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The Board of Supervisors (BOS) failed to complete the mandated annual performance review of Library administration.

10. Collectively and individually, members of the BOS received many written and oral complaints about conditions in the Library.
11. The BOS failed to respond to a survey of Library personnel that disclosed serious management problems in the department.

## **RECOMMENDATIONS**

1. The Grand Jury recommends that consideration be given to the appropriate location of the offices of the Library Director and Administrative Assistant. (Finding 1)
2. The Grand Jury recommends that cash receivables be handled in dual custody (two individuals working together to handle, verify and record cash transactions), thus providing an audit trail, and that transportation of funds be assigned to bonded employees. (Finding 9)
3. The Grand Jury recommends that the Library Administration make every effort to ensure that the Bookmobile, a treasured resource for County residents in the outlying areas, provides continuous service to County residents. (Finding 6)
4. The Grand Jury recommends that the BOS create a policy and procedure to ensure that grievances and mediation agreements between employees and/or County management are tracked to guarantee compliance and resolution. (Findings 5, 7, 8, 12)

## **COMMENTS**

All but one of the recommendations above address practices to be followed within the library. The Grand Jury chose to write only one recommendation that responded to the broader and more important issue of supervision.

The troubles in the Mendocino County Library system were in part the result of poor management within the department, but the supervisory system within the County government failed utterly to respond to warning signs that were plain from the beginning. The Department of Human Resources, the Chief Administrative Officer and the BOS were unable to intervene in any effective manner. These officials are all heavily burdened with multiple responsibilities, but their inaction had consequences for the County, for its employees, and for the patrons of the Library, that were real, considerable, and expensive.

The buck stops with the BOS, as they would be the first to admit. The supervision of department administrators requires both time and specific training, both in short supply for our Supervisors. The creation in March 2005 of the position of the Mendocino County Chief Executive Officer is being touted as a fix for the problem of evaluation and performance review of department heads, as well as general oversight of department functioning. The Grand Jury joins the citizens of Mendocino County in hoping that this will be the case.

Our libraries are a grievously under-funded enterprise. When it comes to bang for the buck, money invested in the Library system yields extraordinary returns that

are both intangible and material. This free service to County residents enriches the lives of all who use the system, particularly those of school age. At a time when other services must be cut back, additional funding for the library could help to address some of the pervasive inequities in our society.

**RESPONSE REQUIRED**

The Mendocino County Board of Supervisors

**RESPONSE REQUESTED**

Director, Mendocino County Library  
Director, Department of Human Resources  
Mendocino County Chief Executive Officer  
Director, Mendocino County Office Local 707, SEIU



## ***Budget Impact Report*** (June 1, 2004)

### ***Summary***

The Grand Jury asked all 28 Mendocino County department heads to respond to a seven-question survey regarding the impact of the recent budget cuts on each department. The questionnaire and the responses received are included in this report.

### ***Background***

In 2004 the Mendocino County Board of Supervisors voted to impose an 8% overall budget reduction for most County agencies. The Grand Jury voted to create and publish a report that would convey to taxpayers the impact of such a significant cut on the 28 agencies which provide services to the County. The ultimate impact, of course, is on the residents.

### ***Methodology***

The Grand Jury reviewed the County of Mendocino Final Budget for fiscal year 2004-2005, then designed seven relevant questions and a letter to explain the purpose of the survey to department heads. As the responses were received, the Grand Jury asked the advice of the County Counsel's office as to the legality of publishing the information verbatim. Counsel agreed, permission was asked of and given by each department head, and the jury prepared the material for publishing.

### ***Findings***

1. The Final Budget for fiscal year 2004/05 including total appropriations was \$169,614,835.00.
2. The Final Total Budget reduction for 2004-2005 was \$13,853,748.00, which was an 8% reduction over the previous year.
3. The Final Budget states that over the last four years departments have been required to reduce their resources by approximately 41%.
4. The Final Budget states that the largest source of revenue is State and Federal government funding amounting to 53% of the budget.
5. The Final Budget states that 48% of the total budget goes to health and human services, 24% to public protection, 14% to general government (Administration), 7% to roads and bridges, 1% to education and recreation and 6% to other (Farm Advisory services, Debt service commitments and contingency funds).

## ***Recommendations***

- 1 The Grand Jury recommends that the Board of Supervisors (BOS) and the Chief Executive Officer consider this report and its attachments as a valuable overview of the budget crisis across all the county departments. (Findings 1,2,3,4,5)
- 2 The Grand Jury recommends that the BOS move beyond the practice of publishing the minutes of their meetings to fully inform the public about developments in the budget process. (Findings 1,2,3,4,5)

## ***Comments***

The Grand Jury wishes to thank all the County government personnel who had a hand in preparing responses to the survey. Without their work, there would be no report.

We hope that our fellow residents, in reading this report, gain a clearer picture of the effects of State budget decisions on County governments, of County decisions on Mendocino residents, and the need at each level to assign priorities wisely.

## ***Department Head Survey Questionnaire***

1. In the 2004/05 Mendocino County budget, what was your department's dollar amount and percentage of budget reduction?
2. Explain what impact(s) the budget reductions have had on your department.
3. What adjustments(s) are you making in your department as a result of budget cuts? What projects, personnel, or services have been curtailed or diminished?
4. What other sources of revenue does your department receive? (List dollar amount(s) and sources.
5. If the budget cut was restored to your department, what would be the first action taken by you as department head?
6. How would a budget cut of similar magnitude in the future affect your department? What projects, personnel, or services would be curtailed or diminished?
7. In a perfect world, what changes would you make that may or may not be within the scope of your department to save the county money?

## **COUNTY DEPARTMENTS**

- |                             |   |
|-----------------------------|---|
| 1. Administrative Office    | 16. Library*  |
| 2. Agriculture              | 17. Mental Health*  |
| 3. Air Quality Management   | 18. Museum  |
| 4. Animal Care and Control* | 19. Planning and Building   |
| 5. Assessor/Clerk-Recorder* | 20. Probation*  |
| 6. Auditor-Controller       | 21. Public Defender   |
| 7. Child Support Services   | 22. Public Health   |
| 8. County Counsel           | 23. Risk Management   |
| 9. Clerk of the Board       | 24. Sheriff*  |
| 10. District Attorney       | 25. Social Services   |
| 11. Farm Advisor            | 26. Transportation  |
| 12. General Services        | 27. Treasurer-Tax Collector   |
| 13. Grand Jury              | 28. Water Agency  |
| 14. Human Resources         | *Subject of 2004-2005 Grand Jury Report                                 |
| 15. Information Services    | <b>All Actual Department Responses Attached as Appendix 1 (Pg 118).</b> |

### ***Response Required***

Mendocino County Board of Supervisors

### ***Response Requested***

All Mendocino County Department Heads



## ***There's a Change in the Weather*** (June 30, 2005)

### ***A Report on the New Position of Mendocino County Chief Executive Officer***

#### **SUMMARY**

In response to citizen questions and concerns, the Grand Jury looked at the changes anticipated as a result of the shift from a County Administrative Officer (CAO) to a County Executive Officer (CEO).

#### **BACKGROUND**

On March 1, 2005 the Board of Supervisors (BOS) passed by a unanimous vote an ordinance (No. 4140) creating the position of CEO. Associated with the announcement of the change from a CAO was the expectation that the CEO will supervise and evaluate the work of County agencies more effectively than the BOS has been able to in the past.

#### **METHODOLOGY**

The Grand Jury reviewed job descriptions and Ordinance 4140 and conducted numerous interviews of both county personnel and others not currently serving in government.

#### **FINDINGS**

1. Reports published earlier this year by the Mendocino County Grand Jury (on Animal Control and the Library) cited the failure of the BOS to exercise proper and sufficient control over the administration of those departments. The same criticism occurs in a number of Grand Jury reports from previous years.
2. Under the new organization, the BOS retains direct supervisory responsibility only for the Clerk of the Board, the County Counsel and the CEO. All other County agencies are ultimately the responsibility of the BOS but will be supervised by the CEO.
3. The language in the ordinance, which does not clearly assign responsibilities for supervision of departments, leaves considerable room for confusion and misinterpretation.
4. Mendocino County Supervisors are elected officials who do not necessarily have the training and expertise to be personnel managers.
5. The CAO's office had seven funded positions in the 2004-5 County budget.
6. There is no anticipated increase in staffing for that office under the CEO.
7. The CEO is an at-will employee of the County – that is, his employment may be terminated at any time by a vote of the BOS.

#### **RECOMMENDATIONS**

1. The Grand Jury recommends that the BOS and the CEO, with the County Counsel, devote ample time to the drawing up of lines of authority and responsibility, in particular with regard to the supervision of agency directors.

2. The Grand Jury recommends that the BOS step back from the management of individual departments as well as the hiring, retention and evaluation of department heads, in order that the CEO may do his job without undue interference.

## **COMMENTS**

“Policy and personnel management don’t mix,” as one interviewee observed. The creation of the CEO position is clearly intended to provide for better management and, in the process, allow the BOS to focus on policy without the added friction brought on by difficult personnel issues. Agency directors may be relieved, in fact, by having to report to one person rather than a Board, but the change should also mean that a coherent and consistent management process will be in place.

Whether or not the BOS will give the CEO the power to manage effectively remains to be seen. If the Board meddles and micro-manages, then the change will have brought no improvement. Put another way, we will be no worse off than we were before, but no-one thinks that’s a good option.

The BOS has, in fact, a lot invested in the success of the CEO; at this point, the CEO has therefore considerable power to establish a good working environment. In addition to his relationship with the BOS, the CEO needs to make himself available to the public who deserve to know more about the person who takes this new position.

There are some who fear that the CEO position will act to insulate further the County government from the public and thereby make County officials less responsive to public needs and wishes. The Grand Jury understands that concern.

The important questions about lines of authority have to be worked out carefully. That such questions are still pending is inevitable, as this venture into a new kind of administration is a work in progress, with details to follow. It has been undertaken by County officials who are seeking to make changes in an organization that badly needs change.

Supervisors, as well as outside observers, are unanimous in their agreement that politics and conflict have diminished the effectiveness of the BOS in the past. We can only hope that those days are over and that this group has realized that the budget crisis, along with all the other crises, demands cooperation and effective action. The decision to create the CEO position supports that hope.

## **RESPONSE REQUIRED**

Mendocino County Board of Supervisors

## **RESPONSE REQUESTED**

Mendocino County Chief Executive Officer  
Mendocino County Counsel

## ***Form 700, Conflicts of Interest & Fair Political Practices***

(July 1, 2005)

### ***Summary***

The objective of this Grand Jury investigation was to review the Form 700 conflict of interest filing requirements for Mendocino County Grand Jury members.

### ***Background***

Grand Jurors have questioned whether the Form 700 filing requirement is an appropriate and necessary disclosure of potential conflict of interest. Initially, several Grand Jurors refused to sign Form 700; all eventually signed except two Jurors who were subsequently discharged from the 2004/05 Grand Jury by the Presiding Judge, upon advice from County Counsel, on April 26, 2005.

### ***Methodology***

The Grand Jury made visits to various county offices and had meetings and correspondence with the county Board of Supervisors, members of the Mendocino County Court Staff, the District Attorney's office, the County Counsel staff, the Clerk-Recorder's Office, the County collections office, the Presiding Judge, the California Grand Juror's Association, the Fair Political Practices Commission (FPPC), and private citizens.

### ***Findings***

1. Form 700 is a public document which discloses economic interest, and is required by Mendocino County Ordinance to be completed, signed and filed at the Clerk-Recorder's office.
2. The Form 700 filing is required within 30 days of both assuming and leaving office. An annual statement update is also required by April 1st each year. Form 700 information can be found on the FPPC website at [www.fppc.ca.gov](http://www.fppc.ca.gov).
3. Government Code §87100 covers conflict of interests matters for public officials. It outlines procedures which must be followed by an official on a matter of conflict before any discussion or vote is taken on the matter.
4. Pursuant to Section 4 of the County Standard Code, "designated employees shall file statements of economic interests with the Mendocino County Clerk/Elections Department where they will be retained".
5. Grand Juries are considered local government agencies, and as such are required to file Form 700.
6. Form 700 filing is monitored by the California FPPC using the most recent legislation which became effective January 1, 2003.
7. The Mendocino County Grand Jury Procedures manual requires that every Grand Juror file Form 700 in accordance with the Grand Jury Conflict of Interest Code and County ordinance. The Mendocino County Grand Jury adopted their Conflict of Interest Code in compliance with the Political Reform

8. Act of 1974, Gov. Code §87100, which was approved on March 21, 1989 by the Mendocino County Board of Supervisors.
9. Under current County ordinance, failure to file Form 700 is a misdemeanor.
10. The Form 700 filing requirement was not disclosed to potential jurors during the Grand Jury application process for the 2004/05 Grand Jury. The Form 700 filing requirement was disclosed to 2004/05 Grand Jurors on the afternoon of the swearing-in ceremony when jurors were impaneled.
11. The Grand Juror application form has been amended by Court staff to include Form 700 filing requirement for all Grand Jurors.
12. Correspondence from the office of the Mendocino County Clerk-Recorder stated that the "Government Code § 91013 imposes a \$10 per day fine up to a maximum of \$100 for the late filing of a Statement of Economic Interest. Persons who receive adequate notice of their filing requirement prior to the filing deadline and nevertheless file late, but who file within 30 days after receiving a reminder to file notification are eligible to have their fine reduced or waived if they have no prior history of filing late". The Clerk-Recorder's office may turn claims over to a collection agency. The collection agency may file a legal action to enforce payment of the fine and obtain a judgment to collect the fines.
13. The FPPC has the authority to levy additional fines upon a failure to file Form 700.
14. There is no public mechanism other than Form 700 to determine possible conflicts of interest on the part of Grand Jurors.

### ***Recommendations***

1. The Grand Jury recommends that no changes be made to the Form 700 filing requirements for Grand Jurors. (Findings 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13).
2. The Grand Jury recommends that each Grand Jury Foreperson ensure timely filings of Form 700 by all Grand Jurors. (Findings 5, 6, 7, 8, 9, 10, 11, 12, 13).

### ***Response Required***

Mendocino County Board of Supervisors  
Mendocino County District Attorney  
Mendocino County Counsel

### ***Response Requested***

Mendocino County Clerk-Recorder

## Safe-surrender Sites for Abandoned Newborns (December 29, 2004)

### **Summary**

***“Every safely surrendered infant is a success.”***

-- Garrison Frost, LA County's First Five Commission

Sparking the label “No Shame, No Blame,” the State of California acted in 2001 to amend the Health and Safety Code and the Penal Code to ensure that parents or individuals who have lawful custody of a child could deliver an unwanted newborn infant safely and without penalty to welcoming and prepared institutions. The objective of the Grand Jury investigation was to examine Mendocino County's response to this legislation.

The Grand Jury found that some effort had been made to protect these innocent lives. For the most part, however, nothing has been done by the Board of Supervisors (BOS) to ensure that **safe-surrender sites** have been established and publicized in Mendocino County.

It is the hope of this Grand Jury that this report will help to make all hospitals safe surrender sites. In addition, it is recommended that 911 emergency phone calls be dispatched appropriately to address safe surrender emergencies. The State of California provides free educational materials in English and Spanish to all counties. The Grand Jury urges the BOS to ensure that these materials are placed in locations in which they will be readily available to those in need, and to take all necessary steps to comply with this legislation.

### **Background**

Pursuant to California Health and Safety Code §1255.7 (A), "A location designated by the BOS of a county to be responsible for accepting physical custody of a minor child who is seventy-two hours old or younger from a parent or individual who has lawful custody of the child and who surrenders the child pursuant to §271.5 of the Penal Code."

In 2001, the State of California passed Health and Safety Code §1255.7 for the express purpose of trying to save the life of a newborn baby by allowing a parent or individual who has lawful custody of the child to deliver the child to a **safe-surrender site**. Other counties have designated public and private hospitals and fire stations as **safe-surrender sites**.

On July 6, 2004, the Associated Press reported, "Since California emergency rooms began accepting unwanted newborns with no questions asked, in three years fifty-six babies have been safely surrendered. But ninety-eight other newborns have been found alive and abandoned – often in dangerous conditions – and authorities say many young women still have not heard about this bill." There is no legal responsibility for anyone who surrenders an infant to a safe-surrender site. (Penal Code §271.5) If a newborn is abandoned anywhere other than at a **safe-surrender site**, then the parent or individual who has lawful

custody of the child who unlawfully abandons the infant is subject to criminal prosecution.

### ***Methodology***

During the months of August and September 2004, the Grand Jury queried the Board of Supervisors to determine what sites had been designated as **safe-surrender sites** within Mendocino County. The Grand Jury made visits to various county offices for statistical information and to hospitals within the county to determine if they were aware of Health and Safety Code §1255.7. The Grand Jury also visited fire stations, food banks, and various public and private service agencies.

### ***Findings***

1. As of September 2004, the BOS has taken no action to designate "safe-surrender" sites in Mendocino County.

**Response (Sheriff):** The Sheriff has no reason to doubt this finding; however we have not conducted an independent examination of the Board of Supervisors' meeting records. The Department therefore can neither agree nor disagree with this finding.

**Response (Public Health):** The Department disagrees in part with this finding because the law automatically designates hospitals as surrender sites. The posters and literature that Public Health received from the State Health and Human Services Agency when the law went into effect state "Parents are permitted to bring a baby within 3 days of birth to any hospital emergency room or other designated safe haven in California." In Mendocino County, hospital emergency rooms are thus identified as the county's safe-surrender sites.

**Response (Social Services):** The Department disagrees in part with this finding because the law automatically designates hospitals as surrender sites. Mendocino County has three automatically designated surrender sites: Howard Memorial Hospital, Mendocino Coast District Hospital and Ukiah Valley Medical Center. The law requires any additional surrender sites, such as fire stations, to be designated by the board of supervisors. The Mendocino County Board of Supervisors has taken no action to designate any additional surrender sites.

**Response (Board of Supervisors):** The BOS agrees with the response represented by the Public Health and Social Services Departments, in that law does automatically designate hospitals as surrender sites. No further board action has been taken on designating additional surrender sites without the need for further information in regards to the legitimacy of this action.

2. There have been no reports of abandoned or surrendered newborns within Mendocino County.

**Response (Sheriff):** The Department agrees with this finding as it relates to records maintained by the Mendocino County Sheriff's Office. The Department neither agrees nor disagrees with the finding as to reports maintained by other agencies.

**Response (Public Health):** The Department agrees with this finding. Public Health has received no reports of abandoned or surrendered newborn infants.

**Response (Social Services):** The Department agrees with this finding.

**Response (Board of Supervisors):** The BOS agrees with the response represented by the Sheriff's Department, Public Health and Social Services Departments.

3. The Adventist Health System distributed information regarding the law via email on or about September 2001, to all 21 California Member Hospitals when this Bill was passed in to law, including Howard Memorial Hospital and Ukiah Valley Medical Center.

**Response (Sheriff):** Without benefit of the documents reviewed by the Grand Jury, the Department can neither agree nor disagree.

**Response (Public Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The BOS can neither agree nor disagree without further information.

4. While the Mendocino Coast District Hospital in Fort Bragg was aware of the code, no formal action had been taken to supply services dictated by the Abandonment of Newborns Bill. At the time of the grand jury's investigation, there had never been a newborn surrendered to the hospital; the executive that the Grand Jury interviewed felt this was not something to be overly concerned about. The executive was able to locate Health and Safety Code §1255.7 in the hospital's manual and said they would be able to take the proper steps if the need arose.

**Response (Sheriff):** Without further information, the Department can neither agree nor disagree with this finding.

**Response (Public Health):** This information was provided by another

agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The BOS can neither agree nor disagree without further information.

5. Ukiah Valley Medical Center has neither shown a readiness nor taken the initiative to supply services dictated by the Abandonment of Newborns Bill.

**Response (Sheriff):** Without further information, the Department can neither agree nor disagree with this finding.

**Response (Public Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The BOS can neither agree nor disagree without further information.

6. Howard Memorial Hospital in Willits is in complete compliance with the Abandonment of Newborns Bill. The Emergency Department has posters and brochures as well as the safe-surrender site state emblem, which are visible and available to the public. The emergency room has prepared newborn abandonment packets that are readily accessible if needed. This hospital is the only hospital in the county that has performed in-house training for all personnel.

**Response (Sheriff):** Without further information, the Department can neither agree nor disagree with this finding.

**Response (Public Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The BOS can neither agree nor disagree without further information.

7. Under current procedures, an emergency call to 911 to report an abandoned newborn is referred to law enforcement, resulting in a response by a uniformed officer.

**Response (Sheriff):** The Department agrees with this finding as to the procedures of the Sheriff's Office, however there may be some confusion regarding use of the term, "abandoned." The surrender of a newborn in accordance with the safe-surrender laws is not a crime. The abandonment of a newborn is a felony, and an immediate response by law enforcement is essential to protect the child and begin a criminal investigation.

**Response (Public Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The BOS can neither agree nor disagree without further information.

8. The educational literature regarding safe surrender, while provided free of charge by the state, does not list local safe-surrender sites.

**Response (Sheriff):** The Department agrees with this finding.

**Response (Public Health):** The Department agrees with this finding. The posters and literature that Public Health received from the State Health and Human Services Agency when the law went into effect state "Parents are permitted to bring a baby within 3 days of birth to any hospital emergency room or other designated safe haven in California." In Mendocino County, hospital emergency rooms are thus identified as the county's safe-surrender sites, although the specific hospital names and addresses are not identified.

**Response (Social Services):** The Department agrees with this finding.

**Response (Board of Supervisors):** The BOS agrees with the response represented by the Sheriff's Department, Public Health and Social Services Departments.

9. This educational literature was found only at Howard Memorial Hospital and the Fort Bragg Police Department.

**Response (Sheriff):** Without further information, the Department can neither agree nor disagree with this finding, except to say that, at the present time, the Sheriff's Office does not have a supply of safe-surrender educational literature. The point the Grand Jury makes in this finding is well-taken. A supply of this literature will be ordered for Sheriff's Office facilities.

**Response (Public Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree. Mendocino County Department of Public Health received posters and literature from the State Health and Human Services Agency

when the law went into effect. Posters in English and Spanish have been and continue to be prominently displayed in the Ukiah Public Health Clinics waiting area at 1120 S. Dora Street where clinic services for Family Planning, pregnancy testing, sexually transmitted infections, and immunizations are provided. The posters have also been displayed in the Ukiah WIC clinic waiting area. Public Health Nursing staff from Family Planning; Maternal, Child and Adolescent Health; Field Nursing; and WIC programs were provided with information about the Safely Surrender Baby Law in 2001 or 2002 at staff meetings when the posters and literature were received from the state. Information on the Safely Surrender Baby Law is provided to public health clients by staff as appropriate.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The BOS can neither agree nor disagree without further information.

10. The Grand Jury found that no fire station in Mendocino County is manned 24 hours a day seven days a week.

**Response (Sheriff):** The Department disagrees with this finding. The City of Ukiah Fire Department and Ukiah Valley Fire Department are both manned 24-hours a day, 7-days a week. Other fire stations within the county are manned 24/7 during fire season.

**Response (Public Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The BOS agrees with the response represented by the Sheriff's Department.

11. The Abandonment of Newborns Bill is due to expire Jan 1, 2006.

**Response (Sheriff):** The Department agrees with this finding.

**Response (Public Health):** The Department agrees with this finding.

**Response (Social Services):** The Department agrees with this finding. The law will be repealed on January 1, 2006, unless subsequent legislation extends or repeals that date.

**Response (Board of Supervisors):** The BOS agrees with this finding.

## **Recommendations**

1. The Grand Jury recommends that the BOS designate all hospitals within Mendocino County to be "safe-surrender sites". (Finding 1).

**Response (Sheriff):** This recommendation is directed to the Board of Supervisors.

**Response (Public Health):** The recommendation will not be implemented because it is not warranted or is not reasonable. The Safely Surrender Baby Law already identifies all hospital emergency rooms as safe-surrender sites therefore, the recommendation will not be acted upon by this department.

**Response (Social Services):** This recommendation has not been implemented because the law automatically designates hospitals as surrender sites and Board designation is unnecessary. All hospitals within Mendocino County are already "safe-surrender sites". If requested by the Board, the Mendocino County Department of Social Services will prepare a resolution affirming County support for this law and its automatic designation of local hospitals as safe-surrender sites, by May 2005.

**Response (Board of Supervisors):** The BOS agrees with the responses represented by the Public Health and Social Services Departments. This recommendation may be implemented in the future upon further analysis, but because the law does automatically designate hospitals as surrender sites the BOS feels this recommendation is unwarranted.

2. The Grand Jury recommends that the BOS require that protocols for the 911 emergency service include an appropriate response to calls regarding the possible abandonment of a newborn. (Finding 7)

**Response (Sheriff):** The Board of Supervisors lacks the authority to implement this recommendation. The Board cannot set dispatch policies for the Sheriff's Office, because the Sheriff is an elected, constitutional officer. The other public safety dispatch centers in the county are operated either by the cities or by state agencies.

**Response (Public Health):** The recommendation will not be implemented because it is not warranted or is not reasonable. This recommendation does not fall within the authority of the Public Health Department and therefore, this recommendation will not be acted on or implemented by this department.

**Response (Social Services):** This recommendation as worded is not being implemented by the Mendocino County Department of Social Services because it is beyond the Department's scope. The Department will coordinate its 24-hour Children's Services emergency response

services with law enforcement protocols, in response to 911 emergency calls regarding possible abandonment of a newborn.

**Response (Board of Supervisors):** The BOS agrees with the response represented by the Sheriff's Department. This recommendation will not be implemented by the BOS because this recommendation is outside the jurisdiction of the BOS.

3. The Grand Jury recommends that all safe-surrender sites and local hospitals provide at least one in-service training session per year to inform personnel of this code. (Findings 3, 5, 6)

**Response (Sheriff):** This recommendation is directed to safe-surrender sites and local hospitals.

**Response (Public Health):** The specific recommendation will not be implemented because it is not warranted as it is directed at the safe surrender sites and local hospitals. However, Public Health staff will also be provided with annual in-service training about the Safely Surrendered Baby Law and safe-surrender sites within Mendocino County within the 2005 calendar year.

**Response (Social Services):** This recommendation is not being implemented by the Mendocino County Department of Social Services because it is directed to local hospitals. The Department is willing to assist the hospitals, if requested by them, in implementing annual in-service training on the safe surrender program. The Department includes information on the safe surrender law as part of staff training for Children's Services emergency response services.

**Response (Board of Supervisors):** The BOS agrees in part, with the recommendation relative to Departments within Mendocino County. The BOS supports the assistance by Mendocino County Departments, upon request, of local hospitals and safe-surrender sites regarding the implementation of annual in-service training.

4. The Grand Jury recommends that the BOS require that emergency 911 calls regarding abandonment of a newborn be routed to proper medical personnel rather than uniformed officers. (Finding 7)

**Response (Sheriff):** As with Recommendation #2, the Board of Supervisors lacks the authority to implement this recommendation. This recommendation requires further analysis prior to any changes in Sheriff's Office dispatch protocols. In particular, this recommendation requires a clarification of how the Grand Jury interprets the term, "abandonment."

As noted my response to Finding #7, abandonment of a newborn is a felony. Law enforcement must respond to these incidents. Given the possibility of medical complications and the fact that patrol cars are not equipped to

transport newborns, common sense dictates that an ambulance should also be summoned. However it appears that the Grand Jury may have used the term, “abandonment,” to describe calls involving the surrender of a newborn. Following the release of this report, a Grand Jury member stated that the basis for this recommendation was the Grand Jury’s concern that a woman seeking to surrender her child might flee at the sight of a patrol car but not at the sight of an approaching ambulance. This may be true, but even in this scenario, dispatching an ambulance by itself as a mobile safe-surrender site is not necessarily the most appropriate response.

A dispatcher’s first consideration when receiving a call from someone who wants to abandon or surrender a newborn must be the safety of the newborn. The caller may only need directions to a safe-surrender site. However if the caller gives any indication that their safety or the safety of the newborn is in peril, then law enforcement should be dispatched. An ambulance should also be dispatched, but they will generally not enter until law enforcement has secured the scene.

The safe surrender dispatch guidelines currently under development will address circumstances in which it is appropriate to dispatch a peace officer, an ambulance or both.

**Response (Public Health):** This department will not be acting on this specific recommendation, as it is not applicable to this department. The Public Health Department does not have medical personnel on call 24 hours a day for this purpose. We believe that Child Protective Services staff are the appropriate responders in conjunction with the uniformed officers.

**Response (Social Services):** This recommendation is not being implemented by the Mendocino County Department of Social Services because it is beyond the Department’s scope. The Department will coordinate its 24-hour Children’s Services emergency response services with the safe surrender dispatch guidelines being developed by the Sheriff’s Office.

**Response (Board of Supervisors):** The BOS agrees with the response represented by the Sheriff’s Department. The recommendation will not be implemented because it is outside the jurisdiction of the BOS.

5. The Grand Jury recommends that a concerted effort be made to post educational materials at locations where they will do the most good, e.g., homeless shelters, medical clinics, food banks, post offices, service agencies, libraries, middle schools, and high schools. (Finding 9).

**Response (Sheriff):** This recommendation has not yet been implemented

at the Sheriff's Office, but will be implemented in the near future. As noted in my response to Finding #9, a supply of safe-surrender educational literature will be ordered for Sheriff's Office facilities. The materials should be on display no later than March 1, 2005.

**Response (Public Health):** The recommendation has been implemented in this department. Mendocino County Department of Public Health will continue to display the English and Spanish Safely Surrender Baby posters in the Public Health Clinics and/or WIC waiting areas at 1120 S. Dora Street in Ukiah where services for Family Planning, pregnancy testing, sexually transmitted infections, immunizations and/or WIC are provided. Public Health will also determine whether space is available to post these materials at the Willits and/or Fort Bragg Public Health offices. Public Health staff will provide information on the Safely Surrender Baby Law to clients as appropriate, and to other agencies via existing committees and collaboratives.

**Response (Social Services):** This recommendation will be implemented as follows: The Mendocino County Department of Social Services will develop a plan for distribution and posting of materials by April 30, 2005 and will complete the distribution and posting, in coordination with the sites and agencies listed, by June 30, 2005.

**Response (Board of Supervisors):** The BOS agrees with this recommendation.

6. The Grand Jury recommends that all educational materials list the locations of the "safe-surrender sites" within the county. (Finding 8)

**Response (Sheriff):** This recommendation requires further analysis. The State Department of Social Services website has downloadable brochures describing the safe-surrender law (<http://www.babysafe.ca.gov>). The text of the brochures clearly identifies hospital emergency rooms as safe-surrender sites. These sites are already well-known in the community. The brochure also states, "If there are additional places, they will be listed on this brochure." Until such time as the Board of Supervisors designates additional sites, then there is nothing else to list.

**Response (Public Health):** The recommendation has not yet been implemented, but will be implemented in the future. Although the posters on the Safely Surrender Baby Law that Public Health displays identify "hospital emergency rooms" as the county's safe-surrender sites, the specific names and addresses of the three hospitals in the county will be added to the posters by March 31, 2005. If other safe-surrender sites are added by the BOS, those will also be added to the posters within 60 days of the designation.

**Response (Social Services):** This recommendation will be implemented as follows: The Mendocino County Department of Social Services will develop or alter educational materials to list the locations by May 31, 2005.

**Response (Board of Supervisors):** The BOS agrees with the response represented by the Sheriff's Department in as much as additional sites have not been designated. If additional sites are designated in the future by the BOS, this recommendation will be implemented and those additional designated sites will be listed.

7. The Grand Jury strongly encourages the general public to contact their state representatives to request that the Abandonment of Newborns Bill be extended beyond January 1, 2006 (Finding 10).

**Response (Sheriff):** This recommendation has not been implemented by the Sheriff's Office, but will be implemented in the future. The Sheriff would like to thank the Grand Jury for informing the public about this important law and alerting all of us about its impending repeal. Senator Robert Dutton has introduced SB 116, which would eliminate the repeal date and extend the safe-surrender statutes indefinitely. Senator Wes Chesbro is a co-author of the bill. The Sheriff will be contacting Senator Chesbro and Assembly member Patty Berg within the next few days to express support of this legislation.

**Response (Public Health):** The recommendation will not be implemented because it is not warranted, as this recommendation will be acted on by the Department of Social Services and is therefore, not in need of additional action on the part of this department.

**Response (Social Services):** This recommendation will be implemented as follows: The Mendocino County Department of Social Services will forward this issue to all advisory bodies and groups concerned with child safety and will prepare an agenda summary to recommend that the Board of Supervisors convey support for the extension to State legislators, by April 30, 2005.

**Response (Board of Supervisors):** The BOS agrees with this recommendation and supports the extension to State Legislators for the Abandonment of Newborns Bill.

### ***Comments***

The Grand Jury is pleased that Mendocino County has had no reported abandoned newborns. The Grand Jury considers Health and Safety Code §1255.7 to be vitally important and believes the actions recommended to the BOS and others may save lives.

The Grand Jury compliments Howard Memorial Hospital on their compliance with and implementation of the Abandoned-Newborn Bill. During an unannounced

visit, the Grand Jury found the staff to be very well prepared and informed. The Grand Jury also acknowledges the efforts of the nursing and risk management staff training all hospital personnel to accept an abandoned newborn at any hospital entrance.

The Grand Jury believes that this serious problem has a quick, easy and inexpensive solution. The Grand Jury urges the BOS to act immediately to bring Mendocino County into complete compliance with the Abandoned Newborn Bill.

**Response Required**

Mendocino County Board of Supervisors  
Mendocino County Sheriff

**Response Requested:**

Mendocino County Public Health Officer  
Mendocino County Department of Social Services  
Mendocino Coast District Hospital  
Ukiah Valley Medical Center  
Frank R. Howard Memorial Hospital