteers contribute significant number of hours working at the coroner's office. Members of the clergy counsel and console families, survivors, and individuals who are faced with death and its uncomfortable circumstances, and who may need to use the services of the Coroner-Public Administrator.

Responsibilities

California State Law empowers a coroner to investigate the circumstances, manner, and cause of all sudden, violent, or unexpected deaths. California Government Code Section §27491 and following subsections instruct each Sheriff-Coroner to inquire into and determine the circumstances, manner, and cause of death, including but not limited to:

- All sudden, violent, or unusual deaths
- Unattended deaths (no physician in attendance, no medical history)
- Deaths where the deceased has not been seen by a physician for 20 days or more

The Public Administrators Office has the legal authority to administer the estate of a deceased person. While an heir or legally designated person can do this, the Public Administrator performs this task when there is no person willing and available to do so. There are published fees and conditions for these services, and for a deceased person with extensive holdings, the Public Administrator will hire lawyers to do the work. There are publicly available County brochures, which explain the Public Administrator's job, functions, legal responsibilities, fees, and services.

For Deputy Coroner-Public Administrators there is a comprehensive policy and procedures manual for the Public Administrator portion of the job. For the Deputy Coroner portion of the job, there is no policy and procedures manual explaining job descriptions and duties. New hires are dependent upon on-the-job training to learn how the Humboldt County Coroner's Office handles deceased people and their property. While the Coroner's Office personnel follow published California State and Federal Guidelines, having a policy and procedures manual unique to Humboldt County would be a valuable learning tool for new hires and for established employees to use for continued reference.

There are no practicing pathologists in Humboldt County, so Humboldt County hires pathologists from out of the area. These pathologists travel to Eureka when the Coroner's Office staff determine that the staff need a medical doctor's expertise.

Building and Equipment

Besides the reception and office area, there is an autopsy room, clergy office space, evidence storage rooms, and climate-controlled areas for storing human remains. Laboratory equipment includes a fingerprint scanner, which staff use to help identify unidentified bodies.

The Grand Jury found that the Coroner's Office has no meeting or conference space, and the clergy are in a small office. Three deputy Coroners-Public Administrators share a single counter which serves as a desk.

The autopsy room is substandard and not in compliance with the current National Association of Medical Examiners Inspection and Accreditation Checklist, section C3n.²⁵ It has one bare plywood counter half-covered with contact paper and has other counters consisting of plastic laminate. In the evidence room we saw a wall partially cut open, revealing exposed wires and electrical junction boxes. Property had been pushed aside to access the area but there was no indication that electrical wall repair work was ongoing.

The 2015-2016 Humboldt County Civil Grand Jury found that "the physical conditions of the Coroner-Public Administrator Office are deplorable and represent substandard working conditions for dedicated professionals." These conditions do not appear to have changed since 2016.

²⁵ NAME Checklist:

<https://name.memberclicks.net/assets/docs/NAME%20Accreditation%20Checklist%202024%20-%202029.pdf>

Evidence Storage

The Coroner must determine the cause of death. Because some deaths are drug-related, any unidentified substances are stored in a locked room and then later sent out for identification. In addition, the Coroner's Office takes possession of firearms, and these must be stored securely before they and other crime-scene items are sent to investigators for evidence in criminal cases.

Some evidence storage is in a locked room with a single keypad code. Everyone in the Coroner's Office uses the same key code. As a result, there is no way to track or log who enters.

There appear to be two categories of items stored in the Coroner's Office: crime scene evidence and personal property not involved in a crime scene. For crime scene evidence, staff use an electronic record-keeping system and transfer it to the Sheriff's evidence facility. For personal property not from a crime scene, staff use a hand-written booklet that resembles a receipt book to log the items in and out.

The locks on doors and windows are old and outdated. Coroner staff report a recent break-in. There was some damage to the doorways.

FINDINGS: Humboldt County Sheriff's Office Coroner – Public Administrator

The Humboldt County Civil Grand Jury finds that:

F16: When attending deaths where other people are also present, the Coroner's Office staff is accompanied by volunteer clergy, who counsel and console traumatized people. This counselling may assist survivors of the deceased during a difficult time.

F17: Student interns and community volunteers contribute many hours to the Coroner's Office, allowing paid staff to focus on other necessary duties. This results in interns obtaining valuable clinical experience, and Humboldt County paying less money from its budget for the Coroner's office.

F18: The Humboldt County Coroner-Public Administrator does not have a Policy and Procedures Manual for the coroner portion of the job that clearly defines job duties, relying instead on on-the-job training practices. These practices can lead to different interpretations of duties, tasks, and responsibilities. **(R8)**

F19: In the autopsy room, there is one bare plywood counter partially covered with contact paper and another with plastic laminate. This can result in contamination of evidence and unsanitary working conditions. **(R12)**

F20: All Humboldt County Coroner-Public Administrators use one shared code to enter the locked evidence and property storage area, leaving no way to track and identify who has entered these areas. This use of only one shared code can lead to questions about a clear chain of custody, potentially compromising investigations. **(R9)**

F21: In one evidence room the Grand Jury observed a bare wall with exposed electrical wires and components. These exposed electrical components are at risk of damage and may pose a danger to stored property and human safety. **(R11)**

F22: The Humboldt County Coroner's Office does not have a central computerized data system listing personal property. This could lead to a lack of accountability for lost or misplaced property. **(R10)**

RECOMMENDATIONS: Humboldt County Sheriff's Office: Coroner – Public Administrator

The Humboldt County Civil Grand Jury recommends that:

R8: The Humboldt County Sheriff create a policy and procedures manual for the coroner portion of the Coroner-Public Administrator position. This manual is to be written and distributed by December 31, 2024. **(F18)**

R9: The Humboldt County Sheriff install a keypad lock to all areas in the Coroner-Public Administrator's Office that store property or evidence. This keypad lock must track and store the information on all people who access these areas by person, time, and date. This recommendation is to be completed by December 31, 2024. For funding recommendations see the wording below Recommendation #12. **(F20)**

R10: The Humboldt County Sheriff develop or purchase a computer software system to inventory and track deceased people's personal property that is not criminal evidence. This recommendation is to be completed by July 1, 2025. For funding recommendations see the wording below Recommendation #12. **(F22)**

R11: The Humboldt County Sheriff repair walls in the evidence room to protect exposed electrical components by December 30, 2024. For funding recommendations see the wording below Recommendation #12. **(F21)**

R12: The Humboldt County Sheriff replace all work surfaces in the autopsy room with stainless steel or a similar non-permeable material. This recommendation is to take place by June 30, 2025. For funding recommendations see the wording below Recommendation #12. **(F19)**

Funding Recommendation: The Humboldt County Civil Grand Jury recommends that the Humboldt County Sheriff coordinate with the Humboldt County Board of Supervisors to fund the expenses listed in **R9, R10, R11, and R12** from existing appropriations in the **current** fiscal year. If current appropriations are not sufficient, the Grand Jury recommends that the Humboldt County Sheriff and the Humboldt County Board of Supervisors, at their next earliest opportunity, pursue additional funding from an appropriate agency, including state or federal agencies.

Note: Specific requirements for responding to findings and recommendations, as well as who is to respond, are listed at the end of this report.

SEMPERVIRENS PSYCHIATRIC HEALTH FACILITY

The Sempervirens Psychiatric Health Facility (SV), established in 1967, is housed in part of a former hospital built about seventy years ago. Many remodels and repairs have kept it functioning, but senior County staff agree that a new structure is needed. SV is a Medi-Cal and Medicare certified sixteen-bed inpatient facility, which operates twenty-four-hours-a-day, seven-days-a-week. It is part of the Humboldt County Department of Health and Human Services, Behavioral Health Branch.

Staffing

The governing board for Sempervirens is the Joint Conference Committee for Sempervirens (JCC). This board includes two members of the Board of Supervisors. Agendas for meetings include audits, quality of care and contracts, and the need for new facilities.²⁶ Among other duties the JCC provides for the control and use of appropriate physical and financial resources and personnel required to meet the needs of Sempervirens' patients.

As of autumn of 2023, sixteen staff positions out of fifty-nine are vacant: a 27% vacancy rate. At times, the vacant positions are filled by contract workers, who are more expensive than County employees. Hiring professional mental health and nursing positions is a constant challenge. Private behavioral health facilities that offer faster hiring practices, higher wages, and signing bonuses have an advantage. This problem is nationwide.

One resource for encouraging placement and retention at Sempervirens is the Health Resources and Services Administration program. Graduates with a Masters of Social Work degree at the California State Polytechnic University, Humboldt can participate in this program to have their student loans partly repaid by working at Sempervirens for a specified time-period.²⁷ No information was available about the success of this program at mental health professional retention.

²⁶ Sempervirens JCC Meeting Documents: <https://humboldt.gov/3517/Sempervirens-JCC-Meeting-Documents>

²⁷ National Health Services Corp.: <https://nhsc.hrsa.gov/loan-repayment>

A recent mental health staffing review lists six nursing positions filled by contract nurses and one vacant nursing position. Two clinician positions and five mental health worker positions are vacant. There are no psychiatrists living in Humboldt County who treat patients housed at Sempervirens. Contracted psychiatrists travel to and from Humboldt County, providing twenty-four-hour-a-day, seven-day-a-week coverage. Contracted medical professionals including physicians and psychiatrists are more expensive than those hired directly as SV staff.

Patient Care

Those in need may voluntarily be admitted to receive inpatient care at Sempervirens. Law enforcement may also transport patients who are detained under the California Welfare and Institutions Code §5150 hold to a local hospital for medical evaluation. Depending on the evaluation, patients may later be transported to Sempervirens for admission. About half of the patients in Sempervirens are placed under temporary or long-term conservatorship. The California court system explains that “Mental health conservatorships are for people with serious mental illness or who need special care. Typically, treatment staff providing care can start the process. A conservatorship must be the least restrictive type of assistance needed to help a person with a developmental disability.”²⁸

The Nursing Scheduling Policy describes and strictly defines minimum requirements for staffing, types of patient evaluations, and decisions pertaining to each patient’s condition. These evaluations are made daily, sometimes more often.

During our tour of the facility in the fall of 2023, the five patients we met were young adults. Patients are free to roam about the facility including cafeteria, recreation room, and a secure outside patio area. Daily enrichment activities and times are posted. During our visit, one patient was in crisis. SV staff used crisis intervention skills to manage the situation and prevent escalation.

Intake And Discharge

Sempervirens’ Admission and Intake Policies and Procedures are specific, covering physical and mental health conditions. These policies and procedures are used to evaluate the physical and psychological condition of patients to be admitted, and the manner of intake. For example, the severity of a patient’s condition is evaluated. The more serious a patient’s condition, the more nursing resources are needed to provide safe care. Patients are assessed frequently to evaluate their needs. Presently about half the patients under treatment require temporary or long-term holds, which leads to extended treatment time for a patient.²⁹

²⁸ San Francisco County Superior Court: <https://sf.courts.ca.gov/divisions/probate-court/mental-health-conservatorship>

²⁹ Disability Rights California: <https://www.disabilityrightsca.org/publications/understanding-the-lanternman-petris-short-lps-act>

As a last resort to assisting patients experiencing extreme crisis and exhibiting potentially violent behavior, crisis rooms are available. These rooms are designed for patient safety with padded walls and furnishings, including a chair and bed both equipped with soft restraints. Use of these rooms has declined. The practice of crisis intervention skills, such as different voice techniques, music, and medications, is more common now. Beginning in 2022, a new policy called “Level of Observation” requires that all patients be visually observed every 15 minutes.

The Behavioral Health Department provides each client with a copy of the Beneficiary Handbook for Mental Health Services. This handbook explains services, patient rights, and how to access services. The handbook was updated in March 2023.

Written Evaluations and Discharge Policies are very detailed and complete. Specific forms are used for the various steps including referral to follow up and outpatient programs.

Facility

On the second floor, across from the cafeteria area, there is a nurses’ station that includes security monitors. There is seating for several staff members, but the station is cramped. During our tour there were nurses and mental health professionals working in this space. We observed that, at times, the security monitors were not being watched because personnel had to attend to other duties.

Most of the walls reflect years of a challenging work environment, with faded or damaged paint. Safety improvements and renovations have been completed to help prevent suicides. During our visit we observed that Sempervirens appears to be well-kept.

Inspection of Sempervirens

Federal and State agencies require that this facility undergo rigorous checks of patient well-being. There is extensive oversight of Sempervirens’ operations and facilities by several monitoring organizations. These include the Sempervirens Governing Board, the California Department of Public Health (CDPH), and the California Department of Health Care Services (DHCS), which administers Medi-Cal.

In September 2023, CDPH, on behalf of the Centers for Medicare and Medicaid Services (CMS), conducted a three day on-site visit and issued a three-year recertification. Some issues regarding data collection and reporting were noted in the inspection, resulting in a Plan of Correction (POC) to remediate these deficiencies.³⁰

In October 2023, again on behalf of the CMS, the CDPH conducted a two-day on-site Life and Safety Code Survey. This survey also resulted in a Plan of Correction (POC). POC’s provide constructive guidance to the facility staff.³¹

³⁰ CMS Recertification Survey: <https://humboldt.gov/DocumentCenter/View/121717/H--CMS-Three-Year-Recertification-Survey-summary-PDF>

³¹ CMS Life and Safety Code Survey: <https://humboldt.gov/documentcenter/view/121718>

The CDHS conducts unannounced on-site triennial reviews. The last one at Sempervirens was conducted over one week in September 2021. A formal letter noting compliance and findings was submitted to the Director of Behavioral Health in January 2022.³²

FINDINGS: Sempervirens Psychiatric Health Facility

The Humboldt County Civil Grand Jury finds that:

F23: The Sempervirens Psychiatric Health Facility provides a caring behavioral health staff and programs, resulting in a better quality of life for patients in crisis.

F24: Sempervirens Psychiatric Health Facility has a serious shortage of staff, resulting in additional stress on existing staff that may affect patient care. **(R13)**

RECOMMENDATIONS: Sempervirens Psychiatric Health Facility

The Humboldt County Civil Grand Jury recommends that:

R13: The Department of Health and Human Services fill at least half of the vacant positions at Sempervirens no later than January 1, 2025. For funding recommendations see the wording below Recommendation #13. **(F24)**

Funding Recommendation: The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors fund the expenses listed in **R13** from existing appropriations in the **current** fiscal year. If current appropriations are not sufficient, the Grand Jury recommends that the Humboldt County Board of Supervisors, at its next earliest opportunity, pursue additional funding from an appropriate agency, including state or federal agencies.

Note: Specific requirements for responding to findings and recommendations, as well as who is to respond, are listed at the end of this report.

³² CDHS Triennial Review: <https://humboldt.gov/documentcenter/view/107834>

SHERIFF'S WORK ALTERNATIVE PROGRAM

The Humboldt County Civil Grand Jury visited several locations of the Humboldt County Sheriff's Office including its correctional facilities. Under Governor Arnold Schwarzenegger, beginning July 2005, California reorganized the youth and adult correctional agencies, adopting more progressive attitudes when treating people in county jails. Over time, Humboldt County made improvements to the physical environment for inmates and in programs designed to promote skill building, emotional and mental health, and rehabilitation prior to returning to the community. Even prior to this, Humboldt County instituted several programs with the same purpose. One such program is the Sheriff's Work Alternative Program (SWAP).

The Sheriff's Work Alternative Program operates under the Custody Services Division of the Humboldt County Sheriff's Office. It permits selected inmates with fewer than six months of time remaining on their sentence to work off some of that sentence and be physically released from the Humboldt County Correctional Facility in Eureka. This program is an excellent example of how incarceration can become rehabilitation.

Facility

One SWAP worksite reviewed by the Grand Jury is the Sheriff's Farm located at 2300 Airport Road in Fortuna. The Farm was established in 1991 and produces beef, pork, and vegetables used to prepare meals for inmates in the Humboldt County Correctional Facility.

In 2020, the jail's kitchen received 11,000 lbs. of vegetables, 4,400 lbs. of meat, and 4,500 eggs. An additional 2,200 lbs. of food was donated to local food banks. Humboldt County's SWAP program has been in place for 68 years. It is a successful and desirable program for inmates and the County. Inmates and staff at The Farm find the work to be enjoyable and productive.

The Farm is open to visitors and holds special events to which the public is invited. SWAP participants must qualify and work at least eight hours a week. Requirements include having 180 days or less of county jail time remaining, having no pending cases, being physically fit to perform manual labor, having reliable transportation, and having a physical address. Inmates convicted of sex-related crimes and some felonies are not eligible.

Inmate Benefits

SWAP participants work all year taking care of livestock, making repairs, cleaning, maintaining the grounds, preparing the soil, planting, and harvesting. One skilled inmate constructed a large hay barn, partially with donated materials. This donation and others such as animal feed, locally grown fruit, and other items, are examples of how well the farm and SWAP members are appreciated.

Under minimal supervision, up to 200 men and women may be in the SWAP program at one time. They benefit from participating because the physical labor to produce food is good exercise. Moreover, instead of returning to jail each night, people can live at home and hold jobs in addition to their farm work. A shift is eight hours. Each eight-hour day worked at the SWAP facility reduces their sentence by one day.

Staff

Eight deputy positions are allotted to rotate throughout the week with preferably two deputies on duty for eight work hours. However, at present, only four of the positions are filled. Two positions are frozen and two are vacant because of budget constraints.

Maintenance

The facility is well maintained. SWAP participants are guided and directed by staff and provide all the labor with one exception. Grass is mowed and the hay is baled by an adjacent property owner as a donation. Tools are kept in assigned locations. Each building has a specific purpose.

A large building houses pigs in a spacious and well laid-out series of stalls. The facility and operation meet current California animal care laws as per Proposition 12. Some pigs are made available to local 4-H projects. Pigs and cattle at the Farm are regularly checked by veterinarians to assure that the pork and beef will qualify for human consumption. Cattle are pastured on the property. Livestock is not killed or butchered on site.

There are two drainage ponds on the premises. One is surrounded by a four-foot-high wooden fence. The other has an unsupported wire surrounding it. This does not provide adequate protection to prevent a visitor or SWAP worker falling into the pond.

FINDINGS: Sheriff's Work Alternative Program

The Humboldt County Civil Grand Jury finds that:

F25: The Humboldt County Sheriff's Work Alternative Program grounds are orderly and generally well-maintained with minimal inmate supervision needed. This results in a good work environment where skills learned by inmates can translate into life skills including farming and construction.

F26: The Humboldt County Sheriff's Work Alternative Program produces meat and vegetables for jail meals thus reducing food costs for the Humboldt County Correctional Facility.

F27: The Humboldt County Sheriff's Work Alternative Program's Farm invites volunteers to assist. This helps save money and allows the facility to be accepted by neighborhood residents.

F28: The Humboldt County Sheriff's Work Alternative Program has a drainage pond several feet below the walking area with minimal fencing between the two. Without adequate fencing to secure this drainage pond, a visitor, officer, or inmate could fall into the pond. **(R14)**

F29: The Humboldt County Sheriff's Work Alternative Program is short-staffed, requiring overtime for deputies. There are times when only one deputy is on duty. This can cause exhaustion and stress. **(R15)**

RECOMMENDATIONS: Sheriff's Work Alternative Program

The Humboldt Civil Grand Jury recommends that:

R14: The Humboldt County Sheriff install a secure fence with a locked gate around the drainage pond by no later than July 30, 2025. For funding recommendations see the wording below Recommendation #15. **(F28)**

R15: The Humboldt County Sheriff ensure that a minimum of six filled Sheriff's Deputy positions are assigned to the Sheriff's Work Alternative Program Farm by December 31, 2024. For funding recommendations see the wording below Recommendation #15. **(F29)**

Funding Recommendation: The Humboldt County Civil Grand Jury recommends that the Humboldt County Sheriff coordinate with the Humboldt County Board of Supervisors to fund the expenses listed in **R14** and **R15** from existing appropriations in the **current** fiscal year. If current appropriations are not sufficient, the Grand Jury recommends that the Humboldt County Sheriff and the Humboldt County Board of Supervisors, at their next earliest opportunity, pursue additional funding from an appropriate agency, including state or federal agencies.

Note: Specific requirements for responding to findings and recommendations, as well as who is to respond, are listed at the end of this report.

RESPONSES

Pursuant to California Penal Code sections 933 and 933.05, each entity or individual named below must respond to the enumerated Findings and Recommendations within specific statutory guidelines.

Responses to findings shall be either:

- The respondent agrees with the finding, or;
- The respondent disagrees wholly or partially with the finding in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

Responses to recommendations shall be either:

- The recommendation has been implemented, with a summary regarding the implemented action, or;
- The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation, or;
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency where applicable. This time frame shall not exceed six months from the date of the publication of the Grand Jury report, or;
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation, therefor.

REQUIRED RESPONSES WITHIN 90 DAYS

The Humboldt County Board of Supervisors:
(Findings 1-5, 9-29) (Recommendations 1-2, 4-15)

REQUIRED RESPONSES WITHIN 60 DAYS

The Humboldt County Sheriff
(Findings 1-5, 1-22, 25-29) (Recommendations 1-2, 6-12, 14-15)

INVITED RESPONSES

The Humboldt County Department of Health and Human Services
(Findings 23-24) (Recommendation 13)

The Humboldt County Probation Department
(Findings 9-13) (Recommendations 4-5)

California Department of Corrections and Rehabilitation
(Findings 6-8) (Recommendation 3)

Responses are to be sent to:

The Honorable Judge Kelly L. Neel
Humboldt County Superior Court
825 5th Street, Eureka, CA 95501

The Humboldt County Civil Grand Jury
825 5th Street, Eureka, CA 95501

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

GLOSSARY

CALFIRE	California Department of Forestry and Fire Protection
CD	Correctional Deputy
CDCR	California Department of Corrections and Rehabilitation
CDPH	California Department of Public Health
CIT	Crisis Intervention Training
CMS	Centers for Medicare and Medicaid Services
DHCS	California Department of Health Care Services
ERCC	Eel River Conservation Camp #31
HCCGJ	Humboldt County Civil Grand Jury
HCJDC	Humboldt County Juvenile Detention Center
JCC	Joint Conference Committee
JCO	Juvenile Correctional Officer
SV	Sempervirens Psychiatric
SWAP	Sheriff's Work Alternative Program

Eureka City Schools – Board of Trustees Deal or No Deal

Released June 12, 2024

“The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.” — California Constitution

SUMMARY

On December 14, 2023, the five-member Eureka City Schools Board of Trustees approved a real-estate transaction exchanging property at the site of the former George C. Jacobs Junior High School for a small residential property plus a multi-million-dollar financial consideration. The Eureka City Schools Trustees determined that selling a valuable public asset is necessary to finance immediate infrastructure projects. This report does not address whether the transaction is a good or bad idea for the district. It is about the Eureka City Schools Trustees decision-making process in this matter.

The Humboldt County Civil Grand Jury concludes that the Eureka City Schools Trustees acted hastily and without sufficient due diligence. While apparently literally complying with the technical requirements of the California Government Code (Brown Act) with respect to a real-estate transaction, the Trustees violated the law’s general intent for public participation and transparency in decision-making.

GLOSSARY

AMG	AMG Communities-Jacobs, LLC
Brown Act	The Ralph M. Brown Act, California Government Code sections 54950-54963
CHP	California Highway Patrol
DGS	California Department of General Services
ECS	Eureka City Schools District
ECS Trustees	Eureka City Schools District, Board of Trustees
HCCGJ	Humboldt County Civil Grand Jury
I Street property	0.15 acre residential property at 3553 I Street, Eureka
Jacobs property	8.3 acres at the site of the former Jacobs Junior High School
LLC	Limited Liability Company
Resolution and Agreement	(December 14, 2023, agenda Item 33) Adoption of Resolution 23-24-023 Approving Property Exchange Pursuant to Education Code Section 17536 and Directing District Superintendent, or Designee, to Finalize and Execute the Agreement for Exchange of Real Property
Security National	Security National Properties Holding Company, LLC, Eureka

BACKGROUND

Civil grand juries serve as the community’s “watchdog.” Our task is to examine and report upon the affairs of local government. To perform this task, civil grand juries are empowered to conduct investigations. Our purpose is not merely to identify wrongdoing, but also to recommend methods or systems of performing the duties of local agencies.

Eureka City Schools

Eureka City Schools (ECS) is a public school district located in Humboldt County, California. It has 3,522 students in grades K-12. The district oversees Eureka High School, Zoe Barnum High School, Alice Birney Elementary School, Grant Elementary School, Lafayette Elementary School, Washington Elementary School, Winship Middle School, Zane Middle School, and Eureka Adult School. It is governed by a five-member Board of Trustees elected by district. ECS Trustees serve four-year terms and may be re-elected to successive terms. The ECS Trustees principal governing responsibilities are defined by the California Education and Government Codes. The ECS Trustees update their by-laws and attend board governance and management conferences annually.

The Jacobs Property

The Jacobs property, located at 674 Allard Avenue, is the site of the former George C. Jacobs Junior High School.³³ After the school closed in 1982, the school buildings were utilized for adult education and a continuation high school until 2008. In 2021, the school buildings were demolished, leaving the concrete pad foundations.

The total site is approximately 14.1 acres in size. Eureka City Schools (ECS) proposes to dispose of the southernmost 8.3 acres of the site and retain the recreation fields on the northern 5.8 acres. The current site contains two parcels: the northern parcel is 11.70 acres, and the parcel to the south is 2.39 acres. Prior to disposition, a lot line adjustment will be required so that the entire 8.3 acres to be sold and the land being retained by ECS are located on separate legal parcels.

Pursuant to the California Surplus Land Act (California Government Code section 54220, et seq.), the ECS Trustees declared the Jacobs property “exempt surplus land” on October 5, 2023. On October 20, 2023, the California Department of Housing and Community Development issued a letter of permission that allowed ECS to pursue the possibility of exchanging real property with another person or private business firm and waived specific compliance of California Educational Codes regarding the disposal of a public school district property.

Since 2021, extended negotiations occurred with the City of Eureka and the California Department of General Services on behalf of the California Highway Patrol for the sale of the property. In August 2023 a newfound purchaser (later named AMG Communities-Jacobs, LLC) abruptly offered to purchase the property in a deal eventually valued at \$6 million. On December 14, 2023, the ECS Trustees approved a Resolution and Agreement to sell the Jacobs property to AMG (see Appendix A: Minutes of the December 14, 2023, ECS Trustee meeting).

Ralph M. Brown Act (California Government Code sections 54950-54963)

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.”

“The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is good for them not to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

Brown Act, California Government Code section 54950

³³ Constructed in 1956 and named for George C. Jacobs (1881-1956), a prominent businessman, school board member, civic leader, and Mayor of Eureka.

The Brown Act was enacted in 1953 to provide for public participation in governmental decision-making.³⁴ It applies to all legislative bodies, standing committees of local government agencies, and governing bodies of non-profit corporations formed by a public agency. In essence, with few exceptions, all governmental decisions must occur in open meetings that allow meaningful public participation in the decision-making process. California residents have a right to both observe and participate in official decisions before those decisions are made.³⁵

A meeting, as defined by the Brown Act, is “any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location . . . to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body” (California Government Code section 54952.2(a)). For example, if a majority, such as five out of seven, of local government legislative board members gather for a business discussion, whether formal or informal, that is regarded as a meeting pursuant to the Brown Act. The key elements for a meeting are quorum and discussion, hearing, or deliberation of issues; the meeting need not to be formally convened to be subject to the act. That means that “informal,” “study,” “discussion,” “informational,” “fact-finding,” or “pre-council” gatherings of a quorum of the members of a board are within the scope of the Brown Act as meetings.

Conferences and retreats, other public meetings, meetings of other legislative bodies, social or ceremonial events are exempt from the Brown Act provided that legislative members follow certain rules such as limiting the discussion to the agenda in the conference; or that legislative members do not discuss among themselves business of their legislative body. Also excluded from the application of the Brown Act are individual contacts or conversations between a member of a legislative body and any other person such as agency staff, or a non-staff or non-board member.

The Brown Act provides that “a majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body” (California Government Code section 54952(b)(1)). Serial meetings involve a sequence of communication between members of a legislative body that are less than a quorum, but when all eventual participants are considered, it constitutes a majority.

³⁴ Ralph M. Brown (1908-1966), Assemblymember and former Speaker, represented the 30th Assembly District (Monterey and Santa Cruz) 1943-1961.

³⁵ *Epstein v. Hollywood Entertainment Dist. II Bus. Improvement Dist.* (2001) 87 Cal.App.4th 862, 867 “It is clearly the public policy of this state that the proceedings of public agencies, and the conduct of the public's business, shall take place at open meetings, and that the deliberative process by which decisions related to the public's business are made shall be conducted in full view of the public.”; see also *Olson v. Hornbrook Community Services Dist.* (2019) 33 Cal.App.5th 502, and 98 Ops. Cal. Atty. Gen. 41 (2015).

The Brown Act allows closed sessions for the purpose of real property negotiations. This “real-estate-negotiations exception” is in two parts (see Appendix B: California Government Code section 54956.8):

- (1) A legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.
- (2) Prior to the closed session, the legislative body of the local agency must hold an open and public session in which it identifies its negotiators, the real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate.

An agenda for each ECS Trustee meeting needs to be posted at least 72 hours in advance – “no action shall be taken on any item not appearing on [the agency’s meeting] agenda” unless certain exceptions apply, none of which are applicable here (California Government Code section 54954.3). Agenda items must provide enough information to give the public “a fair chance to participate in matters of particular or general concern by providing the public with more than mere clues from which they must then guess or surmise the essential nature of the business to be considered by a local agency” (*San Diegans for Open Government v. City of Oceanside* (2016) 4 Cal.App.5th 637, 643).

For real-estate negotiations, the agenda needs to specifically identify the properties by street address, parcel number, or other unique reference, and the negotiating persons for each party named (94 Ops. Cal. Atty. Gen. 82). In addition, the closed session discussion is limited to:

- The amount of consideration that the local agency is willing to pay or accept in exchange for the real property rights to be acquired or transferred in the particular transaction,
- The form, manner, and timing of how that consideration will be paid, and
- Items that are essential to arriving at the authorized price and payment terms, such that their public disclosure would be tantamount to revealing the information that the exception permits to be kept confidential.

A complaint to “cure and correct” a possible violation to the Brown Act must be filed quickly: within 30 days of the date the action was taken during an open meeting in violation of agenda requirements or within 90 days for all other cases (California Government Code section 54960.1). Once the legislative body has received the complaint, it has 30 days to cure or correct the challenged action. If it fails to do so, a person may then file suit to void the action. No “cure and correct” complaints were received by ECS on this matter. Any interested person alleging a past violation of the Brown Act and seeking to bar further violations – as opposed to seeking to invalidate a specific government decision or action – may attempt to resolve the matter through an elaborate settlement procedure starting with a “cease and desist” letter (California Government Code section 54960.2).

Prior to the closed session, the legislative body of the local agency must hold an open public session in which it identifies the real property at issue and identifies the persons with whom its negotiator may negotiate (California Government Code section 54956.8). After the closed session that concludes real-estate negotiations, the legislative body must immediately publicly report any final approval of an agreement and the substance of that agreement in open session. Thus, unless and until the body has reached a final agreement on real property negotiations, the body is not required to report the substance of the closed session discussions (see Appendix B: California Government Code section 54957.1(a)(1)).

Limited Liability Company

A Limited Liability Company (LLC) is a business structure allowed by state statute. Each state has different regulations. In California, a limited liability company combines traditional corporate and partnership characteristics. Members of an LLC are given the same advantage of limited liability as shareholders of a corporation, while generally being taxable at the member level, like a partner in a partnership. Combining the characteristics of a corporation with those of a partnership or sole proprietorship, an LLC is relatively easy to establish by adopting a unique name and registering simple “Articles of Organization” with the California Secretary of State followed by a “Statement of Information” within ninety days naming a manager or principal members. Limited liability means that the assets and debts of the business remain separate from the personal assets and debts of the company's owners (called “members”). If the company goes bankrupt, creditors cannot go after the owners' personal assets, just that of the business. Like a partnership, LLCs “pass through” their profits so that they are taxed as part of the LLC owners who report them on their individual tax returns avoiding “double taxation” of both the company and its members.

METHODOLOGY

Interviews: Eureka City Schools officials and principal advisers
ECS Trustee meeting agendas and minutes
Media reporting
Extensive consultation with an attorney specializing in the Brown Act

DISCUSSION

The Brown Act is touted as a model for public involvement and participation in decision-making. However, members of the ECS Trustees and their advisers maintain that this is not true with respect to what they term as “informal” real-estate negotiations. They assert that all proposals, negotiations, discussions, conversations, drafts, notes, letters, text and email messages, and other communications and documents are confidential (see Appendix B: California Government Code section 54957.1). ECS administrators and legal counsel maintain that all such negotiations are secret, even the fact that they are occurring, until a final resolution is presented to the ECS Trustees for a vote in open session. Only the final “formal” resolution and agreement needs to be announced publicly, as was done in this matter. Aware of potential media questions regarding Brown Act compliance, ECS issued a press release defending its position (see Appendix D: ECS Press Release, December 20, 2023, “Eureka City School Board Adheres to Brown Act Regulations in Real Property Negotiations in Relationship to the Jacobs Property”). However, California public agencies are prohibited from interpreting and applying a statute technically if doing so would narrow a statute’s scope and defeat its legislative purpose (*People v. Honig* (1996) 48 Cal.App.4th 289).

In late 2023, after months of protracted negotiations, a deal between Eureka City Schools and the California Department of General Services, on behalf of the California Highway Patrol (DGS/CHP), seemed likely to conclude at a purchase price of \$4 million.

Then, seemingly out of the blue, on December 14, 2023, the Eureka City Schools Trustees were presented with a proposed Resolution and Agreement for a unique real-estate deal – exchanging the Jacobs property for a small residential property at 3553 I Street plus a multi-million-dollar financial consideration – with an entity named AMG Communities-Jacobs, LLC (AMG).^{36 37} AMG was formally created only 48 hours earlier on December 12, 2023. The proposed property exchange would bypass California Education Code requirements for the sale of exempt surplus property.³⁸ The primary members or negotiator(s) for AMG were not identified.

³⁶ ECS Resolution 23-24-023 (December 14, 2023) Approving Property Exchange Pursuant to Education Code Section 17536 and Directing District Superintendent, or Designee, to Finalize and Execute the Agreement for Exchange of Real Property:

<https://eureka.novusagenda.com/agendapublic/AttachmentViewer.ashx?AttachmentID=6501&ItemID=4186>

First Amendment to Agreement for Exchange Of Real Property Between Eureka City Schools and AMG Communities-Jacobs, LLC, (April 04, 2024):

<https://eureka.novusagenda.com/agendapublic/DisplayAgendaPDF.ashx?MeetingID=248>

<https://eureka.novusagenda.com/agendapublic/DisplayAgendaPDF.ashx?MinutesMeetingID=184>

³⁷ AMG Communities-Jacobs, LLC, “Reimagining the Jacobs Middle School Site”: <https://thejacobscommunity.com/>

³⁸ The real-estate deal is termed “unique” (maybe call it a “loophole”) because the property exchange is exempt from all the other sale of surplus property procedures described in the California Education Code.

California Education Code section 17536, Exchange of Property (1998): “The governing board of a school district may exchange any of its real property for real property of another person or private business firm. Any exchange shall be upon such terms and conditions as the parties thereto may agree and may be entered into without complying with any provisions in this code except as provided in this article.”

The \$6 million property exchange proposal seemed a too-good-to-refuse inducement to ECS Trustees. With the Jacobs-I Street exchange, ECS would finally be rid of the blighted Jacobs property and would receive \$5.35 million that it sorely needs for other projects. The ECS Trustees, expressing implicit and unquestioning trust and confidence in their negotiator and attorney, quickly accepted the deal with minimal notice and little, if any, vetting. After years of delay, the whole deal was introduced and rushed to completion in less than 2½ hours at the December 14, 2023, ECS Trustee meeting among an otherwise crowded agenda (see Appendix A: Minutes of the December 14, 2023, ECS Trustee meeting).

The Jacobs property transaction is related to an ongoing political dispute between a prominent community businessman and philanthropist – owner of the local commercial real-estate firm Security National Properties Holding Company, LLC (Security National)³⁹ – and the City Council of the City of Eureka. The City of Eureka wants developers to build affordable housing on three city-owned parking lots to comply with the Housing Element of the City’s 2040 General Plan. In opposition, Security National funded two organizations: Citizens for a Better Eureka and Housing for All.^{40 41} Citizens for a Better Eureka, a nonprofit corporation represented by Attorney Bradley B. Johnson (Everview Ltd., San Diego), filed five lawsuits claiming that the City of Eureka failed to follow the California Environmental Quality Act when it declared the parking lots surplus property. Housing for All, a political organization, successfully qualified a petition initiative adding a measure to the November 2024 general election ballot requiring, if it passes, that the Jacobs property be zoned for housing.⁴²

The real-estate exchange transaction with AMG could forestall a DGS/CHP deal and tie-up the Jacobs property until after the November 2024 election. The relationship between the pending ECS-AMG Jacobs property transaction and the parking versus housing dispute is supported by the following circumstantial pattern of involvement. Attorney Bradley B. Johnson is the common denominator.

- Bradley B. Johnson reportedly initiated contact with ECS in August 2023 suggesting another purchaser for the Jacobs property (besides the City or DGS/CHP) using the land exchange provision of the California Education Code.
- Bradley B. Johnson is listed as the Secretary and Chief Financial Officer of Citizens for a Better Eureka in the Statement of Information for the nonprofit corporation filed with the California Secretary of State in September 2023.
- Bradley B. Johnson, representing Citizens for a Better Eureka, funded by Security National, initiated five lawsuits against the City of Eureka.
- Bradley B. Johnson signed the Agreement for the sale of the Jacobs property to AMG Communities-Jacobs, LLC as an agent for AMG.

³⁹ Security National Properties Holding Company, LLC: <https://snpdevelopment.com/>

⁴⁰ Citizens for a Better Eureka: <https://www.citizensforabettereureka.org/>

⁴¹ Housing for All: <https://www.eurekahousingforall2024.org/>

⁴² Eureka Housing for All and Downtown Vitality Initiative: <https://eurekahousingforall2024.org/wp-content/uploads/2024/04/FINAL-Housing-for-All-Initiative-8.3.23.pdf>

- Bradley B. Johnson’s company, Everview Ltd., is listed in escrow documents as the purchaser of the 3553 I Street property.
- Bradley B. Johnson is listed as the Manager of AMG Communities-Jacobs, LLC in the Statement of Information for the LLC filed with the California Secretary of State in April 2024.
- Bradley B. Johnson sent and received many emails to and from ECS administrative staff and legal counsel regarding the Jacobs property real-estate transaction before and after the December 14, 2023, ECS Trustee meeting.

Deficiencies

- The public was not notified and provided with information about the pending deal. Although the “agenda packet” distributed to ECS Trustees approximately 72 hours before the December 14, 2023, meeting included the draft resolution and agreement (17 pages single-spaced), these documents were not available to the public. The publicly announced agenda at the time did not specify the details of the pending transaction.⁴³ The following statements in the December 14, 2023, agenda were the only public notice.

ECS December 14, 2023, Agenda Item C(5) closed session:⁴⁴

“Conference with Real Property Negotiator Superintendent Van Vleck Regarding Jacobs Building Property Concerning Price and/or Terms of Payment (GC § 54956.8) (Negotiating Parties: California Highway Patrol and AMG Communities-Jacobs, LLC)”

ECS December 14, 2023, Agenda Item M(33) Discussion/Action open session:

“Adoption of Resolution 23-24-023 Approving Property Exchange Pursuant to Education Code Section 17536 and Directing District Superintendent, or Designee, to Finalize and Execute the Agreement for Exchange of Real Property”

- There was insufficient time for the ECS Trustees and the public to read, understand, and openly discuss and question the pending deal.
- Prior public notice did not inform that the pending deal involved not just a sale of surplus property but a property exchange bypassing certain provisions of the Education Code. There were two properties involved, the Jacobs property for I Street property swap plus cash. Only the Jacobs property was announced to the public in the December 14, 2023, meeting agenda, an omission corrected in later meeting agendas.

⁴³ Agenda, ECS Trustee meeting, December 14, 2023:

<https://eureka.novusagenda.com/agendapublic/DisplayAgendaPDF.ashx?MeetingID=265>

⁴⁴ Pursuant to California Government Code section 54957.2, ECS Trustees may designate a clerk or other officer or employee to attend each closed session and keep and enter in a “minute book” a record of topics discussed and decisions made at the meeting. A minute book is a standard business recordkeeping best practice. It typically holds information that is requested during a due diligence process associated with litigation, financing, audits, historical inquiry, or transactions. ECS Trustees do not do this.

- ECS Trustees did not publicly verify the bona fide identity and finances of AMG Communities-Jacobs, LLC.
- Prior public notice failed to personally name the AMG Communities-Jacobs, LLC principal members or negotiator(s).
- Resolution 23-24-023 falsely specified that AMG Communities-Jacobs, LLC owned the I Street property.

Due Diligence

Due diligence is the exercise of reasonably prudent care and caution before buying, selling, giving, or receiving professional advice. In business, due diligence refers to the proactive process of gathering or disclosing relevant and reliable information about a prospective contract or financial transaction. With respect to public agencies in California, due diligence means carefully adhering to the spirit, intent, and letter of the Brown Act for openness and transparency in decision-making. The public has a right to be informed about pending decisions, to be involved, and to fully participate.

In a representative democracy, the public elects officials to act in their interests. Elected officials make important decisions on behalf of the public, including how to spend public monies, and safeguard public assets and investments.

Public officials have a “fiduciary” responsibility to adhere to the “prudent investor standard” for financial transactions (see Appendix B: California Government Code sections 53600.3 and 53600.5). A person acting in a fiduciary capacity is held to a high standard of diligence, responsibility and honesty. This means using all possible skill, care and prudence to make decisions that will produce positive results for the community.

Decision-making

The Eureka City Schools Trustees appropriately perceive their principal duty and responsibility as providing for the well-being and education of students in the school district. They readily concede that they have more interest and knowledge in such matters as curriculum than in management subjects such as finance, human resources, contracting, supervision/direction, law, or real estate. In these matters they look to professional advisers.

The ECS Trustees were exasperated with the seemingly interminable process, dragging on month-after-month, of negotiating with the City of Eureka and DGS/CHP. Rather than retain the Jacobs property in anticipation of possible enrollment growth in the long term, the ECS Trustees are anxious to fund several expensive near-term high-priority infrastructure projects. With a \$6 million offer on the table, common sense to assure this offer would come through financially was brushed off. The ECS Trustees did not exercise due diligence and did not inquire about the resolution agreement.

Frustration and impatience were compounded by an apparent culture of deference. ECS Trustees expressed implicit trust, confidence, and reliance on the assurances and counsel of professional experts. Long-term ECS Trustees respected their expertise and had a comfortable relationship with their experienced superintendent and advisers. Newer ECS Trustees respect both the staff and their longer-serving fellow ECS Trustees. Over time, in a decision-making body, inherent respect for expertise and integrity of seniors and staff can lull participants into effectively ceding decision-making power and fiduciary responsibility to technical experts and bureaucrats.⁴⁵

During our investigation we observed patterns of behavior including interviewee inability to remember important events, inconsistent statements, obfuscation or dissembling, and purported absence of emails, text messages, and other records. This delayed the HCCGJ – and the public – from inquiring about the decision-making process to sell/swap the Jacobs property and determine whether the ECS Trustees were unduly influenced by third parties to make uninformed decisions.

At the request of the HCCGJ the Humboldt County Superior Court issued a subpoena duces tecum for documents from ECS to establish a timeline for the Jacobs property transaction (see Appendix C, Decision-Making Timeline). The content of many communications to/from ECS legal counsel on this matter were redacted (i.e., blacked out) on the assertion of attorney-client privilege. The timeline indicates rushed decision-making dominated by ECS administration and the respective legal counsels for ECS and AMG. Details of the ongoing negotiation and pending transaction were hidden from the public. In particular, the instruction to ECS Trustees that the draft December 14, 2023, agenda was “highly confidential” was wrong. The draft agenda along with the draft Resolution and Agreement was a writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by ECS. That made it a public record (California Government Code section 7920.530(a)).⁴⁶

There are strong indications that decisions regarding the timing, terms and conditions of the Resolution and Agreement for the disposition of the Jacobs property were made by the Superintendent and advisers, not by the ECS Trustees, long before the ECS Trustee December 14, 2023, meeting:

- Despite no indication that there was any kind of deadline, the ECS Trustees appeared to rush to create the pretense of acting after thoughtful deliberation.
- ECS Trustees seemingly ceded decision-making duties and authority to the advisers and did not question or critically examine the Resolution or Agreement. Some ECS Trustees indicated that they did not question or seek additional information about the Resolution and Agreement in closed session because they implicitly trusted their advisers. On December 14, 2023, the ECS Trustees in effect “rubber-stamped” the Resolution and Agreement.

⁴⁵ The governing bodies of public agencies are allowed to delegate some of their power and authority to employees who do not sit on the Board. However, a total abdication of power is prohibited. *Golightly v. Molina* (2014) 229 Cal.App.4th 1501, 1515-1516.

⁴⁶ There is an exception for draft documents, but only if a draft is not retained in the ordinary course of business and if the public interest in withholding those records clearly outweighs the public interest in disclosure (California Government Code section 7927.500).

- ECS Trustees, administrators, and advisers did not provide sufficient information regarding the agendaized Jacobs property transaction at least 72 hours prior to ECS Trustee action, thereby preventing meaningful public participation in the enactment of the Resolution and Agreement.

CONCLUSION

The Eureka City Schools Trustees may have technically complied with the provisions of the Brown Act. But ECS Trustees skirted the Brown Act's intent to allow publicly open participation in governmental decision-making.

Secretive, last-minute, quick judgment, in an intentionally compressed time-period, without public knowledge, behind closed doors, is exactly the kind of decision-making the Brown Act intended to avoid. There was no effective opportunity for the public to know about, consider, and participate in an important decision regarding selling a valuable public asset, even if the result of the decision is perceived to be in the near-term best interests of students.

The Brown Act protects the public's rights of free speech and petition. However, the right of free speech is meaningless if you don't know what you are talking about. Without adequate notice and information about the Resolution and Agreement, AMG, and the property being exchanged, the public did not have an adequate opportunity to participate, and fully and fairly exercise their rights of speech and petition with respect to the Jacobs property transaction.

It seems that the ECS Trustees have been knowingly or unknowingly roped into the ongoing local housing versus parking controversy. The cost to ECS if the AMG deal falls apart is \$100 that was pledged in escrow, and potentially a lost deal with DGS/CHP. The intangible cost is diminished public trust and confidence in decision-making by their elected officials.

This experience can be considered a business case study and object lesson to elected boards in California of how not to go about the process of selling surplus real estate, and serve as a reminder of the adage, "if something sounds too good to be true, it probably is."

FINDINGS

The Humboldt County Civil Grand Jury finds that:

F1: Public notice of the pending real-estate decision prior to the December 14, 2023, Eureka City Schools Trustee meeting did not describe the transaction as a proposed property exchange under California Education Code section 17536 and did not specify both properties involved. Therefore, the public did not have an opportunity to be informed and to question the details of the pending decision. **(R1, R2, R3, R4, R5)**

F2: Public notice of the pending real-estate decision prior to the December 14, 2023, Eureka City Schools Trustee meeting did not identify the person or persons with whom the designated Eureka City Schools negotiator may negotiate – specifically, the name (identity) of the principal members and financial backers of AMG Communities – Jacobs, LLC. Therefore, the public did not have an opportunity to be informed and to question the details of the pending decision. **(R1, R2, R3, R4, R5)**

F3: Public notice of the pending real-estate decision prior to the December 14, 2023, Eureka City Schools Trustee meeting did not include the proposed text of Resolution 23-24-023 and Agreement. Therefore, the public did not have an opportunity to be informed and to question the details of the pending decision. **(R1, R2, R3, R4, R5)**

F4: Eureka City Schools Trustees did not fully vet AMG Communities-Jacobs, LLC to establish the bona-fide identity of its members and its financial integrity and discuss this information in open session. Therefore, the public did not have an opportunity to be informed and to question the details of the pending decision and its potential relationship to other local public policy issues. **(R1, R2, R3, R4, R5)**

F5: Resolution 23-24-023 and Agreement was introduced and voted on within 2½ hours on December 14, 2023. The Eureka City Schools Trustees acted hastily without sufficient prudence and due diligence. This deprived the public of information and adequate explanation and communication regarding terms and conditions or sufficient opportunity to consider, respond or question the transaction. **(R1, R2, R3, R4, R5)**

F6: The Eureka City Schools Trustees conducted unrecorded, secret, undocumented, and undisclosed negotiations. This deprived the public of adequate explanation and communication regarding terms and conditions, or sufficient opportunity to consider, respond or question the transaction during open sessions, and prevented the Humboldt County Civil Grand Jury from determining whether Eureka City Schools Trustees complied with the California Government Code during closed sessions. **(R1, R2, R3, R4, R5)**

RECOMMENDATIONS

The Humboldt County Civil Grand Jury recommends that:

R1: Pursuant to California Government Code section 54957.2 the Eureka City Schools Trustees designate a clerk or other officer or employee to attend each closed session and keep and enter in a confidential minute book a record of topics discussed and decisions made at the meeting. This recommendation is to be done by December 31, 2024. **(F6)**

R2: Although the time for immediate cure and correct action has expired, the Eureka City Schools Trustees make details of the Jacobs property negotiations and ongoing status of the transaction known to the public by October 1, 2024. **(F6)**

R3: The Eureka City Schools Trustees adopt and implement procedures to assure compliance with the spirit and intent, as well as the literal and technical requirements, of the Brown Act with respect to public notice and participation to avoid the deficiencies noted in this report. This recommendation is to be done by March 31, 2025. **(F1, F2, F3, F4, F5, F6)**

R4: The Eureka City Schools Trustees create audio and video recordings of all open sessions of Eureka City Schools Trustee meetings. This recommendation is to be done by December 31, 2025. **(F6)**

R5: The Eureka City Schools Trustees and staff engage in comprehensive Brown Act training conducted by independent experts not connected with Eureka City Schools or California School Boards Association. This recommendation is to be done by December 31, 2025. **(F1, F2, F3, F4, F5, F6)**

RESPONSES

Pursuant to California Penal Code sections 933 and 933.05, each entity or individual named below must respond to the enumerated Findings and Recommendations within specific statutory guidelines.

Responses to Findings shall be either:

- The respondent agrees with the finding, or:
- The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

Responses to Recommendations shall be one of the following:

- The recommendation has been implemented, with a summary regarding the implemented action, or
- The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation, or
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency where applicable. This time frame shall not exceed six months from the date of the publication of the Grand Jury report, or
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

REQUIRED RESPONSES – WITHIN 90 DAYS

Board of Trustees, Eureka City Schools
(All findings, all recommendations)

Responses are to be sent to:

The Honorable Judge Kelly L. Neel
Humboldt County Superior Court
825 5th Street, Eureka, CA 95501

The Humboldt County Civil Grand Jury
825 5th Street, Eureka, CA 95501

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX A

Minutes of the December 14, 2023, ECS Trustee meeting relevant to the Jacobs property transaction

<https://eureka.novusagenda.com/agendapublic/DisplayAgendaPDF.ashx?MinutesMeetingID=177>

[Members of the public, commenting during open sessions, are identified by initials in brackets.]

Eureka City Schools Board of Education
District Office - 2100 J Street - Eureka, CA 95501
Regular Meeting 6:30 PM December 14, 2023

MINUTES

A. CALL TO ORDER OF OPEN SESSION (5:30pm)

...

B. PUBLIC COMMENT ON CLOSED SESSION ITEMS

[SB], a resident of Eureka and parent of a student at EHS, addressed the Board on Closed Session Item C(5). [SB] expressed concern that a resolution has not been attached relating to this item. [SB] read aloud the portion of the Brown Act and believes the resolution should have been made available for public inspection prior to discussion of this item. [SB] has concerns about transparency. [SB] reviewed information on the Secretary of State's website which listed the LLC as being creating (sic) two days ago. [SB] requested the item be pulled from the agenda until the public has a chance to review the resolution.

Superintendent Van Vleck notes how this item was agendized aligns (sic) with the requirements of the Brown Act.

[JF] addressed the Board and appreciates the opportunity to speak. [JF] believes the public did have an opportunity to speak regarding this item. [JF] hopes the Board makes a positive decision on this item and believes it supports housing in the community. [JF] notes the Jacobs site is a great option for housing, as it could contain hundreds of housing units. The Jacobs site is also within safe walking distance of many stores and community areas.

[TC] addressed the Board on Closed Session C(5). [TC] believes Jacobs hits all the marks for housing in the community, without sacrificing the downtown Eureka area. Without a viable downtown and business District, Eureka does not have a downtown.

[PC] addressed the Board and states [PC] disagrees with comments by [SB]. There is an initiative to the City of Eureka to bring a vote to the community on housing initiatives and they have chosen not to allow that. [PC] hopes the Board makes a decision that supports the community.

C. CLOSED SESSION

...

(5) Conference with Real Property Negotiator Superintendent Van Vleck Regarding Jacobs Building Property Concerning Price and/ or Terms of Payment (GC § 54956.8) (Negotiating Parties: California Highway Patrol and AMG Communities-Jacobs, LLC)

...

D. RECONVENING OF OPEN SESSION (6:30 p.m.)

. . .

E. REPORT OUT FROM CLOSED SESSION

There was no action to report on closed session items. A copy of the resolution and agreement relating to the upcoming D/A action are now available. [Copies made available to the public at the Board meeting.] The District's attorney, Harold Freiman, LozanoSmith, provided a comment to those in attendance conveyed the process the District followed, which was proper under the Brown Act. The agenda item materials have now been made public now that the Board has finished discussing the closed session item.

. . .

M. DISCUSSION/ACTION

. . .

(33) Adoption of Resolution 23-24-023 Approving Property Exchange Pursuant to Education Code Section 17536 and Directing District Superintendent, or Designee, to Finalize and Execute the Agreement for Exchange of Real Property

Ziegler states the Board has provided a copy the resolution and the attorney is available virtually.

[MN] addressed the Board about the resolution. [MN] notes the valuation of the I Street property is not substantiated. There is not (sic) information about zoning or information on the review process through the City or County planning commission processes.

A Trustees (sic) conveyed the importance of the District having an extra \$2 million dollars for the students of ECS. It is noted the Board is not here to decide politics, the Board needs to do what is best for the students.

Van Vleck provided the historical perspective relating to the Jacobs property. The first 7-11 Committee actually occurred prior to Van Vleck coming to the District and the District has waited for the right opportunity. This item has been on the agenda for closed session at many of the Board meetings, as the Board discussed ways to move forward.

This process started with an initial \$1.1 million dollar offer from CHP. The District then spent over \$1 million to abate the property. There have been additional offers for the approx. 8-acre parcel, such as the \$1.6 (sic) from the City for the property, which was very public. Negotiations continued with DGS/CHP and the District received an offer of \$4 million dollars. It took a tremendous amount of time to get that written offer from CHP. The also District (sic) discussed parameters relating to a possible sale with DGS, which took additional time.

In the meantime, the District received an offer for a property exchange for a property on I Street, with an estimated value of approximately \$600k. The \$600k will be deduced (sic) from the \$6 million dollar sale price. Van Vleck notes time and patience has served the District well, and accepting this offer will have the post (sic) positive impact on the students. Van Vleck urged the Board to consider the greatest benefit to the students.

Van Vleck notes there is an item later on in the agenda relating to Albee Stadium, which will ultimately cost the District \$40-45 million, with a partial state match.

If sold, the District will not have a say in what the property is being used for, and those conversations will take place between the buyer and the City.

Board member discussion on the process and previous offers. The money is needed to fund the services to the students of ECS. If housing is built on the property, it will benefit the community.

[TS] addressed the Board and notes Eureka is getting to be a very unsafe place to live. If this becomes an unplace to live, the school enrollment numbers will go down. There is no traffic control in Eureka. If CHP were in that location, it would make the neighborhood safe. He is upset ECS did not maintain the previous Jacobs Jr. High. CHP wants that location. He does not feel safe driving in Eureka. He urged the Board to reconsider engaging the public regarding public property.

It was M/S . . . to adopt Resolution 23-24-023 Approving Property Exchange Pursuant to Education Code Section 17536 and Directing District Superintendent, or Designee, to Finalize and Execute the Agreement for Exchange of Real Property. . . . Motion carried.

. . .

S. ADJOURNMENT (8:10 p.m.)

APPENDIX B

California Government Code section 54956.8,

Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease. However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate. For purposes of this section, negotiators may be members of the legislative body of the local agency. For purposes of this section, "lease" includes renewal or renegotiation of a lease. Nothing in this section shall preclude a local agency from holding a closed session for discussions regarding eminent domain proceedings pursuant to Section 54956.9. (Emphasis added)

California Government Code section 54957.1

(a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention on that action of every member present, as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as follows:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:

(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to Section 54956.95 shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(7) Pension fund investment transaction decisions made pursuant to Section 54956.81 shall be disclosed at the first open meeting of the legislative body held after the earlier of the close of the investment transaction or the transfer of pension fund assets for the investment transaction.

(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

(c) The documentation referred to in subdivision (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(e) No action for injury to a reputational, liberty, or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

(f) This section is necessary to implement, and reasonably within the scope of, paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(Emphasis added)

California Government Code section 53600.3

[A]ll governing bodies of local agencies or persons authorized to make investment decisions on behalf of those local agencies investing public funds pursuant to this chapter are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting,

purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. ... (Emphasis added)

California Government Code section 53600.5

When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, the primary objective of a trustee shall be to safeguard the principal of the funds under its control. The secondary objective shall be to meet the liquidity needs of the depositor. The third objective shall be to achieve a return on the funds under its control.

APPENDIX C

Decision-Making Timeline

November 2022 – December 2023

ECS was negotiating with the California Department of General Services on behalf of the California Highway Patrol (DGS/CHP), for the purchase of the Jacobs property.

August 2023

Attorney B. Johnson initially contacts Superintendent Van Vleck to suggest another potential purchaser, eventually known as AMG Communities-Jacobs, LLC (AMG), via the property exchange transaction as provided in California Education Code section 17536.

August-December 2023

Discussions, proposals, and negotiations with both AMG and DGS/CHP representatives ensue.

December 5, 2023

The DGS/CHP negotiator emailed the ECS Superintendent asking about the status of the negotiation.

December 8, 2023

The following communications took place:

- [1:30 p.m.] District legal counsel sent an email to AMG's representative B. Johnson: "Do you have any objection if the District puts the agreement with your last round of changes in it on next Thursday's agenda and posts that agenda publicly today?"
- [4:00 p.m.] The Superintendent's assistant emailed a copy of the agenda for the December 14, 2023, board meeting to the ECS Trustees stating that publishing the agenda will be delayed "... until closer to the 72-hour mark on Monday, December 11th. Please note this agenda remains highly confidential and is not public until Monday afternoon."
- [10:00 p.m.] ECS's legal counsel sent an email to the Superintendent: "We are pushing forward to finalize the exchange resolution and agreement and the agenda item, with the objective of getting that all to ... by 3 [i.e., 3:00p.m. December 09, 2023]."

December 10, 2023

ECS administrative staff distributed, via email, a copy of the Resolution and Agreement to all ECS Trustees identifying AMG as the Jacobs property's purchaser.

December 11, 2023

ECS posted the agenda for the December 14, 2023, meeting. The agenda gave the public notice of a closed session to discuss ECS negotiations with the CHP and AMG to purchase the Jacobs property. This was the first public notification that AMG was a potential buyer. The posted agenda did not include a copy of the Resolution and Agreement.

Agenda Item C(5): "Conference with Real Property Negotiator Superintendent Van Vleck Regarding Jacobs Building Property Concerning Price and/or Terms of Payment (GC § 54956.8) (Negotiating Parties: California Highway Patrol and AMG Communities-Jacobs, LLC)"

Agenda Item M(33) Motion: "Adoption of Resolution 23-24-023 Approving Property Exchange Pursuant to Education Code Section 17536 and Directing District Superintendent, or Designee, to Finalize and Execute the Agreement for Exchange of Real Property."

December 12, 2023

AMG Communities-Jacobs, LLC (AMG) came into existence as a limited liability company. No officers were disclosed in AMG's Articles of Organization filed with the California Secretary of State. Instead, AMG's filing identified a law firm in Sutter Creek as AMG's agent for service of process. [In April 2024, Bradley Johnson was named as the Manager of AMG Communities-Jacobs, LLC in the Statement of Information for the LLC filed with the California Secretary of State.]

December 13, 2023

ECS Superintendent replied to DGS/CHP negotiator: "[T]he Jacobs property is on the agenda for tomorrow (Thursday) night. The CHP is one of the potential purchasers, however, another potential buyer has contacted the District with a substantially higher offer. The Board will be discussing this and providing direction on how to proceed."

December 14, 2023

ECS Trustee meeting during which the following events took place:

- ECS Trustees met in closed session for approximately one hour to discuss five closed session items. Agenda Item C(5) was: "Conference with Real Property Negotiator Superintendent Van Vleck Regarding Jacobs Building Property Concerning Price and/or Terms of Payment (GC § 54956.8) (Negotiating Parties: California Highway Patrol and AMG Communities- Jacobs, LLC)."
- Upon returning to open session, the ECS Trustees announced that the Resolution and Agreement were now available to the public. The posted documents were unchanged from the drafts distributed to ECS Trustees on December 10, 2023.

- Approximately one-hour later, the ECS Trustees voted unanimously to approve the following motion: “Adoption of Resolution 23-24-023 Approving Property Exchange Pursuant to Education Code Section 17536 and Directing District Superintendent, or Designee, to Finalize and Execute the Agreement for Exchange of Real Property.”
- Two members of the public commented prior to the ECS Trustees unanimously ratifying the Resolution and Agreement. One person argued the property should have been sold to the CHP and asked the board to engage with the public about the Jacobs property. The second person complained about the lack of information pertaining to the value of the residence AMG was “swapping” for the property.
- Minutes: “The District’s attorney, Harold Freiman, LozanoSmith, provided a comment to those in attendance conveyed (sic) the process the District followed, which was proper under the Brown Act. The agenda item materials have now been made public now that the Board has finished discussing the closed session item.”

December 20, 2023

ECS Press Release: Eureka City School Board Adheres to Brown Act Regulations in Real Property Negotiations in Relationship to the Jacobs Property. (See Appendix D)

December 22, 2023

ECS Press Release: Eureka City Schools Concludes a More than Fifteen-Year-Long Process with Sale of Jacobs Junior High Campus.

“Eureka City Schools (ECS) announces the entry into escrow after a comprehensive, more than fifteen-year-long process regarding the future of the Jacobs Junior High campus located at 674 Allard Avenue in Eureka. The ECS Board firmly believes that the sale of the Jacobs property aligns with the best interests of students within the District. . . . The Board’s most recent action was taken on December 14, 2023. They approved a resolution allowing the exchange of the Jacobs property and authorized the Superintendent to finalize and execute the Agreement for the Exchange of Real Property. The decision to finalize the sale comes after an extensive 15-year process, marked by robust public input, community engagement, and stakeholder involvement through town hall meetings, Board meetings, and canvassing the neighborhood.”

APPENDIX D

ECS Press Release: December 20, 2023

Eureka City School Board Adheres to Brown Act Regulations in Real Property Negotiations in Relationship to the Jacobs Property

Eureka, CA – December 20, 2023 — The Eureka City School Board is committed to transparency and accountability in all its operations, particularly in compliance with the Ralph M. Brown Act, California's open meeting law. The Board recognizes the importance of keeping the public informed while also safeguarding sensitive negotiations related to real property.

The Brown Act, enacted to ensure public access to the decision-making processes of local government agencies, allows the School Board to discuss certain confidential matters in closed session. This expressly includes discussion regarding the terms of real property negotiations. This provision is designed to protect the District's bargaining position and to facilitate open and candid discussions among board members without divulging the parameters of what has been provided to the District's negotiator, in this case the Superintendent.

During these closed sessions, the Board is permitted to deliberate and consider the specifics of real property transactions without disclosing sensitive information to the public. This enables the School Board to provide parameters to the Superintendent to negotiate effectively, ensuring the best interests of the district and its stakeholders are upheld.

The Brown Act mandates certain documents related to real property negotiations be made public at specific stages of the process. Once a formal agreement is reached and ready to proceed to the Board for approval, the relevant documents, such as the terms of the transaction, are made available to the public in accordance with the law. In the case of our most recent meeting, the relevant agreement on which the Board was giving direction to the Superintendent was an exchange of property. That agreement was linked to the resolution approving the agreement and authorizing the District staff to enter into escrow on the Jacobs property. Until the Board gave direction to the Superintendent regarding terms, the agreement and related resolution were not yet public records.

The Eureka City School Board remains committed to upholding the principles of transparency and accountability. Information shared during closed sessions is kept confidential until the appropriate time for public disclosure, aligning with the legal requirements of the Brown Act. In the case of our Board meeting on Thursday, December 14, 2023, the relevant resolution and attached agreement was made public immediately following the closed session and at the outset of the public session portion of the meeting, prior to the Board's action on the resolution and agreement.

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Humboldt County Hiring: Status, Process, and the Future

Released June 21, 2024

SUMMARY

The Humboldt County Civil Grand Jury investigated the hiring practices of Humboldt County government, finding that understaffing is one of the largest problems facing our county. Understaffing happens when an agency is unable to fill all of the positions for which they are funded, and it affects how well or poorly our county government serves the public. Understaffing is systemic, appearing throughout all departments of county government. Our investigation led us to examine many aspects of county hiring procedures. It also led us to acquire data from counties of a similar size, asking “how does Humboldt County staffing compare to other counties?” The Grand Jury wanted to know if Humboldt County is better, worse, or the same in terms of:

- Positions filled vs those that are empty
- Employee retention
- Procedures to improve retention
- Average time to hire from application to job offer
- Hard to fill occupations
- Incentive programs to attract candidates
- Hiring procedures documentation

We chose to do a statistical comparison to help answer the above questions, to get a snapshot of how Humboldt County compares to similar counties in northern California. This comparison gave us some information to help identify hiring issues within our county.

We investigated the current hiring processes for the three largest Humboldt County employee groups: The Sheriff’s Office, the Department of Health and Human Services, and the Department of Public Works. These three entities employ approximately seventy percent of county employees and account for a majority of the county’s general fund budget.

Our investigation was two-pronged:

- We examined the current hiring processes for these county departments, examining what is and is not working.
- We explored ways to streamline the hiring process either through Human Resources or within the departments themselves and discovered that different departments have different licensing and other requirements.

- During our investigation, we consistently heard two complaints:
- There is not enough money in the budget.
- The hiring process takes too long to get qualified candidates.

Frequently a candidate is hired away by an entity that does not make them wait two to six months to get hired. Certainly, compensation is a significant factor, but that is beyond our purview at this point. We wanted to find out what factors are at play in the actual hiring process and how the Humboldt County Human Resources department interfaces with the agencies listed above. Are there actions that could be taken, or are we stuck with the status quo?

BACKGROUND

In looking over past Humboldt County Civil Grand Jury reports a consistent theme has been the lack of staffing. Currently, the many departments of Humboldt County government have approximately 500 budgeted but unfilled positions, which is twenty-one percent of the roughly 2,400 allocated positions. We heard from many sources that the amount of time to hire staff is adversely affecting the county's ability to attract and retain candidates. We also heard anecdotally that candidates were being hired elsewhere because of the long lead time from job application to final offer. The length of time to hire an individual and the ability to retain that individual is critical to obtaining solid qualified candidates. Hiring to replace the departees is a costly and time-consuming process which affects the County's budget.

METHODOLOGY

The Humboldt County Civil Grand Jury's investigation of Humboldt County hiring processes included interviews with employees in Human Resources, the Department of Public Works, the Department of Health and Human Services, and the Sheriff's Office. We received comparison data from six other counties, including documentation of their hiring procedures and current hiring metrics. We asked for data on the number of unfilled positions, employee retention rates, incentives used to improve recruitment and retention, job classifications that are difficult to fill, and the average time it takes to hire new employees.

DISCUSSION

Multi-County Comparison

The Humboldt County Civil Grand Jury (HCCGJ) compared the hiring practices of Humboldt County to six other similar California counties. We asked these counties the same questions based on three broad categories: vacancies, retention, and hiring. The questions are in Appendix A, and the results are in Appendix B.

Vacancies

The vacancy rate of unfilled positions ranged from a low of six percent in Nevada County to a high of 26% in Mendocino County. Humboldt County was second highest with a 21% vacancy rate; the other four counties had rates between 11% and 15%.

Retention

Successfully retaining employees from year to year means spending less time and effort to hire and train replacements. The annual retention rate is a measure of that success; specifically, it calculates how many of the employees that started the year are still with an organization at the end of the year. If two of ten employees quit during the year, the retention rate would be 80%. For the most recent fiscal year, most of the counties, including Humboldt County, reported retention rates in the 80% range; Yuba County and Napa County stood out at 98% and 92% respectively. The HCCGJ requested and promptly received retention data from all counties for the last three years, but it took Humboldt County Human Resources almost four months to provide this data.

We asked what procedures were currently used to improve county retention rates. Retention programs were department-specific rather than county-wide. Four of the seven counties (see Appendix B, line 6) have a variety of retention inducements, including longevity bonuses, flexible hours, tuition reimbursement, and management-training programs. Humboldt County offers two: longevity bonuses and limited tuition reimbursement.

Hiring

Hiring was the most difficult area in which to compare county differences because certain job classifications are considered hard to fill. Some positions, such as those in law enforcement, social work, and engineering, require extensive background checks and testing as well as special licenses or certifications.

Most counties reported a sixty-to-seventy day hiring time for those positions not cited above. Humboldt County takes about sixty days from the closing of a job advertisement to providing a list of eligible candidates to the hiring department authority. For comparison, Sutter County reported thirty days to produce the eligibility list, while Mendocino County reported forty-five days.

A number of hiring incentives aside from hiring bonuses were reported by three of the seven counties, most often for the hard-to-fill job classifications (see Appendix B, line 9). Humboldt County offers signing bonuses solely.

Humboldt County is the only county out of the seven respondents that does not have a policy and procedures manual for the hiring process. Humboldt County has informal guidelines and a collection of documents and PowerPoint slides. Other counties have a comprehensive manual and/or they use a civil service manual as a guideline for hiring procedures.

The questionnaire revealed the following about our county:

- Humboldt County has the second highest vacancy rate.
- Humboldt County uses fewer hiring and retention incentives.
- Humboldt County has no formal hiring policies and procedure manual.
- Humboldt County was significantly slower to respond to our inquiries for retention data.

Department of Health and Human Services

Many of the positions in the Department of Health and Human Services (DHHS) such as Social Workers are Merit System Services (MSS) positions, meaning that the hiring process must follow strict guidelines set by the state.⁴⁷ Currently the hiring process for MSS positions is almost completely controlled by the California Department of Human Resources (CalHR), a state agency. Recent procedural changes by CalHR have resulted in extended hiring times. The lengthy hiring process was noted in one of last year's Humboldt County Civil Grand Jury reports, with a recommendation that the process be streamlined.⁴⁸ Lengthy hiring times have undesirable consequences: applicants get frustrated, and they may seek employment elsewhere.

In their response to the 2022-2023 HCCGJ report, the Humboldt County Board of Supervisors explained that CalHR was the reason for the long hiring process, and that they were going to pursue becoming an Approved Local Merit System (ALMS) county.⁴⁹ ALMS counties, rather than CalHR, control the MSS recruitment process. In August 2023, Humboldt County Human Resources (HR) requested and received permission from the Humboldt County Board of Supervisors to initiate conversion to ALMS. Humboldt County HR is currently working with CalHR on the conversion process; however, CalHR is not moving quickly, and is imposing brand new requirements for conversion. Filling MSS positions will continue to be very slow until Humboldt County HR gets control of hiring.

The hiring process could be substantially faster if Humboldt County had control. Humboldt County HR estimates that the hiring process would take about twenty-nine days as opposed to the average of eighty-three days taken by CalHR. See Appendix D for this timeline and a link to other ALMS information.

⁴⁷ Merit System Services: <https://www.calhr.ca.gov/pmd>

⁴⁸ Humboldt County Civil Grand Jury 2022-2023 report: <https://humboldt.gov/DocumentCenter/View/117302/Humboldt-County-Child-Welfare-Services-and-the-Courts-Late-Reports-Dysfunctional-Systems-and-Traumatized-Children> , Findings 7-8, Recommendations 5-7.

⁴⁹ Approved Local Merit Systems: <https://humboldt.gov/DocumentCenter/View/122789/Humboldt-County-Child-Welfare-Services-and-the-Courts---Board-of-Supervisors-Response> , Pages 4-5, 10-12.

Sheriff's Office

The Humboldt County Sheriff's Office (HCSO) is one of the three largest departments in the county. The HCSO employs sworn law enforcement officers and non-sworn civilian employees. The hiring process takes longer for sworn officers due to lengthy background checks. The HCSO is not at full staff due to a variety of reasons:

- Better signing bonus structures lure away qualified personnel to other counties and cities.
- Total compensation such as health insurance and longevity bonuses are not competitive.
- The overall length of the hiring process can be up to six months.
- There are insufficient budgetary allocations for positions.

Similar to other departments, HCSO job announcements are posted by Human Resources (HR). HR screens the applications for minimum qualifications and provides an eligibility list to HCSO. What sets HCSO apart are the next steps: a written examination, an oral interview, physical testing, and a lengthy background check. The HCSO has shortened the hiring process by conducting written and oral exams on the same or next day; previously they waited to get the results for the written examination before scheduling the oral interview. Combining these two steps has reduced a two-to-four-week process to a one-to-two-week process.

Applicants for sworn positions go through additional steps. Deputies for example are required to undergo a second physical examination, a psychological evaluation, and a "lie detector" test. Due to a lack of resources within the county, a candidate may have to travel for this screening or wait until there are enough applicants for the designated test proctor to come into the area. Each one of these screenings can take weeks or months to complete.

After all these screenings, if the applicant is already employed elsewhere as a law enforcement officer, the length of the background check can be reduced. If they are not already law enforcement officers, then they must attend a six-month training academy, and receive a Basic Certificate from the California Commission on Peace Officer Standards and Training. Once in service the applicant is a trainee, subject to supervision by a field training officer, for at least sixteen weeks.

Including field training and basic academy training it can take up to sixteen months to get a Deputy on the street, with the cost being in excess of \$100,000. That time and money can end up being lost in two situations. First, if the applicant fails any of the screenings or fails to pass their academy training, they are eliminated from contention. Second, if an applicant successfully becomes a Deputy, they may then be lured to join another law enforcement agency, causing the HCSO to start over.

Public Works

The hiring times in the Department of Public Works (PW) are shorter than most other departments. This is the result of work done by PW before sending a recruitment requisition to Humboldt County Human Resources. Critical hiring benchmarks are provided along with the requisition. PW identifies who will serve as subject matter experts for interviews and who will administer any necessary examinations. This advance work can shorten the hiring process to forty-five days instead of the typical sixty days.

One way to counter the lure of higher compensation by the California Department of Transportation and others is to offer more variety in job duties at Public Works. The variety of job duties along with cross-training in Public Works improves skill levels and can possibly provide opportunities for advancement, which in turn could improve the rate of retention.

Reportedly, changes in the marijuana industry have resulted in more applicants for Public Works, especially for road crew positions. Heavy equipment operators are currently being trained in-house, saving approximately \$4,000 per trainee compared to what it costs to have the operators travel to Redding for training. Another compensation strategy for better hiring and retention is to start someone at a higher step than entry level, as long as their qualifications warrant it.

Two positions in Public Works require more time to hire. Road maintenance workers are required to complete a physical examination. Facilities maintenance staff that work in correctional facilities are also required to pass a criminal background check.

Human Resources Role in the Hiring Process

Understaffing has been a concern for many departments in recent Grand Jury investigations. Ironically, the Humboldt County Human Resources (HR) department itself is not fully staffed. As of April 2024, two of the eighteen positions were vacant. In the past, Humboldt County HR had an Assistant Director, which would be a 19th position in the department, but that job is currently unfunded. Three positions are funded by a COVID-19 era federal grant that will expire in the summer of 2024.⁵⁰ If the county does not allocate funds to continue paying for these grant positions, the staffing level in Humboldt County HR will drop to fifteen.

⁵⁰ American Rescue Plan Act of 2021 (ARPA)

Human resource and employment organizations analyze averages and suggest optimal sizes for HR departments. We learned from Humboldt County HR that the Society for Human Resource Management recommends that, on average, there be one HR staff for every 100 employees in the organization that they serve, while Bloomberg recommends 1.5 HR staff per 100 employees served. Size matters: large organizations can be effective with a smaller ratio. For an organization with over 500 employees, Indeed.com suggests a ratio of just slightly more than one HR staff per 100 employees.⁵¹ Using this measure, Humboldt County's 2,400 employees would warrant an HR department of twenty-five staff. Humboldt County HR's current staffing level of eighteen falls below this target and will come up even shorter if they lose the three positions funded by the federal grant.

Humboldt County HR understandably plays a key role in hiring for the county. The departments that do their own hiring of staff play a bigger role, and good coordination with Humboldt County HR helps to reduce the amount of time for the hiring process. Humboldt County HR provides hiring departments with a document detailing the multiple steps that a department needs to follow to do a recruitment, but Humboldt County HR does not have a comprehensive policies and procedures manual for its own staff or other departments to follow. During interviews the HCCGJ learned that certain hiring departments are able to complete the hiring steps relatively quickly, but there does not appear to be any documentation of the best practices of the faster departments that could be shared with all hiring departments.

Evaluation of the performance of Humboldt County HR is not straightforward. Other counties had data systems that allowed them to readily respond to the HCCGJ request for employee retention and other hiring-related statistics. Humboldt County HR struggled to calculate some of these measures. Through interviews, the HCCGJ learned that Humboldt County HR does not routinely produce evaluation metrics on county-wide hiring results. They also do not have metrics to evaluate internal HR performance such as timeliness in completing individual hiring steps. The HCCGJ learned that formal performance evaluations are not conducted annually for some staff in Humboldt County HR.

Obstacles to Hiring

The largest factor in successful recruitment is simply how long it takes for the hiring process to play out. The longer the process takes, the more likely it is that applicants will drop out to seek employment elsewhere, especially if they are currently unemployed. Humboldt County's sixty-day performance is not the worst of the counties examined but it is close, and it certainly could be improved.

⁵¹ Indeed.com data: The normal ratio for large for large organizations is 1.03 HR staff per 100 employees served. <https://www.indeed.com/career-advice/career-development/hr-to-employee-ratio>

Humboldt County HR told us that the hiring timeline can be shortened from sixty days to as little as thirty to forty-five days with adequate planning from Humboldt County HR and the involved department. If all the steps in the hiring process, such as qualifications reviews, examinations, and interviews, could be scheduled in advance of the job announcement, time would be saved. To expedite the process, the hiring agency could identify all the needed experts before they request a recruitment and include the exam and/or oral interview schedule on the job announcement.

Adequate compensation is a factor in attracting applicants and can be an even bigger factor in retaining employees. Total compensation, however, plays a critical role. Beyond salary, if the cost to the employee for benefits such as health insurance is relatively high compared to other agencies, an employee may seek employment elsewhere. The recent increase in minimum wage for fast food workers may affect the hiring and retention of county workers at the lower end of the pay scale. When salary and benefits considerations cause an employee to leave their job, or when a chosen applicant declines the job offer, the lengthy hiring process has to start again.

Humboldt County HR commissioned a compensation study by an external consultant in 2020. Humboldt's compensation was compared with twelve other California counties. The report concluded that base salaries in Humboldt were on average almost seven percent below the market median. When salaries and benefits are combined, Humboldt County's total compensation was almost nineteen percent below the comparable market.⁵²

Humboldt County HR used data from the study in the last round of labor negotiations. The actual salary data from the 2020 study is now too old to use, but Humboldt County HR in some cases still uses the study's strategies for determining compensation for specific classifications. This is primarily done to adjust the alignment of compensation for multi-level positions, such as Librarian I and Librarian II.

Social Workers and Eligibility Specialists are two of the positions that have been historically hard to fill, in part due to low compensation (Appendix C). According to Humboldt County HR, recent substantial wage increases for these two positions were based upon a recommendation from a different consultant, Municipal Resource Group.

Insights on retention may be gleaned from exit interviews. There is no policy that requires individual county departments to do exit interviews. Historically these interviews have been done only sporadically. Humboldt County HR started sending exit questionnaires to all separating staff in January 2023. Approximately twenty-five percent of the departees participated voluntarily, resulting in seventy-nine complete responses so far. Statistically significant conclusions can't be made yet, but the commonly cited departure reasons may point to ways to improve retention. Humboldt County HR has produced an Exit Questionnaire Summary report with observations on responses received so far.⁵³

⁵² Koff & Associates, *Total Compensation Study Final Report, County of Humboldt*, January 6, 2021.

⁵³ Exit Questionnaire: <https://humboldt.gov/DocumentCenter/View/128487/2023-2024-Exit-Questionnaire-Data-Summary>

Notable observations from this report include:

- 59% of the questionnaire respondents said they were not compensated adequately.
- 38% said compensation was a key reason for leaving.
- 19% were not happy with their benefits package. Some elaborated that there were issues finding a medical provider, and/or that the employee cost of medical benefits was too high.
- 36% said they did not receive regular performance evaluations.

One comment from this report is particularly telling:

“While it may not be a driving factor in the decision to separate from employment, improving the county’s benefits package by reducing the cost of premiums, copays, and offering coverage more widely accepted may reduce turnover in some areas.”

Compensation and performance evaluation were not the only topics in the report. The Exit Questionnaire report covered responses in other areas, such as work environment, workload, supervision, work-life balance, and training. Some responses point to issues that may possibly affect retention. However, more data and research would be necessary to determine if those were isolated events, or if there are systematic issues.

Conclusion

The Humboldt County Civil Grand Jury learned during this investigation that understaffing is an issue in most departments. It has been cited in many past HCCGJ reports as well. Approximately 500 of the 2400 allocated positions for the county are currently vacant. As discovered in our seven-county comparison, Humboldt County’s twenty-one percent vacancy rate was the second highest.

Humboldt County Human Resources (HR) is itself understaffed. An organization the size of the County of Humboldt should have a larger human resources department. Optimally, it would have close to twenty-five staff. Humboldt County HR obviously plays a key role in the hiring process, and they are stretched thin.

Humboldt County HR is missing some tools that could perhaps be developed with more staff. Unlike many other counties reviewed by the HCCGJ, Humboldt County HR does not have a comprehensive policies and procedures manual. Humboldt County HR does not have any standard metrics to either measure county-wide hiring success or to measure internal performance of the hiring steps handled by HR. Like other Humboldt County departments, annual performance evaluations are not done for everyone in Humboldt County HR itself. One new effort by Humboldt County HR has the potential to improve retention: exit questionnaires are now being sent to all departing employees to find out why they left.

The length of the hiring process is a big factor in recruitment success. The longer the process, the more likely an applicant will give up and seek employment elsewhere. Shortening the process is not easy in law enforcement, where positions require numerous tests and background checks. As detailed above, the Sheriff's Office has cut the process by a few weeks by consolidating some steps, but little additional consolidation is expected. The hiring of Merit System Staffing positions, such as Social Workers, will continue to be very slow until Humboldt County HR wrests control of the process away from CalHR. For other positions, hiring times could be shortened if the practices of departments like Public Works could be replicated in other departments. When hiring departments proactively arrange for all the necessary resources prior to posting the job announcement, hiring times can be cut from sixty days to as little as thirty-to-forty-five days.

One path to doing less hiring is to keep staff from leaving. Humboldt's retention rates are on a par with other counties reviewed by the HCCGJ, but any improvement would be helpful. Low compensation was often cited by departing employees in the exit questionnaire. A four-year-old study showed that Humboldt County paid below market rate compared to other counties, especially when benefits are factored in. These disparities were addressed with salary adjustments, but without further data we cannot know if all disparities were eliminated. Humboldt County's current budget situation makes it difficult to address compensation shortfalls, even though the frequent hiring cycle alternative is costly. Staffing shortages affect productivity, and the cycle to hire-train-quit-hire occurs all too often.

FINDINGS

The Humboldt County Civil Grand Jury finds that:

F1: Humboldt County Human Resources is now sending exit questionnaires to all departing County employees. Analysis of these responses may allow Humboldt County Human Resources to determine strategies to improve recruitment and retention.

F2: The Humboldt County Sheriff's Office has longer hiring times than other county positions due to necessary written and oral testing, and required background checks. However, overlapping testing and interviews have allowed them to shorten the hiring process by weeks. This shortened hiring time increases the likelihood of successful recruitment.

F3: Many departments continue to be short-staffed, including Humboldt County Human Resources itself. Productivity decreases when staffing is inadequate, and the workload for individual staff increases, affecting employee retention. **(R1, R2, R3)**

F4: The average length of time from announcement to hire is on a par with other counties, but the process still takes months. This long time reduces the qualified pool of applicants and potentially forces the hiring department to start over. **(R4)**

F5: Hiring times are longer for departments that do not work efficiently or proactively with Humboldt County Human Resources during the hiring steps to provide subject matter experts and oral examiners. Longer hiring times make it more likely that applicants will give up, endangering the success of finding and hiring qualified employees. **(R4)**

F6: The California Department of Human Resources controls the hiring of Merit System Staffing positions. Until Humboldt County Human Resources has control, the lengthy hiring process will continue to delay filling positions and may cause applicants to withdraw, making the recruitment less successful. **(R6)**

F7: As of a 2020 survey, county pay levels are low relative to similar counties. This hinders both recruitment and retention across many departments. **(R7)**

F8: As of a 2020 survey, the cost of medical benefits to employees is high relative to similar counties. This high cost hinders both recruitment and retention across many departments. **(R7)**

F9: Humboldt County Human Resources has fewer strategies to improve recruitment and retention compared to some other counties. Having fewer strategies could hinder both recruitment and retention. **(R5)**

F10: Unlike many other counties, Humboldt County Human Resources does not have a single comprehensive policies and procedures manual for hiring. This lack of direction could lead to misunderstanding and ignorance of hiring procedures. **(R8)**

F11: Humboldt County Human Resources does not have or use a standard set of metrics for the completion of hiring steps, hiring timeframe, recruitment success, or retention. Without these metrics, it is hard to evaluate hiring performance for county employment. **(R9)**

F12: Performance evaluations of Human Resources staff are not always conducted annually. This results in performance and accountability being difficult to assess. **(R10)**

RECOMMENDATIONS

The Humboldt County Civil Grand Jury recommends that:

R1: Current Humboldt County Human Resources vacancies be filled by no later than June 30, 2025. For funding recommendations see the wording below Recommendation #10. **(F3)**

R2: The Humboldt County Human Resources Assistant Director position be funded and filled by no later than June 30, 2025. For funding recommendations see the wording below Recommendation #10. **(F3)**

R3: The three positions in Humboldt County Human Resources that were funded by expired federal grants be funded and filled by no later than June 30, 2025. For funding recommendations see the wording below Recommendation #10. **(F3)**

R4: Humboldt County Human Resources develop a ‘best practices’ guide and training program for all hiring departments to use to speed up the hiring steps, to be completed by no later than June 30, 2025. **(F4, F5)**

R5: Humboldt County Human Resources implement additional hiring and retention strategies by no later than July 1, 2025. For funding recommendations see the wording below Recommendation #10. **(F9)**

R6: Humboldt County Human Resources continue the conversion process of becoming an Approved Local Merit System county, to be completed by no later than March 31, 2025. **(F6)**

R7: The Humboldt County Board of Supervisors adjust compensation levels to be competitive with other counties, to be done when the county budget situation improves. For funding recommendations see the wording below Recommendation #10. **(F7, F8)**

R8: Humboldt County Human Resources develop a single comprehensive internal hiring policies and procedures manual, to be completed by no later than March 31, 2025. **(F10)**

R9: Humboldt County Human Resources develop metrics to measure the completion of hiring steps, hiring timeframe, recruitment success, and retention, to be completed by no later than March 31, 2025. **(F11)**

R10: Humboldt County Human Resources conduct performance evaluations annually for all Human Resources staff, to be completed by no later than June 30, 2025. **(F12)**

Funding Recommendation: The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors fund the expenses listed in **R1, R2, R3, R5, and R7** with existing appropriations in the **current** fiscal year. If current appropriations are not sufficient, the Grand Jury recommends that the Board of Supervisors, at its next earliest opportunity, pursue additional funding from an appropriate agency, including state or federal agencies.

RESPONSES

Pursuant to California Penal Code sections 933 and 933.05, each entity or individual named below must respond to the enumerated Findings and Recommendations within specific statutory guidelines.

Responses to Findings shall be either:

- The respondent agrees with the finding; or
- The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

Responses to Recommendations shall be one of the following:

- The recommendation has been implemented, with a summary regarding the implemented action; or
- The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation; or
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency where applicable. This time frame shall not exceed six months from the date of the publication of the Grand Jury report; or
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

REQUIRED RESPONSE – WITHIN 90 DAYS

The Humboldt County Board of Supervisors
(All findings, all recommendations)

REQUIRED RESPONSE – WITHIN 60 DAYS

The Humboldt County Sheriff
(F2)

Invited Responses

The Humboldt County Civil Grand Jury also invites the following entities or individuals to respond.

The Department of Humboldt County Human Resources
(F1, F3, F4, F5, F6, F9, F10, F11, F12) and (R1, R2, R3, R5, R6, R7, R8)

The Department of Health and Human Services
(F6) and (R3)

Responses are to be sent to:

The Honorable Judge Kelly L. Neel
Humboldt County Superior Court
825 5th Street, Eureka, CA 95501

The Humboldt County Civil Grand Jury
825 5th Street, Eureka, CA 95501

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

1 **APPENDIX A**

2
3
4 **Hiring questions sent to counties ***

5
6 **Vacancies**

- 7
8 • How many full-time positions are currently allocated in your county?
9 • Of those positions, how many are vacant?
10 • Of the vacant positions how many are frozen?

11
12 **Retention**

- 13
14 • What is your retention rate for the most recently completed fiscal year?
15 • What is your retention rate for the most recent three fiscal years available?
16 • What procedures do you have in place to improve your retention rates?

17
18 **Hiring**

- 19
20 • What is your average time to hire from receipt of application to final hire?
21 • Are there specific occupation which are consistently difficult to fill, e.g. constant
22 openings and/or a shortage of qualified applicants? If so, what are they?
23 • What hiring incentive program(s), if any do you have?
24 • Do you maintain a hiring process policy and procedures manual? If so, may we have a
25 copy of it?

26
27 * Questionnaires were sent to ten counties:

28 El Dorado, Kings, Humboldt, Madera, Mendocino, Napa, Nevada, Shasta, Sutter, and Yuba.

29
30 Responses were received from all except:

31 Kings, Madera, and Shasta.

APPENDIX B

Questionnaire Responses

Question	Humboldt	Mendocino	El Dorado	Nevada	Napa	Sutter	Yuba
1 # Employees	2442	1516	2012	874	1623	1097	964
2 # Vacant	518	403	245	56	181	165	122
% Vacant	21%	27%	12%	6%	11%	15%	12%
3 # Frozen	0	154	0	0	0	no records	11
Retention year							
4 2022-23	84%	81%	84%	87%	92%	79%	99%
5 2021-22	91%	82%	83%		89%	70%	98%
2020-21	87%	85%	86%		89%	75%	
2019-20		83%	89%		92%	71%	
6 Retention improvement?	longevity pay, limited tuition reimbursement	none	competitive salary, mgmt. training, training and development for staff	tuition reimbursement, longevity pay, volunteer opportunities	flexible schedules, telework, retention bonuses	flexible schedules, longevity pay, student loan repayment, Sutter wellness program	none
7 Time to hire (days)	60 ¹	45 ²	60	60	92	30 ³	50
8 Hard to fill	see app. C	see app. C	see app. C	see app. C	see app. C	see app. C	see app. C
9 Hiring incentives	signing bonus	none	Hiring incentives for hard to fill positions, relocation expense reimbursement	signing bonus for hard to fill jobs, student loan repayment, referral bonus	Hiring incentives & loan forgiveness for hard to fill positions, employee referral bonus	signing bonus for hard to fill jobs	no detail provided
10 Policies and procedures manual?	No	no, uses co. civil service	no, uses co. civil service	yes	yes	yes	yes

Numbers and percentages in this table are rounded

Average time to hire notes

¹ Humboldt: From close of recruitment period to creating an eligible applicant list.

² Mendocino: From close of recruitment period to final onboarding.

³ Sutter: From close of recruitment period to creating an eligible applicant list. Close of recruitment period to final onboarding is 106 days for Sutter

APPENDIX C

Hard to fill positions, by county

Humboldt County

Social Worker
Eligibility Specialist
Correctional Officer
Juvenile Corrections Officer
Public Safety Dispatcher

Deputy Sheriff
Engineer
Roads Maintenance Worker III
Attorney
Human Resources Technician

Mendocino County

Animal Protection Officer
Attorney
Auditor-Appraiser
Bookmobile Driver
Community Health Services Specialist
Cook
Corrections Deputy
Deputy Sheriff Coroner
Eligibility Worker
Environmental Health Director

Environmental Health Specialist
Mental Health Clinician
Mental Health Rehab Specialist
Nurses- Including Director of PHN
Public Safety Dispatcher
Real property Appraiser
Road Crew Worker III / IV (due to special licenses)
Social Worker
Substance Abuse Counselor

Mendocino Department Heads difficult to fill (currently vacant)

Air Pollution Control Officer
Agriculture Commissioner /Weight Sealer
Assistant Agriculture Commissioner/ Weight Sealer
Human Resources Director
Public Health Director

El Dorado County

Public Health Nurse
Mental Health Clinician
Correctional Officer

Deputy Sheriff
Extra Help Snow Removal Worker

Nevada County

Correctional Officer
Deputy Sheriff

Sheriff's Dispatcher
Engineer

Napa County

Deputy Sheriff
Correctional Officer
Probation Officer
Juvenile Hall Counselor

Mental Health Counselor
– Licensed Positions
Planner
Engineer

Sutter County

Hard to get qualified Applicants AND open for longer periods

Director of Psych Nursing (1 app in 6 mos.)
Psych Emergency Sup (2 apps in 3 mos.)
Psychiatrist (1 app in 9 mos.)
Nutritionist (1 app in 8 mos.)
Welfare Investigator (4 apps in 8 mos.)

Mental Health Therapist I/II/III
Social Worker II/III/IV
Nurse
Supervising Staff Dispatcher
Any Type of Mechanic

Few Qualified Applications

Public Health Emergency Response Coordinator (6 apps in 6 weeks)
Rehabilitation Clinician (1 app in 7 weeks)
Intervention Counselors SUDS (substance use disorder), registered or certified

High Turnover

Public Assistance Specialist
Correctional Office

Deputy Sheriff

Hard to get qualified apps open for long periods, high turnover

Accountant
District Attorney

Public Safety Dispatcher
Correctional Sergeant

Yuba County

Nursing classifications
Social Worker
Correctional Officer
Juvenile Corrections Officer

Public Safety Dispatcher
Deputy Sheriff
Engineer

APPENDIX D

Target Response Timeframes

CalHR vs. the County of Humboldt’s Human Resources (HR) Department

Selection Process Activity	Who	CalHR Target Timeframe	County HR Target Timeframe
Notifying CalHR or County HR of need to recruit, identifying examination type and SMEs	DHHS or NCRDCSS	7 business days <i>before</i> the requisition submitted	Date the requisition is submitted
Contacting SMEs to schedule examination review	CalHR or County HR	5 business days after SMEs identified*	Not Applicable (N/A)
Examination Development	CalHR or County HR	10 business days after identification of exam type	Developed while recruitment is advertising
Examination Finalization	CalHR or County HR	3 business days after meeting with SMEs	Finalized before recruitment advertising period closes
Drafting job bulletin and sending to DHHS or NCRDCSS for review	CalHR or County HR	2 business days after exam has been finalized*	Typically within 10 business days of requisition request
DHHS or NCRDCSS review and approval of job bulletin	DHHS or NCRDCSS	2 business days	Typically within 2 business days
Posting job bulletin	CalHR or County HR	2 business days after receiving county approval of job bulletin*	Typically within 2 business days
Completion of MQ review	CalHR or County HR	5 business days after job closing date	Typically within 5 business days after job closing date
Administration of selection examination	CalHR or County HR, DHHS or NCRDCSS	Up to 4 weeks after job closing	Typically within 5 business days after MQ review completion; may depend on panel availability
Administration of bilingual examination	CalHR or County HR	Up to 4 weeks after administration of exam	N/A
Scoring of examination	CalHR or County HR	5 business days after administration or receipt of examination materials	Typically within 5 business days after administration or receipt of examination materials
Referral of eligible list	CalHR or County HR	2 business days after completion of scoring	Same day as scoring of examination
Total Number of Business Days		83 business days	29 business days

Abbreviations in this table:

- SME: Subject Matter Expert
- MQ: Minimum Qualifications
- DHHS: Department of Health and Human Services
- NCRDCSS: North Coast Regional Department of Child Support Services

This timeline is from the ALMS conversion proposal presented to the Board of Supervisors at their August 23, 2023 meeting. A report and other details of the conversion can be found at:

<https://humboldt.legistar.com/LegislationDetail.aspx?ID=6321392&GUID=3EE86037-35C0-45F5-9F50-BC4DF07D871A&Options=&Search=>

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Arcata Fire District

Dwindling Resources = Dwindling Services

Released June 24, 2024

SUMMARY

It may not be evident to the public, but the Arcata Fire District is approaching desperate financial conditions and may soon need to again reduce service levels, including the closure of one fire station. The Humboldt County Civil Grand Jury discovered that the District is running out of money, with no government funding to fall back on.

The District's financial shortfalls became clear when the Grand Jury investigated the ability of the District to safely provide services for high-rise buildings. Under the Arcata Gateway Area Plan some structures will be mandated to be between five and seven stories, while two large dormitories are already under construction by California State Polytechnic University, Humboldt.^{54 55} The university's Environmental Impact Report (EIR) for the new dormitories evaluated possible impacts posed by the current construction of six- and seven- story student resident halls. The final EIR included a finding of "Less Than Significant" regarding public safety.⁵⁶ However, that finding is contrary to comments provided by the Arcata Fire District.⁵⁷

The Grand Jury looked at the current ability of the Arcata Fire District to respond with sufficient personnel and equipment to fight high-rise fires. The District uses trained, paid firefighting professionals when responding to all emergency calls, and they do so with aging fire engines. Can the District afford to recruit new firefighters and secure proper equipment to meet growing needs?

The Arcata Fire District is a Special District created and funded by the people it serves and protects.⁵⁸ Increasing revenue is a difficult process. To maintain current levels of service, district taxpayers will need to cover the full cost of fire protection to keep up with inflation. To provide services for new buildings and a higher population, even more funding will be needed.

⁵⁴ Arcata Gateway: <https://www.cityofarcata.org/965/Arcata-Gateway-Area-Plan-and-Gateway-Cod>

⁵⁵ Cal Poly Final Environmental Impact Report: <https://facilitymgmt.humboldt.edu/craftsman-student-housing>

⁵⁶ Ibid: See Footnote #2

⁵⁷ Mad River Union: <https://arcata1.com/arcata-fire-district-tells-council-no-40ft-buildings/>

⁵⁸ LAFCO defines Special District, see Appendix A.

The Humboldt County Civil Grand Jury learned that the District’s finances have not been sufficient to cover expenses in recent years. Due to inflation the cost of providing existing services rises every year. It will cost even more to pay for serving the District’s growing population and its expanding and changing infrastructure. Funding levels are essentially static, so while costs rise, income for the District does not. The gap between increasing revenue and expense is widening. Without increased funding, residents are at greater risk during emergencies. This report explains current benefits to district residents, upcoming demands for service, and the need for Arcata Fire District voters to consider what level of fire and emergency protection they desire and are willing to pay for.

METHODOLOGY

The Humboldt County Civil Grand Jury reviewed numerous documents from the Arcata Fire District, Humboldt County Fire Chiefs’ Association, and California State Polytechnic University, Humboldt, amongst others.

The documents reviewed include, but are not limited to:

- The Humboldt County Fire Chiefs Association Strategic Plan Findings 2019 - 2024 ⁵⁹
- The Arcata Fire District Board meeting packets from August 2021 to March 2024
- Humboldt County Ordinance approving Measure F ⁶⁰
- The Arcata Fire District’s 2006 Ordinance Establishing the Benefit Assessment tax ⁶¹

The Grand Jury also conducted interviews with people having extensive knowledge and historical information about the District and its activities.

BACKGROUND

The Arcata Fire District is a special district formed in 1944 that expanded what had been the Arcata Volunteer Fire Department.

The District serves about 37,000 residents and covers sixty-two square miles. It stretches from Clam Beach in the north down to Indianola Road, and from the Pacific Ocean to the first ridgetops to the east. This includes the communities of Arcata, Bayside, Manila, and McKinleyville. The terrain ranges from flat pastureland with farms and ranches to steep forested hillsides. Buildings range from small, isolated single-family homes to multi-level apartment buildings. Two major highways run through the area.

⁵⁹ Humboldt County Fire Chiefs’ Association, Strategic Plan 2019 -2014,

<https://humboldt.gov/DocumentCenter/View/98587/FINAL-HCFCA-Strategic-Plan-v919>

⁶⁰ Humboldt County Ordinance 20-20: <https://humboldt.gov/DocumentCenter/View/88840/Measure-F-Full-Text>

⁶¹ Arcata Fire District Ordinance 06-12: <https://www.arcatafire.org/files/b1ef0182e/Ordinance+No.+06-12+Establishing+Benefit+Assessment.pdf>

Included in the District is California State Polytechnic University, Humboldt (Cal Poly Humboldt), which has dormitories for 1,882 students, and dormitory housing for another 964 students under construction. There are many academic, athletic, performance, and research facilities covering 144 acres of hillside land adjacent to the Arcata Community Forest.

The District has three fire stations: one in McKinleyville, one in north Arcata, and one in downtown Arcata. Each station always has two firefighters per fire engine on duty. All District firefighters are paid professionals. Most emergency calls are not fire-related, but because fire departments are first responders, the District's firefighters are also trained Emergency Medical Technicians. Many firefighters are trained paramedics.

A Volunteer Logistics Unit provides support for firefighters. As needed, these volunteers direct traffic, refill oxygen bottles, and provide behind-the-scenes support for firefighters. This unit is essential as it allows the District's limited number of firefighters to fulfill their primary missions.

To help make up for deficits in staffing and equipment during significant events, the District relies on nearby fire departments. These include Humboldt Bay Fire, volunteer fire departments throughout the county, and the Trinidad station of the California Department of Forestry and Fire Protection. This reliance on other agencies significantly increases response times.

Most District revenue must be approved by District residents. For many years the level of revenue has remained flat, despite the increased costs of providing adequate protection and safety. The annual budget is based on the available revenue and is not enough to maintain, much less improve, service levels for District residents.

The major portions of Arcata Fire District's revenue come from:

- A percentage of county property taxes, set by state law
- A 2020 voter-approved special tax called Measure F
- A 2006 voter-approved Benefits Assessment Tax collected from District property owners and residents.

Per the California State Constitution, state-owned parcels, such as Cal Poly Humboldt, are not subject to property taxes or other local taxes. Therefore, Cal Poly Humboldt, while being served by the District, does not contribute to the District any funding for fire protection and other services.

Multi-story structure fires already exceed the District's response capacity. If there is a multi-story building fire the District must wait for assistance from neighboring Departments. The District does not have a ladder truck due to:

- The high cost of purchasing a ladder truck
- The high cost of ladder truck maintenance
- Certification costs, required every two years
- The large number of staff required to operate a ladder truck

- The lack of a District building big enough to house a ladder truck
- Staff training costs.

The nearest ladder truck is in Eureka at the Humboldt Bay Fire Station 1, 533 C Street. This is 8.6 miles from what is currently the tallest Cal Poly Humboldt building, the five-story Behavioral and Social Sciences Building.

Arcata Fire District growth will not come just in the form of multi-story buildings. California zoning and land use legislation promotes increased housing density, which means fewer single-family homes and more apartment complexes. These new and taller buildings, new residential and commercial development, and population growth will increase the number and complexity of service calls. The Arcata Fire District responds to all calls for fires, medical emergencies, environmental hazards, and traffic accidents, including calls from Cal Poly Humboldt.

Measure F, which supplements the District's budget through a special tax, was approved by the residents of the District in 2020. Prior to its passage, a lack of money caused the Arcata Fire District to reduce services including, on a rotating basis, closing one of the three fire stations. This situation demonstrates the importance of continued and increased income. Unless extended by the voters of the District measure F will expire on June 30, 2030, resulting in a significant loss of revenue for the District.

Arcata Fire District residents' tax themselves for this essential, lifesaving service. The future of the District is in the hands of the voters it serves.

DISCUSSION

District residents know that if you dial 911 because of a medical emergency, Arcata Fire District personnel are likely to show up first. If you are in a car crash, a fire engine will show up. If someone sets off a fire alarm in your house or building, an emergency vehicle and two trained first responders will arrive on site within 5 minutes in most cases.

Fire equipment is highly visible. District residents see fire engines and firefighters at special events in the community such as races, fairs, and festivals. Fire prevention programs are held at local schools. Of course, if there's a fire in any building, an empty field, or the forest, you're going to see firefighters and their trucks, engines, and equipment. In 2023, AFD responded to 3,540 rescue and medical calls, an average of 295 per month.⁶²

⁶² Arcata Fire District 2023 Annual Report: https://www.arcatafire.org/2023-year-end-report#:~:text=The%20District%20ended%20Calendar%20Year,*%20were%20EMS%2FMedical%20Aids.

FINANCIAL STATUS

History

Rural fire departments nationwide do not have reserves of capital to cover increasing costs such as:

- the replacement of aging safety equipment and apparatus;
- dispatch fees and communication infrastructure improvements;
- insurance, worker's compensation, and retirement benefits;
- training; and
- the maintenance and establishment of fire stations.⁶³

The Arcata Fire District is no exception. The District has a history of financial instability. For several years, until 2022, the District used reserve funds to avoid deficit spending just to maintain minimal staffing and basic operations. In April 21, 2020 the District was forced to reduce staffing and close one of the three fire stations on a rotating basis. These closures resulted in longer response times and fewer available firefighters. In November 2020, District voters approved Measure F, and by January 2022, the resulting funds became available to reopen the third station and to rehire firefighters.⁶⁴ See Appendix D for budget details.

Principal Sources of Income

The Arcata Fire District has three principal sources of income: property tax, the 2006 Benefits Assessment tax, and the 2020 Measure F special tax.⁶⁵

- The County allocates a portion of the property tax on each parcel within the District to the District. This represents about 40% of the total revenue. The County allocation does not change.
- In 2006, District voters approved the Benefit Assessment tax for the purpose of purchasing and maintaining fire-fighting equipment and to pay related salaries.⁶⁶ The unit of benefit rate (e.g., \$88.00 for an occupied home) has not changed since 2006, yet costs have increased by fifty-five percent.⁶⁷ A new rate is needed to keep current with inflation. (See Appendix C for assessment details)

⁶³ Humboldt County Fire Chiefs' Association, 2020 Annual Report, page 12.

⁶⁴ Humboldt County Fire Chiefs' Association, 2020 Annual Report, page 31.

⁶⁵ AFD Annual Budget Sources: <https://www.arcatafire.org/annual-budget>

⁶⁶ 6-12, An Ordinance of the Arcata Fire Protection District Establishing a Benefit Assessment to Finance Fire Protection and Prevention Services.

⁶⁷ Consumer Inflation calculator: <https://www.in2013dollars.com/us/inflation/2006?amount=4211>

- In 2020, District voters approved Measure F, a special tax measure for the purpose of restoring eight vacant firefighter positions, reopening the third fire station, ensuring adequate dollars for the Vehicle Replacement Fund, and replenishing the emergency reserve funds. The amount of tax is based on the parcel’s use. (See Appendix B for details.)

Measure F will expire in June 2030.⁶⁸ To avoid a loss of tax revenue, a ballot measure to fund a new source of income needs to be on the ballot in by no later than 2028. If approved by the voters in the District, the new tax would take effect in fiscal year (FY) 2029-2030.

- Other sources of revenue are relatively small. The District receives revenue from intergovernmental contracts, charges for service calls outside the district, and periodically from grants. Combined, these represent about 5% of total revenues for FY 2022-2023.⁶⁹

Possible Reduction in Services

The 2006 Benefits Assessment Tax is static; it does not increase and has no way of adjusting for inflation. With one funding source possibly ending and another not growing to keep pace with inflation, the Arcata Fire District is again facing reduced funding that would force a reduction in services.

If funding is found (e.g. a new voter approved measure) that exactly matches Measure F funding, there would still be a risk of a reduction of services because costs continue to rise. Examples of increased expenses include:

- Inflation for goods and services purchased by the District
- Maintaining and replacing aging fire engines and equipment
- The annual payment for dispatching through the California Department of Forestry and Fire Protection (CAL FIRE). Four years ago, the fee was \$130,000; in 2023-2024 the payment was \$300,000. Any 911 call for response by the District is processed by the CAL FIRE’s Fortuna Interagency Command Center. Fees are calculated by determining personnel costs associated with increased call volume.⁷⁰
- The higher number of emergency calls resulting from population and housing growth. The City of Arcata forecasts its population will increase 60% from 2025 to 2045.⁷¹ This growth will generate some additional income for the District from all the funding components, but it still won’t be enough.

⁶⁸ Ibid: See Footnote #7

⁶⁹ Arcata Fire District Budget FY 22-23.

⁷⁰ Interview District Board of Directors member.

⁷¹ AFD Board packet, August meeting 2023, District Business, page 97.

Grant-funded Assistance

The Arcata Fire District regularly applies for small grants, but grant funding is not guaranteed. A Federal Emergency Management Agency Staffing for Adequate Fire and Emergency Response (SAFER) grant will provide operational funding for three years.⁷²

The District has also maintained a fund to purchase needed equipment. In recent years the District has been unable to fully replenish the equipment fund because of severe budget constraints. In the 2023-2024 budget this fund was depleted. These budget constraints make it difficult to replace older engines.

In March 2024 the District received a grant from the Orvamae Emmerson Endowment Fund.⁷³ The District was awarded \$910,000 to help replace a fifteen-year-old engine. The old engine will be retired when the new engine arrives in twenty-nine months. The District was quoted in a press release announcing the grant: “Two of the three fire rigs are maintenance nightmares. They are constantly in the shop getting repairs.”

Staffing levels are low

There are two primary organizations that assist fire districts in evaluating performance: the National Fire Protection Association (NFPA) and the Commission on Fire Accreditation International (CFAI). To date the Arcata Fire District has not been using either NFPA or CFAI standards.

For the safety of firefighters, the California Occupational Health and Safety Administration (CAL/OSHA) regulations state that at least four firefighters must be present during structural firefighting if any entry into the structure is required. This regulation requires that there must be two firefighters outside while two personnel are inside the structure.^{74 75}

Presently, the Arcata Fire District maintains three fire stations, each with one fire engine and two firefighters at all times. Current District staffing - two fire fighters per engine - does not meet the NFPA minimum standards of four fire fighters per engine.⁷⁶

National standards for a residential fire call for fourteen fire fighters. For the District to have that many firefighters on hand several nearby fire agencies with which there is an Automatic Response Agreement must be dispatched. Any time that more firefighters need to be called, the response time is longer and results in a fire being at a more advanced stage by the time the full contingent arrives.⁷⁷ Having too few responders and a slower response time puts firefighters, the public, and property in increased danger.⁷⁸

⁷² Federal Emergency Management Agency, Staffing for Adequate Fire and Emergency Response: <https://www.fema.gov/grants/preparedness/firefighters/safer/documents>

⁷³ Arcata Fire District website “New Fire Engine.”

⁷⁴ Federal Register / Vol. 89, No. 24 / Monday, February 5, 2024 / Proposed Rules, p. 8091

⁷⁵ Humboldt County Fire Chiefs’ Association 2020 Annual Report.

⁷⁶ National Fire Protection Association 1710.

⁷⁷ AFD Board packet, August 2023, page 98.

⁷⁸ Interviews with AFD staff.

Recruitment and Retention of Firefighters

Consistently low numbers of firefighters have been a concern of the Arcata Fire District. In 2021 the District commissioned a study by the firm CPS HR Consulting. The study aimed to identify potential classification, compensation, and organizational strategies for improving District staff recruitment and retention.

This study concluded that, among other things:

- Safety concerns due to low staff levels is one reason firefighters consider moving to another agency.
- Low local salaries prevent the District from competing with out-of-area agencies.
- Low morale based on a lack of training opportunities was reported by some staff. Employees perceive training as a primary mechanism for self-improvement and career growth.

In addition to recommending more training opportunities, CPS HR Consulting recommended maintaining a market-based compensation structure to the extent financially possible. Specifically, the consultant suggested that the District conduct an annual base salary “spot check” of key benchmark positions in their labor market, and that they perform a full total compensation analysis at least every three years.⁷⁹ As a result, the District now provides longevity pay and higher salaries to attract and retain staff.

District Organized Working Group to Address Needs

Starting in February 2022 the Arcata Fire District began discussions concerning future needs. Around the same time the City of Arcata was working on updating its General Plan, which includes the Gateway Area Plan having buildings as high as eight stories, and Cal Poly Humboldt had started building the Craftsman Mall six- and seven-story dormitories. Anticipating this growth, in February 2023, the Arcata Fire District spearheaded a three-party working group that includes Cal Poly Humboldt and the City of Arcata. The group contracted with the consulting firm Triton LLC to comprehensively investigate the future demands on the District and identify the resources needed to meet those demands.⁸⁰

The Scope of Work of this investigation by Triton, LLC includes Standards of Cover (SOC),⁸¹ Deployment Analysis, Community Risk Assessment, and analysis of resources and revenue streams.

By the fall of 2024, the Arcata Fire District will have independent documentation of the financial and staff requirements for providing adequate fire protection services to their service area.⁸²

⁷⁹ CPS HR Consulting, 2450 Del Paso Road, Suite 220, Sacramento, CA 95834, www.cpshr.us. Arcata Fire District Final Classification and Total Compensation Report August 3, 2021.

⁸⁰ AFD Board of Directors, January 2024 Board Meeting packet, Triton LLC Scope of Work.

⁸¹ Standards of Cover (SOC) are the result of the community and the fire department together identifying risk and determining what current, or baseline, levels of performance the fire department can deliver.

⁸² AFD Board of Directors, January 2024 Board meeting packet. Consultant, AP Triton, Scope of Work, page 159.

FINDINGS

The Humboldt County Civil Grand Jury finds that:

F1: The Arcata Fire District can no longer invest in the Vehicle Replacement Fund to purchase new engines. This results in high maintenance costs for old equipment and periods of time when engines are out of service. **(R1, R2, R3)**

F2: Current staffing and equipment of the Arcata Fire District is not sufficient to respond to service calls. Increased population and higher structures in the District, including those at California State Polytechnic University, Humboldt, will result in greater danger and risk to people and property. **(R1, R2, R3)**

F3: California State Polytechnic University, Humboldt receives services from, but is not required to financially contribute to the Arcata Fire District. This results in the Arcata Fire District providing services without receiving compensation, further diminishing Arcata Fire District resources. **(R1, R2, R3)**

F4: The Measure F Special Tax will expire in 2030 which will eliminate over thirty percent of current Arcata Fire District revenue. A loss of that much income will force the Arcata Fire District to reduce staff and services, increasing the risk of personal injury and property damage during calls for emergency service. **(R1, R2, F3)**

F5: The 2006 Benefit Assessment Tax is not indexed to rise with inflation, resulting in the Benefit Assessment Tax becoming an increasingly insufficient source of revenue. This can result in a reduction of service and deterioration of Arcata Fire District facilities and capabilities to handle emergency calls. **(R1, R2, R3)**

F6: The Arcata Fire District, with the cooperation of the City of Arcata and California State Polytechnic University, Humboldt, formed a working group and hired a consultant to develop a Standards of Cover report. The findings of this study will guide the Arcata Fire District in developing procedures and standards for ensuring and improving Arcata Fire District public safety. **(R4)**

RECOMMENDATIONS

The Humboldt County Civil Grand Jury recommends that:

R1: The Arcata Fire District use social media, traditional print and electronic media, and radio to inform the public using of impending financial difficulties. This is to take place by no later than December 31, 2024. **(F1, F2, F3, F4, F5)**

R2: By June 30, 2026, the Arcata Fire District propose a ballot measure revising the 2006 Benefit Assessment Tax by updating rates and including an inflation adjustment clause. **(F1, F2, F3, F4, F5)**

R3: The Arcata Fire District promote a ballot measure to generate a permanent special tax to, at a minimum, match income generated by Measure F. This is to be completed by December 31, 2026 in order to be on the 2028 Humboldt County Election Ballot. **(F1, F2, F3, F4, F5)**

R4: The Arcata Fire District continue to coordinate the working group with the City of Arcata and California State Polytechnic University, Humboldt, to establish Standards of Cover. **(F6)**

R5: The Arcata Fire District explore with California State Polytechnic University, Humboldt, opportunities for the University to offer financial assistance or establish reimbursement fees in recognition of the impacts of its tax-exempt status to be initiated by December 31, 2024. **(F2, F3)**

RESPONSES

Pursuant to California Penal Code sections 933 and 933.05, each entity or individual named below must respond to the enumerated Findings and Recommendations within specific statutory guidelines.

Responses to Findings shall be either:

- The respondent agrees with the finding; or
- The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

Responses to Recommendations shall be one of the following:

- The recommendation has been implemented, with a summary regarding the implemented action; or
- The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation; or

- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency where applicable. This time frame shall not exceed six months from the date of the publication of the Grand Jury report; or
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

REQUIRED RESPONSE WITHIN 90 DAYS

The Arcata Fire District Board of Directors
(All findings, all recommendations)

The City of Arcata City Council
(F4) and (R4)

Invited Responses

The Humboldt County Civil Grand Jury also invites the following entities or individuals to respond.

Arcata Fire District Chief
(All findings, all recommendations)

California State Polytechnic University, Humboldt
(F4, F5) and (R4, R5)

Responses are to be sent to:

The Honorable Judge Kelly L. Neel
 Humboldt County Superior Court
 825 5th Street, Eureka, CA 95501

The Humboldt County Civil Grand Jury
 825 5th Street, Eureka, CA 95501

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX A

Humboldt Local Agency Formation Commission: What are Special Districts?

“Special districts are limited purpose local governments – separate from cities and counties. Within their boundaries, special districts provide focused public services such as fire protection, water, sewer, electricity, parks, recreation, sanitation, cemeteries, and libraries. Each type of special district operates under either a principal act or special act. Additionally, there are two forms of special district governance: independent and dependent. Most special districts are independent districts with independently elected boards or appointed boards whose directors serve for fixed terms.”

APPENDIX B

Measure F Units of Service

	Parcel Use Category	Total Annual Charge
A.	Vacant/unimproved:	\$30 per year
B.	Single-Family Residential:	\$118 per year
C.	Rural Residential/Improved:	\$192 per year
D.	Multi-Family Residential (2-4 units):	\$309 per year
E.	Multi-Family Residential (5-9 units):	\$388 per year
F.	Multi-Family Residential (10+ units):	\$465 per year
G.	Commercial:	\$546 per year
H.	Industrial:	\$910 per year
I.	Retail (10,000 + square feet):	\$910 per year
J.	Mobile Homes:	\$90 per year

Extracted from Resolution Number 21-232, A Resolution of the Arcata Fire Protection District Board of Directors Certifying the Results of the General Election Held November 3, 2020.

APPENDIX C

Benefits Assessment Units of Service

Land Use Code	Units of Benefit	Total Assessment	Description
0093	3	\$66	Licensed Mobile Home in Park
1000	1	\$22	Vacant Single-Family Residential
1100	4	\$88	Improved Single-Family Residential
1400	4	\$88	Condominium Single-Family Residential
2120	8	\$178	Improved Multi-Family 2-4 units
2236	NA	0	Low Income Sec. 236 Housing
3000	1	\$22	Vacant Rural Residential to .99 acres
3100	6	\$132	Improved Rural Residential to .99 acres
4100	10	\$220	Misc. Light Industrial
5601	12	\$264	Fast Food Restaurant
5301	12	\$264	Gas Station without mini-market
9990	12	\$264	Public Utilities

Extracted from Ordinance No. 06-12. An Ordinance of the Arcata Fire Protection District Establishing a Benefit Assessment to Finance Fire Protection and Prevention Services.

APPENDIX D

<u>ARCATA FIRE DISTRICT REVENUE/EXPENSE 2019-2024 SUMMARY</u>			
YEAR	REVENUE	EXPENSE	Surplus (Deficit)
Fiscal Year 2019-2020*	\$4,408,569	\$4,468,790	(\$60,221)
Fiscal Year 2020-2021*	\$4,867,682	\$3,844,514	\$1,023,168
Fiscal Year 2021-2022* (6)	\$6,657,863	\$4,398,198	\$2,259,665
	<i>Measure F funds begin to be received</i>		
Fiscal Year 2022-2023*	\$6,836,598	\$6,571,932	\$264,666
Fiscal Year 2023-2024**	\$6,584,700	\$6,694,000	(\$109,300)
* Actual ** Adopted			

ARCATA FIRE DISTRICT REVENUE/EXPENSE 2019-2024 DETAILED

Fiscal Year 2019-2020 ACTUAL (1)					
<u>REVENUES</u>			<u>EXPENSES</u>		
Property Tax	\$2,210,407	50%	Salaries/Benefits	\$3,201,551	72%
Dist. Tax + Assessments	\$1,731,995	39%	Services/Supplies	\$641,532	14%
Other	\$395,136	9%	Capital Outlay	\$0	0%
Program Revenues	\$71,031	2%	Debt Service	\$152,696	3%
			PERS UAL Payment	\$473,011	11%
				\$4,468,790	
	-\$60,221			\$4,408,569	
				\$4,468,790	
				Surplus (Deficit)	(\$60,221)
Fiscal Year 2020-2021 ACTUAL (2)					
<u>REVENUES</u>			<u>EXPENSES</u>		
Property Tax	\$2,315,335	48%	Salaries/Benefits	\$2,574,014	67%
Dist. Tax + Assessments	\$1,744,424	36%	Services/Supplies	\$748,769	19%
Other	\$737,762	15%	Capital Outlay	\$0	0%
Program Revenues	\$70,161	1%	Debt Service	\$155,890	4%
			PERS UAL Payment	\$365,841	10%
				\$3,844,514	
				\$4,867,682	
				\$3,844,514	
				Surplus (Deficit)	\$1,023,168
<i>Measure F approved by voters on Nov. 3, 2020</i>					
Fiscal Year 2021-2022 ACTUAL (3) (6)					
<u>REVENUES</u>			<u>EXPENSES</u>		
Property Tax	\$2,517,199	22%	Salaries/Benefits	\$3,016,857	33%
Dist. Tax + Assessments	\$3,708,632	33%	Services/Supplies	\$736,652	8%
Other (6)	\$5,068,007	45%	Capital Outlay	\$65,788	1%
Program Revenues	\$64,025	1%	Debt Service	\$161,150	2%
			Funds transfer (6)	\$5,117,751	56%
				\$9,098,198	
				\$11,357,863	
				\$9,098,198	
				Surplus (Deficit)	\$2,259,665

2022 - Measure F funding begins to be received					
Fiscal Year 2022-2023 ACTUAL (4)					
<u>REVENUES</u>			<u>EXPENSES</u>		
Property Tax	\$2,690,043	39%	Salaries/Benefits	\$4,145,929	63%
Dist. Tax + Assessments	\$3,728,356	55%	Services/Supplies	\$862,097	13%
Other	\$334,000	5%	Capital Outlay	\$224,554	3%
Program Revenues	\$84,199	1%	Debt Service	\$515,946	8%
			PERS UAL Payment	\$823,406	13%
	\$6,836,598			\$6,571,932	
			Surplus (Deficit)	\$264,666	
Fiscal Year 2023-2024 ADOPTED (5)					
<u>REVENUES</u>			<u>EXPENSES</u>		
Property Tax	\$2,618,000	40%	Salaries/Benefits	\$4,612,000	69%
Dist. Tax + Assessments	\$3,786,000	57%	Services/Supplies	\$917,000	14%
Other	\$113,700	2%	Capital Outlay	\$0	0%
Program Revenues	\$67,000	1%	Debt Service	\$503,000	8%
			PERS UAL Payment	\$662,000	10%
	\$6,584,700			\$6,694,000	
			Surplus (Deficit)	(\$109,300)	

(1) AFD Board Packet 10/13/2020, pg. 34:

<https://www.arcatafire.org/files/ff0ff86ba/Board+Packet+Regular+October+11%2C+2022.pdf>

(2) AFD Board Packet 12/14/2021, pg. 179:

<https://www.arcatafire.org/files/386b06e28/Board+Packet+Regular+December+14%2C+2021.pdf>

(3) AFD Board Packet 10/11/2022, pg. 133:

<https://www.arcatafire.org/files/ff0ff86ba/Board+Packet+Regular+October+11%2C+2022.pdf>

(4) AFD Board Packet 10/10/2023, pg. 94:

<https://www.arcatafire.org/files/ff0ff86ba/Board+Packet+Regular+October+11%2C+2022.pdf>

(5) AFD Board Packet 6/13/2023, pg. 94:

<https://www.arcatafire.org/files/ff0ff86ba/Board+Packet+Regular+October+11%2C+2022.pdf>

(6) In FY 21-22 AFD took a loan of \$4,700,000 to pay for Unfunded Accrued Liabilities (UAL), and applied it in the same year. For this reason the annual budget appears significantly larger than in other years. This is not represented in the summary. For the summary only this revenue/expense has been removed for comparison purposes.

Humboldt County, Behavioral Health, Substance Use, and the Streets

What Works?

SUMMARY

Humboldt County citizens who are suffering from significant behavioral health issues have few options. If they are fortunate enough to have private insurance, they may be able to find treatment from a private psychiatrist, nurse practitioner, or clinician. If they need to be hospitalized, they may be able to go to an out-of-area private in-patient facility. For the unhoused, uninsured, underinsured, and those individuals in active and severe crisis, those options do not exist.

For many years the primary responders for our citizens suffering active behavioral health crisis have been law enforcement. This situation is not by choice. Many officers agree they are not the best people for the job, but they are often the last strings in the social safety net. Traditionally, they have had few tools with which to help, usually limited to detaining people for a mental health evaluation or, if a crime has been committed, arresting them, and hoping the jail can offer services. In the last fifteen years or so officers have slowly obtained more tools, usually through Critical Incident Team training.⁸³ These training tools assist law enforcement officers to recognize people in crisis, to use effective de-escalation techniques, and to coordinate with trained behavioral health professionals that respond to assist or manage the situation when they are available.

This report focuses on the concept of having trained professionals work with those individuals in crisis. Over the last decade, two programs have been reaching out to those people most in need. These programs are the Mobile Intervention and Services Team (MIST) and Crisis Alternative Response Eureka (CARE). CARE often works with the Eureka Police Department's Community Safety Engagement Team (CSET). However, it is important to note that these programs are not aimed solely at those in crisis. These programs also address substance use disorder and attempt to identify people before they reach crisis. These programs work to connect the most marginalized of our citizens with critical resources while treating them with respect and dignity.

⁸³ CIT Training: <https://www.nami.org/advocacy/crisis-intervention/crisis-intervention-team-cit-programs/>

The benefits of specialized behavioral health response programs are many. People in need receive opportunities and treatment to improve their lives. Many low-level, “quality of life” crimes are prevented, and substance use is reduced. Overburdened emergency services have lower call volumes, and the number of hospital visits are reduced. Unhoused (homeless) people, who receive behavioral health interventions, are more likely to obtain and keep stable housing.⁸⁴ Moreover, keeping people out of hospitals and jails saves significant amounts of money that would otherwise be paid for with our tax dollars.^{85 86}

The Humboldt County Civil Grand Jury investigated the MIST, CARE, and CSET programs. We found that CARE and CSET appear to be appropriately staffed and funded, while providing much-needed services. MIST has recently completed a one-year, grant-funded collaboration with the Humboldt County Sheriff’s Office, with unimpressive results. The newest form of MIST has recently started, and evaluations of performance are premature, though there appears to be a funding gap that needs to be filled.

It is our conclusion that all of these programs need stable sources of funding in order to be successful. Underfunding these programs may be an example of being penny-wise and pound-foolish.

GLOSSARY

- 5150 WIC Section 5150 of the California Welfare and Institutions Code
- BHB Behavioral Health Branch
- BHJS State of California Behavioral Health Justice Intervention Service
- CARE Crisis Alternative Response Eureka
- CSET Eureka Police Department Community Services Engagement Team
- DHHS Humboldt County Department of Health and Human Services
- ED Hospital Emergency Department
- EPD Eureka Police Department
- MIST Mobile Intervention and Services Team
- SV Sempervirens Psychiatric Health Facility

⁸⁴ American Journal of Psychiatry: <https://ajp.psychiatryonline.org/doi/10.1176/appi.ajp.157.10.1563>

⁸⁵ CBS News ER visit costs 2020: <https://www.cbsnews.com/pictures/emergency-room-visit-cost-most-expensive-states/50/>

⁸⁶ County of Humboldt, inmate housing costs 2020: <https://lostcoastoutpost.com/loco-media/loco-media/blog/post/29029/Staff%2BReport%2B-%2B2020-08-31T152239.721.pdf>

BACKGROUND

Measure Z

Measure Z was a successful 2014 Humboldt County ballot initiative that enacted an additional one-half-cent sales tax throughout the county for five years. The funding was intended to support public safety and essential services with most of the funds dedicated to law enforcement and fire departments. Measure Z funds have also provided support for the Humboldt County Department of Public Works and a wide variety of other public services.⁸⁷

Measure O, a permanent extension of the Measure Z sales tax, was approved by the voters in 2018. In recent years, this funding has been less available due to a reduction in economic activity in the county, inflation, and Measure Z funds use for permanent county positions.⁸⁸

Mobile Intervention and Services Team

The Mobile Intervention and Services Team (MIST) is a program of the Humboldt County Department of Health and Human Services (DHHS) Behavioral Health Branch (BHB). From its inception in 2015 through 2020 MIST primarily partnered with the Eureka Police Department (EPD).

In 2015 EPD was granted \$242,200 in Measure Z funding for “two police officers, equipment, and homeless support services to work with the county’s MIST program to reduce homelessness.”⁸⁹ DHHS provided a behavioral health clinician and other staff support that was generally available during regular business hours and funded by other sources.

The MIST program for 2015 was described as follows:

“Implemented in early 2015, the Mobile Intervention and Services Team works with people who are homeless and need help stabilizing their mental illness and securing the services and assistance they need to avoid further problems. MIST was the first step in a series of planned, evidence-based interventions that allow Eureka Police Department and Department of Health and Human Services to attempt to provide the best possible solutions for people who need help and reduce the social disorder that is often associated with some segments of the homeless population. A DHHS mental health clinician is teamed with EPD officers in the field to make initial contact with individuals in the target population and provide assistance. A case manager also works with clients to provide follow up care and connect them to necessary services such as outpatient mental health counseling, medication support, alcohol and other drug services, housing or shelter, and linkage to medical and nutrition services.”⁹⁰

⁸⁷ Measure Z Allocations 2017-2023: <https://humboldt.legistar.com/View.ashx?M=F&ID=11915120&GUID=EC383272-022C-4033-906F-B86FA7BAD616>

⁸⁸ Board of Supervisors meeting Dec. 5, 2023: https://humboldt.granicus.com/player/clip/1933?view_id=5&redirect=true

⁸⁹ Measure Z 2015-16 report: <https://humboldt.gov/DocumentCenter/View/65418/MZ-Final-Report-15-16>

⁹⁰ 2015 MIST Data Dashboard: <https://humboldt.gov/DocumentCenter/View/54938/MIST-Q4-2015-Dashboard>

As resources from Measure Z, DHHS, and other sources changed, the MIST program also changed. The mission remained in place, but the specific makeup of the key service providers involved changed. DHHS defunded their contribution to MIST, and their participation ended in 2020. EPD continued to receive Measure Z funding for their Community Safety Engagement Team, detailed in the next section, through the 2022-2023 fiscal year.

More recently, MIST received a one-year grant that directly funded DHHS and focused on a partnership with the Humboldt County Sheriff's Office. That grant has expired, and the next iteration of MIST has begun, at least partially funded by Medi-Cal for services.

The newest version of MIST is an evolving operation within DHHS Behavioral Health. Currently, this program provides mobile crisis services throughout the county seven days a week with the goal of providing twenty-four-hour-a-day coverage.

Eureka Police Department Community Safety Engagement Team

As described by the City of Eureka:

“The Eureka Police Department's Community Safety Engagement Team (CSET) originated in July 2018. CSET's mission is to proactively address quality of life, crime, and disorder problems in Old Town, along the waterfront, and in city parks while developing strategies to ultimately improve upon or eliminate these issues.

“CSET is staffed with a Sergeant, MIST Officer, Old Town Officer, two Parks/Waterfront Rangers, a Homeless Liaison, and a volunteer substance abuse / mental health professional. CSET also shares two Homeless Outreach Workers (HOW) with Uplift Eureka.⁹¹ The MIST Officer, one of the Parks/Waterfront Rangers, the Homeless Liaison, and one of the Homeless Outreach Workers are funded through Measure Z.”⁹²

EPD officers within this team receive specialized training in de-escalation, Crisis Intervention Training, crisis negotiations, and other skills. When responding to calls of people in crisis, they are trained to slow things down when appropriate and use de-escalation skills to get voluntary compliance. After a call ends, they work to connect the person with resources to find long-term solutions. They also respond to calls regarding the unhoused community and substance use. However, seventy-five to eighty-five percent of their activity is proactive and meant to engage members of the community, to build human connections, and to address a crisis before it occurs.

⁹¹ Uplift Eureka: <https://www.uplifteureka.com/>

⁹² City of Eureka: <https://www.eurekaca.gov/375/Community-Safety-Engagement-Team-CSET>

The mission of CSET has evolved over the years, focusing less on law enforcement and more on field outreach for behavioral health, homelessness, and substance use disorder issues.⁹³ CSET members, when available, also respond to people in behavioral health crises throughout Eureka.

Crisis Alternative Response Eureka (CARE)

The City of Eureka's Crisis Alternative Response Eureka program began in January of 2023.⁹⁴ This program puts behavioral health clinicians and case workers into the community to provide intervention and treatment services to people in crisis. It is not part of EPD but does work closely with CSET. CARE workers can be dispatched through EPD's communications center and may accompany police officers on calls.

Importantly, CARE workers can also respond to behavioral health calls without officers if there is no indication of danger. This independent response of CARE workers allows EPD to focus on other duties and removes law enforcement from situations where the person in crisis may have negative reactions to uniformed personnel.

CARE team members can provide ongoing services to unhoused clients and actively work to find housing for their clients. They work in cooperation with other programs such as Uplift Eureka and the Betty Kwan Chinn Homeless Foundation.

METHODOLOGY

The Humboldt County Civil Grand Jury conducted interviews with people who have direct knowledge of local law enforcement, the Department of Health and Human Services, Mobile Intervention and Services Team, Crisis Alternative Response Eureka, and the Community Safety Engagement Team. We reviewed hundreds of pages of documents and analyzed statistics related to behavioral health in Humboldt County.

⁹³ Interview with EPD Cmdr. Leonard LaFrance: <https://lostcoastoutpost.com/2023/apr/6/conversations-leonard-la-france/>

⁹⁴ CARE Program: <https://www.eurekaca.gov/768/Crisis-Alternative-Response-Eureka>

DISCUSSION

One in twenty Americans, or five percent of the population, experience serious behavioral health issues each year.⁹⁵ For our unhoused population the numbers are much higher. The Substance Abuse and Mental Health Administration, a federal entity, reports that twenty-one percent of the unhoused population experiences serious behavioral health issues.⁹⁶ A 2023 report from California Healthline reports that “a staggering eighty-two percent of homeless people experiencing homelessness said they had a mental health condition or substance use challenge in their lifetime.” In the same report it was noted that sixty-six percent of the unhoused population stated that “they were currently experiencing mental health problems, such as depression, anxiety, hallucinations, or trouble remembering things.”⁹⁷

A 2017 study by the California Department of Public Health investigated the per capita overdose death rate for California. Humboldt County ranked in the top three for deaths related to all opioids and amphetamines.⁹⁸ Many individuals who develop substance use disorders are also diagnosed with mental disorders, and vice versa.⁹⁹

Based on the information provided above the Humboldt County Civil Grand Jury reaches a clear conclusion: the people on Humboldt County’s streets need help.

BENEFITS OF PROACTIVE OUTREACH

When someone is suffering a behavioral health crisis to the point that they pose a threat to themselves or others, California law provides just one primary tool – an involuntary detention for evaluation and treatment under section 5150 of the California Welfare and Institutions Code (5150 WIC).¹⁰⁰ Since 1969, when the Lanterman-Petris-Short Act significantly changed behavioral health laws in our state, most applications for 5150 WIC holds have been written by law enforcement officers, who as the only resource on the streets, responded to the most critical situations.¹⁰¹

⁹⁵ National Alliance on Mental Illness: https://www.nami.org/about-mental-illness/mental-health-by-the-numbers/?gad_source=1&gclid=Cj0KCCQjwmMayBhDuARIsAM9HM8dM1wxyfLGL5aB6Up7s61L7guGqcrCstM6MtpYjhysd-3_gd_r1BMaApAmEALw_wcB

⁹⁶ SAMHSA: <https://www.samhsa.gov/blog/addressing-social-determinants-health-among-individuals-experiencing-homelessness>

⁹⁷ California Healthline: <https://californiahealthline.org/news/article/california-homelessness-is-homegrown-university-of-california-research/#:~:text=A%20staggering%2082%25%20of%20people,hallucinations%2C%20or%20trouble%20remembering%20things.>

⁹⁸ CDPH: <https://www.cdph.ca.gov/Programs/CCDPPH/DCDIC/SACB/CDPH%20Document%20Library/Prescription%20Drug%20Overdose%20Program/RFA%202019%20Documents/Appendix%201%20-%20California%20County%20Rankings%20for%20Selected%20Drugs.pdf>

⁹⁹ National Institute on Drug Abuse: <https://nida.nih.gov/publications/research-reports/common-comorbidities-substance-use-disorders/part-1-connection-between-substance-use-disorders-mental-illness>

¹⁰⁰ Welfare and Institutions Code section 5150: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC§ionNum=5150

¹⁰¹ Lanterman-Short-Petris Act: <https://ajud.assembly.ca.gov/sites/ajud.assembly.ca.gov/files/Kim%20Lewis%2C%20National%20Health%20Law%20Pogram%20slides.pdf>

If individuals are held under 5150 WIC within our county they only have two options for placement. They can be taken to an emergency room, or to the Sempervirens Psychiatric Health Facility (SV), operated by the Behavioral Health Branch (BHB) of the Humboldt County Department of Health and Human Services (DHHS). SV provides secure, hospital-based treatment for people that need acute psychiatric care, but this facility has only sixteen beds for inpatient services. SV can also treat people for up to twenty-three hours in its Crisis Stabilization Unit.

The situation at our local hospitals is different. Due to space limitations at SV, local hospital emergency departments (ED) receive most of those people being detained under 5150 WIC. This lack of space poses significant problems for both the hospitals and the clients. The ED cannot provide proper treatment for those needing acute psychiatric care, and they must rely on behavioral health clinicians from DHHS to respond. Generally, EDs already have little unused capacity. With extremely limited openings available at SV, if a detention under 5150 WIC is approved, the patient may spend several days in the ED. This time spent by an individual on a 5150 WIC hold at the ED poses a challenge to the ED staff, who must keep the patient secure and attend to their needs. If all beds in an ED are filled, the patient may be kept on a gurney in the hallway. An ED that is busy twenty-four hours a day is not an appropriate environment for people in crisis.

Providing preventative behavioral health care, substance abuse outreach, and other services in the field offers more promising treatments. Clients can be treated before they hit the point of crisis. Ongoing attention from case managers can help steer clients to services that may help stabilize their lives. People who receive these services are far less likely to become a threat to themselves and others.

Mental disorders and substance use disorder are often co-occurring issues.¹⁰² Our entire society benefits from proactively treating people with these issues, especially the at-risk, high-incidence, unhoused population. Expensive and overtaxed law enforcement services, ambulance services, and hospital resources are likely to be needed less often. Crime and drug use can be reduced. Lives can be saved, and our community can benefit.

FUNDING

There are currently two government programs in Humboldt County that have the primary mission of helping people in crisis. One is the Mobile Intervention and Services Team, and the other is Crisis Alternative Response Eureka. Funding for these programs has not been consistent.

The Eureka Police Department and MIST Collaboration

When MIST was formed in 2015 a significant part of the Eureka Police Department's involvement in the program received funding from Measure Z. EPD created the Community Safety Enhancement Team in 2018, which received Measure Z funding. While EPD's funding remained in place until the 2023-2024 fiscal year, there was always a threat to the stability of the program, as Measure Z funds require an annual application and approval process. Dwindling Measure Z funding has forced EPD to fund CSET entirely on their own.

¹⁰² NIH: <https://www.nimh.nih.gov/health/topics/substance-use-and-mental-health>

From 2015 to 2020, MIST received support from the Behavioral Health Branch of the Humboldt County Department of Health and Human Services. This support came in the form of clinicians, case workers, peer coaches, and on occasion, a substance abuse counselor and Community Health Outreach worker, paid for with DHHS funding. The number of DHHS staff available for active participation in MIST fluctuated throughout the years. In July of 2020, DHHS defunded their portion of the MIST program.

In December 2023, with limited Measure Z funding and a significant county budget deficit, the Humboldt County Board of Supervisors eliminated all financial support for MIST. The CSET program is currently funded by the City of Eureka general fund as part of the Eureka Police Departments budget. Eureka appears to be dedicated to this program and funding appears to be stable.

Crisis Alternative Response Eureka

In its brief time of existence, CARE has had three sources of financial support. In the 2022-2023 fiscal year, significant funding came from Measure Z. However, CARE has not received any Measure Z funding since June 30, 2023. Currently, significant financial support comes from the general fund of the City of Eureka. This financial support from the City of Eureka appears to be stable. Additional funding is received through a grant awarded in the fall of 2023, which is in effect for three years. There are plans to apply for additional grants moving forward. Grant funding is usually awarded for a defined period, after which the grant expires, making this funding source less reliable.

The Humboldt County Sheriff's Office and MIST Collaboration

In 2022, DHHS received a grant of \$426,249 from the State of California Behavioral Health Justice Intervention Service (BHJIS).¹⁰³ The one-year grant provided MIST program funding from February 15, 2022, to February 14, 2023.

As described in a BHJIS document, “The program embeds behavioral health staff into Humboldt County Sheriff's Office patrol operations to co-respond to mental health calls. This proactive program emphasizes treatment in the least restrictive manner. The program design also includes a wide range of appropriate services, both for immediate crises and follow up.”¹⁰⁴ The collaboration between DHHS and the Humboldt County Sheriff's Office was meant to be similar to the previous DHHS-EPD one.

The grant was administered by a third party, Advocates for Human Potential, Inc. (AHP), on behalf of the State of California. DHHS was required to provide AHP with quarterly reporting on the status, progress, and accomplishments of the program, which the Humboldt County Civil Grand Jury reviewed. We will discuss this information further in the Program Results section of this report.

¹⁰³ BHJIS Information: <https://www.co-responding.buildingcalhhs.com/>

¹⁰⁴ BHJIS Grantee information: https://www.co-responding.buildingcalhhs.com/wp-content/uploads/2022/06/BHJIS-Awards-for-Web-PDF_508.pdf

With the expiration of the BHJIS grant in February 2023, DHHS looked to Measure Z funds to help continue the MIST program. In December 2023, the Humboldt County Board of Supervisors eliminated all financial support for MIST.

MIST, the Next Generation

As detailed in the background section of this report, DHHS has implemented a new MIST program. Funding is provided by a new federal program, Mobile Crisis Benefit billing. This new billing stream was approved by the federal Centers for Medicare and Medicaid Services following a request from the California Department of Health Care Services.¹⁰⁵ ¹⁰⁶ In our state, the California Medical Assistance Program, Medi-Cal, implements Medicare and Medicaid.¹⁰⁷ DHHS can bill and receive payment for services covered by Medi-Cal. This new funding stream was designed to cover the costs for counties to provide mobile crisis response within their communities. Ultimately, the funding is provided by the federal government and is administered by the State of California. This source of funding expires on March 31, 2027, but it may be renewed.

Importantly, this revenue stream only exists for clients who receive health coverage through Medi-Cal. Services for the uninsured and people with private insurance cannot be billed this way. DHHS tries to bill private insurance but is often met with denials.

This funding gap from providing services for the uninsured and people with private insurance leaves the newest version of MIST with a potential problem. Whenever MIST provides service to the uninsured and individuals with private insurance, it incurs expenses for these services without reimbursement from the state. In addition, if the new billing process is not extended beyond March 31, 2027, the entire MIST program will once again be in jeopardy.

A complete timeline of Humboldt County Behavioral Health Outreach Programs is provided in Appendix A.

PROGRAM RESULTS

The Eureka Police Department, its Community Safety Engagement Team, and the Department of Health and Human Services gathered data on tangible results from the original MIST program, which is summarized below. Crisis Alternative Response Eureka is gathering similar data. However, documentation of the results of the DHHS MIST program that received the BHJIS grant funding is minimal, at best. Making direct comparisons of all these program results is difficult. Despite the challenges of different reporting requirements and inconsistent definitions of the services provided, we felt that these program results, while imprecise, still offer some valuable information for the public.

¹⁰⁵ Centers for Medicare & Medicaid Services: <https://www.cms.gov/>

¹⁰⁶ CA Department of Health Care Services: <https://www.dhcs.ca.gov/>

¹⁰⁷ Medi-Cal: <https://www.dhcs.ca.gov/Pages/myMedi-Cal.aspx>

The Eureka Police Department and MIST Collaboration

In calendar year 2015, the first year of the EPD and MIST collaboration, 1,209 contacts were made with people needing services. Of these contacts, 602 of them were with “unduplicated individuals,” meaning that 602 separate individuals were contacted. More severe behavioral crises were averted because of establishing these relationships. Each subsequent year, the EPD and MIST volume of contacts and individuals served grew, while psychiatric hospitalizations and admissions to the Crisis Stabilization Unit decreased. Specifically, psychiatric hospitalizations at Sempervirens dropped by twenty percent, while admissions to the Crisis Stabilization Unit dropped by twenty-five percent.¹⁰⁸ For every subsequent year the reported EPD/MIST statistics grew in the volume of contacts and individuals served.

Community Safety Engagement Team

For the three-month period from April to June 2023, the Eureka Police Department’s CSET program reported the following accomplishments:¹⁰⁹

- Provided the primary officer on 93 mental health-related calls-for-service
- Handled 27% of EPD’s mental health-related calls-for-service
- Placed 6 individuals on mental health holds (5150 WIC)
- Diverted 94% of individuals in crisis away from mental health holds (5150 WIC)
- Conducted 1,083 proactive engagements
- Assisted DHHS Behavioral Health with 6 mental health holds (5150 WICC)
- Assisted DHHS Child Welfare Service with 7 investigations
- Assisted St. Joseph Hospital 3 times
- Removed 8,820 pounds of trash from the Waterfront Trail and various greenbelts, as a quality-of-life measure

In addition to working independently, CSET works with CARE in providing services. Beginning in 2023, some of the data reported by these two programs may overlap.

¹⁰⁸ MIST Data Dashboard 2015: <https://humboldt.gov/DocumentCenter/View/54938/MIST-Q4-2015-Dashboard>

¹⁰⁹ EPD CSET Quarterly Report: <https://www.eurekaca.gov/DocumentCenter/View/4146/Measure-Z-Quarterly-Report-20222023-4th-Quarter>

Crisis Alternative Response Eureka

Being a fairly new program, available data for the CARE program was limited to the nine months from January 1 to September 30, 2023.¹¹⁰ Though limited, the data reflects an active and growing program.

City of Eureka CARE Program	January - March 2023	April - June 2023	July - September 2023	TOTALS: January - September 2023
Total client encounters:	120	194	274	588
Individual clients:	39	46	66	151*
Crisis responses:	37	30	71	138
Case management contacts:	83	142	203	428
Average crisis response dispatch time (minutes):	20	15	12	15.7
Co-responses with EPD:	32	23	49	104
Crisis encounters resulting in 5150 WICC hold:	8	2	11	21
Crisis encounters diverted from 5150 WIC hold:	27	24	53	104
Law enforcement time saved (hours):	29	17	46.5	92.5

* Some individual clients likely carried over from one quarter to the next. The total is likely less than 151.

The information about crisis encounters and whether they resulted in a 5150 WIC hold are significant. About 83% of people in crisis who might have ended up being detained in a hospital or Sempervirens were diverted, and the demand for law enforcement and other resources was reduced.

¹¹⁰ CARE Reporting: <https://www.eurekaca.gov/768/Crisis-Alternative-Response-Eureka>

The BHJIS Grant: Humboldt County Sheriff's Office and MIST Collaboration

This section solely reports on the 2022-2023 State of California Behavioral Health Justice Intervention Service's one-year grant to the DHHS Mobile Intervention and Services Team and the Humboldt County Sheriff's Office. The program, as defined in that grant, has ceased to exist. As reported, the data is inconsistent in format. Apparently, the first reporting period for the grant was dedicated to putting the program together, so it has no statistics. The fourth reporting period is the only one in which significant data was obtained. Program information is documented in the chart below.

DHHS / HCSO MIST Program	Apr. - Jun. 2022	Jul. - Sep. 2022	Oct. - Dec. 2022	Jan. - Mar. 2023	TOTALS: April 2022 - March 2023
Total service episodes:		54	69	186	309
Individual clients:		31		46	77
New individuals receiving services:					0
Trainings held:			1		1
De-escalation and conflict resolution:				10	10
"Other" contacts:		14		35	49
Follow-up services:		39			39
Case management contacts:				14	14
Behavioral health outreach contacts:		7		9	16
Behavioral health "collateral" contacts:				9	9
Behavioral health rehabilitation contacts:		7		3	10
Meetings with collaborative partners:		18		11	29

Categories as written in DHHS reporting documents. Data categories are not consistent for each quarter. Month-to-month comparisons are imprecise.

The HCCGJ found that the collaboration between DHHS and the HCSO was not as effective as it could have been. During the grant period, the HCSO computer-aided dispatch system captured only 18 calls where MIST workers from DHHS were dispatched to work with deputies in the field. This may be a documentation problem – despite having access to HCSO documents we were not able to determine how many times DHHS workers accompanied deputies on calls.

Our suspicions were confirmed during interviews. We spoke with several people with direct knowledge of the situation and learned that DHHS and HCSO minimally integrated their MIST operations. We also heard that some DHHS MIST staff were reluctant to work with deputies and that some deputies were reluctant to work with the DHHS MIST staff. Based upon these interviews, we infer that there is a dysfunctional work culture, where true collaboration between the two departments has not been a priority, resulting in this program not being cohesive.

A shortage of DHHS staff also contributed to difficulties within the program. During the BHJIS grant MIST had two Program Managers, and that position was open at the conclusion of the grant. Clinicians and case workers were pulled from other parts of the Behavioral Health Branch to fill roles in the MIST program. However, they were not consistently available for this program due to other DHHS work obligations. Considering the goals of the program, and the substantial state grant of \$426,249, the services provided during this timeframe were underwhelming.

The Humboldt County Civil Grand Jury finds that the circumstances surrounding this BHJIS grant may serve as useful case study examples of lessons learned and may provide beneficial examples of how to develop and structure the next, entirely DHHS-based, version of MIST.

CONCLUSION

Preventative behavioral health, substance use treatment, and housing outreach, are critically important to everyone in our community, especially our unhoused population. Providing people with services before they reach a point of a crisis. More importantly, these people may live better lives when we help lift them out of difficult, sometimes desperate situations, and treat them with dignity.

The Humboldt County Civil Grand Jury found that our community has had several different programs to provide outreach and services for individuals in crisis. The original Mobile Intervention and Services Team (MIST), a collaboration between the Eureka Police Department and the Department of Health and Human Services, produced positive results for our community before ending in 2020. The Eureka Police Department Community Safety Enhancement Team provided services similar to the original MIST program until the Crisis Alternative Response Eureka program was created. Although it is new, the CARE program appears to be effective with steadily growing measures of success in the brief time it has been in operation. The recent one-year, grant-funded version of the Mobile Intervention and Services Team, in collaboration with the Humboldt County Sheriff's Office, did not display significant, tangible results. The current incarnation of MIST is too new to take any lessons from.

Our evaluation of these programs indicated that a critical component for success was having a reliable funding source. A new program cannot grow to maturity and cannot be sustained without one. It's similar to personal finances - if you're not sure where next week's paycheck is coming from, you're not likely to make plans for next week.

These outreach and intervention programs may be able to pay for themselves in the long run. Reduced need for ambulances, hospitalizations, law enforcement, and jails save significant amounts of money. People who are stable and have a home are much more likely to obtain and keep jobs, becoming contributing members of our economy.

Everyone needs a chance, and everyone sometimes needs help. We find these necessities especially true for our unhoused citizens who struggle with behavioral health and substance use issues. Helping these vulnerable citizens lift themselves out of desperate situations is in the best interests of everyone in our community and is simply the right thing to do.

FINDINGS

The Humboldt County Civil Grand Jury finds that:

F1: The Crisis Alternative Response Eureka program demonstrates a successful, proactive model for compassionately providing Eureka with community based, high-quality, easy-access mental health and substance use mobile crisis services. These services help people to live better lives and benefit everyone in our community.

F2: When people are housed, mentally stable, and free of substance abuse, they use less community resources, resulting in significant savings to our community. **(R1)**

F3: When people are housed, mentally stable, and free of substance abuse, they are more likely to contribute financially to our community, resulting in economic stimulus in our community. **(R1)**

F4: Behavioral health and substance use programs that rely on grant funding for ongoing operations and staffing are always at risk of losing that funding. This reliance on grant funding places programs within Humboldt County at risk. **(R2, R3)**

F5: The newest version of the Mobile Intervention and Services Team uses Medi-Cal billing to access federal reimbursements for services provided. This revenue stream may be more sustainable than some used in the past, resulting in a more viable program. **(R2, R3)**

F6: The program that allows the Mobile Intervention and Services Team to bill Medi-Cal and to receive reimbursements for services provided ends March 31, 2027, with no guarantee of continued funding. Without this revenue stream the MIST program may need to be reduced or eliminated. **(R2, R3)**

F7: The newest version of the Mobile Intervention and Services Team does not have a revenue stream for clients not covered by Medicare and Medicaid, which may result in a shortage of funding. Without a reliable funding source for these clients parts of the Mobile Intervention and Services Team may not be sustainable. **(R2, R3)**

F8: The Department of Health and Human Services and the Mobile Intervention and Services Team have chronic difficulties filling open positions. Without stable staffing, the program cannot be effective. **(R2, R3)**

F9: During the 2022-2023 State of California Behavioral Health Justice Intervention Service's one-year grant, the Humboldt County Department of Health and Human Services and the Humboldt County Sheriff's Office did not adequately track calls for service involving law enforcement and staff from the Mobile Intervention and Services Team program. This resulted in incomplete data which could be used to improve the program. **(R4)**

RECOMMENDATIONS

The Humboldt County Civil Grand Jury recommends that:

R1: The Humboldt County Board of Supervisors commission a study to determine the cost/benefit relationship between providing Mobile Intervention and Services Team services to at-risk citizens versus continuing to use other community resources for untreated people. This study is to be completed by no later than June 30, 2025. For funding recommendations, see the wording below Recommendation #5. **(F2, F3)**

R2: The Humboldt County Board of Supervisors provide permanent funding for the Mobile Intervention and Services Team to cover services that cannot be reimbursed by Medi-Cal. This funding is to be available by no later than July 1, 2025. For funding recommendations, see the wording below Recommendation #5. **(F4, F5, F6, F7, F8)**

R3: Unless other funding for the Mobile Intervention and Services Team is secured prior to the 2026-2027 fiscal year, the Humboldt County Board of Supervisors provide sufficient funds to continue this program. This evaluation and potential financial commitment is to be completed by no later than April 1, 2026. For funding recommendations, see the wording below Recommendation #5. **(F4, F5, F6, F7, F8)**

R4: The Humboldt County Department of Health and Human Services and the Humboldt County Sheriff's Office develop and enact a plan to document calls for service where both the Mobile Intervention and Services Team and the Humboldt County Sheriff's Office respond. This is to be completed by no later than January 1, 2025. **(F9)**

Funding Recommendation: The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors fund the expenses listed in **R1, R2, and R3** with existing appropriations in the **current** fiscal year. If current appropriations are not sufficient, the Grand Jury recommends that the Board of Supervisors, at its next earliest opportunity, pursue additional funding from an appropriate agency, including state or federal agencies. *The Grand Jury further recommends that the Board of Supervisors seek local academic partners to conduct **R1** at minimal or no cost to the County.*

RESPONSES

Pursuant to California Penal Code sections 933 and 933.05, the Grand Jury requests each entity or individual named below to respond to the enumerated Findings and Recommendations within specific statutory guidelines.

Responses to Findings shall be either:

- The respondent agrees with the finding;
- The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

Responses to Recommendations shall be one of the following:

- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency where applicable. This time frame shall not exceed six months from the date of the publication of the Grand Jury report.

- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

REQUIRED RESPONSE WITHIN 90 DAYS

The Humboldt County Board of Supervisors
(All Findings, All Recommendations)

REQUIRED RESPONSE WITHIN 60 DAYS

The Humboldt County Sheriff
(F9) and (R4,)

INVITED RESPONSE

The Department of Health and Human Services
(F2-F9) and (R1-R4)

Responses are to be sent to:

The Honorable Judge Kelly L. Neel
Humboldt County Superior Court

The Humboldt County Civil Grand Jury
825 5 the Street, Eureka, CA 95501

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

Appendix A

Timeline of Humboldt County Behavioral Health Outreach Programs

2015	DHHS MIST Program is created.
2015-2016	EPD awarded \$242,200 in Measure Z funding for MIST implementation.
2016-2017	EPD receives continued Measure Z funding.
2017-2018	EPD receives continued Measure Z funding.
2018	EPD Community Services Enhancement Team is created.
2018-2019	EPD receives continued Measure Z funding.
2019-2020	EPD receives continued Measure Z funding.
2020	DHHS defunds their contribution to and participation in the MIST program.
2020	EPD and CSET continue the mission of MIST without DHHS.
2020-2021	EPD receives continued Measure Z funding.
2021-2022	EPD receives continued Measure Z funding.
2022-2023	EPD receives continued Measure Z funding.
2022-2023	DHHS receives one-year \$426,286 BHJIS grant to MIST partnership with HCSO.
2023	Eureka CARE program begins.
2023	Humboldt County Board of Supervisors ends all MIST funding.
2023	BHJIS grant expires leaving MIST with no funding.
2024	DHHS begins newest version of MIST.

CARE: Crisis Alternative Response Eureka

CSET: Eureka Police Community Services Enhancement Team

DHHS: Humboldt County Department of Health and Human Services

EPD: Eureka Police Department

MIST: Mobile Intervention and Services Team

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Humboldt County Child Welfare Services

Office of the Ombudsperson

Released June 28, 2024

ombudsmen: a person who investigates, reports on, and helps settle complaints : an individual usually affiliated with an organization or business who serves as an advocate for patients, consumers, employees,...¹¹¹

SUMMARY

In 2023 the Humboldt County Civil Grand Jury (HCCGJ) received a complaint regarding Child Welfare Services (CWS), a branch of the Humboldt County Department of Health and Human Services (DHHS). Among several other issues, the complainant told us that after contacting the CWS Office of the Ombudsperson to lodge a complaint and receive assistance, they never received a reply. The Humboldt County CWS Office of the Ombudsperson was created in 2018 as part of a legal settlement with the State of California that required CWS to establish a complaint office to give a voice to families involved in the Child Welfare Services system.¹¹²

We investigated the current state of this office and found that it does not follow through on promises made on the CWS website and that current practices violate CWS's own policies. We found that CWS regularly refers to the Office of the Ombudsperson as "independent" but that in reality it is intricately woven into the CWS structure. We found that CWS is good at keeping records about complaints received but does not provide information about complaint outcomes involving violations of policy, procedure, or civil rights. Moreover, we found that the public has no way to know if these violations have been addressed individually or systemically.

Crucially, we found that many people who make complaints never learn the outcomes of their complaints from CWS. These complainants are people in difficult situations. They may be at risk of losing their children, may have seen their children be abused by others, or may be abusers themselves. Whatever the case, they contact CWS to find answers, instead finding silence. Our conclusion is that CWS has an Office of the Ombudsperson in name only.

¹¹¹ The Merriam-Webster dictionary refers to "ombudsman"; however, its definition suitably describes current vernacular "ombudsperson" and its role: <https://www.merriam-webster.com/dictionary/ombudsman>

¹¹² State of California v. Humboldt DHHS and HCSO:
https://oag.ca.gov/system/files/attachments/press_releases/Signed%20Proposed%20Judgment.pdf

BACKGROUND

Child Welfare Services

At its core, Humboldt County Child Welfare Services strives to preserve family unity whenever possible and pursues separation of children and parents only when clearly necessary. The child welfare system is primarily concerned with children who have been abused or neglected. According to the CWS website, these services include:

- Emergency Response Services where workers investigate reports of child maltreatment and provide short-term intensive services to stabilize families so that children can be safe and receive appropriate care.
- Family Maintenance Services, which provides time-limited services to children in their homes, aimed at preventing or correcting neglect or abuse.
- Family Reunification Services, which provides time-limited services to families whose children cannot remain safely in the home and have been placed in foster care by the Juvenile Court. The goal of the Family Reunification Services is to help the family overcome safety issues so that children can be reunited with parents or guardians.
- Permanency Planning, which is designed to provide a permanent family for those children who, because of neglect or abuse, cannot safely remain at home or return to the home of the parent(s). Possible permanent plans include: adoption, guardianship, or long-term foster care. The goal of Permanency Planning is to ensure that each child has the most stable home available to grow up.¹¹³

¹¹³ Humboldt County CWS Website: <https://humboldtgov.org/497/Child-Welfare-Services>

The People of the State of California v. The Humboldt County Department of Health and Human Services and The Humboldt County Sheriff's Office

2018: Original Lawsuit

On February 13, 2018, a stipulation for entry of final judgment and permanent injunction (Judgment) was filed in the Superior Court of the State of California, County of Humboldt.¹¹⁴ It stemmed from a lawsuit filed by the State of California Department of Justice Office of the Attorney General.¹¹⁵ The 2018 Judgment mandated significant change in the operations of Humboldt County Child Welfare Services. For the purposes of this investigation, we focused on legally agreed-upon corrective actions that required CWS to create a complaint system. In this structure, the client is anyone who makes a complaint, regardless of any particular connection to the situation. The 2018 Judgment stated:

“Within 60 days of the judgment, Defendant CWS shall create a complaint procedure that can be easily understood by and publicized to the community. This procedure shall include the time frame for handling complaints submitted formally and informally, written and orally. CWS shall create a policy designating a supervisor who will be responsible for ensuring all complaints are investigated.”

In response to this section of the 2018 Judgment, CWS opted to address the requirement to establish a “complaint procedure” by creating an Office of the Ombudsperson.

2020: Performance of Corrective Actions of the Judgment

As part of the 2018 Judgment, the Center for the Study of Social Policy (CSSP) was retained to monitor CWS’s compliance with the Judgment. On June 30, 2020, CSSP published a progress report covering the period from September 1, 2019 through February 29, 2020.¹¹⁶ The progress report did not find that CWS was out of compliance with the 2018 Judgment. However, on page 33 of the progress report CSSP wrote:

¹¹⁴ Ibid: See footnote #2

¹¹⁵ THE PEOPLE OF THE STATE OF CALIFORNIA ex. rel. XAVIER BECERRA, ATTORNEY GENERAL OF THE STATE OF CALIFORNIA, Plaintiff, v. HUMBOLDT COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES; CONNIE BECK, In Her Official Capacity as Director; HUMBOLDT COUNTY SHERIFF’S OFFICE; WILLIAM HONSAL, In His Official Capacity as Sheriff, Defendants. Humboldt County Case No. CV-180-143.

¹¹⁶ CSSP June 30, 2020 Report: <https://cssp.org/wp-content/uploads/2020/06/California-v-Humboldt-County-Progress-Report-for-the-Period-Sep-2019-Feb-2020.pdf>

“DHHS presented results of a DHHS review of the CWS Ombudsperson’s Office during the May 2020 Community Task Force meeting. DHHS reports planning to move forward to implement each of the following recommendations from their review of the Ombudsperson’s Office:

1. Move Ombudsperson’s Office from the CWS chain of command.
2. Clarify the role of the Ombudsperson.
3. Update the Ombudsperson’s Office Policy and Procedures.
4. Implement training for the Ombudsperson and staff of the Office.
5. Standardize case file maintenance.
6. Implement marketing strategies for the Office.
7. Enhance the feedback loop for data from the Ombudsperson’s Office.
8. Improve Communication.
9. Enhance confidentiality.
10. Create a closure process with complainant follow-up.
11. Utilize corrective action plans.
12. Build relationships within CWS and in community.
13. Increase involvement of practice and Cultural Coaches.
14. Ensure access to Ombudsperson’s Office is youth friendly.
15. Enhance customer service.”

2020: Motion for Extension of Monitoring Period and Order of Supplemental Judgment

On January 15, 2020, in the Humboldt County Superior Court, the State of California requested that the monitoring period for compliance with the 2018 Judgment be extended due to continuing non-compliance by CWS.¹¹⁷ CWS opposed the extension of the monitoring period. On page 15 of this motion the State of California wrote:

¹¹⁷ State of California Motion for Extension:

<https://oag.ca.gov/sites/default/files/Motion%20for%20Supplemental%20Judgment.pdf>

b. DHHS-CWS' Complaint Procedure Has Not Been Fully Implemented. The Final Judgment requires DHHS-CWS to "create a complaint procedure that can be easily understood by and publicized to the community." (Final Judg., ¶ 3, subd. (GG).) DHHS-CWS's Ombudsperson's Office was created to handle public complaints. To gauge the efficacy of the Ombudsperson's Office, the monitor planned to conduct a survey of the complaints to the Ombudsperson's Office starting in March 2020 but it has been unable to undertake the planned survey due to the pandemic. (Riehl Decl., Ex. 1, p. 33.) The most recent monitoring report states that DHHS-CWS is still working "to improve the Ombudsperson's Office including clarifying the role of the Ombudsperson; standardizing multiple processes within the Office; and creating a formal complaint closure process." (Riehl Decl., Ex. 2, p. 31.) During the last monitoring period, DHHS-CWS "leadership and CSSP received complaints from stakeholders who are not contacting the Ombudsperson's Office for relief." (*Ibid.*) By February 14, 2021, DHHS-CWS will not have "create[d] a complaint procedure that can be easily understood by and publicized to the community," (see Final Judg., ¶ 3, subd. (GG)), because the public is not always using the system and the system is going through needed changes. Thus, the Proposed Supplemental Judgment requires a complaint procedure that is publicized and reviewed to ensure compliance with the Final Judgment. (Proposed Supp. Judg., § (7), subds. (M)(4) & (N).)

To summarize the portions of the above paragraph most relevant to this report:

- "DHHS-CWS' Complaint Procedure Has Not Been Fully Implemented."
- CSSP planned to "conduct a survey of the complaints" but was unable due to the pandemic. The HCCGJ could find no evidence that this survey has ever been conducted.
- The Final Judgment requires DHHS-CWS to "create a complaint procedure that can be easily understood by and publicized to the community."

The Proposed Supplemental Judgment requires a complaint procedure that is publicized and reviewed to ensure compliance with the Final Judgment.

2020: Proposed Supplemental Judgment

The document that accompanied the motion for extension was the Proposed Supplemental Judgment¹¹⁸, which was ultimately approved by the Superior Court of California, County of Humboldt. In essence, it provides the corrections requested by the State of California to address deficiencies noted in the previous document, the Motion for Extension of Monitoring Period and Order of Supplemental Judgment. It states:

¹¹⁸ Proposed Supplemental Judgment:

<https://oag.ca.gov/sites/default/files/Proposed%20Supplemental%20Judgment.pdf>

“N. Subsection (3)(GG) of the Final Judgment requires DHHS-CWS to create a complaint procedure. DHHS-CWS shall maintain and provide a complaint procedure that is publicized to the community. Part of this complaint procedure involves the Ombudsperson’s Office. Within 30 days of the entry of Supplemental Judgment, DHHS-CWS shall provide the Attorney General with its metrics, created in consultation with the monitor and Evident Change, to measure internal and external functions of the Ombudsperson’s Office, including timely investigation of complaints submitted formally and informally, written and orally.”

2021-2022: Performance of Corrective Actions of the Judgment

Following the involvement of CSSP, the California Center for Rural Policy (CCRP) at the California State Polytechnic University, Humboldt, was retained to monitor CWS’s compliance with the Judgment. They have published two reports, one covering the period from February 14, 2021 through August 14, 2021¹¹⁹, and the other from August 15, 2021 through February 14, 2022.¹²⁰ In neither of the reports is the complaint process or the Office of the Ombudsperson referenced.

Humboldt County Child Welfare Services Office of the Ombudsperson

The following text is quoted directly from the CWS Office of the Ombudsperson website:¹²¹

CWS Office of the Ombudsperson

The Humboldt County Department of Health & Human Services, Child Welfare Services (CWS) has an ombudsperson who provides the following services:

- Independent review of concerns or complaints related to Humboldt County Child Welfare Services
- Information, consultation and facilitation related to Humboldt County Child Welfare Services
- Assistance with problem resolution related to Humboldt County Child Welfare Services

¹¹⁹ CCRP First Report: https://ccrp.humboldt.edu/sites/default/files/ca.v.humboldt_county.progress.report.2.14.2021-8.14.2021.pdf

¹²⁰ CCRP Second Report: https://ccrp.humboldt.edu/sites/default/files/ca_v_humboldt_county_progress_report_8.15.21-2.14.22_final.pdf

¹²¹ CWS Website: <https://humboldt.gov.org/2360/CWS-Office-of-the-Ombudsperson>

What is an Ombudsperson?

An Ombudsperson is an official charged with representing the interests of the public by investigating and addressing complaints or violations of rights. The Child Welfare Services Office of the Ombudsperson investigates concerns or complaints related to Child Welfare Services policy, procedures, and practices in an independent and objective manner, and develops proposed resolutions.

Purpose and Function

The purpose of the Child Welfare Services Office of the Ombudsperson is to do the following:

- Provide information and consultation regarding Child Welfare Services policies, procedures and practices
- Receive and monitor concerns and complaints regarding Child Welfare Services
- Facilitate communication with pertinent Child Welfare Services staff for problem resolution in an impartial and objective manner
- Conduct independent internal reviews of concerns or complaints regarding Child Welfare Services policy, procedure and practices
- Receive and investigate grievances regarding the placement in or removal from a foster home, per Division 31[sic]¹²²
- Oversee the evaluation and assessment of each concern or complaint
- Elevate findings and recommendations to management to ensure that policies and practices meet state and federal laws, and are consistent with the mission and goals of Child Welfare Services

Limitations

The Child Welfare Services Office of the Ombudsperson does not have authority to do the following:

- Make recommendations to the court or overturn court orders
- Investigate matters in which appeals or lawsuits are pending
- Change or make exceptions to state or federal laws or regulations
- Investigate, make recommendations, or take action in personnel or disciplinary matters
- Give legal advice

¹²² California Department of Social Services Manual: <https://www.cdss.ca.gov/inforesources/letters-regulations/legislation-and-regulations/child-welfare-services-regulations>

What to do before filing a concern or complaint with the Child Welfare Services Office of the Ombudsperson

Before contacting the Office of the Ombudsperson, try to resolve concerns by contacting the following individuals in the order listed:

- Social worker
- Supervisor
- Program manager

Call the Child Welfare Services main line at 1-707-388-6600 to obtain the names of staff assigned to your referral or case. If the complaint remains unresolved, call the Office of the Ombudsperson.

Tips on how to prepare for problem resolution

- Record the names of staff who you have contacted
- Keep records, take notes and record dates of events
- Save all documents

At the bottom of the webpage for the Office of the Ombudsperson is a final paragraph titled Overview and Policy:

The Child Welfare Services Office of the Ombudsperson was created in April 2018, and is an internal mechanism for conducting independent review of complaints concerning Child Welfare Services policies, procedures and practices that originate from clients, caregivers, tribal partners, schools, community partners and members of the public. Child Welfare Services values customer, community and staff input in problem resolution. All concerns, complaints, and grievances, whether verbal or written, will receive a thoughtful, timely and impartial response.

Office of the Ombudsperson Policy and Procedure

Humboldt County Child Welfare Services has an eight-page Policy and Procedure (P&P), section 10-75, titled “Complaint Resolution and Grievance Review.”¹²³ The Humboldt County Civil Grand Jury obtained a copy of this document that was last revised on April 20, 2018. We could find no evidence that a newer revision has been released. Section 10-75 is located on a CWS webpage dedicated to policies and procedures and is not linked to or referenced by the webpage dedicated to the Office of the Ombudsperson. Sections of the P&P most relevant to our investigation include the following (*emphasis added*):

The CWS Office of the Ombudsperson is an internal mechanism for conducting *independent review* of complaints concerning CWS policies, procedures, and practices that originate from clients, caregivers, tribal partners, schools, community partners, and members of the public. CWS values customer, community, and staff input in problem resolution. *All concerns, complaints, and grievances received by the Ombudsperson, whether verbal or written, will receive a thoughtful, timely, and impartial response.*

All concerns/complaints are resolved at the lowest possible level within the CWS organizational structure. Generally, the complaint is first addressed by staff of the CWS Office of Ombudsperson, who will seek problem resolution through discussion, education, and referral. *If the Ombudsperson staff cannot completely resolve the issue, they forward the complaint to the appropriate CWS program’s staff member and supervisor, and/or to a program manager, for investigation and resolution.* If a complaint has been elevated to a program manager and remains unresolved, the CWS Office of the Ombudsperson provides an independent review and investigation. If the complaint remains unresolved, it is elevated to the CWS Director, who retains final decision-making authority for complaints and grievances.

The CWS Ombudsperson promptly investigates all complaints and grievances, and all relevant parties are informed of the complaint and the investigation finding(s) and resolution(s).

To make a complaint or discuss concerns, an individual may contact the CWS Office of the Ombudsperson by email, phone call, or letter to the contacts posted on the *CWS web page* and *CWS Ombudsperson brochure*. Upon a complainant’s request, CWS staff may assist with completion of a handwritten complaint.

The CWS Ombudsperson *responds to all complaints within two business days* by calling the complainant to directly discuss their concerns/complaint. If a complainant does not provide a telephone number, Ombudsperson staff attempt to contact the complainant to obtain a telephone number.

¹²³ CWS Policy and Procedure: <https://humboldt.gov.org/DocumentCenter/View/118876/10-75-CWS-Complaint-Resolution-and-Grievance-Review>

The Ombudsperson enters complaint- or concern-related information into the complaint tracking system/spreadsheet, and enters updates during key points during the progress of the complaint.

The Ombudsperson sends an Acknowledgment Letter to the complainant (via US Mail or email) within five business days of initially speaking to or corresponding with the complainant. All Acknowledgment Letters include a summary of the complaint.

Ombudsperson Offices within the State of California

There are many ways to define the role of an Office of the Ombudsperson. The County of Sacramento Department of Child, Family and Adult Services (DCFAS), for instance, defines their Ombudsperson/Civil Rights Coordinator as:

“A neutral party who helps resolve complaints or answer questions about DCFAS Agency policies and practices. The Ombudsperson is a liaison between DCFAS and the public, clients, and other government and private agencies. The Ombudsperson conducts, reviews independently with impartial manner to ensure that agency policies and practices are consistent with DCFAS goals and missions. The Ombudsperson seeks to resolve issues in a fair, thorough, and timely manner and to ensure that the individuals are treated fairly, respectfully and with dignity.”¹²⁴

The State of California Foster Care Ombudspersons web page states:

“The mission of the California Office of the Foster Care Ombudsperson (OFCO) is to advocate on behalf of foster children and youth regarding their care, placement, and services. The OFCO is an autonomous entity that is empowered to investigate and informally resolve complaints impacting foster youth, increase awareness about foster youth rights, and make recommendations to help support systemic change.”¹²⁵

While precise definitions may differ, the overall role and mission of the Ombudsperson is similar in every instance we reviewed.

¹²⁴ Sacramento County: <https://dcfas.saccounty.net/Pages/Ombudsperson.aspx>

¹²⁵ OFCO: <https://fosteryouthhelp.ca.gov/about/>

Humboldt County Office of the Ombudsperson Staffing

Since its inception the Child Welfare Services Office of the Ombudsperson has had at least three different people assigned to serve in that role. In periods of time where the office was unfilled, the duties of the Ombudsperson were filled by supervisors or program managers. The first two incumbents in this office had experience as CWS social workers, providing a base of knowledge about how CWS operates. The current Ombudsperson, who has been in the role since the spring of 2023, is a Staff Services Analyst.¹²⁶

The duties described in the Staff Services Analyst job description revolve around “performing professional level analytical duties involving general administrative, staff development, fiscal, and/or program analytical work.” There is no requirement that this position have specific knowledge about the functions of the department in which they work. The current Ombudsperson has little experience in child welfare or social work but did receive training on how to fulfill the role of ombudsperson.

METHODOLOGY

The Humboldt County Civil Grand Jury conducted interviews with people who have firsthand knowledge of Humboldt County Child Welfare Services and the CWS Office of the Ombudsperson, researched Ombudsperson offices in other counties and states, and analyzed relevant documents. For a complete list of documents please see the bibliography at the end of this report.

DISCUSSION

During our investigation, as detailed in the following sections of the Discussion, the Humboldt County Civil Grand Jury learned that the Child Welfare Services (CWS) Office of the Ombudsperson does not adequately serve the people it is intended to help. Moreover, it does not follow its own Policies and Procedures (P&P). We found that there is a culture of inconsistent policy and procedure at the CWS Office of the Ombudsperson.

Staffing and Supervision

The Ombudsperson reports directly to a supervisor, who reports to a Program Manager, who in turn reports to a CWS Deputy Director. Based on statistics provided to us by CWS a large majority of complaints are about the provision of services.¹²⁷

¹²⁶ Staff Services Analyst Job Description:

<https://www.governmentjobs.com/careers/humboldtcountyca/classspecs/1210689?keywords=staff%20services%20analyst&pagetype=classSpecifications>

¹²⁷ CWS Office of the Ombudsperson 2023 Q4 Progress Report, tracking statistics related to Ombudsperson performance, not publicly available.

A 2022-2023 Humboldt County Civil Grand Jury report on CWS included the finding that “when there is an Ombudsperson they report to the Deputy Director who supervises them, who also may supervise areas that are the subject of complaints. This creates the potential for a conflict of interest.”¹²⁸ In their response the Humboldt County Board of Supervisors (BOS) agreed with this finding.

The HCCGJ recommended that “by April 1, 2024, the Humboldt County Board of Supervisors remove the Ombudsperson position from the Child Welfare Services organizational structure, reallocating the position to the County Administrative Officer, to whom they will directly report.” The BOS replied that the recommendation would not be implemented, writing:

“Child Welfare Services is currently negotiating a contract with California Center for Rural Policy (CCRP) to conduct a review of the Office of the Ombudsperson and for CCRP to review other models/mechanisms used by public agencies for handling concerns or complaints. This review will include conducting an analysis that connects the desired intent and purpose with the actual types of complaints received by the Office of the Ombudsperson in order to assess whether or not the current structure is serving its’ [sic] intended purpose. The outcome of the review will include recommendations and options to ensure that, through the Office of the Ombudsperson and/or other means, Child Welfare Services has mechanisms in place to respond in a timely and effective manner to complaints or concerns.”

Throughout the course of our investigation, we could find no evidence that any of the above has taken place.

The HCCGJ learned that CWS management does not feel there are enough complaints to dedicate an employee to a full-time position. As a result, management has chosen to staff the Office of the Ombudsperson with a Staff Services Analyst, who also performs unrelated duties.

Complaint Process

The process of filing a complaint with the CWS Ombudsperson is to either call the phone number provided on their website, send an email to the email address provided, or physically go to the CWS offices at 2440 6th Street in Eureka. During this investigation, we found examples of the Office of Ombudsperson not complying with the 2018 Judgment and Injunction mentioned previously.

Our investigation found that if a complainant calls the phone number provided, nobody will answer the phone. A recorded voice states: “You have reached the Humboldt County Office of the Ombudsperson. Please leave a message and we’ll call you back as soon as possible.” Per CWS P&P, the complainant is to be called back within 48 hours of CWS receiving the complaint.

¹²⁸ 2022-2023 Grand Jury Report: <https://humboldtgov.org/DocumentCenter/View/117302/Humboldt-County-Child-Welfare-Services-and-the-Courts-Late-Reports-Dysfunctional-Systems-and-Traumatized-Children>

When the Ombudsperson or another worker returns the call, the complaint information is taken over the phone, documenting the complaint on an internal computerized form not available to the complainant. This documentation includes family names, children involved, social workers, outside agencies involved, and the nature of the complaint. Then, the Ombudsperson reviews the information to see if any CWS policy or procedure was violated. Based on our investigation and statistics shared with us by CWS, it appears that all calls receive an initial telephone response from CWS.¹²⁹

There is no complaint form available from the website. During our investigation, it was reported to us that a form was available at the main CWS office at 2440 Sixth Street in Eureka, but we could not find any evidence to confirm this statement. Very late in the investigation CWS provided us with a complaint form that hadn't been referenced in any interviews and couldn't be found on the internet. Rather than being guided by a standard form, the complainant must write a narrative explaining their complaint. There is no defined mechanism for the Office of the Ombudsperson to receive in-person oral complaints

When a complaint has been received, the Ombudsperson follows the first steps of the procedures detailed in the background section above.

It was reported to the Humboldt County Civil Grand Jury that Child Welfare Services has directed the Ombudsperson to, after the initial complaint is taken, not return calls that supervision sees as a waste of time and considers a nuisance. This is reported to be a large number of complaints. This means that many complainants never hear a resolution to their complaint and is in direct violation of CWS Policy & Procedure section 10-75.

CWS keeps track of some data related to complaints to the Ombudsperson.¹³⁰ The data below was recorded from the inception of the Office of the Ombudsperson in 2018 through the end of 2023:

- 747 total complaints were received, an average of thirty-one per month
- 745 of those complaints had been “closed”, meaning they were no longer active
- Complaints were “open” for an average of twenty-four days
- Of the 747 complaints received:
 - 525, or 70%, were received over the phone, with the Ombudsperson or a staff member taking information from the complainant
 - 192, or 26%, were received via email, with the complainant writing an unguided narrative that may not supply all of the facts needed in filing a complaint
 - 24, or 3%, were received by letter, with the complainant writing an unguided narrative that may not supply all of the facts needed in filing a complaint
 - 7, or 1%, were received in person with the Ombudsperson or a staff member taking information from the complainant

¹²⁹ Ibid: See footnote #11

¹³⁰ Ibid: See footnote #11

The data on the 747 total complaints reveals the basic categories under which they fell:

- 418, or 56%, resulted in “investigation”, where the Ombudsperson examined the merits of the complaint
- 191, or 26%, resulted in “N/A”, presumably a not applicable or unknown outcome
- 83, or 11%, were for “information”
- 54, or 7%, in which CWS was unable to contact the complainant

Finally, the data reveals very general information about the outcomes:¹³¹

- 208, or 28%, were “unfounded”, i.e. there was no factual basis for the complaint and the complaint was dismissed
- 104, or 14%, were “founded”, i.e. the complaint had a factual basis based in a violation of policy, procedure, or civil rights, with some sort of corrective action taken
- 91, or 12%, were “partially founded”, i.e. there was a partial factual basis for the complaint and some sort of corrective action may or may not have taken place
- 15, less than 1%, were “inconclusive”, i.e. no determination could be found

Note that the total outcomes provided is 418 as opposed to 747 complaints. We were unable to determine outcomes for the remaining 329, or 44%, of the complaints, which may or may not be categorized under the unofficial category of “nuisance”. The data continues to break down complaints by type, detail the relationship of the complainant to the case, and detail the general nature of the complaint, i.e. “service delivery” or “individual staff.”

Aside from “unfounded”, “founded”, “partially founded”, or “inconclusive”, no information about the nature of the outcomes is provided. For complaints deemed “founded” or “partially founded” there is no information about the nature of the violation of policy, procedure, or civil rights. There is no information about any corrective measure(s) that may have been implemented. There is no way of knowing if CWS is addressing problems identified by complaints.

We understand that specific information is confidential and cannot be revealed. However, we also understand that more detailed information on resolutions will shed light on the progress, or lack thereof, of CWS addressing internal procedures that may arise from complaints.

¹³¹ Due to rounding the percentages in this section total 99%

Deficiencies

- CWS is violating both the spirit and the letter of the 2018 stipulation for entry of final judgment and permanent injunction regarding the Office of the Ombudsperson and the complaint process. The CWS complaint procedure is not “easily understood by and publicized to the community.” Information of any substance is limited to a website.
- At the inception of the Office of the Ombudsperson in 2018, CWS produced a two-page, tri-fold pamphlet describing the process of making a complaint.¹³² It is not available online through CWS – we could only find it through the College of the Redwoods. We have been told that the pamphlet may be available at a CWS office. Even if it is available at the office, only seven out of 747 complainants since 2018 have made their complaints in-person.
- No standardized complaint form is readily available. Those wishing to make a complaint by email or letter will likely not provide all the necessary information and therefore must speak with someone to provide information and explain their complaint. Making an oral complaint can be intimidating to some people. Without specific knowledge of what will be required the complainant may not be prepared to make an oral complaint. The information provided on the Office of the Ombudsperson website is not sufficient to address this problem.
- In the 2020 report Performance of Corrective Actions of the Judgment written by the Center for the Study of Social Policy it was stated that “DHHS reports planning to move forward to implement each of the following recommendations from their review of the Ombudsperson’s Office,” CWS has failed to follow through on implementation of many of these items.

1. Move Ombudsperson’s Office from the CWS chain of command. This has not taken place and was dismissed when recommended in a 2022-2023 HCCGJ report.

2. Clarify the role of the Ombudsperson. The HCCGJ has no historical information about how the role was previously defined and cannot determine if this has taken place.

3. Update the Ombudsperson’s Office Policy and Procedures. We could find no evidence that CWS Policy & Procedure 10-75, which covers the Office of the Ombudsperson, has been updated since it was introduced in 2018.

4. Implement training for the Ombudsperson and staff of the Office. The current Ombudsperson has received training on being an Ombudsperson.

¹³² CWS Pamphlet: <https://www.redwoods.edu/Portals/52/Brochures/Ombudsperson%20Brochure.pdf?ver=2019-02-26-142607-357>

- 5. Standardize case file maintenance.** This appears to have been implemented.
- 6. Implement marketing strategies for the Office.** The HCCGJ could find no evidence that, aside from a webpage, the Office has been “marketed” in any way.
- 7. Enhance the feedback loop for data from the Ombudsperson’s Office.** This does not define who is to be included in this “feedback loop”. If the “feedback loop” includes complainants, it has not been implemented to any significant degree.
- 8. Improve Communication.** This is a very broad recommendation. If it refers to communication between complainants and CWS it has not been implemented to any significant degree.
- 9. Enhance confidentiality.** The HCCGJ does not know if this has happened.
- 10. Create a closure process with complainant follow-up.** This has not been implemented because, as already reported, many complainants never receive information on the outcomes of their complaints.
- 11. Utilize corrective action plans.** The HCCGJ does not know if this has happened.
- 12. Build relationships within CWS and in community.** The HCCGJ has no way of knowing if this recommendation has happened.
- 13. Increase involvement of practice and Cultural Coaches.** The HCCGJ does not know if this has happened.
- 14. Ensure access to Ombudsperson’s Office is youth friendly.** The HCCGJ has no evidence that the Office of the Ombudsperson is friendly, unfriendly, or neutral towards youths.
- 15. Enhance customer service.** Customer service may have been enhanced since 2020 but it has not been enhanced enough to create a process sufficient to respectfully work with complainants.

CWS has not followed through with many of its own recommendations from 2020.

- Child Welfare Services does not follow section 10-75 of their Policies & Procedures that states “The CWS Ombudsperson promptly investigates all complaints and grievances, and all relevant parties are informed of the complaint and the investigation finding(s) and resolution(s).” CWS instead directs the Ombudsperson specifically to not inform most complainants of the “investigation finding(s) and resolution(s).”
- Performance data for the Office of the Ombudsperson does not include any significant information on the outcomes of complaints. “Founded” complaints involve confirmed violations of policy, procedure, or civil rights. The public has no way of determining the nature of these violations. Just as importantly, the public has no idea what CWS has done to correct these violations and ensure that they do not happen in the future.

- The Office of the Ombudsperson is occupied by someone with little child welfare or social work background. Regardless of this person’s other work attributes, they do not possess the same knowledge base as an experienced social worker. Child welfare is a complex system that takes years to master, and most social work positions at CWS require a Masters of Social Work degree. Without this wealth of knowledge, the Ombudsperson cannot be expected to efficiently and thoroughly investigate complex internal procedures without significant assistance from more experienced people.
- CWS states in multiple places that the Office of the Ombudsperson is independent.

The Ombudsperson provides “independent review of concerns or complaints related to Humboldt County Child Welfare Services.” - Office of the Ombudsperson webpage.

“The Child Welfare Services Office of the Ombudsperson was created in April 2018, and is an internal mechanism for conducting independent review of complaints concerning Child Welfare Services...” - Office of the Ombudsperson webpage.

“The purpose of the Child Welfare Services Office of the Ombudsperson is to do the following: Conduct independent internal reviews of concerns or complaints regarding Child Welfare Services policy, procedure and practices. - Office of the Ombudsperson webpage.

“The CWS Office of the Ombudsperson is an internal mechanism for conducting independent review of complaints concerning CWS policies, procedures, and practices...” - CWS Policies & Procedures section 10-75.

“The CWS Office of the Ombudsperson provides an independent review and investigation.” - CWS Policies & Procedures section 10-75.

The Child Welfare Services Office of the Ombudsperson is demonstrably not independent. An individual or office tasked with investigating the very department they are employed by is the antithesis of independence. The CWS Ombudsperson is an employee of CWS, reports to CWS management, and has no review of their work from outside CWS.

“DHHS reports planning to move forward to implement each of the following recommendations from their review of the Ombudsperson’s Office. 1. Move Ombudsperson’s Office from the CWS chain of command.” - Center for the Study of Social Policy, 2020 Performance of Corrective Actions of the Judgment.

The preceding indicates that CWS itself does not see the Office of the Ombudsperson as independent. The HCCGJ can think of no other reason CWS would promise to move the Ombudsperson from the CWS chain of command..

“If the Ombudsperson staff cannot completely resolve the issue, they forward the complaint to the appropriate CWS program’s staff member and supervisor, and/or to a program manager, for investigation and resolution.” - CWS Policies & Procedures section 10-75.

This section of policy is perhaps the most conclusive evidence of a lack of independence. The Ombudsperson may need to turn over their investigative duties to the very people whose chain of command includes the subject(s) of the complaint. This also provides a clear venue for conflict of interest by the person to whom the Ombudsperson turns over an investigation.

- The Humboldt County Board of Supervisors agreed with a previous HCCGJ finding related to potential conflict of interest with the Office of the Ombudsperson. They did not agree that the Ombudsperson should be placed in a different supervisory structure independent from CWS, instead promising a review that would ensure that “Child Welfare Services has mechanisms in place to respond in a timely and effective manner to complaints or concerns.”¹³³ This review has not taken place.

These common and flagrant violations disrupt the trust between the public and Child Welfare Services.

CONCLUSION

The Humboldt County Civil Grand Jury concludes that the Child Welfare Services Office of the Ombudsperson does not fulfill its stated mission and instead serves as an ineffective complaint department. By directing the Ombudsperson to not provide resolutions to complainants, management consistently violates CWS Policies & Procedures, and contradicts the 2018 stipulated agreement. The Office of the Ombudsperson is not independent in any way, and the very structure of the office provides opportunities for conflicts of interests

These deficiencies result in poor customer service and bad perceptions of CWS. More importantly, it leaves people who have vital interests in complex and emotionally difficult situations without any sense of resolution. When an institution provides a venue for complaint with the promise of providing the complainant with closure, and then regularly fails to do so, people are left with a sense of distrust during a particularly difficult time in their lives.

Humboldt County Child Welfare Services and the Humboldt County Board of Supervisors should make a choice. They can raise the standards, transparency, and responsiveness within the current system to have a true Office of the Ombudsperson. Barring that, they can dismantle the Office of the Ombudsperson, revise their policies and procedures, and create a complaint line that does not promise investigation or response to complainants. Continuing with what is an Office of the Ombudsperson in name only does not provide a public service, it just minimally attempts to comply with the letter of the 2018 legal agreement.

¹³³ Ibid: See footnote #12

FINDINGS

The Humboldt County Civil Grand Jury finds that:

F1: Humboldt County Child Welfare Services does not in any substantial way provide a standardized form for complainants to file a complaint with the Office of the Ombudsperson. This lack of a standardized form creates a barrier to some people attempting to lodge a complaint. **(R1, R3)**

F2: Humboldt County Child Welfare Services does not in any substantial way provide printed information to clients informing them that an Office of the Ombudsperson exists and what the function of the office is. This lack of printed material leads to some people being unaware of options for filing a complaint. **(R2, R3)**

F3: The position of the Humboldt County Child Welfare Services Ombudsperson is currently filled by a person with little background in child welfare or social work, who must rely on more experienced workers for their knowledge. By not having expertise in child welfare or social work, Ombudsperson investigations can be inefficient and overly reliant on the expertise of others. **(R3)**

F4: In violation of its Policies and Procedures, the Humboldt County Child Welfare Services Office of the Ombudsperson regularly fails to notify complainants of the findings and resolutions of their complaint. This can result in the complainant losing trust in a system that is designed to address their grievances. **(R4)**

F5: Humboldt County Child Welfare Services collects statistical information about the performance of the Office of the Ombudsperson but does not actively share this information with the public. This prevents the public from evaluating the performance of an office meant to serve them. **(R5)**

F6: Humboldt County Child Welfare Services fails to provide information on the outcomes of complaints, leaving the public with no information on what policies, procedures, and civil rights have been violated and what, if anything, has been done to address these violations. This failure prevents the public from evaluating the performance of an office meant to serve them. **(R6)**

F7: Child Welfare Services regularly and systematically violates the terms of the 2018 Judgment of the Superior Court of the State of California related to the Office of the Ombudsperson. This results in services that Child Welfare Services agreed to provide being withheld from the public. **(R7, R8, R9)**

F8: The Humboldt County Child Welfare Services Office of the Ombudsperson is not independent, reporting to the very institution it is designed to investigate. This can influence the scope and outcome of investigations. **(R10)**

RECOMMENDATIONS

The Humboldt County Civil Grand Jury recommends that:

R1: Humboldt County Child Welfare Services create a comprehensive complaint form for those wishing to file a complaint with the Office of the Ombudsperson that is readily available on their website, at all DHHS offices, and through the mail. This form is to be completed and available by no later than March 31, 2025. **(F1)**

R2: Humboldt County Child Welfare Services create a brochure detailing the procedures for making a complaint to the Office of the Ombudsperson that is readily available on their website, at all DHHS offices, and through the mail. This document is to be completed and available by no later than March 31, 2025. **(F2)**

R3: Humboldt County Child Welfare Services provide physical copies of the documents detailed in recommendations one and two to every member of the public involved in Child Welfare Services proceedings of any type. This procedure is to be implemented by no later than April 1, 2025. **(F1, F2)**

R3: The next and all following Humboldt County Child Welfare Services Ombudspersons have prior experience in child welfare and social work. This action is to be implemented the next time the Ombudsperson position is vacant. **(F3)**

R4: Humboldt County Child Welfare Services follow all elements of the Child Welfare Services Policies and Procedures section 10-75. This action is to be implemented by no later than November 1, 2024. **(F4)**

R5: Humboldt County Child Welfare Services make available to the public the Humboldt County Office of the Ombudsperson performance data that they acquire. This action is to be completed by no later than March 31, 2025. **(F5)**

R6: Humboldt County Child Welfare Services expand the range of performance data acquired for the Office of the Ombudsperson to include what policies, procedures, and civil rights have been violated and what, if anything, has been done to address these violations. This is to be completed no later than March 31, 2025. **(F6)**

R7: Humboldt County Child Welfare Services conduct a review of the terms of the 2018 Judgment of the Superior Court of the State of California and all succeeding agreements related to the Office of the Ombudsperson, compare those terms to current procedures, and prepare a report on the findings of that review. This is to be completed no later than March 31, 2025. **(F7)**

R8: Humboldt County Child Welfare Services create a plan of correction for all areas of noncompliance with the 2018 Judgment of the Superior Court of the State of California and all succeeding agreements related to the Office of the Ombudsperson. This is to be completed no later than June 30, 2025. **(F7)**

R9: Humboldt County Child Welfare Services implement a plan of correction for all areas of noncompliance with the 2018 Judgment of the Superior Court of the State of California and all succeeding agreements related to the Office of the Ombudsperson. This is to be completed no later than December 31, 2025. (F7)

R10: The Humboldt County Board of Supervisors remove the Humboldt County Child Welfare Services Office of the Ombudsperson from the Humboldt County Child Welfare Services organizational structure and reallocate the Office of the Ombudsperson to report to the Humboldt County Administrative Office. This is to be completed by no later than July 1, 2025. (F8)

RESPONSES

Pursuant to California Penal Code sections 933 and 933.05, each entity or individual named below must respond to the enumerated Findings and Recommendations within specific statutory guidelines.

Responses to Findings shall be either:

- The respondent agrees with the finding; or
- The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

Responses to Recommendations shall be one of the following:

- The recommendation has been implemented, with a summary regarding the implemented action; or
- The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation; or
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency where applicable. This time frame shall not exceed six months from the date of the publication of the Grand Jury report; or
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

REQUIRED RESPONSE WITHIN 90 DAYS

The Humboldt County Board of Supervisors
(All findings, all recommendations)

INVITED RESPONSES

The Humboldt County Civil Grand Jury also invites the following entities or individuals to respond.

The Humboldt County Department of Health and Human Services
(All findings, all recommendations)

Responses are to be sent to:

The Honorable Judge Kelly L. Neel
Humboldt County Superior Court
825 5th Street, Eureka, CA 95501

The Humboldt County Civil Grand Jury
825 5th Street, Eureka, CA 95501

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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California State Polytechnic University, Humboldt

- **California Center for Rural Policy, Research & Policy Briefs – Humboldt County Child Welfare Services Compliance Monitoring** (Two reports available covering February - August 2021 and Aug. 2021 - February 2022.)
<https://ccrp.humboldt.edu/research/humboldt-county-child-welfare-services-compliance-monitoring>

Center for the Study of Social Policy

- **People of the State of CA v. Humboldt County DHHS and Sheriff’s Office (September 1, 2019–February 29, 2020) Compliance Report**
<https://cssp.org/wp-content/uploads/2020/06/California-v-Humboldt-County-Progress-Report-for-the-Period-Sep-2019-Feb-2020.pdf>

College of the Redwoods

- **Humboldt County Child Welfare Services 101**
<https://www.redwoods.edu/Portals/52/Class%20Packets/Humboldt%20County%20Child%20Welfare%20Services%20101%20cherie-1.pdf?ver=2020-09-23-201549-930>

County of Humboldt

- **CWS Office of the Ombudsperson, Humboldt County Website**
<https://humboldt.gov/2360/CWS-Office-of-the-Ombudsperson>
- **CWS Policy and Procedures**
<https://humboldt.gov/2454/CWS-Policies-Procedures>
- **Staff Services Analyst I/II job description:**
<https://humboldt.gov/DocumentCenter/View/54044/Staff-Services-Analyst-I-II---Humboldt-2013--MSS?bidId=>

County of Sacramento

- **Department of Child, Family, and Adult Services Ombudsperson/Civil Rights Coordinator**
<https://dcfas.saccounty.net/Pages/Home.aspx>

Humboldt County Civil Grand Jury 2022-2023

- **Humboldt County Child Welfare Services and The Courts: Late Reports, Dysfunctional Systems, and Traumatized Children**
<https://humboldt.gov/Archive.aspx?AMID=62>

State of California

- **State of California, ex. rel. Xavier Becerra Attorney General's Office vs. County of Humboldt Child Welfare Services, Signed Stipulated Judgment, 2018**
https://oag.ca.gov/system/files/attachments/press_releases/Signed%20Proposed%20Judgment.pdf

State of California, ex. rel. Xavier Becerra Attorney General's Office vs. County of Humboldt Child Welfare Services, Supplemental Judgment, 2021
<https://oag.ca.gov/sites/default/files/Proposed%20Supplemental%20Judgment.pdf>