

# 2019-2020 San Luis Obispo County Grand Jury

## FINAL REPORT



### San Luis Obispo County Grand Jury

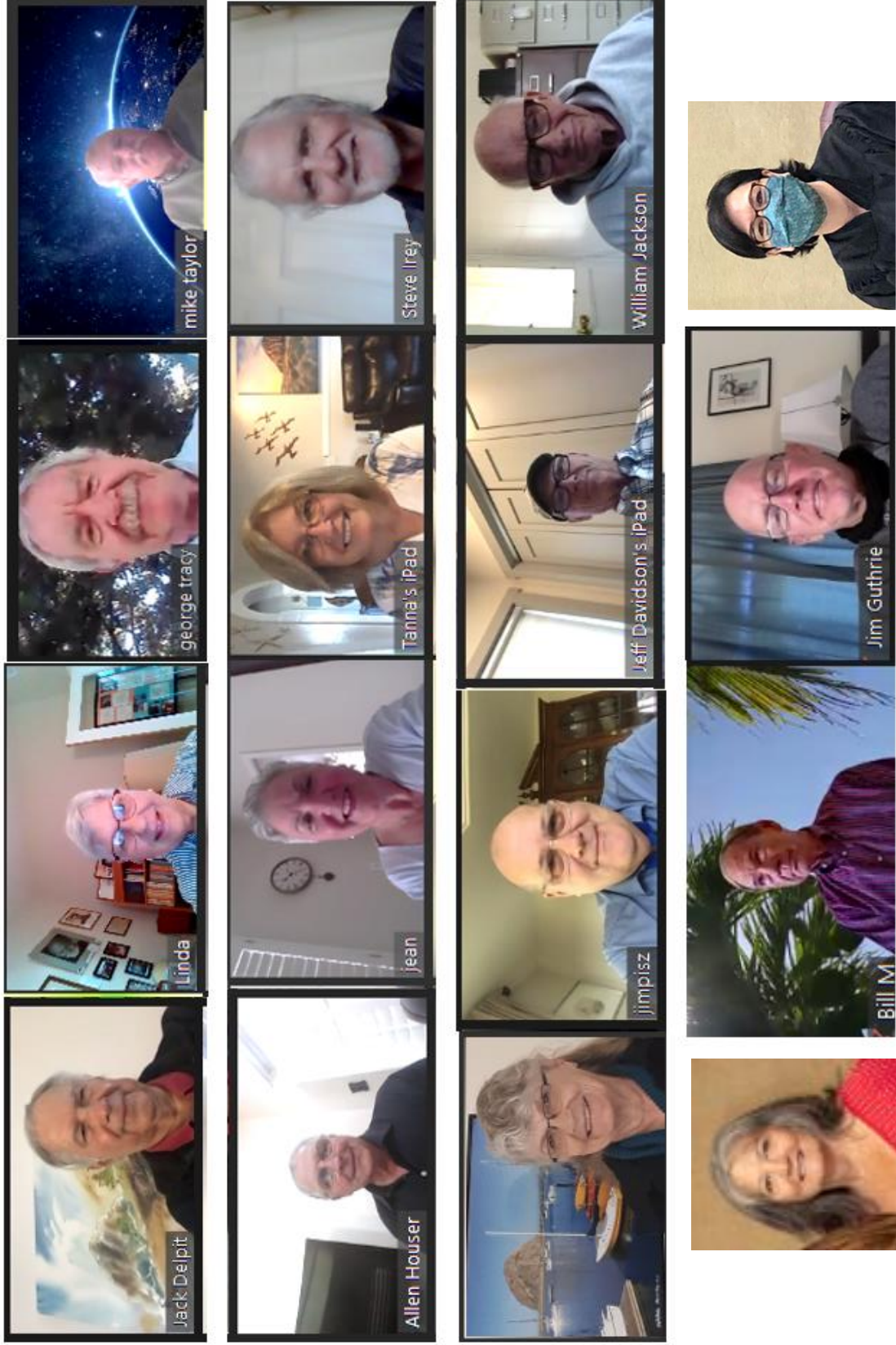


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<https://www.slo.courts.ca.gov/gi/jury-grandjury.htm>



PHOTO TAKEN DURING REGULAR GRAND JURY ZOOM MEETING



2019-2020 San Luis Obispo County Grand Jury

**Top Row, L-R:** Jack Delpit; Linda Thunes; George Tracy, Michael Taylor  
**Second Row, L-R:** Allen "Ray" Houser; Jean Conde; Tanna Boyd; Steve Irely, Foreperson Pro Tem;  
**Third Row, L-R:** Lynlee Blackburn, Foreperson, James Pisz; Jeffrey Davidson; William Jackson;  
**Bottom Row, L-R:** Reggie Rini, Admin Asst.; Bill Matthew; James Guthrie; Presiding Judge Jacquelyn H. Duffy

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## FINAL REPORTS

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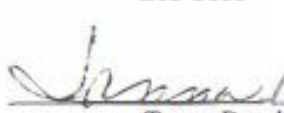
# GRAND JURY APPROVAL

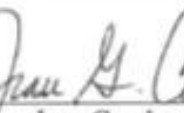
California Penal Code §933(a) states:

"Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year..."

In conformance with the aforementioned Penal Code requirement, the 201-2020 San Luis Obispo County Grand Jury approves and respectfully submits this report to the Honorable Judge Ginger Garrett, Presiding Judge, Superior Court of California, County of San Luis Obispo.

  
Lynlee Blackburn  
Los Osos


  
Tanna Boyd  
Morro Bay

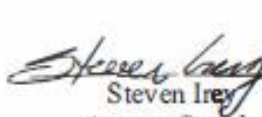
  
Jean Conde  
Arroyo Grande

  
Jeffrey Davidson  
Paso Robles

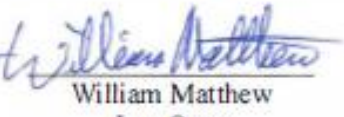
  
Jack Delpit  
Morro Bay

  
James Guthrie  
Arroyo Grande

  
Allen Huser  
Grover Beach


  
Steven Irey  
Arroyo Grande

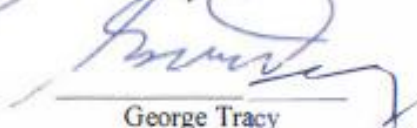
  
William Jackson  
Paso Robles

  
William Mathew  
Los Osos

  
James Pisz  
Nipomo

  
Michael Taylor  
Cayucos

  
Linda Thunes  
San Luis Obispo

  
George Tracy  
San Miguel

## FOREPERSON'S FORWARD

Traditionally the Foreperson of the San Luis Obispo County Grand Jury is charged with writing a commentary to accompany the jury's Final Report as well as offer some insight into the current grand jury's service.

The "Civil" Grand Jury was originally charged with inspecting all detention facilities in San Luis Obispo County and reporting their findings to the courts. Over time, the Grand Jury's role was expanded to review and report on all the activities of any local government entity within the County of San Luis Obispo. The sections of the Penal Code giving such authority to the Grand Jury can be found on pages v and vi.

This term started out with 19 volunteer members along with three alternates. Four members were holdovers from the previous term. Everyone else was chosen at random from a jury pool after being vetted by the Prior Grand Juror's Association as well as a member of our county's judiciary. In a matter of a few months our number had dwindled to exactly 19 members. As time went on, due to various issues, we ended with 14 members, never dropping below the 12 members required to have quorum. This was especially fortunate as our term was extended to 18 months, instead of the usual 12 months, due to the coronavirus pandemic.

It was with great work and determination that we were able to complete our investigations and reports. Even with the delay of two months, we learned how to navigate the virtual world where we are currently living. Understandably, we were not early on the list to receive training, and we also had to wait to receive our Zoom licenses from the county.

Life in the day of Covid has been challenging for everyone. But being virtual actually helped us continue our service in an extended term. Members had to leave the area and even the state for various personal issues, as well as public service commitments, but were still able to attend meetings virtually. All members needed to be present and involved in discussions in order to vote on any issue. The commitment of the members allowed our work to proceed to completion.

Looking at the future and to the challenges future Grand Juries will face, it has become apparent that having proper technology to work in a safe and secure environment will become a necessity. The County's IT department has been very helpful to us and it is my sincere hope that the county of San Luis Obispo will follow the suggestions that they have made and supply future members with a device that will put all members on the same platform.

Finally, I want to thank each and every member of this Grand Jury, including those who could not stay until the end, for all their hard work and dedication. Our collegial alliance made this extended year a memorable experience.

Lynlee Blackburn, Foreperson  
2019-2020 San Luis Obispo County Grand Jury

## AUTHORITIES FOR GRAND JURY INQUIRIES

*The authority for our inquiries is sanctioned by one or more of the following sections of the California Penal Code:*

§919(b): “The grand jury shall inquire into the condition and management of public prisons within the county.”

§925: “The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts. The investigations may be conducted on some selective basis each year, but the grand jury shall not duplicate any examination of financial statements which has been performed by or for the board of supervisors pursuant to Section 25250 of the Government Code; this provision shall not be construed to limit the power of the grand jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county”.

§925(a): “The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county. In addition to any other investigatory powers granted by this chapter, the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit. The grand jury may investigate and report upon the needs of all joint powers agencies in the county, including the abolition or creation of agencies and the equipment for, or the method or system of performing the duties of, the several agencies. It shall cause a copy of any such report to be transmitted to the governing body of any affected agency. As used in this section, "joint powers agency" means an agency described in Section 6506 of the Government Code whose jurisdiction encompasses all or part of a county.”

§928: “Every grand jury may investigate and report upon the needs of all county officers in the county, including the abolition or creation of offices and the equipment for, or the method or system of performing the duties of, the several offices. Such investigation and report shall be conducted selectively each year. The grand jury shall cause a copy of such report to be transmitted to each member of the board of supervisors of the county.”

§933.5: “A grand jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such district or commission.”

§933.6: “A grand jury may at any time examine the books and records of any nonprofit corporation established by or operated on behalf of a public entity the books and records of which it is authorized by law to examine, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such nonprofit corporation.”

## AUTHORITIES FOR AGENCY RESPONSES

*The following section of the California Penal Code is cited as the authority under which each agency must respond to the Superior Court:*

§933.05 (a): For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) 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 therefore.

§933.05 (b): For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe 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 when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

§933.05 (c): However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand

jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

§933.05 (d): A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

§933.05 (e): During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

§933.05 (f): A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

# FINAL REPORTS

# **SAN LUIS OBISPO COUNTY PUBLIC SAFETY SERVICES AND THE OCEANO DUNES**

Each year more than two million visitors come to Pismo State Beach and the Oceano Dunes which is part of the California State Parks Oceano Dunes District. This stretch of beach runs for approximately seven miles from Grand Avenue in Grover Beach to the Oso Flaco Lake. Most come for the day, but many bring their off-road vehicles, camp and play in the Oceano Dunes State Vehicular Recreational Area (SVRA).

Maintaining safety on these 5,000 acres, with so many visitors and vehicles, is a complicated task that requires many resources from the State of California and the County of San Luis Obispo. This report details the efforts by first responders and provides a summary of their activities in maintaining safety at the Oceano Dunes.

## **SUMMARY**

During 2019, the Oceano Dunes has been a topic of discussion for many citizens of San Luis Obispo County. Previous Grand Juries have examined the environmental aspects of the dunes and have come to stated conclusions (2012 Grand Jury report). Considering a record number of serious incidents that have occurred at the Oceano Dunes, the 2019/20 San Luis Obispo Grand Jury (SLOGJ) has chosen to investigate “Public Safety Services and the Oceano Dunes.”

This investigation details the scope and depth of San Luis Obispo County first responder activity at the Oceano Dunes and SVRA. This report includes a study of the impact of first responder response times for south county residents when there were incidents at the dunes. Uncovered by this investigation, were the primary reasons accidents occur at the Oceano Dunes. This report discusses the human toll in death and injury. It also reviews the direct and indirect revenue and costs.

The Grand Jury interviewed several of our county's first responders in developing this report. The Grand Jury would like to commend these men and women for the job they do to keep San Luis Obispo County residents and visitors safe.

## **INTRODUCTION/PURPOSE**

The Grand Jury's initial purpose for this report was to determine if response times to south county residents were affected by incidents at the Oceano Dunes. During the Grand Jury's investigation, many unanticipated aspects of providing support services at the Dunes were revealed. Details on cost, the scope of involvement, ancillary services and human toll came to light. The broader purpose of this report is to quantify the many activities required by the County of San Luis Obispo to maintain safety at the Oceano Dunes.

## **ORIGIN**

During 2019 the Oceano Dunes SVRA was publicized by local and state media for the significant number of incidents that have resulted in injury and fatality. The 2019-20 San Luis Obispo Grand Jury's decision was to study safety at the Oceano Dunes and report to the public.

## **METHOD/PROCEDURE**

To obtain information for this report the 2019/2020 Grand Jury has interviewed individuals and analyzed statistics from the following organizations: Cal Fire, Five Cities Fire Authority, San Luis Ambulance Service, the Sheriff's Department, the County Jail, the County Coroner, the District Attorney's Office, SLO County Public Defender offices, the Auditor's Office, Dignity Health and the State of California Oceano Dunes Park Rangers.

During the Grand Jury investigation statistics related to numbers of calls, response times, arrests, bookings etc. were studied for the past three years where information was available. All the above-mentioned organizations maintain separate systems for tracking their department activities. The

consistency of data was found to be insufficient to do historical trends and for this reason the most recent year (2019) was analyzed and summarized. It should be noted, within this report some historical data is utilized for the benefit of the reader.

The 2019/2020 Grand Jury also reviewed financial data to establish the County of San Luis Obispo's contribution to 'Public Safety Services and the Oceano Dunes.' There was no single unified method for determining costs across all county funded organizations. Each organization provided an estimation of San Luis Obispo County costs, calculated differently based upon variables associated with their responsibilities, some by calendar and others by fiscal year.

## DEFINITIONS

**Oceano Dunes:** The Oceano Dunes name encompasses, for the purposes of this investigation, Pismo State Beach, the SVRA and the campgrounds. Please see map for greater detail.

It includes approximately 7 miles of drivable beachfront starting in the north at Grand Avenue in Grover Beach extending south to Oso Flaco Lake. The eastern boundary is generally defined by fencing and has an irregular contour.

**State Vehicle Recreational Area (SVRA):** Approximately three and one-half miles of drivable beachfront within the Oceano Dunes starting in the north at milepost 2 and extending south to just beyond milepost 8. The Dunes eastern boundary is generally defined by fencing and has an irregular contour. The eastern boundary extends further east between milepost 6 and the southern end.

**State Campgrounds:** There are three campgrounds associated with the Oceano Dunes that are patrolled by the State of California Park Rangers. These campgrounds are known as North Beach or Pismo Campground on Pacific Coast Highway just north of the Monarch Butterfly Grove. The SVRA Campground is located on the beach and the Oceano Campground is located on Pier Avenue.

**Auto Aid:** A term used by Cal Fire and the Five Cities Fire Authority for automatic help coming from either agency when an incident is severe and requires more resources or when multiple incidents have occurred simultaneously. In either case, automatic procedures are in place for this to occur.

**Move Up:** A term used by Cal Fire and San Luis Ambulance for a strategy to place first responders and equipment closer to anticipated incidents to improve response time. Example: An ambulance or Fire paramedic could be stationed at the Pier Ave entrance to the Oceano Dunes during major holidays.

## **BACKGROUND/HISTORY**

The Chumash Indian Tribe was among the earliest settlers of the Guadalupe-Nipomo Dunes. The Oso Flaco Lake name comes from the Chumash name “Skinny Bear.” As early as 1915 cars and motorcycles were driving on the Dunes. In 1923, Cecil B. DeMille filmed parts of the *Ten Commandments* at the Dunes. In the 1920-40s a group of non-conformists called the “Dunites” resided at the Dunes. Post-World War II returning soldiers brought four-wheel drive jeeps to the Dunes and dune buggies became popular in the 1950s. The California State Park system started to operate the Oceano Dunes State Vehicular Recreational Area in the 1970s. The future of the Oceano Dunes is uncertain due to environmental concerns.

## **NARRATIVE**

### **SAFETY BY THE NUMBERS**

The following narrative describes how different state, county and city agencies interact to provide safety services at the Dunes. Included in this section are many statistics that agencies provided in describing their performance. First responders view their work in terms such as calls, transports, response time, call time, arrests and cost, to name a few. This section of the report seeks to quantify the depth and scope of first responder activity, later this report will seek to interpret these numbers.

**OCEANO DUNES STATE PARK RANGERS**

The California State Park Rangers patrol the Oceano Dunes and areas immediately surrounding the dunes. Their area of coverage goes north to Pismo State Beach and south to Oso Flaco. The primary area, known as the Oceano Dunes SVRA, is roughly 1,250 acres that includes 584 acres known as the La Grande Tract. Included within the SVRA are several small privately-owned tracts purchased years in advance before the SVRA was overseen by the State Parks. The Rangers also patrol the Butterfly Grove and Pismo Lakes. This area is managed by 70+ permanent staff (Park Rangers and administrative staff) and 100+ seasonal or part time (i.e. Lifeguards). On holidays, overtime is paid to provide a more significant presence (additional Rangers) at the Oceano Dunes.

For 2019 attendance has been estimated at 2.2 million. In comparison, Yosemite National Park attendance is a little over four million annually. The SVRA campground has attendance of approximately 300,000 and the Pismo campgrounds has approximately 150,000. Day use passes are estimated to be 1.6 million.

The following chart indicates the revenue collected from camping and day use:

STATE OF CALIFORNIA OCEANO DUNES STATE BEACH REVENUE				
Fiscal Year	Pismo Campground	SVRA Campground	Day Use	Total
2019	\$1,217,795 <sup>1</sup>	\$1,102,441	\$668,712	\$2,988,948
2018	\$1,148,940	\$1,070,498	\$735,726	\$2,955,164
2017	\$1,177,667	\$1,031,211	\$666,119 <sup>2</sup>	\$2,874,997

Revenue is based upon a \$10 per day vehicle charge for camping and a \$5 per day vehicle charge for day use. The State of California is evaluating whether to increase fees at Oceano Dunes State Beach. Current fees have been in place for more than 10 years.

<sup>1</sup>American Disabilities Act (ADA) project closure impacted campground revenue.

<sup>2</sup>Day Use revenue for Oso Flaco was unavailable.

Camping and Day use fees are not shared with the County of San Luis Obispo; they are retained by the State of California. The State of California gives off-road vehicle purchasers the option to register their vehicles and obtain a green sticker (equivalent to a license plate). Revenue from these stickers and a small portion of the California fuel tax is shared with counties hosting SVRAs. During 2019-2020 fiscal year, the County of San Luis Obispo received \$143,244 as their portion of these off-road vehicle registration fees.

On a typical shift, there are 2-4 Rangers on duty at the Oceano Dunes and surrounding areas of responsibility. During an average year, Rangers respond to approximately 5,800 calls. Most calls are routine such as speeding or dogs off leash. Compared to the number of visitors at the dunes, the arrest rate is very low, but does appear to be trending upward. Currently the South County Rangers Station, which patrol the Oceano Dunes, is understaffed. Recruiting Park Rangers has been challenging and Rangers have the opportunity to transfer anywhere within the California Park system.

The following chart indicates arrests made by State of California Oceano Dunes Park Rangers.

ARRESTS MADE BY PARK RANGERS			
Year	Total	SVRA	Pismo
2019 <sup>3</sup>	245	84	143
2018	320	82	153
2017	286	89	152
2016	176	47	111

As laws change within the State of California, so does Ranger enforcement. Some crimes, such as minor drug possessions, may result in a 'Catch and Release' where Rangers seize the drugs, the individuals are cited and released. The same may be true for certain DUI cases. If a responsible party is at hand, then the individual could be cited and released to the responsible party.

There have been a small number of arrests for major crimes such as assault, vandalism, willful cruelty to a child, gang related activity, rape and attempted homicide. It is when major crimes

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<sup>3</sup> Other arrests occurred within the South County Ranger Zone of Impact; Rangers were involved in 133 AOA's (assist other agencies).

occur that the Sheriff's department special criminal units take charge. For example, during 2019 an attempted homicide required hundreds of hours of Sheriff Department time to investigate.

When arrests are made by Park Rangers, and are serious in nature, individuals are taken by the Rangers to County Jail. During 2019 there were 307 arrests that required booking at County Jail. Most of the individuals arrested and booked were released within a few hours; however, one individual has stayed more than one year. The County Jail has calculated that in 2019 arrestees from the Oceano Dunes occupied County Jail for an estimated 2,222<sup>4</sup> days. The Oceano Dunes Rangers stated, and San Luis Ambulance confirmed, that most riders at SVRA reside outside San Luis Obispo County.

Tragically, there were six fatalities at the Oceano Dunes in 2019. This was unusual since statistics show that very few deaths occurred at the dunes in previous years. Of the six fatalities, one was confirmed as alcohol related. Otherwise, it is the opinion of senior ranger management that most accidents/injuries (including the fatalities) resulted from inexperience, inattentiveness and speed.

Rangers cite examples of inexperience where riders are unfamiliar with the equipment and terrain. Something as simple as a helmet that doesn't fit properly can result in tragedy. Some first-time riders come to the dunes and push equipment beyond their safety limits. For experienced riders speed can be a problem. Riders go fast to reach the top of a dune and the excitement of going airborne is thrilling. However, it creates risk when there is a landing area that is not visible. On a busy summer weekend thousands of visitors are using the dunes; rangers can't oversee the safe riding habits of all. The primary responsibility for an individual's riding safety comes with that rider's experience, attentiveness and common sense.

#### SHERIFF'S DEPARTMENT

The Sheriff's Department maintains a solid working relationship with the California State Park Rangers at the Oceano Dunes. This relationship is governed by a Joint Memorandum of

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<sup>4</sup> Information from the County Jail stated 164 arrestees stayed for a few hours. This report utilized three hours to equal "a few." The County Jail stated one arrestee was incarcerated for 467 days and this was rounded down to 365 one full year.

Understanding. Rangers assist the Sheriff with monitoring the homeless population that resides at the Oceano levee and Santa Maria riverbed. The Sheriff assists the Rangers with felony investigations, crime lab and other services when needed.

The San Luis Obispo Sheriff’s Department is the largest law enforcement organization within the county. They have resources greater than any other law enforcement agency within the county. Resources such as investigators, the coroner, the county jail, gang task force and crime lab all of which are occasionally called upon at the Oceano Dunes.

The primary law enforcement agency, with authority over the dunes, is the State Park Rangers. For this reason, Deputy Sheriff calls to the dunes are negligible and do not affect normal response times to the South County. The Sheriff’s Department does, however, maintain specialty law enforcement services that are occasionally used. Depending on the type of services needed, one call can take many hours. The direct costs related to law enforcement services provided by the Sheriff’s department on the Oceano Dunes was \$21,774 in 2019.

The following chart provides statistics regarding Sheriff’s calls and corresponding staff time for emergency services to the Oceano Dunes in 2019.

SAN LUIS OBISPO COUNTY SHERIFF EMERGENCY SERVICES			
	Calls requiring Sheriff Assistance	Staff time dedicated to Sheriff Assistance	County Staff time Cost
	1	237 <sup>5</sup>	\$19,559
	13	26 <sup>6</sup>	\$ 2,215
2019 TOTAL	14	263.2	\$21,774

**CORONER’S OFFICE (SLO County Sheriff Department)**

During 2019, the services of the coroner were used six times for fatalities occurring at the Oceano Dunes. The Coroner’s office conducted six autopsies and toxicology reports. The Coroner’s work time was calculated at 135 hours with direct cost of \$13,627 for services.

<sup>5</sup> Attempted murder one call required 237 hours of Sheriff department personnel.

<sup>6</sup> Actual Sheriff time spent in hours at the Oceano Dunes without attempted murder arrest.

**COUNTY JAIL (SLO County Sheriff’s Department)**

The County Jail (controlled by the San Luis Obispo Sheriff’s department) works directly with the State of California Park Rangers at the Oceano Dunes. During 2019 there were 307 arrests by Rangers that resulted in jail time. More than two thirds of those arrests were for DUI, drug related crimes and warrant violations. A smaller percentage of those bookings were for more serious crimes including vandalism, resisting arrest, theft, assault, and willful cruelty to children.

The County Jail has established the cost for housing each inmate per day. In 2019 the number was \$175.69 with \$34.76 for medical. A little more than half (164) of the individuals arrested at the Dunes were incarcerated for just a few hours. The remainder were incarcerated for anywhere from 1 to 365 days during 2019. Collectively, all inmates arrested at the Dunes stayed an estimated 2,222 days in County Jail at an estimated cost of \$390,000.

**COUNTY CAMPGROUNDS**

The County of San Luis Obispo maintains and oversees several county campgrounds. Two of these are adjacent to the entrances to the Oceano Dunes. The largest is called Coastal Dunes Campground and runs for about one mile along the east side of Highway 1 starting near Grand Avenue heading south. Oceano Memorial Campground is near the Oceano airport. Both county campgrounds cater to the Oceano Dunes.

The following chart describes the estimated attendance and revenue received by the county for these sites.

COUNTY CAMPGROUND ATTENDANCE AND REVENUE BY FISCAL YEAR			
	16/17	17/18	18/19 YTD
<b>Costal Dunes</b>			
Attendance	112,870	127,562	112,745
Revenue	\$1,318,661	\$1,371,909	\$1,366,659
<b>Oceano Memorial</b>			
Attendance	10,811	14,774	11,740
Revenue	\$215,170	\$244,152	\$218,450

**CAL FIRE**

Cal Fire Station 22 is located on Highway 1 in Nipomo. The operations of Cal Fire Station 22 are 100% funded by the County of San Luis Obispo. The station usually maintains a crew of two firefighters although, on some occasions, a third firefighter may be stationed there. Firefighters from Station 22 are trained as paramedics who can provide life-saving drugs and services. On busy holiday weekends (Memorial Day, July 4<sup>th</sup>, Labor Day) a second crew will be staged at the Dunes.

The area Station 22 covers include the Oceano Community services district. Included in this coverage area is the Oceano Dunes State Beach. Station 22 is the exclusive responding fire station for any emergencies on the Dunes. In the case of a mass casualty incident, other fire stations may also respond, although these events are very rare.

Calls are divided up into four categories which are trauma, medical, fire and heart attack. During 2019 there were 260 calls to the Oceano Dunes.

The following chart details the breakout of Station 22 total calls and calls to the Dunes.

CAL FIRE STATION 22 OPERATIONS IN 2019				
Dunes Calls	Total Calls	Percent Dunes Total	2019 Operating Budget For Station 22	County Costs For Dunes Calls
260 /	1216 =	21.4% X	\$1.8 million	= \$385,000

Cal Fire response time for all calls in 2019 was 13.2 minutes on average. Each call that is made from Station 22 received in 2019 lasted, on average, 58 minutes.

Special equipment is needed to respond to the Oceano Dunes. Cal Fire Station 22 has, in its inventory, a 4-wheel drive vehicle that can handle the deep sand and hills of the dunes. Depending on the severity of the incident, Cal Fire may call for a helicopter rescue. When such a need arises either Calstar (out of Santa Maria) or the CHP helicopter (out of Paso Robles) will respond. Ambulance service accompanies Cal Fire on almost every call to the Oceano Dunes.

Response time is a critical factor for incidents in the Oceano and Nipomo Mesa areas, which can conflict with calls to the Dunes. With the number of calls made to the Dunes there are situations where Cal Fire Oakglen Station may be required to provide Auto-Aid. During holidays and busy summer weekends these situations arise more frequently. When Station 22 firefighters are at a call on the Dunes, other local area stations provide services. By adding crews and repositioning equipment, Cal Fire has worked out a system which alleviates the possible negative affects to response times.

Cal Fire Station 22 responded to 1,216 calls with a 2019 operational budget of \$1.8 million an average of \$1,440 per call. There were 260 emergency calls in all of 2019 at the dunes. The County of San Luis Obispo assumed an estimated cost of \$385,000.

It is important to note that the cost of emergency service work covering the Nipomo Mesa done by Station 22 would continue even if the calls to the Oceano Dunes were reduced to zero. In such a case, Cal Fire would study the unknown impacts on Station 22.

## **FIVE CITIES FIRE AUTHORITY**

The Five Cities Fire Authority (FCFA) was the previous firefighting organization to service the Oceano Dunes. In late 2014 service to the Dunes became Cal Fires responsibility. The FCFA discontinued service to the Dunes for the following reasons:

1. The Oceano Dunes were outside the Five Cities Fire Authority's primary coverage area. Citizens were concerned about out of area coverage and expense.
2. Operating costs to maintain and operate a specialty 4-wheel drive dunes vehicle was excessive. Replacement cost would be prohibitive.

Prior to Five Cities Fire Authority discontinuing service, it was determined that in 2013 there were 124 calls to the Dunes and in 2014 there were 126. Although call numbers were not available for 2015 and 2016, the numbers provided by Cal Fire for 2017 and beyond indicate an upward pace of paramedic calls.

Currently FCFA fire stations do not routinely cover for Cal Fire stations. Under California’s Master Mutual Aid Agreement, FCFA will automatically provide aid for major fires or mass casualty incidents.

**SAN LUIS AMBULANCE**

San Luis Ambulance, under a different name, started work in San Luis Obispo County in 1945. Since 1976, San Luis Ambulance has run contracted ambulance service for the County of San Luis Obispo. San Luis Ambulance is a private, family-owned business whose headquarters is in Arroyo Grande. They employ 160 associates that include nurses, emergency medical technicians and paramedics.

The contract between the County of San Luis Obispo and San Luis Ambulance is a no cost contract with ambulance costs billed privately to the recipient. The County of San Luis Obispo Health Department negotiates the rate which San Luis Ambulance can charge for service.

On a typical shift, San Luis Ambulance dispatches 11 ambulances stationed in the following places waiting for calls: Nipomo (1), Arroyo Grande (2), San Luis Obispo (3), Atascadero (1½), Templeton (1), Paso Robles (1½) and Morro Bay (1). Although only required to maintain one four-wheel drive ambulance, San Luis Ambulance maintains two four-wheel drive ambulances capable of handling the sandy terrain common to the Dunes. Most calls go to county hospitals from residences and accident scenes.

The chart below shows ambulance calls throughout the county and to the Oceano Dunes specifically.

	Total Calls	Patients Transports	Dunes Calls	Dunes’ Patient Transports
2019	26,164	17,259	265	147
2018	26,975	17,807	244	130
2017	27,219	18,340	267	130

A review of the home locations for patients transported from the dunes by San Luis Ambulance indicates that 92.8% of those ambulance calls involve people who reside outside of San Luis Obispo County.

Response times for ambulance service in 2019 to the SVRA is 22.5 minutes on average. Within San Luis Obispo County response times can vary. For urban San Luis Obispo, response time is 5.3 minutes and in rural Shandon average is 24.2 minutes. With decades of experience, San Luis Ambulance employs a “Move Up” approach to station ambulances strategically in order to reduce response times. This strategy relocates ambulances closer to the 101 freeway entrance ramps when one or more calls are taking place. On summer holidays, San Luis Ambulance may add and move up an ambulance stationing it at the Pier Avenue entrance to the Dunes. As a result of the dynamic placement of ambulances, there is little impact to the San Luis Obispo County residents when there is an incident on the Dunes.

#### **SAN LUIS OBISPO COUNTY DISTRICT ATTORNEY’S OFFICE**

During 2019, the San Luis Obispo County District Attorney logged 11,947 arrests that were referred to their office. The breakout on these arrests are as follows:

	Arrests	Felony	Misdemeanor
Total	11,947	2,307	9,640
Dunes	399	17	382

Within the total number of arrests at the dunes (399) 306 were criminally filed for prosecution. The remainder were dismissed due to insufficient evidence, became pending, or were turned over to the county’s diversion program.

The District Attorney’s Office was unable to quantify costs related to the 306 criminally filed cases originated from the Oceano Dunes. They represent a portion of the \$11,514,125 San Luis Obispo County District Attorney’s 2019/2020 budget.

## **SAN LUIS OBISPO COUNTY PUBLIC DEFENDER'S OFFICE**

The San Luis Obispo County Public Defense is handled by outside law firms that are contracted with the county. Three firms handle the county public defender role with the main firm employing 25 attorneys at the county courthouse.

The public defender offices did not track cases by arresting office and could not provide accurate statistics for the Oceano Dunes, but it is estimated that 80-90% of dunes arrests and bookings at County Jail were handled by the Public Defender. The San Luis Obispo County's 2019/2020 budget for public defense is \$6,786,480.

## **WHAT DO THE NUMBERS MEAN**

The narrative in this section is designed to interpret the statistics and provide a context into how our first responders perform their duties.

## **BEHIND THE SCENES**

The face of the sheriff's department we most commonly see are local deputies who patrol the unincorporated areas of San Luis Obispo County. The deputy sheriffs are the largest group of law enforcement officers in the county, but their role is almost non-existent at the Oceano Dunes. The role of enforcing the law falls on the State Park Rangers.

The vast majority of visitors to the dunes are law-abiding, family-oriented people that are there to have a good time. When major incidents happen, a response is necessary and the Sheriff's department has the resources to ensure the proper outcome occurs.

Safety can also be defined as a feeling of security. When an individual commits a crime and is arrested by Park Rangers, victims want the comfort that perpetrators will be brought to jail, booked and prosecuted. When a fatality occurs, a thorough investigation must happen, forensic data must be collected and a coroner's report must be completed. If the individual arrested can't afford an attorney one is appointed. On the Oceano Dunes, the Sheriff's department and the County of San Luis Obispo take responsibility for these functions.

Every firefighter that goes on call from Station 22 to respond to an injury incident at the SVRA is either an Emergency Medical Technician (EMT) or a Paramedic. Experience has shown that Station 22 paramedics understand the types of injuries that commonly occur with off-road drivers/passengers. These first responders have the training and equipment to expedite the proper emergency care at the scene. These firefighters are paid by the County of San Luis Obispo.

Cal Fire trains EMT's and paramedics in the special driver techniques to navigate the deep sand terrain of the SVRA. This is done so response times are minimized. This saves lives.

### THE HUMAN TOLL

As previously reported by the Coroner's Office there were six fatalities at the SVRA in 2019. For each of these fatalities the cause of death was the same, blunt force trauma resulting from vehicle accidents. Another aspect, not often reported by the media, is the number of injuries that occur at the SVRA. San Luis Ambulance reported 145 transports to local hospitals in 2019, of these 14 were 'life or death' Code 3 transports.

In addition to the San Luis Ambulance transfers there are a number of arrivals at local hospitals that come by private vehicle. A friend or relative will sometimes transport injured parties directly. The following chart was provided by Dignity Health Hospitals. They maintain a record of injuries that were caused by ATVs.

This chart shows all ATV injuries including those occurring at the SVRA.

HOSPITAL ATV PATIENTS		
	2018	2019
Arroyo Grande Hospital	144	179
French Hospital	16	8
Marian Hospital	18	32
Totals <sup>7</sup>	178	219

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<sup>7</sup> Information for Sierra Vista Hospital was not available.

Most Code 3 injuries are transported to Sierra Vista Trauma Center in San Luis Obispo. The most common injuries are bone fractures and major lacerations that often require surgery and are sometimes life altering. The most common fractures are to the collar bone and wrists.

## **FINANCIAL SUMMARY**

San Luis Obispo County receives direct and indirect financial benefits from the millions of visitors to the Oceano Dunes. The county receives a direct benefit of \$143,244 dollars in the 2019/20 fiscal year (\$141,925 in the 2018/19 fiscal year) from the registration of off-road vehicles/ California fuel tax. The county also receives a combined total of \$1,585,109 revenue from the county owned Coastal Dunes and Oceano Memorial Campgrounds for fiscal year 2018/19.

The cities, the county and state experience an undefined indirect revenue from sales tax and bed tax from those individuals visiting the Oceano Dunes. In the County of San Luis Obispo, the sales tax rate is 7.25%. The state receives 6%; incorporated cities receive 1%; the county receives .25%; additionally, the county receives 1.25% for unincorporated areas. Transient Occupancy Tax (TOT or Bed Tax) is individually set by voter approval and is received by the city in which the hotel or campgrounds are located. In Pismo Beach the TOT is 13%. Of that amount 10% goes to the city's general fund and the remainder goes to support tourism in the city and county. For hotels and campgrounds, in unincorporated areas, the county receives the TOT if approved by voters. Currently there is no TOT for camping at the Oceano Dunes.

The Dunes provide an economic vitality to the region. The Oceano Dunes supports a broad-based tourist industry bringing thousands of jobs to the Central Coast in restaurants, hotels, campgrounds, food stores, ATV rentals and gas stations to name a few. The California State Parks Oceano Dunes District commissioned a study<sup>8</sup> that sought to estimate the economic benefit of the Oceano Dunes to businesses in the south county. That estimate is \$243 million annually which includes direct, indirect and induced spending that benefits the cities, the county and the state. These numbers are estimates that make many assumptions, however it is undeniable that without the Oceano Dunes there would be economic loss to the region.

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<sup>8</sup> OCEANO DUNES DISTRICT- CALIFORNIA STATE PARKS ECONOMIC IMPACT ANALYSIS REPORT 2016/17, provided by the South County Chamber of Commerce.

In 2019, the State of California collected \$2,988,948 in direct revenue from the 2.2 million visitors that visited the Oceano Dunes. This included fees for camping and day use permits. Concurrently the County of San Luis Obispo makes direct payments of \$1.8 million to Cal Fire to operate Station 22 from which 21% emergency calls are to the Oceano Dunes. The County also paid for the 307 arrests made at the Oceano Dunes by California Park Rangers in 2019. The County pays hundreds of thousands for specialty law enforcements services.

The State of California incurs costs for protection services on the Oceano Dunes. The State employs 70 full time and 100+ seasonal employees. There is justification on the part of the state to collect day use and camping fees to cover their expense, however this report recognizes that in total the County pays an aggregate sum in support of the State of California Rangers that is not directly reimbursed.

## **CONCLUSIONS**

California Park Rangers do an excellent job at enforcing the law at the Oceano Dunes. Considering the number of Rangers on patrol and the significant numbers of campers and day use visitors to the Oceano Dunes, public safety is well maintained. The 2019 calendar year was an unusually bad year for fatalities at the Dunes. The Rangers state that “inexperience, speed and inattention” were the main causes for the injuries and fatalities.

Due to its proximity, Arroyo Grande Hospital takes the largest number of injuries occurring at the Oceano Dunes. Cal Fire Station 22 paramedics respond to the Dunes on a frequent basis. Twenty one percent of Station 22 calls are to the Oceano Dunes and San Luis Ambulance responds to nearly every call that Cal Fire makes. San Luis Ambulance, through its billing system, has determined that over 90% of the Dune transports are from outside the county.

San Luis Obispo County resources play a large role in keeping local residents and visitors safe at the Oceano Dunes. They act as vital support to the Rangers. Although the Sheriff’s Department plays a minor role in actual enforcement, their support role with the County Jail, the Coroner’s

Office and special investigative departments are essential to the law enforcement activities of the Rangers. The County's District Attorney and Public Defense teams actively prosecute and defend individuals that were arrested by Park Rangers at the Dunes.

If the SVRA was closed to off-road vehicles there is no indication that there would be a significant reduction in service provided by Cal Fire, Sheriff's Department, or San Luis Ambulance. Changes could include reduction of some personnel or overtime, and some specialty equipment may be reassigned. There is no evidence that an SVRA closure would impact response time to south county residents.

The State of California and the County of San Luis Obispo financially benefit from the Oceano Dunes. Millions of dollars are brought into the general funds of the State and County because of the existence of the SVRA and the tourists that flock to the dunes for recreation.

## **FINDINGS**

- F1. There is no evidence of an increase in response time by Cal Fire, the Sheriff's Department or San Luis Ambulance to the emergency needs of south county residents when incidents occur at the Oceano Dunes.
- F2. The primary reason for steady response times by Cal Fire Paramedics and San Luis Ambulance is their strategic repositioning and move-up strategies. These approaches effectively place resources in positions that minimize response times.
- F3. Although the Sheriff's department plays a minor role in the day-to-day law enforcement at the Oceano Dunes, they play a vital role when major crimes occur.
- F4. The Oceano Dunes District State Park Rangers attribute the main cause of accidents at the SVRA to inexperience, inattentiveness and speed.
- F5. The County Jail, which is part of the Sheriff's department, incurs expense for booking and housing individuals arrested at the Oceano Dunes. The County of San Luis Obispo bears the cost of prosecuting and defending individuals arrested at the Oceano Dunes.
- F6. Of those requiring ambulance transport service at the Oceano Dunes, 92.8% are from locations outside of San Luis Obispo County.

- F7. The county and the state receive financial benefit from camping, sales tax and registration fees. The direct safety support services provided by the County of San Luis Obispo to the Park Rangers for services rendered at the Oceano Dunes are not reimbursed by the State.

## **RECOMMENDATIONS**

- R1. The County of San Luis Obispo should explore cost recovery for county services. The nature of off-road activities on the Oceano Dunes/SVRA require a unique level of county support.
- R2. The County of San Luis Obispo should actively promote public safety announcements encouraging safety at the Oceano Dunes:
- a. Be educated to your surroundings and vehicle
  - b. Be attentive
  - c. Be mindful of your speed

## **REQUIRED RESPONSES**

The following people are required to respond to the findings and recommendations within the timeframe shown and in accordance with the California Penal Code Section 933.05:

Board of Supervisors shall respond to R1 and R2.

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by August 24, 2020. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

## **COMMENDATIONS**

Cal Fire and San Luis Ambulance are commended for their repositioning and move up strategies to minimize response times to the Oceano Dunes and to ensure response times to south county residents are not affected by incidents at the dunes.

The State of California Oceano Dunes Rangers and the San Luis Obispo County Sheriff's department are commended for their cooperative, reciprocal relationship for law enforcement at the Oceano Dunes.

## **AGENCY RESPONSE REQUIREMENTS**

The Penal Code Section 933.05 that specifies the format and methodology for agency responses is listed below. All agency respondents are required to respond to all findings and recommendations in the following manner:

- If the respondent disagrees wholly or partially with an item, the respondent must elaborate on the portion of the item that they disagree with, and provide an explanation.
- If a respondent notes that an item will be implemented in the future, the response must include a timeframe for implementation.
- If a respondent notes that an item requires further analysis, the agency must include in the response an explanation of and the scope of what will be studied and the timeframe needed for the study. The timeframe for follow-up from the agency cannot exceed six months.
- If the item will not be implemented or is not reasonable, the respondent is required to provide a detailed explanation.

### **933.05. Findings and Recommendations**

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding.
  - (2) 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 therefore.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe 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 when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

Presiding Judge	Grand Jury
Presiding Judge Jacquelyn H. Duffy Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

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# **SAN LUIS OBISPO COUNTY JUVENILE HALL ADOPTS POSITIVE BEHAVIOR METHODS**

## **INTRODUCTION/PURPOSE**

This report describes and addresses the methods by which the San Luis Obispo Juvenile Hall manages the behavior of youth assigned to its detention and Coastal Valley Academy (CVA) facilities. The methods of behavior management used and their effectiveness are important issues in any environment where groups of people must coexist.

## **ORIGIN**

This report is a result of the San Luis Obispo County Grand Jury's investigation of the Juvenile Hall via a guided tour of the facilities. During this tour staff explained the program and methods by which youth behavior is managed. Since these methods appeared to the Grand Jury to be unique and effective, further investigation was warranted. Following the visit, Juvenile Hall personnel were interviewed for the purpose of clarifying and expanding upon information learned during the tour.

## **METHOD/PROCEDURE**

This investigation included a site visit and tour by Grand Jury personnel, an interview of Juvenile Hall personnel, and follow-up emails to Juvenile Hall personnel for clarification of Grand Jury observations and staff interview responses. This investigation was conducted under the authority of CA Penal Code 919, Subsections (a), (b), and (c).

## **BACKGROUND/HISTORY**

The San Luis Obispo County Juvenile Hall and Coastal Valley Academy are detention facilities in the same building which serve male and female youth up to 18 years of age. In exceptional cases, there are youth up to 21 years old. There are 50 beds available at the facility. These offenders are incarcerated for minor criminal acts, incorrigible behavior, or violations of probation. Youths

committing felonies are not housed at this facility. Staffing consists of Juvenile Service Officers, teachers, medical staff, mental health therapists and social services. There is a Juvenile Justice Courtroom with a presiding judge, stenographer and court assistant. This courtroom deals with initial cases and sentencing for incarcerated youth. Attendance is required in a year-round educational program. This program has three co-educational classrooms. The curriculum offered can lead to a high school diploma or GED.

### **POSITIVE BEHAVIOR INTERVENTIONS AND SUPPORTS:**

Positive Behavioral Interventions and Supports (PBIS) is a universal, school-wide prevention strategy that has been implemented in over 21,000 schools across the nation to reduce disruptive behavior problems through the application of behavioral, social learning, and organizational behavioral principles.<sup>9</sup> PBIS attempts to alter educational environments by creating improved systems and procedures that promote positive change in student behavior by targeting staff and student behaviors. This model is a derivative of a broader research-based behavior management approach commonly referred to as “Applied Behavior Analysis.”<sup>10</sup> PBIS has been shown to be effective in traditional<sup>11</sup> and in alternative education settings such as corrections.<sup>12</sup>

In Spring, 2016, the San Luis Obispo County Office of Education (SLOCOE) contacted the Juvenile Hall about implementing PBIS at its facility, at SLOCOE expense. This was offered by SLOCOE because Juvenile Hall has an educational arm, Coastal Valley Academy (CVA), for which SLOCOE has shared responsibility. During the summer of 2016, Juvenile Hall sent a team of its leaders to observe an operational PBIS program in Placer County. The SLOCOE subsequently paid for the training of Juvenile Hall staff by faculty from the University of Oregon. The staff positions trained was administrative and line staff, as well as staff from the SLOCOE, and Behavioral Health staff. The general public perceives correctional facilities to be inherently punitive environments, not environments where good behavior is systematically targeted for improvement. The Juvenile Hall implementation of PBIS is a distinct departure from traditional practices in correctional settings.

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<sup>9</sup> Horner & Sugai, 2015

<sup>10</sup> Cooper, Heron & Heward, 2019; Horner & Sugai, 2015

<sup>11</sup> Cook, Frye, Tal, Lyon, Renshaw, & Zhang, 2015

<sup>12</sup> Simonson, Britton & Young, 2010; Simonson & Sugai, 2013

## **NARRATIVE**

The components of an effective behavior management program include (1) setting clear, unambiguous expectations for observable behavior, (2) frequent monitoring of behavior, and (3) providing immediate feedback via positive and negative consequences of behavior. In the PBIS system, the emphasis is to encourage positive behaviors that fall under the three major categories of being Safe, Responsible, and Considerate. These three broad classifications are the focus of the PBIS system. Posters to that effect are visibly posted throughout the facility. Staff is trained to use a ratio of 4:1, i.e., four positive feedback statements to each reprimand. Behavior is monitored daily by staff. Examples of positive outcomes for compliance to rules include becoming Peer Leader, additional phone privileges, longer showers, and the opportunity to wear their own shoes. A “token economy” is also in effect, in which coupons are given for meeting behavioral expectations. Coupons can be redeemed from the commissary twice per week. The Wednesday commissary is directly tied to school performance. Although the focus is on the positive reinforcement of desired behavior, there are also consequences for behavior violations. Failure to demonstrate behaviors related to being Safe, Responsible or Considerate may result in separation from a group (called “Time Out”), mandatory Reflection Time. Reflection Time is when a youth is given an assignment to complete while seated alone, the completion of which reinstates the youth’s privileges. Other privileges (e.g., having radio on in their room, free time) may also be suspended for failing to complete schoolwork.

### **FUTURE DIRECTIONS:**

Exact and timely measurement of relevant behavior is crucial to ongoing program feedback and development. The staff is currently working with Amazon and Cal Poly to develop a computer application capable of electronically tracking a youth’s behavior. Such a capability would allow enhanced accuracy of behavior measurement and allow more immediate feedback to Juvenile Hall staff and youth.

## **CONCLUSIONS**

The implementation of the PBIS system is a distinct departure from the methods commonly employed in correctional facilities, as the focus is on increasing desirable behavior. Specifying

what behavior is expected, what behavior is undesirable, and allowing or withholding privileges contingent upon behavior is essential for rehabilitation. Behavior is monitored daily, and desirable behavior is reinforced frequently (i.e., with coupons). Data reflecting behavior trends are compiled weekly and monthly by staff.

## FINDINGS

F1. The use of PBIS with our incarcerated youth teaches them the criteria of demonstrating safe, responsible and considerate behavior as adults.

## COMMENDATIONS

The SLOCJH and the SLOCOE are to be commended for their cooperative effort in implementing a research-based method of behavioral improvement into JH. This method has the long-term potential to positively impact the prosocial behavior and general culture of youth while in JH.

## REQUIRED RESPONSES

“This is an information report. No responses are required.”

Presiding Judge	Grand Jury
Presiding Judge Jacquelyn H. Duffy Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

## **APPENDICES, ATTACHMENTS, BIBLIOGRAPHY, GLOSSARY AND SUGGESTED READING**

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# **PSYCHIATRIC HEALTH FACILITY: A REVIEW OF BEHAVIOR PATTERNS**

## **INTRODUCTION/PURPOSE**

The State of California requires county grand juries to inspect all jails and prisons within their county on a yearly basis. Since incarcerated persons may be sent to the Psychiatric Health Facility (PHF), this facility is now routinely inspected. It is noted that the PHF is actually a medical facility and not a part of our county's jail system. In this report, the 2019-2020 San Luis Obispo County Grand Jury documents the results of our inspection of the County's PHF.

## **AUTHORITY**

The issuance of this report is authorized under investigative powers of the Grand Jury pursuant to California Penal Codes § 919, 921 and 925.

The San Luis Obispo County Psychiatric Health Facility (PHF) is a hospital facility licensed by the California State Department of Health Care Services (DHCS) and is located at the former San Luis Obispo County General Hospital complex. San Luis Obispo County Health Agency oversees the facility. The PHF is licensed to serve 16 patients at any one time from 72 hours to 14 days. The PHF serves:

- Individuals who may be involuntarily detained due to indications of a mental disorder or indications they may be harmful to themselves or others. (Welfare and Institutions Code §5150);
- Persons in custody of the county jail who are charged with a misdemeanor, but who have been determined to be incompetent to stand trial, are treated for restoration to competence so they can participate in legal proceedings. (Penal Code §1370);
- Conserved individuals (gravely disabled and permanently housed elsewhere) who are in need of stabilization.

## SUMMARY

The Grand Jury toured the PHF facility and interviewed staff members as part of its routine inspection. A primary staff concern was the transfer of inmates from the county jail (Penal Code §1370). It was reported that sheriff's deputies transport these inmates to the PHF and leave after signing off. According to PHF staff, jail transfers may be violent and pose a security problem for PHF personnel who are not law-enforcement trained. During the inspection Grand Jurors inquired as to the general frequency of behavior problems. Grand Jury members learned of staff concerns regarding a variety of physical altercations among inmates, who are now patients, despite patient checks that occur every 15 minutes 24 hours per day. Data reflecting recorded behavior problems were solicited. These data are normally collected as part of standard procedure. The San Luis Obispo Board of Supervisors approved a contract (August, 2019) for additional security staff. The Grand Jury wanted to determine whether the additional personnel would positively impact the data reported for January - October, 2019, and requested follow-up data following the hiring of additional personnel.

### DEFINITIONS FOR THE FOLLOWING CHART

- **Assaulted:** This would be categorized as an act by one person on another causing perceived injury. An example would be one person being struck on the left side of their head by another person with a right closed fist.
- **Assaultive:** This would be an act by one person on another of physical contact, attempted physical contact or threat when the ability is credible that would lead to injury. An example would be a person picking up a chair and swinging it like a club toward another person.
- **Destructive/Vandalism:** This would be any damage to property. An example would be a person breaking a fire sprinkler in the ceiling causing a flood leading to tens of thousands of dollars in damage to the building.
- **Staff Injury:** A staff member experiences pain during an event. An example would be staff members physically contain an aggressive person who is attempting to hit others. During the containment, the employee suffers neck pain.

- Penal Code (PC) §1370/Welfare and Institutions Code §4011 Clients: Clients who have been sent from the County Jail to PHF for stabilization.
- All Other Clients: Clients who may be involuntarily detained due to indications of a mental disorder, or indications they may be harmful to themselves or others.

Data reflecting altercations occurring between January and October, 2019 were as follows:

**Period 1 – Prior to additional security**

<b>January – October, 2019</b>					
<b>1370/4011 Clients</b>	<b>Total</b>	<b>All Other Clients</b>	<b>Total</b>	<b>All Clients</b>	<b>Total</b>
Assaulted	0	Assaulted	2	Assaulted	2
Assaultive	6	Assaultive	10	Assaultive	16
Destructive/Vandal.	3	Destructive/Vandal.	4	Destructive/Vandal.	7
Staff Injury	5	Staff Injury	2	Staff Injury	7
<b>Total</b>	<b>14</b>		<b>18</b>		<b>32</b>

Data reflecting altercations occurring between November, 2019 and July, 2020 were as follows:

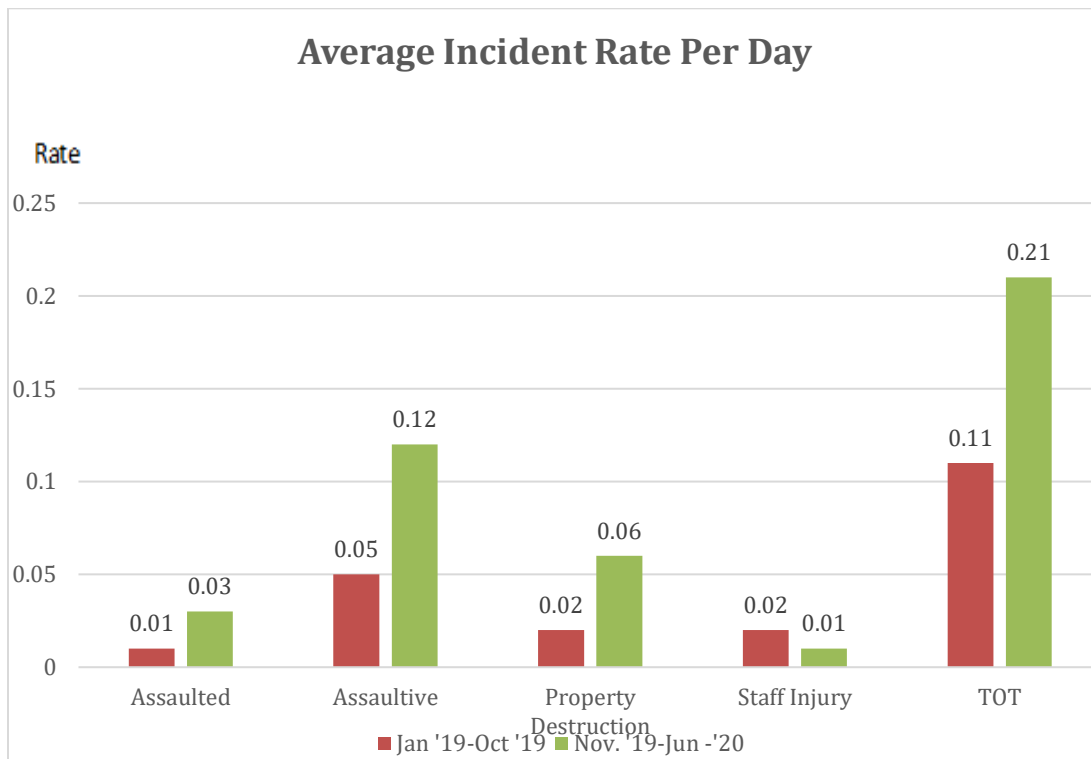
**Period 2 – Following additional security**

<b>November 15 - July 01, 2020</b>					
<b>1370/4011 Clients</b>	<b>Total</b>	<b>All Other Clients</b>	<b>Total</b>	<b>All Clients</b>	<b>Total</b>
Assaulted	2	Assaulted	4	Assaulted	6
Assaultive	11	Assaultive	17	Assaultive	28
Destructive/Vandal.	5	Destructive/Vandal.	8	Destructive/Vandal.	13
Staff Injury	2	Staff Injury	1	Staff Injury	3
<b>Total</b>	<b>20</b>		<b>30</b>		<b>50</b>

Given the different number of days in each period, incident data are most accurately reported as rate data, or number of incidents per day:

<b>Period 1: January – October, 2019: 303 days</b>	<b>N</b>	<b>Rate</b>
Assaulted	2	0.01
Assaultive	16	0.05
Destruction	7	0.02
Staff Injury	7	0.02
<b>Total</b>	<b>32</b>	<b>0.11</b>
<b>Period 2: November, 2019 – June, 2020: 235 days</b>	<b>N</b>	<b>Rate</b>
Assaulted	6	0.03
Assaultive	28	0.12
Destruction	13	0.06
Staff Injury	3	0.01
<b>Total</b>	<b>50</b>	<b>0.21</b>

Rate data presented in graph form:



This data indicates an increase in the rate of overall incidents from Period 1 (January, 2019) to Period 2 (November, 2019 - June, 2020)

The following factor must be considered in interpreting this data and its accuracy:

- Given the frequency of turnover in the PHF client population, the degree of variability in behavior of the clientele may vary considerably from one time period to the next, making direct comparisons difficult. For example, staff reported during November - December, 2019, two extremely violent individuals were on site, necessitating a disproportionate amount of staff involvement, and possibly affecting the data reported for that general time period.
- Staff injuries decreased despite increased incidents in other areas.

The accuracy of this data was confirmed by PHF at a subsequent interview with GJ members. The data appears to be an accurate reflection of behavior patterns during Period 2. This suggests the addition of an estimated 2.1 - 3.62 full-time equivalent (FTE) staff had minimal effect on overall reported behavior patterns.

It was the expectation of PHF supervising personnel that four FTE security would be hired, trained, and on duty by late fall, 2019. PHF staff report that since January, 2020, at least two additional (FTE) additional security guards have been on duty, and as of the last interview with PHF staff (July, 2020) current strength was at 3.62 FTEs. Staff indicated there has been considerable turnover with the newly funded security guard positions since hiring began in October, 2019. The turnover in both staff and client population makes drawing any correlations between the effectiveness of additional staff and reported incidents problematic.

## **FINDINGS**

F1. Not having the full complement of additional security guards has had an indeterminate effect on the reduction of reported behavior problems.

## **RECOMMENDATIONS**

R1. It is recommended that the PHF security staff be increased to 4.0 FTEs per the August 2019, authorization.

R2. It is recommended the PHF staff continue to collect data and analyze the impact of additional security staff.

## **REQUIRED RESPONSES**

The following people are required to respond to the findings and recommendations within the timeframe shown and in accordance with the California Penal Code Section 933.05:

San Luis Obispo County Health Agency shall respond to R1 and R2.

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by December 2, 2020. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

## **COMMENDATION**

PHF staff is to be commended for their professionalism and commitment to improving mental health conditions in the county.

## **AGENCY RESPONSE REQUIREMENTS**

The Penal Code Section 933.05 that specifies the format and methodology for agency responses is listed below. All agency respondents are required to respond to all findings and recommendations in the following manner:

- If the respondent disagrees wholly or partially with an item, the respondent must elaborate on the portion of the item that they disagree with, and provide an explanation.
- If a respondent notes that an item will be implemented in the future, the response must include a timeframe for implementation.
- If a respondent notes that an item requires further analysis, the agency must include in the response an explanation of and the scope of what will be studied and the timeframe needed for the study. The timeframe for follow-up from the agency cannot exceed six months.
- If the item will not be implemented or is not reasonable, the respondent is required to provide a detailed explanation.

**933.05. Findings and Recommendations**

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
  - (1) The respondent agrees with the finding.
  - (2) 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 therefore.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
  - (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe 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 when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

Presiding Judge	Grand Jury
Presiding Judge Jacquelyn H. Duffy Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

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# **2019-20 CONTINUITY REPORT**

## **INTRODUCTION**

The San Luis Obispo County Grand Jury (Grand Jury) is charged with oversight of county functions on behalf of its citizenry. Though it has no enforcement powers, its mission is to shed light on issues that exist inside county boundaries. The Continuity Report reviews the required responses to previously published Grand Jury reports for adequacy, completeness and timeliness. If an agency agrees to make a change or to pursue a subject further, the Grand Jury follows up within a stated timeframe to confirm progress is made. Covid 19 has delayed responses from some agencies and will be tracked for future follow-up.

This is an informational report providing a summary of findings and recommendations made by the 2018-19 Grand Jury, including updates on the status of open recommendations noted in prior continuity reports.

## **ORIGIN**

A continuity report is traditionally prepared by each year's Grand Jury in order to follow up on the report of the previous year's reports.

## **AUTHORITY**

California Penal Code section 933.05 prescribes responses to findings and recommendations. Responding agencies are directed to report whether they agree or disagree (either partially or wholly) with a finding and whether a recommendation has been implemented, will be implemented, will not be implemented, or requires further analysis. If an agency rejects a Grand Jury recommendation, they are required to provide an explanation, citing why it is either unwarranted or unreasonable. If they respond that the recommendation requires further analysis, a timeframe within six months in which such analysis will be carried out must be included with the

response.<sup>13</sup> The Grand Jury posts all its reports and each agency's responses online each year at <https://www.slo.courts.ca.gov/gi/jury-grandjury.htm>.

## NARRATIVE

The 2018-19 San Luis Obispo County Grand Jury conducted and completed four investigative reports, which required responses from relevant agencies as well as an inspection report of county law enforcement and detention facilities, which is annually required of the SLO Grand Jury.

REPORT 1: Emergency Medical Service - Are We Covered?

REPORT 2: Fire Risk Management: Cities Do It - Why Not the County?

REPORT 3: School Developer Fees Revisited: Differing Interpretations?

REPORT 4: Affordable Housing - An Urgent Problem for Our Community

REPORT 5: Inspection Report for San Luis Obispo County Law Enforcement and Detention Facilities

The 2019-2020 Grand Jury reviewed all responses from every agency noted in each of the reports in order to prepare this follow-up continuity report. There are several occasions where respondents replied that the recommendation required further analysis. In these situations agencies have six months from the release of the final report to respond with what they concluded. However, in many of these cases there were not timely follow up responses.

The Grand Jury recognizes that the impact of the Covid-19 Pandemic has been significant and has interrupted normal operations at many levels within the county. Though Penal Code section 933.05 provides an extension to responses that indicate a need for further analysis, this particular episode

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<sup>13</sup> California Penal Code 933.05:

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) 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.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

in history is unique and requires adaptations. It is therefore left to the next Grand Jury to follow up to these yet unanswered recommendations.

The Grand Jury recognizes that the impact of the Covid-19 Pandemic has been significant and has interrupted normal operations at many levels within the county. Though Penal Code section 933.05 provides an extension to responses that indicate a need for further analysis, this particular episode in history is unique and requires adaptations. It is therefore left to the next Grand Jury to follow up to these yet unanswered recommendations.

### **2018-2019 GRAND JURY REPORT**

Link to final report:

<https://drive.google.com/drive/folders/1h6VN28XH7wHiZT050FuqsZRfMtUyxxv5M>

REPORT 1: EMERGENCY MEDICAL SERVICES - Are We Covered?

Link to full report:

[https://drive.google.com/drive/folders/1my76cQDxUOc\\_IPy8oLRbk6RVRrjceCa0](https://drive.google.com/drive/folders/1my76cQDxUOc_IPy8oLRbk6RVRrjceCa0)

The 2018/19 San Luis Obispo County Grand Jury examined the emergency medical services provided to the residents of the county in this report. The focus was limited to a review of paramedic services and Emergency Medical Technician services that are called upon every day of the year and which the citizens are likely to utilize. Emergency Medical Services (EMS) are provided by San Luis Ambulance Company and the Cooperative Fire Programs Fire Protection Reimbursement Agreement with Cal Fire through Memorandums of Agreement with the San Luis Obispo Board of Supervisors.

The Grand Jury concluded with six findings and two recommendations in their report. Their responses are charted below.

<b>Findings</b>	<b>Findings Agreed With</b>	<b>Findings Partially Agreed with</b>	<b>Findings Not Agreed With</b>
County Emergency Services		2	

<b>Recommendations</b>	<b>Implemented</b>	<b>Partially Implemented</b>	<b>Not Implemented</b>	<b>Further Analysis Required</b>
County Fire Chief				1, 2
County Board of Supervisors				1, 2
County Public Health				2

Link to CBOS response:

[https://drive.google.com/drive/folders/1c5BWdRx8-Qqcyi--bm747\\_Cw0UmY5wuG](https://drive.google.com/drive/folders/1c5BWdRx8-Qqcyi--bm747_Cw0UmY5wuG)

Link to Co. EMS response:

[https://drive.google.com/drive/folders/1c5BWdRx8-Qqcyi--bm747\\_Cw0UmY5wuG](https://drive.google.com/drive/folders/1c5BWdRx8-Qqcyi--bm747_Cw0UmY5wuG)

Link to SLO Fire response:

[https://drive.google.com/drive/folders/1c5BWdRx8-Qqcyi--bm747\\_Cw0UmY5wuG](https://drive.google.com/drive/folders/1c5BWdRx8-Qqcyi--bm747_Cw0UmY5wuG)

A summary of responses to Grand Jury recommendations follows:

**Recommendation 1: Additional paramedics should be provided on County-funded engines and added to the next contract.** The County Fire Chief (CFC) and Board of Supervisors (BOS) both responded with further analysis required. They confirmed that the San Luis Obispo Fire Department Strategic Plan of 2012 was due for updating. This process would examine EMS procedures followed by SLO County. As of the date of this report no further analysis has been provided, although their responses stated the plan was for this to happen in the Spring of 2020. It should be noted that the BOS has reviewed and updated the Fire Department Strategic Plan. When preparing this report, no additional response from either CFC or the BOS has been received.

**Recommendation 2: The County EMS Division should improve more options for airway protection by BLS (basic life support) personnel using equipment that limits risky outcomes. This should be accomplished January 1, 2020.** County Public Health, the Board of Supervisors and County Fire Chief responded with further analysis required. No additional response has been

received even though it has been reported the County Fire Department has completed its updates to the Fire Protection Master Plan.

***REPORT 2: FIRE RISK MANAGEMENT - Cities Do It, Why Not the County?***

Link to full report:

<https://drive.google.com/drive/folders/1lu7Isflf8e-8Kbtcq39wTAbdfE0190og>

The topic for this Grand Jury report emerged as a result the especially devastating California wildfires in recent years, which have caused great loss of life and property. While there is no absolute way to prevent a serious fire, steps can be taken by the county and by individuals to decrease both the risk of fires starting and their severity. Although San Luis Obispo County has created ordinances and guidelines to assist property owners to minimize risks of fire damage, there is no weed abatement ordinance for the county beyond what is required by state law.

In response to these concerns the Grand Jury identified five findings and eight recommendations related to weed abatement, fuel reduction and fire prevention in San Luis Obispo County and requested responses from eight different entities as seen in the following charts.

<b>Findings</b>	<b>Findings Agreed With</b>	<b>Findings Partially Agreed with</b>	<b>Findings Not Agreed With</b>
County Board of Supervisors		2, 3, 4, 5	
County Fire/Cal Fire		2	
County Sheriff	4		
County Emergency Services		3, 4, 5	

<b>Recommendations</b>	<b>Implemented</b>	<b>Partially Implemented</b>	<b>Not Implemented</b>	<b>Further Analysis Required</b>
County Board of Supervisors	5, 6		1	2, 3, 4, 8
County Fire Chief/Cal Fire				4
County Sheriff				8
County Emergency Services	5, 6	7		
City of Paso Robles			4, 7	
City of Morro Bay	7		4	
City of San Luis Obispo			7	4
Five Cities Fire	7			4

Links to responses:

[https://drive.google.com/drive/folders/1cxWbyM2Dko79JCVkd55vzy2\\_kNGlnrPc](https://drive.google.com/drive/folders/1cxWbyM2Dko79JCVkd55vzy2_kNGlnrPc)

A summary of responses to Grand Jury recommendations follows:

**Recommendation 1: A study should be done to determine the adequacy of state regulations throughout county jurisdictions and determine ways to properly supplement them. This should be accomplished by the end of the 2019-2020 fiscal year.** The Board of Supervisors (BOS) will not be implementing this recommendation to determine the adequacy of state regulations in county jurisdictions. A statewide study to determine the scope, efficacy and impact of state regulations on local jurisdictions would be helpful to determine whether local regulations could augment unmet fire safety needs, if any.

**Recommendation 2: As recommended in the previously cited 2017 Cal Fire report, the BOS should implement a countywide weed abatement ordinance, which should also include agricultural properties. This should be accomplished by the end of the 2020-21 fiscal year.** This recommendation requires further analysis. On March 26, 2019, the BOS adopted Ordinance No. 3386 amending Title 16 of the San Luis Obispo County Fire Protection Code, to provide for the abatement of fire hazardous weeds and rubbish in County Service Area No.10 – Cayucos. A countywide ordinance has been considered and is being studied further.

**Recommendation 3: The County should develop a weed abatement ordinance that is consistent with the cities' regulations.** The BOS has indicated that this recommendation requires further analysis. As indicated in Recommendation 2, the BOS adopted Ordinance No.3386 to provide for the abatement of fire hazardous weeds and rubbish in County Service Area 10. In addition to this, a countywide ordinance has been considered and is being studied further.

**Recommendation 4: The County and all city fire jurisdictions should offer a chipping program similar to Atascadero. Funds may be available through the Fire Safe Program. A plan for this should be accomplished by the end of the 2019-20 fiscal year.** The BOS has adopted the response of the County Fire Chief for this recommendation and determined that it requires further analysis. The vast area covered by County Fire, the costs of such a program, the

availability of staff to conduct the work, and the need to purchase and maintain several chippers and vehicles must be evaluated along with a funding source(s). Analysis was to be completed by November 30, 2019. As of this date the Grand Jury has not received a follow up response from the BOS or County Fire. The San Luis Obispo City Fire Department has indicated that this recommendation requires further analysis as an option to community fuel reduction projects as part of the recently completed San Luis Obispo City Community Wildlife Protection Plan (CWPP).

The Five Cities Fire Authority has indicated that this recommendation requires further analysis. They have requested special funding that was not available and the cost of this program would need to be weighed against other existing community priorities. The City of Morro Bay disagreed with this recommendation. As in all communities in San Luis Obispo County, Morro Bay's weed abatement program and the green waste program through Morro Bay Garbage Service has proven to be sufficient for the lighter vegetation fuel load removal in that city. The City of Paso Robles disagreed with this recommendation. In lieu of a chipping program, Paso Robles Fire and Emergency Services has initiated two significant hazardous fuel reduction projects, the Fern Canyon Fuel Break and the Salinas Riverbed Hazardous Fuel Reduction Project.

**Recommendation 5: The County should work with the cities in a concerted effort to educate the public on detailed and coordinated evacuation plans. Various ways to disseminate this information may include all types of County or city mail communications. Public Service Announcements, websites, and other forms of communication are also informative.** The BOS adopted the response of the County Office of Emergency Services who has implemented this recommendation. Both agencies are currently working with all operational area partners in disseminating emergency planning and preparedness information.

**Recommendation 6: Plans should be implemented to incorporate the PG&E siren warning system for any and all emergencies where evacuation is warranted.** The BOS has adopted the response of the County Office of Emergency Services and the recommendation has been implemented. The San Luis Obispo County Early Warning System (EWS) sirens are incorporated into each of the County's emergency response plans where protective actions may be directed. This includes nuclear power, tsunami, dam/levee, hazardous material, and fire response plans.

**Recommendation 7: Cities should investigate installing additional warning systems where there are no existing sirens. A draft plan should be finalized by the end of the fiscal year 2019-20.** The BOS has adopted the response of the County Office of Emergency Services and the recommendation has been implemented. The County Office of Emergency Services has indicated that this recommendation has been partially implemented for five of the seven cities within the county of San Luis Obispo. The cities of Atascadero and Paso Robles are not in the Emergency Planning Zone and these cities would need to make the decision to purchase, install and maintain an EWS siren network for their respective jurisdictions.

The City of Paso Robles disagreed with this recommendation. Their primary emergency alert system is through the SLO County Sheriff's Office Reverse 911 system. Morro Bay is currently in Protection Action Zone-9 and is covered by the PG&E siren system, which is described in the Diablo Canyon Nuclear Power Plant annex in both Morro Bay's and San Luis Obispo County Emergency Management Plan. The San Luis Obispo City Fire Department disagreed with this recommendation. The City has clear policy and a variety of mechanisms to communicate emergency information.

The Five Cities Fire Authority have implemented this recommendation and the communities served are all located in Plan Protection Action Zone 10 related to Diablo Canyon Power Plant emergency planning and are served by the siren network.

**Recommendation 8: The Sheriff's Office should provide Reverse 911 registration information to county and city agencies for dissemination via bills or other routine mail communication. This information should include a procedure for registering by phone.**

The Board of Supervisors has adopted the response of the County Sheriff's Office and the recommendation will require further analysis. Any cost to mail such a notification is not budgeted in the current fiscal year and would require funding. The Sheriff's Office will examine the cost and feasibility of a mailer.

**REPORT 3: SCHOOL DEVELOPER FEES REVISITED: Differing Interpretations?**

Link to full report:

[https://drive.google.com/drive/folders/1JDu8iS\\_fJ76kAZBQGWrY81v5M5FnsT3N](https://drive.google.com/drive/folders/1JDu8iS_fJ76kAZBQGWrY81v5M5FnsT3N)

The 2018/19 San Luis Obispo County Grand Jury examined school developer fees based on a complaint filed by a county citizen. Their investigation looked specifically at how developers are notified of their right to protest fees, how the funds from these fees are maintained and accounted for, how the public can inform themselves of utilization of these fees, and who provides oversight for school developer fees.

State Law requires school developer fees to be maintained in separate accounts and are used exclusively for expansion and/or improvement of school facilities necessary to meet the demand resulting from new construction or expansion. The law also requires that reports are made available to the public in an easily accessible manner with a clear accounting of how funds are expended. The result of their investigation showed permissive and expansive interpretations of these laws within SLO County. The County Superintendent of Education takes no role to determine if developer fees have been used appropriately as part of their audits of school districts.

Four of the ten county school districts along with the County Office of Education were selected to respond to some of the ten findings and six recommendations in the report.

<b>Findings</b>	<b>Findings Agreed With</b>	<b>Findings Partially Agreed with</b>	<b>Findings Not Agreed With</b>
Atascadero School District	6	1	7, 8, 9
Lucia Mar School District	1		7, 8, 9
San Luis Coastal School District		1, 8	7, 8, 9, 10
Paso Robles School District	5	1, 9	7, 8
SLO County Office of Education	1, 10		2, 7, 8

<b>Recommendations</b>	<b>Implemented</b>	<b>Partially Implemented</b>	<b>Not Implemented</b>
Atascadero School District	1, 4		
Lucia Mar School District	4		
San Luis Coastal School District	1, 4		
Paso Robles School District	1, 4		
SLO County Office of Education		2	3, 6

Links to responses:

[https://drive.google.com/drive/folders/1etp865fEJW101\\_gI4YF4j1nNGVUnRaul](https://drive.google.com/drive/folders/1etp865fEJW101_gI4YF4j1nNGVUnRaul)

A summary of responses to the Grand Jury recommendations follows:

Recommendation 1. **All school districts must immediately begin providing the required written notice to developers of their right to protest the imposition of developer fees.** The three school districts required to respond, Atascadero, Paso Robles and San Luis Coastal agreed with this finding and have updated their forms to provide developers with proper notice.

Recommendation 2. **The County Office of Education (COE) should provide and require the school districts to use a standardized format for the notice of the right to protest the payment of developer fees. This form should be developed by January 1, 2020.** The COE responded that this recommendation has been partially implemented as it has provided a standard form to all school districts but added it is not the role of the COE to “require” school districts to adopt any specific form or practice regarding developer fees.

Recommendation 3. **The Superintendent of Schools for San Luis Obispo County shall verify that every district is providing the required written notice to developers of their right to protest the imposition of developer fees.** The COE did not implement this recommendation because it is not authorized by law to take such action. It does however provide resources regarding the collection, tracking and use of developer fees.

Recommendation 4. **Each school district must maintain its developer fees in a separate account as required by law, and not co-mingle these with other funds.** Atascadero, Lucia Mar, San Luis Coastal and Paso Robles School Districts all responded that they maintain school developer fee funds in separate accounts according to legal requirements.

Recommendation 5. **All districts should report their developer fees, including the mandated annual and five-year reports, on their websites, in a prominently indexed and reasonably clear and accessible manner.** None of the agencies were asked to respond to this recommendation.

Recommendation 6. **The School Boards for each district in San Luis Obispo County shall ensure that their district’s developer funds have been properly used and sign a certificate of compliance.** The County Office of Education was asked to respond to this recommendation and said it would not implement it based on the recommendation being directed to School Board Trustee groups and its interpretation that the recommendation falls beyond the purview of the COE.

***REPORT 4: AFFORDABLE HOUSING - An Urgent Problem for Our Community***

Link to full report:

[https://drive.google.com/drive/folders/16WFdfMDT-ZY8pYZYqQjdpeunoeoVnkb\\_](https://drive.google.com/drive/folders/16WFdfMDT-ZY8pYZYqQjdpeunoeoVnkb_)

This investigation by the 2018/19 Grand Jury was self-generated and set out to understand what is meant by “affordable housing.” They discovered San Luis Obispo County is one of the least affordable places to live in California. In this county, the average wage earner is priced out of homeownership, and for those who rent, the cost is a significant portion of their monthly budget. Those in lower income categories find housing has become more expensive and increasingly more difficult to locate. As stated in the report, the lack of affordable housing presents a long-term threat to the economic vitality and social fabric of the county.

The Grand Jury concluded with eleven findings and six recommendations as noted in the chart below and requested responses from all seven city managers within SLO County as well as the SLO Board of Supervisors, the County Administrative Officer and the County Director for Building and Planning.

<b>Findings</b>	<b>Findings Agreed With</b>	<b>Findings Partially Agreed with</b>	<b>Findings Not Agreed With</b>
County Board of Supervisors		6, 7	
County Admin Office		6, 7	
County Building & Planning			
City of Arroyo Grande			6, 7
City of Atascadero			6, 7
City of Grove Beach	7		6
City of Morro Bay	6		7
City of Paso Robles	6, 7		
City of Pismo Beach		7	6
City of San Luis Obispo			6, 7

Recommendations	Implemented	Partially Implemented	Not Implemented	Further Analysis Required
County Board of Supervisors	6	2	1, 5	
County Admin Office	6	2	4, 5	
County Building & Planning	3, 6	2	1, 5	
City of Arroyo Grande	2, 5	6		1, 4
City of Atascadero	1, 2, 4, 5, 6			
City of Grover Beach	1, 2	6		4, 5
City of Morro Bay	2	6		1, 4, 5
City of Paso Robles	1	2, 6		4, 5
City of Pismo Beach	2	1, 6		4, 5
City of San Luis Obispo	1	2, 6		4, 5

Links to responses:

[https://.google.com/drive/folders/1GO\\_XYxM1\\_QyDRJJz-DsTNRquAwwXjW1B](https://.google.com/drive/folders/1GO_XYxM1_QyDRJJz-DsTNRquAwwXjW1B)

A summary of responses to the Grand Jury recommendations follows:

**Recommendation 1: Reassess and improve processes to fast-track building and planning permit approvals within 12 months from date of application. This should be implemented within FY 2019-20.** The BOS and County Department of Planning and Building will not implement this recommendation declaring it is “not reasonable” and citing that city permitting processes are in the purview of each city. The cities of Atascadero, Grover Beach, Paso Robles and San Luis Obispo have implemented this recommendation. Pismo Beach is considering this recommendation as part of its on-going effort to expedite the permitting process. Arroyo Grande and Morro Bay require further study citing the desire to expedite permits is often influenced by factors beyond the city’s direct control.

**Recommendation 2: Create, file and publish the required housing element documents and reports on time and in a form easily accessible to the public. This should be done by the next report cycle.** All three county agencies partially agreed with this recommendation and report they are working on a consolidated, user-friendly report that would be published annually on the county website. The cities of Arroyo Grande, Atascadero, Grover Beach, Morro Bay and Pismo Beach all report implementation of this recommendation for transparency and availability of housing

reports. Paso Robles intends to have their report more easily accessible in the next reporting cycle, and San Luis Obispo will publish their report as part of their General Plan Annual Report.

Recommendation 3: **Either increase in-lieu fees to realistically support the construction cost of inclusionary housing units or eliminate the fees altogether and require low-income housing construction. This should be accomplished within the FY 2019-20.** County Planning and Building responded that this recommendation has been implemented by creating a tiered rate structure that will generate more funding for affordable housing.

Recommendation 4: **The cities and County should concentrate on promoting rentals for families earning below moderate incomes by increasing the percentage of required inclusionary housing units.** The county responded that this recommendation is not warranted and therefore will not be implemented. They feel they have addressed this issue by generating additional funding for construction of affordable housing units. All cities within the county with the exception of Atascadero require further analysis of this recommendation. Atascadero has one of the highest percentages of affordable housing in SLO County, twice that required by the State.

Recommendation 5: **Increase the opportunities through re-zoning for non-traditional housing options, such as modular homes, pre-fabricated homes, and mobile home parks. This should be accomplished within FY 2020-21.** All three county agencies responded that they are not implementing this recommendation because it is not warranted. Zoning requirements generally do not prohibit most non-traditional housing options while CC&Rs do. Arroyo Grande currently allows for non-traditional housing through their standard permitting process and Atascadero is reviewing and updating policies, which would generate more affordable housing options. Grover Beach, Morro Bay, Paso Robles, Pismo Beach and San Luis Obispo are all studying this option further.

Recommendation 6: **The cities and County should detail their specific plans to engage the public in the formulation of the 2020-2028 Housing Plan Update.** All respondents, county and city, have adopted or plan to adopt this recommendation for citizen engagement in their housing plan updates.

**REPORT 5: INSPECTION REPORT FOR SAN LUIS OBISPO COUNTY LAW  
ENFORCEMENT AND DETENTION FACILITIES**

Link to full report:

[https://drive.google.com/drive/folders/1SyZMN1U4C8mrkrgr\\_BudwPGzWoSTKvG](https://drive.google.com/drive/folders/1SyZMN1U4C8mrkrgr_BudwPGzWoSTKvG)

This report was based on the 2018-19 Grand Jury's statutorily required annual inspections of all public prisons, including state prison, county jails, juvenile halls and holding cells utilized by law enforcement and courthouses. The Grand Jury took a detailed look at issues related to changes in population and programming in the County Jail. It specifically focused on housing, food, and transportation of inmates. Studies were conducted of the medical and mental health treatment of the inmates. This report consisted of 14 findings and 8 recommendations. Not all findings and recommendations required responses.

<b>Findings</b>	<b>Findings Agreed With</b>	<b>Findings Partially Agreed with</b>	<b>Findings Not Agreed With</b>
California Men's Colony			
SLO County Jail	2, 3, 4, 5, 6, 7, 14	12	9
SLO County Juvenile Hall		8	
SLO County Coroner	10, 11		
SLO County Crime Lab			
Psychiatric Health Facility		13, 14	

<b>Recommendations</b>	<b>Implemented</b>	<b>Partially Implemented</b>	<b>Not Implemented</b>	<b>Further Analysis Required</b>
SLO County Sheriff	1, 2		3, 4, 5	6
SLO County Health Dept. Director				7, 8
SLO County Sheriff Chief Medical Officer	1		3	
Atascadero Police Dept.	6			
Morro Bay Police Dept.				6
Pismo Beach Police Dept.				6
San Luis Obispo Police Dept.				6
Grover Beach Police Dept.				6
Paso Robles Police Dept.				6
County Board of Supervisors			3, 4, 5	6, 7, 8

Links to responses:

[https://drive.google.com/drive/folders/1ZYByUAgWyT0B\\_vS5A3y4Ie5nRoACDgUb](https://drive.google.com/drive/folders/1ZYByUAgWyT0B_vS5A3y4Ie5nRoACDgUb)

A summary of responses to the Grand Jury recommendations follows:

Recommendation 1: **Monitor and report clinical outcomes from medical treatment provided by Wellpath.** The SLO County Sheriff's Office and Chief Medical Officer have implemented this recommendation within the SLO County Jail. Monitoring of all treatment provided by Wellpath is done on a continual basis by the Chief Medical Officer and her team.

Recommendation 2: **Implement a best practices study of ways to manage increasing gang activity.** This recommendation has been implemented. The Sheriff's Office has focused on training, awareness and responses to increased violence within the Custody Division. Increased training has been provided to new officers during the Core Academy mandated by Standards of Training and Corrections. Increased collaboration with detectives in the Gang Task Force has also increased identification and prosecution of gang offenses within the custody environment.

Recommendation 3: **Hire a full-time assistant to perform autopsy clean-up and other duties to make daily operations more efficient.** The Sheriff's Office would like to add a full-time position for these duties, however at this time the county does not have the funding. The SLO County Sheriff's Chief Medical Officer agrees with the additional staff recommendation. The BOS has indicated that the recommendation will not be implemented based on budget constraints.

Recommendation 4: **Provide a Coroner's Facility expansion plan by the end of the fiscal year 2019-2020. This will include sources of funding and focus on future needs of the department.** The SLO County Sheriff's Office will not be implementing this recommendation, as they believe this facility meets their needs at this time. The BOS will not be implementing this recommendation based on budget constraints.

Recommendation 5: **The empty airport terminal buildings (should) be considered for additional space since there are no current plans for redevelopment.** The Sheriff's Office will not implement this recommendation. The current Coroner's location was just opened four years

ago and currently meets their needs. Additional space would not be a reasonable financial expense. The BOS will not implement this recommendation based on budget constraints.

**Recommendation 6: Crime Lab should provide the same training to city law enforcement agencies for handling DNA evidence as they do for Sheriff Deputies.** The Atascadero Police Department has implemented this recommendation and has highly trained personnel who are proficient in the collection of evidence from crime scenes including the collection of DNA evidence. The Sheriff's Office indicated that this recommendation requires further review and that they provide training only for their employees. Police Departments have the responsibility to train their personnel. The Sheriff's Office will work with the Police Departments to examine their needs for assistance. The BOS has determined that the recommendation needs further analysis according to the SLO Sheriff's Department review above. The Police Departments of Morro Bay, Pismo Beach, San Luis Obispo, Grover Beach and Paso Robles have all indicated that further analysis was necessary. This analysis requires discussion with the Sheriff's Office to work out the logistics for providing such training.

**Recommendation 7: Continue physical improvements to the existing PHF.** The SLO County Health Department Director responded further analysis is necessary as significant upgrades have been completed and the county is committed to maintaining the functionality of the Psychiatric Health Facility (PHF). The BOS has also requested further analysis as they embark on a future master-planning project for county health care facilities.

**Recommendation 8: Consider expansion into other areas of the building.** This recommendation refers to the PHF facility, at the time these recommendations were made. The SLO County Health Department Director has indicated that this recommendation will require further analysis as other spaces on the same level of the Health Agency building are not suitable or are currently occupied by other county services and programs. The BOS has indicated that this recommendation will require further analysis as they continue work on their master planning project.

**REQUIRED RESPONSES**

This is an informational report. No responses are required.

Presiding Judge	Grand Jury
Presiding Judge Jacquelyn H. Duffy Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

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# **INSPECTION REPORT FOR SAN LUIS OBISPO COUNTY LAW ENFORCEMENT AND DETENTION FACILITIES**

In this report, the 2019-2020 San Luis Obispo County Grand Jury documents the results of our inspections of the County's detention facilities and the Coroner's facility.

## **SUMMARY**

The 2019-2020 San Luis Obispo County Grand Jury (Grand Jury) inspected the Coroner's Facility, Crime Laboratory, County Jail, Juvenile Hall, Psychiatric Health Facility (PHF), city and county holding facilities, and the California Men's Colony State Prison (CMC). Grand Jury questions were addressed by supervisory staff. The Grand Jury learned many facilities were built decades ago and several have been renovated to improve safety and functionality. The County Jail has completed the remodel to buildings enabling staff to provide more rehabilitative and educational programs. The medical and psychiatric programs are also being expanded, with the County Jail outsourcing these programs to Wellpath, a national for-profit provider of jail healthcare. Wellpath operates within the jail under the supervision of the County's Chief Medical Officer. Overall, the Grand Jury was satisfied with the management of the facilities.

## **INTRODUCTION/PURPOSE**

The State of California requires county grand juries to inspect all jails and prisons within their county on a yearly basis. This report combines the results of inspecting city, county and state facilities where individuals can be detained. Additionally, the Grand Jury inspected the San Luis Obispo County Sheriff's Crime Lab, and Coroner's facility.

## **AUTHORITY**

The issuance of this report is authorized under investigative powers of the Grand Jury pursuant to California Penal Codes § 919, 921 and 925.

## METHOD/PROCEDURE

This report documents the observations, findings, and recommendations resulting from the Grand Jury inspections at the following sites:

- California Men’s Colony (CMC)
- County Jail, including:
  - Main Jail
  - West Jail Facility
  - Men’s Honor Farm
  - Women’s Jail (Kansas Facility)
  - Medical Programs Unit
- Holding cells<sup>14</sup>
  - San Luis Obispo
  - Pismo Beach
  - Paso Robles
  - San Luis Obispo County Courthouse Holding facility
  - Grover Beach
- San Luis Obispo County Coroner’s facility
- San Luis Obispo County Crime Lab facility

Separate reports were written for the following facilities:

- Sheriff Dispatch Center
- Juvenile Hall
- Psychiatric Health facility

The data for these reports came from inspecting each of the above facilities, interviewing various officials during and following those visits, as well as reviewing policies, procedures, and statistics from facility records.

This report’s Appendix contains the inspection guidelines that were utilized during the site inspections to gather the information. Representatives of the County Jail were provided written questions prior to the inspection. The Grand Jury interviewed individuals associated with custody,

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<sup>14</sup> Note: The cities of Arroyo Grande, Atascadero, and Morro Bay do not operate holding cells.

educational programming, and medical care at the County Jail and Juvenile Hall. The CMC, County Jail, and Juvenile Hall responded to additional written questions submitted after the physical inspections.

Additionally, the Grand Jury reviewed the following documents:

- The applicable written policies and procedures
- Job descriptions for correctional deputies and other employees
- Local media coverage of all the facilities during this time period

## **NARRATIVE**

### **CALIFORNIA MEN'S COLONY STATE PRISON**

The California Men's Colony (CMC) is divided into an East and West Facility. Basic design and construction of the East facility was completed in 1961 with additional buildings added through the years. The addition of an electrified security fence around the perimeter has eliminated the need for 24-hour staffing of security towers. The East Facility consists of four prison yards surrounding a central plaza. Superficial inspection of the facility suggests adequate maintenance, but the age of the facility is evident. Unlike the majority of other California State Prisons, each yard shares activities in the central plaza, such as medical, educational, commissary, work, and chapel.

Inmates are placed into security classifications by a point system that rates them as Levels 1– 4. Level 4 inmates are the highest security risks. Most high-level prisoners are housed in the Administrative Segregation Unit (ASU). Inmates who violate prison rules or who are trying to leave gangs are usually housed in the ASU as well. Construction is being completed on a medical building adjacent to the ASU for treatment of segregated inmates. This will eliminate the need for transporting them to the central clinic.

The West Facility is a level 1 - 2 prison, housing inmates requiring less security than the CMC East Facility and includes many inmates who are approaching the end of their sentences. Its core buildings are repurposed from Camp San Luis Obispo, a World War II Army camp, but there are

also newer buildings and ongoing construction. There are currently three major ongoing construction projects within CMC's West Facility, a new main kitchen and two new dining halls. However, the World War II buildings are in poor condition and it is evident that there is a definite need for extensive repairs or replacement.

One ongoing problem mentioned by CMC staff during the inspection was the introduction of contraband into the facility. The Grand Jury's experience, upon entering the facility, was that it was relaxed, perhaps as a result of our special visitor status. However, employees entering the main portal appeared to be only subject to a cursory inspection upon entering.

Regarding the introduction of contraband, of particular interest was the fence around the exercise area near the northwest corner of the facility. There is a single fence at this location which is not easily viewable by the on-duty staff. It is easy to toss contraband over the fence which is then picked up by inmates and distributed throughout the facility.

The West Facility also contains extensive vocational and behavioral rehabilitation classrooms. Some West Facility inmates provide assistance to Cal Fire. The New Life K9 Program, which is based in San Luis Obispo, has been working with CMC for approximately four and a half years. Inmates without current disciplinary actions train service dogs that have proven to be very beneficial to the mental health of our first responders and veterans that suffer from PTSD and other physical disabilities resulting from duty-related traumas. There is also a benefit to the inmates working with the dogs. Another educational program is the Culinary Arts Program located on Facility M, which was implemented in October of 2017. The average enrollment is 17 inmates, with an average of 15 inmates graduating per class. At the time of the Grand Jury's 2019 inspection there had been seven graduations, producing approximately 105 inmate graduates from the program who are prepared for employment after release.

The mental health programs at CMC are extensive. Clinical assessments are performed by the primary clinician and the psychiatrist. These assessments are the basis of formulating a treatment plan for mental health patients at all levels of care. The assessments include clinical interviews, record reviews and collaboration with previous clinicians where indicated. The final step in the

treatment plan formulation occurs in the Interdisciplinary Treatment Team meeting. The plan is discussed with the patient and modified as needed.

The prison is monitoring the medication given to patients for their mental health conditions. There are different levels of treatment for mental health patients at CMC. At each level of care the prison is tracking and reevaluating the use of psychotropic medication for appropriateness and to be sure the medication is not over prescribed. Overall inmate mental health care is being performed in a very professional manner.

CMC staff expressed many concerns about a series of state-mandated cutbacks in the number of guards and supervisors. The cutbacks were described as an attempt to apply a uniform staffing level at all California prisons. Concern was expressed that these cutbacks do not take into account the unique physical characteristics of the East Facility. As detailed above, the East Facility, by design, allows mixing of prisoners with gang rivalries. It was reported that at the West Facility, where inmates with lower classifications or near the end of their sentences are housed, staffing ratios can go as low as one guard for 180 inmates. Reduced staffing imposed by the State of California will result in fewer officers per inmate which implies that supervision of inmate behavior may be impacted.

Since the implementation of Assembly Bill 109 (AB109) in 2011,<sup>15</sup> the demographics of the inmate population have been changing.<sup>16</sup> With a larger percentage of higher risk inmates combined with the reported declining numbers of those participating in activities, such as the prison industries, we are seeing this change. Prison gang membership is increasing along with decreasing voluntary participation in rehabilitation programs.

## **SAN LUIS OBISPO COUNTY JAIL FACILITY**

The San Luis Obispo County Jail is comprised of four main sections: The Main Jail, West Jail, Men's Honor Farm, and the Kansas Jail (Women's Jail). After the passage of AB109, county

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<sup>15</sup> In 2011, California signed into law Assembly Bill 109 for Public Safety Realignment (AB 109), which moved responsibility for a number of offenders from state prisons to county jails.

<sup>16</sup> The 2016/17 Grand Jury Final Combined Report covers the AB109 and Prop 47 legal changes extensively in the County Jail chapter. [https://drive.google.com/drive/folders/10DcnICrCm\\_4rToVYL6QDCfAo40\\_ExjLV](https://drive.google.com/drive/folders/10DcnICrCm_4rToVYL6QDCfAo40_ExjLV)

inmate populations have dramatically increased. In 2014, the passage of Proposition 47 (Prop 47) reduced some low-level potential felony crimes to misdemeanors in order to decrease the state prison population. The reduction of the State prison population caused an increase in San Luis Obispo County Jail population. San Luis Obispo County was faced with upgrading educational and rehabilitative programs to meet their growing inmate population. There are inmates at the jail who are serving sentences longer than a year. The completion of construction in 2019 added more room for education, recreation and counseling programs. Medical care and mental health programs have also been upgraded to meet the demands of the growing population.

Following the death of an inmate in 2017, the Sheriff's department has initiated new programs and administrative changes, which have ensured the County is in compliance with Federal Regulations. The changes have provided inmates with improved conditions and rehabilitative opportunities. In August of 2017, the Board of Supervisors adopted the Stepping Up Initiative, which is a nationwide program to reduce the number of inmates in jail with mental illness. In 2019 the Stepping Up Initiative recognized the County of San Luis Obispo as an "Innovator County."

The Federal Department of Justice (USDOJ) investigation of the California State Penal System uncovered systematic problems on a statewide basis. The investigation revealed overcrowding and a lack of proper health care resulting in four site visits from the USDOJ. A review of policies and procedures was undertaken by the Sheriff to address these issues. One result was to integrate an on-site compliance officer.

Previously there were three entities managing the jail operation. It has now been centralized under the sheriff. Safety cells are used for inmates requiring additional security. Security checks are completed every 15 minutes and an assessment team evaluates the need for continued retention every four hours.

The medical, dental and psychiatric services are contracted through Wellpath, a private company that has been hired by many jail facilities throughout the country. The in-house County Chief Medical Officer, who offers one point of contact for all medical and mental health care, oversees the operations. This increases the communication with the Sheriff's Department regarding inmates'

health. Previously, the Public Health Department provided inmates' health care. In 2018, the Board of Supervisors approved the decision to contract the services to Wellpath. The services outlined in the contract include medical, behavioral health, and dental care. This is consistent with the national standard of health care defined by the National Commission on Correctional Health Care (NCCHC).

The average inmate population at the County Jail is more than double from three years ago. Between 30 and 40 percent of those inmates require mental health support. Wellpath is providing these services in a remodeled Behavior Health Unit. Additional space, resources and support are provided on an as-needed basis by the Psychiatric Health Facility in order to enable inmates to understand and participate in the legal process. Veterans are afforded help through the Central Coast Veterans Helping Veterans Program.

Another significant change has been the addition of training for sheriff deputies. Crisis Intervention Training (CIT) is provided to staff so that they will be better trained to recognize when an offender is a danger to themselves or others. Screening of offenders when they enter the jail recognizes many health and safety concerns. Based on this screening inmates may be housed where they avoid contact with the general population.

Many short-term educational programs are offered that enable inmates with short sentences to participate and complete an entire course. The Pathways to Employment Workshop is a two-day program, which can accommodate un-sentenced inmates due to the short duration. When released from the County Jail, inmates are able to continue their educational programs in the community. Inmates can acquire credits toward a GED Certificate.

Work skills learned in vocational programs, while incarcerated, can be used to obtain employment. Inmates are also provided access to county programs and local charity agencies in order to transition into community life. In addition, released inmates receive a 30-day supply of prescribed medication.

The Honor Farm contains several buildings which are used for vocational training and classrooms for education. These facilities are for inmates who are a low security risk and have demonstrated, by their behavior, they have earned additional privileges. Among the programs is the kitchen, where the inmates prepare all the meals for the entire facility. This makes them eligible to receive a Food Handlers Certificate. The Graphics Arts program produces embroidering, decals, and engraving for use by the Sheriff and all other county departments. The Bicycle Repair Shop is used to refurbish donated bikes that are then given away to any child under the age of 15 who is in need of a bicycle.

### **JUVENILE HALL FACILITY**

The review of this facility is contained in a separate detailed report.

### **SAN LUIS OBISPO COUNTY DISPATCH FACILITY**

The review of this facility is contained in a separate detailed report.

### **HOLDING CELL FACILITIES**

Holding cells for San Luis Obispo County Courthouse, Paso Robles, Pismo Beach, Grover Beach, and the San Luis Obispo County Jail were inspected by members of the 2019/20 Grand Jury. A physical inspection and walkthrough of these facilities with the proper authorities were conducted to ensure there are no health and safety issues. Each of these holding cells was found to be in compliance.

The sally port at the Pismo Beach holding cell facility is not being used for entry into the holding station at this time. It is being used as a vehicle and miscellaneous storage site. Although the San Luis Obispo County Courthouse holding facility is well-run, it has, at times, exceeded the maximum capacity of 77 inmates in nine cells. However, when there are more inmates waiting for court hearings, the holding area becomes overcrowded.

An important notation is that Pismo Beach and Paso Robles do not put juveniles in holding cells but keep them with a police officer in a special room until a parent or guardian can pick them up or until they are officially placed in custody. In the city of San Luis Obispo, when a police officer

cannot be present with a juvenile, the juvenile is kept in an interrogation room with a two-way mirror and surveillance cameras.

### **SAN LUIS OBISPO COUNTY CORONER'S FACILITY**

The San Luis Obispo Grand Jury conducted a site inspection of the Coroner facility which is overseen by the County Sheriff Coroner. It is housed in a business park located near the San Luis Obispo County Airport, and is leased by the county. The Coroner's Office investigates the cause and manner of death, where a death occurred outside of a hospital or the presence of a physician. This includes homicides, suicides, accidental death and deaths due to suspicious circumstances. Medical inspections, review of medical records and autopsies are the procedures used to determine the cause of death. Assisted suicides are considered a natural cause of death, since they require a physician's oversight. The unit is comprised of three detectives, a forensic pathologist, a temporary forensic autopsy assistant, and a legal clerk, who conduct death investigations. The detectives are committed to work in the Coroner's Division for five years, which promotes continuity and it is the responsibility of the coroner to determine the necessary level of inquiry into any death. The refrigerated storage unit can hold 19 bodies and, in an emergency, can be doubled to hold 38. Mortuaries in the county will hold bodies at their facilities until the Coroner's Office is ready to receive them. The Evidence Room stores samples in secured lockers which can only be opened by the detective assigned to the case. Written notations are maintained in a logbook when the room is accessed.

The Coroner's facility contains a surgical room with an adjoining observation room in the center. There is an office entry with a small lobby area to access the office. The receiving bay is in the rear of the facility where the deceased are transported in and out of the building. The operations appear to flow smoothly even though there is a lack of space. To compensate for the lack of space, they have several dual-use facilities. For example, bathrooms are used to store staff belongings and the surgery observation room doubles as the break room. In addition, there is a large volume of paper records on site.

## **SAN LUIS OBISPO COUNTY CRIME LABORATORY**

The crime lab is operated by the San Luis Obispo County Sheriff's Department and is staffed by deputies and county personnel. If requested, this department does all the crime scene investigations for every law enforcement agency in the county.

All DNA samples collected are transported by the Sheriff's Office to the Department of Justice located in Goleta. Training is provided by the lab's staff to all Sheriff's deputies in avoiding contamination when collecting evidence from an incident/crime scene. They do not provide the same level of training to other law enforcement agencies that work with the crime lab. Crime Lab staff indicated a willingness to provide this training to other agencies but have no mandate or funds to provide the training. The Crime Lab is managed in a very professional manner and is well equipped.

## **PSYCHIATRIC HEALTH FACILITY**

The review of this facility is contained in a separate detailed report.

## **FINDINGS**

### ***California Men's Colony***

- F1. There is an ongoing problem with introduction of contraband into the facility via the West Facility fence near the exercise yard.
- F2. The WWII era buildings that are used to house the fire crews in the West Facility are in poor repair.

### ***San Luis Obispo County Jail***

- F3. The Sheriff's Department has done an exceptional job of improving the overall quality of care for inmates.
- F4. The use of Wellpath, being overseen by the County Chief Medical Officer, to provide the medical, dental and mental health care for the inmates, has improved the recognition of potential problems before they become major issues.

## COMMENDATION

We commend the Sheriff and his staff, who have worked diligently to meet and improve conditions for the additional inmate population issues.

### *San Luis Obispo County Coroner's facility*

- F6. It is the observation of the Grand Jury that the space is inadequate and insufficient and needs to be addressed.

## RECOMMENDATIONS

### *California Men's Colony State Prison*

- R1. The State should consider additional security measures to monitor blind spots in the security fence in the West Facility.
- R2. The State should plan for the rehabilitation or replacement of the WWII era buildings in the West facility.

### *San Luis Obispo County Coroner's facility*

- R3. Plans for additional space should be developed to expand the working area.
- R4. Coroner's records should be digitized to save space.

## REQUIRED RESPONSES

The following people are required to respond to the findings and recommendations within the timeframe shown and in accordance with the California Penal Code Section 933.05:

Sheriff's Department is required to respond to R3, R4

Board of Supervisors is required to respond to R3, R4

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by December 20, 2020. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

## **AGENCY RESPONSE REQUIREMENTS**

The Penal Code Section 933.05 that specifies the format and methodology for agency responses is listed below. All agency respondents are required to respond to all findings and recommendations in the following manner:

- If the respondent disagrees wholly or partially with an item, the respondent must elaborate on the portion of the item that they disagree with, and provide an explanation.
- If a respondent notes that an item will be implemented in the future, the response must include a timeframe for implementation.
- If a respondent notes that an item requires further analysis, the agency must include in the response an explanation of and the scope of what will be studied and the timeframe needed for the study. The timeframe for follow-up from the agency cannot exceed six months.
- If the item will not be implemented or is not reasonable, the respondent is required to provide a detailed explanation.

### **933.05. Findings and Recommendations**

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) 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 therefore.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe 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 when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

Presiding Judge	Grand Jury
Presiding Judge Jacquelyn H. Duffy Superior Court of California 1035 Palm Street, Room 355 San Luis Obispo, CA 93408-1000	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403-4910

## APPENDICES

### INSPECTION GUIDELINES

The following is a summary of the key data sought by the Grand Jury prior to or during each inspection.

- 1) Population
  - a) Current census
  - b) Average daily census
  - c) Capacity
  - d) Average time a person is held
  - e) Are people ever held without charges
  - f) Significant changes in inmate population
- 2) Disciplinary actions taken against staff for inmate-related issues
- 3) Escapes
  - a) Details
  - b) Remedial actions
- 4) Use of force incidents
- 5) Health services
  - a) How delivered
  - b) Common medical problems
  - c) Public health concerns
- 6) Injuries
  - a) Injuries to inmates due to aggression/agitation
  - b) Accidental injuries to inmates requiring medical attention greater than first aid

- c) Injuries to staff by inmates due to assault or managing inmate aggression/agitation
- 7) Suicide
- a) Suicide attempts/deaths
  - b) Serious self-injury incidents requiring medical attention beyond first aid
- 8) Drugs
- a) Drug overdoses
  - b) Drug deaths by overdose
- 9) Deaths
- a) Other deaths
- 10) Training (title, hours, and instructor credentials for each type)
- a) Managing inmate violence
  - b) Handling mental health behaviors
  - c) Responding to drug/alcohol related problems

# **JOINT AGENCY DISPATCH: BETTER TOGETHER?**

## **SUMMARY**

Improvements in technology, budget constraints and discussions about a co-located dispatch center have led several agencies to consider combining dispatch operations for public safety agencies in San Luis Obispo County. There are several examples of successful joint dispatch operations in our county. Cal Fire provides dispatch service to all the local agencies in the unincorporated areas of the county and the cities of Arroyo Grande, Grover Beach, Morro Bay and Pismo Beach. The County Sheriff provides 911 service and Law Enforcement Dispatch service to the Cities of Arroyo Grande and Morro Bay through contracts. The contract expense formula for sheriff dispatch service provided significantly lower cost for both cities. Our interviews revealed that contracting agencies are satisfied with the service they receive. They note that separate fire and police dispatch services are superior. Additional dispatch capacity relieves stress in busy periods as well as the ability to stage or send interagency help when necessary. This action provides faster response for major incidents.

Several cities were considering a joint dispatch operation as well, with the city of San Luis Obispo providing the service. This effort was abandoned after the initial findings indicated it was fiscally unfeasible. Despite a net savings of over \$500,000 in personnel costs it was not advantageous to all four agencies. Primarily, this was a result of the 16%-32% difference in pay scales between the agencies. Paso Robles and Atascadero would incur higher costs while the city of San Luis Obispo and California Polytechnic State University (Cal Poly) would receive considerable savings.

The Grand Jury found that Cal Fire and County Sheriff have provided equal or superior dispatch service for less cost to several agencies in our county. The real benefit for taxpayers and residents countywide is the financial and operational efficiencies of a joint agency dispatch service. We recommended the Sheriff provide long term pricing for dispatch service to the remaining cities in the county, one with and one without the new co-dispatch center. Each of the cities should present this as a future budget option.

## **INTRODUCTION/PURPOSE**

Improvements in technology, budget constraints and discussions about a co-located dispatch center have led several agencies to consider combined dispatch operations for the public safety agencies in San Luis Obispo County. In this report the San Luis Obispo Grand Jury (SLOGJ) reviewed dispatch operations throughout the county for potential financial, operational, and service efficiencies that may be achieved by combining dispatch operations. Although discussion about the co-located dispatch center was part of the original purpose for this report, the relocation and redesign during the investigation made accurate information unavailable at this time.

## **METHOD/PROCEDURE**

To obtain information for this report the SLOGJ requested and received budgets for dispatch operations, personnel requirements, and call volumes for all seven cities, County Sheriff and Cal Fire. We interviewed several public safety chiefs and toured both the County Sheriff and Cal Fire dispatch centers. The 2018-19 fiscal year was our primary time frame for comparison. Due to differences in budget detail and definitions for “call for service,” exact comparisons were not possible. Some cities included administration and tech service costs while others did not. We included 911 calls and total calls for service in our report, but used total calls for service as the best proxy for call volume comparisons. We also studied how dispatch operations work when two or more services might be required (i.e. fire and ambulance for a medical emergency). We were unable to find extensive cost information for the current Co-Dispatch Center plan.

## **BACKGROUND/HISTORY**

In 2013, the SLOGJ issued a report entitled “Consolidation of Public Safety Dispatch Systems.” It focused on the Arroyo Grande and Grover Beach attempt to consolidate their police departments and, when that failed, on the potential for consolidation of their public safety dispatch operations. They recommended “The City Councils of Arroyo Grande and Grover Beach should consider consolidating the public safety dispatch systems of their respective cities.”

In 2014, Arroyo Grande and Morro Bay moved forward on contracting with the County Sheriff for Public Safety Answering Point (PSAP aka 911) and Law Enforcement dispatch. Grover Beach retained its PSAP and dispatch operation, and took over full dispatch of the Five Cities Fire Authority (FCFA) including Arroyo Grande and Oceano. In 2018, the FCFA began contracting for dispatch service with Cal Fire.

Recently, there has been discussion of a new co-dispatch center that would house both Cal Fire and the County Sheriff, with the capacity to provide service to all the cities and agencies in SLO County. In addition, there has been discussion and a feasibility study about the potential for a smaller consolidation of just Paso Robles, Atascadero, Cal Poly University and the city of San Luis Obispo. Based on these changes and renewed interest, the SLOGJ is once again, reviewing the potential for consolidation of public safety dispatch throughout the county.

## **NARRATIVE**

Dispatchers are the starting point for most public safety events and nearly all emergencies. Computer Aided Dispatch (CAD) combines a number of technologies that greatly enhance a dispatcher's ability to handle higher volumes of calls and provide real-time information about incidents and the assets that are available to respond.

Not long ago a dispatcher would require detailed knowledge about the area into which they are dispatching. Today, thanks to Global Positioning System (GPS) technology, a dispatcher is instantly provided with information about the location of the caller and the nearest police or fire personnel available to respond. Through mapping and traffic analysis CAD provides the fastest route for emergency responders. CAD allows one dispatcher to take a 911 call and collect the information concerning the call. In the case of cross service type calls, this information is transferred through the CAD system to the correct agency dispatcher. The transfer is based on geographic data related to the address of the incident. In the case of medical calls, the call is routed to the ambulance dispatcher and to fire dispatch who sends the nearest available fire crew. This ensures the fastest possible response with adequate personnel for the situation.

The public has come to expect timely response to emergency calls. The public expects their 911 calls to be answered instantly, handled professionally, and with service personnel arriving with all the key information necessary to assist them. Although dispatchers excel at multi-tasking and prioritizing, a single dispatcher can easily be over-taxed, handling multiple calls while also assisting officers and firefighters in the field. The combination of new technology and varying intensity of demand for service, make public safety dispatch a natural area for combining the dispatch service of multiple law enforcement and fire service agencies. San Luis Obispo County already has several examples of successful integration of dispatch for multiple agencies.

Cal Fire provides dispatch service to all the unincorporated areas of the county including areas like Templeton and San Miguel. Through contracts, they provide dispatch services to the cities of Pismo Beach, Arroyo Grande, and Grover Beach. In total, Cal Fire dispatches 34 fire stations and crews in SLO County. SLOGJ toured their dispatch center located at their county headquarters on Highway 1. They normally have two or three dispatchers plus a Battalion Commander (BC) on duty and can add more when conditions demand it. They do not provide PSAP (911) service directly, but did dispatch response to 12,863 calls for service (medical and fire) in 2018. The BC is empowered to send additional personnel when the situation warrants it.

Cal Fire is due to start a long-planned remodel of their headquarters in 2020. They did not include a new dispatch center in that plan in expectation that the co-dispatch center would be available. In the interim they will be moving their dispatch operation into a temporary location until either the co-located dispatch center is available or a new Cal Fire dispatch center is planned and funded by the state. The staff indicated that this could be “a long process.”

SLO County Sheriff provides PSAP (911) services to all the unincorporated areas of the County and by contract to the cities of Arroyo Grande and Morro Bay. In addition to dispatching sheriff deputies, they dispatch law enforcement officers from those two cities. In 2018 they received 134,000 calls for service in total, and dispatched nearly 24,000 emergency ambulance calls.

SLOGJ toured the Sheriff Dispatch center located in the Emergency Operations Center (EOC), and made several follow-up inquiries. They have four dispatchers, a supervisor and a watch commander on duty. Each of the agencies (County Sheriff, Arroyo Grande PD, Morro Bay PD and San Luis Ambulance Service) have a dedicated dispatcher. Any dispatcher can answer a 911 call from any of the PSAP areas they serve. The call is then posted to the correct agency dispatcher, and when necessary, backup or additional dispatch service is provided. The Watch Commander does not provide direction to the officers in Arroyo Grande and Morro Bay, but is available to monitor a developing situation in those communities and reposition resources in case they are requested. In total Sheriff dispatch has 21 full time equivalent (FTE) employees (not counting the Watch Commanders) including the five contracted for Arroyo Grande and Morro Bay. San Luis Ambulance receives emergency dispatch service at no cost from the Sheriff dispatch center.

The Sheriff dispatch center uses approximately a third of the EOC building. The remainder of the building is reserved for emergency operations in the event of an accident at the Diablo Canyon Nuclear Power Plant. Staff noted this building was built in 1984 and does not meet a number of current code requirements. Their space allocation is not sufficient to provide dispatch service for all seven cities. In the event the Co-dispatch Center is not available, there is a contingency plan that could provide service to all seven cities.

Both Cal Fire and SLO County Sheriff use a similar methodology to develop the pricing element for their contract service. The county sheriff dispatch service contract accounts for the direct expense of a dedicated dispatcher for each agency without any additional expense for management, administration or, of special note, building rent or capital outlay. Arroyo Grande requires three FTE's for a total of \$393,658 and Morro Bay two FTE's for a total of \$267,436.

The Cal Fire contract adds all direct dispatch costs without any additional expense for management administration or rent. Those costs are divided based on the total calls-for-service from each agency. Morro Bay pays \$71,086 and Arroyo Grande pays \$77,867.

Arroyo Grande and Morro Bay Police chiefs' report they are satisfied with the service they receive and that it is better than their in-house service, due to having multiple dispatchers available when

needed, and having the fire dispatch service provided by a separate agency. Both reported that when backup is required there is better coordination than was possible with multiple law enforcement dispatch operations.

In the first six months of operation there were a few issues that were quickly resolved. Any issues today are handled between supervisors with a simple phone call or email.

Both agencies note that it would be difficult to bring back in-house dispatch service, costing over a million dollars and requiring a year or more of lead time.

Similar approval was voiced by the FCFA Chief. Although expense was essentially the same, the Cal Fire dispatchers are trained and dedicated to fire and medical response. With better technology they deliver superior emergency response. In addition, a Battalion Commander is available 24/7 to determine if additional resources are needed. This ensures adequate response from multiple agencies when required.

Cal Fire is under a general contract to provide fire services, including dispatch, to Pismo Beach and San Luis Obispo County. The county then subcontracts out the fire dispatch service provided by Cal Fire to other agencies. In addition, the county contracts Law Enforcement Dispatch services through the County Sheriff's Department to Arroyo Grande and Morro Bay.

There are many factors affecting 911 and public safety calls for service from the various agencies in SLO County. A few of these factors are population, demographics, tourism, job concentration, and homeless populations. In 2018, calls for service from the seven cities in SLO County varied from just over 13,000 for Morro Bay to nearly 60,000 for the city of San Luis Obispo. The unincorporated areas of the county generated nearly 100,000 calls for service. The 911 calls had a more dramatic distribution (911 calls are a subset of calls for service). Morro Bay totaled just over 1,000, San Luis Obispo over 19,000, and the unincorporated areas of the county over 43,000. It should be noted that the definition for calls for service may vary from agency to agency, some include calls from traffic stops, others included all the calls created in the CAD system.

A key number to note is the total base personnel (dispatchers plus supervision without management or computer tech support), in each of the cities that have in-house dispatch operations. With the exception of the city of SLO, which has 12 FTE's, the other cities have six to eight FTEs, despite a wide range of call levels. For example, the city of Atascadero, with a call for service volume of just over 27,000, has seven FTE's and the city of Grover Beach, with a call for service volume just over 16,000, has six FTEs.

On the expense side, the cities of Grover Beach, Pismo Beach, Atascadero and Paso Robles pay in the \$650,000-\$850,000 range for their base dispatch personnel. Using a conservative figure of \$100,000 for maintenance and management of their own PSAP and radio systems, the minimum cost for a PSAP dispatch operation would be approximately \$750,000 – \$950,000.

The cities of San Luis Obispo, Atascadero, Paso Robles and Cal Poly University hired City Gate Associates to provide a Fire/Police Merger Analysis. Initial findings indicated that the merger was fiscally unfeasible, Phase I of the study was reported in May of 2020 and the Grand Jury received a copy in June, 2020.

The report highlights several key hurdles to the merging (by contract or Joint Powers Authority (JPA)) of dispatch operations. The first is the 16-31% disparity in salary and benefits between agencies. For example, Atascadero dispatcher's (Support Services Technician) salary and benefits are 27% lower than that of a dispatcher in the City of San Luis Obispo. Second, this analysis allocated cost based on the percentage of "total workload". As a result, there was a total savings of over \$500,000 in personnel costs, however it would not be evenly distributed. The cities of Atascadero and Paso Robles would pay over \$320,000 and Cal Poly and the city of SLO would save \$830,000. The analysis noted that there were solutions for the reliable radio communication between the various agencies but did not estimate any expense to achieve them. They also noted concerns by the Fire Chiefs about, 911 performance standards, dispatcher training, and dispatch of resources into other jurisdictions.

## CONCLUSIONS

Since the Grand Jury report “Consolidation for Dispatch Operation for Public Safety” in 2012, the cities of Arroyo Grande and Morro Bay have worked through the governance and operational concerns and contracted with the County Sheriff and Cal Fire for dispatch service that is less expensive and is equal or better than their in-house service.

It is likely that the similar sized cities of Grover Beach and Pismo Beach could achieve similar results for their PSAP and law enforcement dispatch. For the cities of Atascadero and Paso Robles to achieve similar financial results, the County Sheriff would need to mitigate the difference in pay scales. The city of San Luis Obispo has similar pay scales to the County Sheriff and would likely realize some financial benefit from joint dispatch.

Beyond expense, there are significant service level benefits from joint dispatch. Dispatchers trained and dedicated to either fire or police operations provide a safer environment for first responders and improved service to the public. Better coordination during major incidents, where mutual or emergency aid is required, will improve response times and ensure timely additional support. The higher capacity of a larger operation will reduce the impact from turnover, illness or injury. There are challenges as well, but the recent success of agencies who contract for dispatch service indicates they can be met and still deliver more cost effective and operational service.

## FINDINGS

- F1. The cities of Atascadero, Grover Beach, Paso Robles, Pismo Beach and San Luis Obispo who operate their own PSAPs, could benefit financially and operationally by contracting their dispatch operation with Cal Fire and the County Sheriff.
- F2. The County Sheriff and Cal Fire have demonstrated that they can provide cost effective and operational dispatch service that is equal or better to the smaller agencies in San Luis Obispo county through contracting.
- F3. The portion of the EOC building now allocated to County Sheriff Dispatch operations is insufficient to provide dispatch service to all seven cities.

- F4. A state-of-the-art dispatch center could be a benefit to the County Sheriff's aging building inventory, but the real benefit for taxpayers and residents countywide is the financial and operational efficiencies of a joint agency dispatch service.

## **RECOMMENDATIONS**

- R1. The Cities of Atascadero, Grover Beach, Paso Robles, Pismo Beach and San Luis Obispo, should each request a proposal from the San Luis Obispo County Sheriff and Cal Fire to provide contract dispatch services and present it as an option in future budgets.
- R2. The San Luis Obispo County Sheriff and Cal Fire should modify their contingency plans for dispatch to all seven cities into a viable alternative to the proposed co-dispatch center.
- R3. The San Luis Obispo County Board of Supervisors should require the San Luis Obispo County Sheriff to provide a clear, long-term pricing for dispatch service with and without the proposed co-dispatch center.
- R4. The San Luis Obispo County Board of Supervisors should include the reallocation of space in the EOC building for expanded dispatch operations in their current negotiations with PG&E regarding the closing of Diablo Canyon Nuclear Power Plant in 2025.

## **REQUIRED RESPONSES**

The following people are required to respond to the findings and recommendations within the timeframe shown and in accordance with the California Penal Code Section 933.05:

The City of Atascadero shall respond to R1

The City of Grover Beach shall respond to R1

The City of Pismo Beach shall respond to R1

The City of Paso Robles shall respond to R1

The City of San Luis Obispo shall respond to R1

San Luis Obispo County Sheriff shall respond to R2 and R3

San Luis Obispo County Board of Supervisors shall respond to R3 and R4

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior 322 Court by January 5, 2021. Please provide a paper copy and an electronic version of all responses to 323 the Grand Jury.

## **AGENCY RESPONSE REQUIREMENTS**

The Penal Code Section 933.05 that specifies the format and methodology for agency responses is listed below. All agency respondents are required to respond to all findings and recommendations in the following manner:

- If the respondent disagrees wholly or partially with an item, the respondent must elaborate on the portion of the item that they disagree with, and provide an explanation.
- If a respondent notes that an item will be implemented in the future, the response must include a timeframe for implementation.
- If a respondent notes that an item requires further analysis, the agency must include in the response an explanation of and the scope of what will be studied and the timeframe needed for the study. The timeframe for follow-up from the agency cannot exceed six months.
- If the item will not be implemented or is not reasonable, the respondent is required to provide a detailed explanation.

### **933.05. Findings and Recommendations**

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding.
  - (2) 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 therefore.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe 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 when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

Presiding Judge	Grand Jury
Presiding Judge Jacquelyn H. Duffy Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

## **APPENDICES, ATTACHMENTS, BIBLIOGRAPHY, GLOSSARY AND SUGGESTED READING**

City of San Luis Obispo Merger Analysis May 14, 2020.

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# PASO ROBLES SCHOOL DISTRICT: A CAUTIONARY TALE

Paso Robles Joint Unified School District finds itself in another financial crisis, the second since 2012. This report looks at failures in leadership and management that precipitated the recent crisis, and provides a detailed illustration of how a school district can inadvertently fail its students and the community it serves.

## SUMMARY

Between 2015 and 2018 financial problems resurfaced within the Paso Robles Joint Unified School District (PRJUSD). As in 2012, they became subject to a Grand Jury investigation. This is a three-part Grand Jury report examining PRJUSD. The trilogy of reports, *School District Leadership*, *District Reserve Management* and *The Aquatic Complex*, is intended to highlight how people, systems, and institutions fell short in their obligations to its citizens.

This report was self-generated, prompted by news reports, in accordance with government guidelines for the Grand Jury. As a result of the San Luis Obispo Grand Jury (SLOGJ) investigation it became clear that there were serious shortcomings in both district and county leadership as well as financial management.

The chapter on leadership focuses on three key elements: the district superintendent and administration, the School Board of Trustees and the County Board of Education. This report highlights significant failures by these groups in managing budgets, controlling expenditures, and providing the oversight necessary for the health of any school district.

The chapter on financial reserve management provides an audit trail documenting the ill-advised actions, unbudgeted expenditures by the superintendent, and lack of proper oversight by the Board of Trustees. This resulted in a reduction of financial reserves from a comfortable 10% of budget to an extremely precarious, less than 1% of budget, in a four-year period. As a result, for the second time in less than seven years, the district was placed under county financial control.

The third chapter explores the circumstances surrounding the planning and execution of an aquatics complex intended to be constructed for the benefit of the Paso Robles school district and the community. The grand jury chose to highlight this as an example of what might be considered extremely poor judgment on the part of the parties involved. As of the date of this report, there is no clear plan or path forward for the construction of a complex. However, to date, \$1.5 million of Measure M funds have been expended. This includes the poorly timed purchase of modular stainless steel components for the vinyl-lined pools that have now been paid for and placed in storage for over two years.

The PRJUSD administration, the Board of Trustees and the County Board of Education failed to fulfill their obligations, learn from previous mistakes, and balance vision with pragmatism, ultimately offering a cautionary tale and guidance for school districts throughout the county.

## **METHOD/PROCEDURE**

The Grand Jury conducted twelve interviews, conducted a county-wide survey of the ten primary school districts (Appendix A), reviewed hundreds of documents, attended numerous School Board meetings and finally, jurors toured Paso Robles High facilities for the purposes of completing this report.

## **CHAPTER 1 - SCHOOL DISTRICT LEADERSHIP**

### **PURPOSE**

The purpose of this chapter is to report on the investigation into the impact of leadership failures at three levels: the District Superintendent's Office, the PRJUSD Board of Trustees, and the County Office of Education. This chapter will help highlight the complexity of school administration and the need for well-trained, elected officials to be knowledgeable and engaged. The expectation is that everyone who cares about the education of our youth will read this and look at how education is being administered and by whom. With acknowledgement and understanding of personal and systematic shortcomings, other districts can benefit by learning these lessons.

## **NARRATIVE**

Failure at three levels of leadership: the District Superintendent, the District Trustees and San Luis Obispo County Office of Education (SLOCOE), contributed to the problems being addressed in this report. In order to help other districts in SLO County avoid future issues it is critical that each entity is examined.

### ***The Role of the Superintendent***

The superintendent of a school district oversees the daily operations and the long-range planning of their district. The primary responsibilities of a superintendent are to supervise school principals and district staff, work with school board members, develop curriculum and manage fiscal operations. School District Superintendent standards are documented at <https://www.csba.org/en/GovernanceAndPolicyResources/EffectiveGovernance/RoleandResponsibilitiesofSBMs>

After the unexpected retirement of the long-term district superintendent in June 2014, a new permanent superintendent was hired in August, 2014. At that time the financial reserves, the financial safety net for a school system, were strong. After the 2012 crisis the reserves were built back up to as high as 10% of the annual budget, an amount in excess of six million dollars.

The newly hired superintendent presented the community with a one-hundred-day plan, which would bring new programs, additional staff, and improved facilities to Paso Robles schools. He desired to revitalize educational efforts within the district and attract more students to the district, which would generate more funding. The Visual and Performing Arts Program and enhanced athletic programs contributed to drawing in new students over the next few years.

While the objectives were good, the methodologies for achieving the objectives were problematic. Budget management was hampered by lack of institutional memory, significant personnel turnover among Chief Business Officers (CBO) as well as Financial Managers, and failure to use the tools available to maintain good financial accounting. During the four-year tenure of the

superintendent, there were four different CBOs in PRJUSD. There were also four different financial managers who subsequently left in that same period. Twice the superintendent himself was acting Chief Business Officer, once for two months and later a four-month period. Beyond lacking the experience for this role, it left a serious gap in accountability with no systems for checks and balances.

Based on interviews and records it appears that the role of the primary business officer in Paso Robles district was a stressful one and the turnover only helped to compound mistakes made over time. The turnover did not allow for smooth transitions, the opportunity to learn from predecessors, or to share lessons learned. There were also problems with the utilization of the Quintessential School System (QSS), the automated finance program used by California state schools for maintaining accurate budgets, and issues with the development of new annual budgets.

The addition of new positions and related hiring practices were also problematic. In a four-year period, from 2015 to 2018, 25.9 (full time equivalent, FTE) previously unbudgeted administrative positions, were added within the district. Some of the positions were reclassifications from credentialed to administrative posts requiring replacement of the original vacated positions. Others were new positions not critical to the operation of the district office, including a District Communications Director and District Athletic Director. These staffing increases were made without consideration of the comprehensive cost including salary, benefits and pension plan and their ultimate impact on the budget. The superintendent appeared to rely on a one-time financial windfall from the state to fund these new positions without consideration for the sustainability of long-term budget requirements. This had the effect of depleting the reserves. . Since the departure of that superintendent the overall number of district administrators has been reduced by 17.2 FTE.

Additionally, perceptions that long-term employees were being pushed out in favor of new employees, who were perceived to be more favorable to the superintendent and his plan for the district, caused distrust within the community and negatively affected staff morale. This was documented in teacher morale surveys, initiated by the teacher's union, taken twice, one in 2018 and again in 2019. The results of these surveys were eventually independently published.

When the County Superintendent of Schools identified the onset of a financial crisis, written warnings were sent to the superintendent and president of the board. These written warnings were not passed on to other board members. As a result, the trustees were unaware of early warnings from SLOCOE. Eventually SLOCOE sent letters to all board members but they failed to take effective corrective action. Once the reserves fell below the mandated 3%, as they had in 2012, the County Superintendent was required by law to assign a monitor to address all the fiscal problems.

Eventually the leadership problems came to a head. With the election of new members to the Board of Trustees in November of 2018, there was the recognition that the fiscal problem was extremely serious. A number of other concerns were also being raised and the superintendent resigned in December 2018. The superintendent negotiated a lucrative severance package as a condition of his resignation. According to the SLOCOE, the superintendent did not meet the requirements of his contract that entitled him to any severance package. However, the resignation was accepted and remunerated by the outgoing Board of Trustees, three of whom had not been re-elected, in a six-to-one vote for approval. As the three new members assumed their duties the board rescinded the outgoing board agreement. The SLOCOE monitor, who was not part of the first negotiation, though she should have been, would not approve the original agreement. The County Superintendent eventually helped negotiate a new agreement with a smaller settlement and with terms that saved the cost of a protracted lawsuit.

As part of our survey of the ten school districts in the county, SLOGJ asked what qualifications are needed for a Superintendent. The results of that survey are listed in Appendix A.

### ***The Role of the District Board of Trustees***

Citizens of Paso Robles elect seven trustees to serve as overseers of all school district operations and set policies that affect students in their schools. The board is tasked with setting the vision and goals for the district, and holds the district accountable for results. Theirs is a fiduciary and guidance responsibility to voters and taxpayers in the school district and the state. The California School Board Association (CSBA) offers detailed professional governance standards at

<https://www.csba.org/en/GovernanceAndPolicyResources/EffectiveGovernance/RoleandResponsibilitiesofSBMs>

School Board Trustees are citizens within the district who should act as advocates of strong educational programs and well-managed schools. Unfortunately, elected officials are not required to attend training programs before taking on the serious and complex duties of overseeing the operation of their school district. Based on interviews during our investigation with former and current Trustees of the School Board, not all members availed themselves of training opportunities necessary to oversee the operational systems used for managing multi-million dollar budgets. Such training is readily available from the County Office of Education, as well as School Trustee conferences. The SLOGJ surveyed the 10 school districts in the county to assess their Trustees training policies and procedures. The results of that survey are listed in Appendix A.

Financial oversight is a critical piece of any school district success. In the case of PRJUSD it would appear that trustees failed to practice due-diligence or independent verification of the financial information provided by the District Office before making critical financial decisions. In some cases the information provided was inaccurate or incomplete and led to decisions that had a negative impact on the financial health of the district.

Trustees have access to all district employees, and auditors. They routinely visit schools, participate in assemblies and school functions, and meet with district staff as a part of their Trustee duties. During the years in question, the Trustees were discouraged from performing these functions, which adversely impacted their ability to fulfill their obligations. Trustees also have access to legal advisors. Legal advisors are present at Board meetings when required by law. In Paso Robles there were reported violations of the Brown Act committed during Board of Trustee meetings when counsel was not present.

Trustees are given agendas and packets of related information in advance of each School Board meeting. It is their responsibility to digest this information and be ready to make decisions at subsequent meetings. In the time of the administration discussed, the packets went out on Friday for a meeting to be held the following Tuesday. They now go out on Thursday. Sometimes these

packets have lengthy agendas requiring review of hundreds of pages of related documents, such as complex budget spread sheets, proposal documents and confidential personnel materials.

Through our investigation it appears that the desire to support the programs promoted by the new superintendent influenced the judgment of many on the board resulting in financial oversight being compromised. As a consequence, the financial reserves fell below the State mandated levels and forced the SLOCOE to assign a financial monitor to help restore fiscal stability.

Trustees approved new positions, purchased a million-dollar pool for a proposed aquatic complex without a completed construction plan and accurate construction estimates, and brought in new academic, athletic and student service programs, all before they realized they didn't have the money to pay for them or sustain the long term costs. Board members relied on information coming from the superintendent and his direct reports and either did not bother to verify it or had no means to verify the information. As a result, a majority of the trustees routinely approved expenditures not supported by the budget.

Conflict of interest might have also played a role in the relationship between Board Members and the District Superintendent's staff. There were circumstances where Board Members had family members who were employed by the District, jeopardizing the "arms-length" relationship preferred in such situations. This resulted in accusations of preferential treatment being given to certain employees.

In our survey of the ten school districts in the county, SLOGJ asked about the responsibilities, guidelines and training for Trustees. The results of that survey are listed in Appendix A.

### ***The Role of the County Office of Education***

According to a publication titled Statutory Functions of County Boards of Education & County Superintendents of Schools, the County Superintendent is responsible to work directly with the school districts in the county to provide guidance for their operation. A critical component of their job is to maintain responsibility for the fiscal oversight of each school district in their county. The

passage of Assembly Bill 1200, in 1991, gave the county superintendent additional powers to enforce sound budgeting to ensure the fiscal integrity of the districts.

The County Office of Education got involved with Paso Robles during the 2012 financial crisis. They intervened when the reserves fell below the mandated 3% of the total budget and assigned a monitor to assist the board and the superintendent to restore reserves back to their mandatory levels. In a matter of one year the PRJUSD was fiscally sound, and the monitor was removed until deficit spending from 2015 to 2018 caused the reserves to fall below state mandated levels. As a result, it became necessary for the district to allocate funds from their reserves to maintain these programs. The district ended up falling into a qualified approval status a second time.

As these issues surfaced and came to the attention of SLOCOE, through scheduled budget reviews, the County Superintendent of Schools and the Assistant Superintendent for Budgets and Finance wrote letters to the PRJUSD Superintendent and the President of the Trustees to note their concerns over budget conditions. The district took no effective corrective action. When it became apparent that the Trustee President and the Superintendent failed to pass on the concerns of the County Superintendent, the SLOCOE reached out directly to the board. Even so, conditions continued to deteriorate, forcing the County Superintendent's Office to intervene directly and reinstate the monitor to bring the budget back to compliance.

## **CONCLUSIONS**

The financial problems that developed at the Paso Robles Joint Unified School District were a result of the actions of three groups charged with school system oversight. Their collective failures to control or report on excessive expenditures created a fiscal crisis that will take time and hard work to resolve. The previous superintendent's leadership is responsible for overestimating income and not controlling spending. Under his administration the constant turnover in business and financial staff caused mismanagement in monitoring finances and budgets. The Trustees had hired a superintendent with a new direction and vision with the hope to revitalize their district. Unfortunately, the available funding failed to support the new vision. Despite that fact, the trustees approved expenditures in excess of available funds without sufficient questioning. And finally,

the limitations in the SLOCOE oversight procedures prevented the County from officially intervening in the district's deficit spending pattern. Despite repeated warnings communicated to the superintendent and the Board President, no corrective action was taken. It was later determined that the communications from the County were never forwarded to the other trustees who remained unaware of the financial crisis on the horizon. On the other hand, the trustees are required to practice due diligence, which they failed to do.

This trifecta of abdication or dereliction of duties, mismanagement and leadership failure was evident in hearing from individuals and reviewing the documents requested by the Grand Jury in search for the truth of just what happened in Paso Robles. The circle of blame is a large one that offers a cautionary tale from which every school district can benefit.

## **CHAPTER 2 --RESERVE MISMANAGEMENT**

### **PURPOSE**

This chapter of the report seeks to summarize the financial conditions and actions that lead to a significant depletion of the reserves of the Paso Robles Joint Unified School District (PRJUSD) for the second time in a decade. The Grand Jury report will seek to provide answers to what happened to the PRJUSD's reserves from the 2014/15 school year budget through the 2018/19 budget.

### **BACKGROUND**

The State of California, within its educational regulations, mandates that each California School District maintain a budget reserve. A financial reserve is established to provide contingency funds in the event that unplanned expenditures and unexpected reductions in revenue have an adverse impact on the school district's budget. The vast majority of funding made available to the PRJUSD comes from the State of California and is based upon the district's reported Average Daily Attendance (ADA). As expected, the reported ADA can fluctuate over the course of a school year impacting funding provided by the state. A district's ADA is projected at the beginning of the year

and reconciled at the end of the year. Reserves can serve the purpose of closing the gap between differences in projected and actual ADA.

## NARRATIVE

### *What happened to the reserves?*

In August of 2014, a new superintendent for the PRJUSD was hired by the Board of Trustees with a promise to revitalize the school district with exciting new programs that were outlined in his one hundred-day plan. In the first fiscal year of his term in office (2014/15), the PRJUSD's budget reserves stood at 10.4% or \$6,051,333. This was a fiscally healthy amount and exceeded the mandatory (3%) requirement for reserves.

School reserves are a 'rainy day fund' that exists as part of the multi-million-dollar school budget. Reserves should be thought of as undesignated funds to be used for an emergency or unforeseen expenses. These reserves are held in two separate accounts, with a portion of the accounts being held in the district's general fund and the district's building fund. When reserves drop below the mandated minimum of 3%, the County Board of Education is required to assign a financial monitor to oversee and assist in re-establishing reserves at an acceptable level. The following chart shows how reserves declined by fiscal year.

Fiscal Year	Reserve at the Start of Year	%	Reserve at the End of the Year (Actual)	%
2014-2015	\$3,925,348	7.1	\$6,051,333	10.4
2015-2016	\$6,051,333	10.4	\$5,232,742	7.6
2016-2017	\$5,232,742	7.6	\$3,028,829	4.0
2017-2018	\$3,028,829	4.0	\$306,172	0.39

Between 2015 and 2019, nearly six million dollars in reserve funds were depleted. This was primarily due to administrative and accounting errors, poor fiscal planning, and improper management guidance.

The following seven areas have been identified as the problem areas that caused the majority of unbudgeted spending which depleted the reserves.

**1. MISCALCULATED AVERAGE DAILY ATTENDANCE**

The State of California pays each school from \$7,000 to \$9,000 per student based on a complex formula calculated from Average Daily Attendance (ADA) records. During the 2016/17 and 2017/18 fiscal years, the PRJUSD input their ADA incorrectly. This error was based on untrained personnel using an incorrect formula to report and calculate attendance. The mistake was corrected when the auditors noted that there was an over counting error. The net effect was an unplanned expense to the budget of \$1,014,024 that was taken from reserves. This ADA calculation formula has been abandoned and new management is on track with the standard accepted practice for ADA calculation.

**2. IMPROPER TRANSPORTATION COST CALCULATIONS**

Student transportation costs for the PRJUSD are a significant expense. The nature of the district required 12 unique routes to rural and urban areas. The shortage of drivers, as well as the increased cost of labor and maintenance, was not properly budgeted. As a result, a seven-figure unplanned expense against the transportation budget resulted in another reduction to the reserves. Current management is addressing these transportation issues in new and creative ways that previous management did not consider.

**3. DISALLOWED FOOD SERVICE EXPENDITURES**

The Culinary Academy is a vocational training school that exists as part of the PRJUSD and provides food service to all the district schools. In the 2017/18 school year there was an error in accounting for the number of students eligible for reduced cost or free meals. This error was similar to the ADA error discovered by auditors. The academy leader, at the time, submitted expenses that were ultimately disallowed by the auditors and rejected by the state. These expenses were unplanned and were paid from school district reserves. The Culinary Academy is now under new management.

**4. ERRORS IN ACCOUNTS PAYABLE ADMINISTRATION**

The PRJUSD had two major accounts payable errors. For two years, fiscal 2013/14 and 2014/15, payables for insurance coverage were thought to be the responsibility of the San Luis Obispo County Office of Education. This coverage was, in fact, determined to be the

responsibility of the district. This resulted in a \$930,089 expense to the district, which impacted the reserves.

**5. INSUFFICIENT PLANNING FOR PENSION AND SALARY INCREASES**

Pension demands from CalPERS and CalSTRS have been increasing for several years. The following table, from PRJUSD audits, show the effect of increased pension costs, the yearly deficit, and pension increases for the last six years. The State of California has used surplus funds in the last two years to decrease the burden and assist districts to fund their retirement commitment.

year end	income	pension cost	% of income	deficit	state bailout of pensions	actual cost pensions	% increase income	% increase pension
2014	55,238,044							
2015	59,529,874	3447055	5.790462449			3447055	7.7696994	
2016	68,634,321	4493618	6.547187959	-441,517		4493618	15.293913	30.36108
2017	73,493,084	7831103	10.65556454	-1,466,137		7831103	7.0792031	74.27167
2018	75,401,985	9318265	12.3581163	-2,871,830	3727263	5591002	2.5973886	-28.60518
2019	85,055,090	13540045	15.91914723		5878932	7661113	12.802189	37.02576

In fiscal year 2015/16, pension costs represented 5.8% of the PRJUSD’s budget. In the 2018/19 budget, the requirements to pay pensions increased to 12.4%. In three years, the pension percentage of the fiscal 2018/19 budget of \$85 million climbed 6.6% or roughly \$6 million.

In addition to pension support there were salary increases of nearly 20% that occurred between 2015 and 2019. These increases were negotiated and were required by contract.

The District Superintendent and the Board of Trustees did not properly plan for pension and salary increases. The lack of long range planning and accountability by the administration resulted in loss of reserves.

**6. UNPLANNED AND UNBUDGETED LEGAL SETTLEMENTS AND FEES**

Three lawsuits were filed and corresponding legal fees were paid during this period. There was no provision at the time within the budget for the potential loss from these lawsuits.

These types of losses to the school district are normally paid by insurance and reserve funds.

**7. FAILURE TO CONSIDER TRUE COSTS OF NEW PROGRAMS AND HEADCOUNT**

During the 2015/16 fiscal year, several new programs to help boost attendance at Paso Robles schools were initiated. This included a Visual and Performing Arts Program (VAPA) as well as elementary and middle school athletic programs. Staff to support these programs and other staff increases, equaling 25.9 full-time equivalent positions, dramatically increased payroll and was not properly accounted for in the Quintessential School Service budget program.

Under the new management of the PRJUSD, and the San Luis Obispo County Office of Education appointed monitor, many non-essential positions have been eliminated or reclassified. In 2019/20 a new round of certified and classified layoffs and other changes to the PRJUSD were announced showing the long-term impact of 2015/16 decisions. At the time of this report, primarily as a result of savings in operational cost from virtual school attendance, the reserves have been replenished to a level where the county monitor could be withdrawn.

Though the majority of reserve losses can be attributed to these seven categories, it is important to note that there are other expenditures that exceeded the budget that are not detailed in this report.

***Why did this mismanagement occur?***

In retrospect, there was a series of administrative issues, lack of proper management oversight, bad management decisions, and a failure to question leadership when it was necessary. All of the above point to the reasons for the failure to maintain reserves at the proper level.

The PRJUSD manages its budget with a tool that many other districts utilize, which is called the Quintessential School System (QSS). The QSS program is, in effect, the systematic tool that provides the school district with a detailed financial budget and means to manage it.

The current PRJUSD budget is 163 pages long with over 1,500 detailed financial activities, including labor costs, overhead, supplies, operating and facility costs, as well as the reserves, which make up the district budget. The sum of all line items in the QSS system is, in effect, the school district's budget.

Each line item is allocated a budget. Expenditures are tracked against it throughout the school year. The line item budgets are grouped under department managers who are accountable for their financial performance. The QSS has an effective 'check and balance' feature that prevents expenditures beyond the budget line allocation. For example, assume the line item budget for pencils is \$12,000 and someone submits a requisition to purchase \$14,000 worth of pencils; the QSS system will not allow the requisition to be placed. The pencils line item must be increased to \$14,000 for the requisition to be approved.

As a general rule, the individual department manager has authorization to increase the budget by moving one budgeted line item to another line item under his or her control. If a manager does not have additional money in their budget under his or her control, then a request must be submitted to the Chief Business Officer (CBO) to move additional budgeted money from either another department or from financial reserves.

The system prevents expenditures that exceed the budgeted line item. If utilized as intended, the QSS system can provide adequate financial oversight. In the time period from 2015/16 to the 2018/19 time periods, it was unclear who had the authority to make these budget adjustments and what financial oversight was provided to insure financial stability.

Additionally, the QSS system is complex and the administrative managers appeared to override the safeguards built into the system. The Grand Jury was not made aware of standard reports being provided to the trustees to allow them to properly manage the spending process during the period in question. Some reports to control the budget were done more on an ad hoc basis. The Grand Jury did not see, in its extensive investigation, the kind of in-depth analysis that should have been done on such a large, complex budget to provide adequate control.

Control of the budget process was ultimately in the hands of the CBO. During the period in which the reserves were depleted, there were four different CBOs including the superintendent himself. A lack of management oversight, at times, allowed a freedom to overspend within technical guidelines. Under normal circumstances, this behavior would have been questioned by a vigilant CBO.

The Culinary Institute manager had some serious issues handled by the San Luis Obispo District Attorney's Office not reviewed by the Grand Jury. Billing for free or reduced cost meals resulted in a disallowed reimbursement by the State.

## **CONCLUSION**

At the beginning of 2015, financial reserves were at a very healthy 10.4% of the PRJUSD budget. This provided the new district superintendent a solid financial cushion. The superintendent utilized the positive financial reserves to fund new programs, which he presented in his one hundred-day plan. The cost of these programs over this three-year period contributed to the reduction of reserves from 10.4% to 0.3% (below the mandated 3.0%).

There was strong evidence of mismanagement in overseeing important business areas such as ADA calculations, the culinary academy budgets, transportation, payroll and pensions. The extremely high rate of turnover among fiscal managers (eight people in a four year period) caused a vacuum in the financial management of the district.

In retrospect the PRJUSD between 2014 and 2018, the Superintendent had a grand vision on how to improve the district. His decision to deliver this grand plan, regardless of the financial impact, cost the school district millions of dollars in reduced financial reserves. To all concerned, the County Office of Education, the PRJUSD Superintendent, the Board of Trustees, and to the electorate, this should be a lesson taken seriously.

## CHAPTER 3 – THE AQUATICS COMPLEX

### PURPOSE

The purpose of the report is to illustrate how the administration of the Paso Robles Joint Unified School District (PRJUSD) erred and created financial blunders that impacted the entire district operation. The Grand Jury (SLOGJ) believes that nothing illustrates these failures better than the example of the Aquatic Complex plan, which to date, is not close to being constructed.

### NARRATIVE

In 2015 the new superintendent wanted to produce a new facilities master plan (FMP) anticipating a significant increase in school enrollment and other factors. This increase would require modifications to existing facilities and construction of new facilities to support anticipated growth. The Dolinka Group, commissioned by the superintendent, had estimated an annual student increase of 2.19% from current levels on a continuing basis. Some increase happened in years 2015 to 2018 and has declined since. In only one year did the increase approach the 2.19% that was projected.

<b>Year</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
<b>Beginning ADA</b>	6213	6249	6321	6468	6482	6473
<b>+/-</b>	+29	+79	+147	+15	-9	-27
<b>Ending ADA</b>	6242	6321	6468	6482	6473	6447
<b>% of change</b>	+0.47	+1.26	+2.32	+0.23	-0.13	-0.42

The PMSM Architectural Firm was hired in 2016 to study every school, meet with teachers, parents and staff to determine the current state of the infrastructure, and look to the future for the changing educational needs. In April 2016, the Board of Trustees was presented with a completed plan that was used to estimate the costs for a potential bond issue to fund the plan. Included in the plan were changes to all elementary and middle schools, the high school, the War Memorial Stadium and the

construction of a new aquatic complex. The facilities master plan was estimated at a cost of \$187 million.

The original plan for the aquatic complex included a 50-meter and a 25-meter pool, decking, concession area, four rows of bleacher seating, changing rooms, rest rooms, equipment space and a solar heating system. The initial estimated cost for the aquatic complex was \$10,570,000.

The total budget for all changes to be funded by a bond was over \$130 million. An additional amount of \$58.2 million was needed for potential repairs and modifications for the schools that would have to be funded. The aquatic complex was included in the proposed bond to improve the high school athletic performance of the swim and water polo teams. The high school currently practices at a municipal pool across town, next to Flamson Middle School. They do not have an adequate venue to conduct swim meets. One of the intentions of the aquatic complex was to improve student access and competitiveness, as well as potentially attracting new students.

These facility changes could only be accomplished through external funding using taxpayer funded bonds. The district modified the wish list for the aquatic complex over the next four months to prioritize projects and to make it acceptable to voters. Several board meetings and planning sessions were held by the administration and board to discuss the size and scope of the projects and the details of the bond measure. Many changes were made. Projects were massaged into an “A” priority and a potential “B” priority list. Notably, the aquatic complex estimate and scope were significantly reduced. What remained in the bond financing, which was approved for the aquatic complex, was a 50-meter pool and the equipment room. The estimate for the change to the aquatic complex in the FMP was reduced from the original \$10.5 million to \$5.7 million. This is the amount that voters were asked to approve as part of Measure M. The 25-meter pool, pool deck, concession area, bleachers, changing room, solar water heating system and restrooms were left off the aquatic complex bond issue list that was approved by the Board of Trustees. When the description for the bond issue was written in November of that year, however, all of the items on the list were included. The aquatic complex was listed as a community effort with the School District providing limited financing. Donations and potential, though undocumented, agreements with outside parties were to fund the remainder.

Measure M was planned for the November 2016 general election. The taxpayers of the Paso Robles Unified School Facilities Special District, which does not include students from Pleasant Valley or San Miguel School Districts who attend Paso Robles High School, were asked to pay for the improvements with a Bond Measure M fund for \$95 million for school construction.

The bond measure was approved on November 8, 2016 with a 57% majority vote. As part of the voters approving the Measure M Bond, the district was required to institute a Citizens Oversight Committee. This committee is charged with reviewing the use of funds sold using Measure M to assure that they are consistent with the language used in the text of the measure. The Board of Trustees approved the committee members in their February 28, 2017 meeting. The committee is required to publish annual audits. Audits for 2016/17 and 2018 are available on their website. Audits have not been completed since 2018. The district has proposed changes to the content and order of the projects anticipated to be funded by Measure M. The total potential value of the bond remains the same.

On April 4, 2017 the board approved a committee including school staff, the bond consultant and a legal team to start the plan for selling and acquiring bond funds. Initially, anticipation notes were going to be used to do preliminary planning before the actual issuing of bonds for all proposed projects. In the June 27, 2017 board meeting, the trustees agreed to hire SIM-BPK Architects for the design and planning of the school refurbishment projects and new aquatic complex. On July 11, the district sold \$3 million worth of bonds for preliminary work for the projects. On August 15, 2017, the Chief Business Officer updated the board on the progress of bond sales and the architectural design effort. The architect presented artist's rendering of the first phase of the work on Measure M projects on October 10, 2017. Included is a rendering of the aquatic complex. The board suspended work on the aquatic complex, objecting to a lack of outside public restrooms, for which no funds were secured. However, this did not preclude the actual purchase of pool components. Keep in mind, that at this point, the project was still not fully funded.

In January of 2018, the district filed an Environmental Impact Report (EIR) with the City of Paso Robles for the aquatic complex. The EIR was the same as the Measure M scope, which was approved by the voters. It included two pools, decking, an equipment room, storage room,

bleachers, coach's bleachers, a classroom, administrative office, concession space, locker room with outdoor showers and restrooms making this more elaborate than originally projected. This was a significant increase in scope over what had been originally planned.

As of January 23, 2018, the project design was not complete and funding for the complex was not secured. Regardless, on that date, the board approved the purchase and delivery of components for two stainless steel pools for \$945,200. The vote was six in favor and one opposed. The price was higher than the Measure M designated cost. These components were delivered and placed in storage containers in August of 2018. At the time of this report, the majority of pool components remain in storage at the high school site.

In February 2018, the superintendent and other district officials posed for pictures in a simulated groundbreaking photo opportunity at the proposed site. The superintendent, at the photo opportunity, stated he could build the complex for \$8.2 million dollars (despite the FMP estimate exceeding \$10 million) with Measure M Bond funds providing \$5.7 million and anticipating \$2.5 million coming from donations. He claimed to have an agreement for the ground clearing, excavation, and site work to be completed by a retired earthwork contractor and winery owner. That agreement was never documented and the party who made the agreement has since passed away.

A group of citizens formed a non-profit organization to raise funds for the donations. SWIMPASO raised several thousand dollars through fundraising efforts. Their contributions were transferred to the 4A Foundation, a group used to fund extracurricular activities at the schools, designated for the construction of the aquatic complex. As of the date of this report there has not been an audit of those funds (\$144,473.95) nor any indication of expenditures by the group to support the completion of the aquatic complex.

On March 13, 2018, the Board of Trustees appointed new members of the Measure M oversight committee. The Board was given an update on the progress of the work for rebuilding the schools and the aquatic complex. On April 24, 2018, the Board agreed to sell \$40 million dollars of bonds

for Measure M repairs and the aquatic complex. The \$3 million of anticipation notes previously issued were paid off.

In the ensuing eight months up to November of 2018, the District began physical work. They eliminated temporary structures and leveled the site in preparation for the pool installation. Total expenditures, including the pool components purchased, at that time were \$1,308,128. On November 3, 2018, the District presented an update of the Facilities Master Plan including the aquatic complex. The District entertained bidding for the installation of the pools at that time. The bids received from two contractors came in at \$11 million and \$12.7 million (in addition to the cost of the pool components) and was announced at a January 2019 Board of Trustee meeting. They were substantially over the original estimate and the remaining bond funding set aside for the aquatic complex. The Board voted at that time to put a hold on the project until additional funding could be secured.

Since that time, District staff toured a similar aquatic complex site in Hollister, California. The staff learned that the operating costs for a similar site were substantially more than what was projected for Paso Robles. The manufacturer has recalled one of the pool liners for another similar project and continues to honor a three-year warranty effective when the pool is installed. The last Board of Trustees discussion concerning the Aquatic Complex was at the January 25, 2020 board meeting. The district trustees remained committed to complete the installation that is needed for the high school. They hoped funding could come from a proposed School Modernization Bond, State Measure Proposition 13, in the 2020 primary election. That potential funding source was eliminated by the defeat of the proposition.

## **CONCLUSION**

The Paso Robles School Board of Trustees and the previous superintendent prematurely purchased pool components and committed to an aquatic complex without a fully developed plan and a way to pay for it. It was mistakenly assumed that the additional funding required would be forthcoming. No written agreements have been found that could prove that the needed donations were in place to consummate the building of the complex. As a result of the trustees' actions, Measure M, as

authorized by the voters, has funded expenses of \$1.5 million for an aquatic complex, which is unlikely to be realized. This includes almost a million dollars-worth of pool components, which require additional funding to maintain while stored in metal containers, potentially degrading.

## **FINDINGS**

### ***CHAPTER 1-SCHOOL DISTRICT LEADERSHIP***

- F1. Budget forecasting errors and mismanaged spending by the administration, without adequate oversight by the board, were compounded over a minimum of three years, leading to a reduction of the district reserves below mandatory minimums.
- F2. The superintendent and his staff provided financial information to trustees that was neither accurate nor conducive to making sound financial decisions.
- F3. Based on state guidelines for allowable administrative budgets the 25.9 new positions added between 2015 and 2018 exceeded recommended levels and was a key contributor to the depletion of reserves.
- F4. Conflict of interest, nepotism, and cronyism, real or imagined, created distrust and suspicion. This also led to teacher morale issues as documented in two union sponsored surveys.
- F5. The superintendent was not eligible for a severance package when he resigned. However, the board extended a negotiated settlement without obligation to do so.
- F6. The majority of trustees failed to independently verify information provided to them prior to approving expenses.
- F7. Issues exist with the way trustees are prepared for their duties. Not all trustees take advantage of training opportunities to enhance their understanding of complex issues in school management and administration.
- F8. The County Office of Education's ability to intervene in a timely manner is unduly limited. The County Superintendent's inability to respond resulted in serious budgeting errors over the period of the 2016-2018.

## ***CHAPTER 2-THE DISTRICT RESERVES***

- F1. Excessive mismanagement and questionable decision making should have been increasingly evident within the PRJUSD during the time period 2015 through 2018.
- F2. As a body, the trustees abdicated their responsibility for providing adequate financial oversight.
- F3. The Board of Trustees should be expected to attend financial training for the school district. The public should be aware that state law prohibits making this training a requirement.
- F4. The instability of staffing because of the rapid turnover of senior staff in the finance office resulted in poor management of district assets.
- F5. Significant safeguards within the QSS were circumvented by failure to activate them which ultimately minimized effective budget oversight.
- F6. A proper system of checks and balances was not evident during the superintendent's tenure (2014-2018). The Board of Trustees, as a body, followed the direction of the superintendent, most often without dissent.
- F7. The superintendent's vision and his ability to deliver it, in a fiscally responsible way, appears to have been beyond his skill set resulting in a significant reduction of the district's financial reserves.
- F8. While QSS provides an adequate day-to-day financial management tool, it does not provide adequate reporting capabilities required by the Board of Trustees. Additional tools are needed so that the Trustees can properly provide financial oversight in the best interest of the school district.

## ***CHAPTER 3-THE AQUATIC COMPLEX***

- F1. The modular pool components were prematurely purchased before the aquatic complex project was fully developed or funded.
- F2. A site visit to an existing installation was not conducted prior to purchasing pool equipment constituting a failure of due diligence by the district superintendent and trustees.
- F3. It was poor business policy to not have documented proposed donations between the district and donors to fund portions of construction.

- F4. The anticipated financial support to complete the project has not materialized, as evidenced by the lack of support for SWIMPASO and 4A Foundation fundraising efforts. Strong community support is not evident.
- F5. The Trustees and the superintendent understood Measure M Bond funding allocation was inadequate to complete the aquatic complex. As of the date of this report, the board has chosen not to prioritize the aquatic complex and shift additional bond funding.
- F6. Annual operating costs were dramatically underestimated in the planning of the aquatics complex.
- F7. The advisory council is negligent in their charge with overseeing the execution of Measure M Bond funds and has not published an audit for two years as required by the measure.
- F8. The Board of Trustees did not use due diligence and failed in their fiduciary obligation to properly complete the aquatic complex, lacking a reasonable design, construction and financial plan before purchases were approved.

## **RECOMMENDATIONS**

- R1. District policy should be amended to prevent a school district superintendent from acting simultaneously as CBO.
- R2. The District shall require comprehensive training for new hires who are responsible for financial accounting and business operations.
- R3. The structure for board meetings should be revamped to provide a more reasonable and focused agenda. Targeting the focus of each meeting would allow effective action and increased accountability by trustees.
- R4. In order to maintain institutional history and knowledge, the district should develop a succession plan to ensure timely replacements for essential positions and time for appropriate training.
- R5. Both the School District and the District Board of Trustees Procedure Manuals should be reviewed and updated annually and made readily available on the district website.
- R6. By-laws should be amended so that all trustees are encouraged to participate in comprehensive training with emphasis on financial oversight as provided by SLOCOE and other sources.

- R7. The County Office of Education should revisit its policies to provide further clarification on conflict of interest. All employees and board members shall be required to disclose any potential conflict issues.
- R8. The Chief Business Officer should have the authority to independently report on the fiscal health of the school district to the Board of Trustees and the County Board of Education.
- R9. The County Board of Education should provide tighter controls and transparency over authorizations for overriding a school district's approved budgets.
- R10. Prior to an election, school districts should publicize the financial responsibility of the Board of Trustees to facilitate the complex scope of their fiduciary duties if elected.
- R11. Trustees must establish and document standard minimum qualifications for a superintendent, which reflect the needs of the district including financial management.
- R12. Standardized financial and performance metrics and monthly reporting should be developed to provide the board of trustees with the tools necessary for effective decision-making and greater accountability related to specific goals and financial objectives.
- R13. Under the conditions that exist today, the district trustees and administration should determine if the aquatic complex is viable.
- R14. The PRJUSD should consider the possibility of collaborating with the city of Paso Robles to use purchased equipment to upgrade current municipal swim facilities.
- R15. There should be a comprehensive audit and report made available to the public of 4A Foundation funds that were dedicated to the aquatic complex construction.
- R16. There should be a current audit of Measure M Funds by the Oversight Committee and it should be made available to the public.

## **REQUIRED RESPONSES**

The Superintendent of Paso Robles Joint Unified School District shall respond to Recommendation 1, 2, 3, 4, 5, 8, 12, 13, 15 and 16.

The Board of Trustees for the Paso Robles Joint Unified School District shall respond to Recommendation 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 14, 15, and 16.

San Luis Obispo County Office of Education Superintendent shall respond to Recommendation 7, 8, 9, and 10.

City Manager for the Paso Robles City Council shall respond to Recommendation 14.

The responses shall be submitted to the Presiding Judge of the San Luis County Superior Court, Judge Duffy, by February 17, 2021. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

## **AGENCY RESPONSE REQUIREMENTS**

The Penal Code Section 933.05 that specifies the format and methodology for agency responses is listed below. All agency respondents are required to respond to all findings and recommendations in the following manner:

- If the respondent disagrees wholly or partially with an item, the respondent must elaborate on the portion of the item that they disagree with, and provide an explanation.
- If a respondent notes that an item will be implemented in the future, the response must include a timeframe for implementation.
- If a respondent notes that an item requires further analysis, the agency must include in the response an explanation of and the scope of what will be studied and the timeframe needed for the study. The timeframe for follow-up from the agency cannot exceed six months.
- If the item will not be implemented or is not reasonable, the respondent is required to provide a detailed explanation.

### **933.05. Findings and Recommendations**

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

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

(b) For purposes of subdivision (b) of Section 9ss, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.

- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe 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 when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

Presiding Judge	Grand Jury
Presiding Judge Jacquelyn H. Duffy Superior Court of California 1035 Palm Street, Room 355 San Luis Obispo, CA 93408-1000	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403-4910

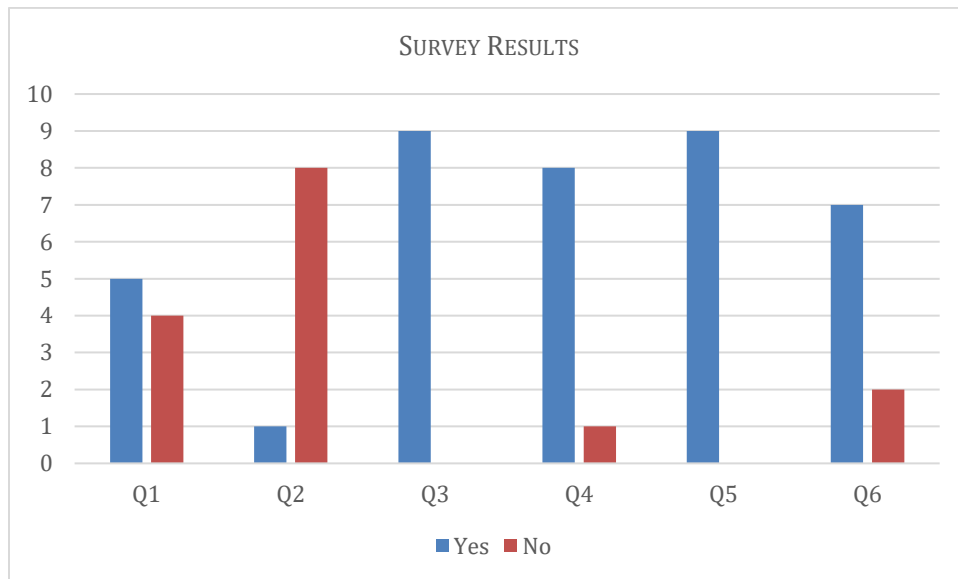
## APPENDIX A

### Results of the Grand Jury Survey of the Ten Primary SLO School Districts

#### Survey Questions For Superintendents:

1. Does your district provide budgetary/financial management training for school board members?
2. Is the training mandatory?
3. Do your school board members have specific documented responsibilities and authorizations?
4. Does your district provide documented rules or guidelines for school board trustees?
5. Does your district require specific qualifications or training for the district superintendent?
6. Does the district require specific qualifications or training for the CBO?

#### Survey Results From Superintendents:



#### Summary of responses:

Nine of the ten SLO school districts replied to this survey. As indicated in the graph, at least half of the districts provide some form of fiscal management training to trustees, but only one of the five districts who train make it mandatory. Many indicated in the comments that trustees are encouraged and subsidized to attend professional conferences and workshops available through

the California School Board Association as well as other organizations. All the nine respondents indicate some form of written policy on the authorizations and responsibilities of trustees, and eight of the nine indicate they have documented guidelines in place for them. Those guidelines are in the form of by-laws, policies and job descriptions, though one district admitted that the district only makes these available to trustees and does not provide a copy to each directly. As for qualifications and training for superintendents, all nine districts have delineated qualifications, one specifically indicated that a doctoral degree is expected of all candidates. In the additional comments some of the districts said they support professional development and it is written into at least one superintendent's contract as a requirement. As for the Chief Financial Officer, two districts have a Superintendent/CBO combo position due to the smaller size of the district. In one of those cases they contract with the County Office of Education for business services including the production of all financial reports. Seven districts indicate that they have qualifications spelled out for CBOs, one saying that FCMAT (Financial Crisis and Management Assistance Team) Certification or equivalent is required for the position.