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## Table of Contents

<b>Letter from Yolo County Grand Jury Foreman.....</b>	<b>5</b>
<b>2008-2009 Yolo County Grand Jury Members.....</b>	<b>6</b>
<b>About the Grand Jury.....</b>	<b>7-8</b>
<b>Investigations &amp; Reviews .....</b>	<b>9-26</b>
Woodland Joint Unified School District, 9-11	
Monroe Detention Center, 11-18	
Dunnigan Fire Protection District, 19	
Juvenile Detention Facility, 19-23	
Wayfarer Center, 24-25	
Winters School District, 25	
Yolo County Office of Education, 26	
<b>Appendix.....</b>	<b>27-105</b>
<b>Responses to the 2007-2008 Grand Jury Report</b>	
Woodland Joint Unified School District, 29-76	
Davis Fire Department, 77-80	
Esparto Community Services District, 81-94	
Yolo County Office of Emergency Services and Yolo County Branch Libraries, 95-105	



GRAND JURY  
County of Yolo  
P.O. Box 2142  
Woodland, CA 95776

The Honorable Steven M. Basha  
Advising Judge to the Grand Jury  
Superior Court of California  
County of Yolo  
725 Court Street  
Woodland, CA 95695



Dear Judge Basha,

On behalf of the members of the 2008-2009 Yolo County Grand Jury, I am pleased to present our Final Report to you and the citizens of Yolo County.

For the past year, nineteen ordinary citizens of diverse backgrounds and life experiences volunteered their time and energy in the oversight of local government. We received and reviewed 20 citizen complaints, heard and signed three criminal indictments, followed up on three investigations from the previous year, and looked into the operations of numerous public agencies within Yolo County.

Not all of our investigations or agency reviews are to be found in this report. Some citizen complaints were found to be unsubstantiated; some issues resolved themselves. Many of the agency reviews did not call for a formal report. Even so, the members of the Grand Jury dedicated hundreds of hours in meetings, work groups, site tours, interviews, document reviews, and editing sessions.

It was an honor to have worked with my fellow Grand Jurors and I especially want to thank those who willingly took on leadership roles and, without complaint, shouldered the extra load that accompanied those positions.

I also want to express the Grand Jury's appreciation for the Yolo County employees and officials who responded to our inquiries and requests with cooperation and good will that illustrated the true spirit of civil service.

The 2008-2009 Yolo County Grand Jury is proud to have served the citizens of Yolo County.

Cathrine Lemaire  
Foreperson  
2008-2009 Yolo County Grand Jury

**The 2008-2009  
Yolo County Grand Jury**

**Cathrine Lemaire, *Foreperson, Woodland***

**Roger Berriman, *Woodland***

**Albert J. Benedict, *Woodland***

**Deborah Chase, *Davis***

**Charleen Delvin, *Woodland***

**George Gumpy, *Woodland***

**Jim Heffernan, *Woodland***

**Peter G. Kenner, *Davis***

**Max Levine, *Woodland***

**John F. Littau, *Dunnigan***

**Shari Mannering, *Woodland***

**KS McClelland, *Yolo***

**Virginia Morris, *Davis***

**James E. Reed, *Guinda***

**Robert L. Salley, *Woodland***

**Donna M. Slattery, *Woodland***

**Barbara A. Sommer, *Davis***

**Gerald W. Souza, *Woodland***

**Ava P. Woodard, *Woodland***



## ABOUT THE GRAND JURY

The United States Constitution's Fifth Amendment and the California Constitution require that each county appoint a Grand Jury to guard the public interest by monitoring local government. Per California Penal Code 888, the Yolo County Superior Court appoints 19 Grand Jurors each year from a pool of volunteers. These Yolo County citizens, with diverse and varied backgrounds, serve their community as Grand Jurors from July 1st to June 30th. The Yolo County Grand Jury is an official, independent body of the court, not answerable to administrators or the Board of Supervisors.

### FUNCTION

A California Grand Jury's primary responsibility is to promote honesty and efficiency in government by reviewing the operations and performance of county and city governments, school districts, and special districts. Based on these reviews, the Grand Jury issues a report that states its findings and may recommend changes in the way local government conducts its business. Copies are distributed to public officials, county libraries, and the news media. The governing body of any public agency must respond to the Grand Jury findings and recommendations within 90 days. An elected county officer or agency head must respond to the Grand Jury findings and recommendations within 60 days. The following year's Grand Jury will then report on the required responses. There were no required responses to the 2006/2007 Grand Jury report.

The findings in this document report the conclusions reached by the 2007/2008 Grand Jury. Although all the findings are based upon evidence, they are the product of the Grand Jury's independent judgment. Some findings are the opinion of the Grand Jury rather than indisputable statements of fact. All reports included in the document have been approved by at least 12 jurors.

The Grand Jury's final responsibility is to consider criminal indictments, usually based on evidence presented by the District Attorney. On its own initiative, the Grand Jury may investigate charges of malfeasance (wrong-doing), misfeasance (a lawful act performed in an unlawful manner), or nonfeasance (failure to perform required duties) by public officials.

The Grand Jury investigates complaints from private citizens, local government officials, or govern-

ment employees. Grand Jurors are sworn to secrecy and, except in rare circumstances, records of their meetings may not be subpoenaed. This secrecy ensures that neither the identity of the complainant nor the testimony offered to the Grand Jury during its investigations will be revealed. The Grand Jury exercises its own discretion in deciding whether to conduct an investigation or report its findings on citizens' complaints. Any juror who has a personal interest in a particular investigation is recused from discussion and voting regarding that matter.

### HOW TO SUBMIT A COMPLAINT

Complaints must be submitted in writing and should include any supporting evidence available.

A person can request a complaint form at any local library, from the Grand Jury at P.O. Box 2142, Woodland, CA 95776, or from the Grand Jury's website at [www.yolocountygrandjury.org](http://www.yolocountygrandjury.org).

### REQUIREMENTS TO BE A GRAND JUROR

To be eligible for the Grand Jury you must meet the following criteria:

- Be a citizen of the United States.
- Be 18 years of age or older.
- You have been a resident of Yolo County for at least one year before selection.
- You are in possession of your natural faculties, of ordinary intelligence, of sound judgment and fair character.
- You possess sufficient knowledge of the English language.
- You are not currently serving as a trial juror in any court of this state during the time of your grand jury term.

*(continued on page 8)*

- You have not been discharged as a grand juror in any court of this state within one year.
- You have not been convicted of malfeasance in office or any felony.
- You are not serving as an elected public officer.

Following a screening process by the Court, Grand Jurors are selected by lottery.

Anyone interested in becoming a Grand Juror can submit their name to the Office of the Jury Commissioner, 725 Court Street, Room 303, Woodland, CA 95695, telephone (530)406-6828 or obtain an application from the Grand Jury's website at [www.yolo.countygrandjury.org](http://www.yolo.countygrandjury.org).



## INVESTIGATIONS & REVIEWS

### Woodland Joint Unified School District

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#### REASON FOR VISIT

The 2008-2009 Yolo County Grand Jury followed up on a recommendation from the 2007-2008 Yolo County Grand Jury to continue the investigation of the Woodland Joint Unified School District (WJUSD) including, but not limited to, compliance with the Brown Act.

#### ACTIONS TAKEN

Members of the 2008-2009 Yolo County Grand Jury met with the Interim Superintendent, the Interim Business Manager, and current and past Presidents of the Board of Trustees (the Board) on April 8, 2009. The purpose of the meeting was to determine the status of the Brown Act training and to obtain clarification regarding the occupancy of the Blue Shield building. Prior to the meeting, the Interim Superintendent had provided the members of the Grand Jury with documents related to the matters to be discussed.

#### WHAT THE JURY DETERMINED

##### Brown Act

The Grand Jury received documentation of Brown Act training that was conducted for all Board members on September 27, 2008. Each Trustee received a document entitled "Open Public Meeting Requirements." The Board President informed Grand Jury members that training would be provided for all new members within six months of taking office. Additionally, there would be refresher training for all Board members every two years. All in attendance agreed on the importance of training and understanding of the Brown Act. As of the date of the meeting, the Board had not yet established these training requirements as part of their written policy. An additional recommendation of the 2007-2008 Grand Jury was that the Board take formal minutes of all of the deliberations carried out in the closed sessions allowed under the Brown Act. The Board declined to implement that recommendation.

##### Blue Shield Building

In the Board's response to 2007-2008 Grand Jury report and during discussions at the April 8, 2009 meeting with members of the 2008-2009 Grand Jury, it was made clear that the Board had begun to plan for a move to a new administration facility as a part of a 2006 Master Plan. The Board based its decision on the need for additional space, continued problems with air quality in the Pupil Personnel Offices, and the belief that ultimate ownership of a facility was a wiser policy than continued leasing. A space needs assessment was completed in May 2007 recommending a 40,000 square foot facility (as compared with the 28,800 square feet of the Cottonwood facilities). The WJUSD hired a real estate property negotiator to find such a facility. Of the six properties considered, the Blue Shield building (with a fair market value of \$5,000,000) was selected for purchase. Negotiations for purchase using Certificates of Participation (COPs) were initiated. At the meeting on April 8, 2009, the Trustees informed the Grand Jury of their belief that the investigation that was being conducted by the 2007-2008 Grand Jury made COP financing impossible. At the same time, a serious national economic downturn was making loans more difficult to obtain. The real estate property negotiator advised the Board to discontinue negotiations for purchase. They shifted their attention to a possible lease with option to purchase. At a meeting on May 8, 2008, the Board of Trustees approved a lease agreement with option to purchase by a vote of 4 to 2, with one member (who had previously expressed strong opposition) absent from the vote. The agreement was signed by the Superintendent on May 12, 2008.

- The lease agreement allowed for occupancy to begin on January 1, 2009, though actual occupancy did not take place until March 1, 2009. The WJUSD paid dual rent for the months of January and February 2009 because the Blue Shield building renovations had not been completed. This resulted in an additional cost of over \$70,000.
- Additionally, the lease included tenant improvements (not to exceed \$2,000,000) to be paid up front by the building owner with reimbursement amortized over 30 years. According to the District, some of the improvements included new offices, conference

rooms, work rooms, and storage areas; public accessed multipurpose board room with operable partitions; upgraded print shop; ADA compliant drinking fountains and restrooms; centrally monitored fire alarm system and fully sprinkled building; new paint, carpet and floor covering throughout interior of building; and increased parking stalls. The final hard construction cost for tenant improvements was \$1,932,854.

- The WJUSD was also responsible for an additional \$27,500 per month toward soft costs, including permit fees, new construction loan fees, legal fees to negotiate loan documents and general contractor agreements, insurance, cost of property appraisal, and all actual costs for borrowed funds related to the Tenant Improvements. These costs were incurred between July 1, 2008 and March 1, 2009, when the WJUSD took occupancy, and totaled \$220,000.
- Additional costs incurred by the WJUSD were \$159,626 for modular furniture and \$29,488 for moving expenses which were paid for from the District’s special reserve fund.
- By the terms of the agreement, the WJUSD has agreed to a firm sale price that is \$430,000 above the fair market value for the Blue Shield Building.

The WJUSD is currently occupying the Blue Shield building under a 30-year lease with intent to purchase. The purchase would be at a guaranteed base price of \$5,430,000 regardless of the market price at the time the option to purchase is exercised by the WJUSD.

The four options to purchase contained in the lease are summarized as follows:

**Option 1** – Purchase building prior to January 1, 2009 for \$5,430,000 plus projected costs of \$2,000,000. This option was not acted on, so is no longer available.

**Option 2** – Purchase building between January 1, 2009 - December 31, 2011 for \$5,430,000 plus projected costs of \$2,000,000 plus yield maintenance and pre-payment penalties (actual cost not identified).

**Option 3** – Purchase building between January 1, 2012 - March 31, 2012 for \$5,430,000 plus projected costs of \$2,000,000. (The Trustees and WJUSD staff attending the April 8, 2009 meeting indicated that this is the option they hope to exercise, as it does not include pre-payment costs.)

**Option 4** – Purchase building between April 1, 2012 - June 30, 2016 for \$5,430,000 plus projected costs of \$2,000,000 plus an additional \$1 million.

After June 30, 2016, the WJUSD will have no option to purchase under the terms of the existing lease, and shall be a renter until the end of the lease in 2039 unless a new lease or purchase terms are negotiated.

The rent schedule, per the lease agreement, is as follows:

Year 1 (January 2009)	\$445,000
Year 2 (January 2010)	\$458,300
Year 3 (January 2011)	\$472,101
Year 4 (January 2012)	\$508,586
Year 5 (January 2013)	\$523,844
Years 6 - 7	\$539,559/year
Years 8 -12	\$581,131/year
Years 13-17	\$673,691/year
Years 18-22	\$780,992/year
Years 23-27	\$905,384/year
Years 28-30	\$1,018,424/year

The Board of Trustees continues to believe that it is “cheaper to own than to lease.” The Board believes Option 3 may be the most favorable option depending on the amount of penalties, interest rates, and available credit. At the time of our meeting, it was not made clear whether the Board would pursue financing through COPs or by submitting a General Obligation Bond proposal to the voters.

**COMMENTS**

By entering into the lease with option to purchase agreement, the Board and WJUSD administration have created the necessity of purchasing the Blue Shield Building by the deadline and terms of Option 3. Failure to do so will mean increasingly unacceptable purchase terms or continuing to lease for 30 years at steeply increasing annual rates.

**FINDINGS**

**F-1** Brown Act training has been conducted for all current Board members as recommended by the 2007-2008 Grand Jury.

**F-2** The Board has initiated a program to ensure future Board members receive Brown Act training within six months of taking office, and current members receive refresher training every two years, but that requirement has not yet been incorporated into written Board policy.

**F-3** The WJUSD has placed itself in an untenable and very costly position with regard to its current lease agreement on the Blue Shield property.

## RECOMMENDATIONS

- 09-01** The Board should continue its Brown Act training plan and incorporate training requirements into its written policy and procedures as soon as possible.
- 09-02** It is imperative that the Board utilize the most effective and immediate funding mechanism to ensure that the property known as the Blue Shield building be purchased under the terms of Option 3 as described above.

## REQUEST FOR RESPONSE

Pursuant to California Penal Code Sections 933(c) and 933.05, the Yolo County Grand Jury requests a response as follows:

### *From the following governing body:*

Woodland Joint Unified School District Board of Trustees (Findings F-2 and F-3; Recommendations 09-01 and 09-02)

## Monroe Detention Center

### SUMMARY

The 2008-2009 Yolo County Grand Jury visited the Monroe Detention Center (Yolo County Jail) to observe and assess its operation. The visit included a walk-through briefing of jail facilities and observation of various confinement processes. The jury was impressed with professional attitude of the staff and overall condition of the facility. The jail is operating at maximum capacity and must be expanded.

In conjunction with the jail visit, a review was conducted of the detention center's Policy and Procedures Manual, focusing primarily on currency of individual Policies and Procedures (P & Ps), and applicability of references contained therein. The study revealed that most P & Ps have an effective date of 2003 or earlier, have no record of having been reviewed and audited annually as required, and many references are inaccurate.

### REASON FOR VISIT

California Penal Code, section 919(b) provides that: "The Grand Jury shall inquire into the conditions and management of public prisons within the county." Pursuant to that statute, the Grand Jury visited the Monroe Detention Center (including the Walter J. Leinberger Memorial Detention Center) located at 2420 East Gibson Road in Woodland, and reviewed the Monroe Detention Center's Policy and Procedures Manual.

## ACTIONS TAKEN

Members of the Grand Jury met with the Detention Commander and Correctional Lieutenants on September 9, 2008 to schedule the jail visit and to obtain background information, results of previous inspections conducted by other agencies, and the facility procedures manual.

On October 1, 2008, the Detention Commander and two Correctional Lieutenants conducted a thorough tour of the detention center for jury members. The tour included the booking area, inmate housing, control centers, medical facility, kitchen and laundry, an inmate transport vehicle, and the Leinberger unit. The staff provided comprehensive information on all aspects of jail operations as the tour progressed, and answered questions posed by the jury. The visit lasted approximately five hours and included lunch served in the staff conference room.

While reviewing individual P & Ps in the Monroe Detention Center Policy and Procedures Manual, it was noticed that a majority of P & Ps had an effective date of 2003 or earlier, and that most had no audit date entered. The detention center's governing directive for the manual, "Establishment of a Detention Facilities Policy and Procedures Manual" (S.O. No. A-600), requires that the manual be reviewed by a designated committee, and audited separately, at least annually (Procedures paragraphs A and G apply).

A spreadsheet (Appendix A) was developed, listing P & P identifying data, effective date, review date, audit date and references to display in table format the scope of the suspected problem.

During analysis of individual P & Ps, it was decided to limit review of references to those most commonly cited – California Penal Code and California Code of Regulations, Title 15.

## WHAT THE JURY DETERMINED

### Jail Visit

Based on the in-depth tour of the facility and comprehensive briefing by senior staff officers, the Monroe Detention Center is well maintained, well organized and well run. Staff personnel encountered appeared well trained, confident, competent and professional.

The staff is burdened with stringent inmate segregation requirements, as delineated by the California Penal Code, sections 4001 and 4002 and the California Code of Regulations, Title 15, sections 1050 and 1053. The facility operates at or near maximum capacity most of the time. The Federal Consent Decree (Jessy Roy, et.al. v. County of Yolo, CV S-90-0393 DFL-JFM P (E.D. Cal. 1997) Consent Decree, Modified Aug. 18, 1997 (E.D. Cal.

1997)) requires that each inmate housed at the facility has an assigned bed and thereby limits the number of inmates that can be housed to 455. This requires routine shuffling of confinees to keep them separated as required, and early release of individuals to meet the Consent Decree limits. There were 3,687 early releases in 2008.

Despite the addition of 79 beds in the Monroe Center in 1996, and 142 beds when the Leinberger facility opened in 1991, the jail’s capacity has not kept pace with the significant growth in the population of the county, which has increased from approximately 133,000 in 1988 to approximately 199,000 in 2008. The shortage of confinement space has been exacerbated by the Federal Consent Decree, inmate segregation requirements, and increased jail bookings. Bookings have increased 29% since 2000 to 10,187 in 2008.

**Policy and Procedures Manual**

An in-depth analysis of the manual revealed that:

1. Of the 137 P & Ps in the manual:
  - a. Only one has an audit date in 2007.
  - b. Nine have audit dates in 2006.
  - c. Seven have audit dates in 2005.
  - d. There is no indication that the remaining 120 P & Ps have ever been audited. (Note: The Detention Commander has indicated that all P & Ps are reviewed at least annually, but no record of these reviews and/or audits was kept. He said that problem is being corrected by the jail.)
  - e. There are 113 P & Ps that have an effective/revision date of 2003 or earlier. One (S.O. No. S-400) has no effective date at all.
2. Seventy-one P & Ps reference California Penal Code, section 4000. In 56 of these, California Penal Code, section 4000 is the only reference cited.
  - a. Section 4000 provides only for the establishments of county jails and who they confine as delineated below:
 

*4000. The common jails in the several counties of this State are kept by the sheriffs of the counties in which they are respectively situated, and are used as follows:*

    1. *For the detention of persons committed in order to secure their attendance as witnesses in criminal cases;*
    2. *For the detention of persons charged with crime and committed for trial;*
    3. *For the confinement of persons committed for contempt, or upon*

*civil process, or by other authority of law;*

4. *For the confinement of persons sentenced to imprisonment therein upon a conviction for crime.*
  - b. The above Penal Code section would apply only to the first P & P “Establishment of the Facility and Description of its Mission.” The remaining 70 appear to be incorrectly referenced.
  - c. The applicable section of the California Penal Code is Title 4 – County Jails, Farms and Camps. Sections 4000 through 4030 are included in Chapter 1 – County Jails, and cover a variety of topics concerning county jails.
3. Forty P & Ps incorrectly list “California Administrative Code, Title 15” as the reference. The correct nomenclature for this reference is “California Code of Regulations, Title 15.” The following Title 15 breakdown applies:
 

California Code of Regulations  
 Title 15. Crime Prevention and Corrections  
 Division 1. Board of Corrections  
 Chapter 1. Board of Corrections  
 Subchapter 4. Minimum Standards for Local Detention Facilities  
 Articles 1-15 provide specific requirements for most facets of confinement.
4. Spot-checks of specific references (reviewing only California Penal Code & California Code of Regulations, Title 15 references) in random P & Ps were conducted. The results are contained in Appendix B.

**FINDINGS**

**Jail Visit**

- F-1** Areas visited by the grand jury were found to be clean and well maintained.
- F-2** The jail does not meet the confinement needs of the county.

**Policy and Procedures Manual**

- F-3** A majority (87.6%) of policies and procedures have no record that the required annual audit has ever been conducted. (Note: The Detention Commander has indicated that all P & Ps are reviewed at least annually, but no record of these reviews and/or audits was kept. He said that problem is being corrected by the jail).

- F-4** A majority (82.5%) of policies and procedures are greater than five years old. There is a very high likelihood that policies, procedures, references or other factors have changed during that period, and have not been updated in the P & Ps.
- F-5** Numerous policies and procedures incorrectly reference Title 15 as part of California Administrative Code rather than California Code of Regulations.
- F-6** A significant percentage of the P & Ps spot-checked reference incorrect and/or inappropriate sections of governing regulations.

## RECOMMENDATIONS

- 09-03** Make jail expansion a top priority in the county's budget.
- 09-04** Review and audit policies and procedures at least annually as required by S.O. No. A-600.
- 09-05** Determine the correct references for policies and procedures that currently reference California Penal Code, Section 4000 (approximately 70). Where possible, California Code of Regulations, Title 15 should be the primary reference.
- 09-06** Verify references for all remaining policies and procedures to ensure the manual (and therefore the facility) comply with governing statutes and corrections standards. Where possible, California Code of Regulations, Title 15 should be the primary reference.
- 09-07** Track completion of the above recommendations and initiate procedures to ensure the Policy and Procedure Manual is being reviewed and audited as required.

## COMMENTS

### Jail Overcrowding

It is the opinion of the Grand Jury that Yolo County continues to place jail staff and confinees at risk by not taking appropriate and urgent action to expand the capacity of the facility. Despite conscientious, organized and determined efforts by the staff to meet segregation and consent decree requirements, a serious incident is likely to occur.

### Policy and Procedures Manual

The Grand Jury cannot emphasize enough the importance of ensuring that published Policies and

Procedures are kept current, and reflect the latest changes to governing statutes and regulations.

In most cases, outdated instructions do not normally affect the day-to-day routine. Changes, when required, are passed-down by word of mouth, memorandum, training, or pass-down logs, and the normal routine goes on smoothly. When a significant or serious event occurs (i.e. illness, riot, escape, death, etc.), and an investigation ensues, it will be recognized that the Policy and Procedure instructions have not been updated, and therefore were not being followed. The potential liability can be disastrous and costly.

In-depth review of specific P & Ps requires knowledge of jail operations beyond the level of the investigating grand jury committee. However, analysis of the Policy and Procedures Manual governing instruction during this study revealed it has not been complied with. This could indicate non-compliance issues with other P & Ps.

The Grand Jury thanks the Monroe Detention Center staff for their conscientious cooperation during this study, and for the changes already initiated to correct these problems.

## REQUEST FOR RESPONSES

Pursuant to California Penal Code, sections 933(c) and 933.05, the Yolo County Grand Jury request responses as follows:

### *From the following individuals:*

- Detention Commander, Monroe Detention Center (Findings F-3 through F6; Recommendations 09-04 through 09-06)
- Yolo County Sheriff (Recommendation 09-07)

### *From the following governing body:*

- Yolo County Board of Supervisors (Finding F-2; Recommendation 09-03)

## APPENDICES:

**Appendix A: Monroe Detention Center Policy and Procedures Manual Study spreadsheet and**

**Appendix B: Results of Random Spot Checks of References in Individual P & Ps**

*continued on following pages*