

This document is an extract of a larger publication.

civilgrandjury.org is a project of UnGovr.org, a US-based 501(c)(3) nonprofit dedicated to government transparency and public accountability.



# SAFETY IS IN THE EYE OF THE BEHOLDER

## *Concerns about Yolo High School*

A report by the 2022-23 Yolo County Grand Jury

June 1, 2023

*“I never teach my pupils; I only attempt to provide the conditions  
in which they can learn.” – Albert Einstein*



Stock Photo

## SUMMARY

The [mission](#) of Yolo High School (YHS), part of the Washington Unified School District in West Sacramento, is “to challenge and support each student to develop effective critical thinking, problem solving, and communication skills in a safe and positive environment in order to become lifelong learners and active citizens serving a broader community.” (1) The 2022-23 Yolo County Grand Jury (Grand Jury) received a complaint that raised concerns about school safety for students, teachers and administrators at Yolo High School.

The Grand Jury concurrently published a report entitled *Are We There Yet? On the Road to School Safety*. That report investigated safety concerns at Washington Unified School District, in addition to the other four school districts headquartered in Yolo County. That report investigated “school hardening”<sup>1</sup> measures, safety training, working with law enforcement, emergency notification to parents or guardians, and mental health

---

<sup>1</sup> Schools use a variety of tools to help them harden their campuses against unwanted intrusion. These can range from surveillance cameras and door-locking systems to armed guards and arming teachers.

support for students should an emergency occur. As with the other four school districts, the Grand Jury found that Washington Unified School District continues to take appropriate steps toward improving overall safety, but additional actions were recommended.

The Grand Jury had concerns about the safety of students, teachers and administrators at YHS, how investigations are conducted and how victims of bullying are treated. Despite those concerns, the Grand Jury found that the teachers and administrators interviewed are dedicated to serving students to the best of their abilities given limited safety resources.

The Grand Jury would have preferred to do a more extensive investigation but was precluded due to limited time and resources. The Grand Jury believes that further review and/or investigation is merited.

## **BACKGROUND**

Schools nationwide are grappling with [crime](#), including school shootings, use of other weapons (such as knives), bullying and theft. (2) YHS is part of the Yolo Education Center, which encompasses YHS, Evergreen Middle School and Office of Education programs. YHS, which has approximately 100 students, offers several programs. These include Transition to Adult Living with approximately 12 students, Evergreen Opportunity (a program for the 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> grades) with approximately 30 students, and the Horizon Program offered by the Yolo County Office of Education (YCOE) that serves approximately a half dozen students with disabilities. The James Marshall Parent Nursery School (preschool) is also on site. Programs and student groups are divided, depending on age and focus, but are all housed on the same campus so that what happens in one area of the campus can be witnessed by students in different age groups and programs or at least heard about via social media.

YHS, like other schools in Yolo County, has experienced violent incidents over the past two years, but it has a special challenge with the student population it serves. YHS is an [alternative school](#), which the Public Policy Institute of California defines as “a set of schools that provide different educational settings for students who are ‘at risk’ because they have dropped out, are pregnant or parenting, exhibit behavior problems, or need an alternative schedule to accommodate outside work.” (3) Students who “exhibit behavior problems” can create safety concerns for their fellow students or teachers and administrators which can impede the learning environment.

## **APPROACH**

The Grand Jury reviewed findings from its report on school safety (*Are We There Yet? On the Road to Safety*). The Grand Jury then interviewed teachers and administrators at YHS who are knowledgeable about incidents of violence and bullying as well as the school's responses. Following the interviews, the Grand Jury reviewed handbooks and documents related to incidents of violence, school responses to the incidents and concerns about bullying.

## **DISCUSSION**

Pursuant to the California Education Code, schools must investigate situations that involve actual or potential violence or bullying before taking action. California Education Code section [48900](#) specifically prohibits a student from being suspended from school or recommended for expulsion unless the school district superintendent or school principal determines the student has committed specific acts. (4) Four of the acts listed in the code – attempting or causing injury to another person, possessing a dangerous object, damaging school or private property, and bullying – are discussed below. The Yolo County Office of Education and the Yolo County Board of Education have taken firm stances against weapons on school property and bullying.

### **Incidents of Violence**

Through interviews and other materials, the Grand Jury verified five specific incidents of violence at YHS during school hours between 2021 and 2023: two incidents involved students with items that could be considered weapons, such as knives; one involved a student punching another student while in the act of bullying that resulted in serious harm; one was a fight between two students; and the fifth involved a parent attacking another parent. In two of the verified incidents, students verbally threatened others and vandalized property. Other incidents or situations, including another two with students having knives on campus, were described during interviews but could not be verified.

While guns have been the focus of media reports over the past several years, knives are increasingly challenging for schools since they can be acquired, carried and concealed easily, and can create serious harm to a person, furnishings or equipment. A [policy brief](#) published by the American Psychological Association on March 17, 2022, found that: "In California alone, 4% of students reported bringing a gun to school, 8% reported bringing a knife, and 6.8% reported they were threatened or injured with a gun, knife, or a club.

Additionally, 23.3% saw a gun, knife, or other weapon on school grounds. That is, in any given year, **almost a quarter of all secondary school students in California—representing more than half a million students—have seen, been threatened by, or brought a weapon to school.** Nationwide, millions of students each year may have such experiences with weapons in schools. In California, weapons are present in many schools, with very high rates of weapons in a small number of schools” (emphasis added). (5)

California Penal Code section [626.10](#) prohibits “dirks or daggers” on school grounds and defines them as “a knife or other instrument, with or without a handguard, that is capable of ready use as a stabbing weapon, and that may inflict a significant or substantial physical injury or death.” (6)

The Washington Unified School District (District) provides several guides for parents, students and staff covering procedures and expectations. These [guides](#) can be found on the Yolo Education Center website. (7) Its *Parent Handbook*, which is required to be signed by parents or guardians, specifically prohibits “possession of a firearm on campus.” It also notes that a student can be expelled if found to have seriously injured another person or have been found to possess “any knife, explosive, or other dangerous object of no reasonable use to the pupil.”

The District’s *Student Behavioral Expectations Handbook* identifies several situations that could result in disciplinary action. Included are “weapons or injurious objects” described as “the possession, use or sale of any object that might be used to inflict bodily injury to another person.” The *Yolo High School Student Handbook 2022-2023*, which is also signed by students and their parents or guardians, covers expectations and resources. While the Student Handbook discusses bullying and other prohibited conduct at length, it does not mention weapons of any kind or consequences of having weapons on site.

The “Know Your Educational Rights” section of the *Parent Handbook* states, “All students and staff have the right to attend safe, secure, and peaceful schools.” Teachers and Administrators interviewed shared concerns about their and their students’ safety due to violence, threats of violence and what they perceived to be deficient responses by leadership to such situations. Teachers and administrators also expressed concern about reductions in safety staff and other measures due to budgetary constraints as well as changes in past practices which prevented desired steps from being taken to make YHS as safe as reasonably possible for students and staff.

Suspension is one action that can be taken when a student threatens or acts violently. However, YHS staff and teachers may not know that a student has been suspended or the length of the suspension until the next school day. As a result, the student could more easily return to the campus shortly following the start of the suspension, such as by simply jumping a fence, and continue to act improperly – or worse.

Teachers and administrators voiced concerns about the YHS investigation process following incidents of violence or other inappropriate behavior. In its section entitled “Investigation Procedures,” the *Parent Handbook* provides detailed information about its process, including the expectation to “[p]rovide an equal opportunity for the parties to present witnesses including the fact and expert witnesses, and other exculpatory [sic] and exculpatory evidence.” The Grand Jury has concerns that in at least one case at YHS an investigation may not have reflected all facts available.

### **Bullying**

The Grand Jury received a complaint and corroborating information that raised concerns that victims of bullying were removed from YHS while the bullies were allowed to remain. Bullying is a serious matter for schools and is discussed at length in both the District’s *Student Behavioral Expectations Handbook* and the *YHS Student Handbook*. In both cases, bullying behaviors are detailed at length, as are the procedures for investigating and taking action on complaints and resources, or what are deemed as “supportive measures” available to the victims. This issue is beyond the scope of this report. Records and facts were requested from District personnel concerning this issue, but no response has yet been received.

A student support strategy noted in the *Parent Handbook* is “Voluntary Short Term Independent Study.” Article 5.5. [51744 - 51749.6] of the Education Code defines independent study as a short-term solution for specific circumstances and needs. (8) A significant percentage of YHS students are in such independent study programs. When students are on independent study, they are not in their classrooms or on campus. As a result, they are separated from their friends and school support programs. This separation can be especially impactful for students who are in an Individualized Education Program (IEP) or who are English Language Learners.

### **COMMENDATIONS**

Despite concerns about safety, the YHS teachers and administrators interviewed are committed to serving their students and their communities to the best of their abilities.

**FINDINGS**

- F-1 Unlike the District's *Student Behavioral Expectations Handbook*, the *Yolo High School Student Handbook* does not mention prohibitions against and consequences of having weapons, such as guns or knives, on school grounds during school hours despite incidents involving knives continuing to occur. Not including such discussion might prevent Yolo High School students from fully understanding the seriousness of bringing such items onto school grounds.
- F-2 Teachers and administrators are not notified of student suspensions as they occur. This increases the chances that a suspended student could return to school before allowed, possibly with intent and the means to harm others or property.
- F-3 Investigations of incidents of threats or acts of violence are not as thorough or considered as needed.
- F-4 A significant percentage of Yolo High School students are in what is commonly known as independent study at any given time, thereby unable to attend classes or events on the campus. This isolation prevents them from receiving the full benefit of services provided to attending students.

**RECOMMENDATIONS**

- R-1 By January 1, 2024, the Washington Unified School District should revise the *Yolo High School Student Handbook* to identify opportunities to address prohibitions against and consequences of having weapons on Yolo Education Center grounds.
- R-2 By January 1, 2024, the Washington Unified School District should develop a plan to improve the process by which teachers and administrators are promptly notified of student suspensions from the campus.
- R-3 By January 1, 2024, the Washington Unified School District should initiate an audit of investigations involving violence and bullying, conducted by Yolo High School leadership between 2021 and 2023, using independent experts in order to identify any investigations found to be incomplete or improperly concluded, then take remedial action. In addition, the District should review the investigations training completed by school administration to evaluate its effectiveness and seek opportunities for improvement. The findings and outcomes of this review should be shared with the Grand Jury.
- R-4 By June 30, 2024, the Yolo County Board of Education should conduct a study of the circumstances under which students are assigned to independent study at Yolo High School. This review should identify whether practices at Yolo High

School disproportionately harm victims of bullying or students who need support provided at their schools.

## REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requires responses to its Findings and Recommendations from the following governing bodies:

- Board of Education/Trustees Washington Unified School District – F-1, F-2, F-3, F-4, R-1, R-2, R-3
- Yolo County Board of Education – F-4, R-4

## END NOTES

- 1 Yolo High School Mission: <https://yolo.wusd.k12.ca.us/>
- 2 Jocelyn Gecker, “After Year of Violence, US Schools Try to Tame Tensions,” Associated Press, June 23, 2022, (<https://www.usnews.com/news/us/articles/2022-06-23/after-year-of-violence-us-schools-try-to-tame-tensions>)
- 3 Paul Warren, “Accountability for California’s Alternative Schools,” Public Policy Institute of California, Report, May 2016, <https://www.ppic.org/publication/accountability-for-californias-alternative-schools/#:~:text=In%20California%2C%20E2%80%9Calternative%20school%E2%80%9D%20refers%20to%20a%20set,need%20an%20alternative%20schedule%20to%20accommodate%20outside%20work>
- 4 California Education Code 48900, [https://california.public.law/codes/ca\\_educ\\_code\\_section\\_48900](https://california.public.law/codes/ca_educ_code_section_48900)
- 5 Dr. Ron Avi Astor and Dr. Rami Benbenishty, “Reducing Weapons in Schools,” Division 15 of the American Psychological Association, March 17, 2022, <https://apadiv15.org/reducing-weapons-in-schools/>
- 6 Shouse California Law Group, “Penal Code § 626.10 PC – Weapons on California School Grounds,” <https://www.shouselaw.com/ca/defense/penal-code/626-10/#:~:text=California%20Penal%20Code%20%C2%A7%20626.10%20PC%20makes%20it,can%20be%20charged%20as%20a%20misdemeanor%20a%20felony>
- 7 Yolo Education Center, Handbook and Forms: <https://yolo.wusd.k12.ca.us/Our-School/Handbooks-and-Forms/index.html>
- 8 California Legislative Information: [https://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=28.&chapter=5.&article=5.5](https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=28.&chapter=5.&article=5.5)

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



# THE FOREST FOR THE TREES

## *A Report on a Davis Resource*

*Trees are poems that the earth writes upon the sky. – Khalil Gibran*

**June 1, 2023**



Davis trees permission Sharon Browne

### **SUMMARY**

The 2022-23 Yolo County Grand Jury (Grand Jury) received a complaint about Davis (City) street tree maintenance. This report addresses issues of street tree care connected with Chapters 15 and 37 of the Davis Municipal Code (DMC).

The complaint filed with the Grand Jury asserted that some City-owned street trees planted on private property were in poor condition because property owners were not aware of their duty to water these trees. The City's failure to enforce this duty might then result in added costs to the City due to having to remove trees that died prematurely. The Grand Jury has found that the City has not developed an effective education program to inform private property owners of this duty. Further, the City has failed to provide any incentive to the property owners to incur the expense of watering the City-owned trees.

The Grand Jury researched the 2018 Measure H, (1) which renewed a park maintenance parcel tax to support City-owned trees and parks for an additional 20 years. The Grand Jury found that, contrary to voter intent, the Davis City Council deleted "street trees"

from the categories approved to receive the benefits of this parcel tax. Instead, the City inserted “street lighting” when adopting [Ordinance 2521](#), (2) implementing Measure H.

Finally, the Grand Jury found that the organizational structure of the Davis tree program is fragmented, and it is not clear who is responsible for management and oversight of the street trees. The City needs to correct or clarify [DMC Chapter 37](#) (3) to accurately specify which City officers, commissions or committees have responsibility to direct each element of the new Davis [Urban Forest Management Plan](#). (4)

## DEFINITIONS

Davis Municipal Code (DMC 37.01.020) provides the following definitions:

**City Tree:** “any tree, other than a street tree, planted or maintained by the city within a city easement, right-of-way, park, greenbelt, public place or property owned or leased by the city.”

**Street Tree:** “any tree, planted and/or maintained by the city, or recorded as a street tree adjacent to a street or with in a city easement or right-of-way on private property, within the street tree easement.”

**Street Tree Easement:** “refers to the ten-foot zone behind the sidewalk or between curb and sidewalk (or if no sidewalk exists, behind the street curb, gutter, edge of street or property line at street) within which a street tree or private tree may exist or be planted.”

## BACKGROUND

Since the 1960s, a period of major growth in population, the City has provided Street Trees for residential properties in order to create a uniform amenity along public thoroughfares. This policy has been very successful in creating attractive neighborhoods and a walkable, shaded downtown. In 1963, the City’s Urban Forestry Program was established together with the Street Tree Committee (now the Tree Commission), composed of volunteers. In 1977, the City received recognition for its street tree program from the National Arbor Day Foundation and annually thereafter. In 2002, the City Council adopted the 2002 [Community Forest Management Plan](#) (5) and a Tree Ordinance.

### **2018 Measure H, Park Maintenance Tax**

The 2018 Measure H was adopted by the voters to help fund the maintenance of parks including street trees. However, in implementing Measure H, the City deleted “street

trees” and inserted “street lighting.” The City’s 2022 budget does not make it clear how the [Measure H revenue](#) is spent. (6)

Under these policies, many thousands of street trees have been planted over the years, and the City has acquired a reputation for the beauty of its tree-shaded streets in a hot valley climate where shade is valued and necessary. But many neighborhoods contain aging trees that are increasingly vulnerable to disease and decline in a warming climate. Conditions of heat and drought challenge the health of these trees, and a trend encouraged by the City toward low-water-use landscapes has left many large trees without the water that had sustained them when they were surrounded by lawns. While the City mandates water conservation, it also urges property owners to water City-owned street trees; but it does not provide usable information about proper watering techniques. Importantly, it does not inform owners that they are expected to maintain City-owned trees entrusted to their care. During the summer drought of 2022, some mature street trees exhibited severe stress by dropping their leaves in August. Experts suggest this is evidence that they did not receive enough water. Much more can be done by the City to protect these trees and avoid early removals at the City’s expense.

#### **APPROACH**

The Grand Jury interviewed numerous City employees, volunteers, experts, and property owners, and reviewed City documents available online. When interviewed, some Davis property owners told the Grand Jury that they were unaware of their expected role in maintaining City-owned Street Trees on their private property. Other Davis property owners said they felt that the City was asking them to make unreasonable choices on how to spend their money because they were already paying for Measure H, a park maintenance tax, and they felt that City water rates were high. To make matters worse, private property owners feel that compliance with the city ordinance is difficult because at times the City limits landscaping watering to two or three days a week.

The Grand Jury researched the Davis Municipal Code and found that, through inadvertence or by mistake, the City did not follow the voters’ intent when implementing Measure H when they substituted “street lighting” for “street trees” without voter approval.

**DISCUSSION*****Street Trees***

Davis is proud of its urban forest program and the City has received recognition and numerous awards for being a walkable and bikeable community. (7) The City maintains over 12,000 street trees, 15,000 trees in parks and greenbelts, and 5,000 trees in public rights-of-way. Davis property owners have generously supported this program with a special tax to help pay for park maintenance and street trees. The first special tax was adopted in 1998 as Measure H, and renewed in 2002, 2006, and 2012. When the 2012 special tax was set to sunset in 2018, Davis voters renewed it through that year's Measure H for another 20 years. (8)

Like many other cities, Davis has established easements in the front of residential lots. These easements, extending from the front property line ten feet onto the property, provide a place for city fixtures such as water meters, signs, hydrants, and Street Trees. Street trees on planned development street frontages are usually provided and planted by the developer and are maintained according to varying developer agreements. A subdivider who creates new residential parcels within a large tract (the typical development scheme in most cities) will note such easements on individual plot plans attached to each parcel. DMC 37.02.010, states:

“Subdividers are hereby required to provide and plant street trees within the city street tree easement according to the city’s street tree planting requirements, for each lot fronting a public street.... During the initial three-year establishment period...the city may provide...street tree pruning and training, paid for by the street tree fees.”

When such new trees are planted, the City gives owners information about tree care. One recent flyer says, “newly planted trees require 5-10 gallons per watering, 2-3 times per week,...more during periods of hot weather” and warns against use of plastic weed barrier fabric near trees. A current “City Tree Planting Notice” says, “Property owners are responsible for watering street trees that are on their property.... This is an important partnership with the City of Davis. The tree is the property of the City.” (See Appendix 1).

City laws make clear the duty of owners to maintain Street Trees: “Private property owners shall be responsible for irrigating street trees that exist on their property....[They] may place and maintain plants on their property within the Tree

Protection Zone....Street trees and city trees shall assume priority over other vegetation.” (DMC 37.01.010(a)(b))

DMC 37.02.040 makes it unlawful for property owners to “prune, spray, brace, plant, move, replace or damage any street tree.” This law establishes the obligation of owners to maintain City-owned Street Trees. By extension, a choice not to water a City Tree could be considered a constructive action to damage it, especially when it contributes to disease or early death during a dry spell. It also states: “Altering the grade of the property including trenching, in a manner that could damage, or ... affect the well-being of a street tree or city tree” is prohibited.

In efforts to reduce water consumption, some homeowners replace plants in their front yards with others that require little or no water. These new landscape designs usually include no irrigation systems or means for supplying water to City-owned Street Trees. No permits are required for work that does not focus on City-owned Street Trees, but a City education program could guide the landscape design work that surrounds the trees.

The City provides periodic newsletters to residents that address water conservation (see Appendix 2). These notices advise limiting routine landscape watering but always encourage people to water their trees. Many residents find this mixed messaging confusing. The idea that property owners have an obligation to care for Street Trees is not discussed. One late-summer notice said that mature trees need deep watering with 30-40 gallons, twice a week, during very hot spells. The City should inform property owners about efficient deep watering techniques because residential sprinklers and ordinary drip systems are not designed for this purpose..

There are many rental properties in Davis, a college town. Approximately 57% of the 25,869 housing units in Davis are on rental properties and many of the Street Trees are on these properties. Large developments have landscape maintenance programs and Street Trees are well cared for. But the many dispersed small rental properties are often under the care of property management companies whose primary purpose is to make money for absentee owners. Care of the landscape and trees is considered unprofitable, and thus is not performed. Although the property owner may have been informed of the matter of Street Tree maintenance duty years ago, the message seems to have been lost over the years with ownership turnover. There is a need to re-establish understanding with current owners who are in the end responsible for fulfillment of the original mandates.

In 2023, the City completed an Urban Forest Management Plan (UFMP), funded by a Cal Fire grant. This is a powerful new tool for the City to use in evaluating needs and planning responses to issues such as tree losses. With this in hand, the City plans to update its 2002 tree ordinance in a process which includes citizen input. The new ordinance is an opportunity to address the problem of an aging and, in some areas, a declining urban forest. The public process of adopting the new ordinance can re-establish the City's communication with the public about Street Trees as a shared responsibility. The new ordinance can establish reasonable rules for City support for private actions and reduce the City's costs and liability for tree removals that result from under-watering of Street Trees.

An existing database of City Trees is now a part of the new UFMP. This accounting of trees is out of date and does not properly support the mission of the UFMP. A street-level inventory is needed now to check trees to verify their species, size, health and threats to the trees' health. In combination with an updated list of trees suitable for a changing climate, this action, with the possible help of volunteers, will give the City the information it needs to make wise decisions about the urban forest going forward. Tree Davis, a local non-profit, recommends that the City consider adopting all trees in the City street easement, adding them to the City inventory, regardless of who planted them. This would require the agreement of each private property owner who has a private tree within the street tree easement. Such action would streamline the evaluation of service requests, eliminating the chore of determining "ownership." Adding about 6,000 trees to the city list would require added funding for maintenance.

Various ordinances that deal with City-owned Street Trees agree that such trees on private property require care by homeowners, and the specifics of expected care are spread out in more than one place in City codes. These codes establish a duty to care for the City-owned Street Trees. But the consequences for not following the ordinances are not enforced. Perhaps for this reason, city notices urging tree watering do not refer to any penalties for not doing so. The City should correct this by revising such language in the upcoming tree ordinance update to tie compliance to consequences (notices, fines, assistance, etc.), and then publicize the matter in clear language to the public.

### ***Measure H Voter Intent***

In 1998, Davis voters adopted a new parcel tax to support park maintenance, by a two-thirds vote. It was renewed by the voters several times in subsequent years. In 2018, Measure H was renewed, this time for twenty years. The funds generated by Measure

H, currently about \$1.5 million per year, are dedicated for the specific purposes set out in the language of Measure H. The language of Measure H was clear and precise<sup>1</sup>:

“Shall Ordinance 2521, which renews the existing Park Maintenance Tax of \$49 per year on residential units and on non-residential units in amounts specified in the Ordinance, for 20 years, adds an annual 2% inflator, and is expected to generate \$1.4 million in the first year to fund maintenance of parks, **street trees**, greenbelts, bike paths, medians, public landscaping, urban wildlife and habitat, swimming pools, and public recreational facilities, be adopted?” (emphasis added).

The 2018 voter information packet for Measure H stated: “How does the City use the revenue from the Parks Maintenance Tax? The Parks Maintenance Tax provides \$1.4 million annually, which currently pays for 18% of parks maintenance costs. The funds are dedicated to assisting with the maintenance of parks, **street trees**, greenbelts, bike paths, medians, public landscaping, urban wildlife and habitat, swimming pools, and public recreational facilities in the community, such as building in parks, play structures, and courts and fields. **As a special tax, revenues must be spent only for these purposes**” (emphasis added). However, the impartial analysis of Measure H prepared by the City Attorney, through inadvertence or mistake, inserted “**street lighting**” in place of “**street trees.**”

After Measure H was passed with overwhelming support from Davis voters, Ordinance No. 2521 went into effect. Its title reads:

*“ORDINANCE OF THE CITY OF DAVIS AMENDING ARTICLE 15.14 OF CHAPTER 15 OF THE DAVIS MUNICIPAL CODE RENEWING AND AMENDING A PARK MAINTENANCE TAX TO FUND MAINTENANCE OF PARKS, **STREET TREES**, GREENBELTS, BIKE PATHS, MEDIANS, PUBLIC LANDSCAPING, URBAN WILDLIFE AND HABITAT, SWIMMING POOLS, AND PUBLIC RECREATIONAL FACILITIES TO ADD A TWO PERCENT INFLATOR TO THE MAXIMUM TAX RATE BEGINNING JULY 1, 2019 AND TO EXTEND THE TERM OF THE TAX TO 2038 SUBJECT TO THE APPROVAL OF THE VOTERS”* (emphasis added).

---

<sup>1</sup> The California Supreme Court has long recognized that “the language used in a statute or constitutional provision should be given its ordinary meaning, and —[i]f the language is clear and unambiguous there is no need for construction, nor is it necessary to resort to indicia of the intent of the Legislature (in the case of a statute) or of the voters (in the case of a provision adopted by the voters).” (*Lungren v. Deukmejian* (1988) 45 Cal.3d 727, 735.) The same principle applies to local governments, including the City.

Three sections of Ordinance No. 2521, now sections 15.14.010, 15.14.040 and 15.14.070 of the DMC, are seemingly inconsistent with both the measure’s title and the text of Measure H itself. These sections provide:

- “15.14.010. Findings. The Park Maintenance Tax currently provides funding to supplement the general fund for the maintenance of community parks, greenbelts, open space, **street lighting**, swimming pools, and related public recreational facilities” (*emphasis added*).
- “15.14.040. Park Maintenance Tax. (a) If approved by the voters, commencing July 1, 2018, for fiscal year 2018-2019, the city shall continue collecting funding for parks, open space, **public lighting** and related public recreational facilities in the form of a special park tax in the manner and at the rates set forth herein” (*emphasis added*).
- “15.14.070. Limitation on Disposition of Revenue. Revenues collected under the provisions of this article shall be deposited in a special fund called the park maintenance special tax fund and shall be used only for the operation and maintenance of landscaping, park, open space, median, greenbelt, swimming pools, public recreational facilities **and public lighting improvements**, within the City and for the incidental expenses incurred in the administration of this tax, including, but not limited to the cost of elections, and the cost of collection” (*emphasis added*).

The ballot language the voters intended to effectuate in approving Measure H in 2018 is clear and precise—a Street Tree is not similar to street lighting or public lighting. The City’s laws implementing Measure H do not conform to the ballot language. This alteration was made without voter approval. It would not be burdensome for the City Council to amend or revise the laws implementing Measure H to restore Street Trees as one of the categories receiving the benefits of this special tax. Amending these laws would promote voter confidence that the City is implementing Measure H according to voters’ intent.

### ***Measure H Revenue and Expenditures Lack Transparency***

Although Measure H revenues are shown as a line item in the City Budget, the City does not account for specific outlays from those revenues by category – maintenance of parks, Street Trees, greenbelts, bike paths, medians, public landscaping, urban wildlife and habitat, swimming pools, and public recreational facilities. This is because the \$1.5 million currently generated by Measure H annually amounts to only a fraction of the City’s expenditures in those areas. The typical City taxpayer may regard this as creating a “black box” effect: the money goes into the City’s coffers, but it is not obvious what becomes of it. This perception has been exacerbated by the City’s decision to begin

depositing Measure H revenues directly into the General Fund instead of utilizing a special fund for that purpose, as was done through the end of the 2020-21 fiscal year.<sup>2</sup>

City spending for each of the categories listed in Measure H is reported over a variety of line items in the annual budget for the Parks and Communities Services Department. There is an exception for expenditures for tree planting and maintenance, which are now aggregated within the Urban Forestry line item in the budget for the Public Works Department. There exists no simple, accessible statement of total City spending for each of the categories identified in Measure H. Such a statement would make it immediately clear to property owners that each category of concern identified in Measure H is receiving funding.<sup>3</sup>

By preparing and posting on the City's website a simplified summary of revenues received from Measure H and annual City expenditures on maintenance of parks, Street Trees, greenbelts, bike paths, medians, public landscaping, urban wildlife and habitat, swimming pools, and public recreational facilities, the City would provide Davis taxpayers with transparency and accountability in the use of Measure H funds. It is entirely possible that such a statement might generate even greater support for Measure H, by highlighting the disparity between the amount of funds received from the tax and the total outlays required for each category.

### ***Chapter 37 Information Is Incorrect***

The Grand Jury has determined that the City's tree management program has recently undergone a good deal of administrative change. This includes shifting the Urban Forestry Division from the Parks and Recreation Department to the Public Works Department, the departure of the City's long-time Urban Forestry manager, and the adoption of a new UFMP.

Responsibility for the tree program's operations is currently centered in four areas: Tree Davis (a private contractor/ volunteer organization operating under a memorandum of understanding with the City); the Tree Commission (a volunteer advisory group to the City Council); the

---

<sup>2</sup> City of Davis Municipal Code, section 15.14.070, states that Measure H revenues are to be "deposited in a special fund called the park maintenance special tax fund" which may be used only for the specific purposes listed in Measure H. It is not clear how the City was able to switch to depositing these revenues into the General Fund without violating this provision.

<sup>3</sup> Through 2021, there was no evidence that Measure H revenue was spent on street lighting or withheld from street trees. However, by placing Measure H revenue into the general fund, there is no way to confirm how Measure H revenue is spent.

Planning Commission; and the City's urban forestry staff. The Grand Jury could find no centralized, readily available statement, in the DMC or elsewhere, of exactly which agencies or officials are responsible for which elements of the City's tree program. The website for the Urban Forestry Division states: "Until further notice, please anticipate delays in response times for maintenance and planning activities of the Urban Forestry Division due to staff shortages."

This statement has been posted since February 24, 2023. Clearly, staffing levels are too low to accomplish and maintain the City's tree program. Moreover, existing information in DMC Chapter 37 is apparently incorrect. DMC 37.01.040 states that the City's community service director "shall be charged with the enforcement of this chapter." When the Grand Jury attempted to contact the director, it was found that she had no connection to the tree program.

### **COMMENDATION**

The Davis City Council should be commended for its Urban Forestry Program, and in particular, its innovative new Urban Forest Management Plan. Under its memorandum of understanding with the City, Tree Davis has sponsored educational events, in coordination with City staff, for multiple audiences. These outreach efforts have resulted in the development of an active volunteer program and a valuable volunteer list.

### **FINDINGS**

F-1: The City does not adequately inform homeowners about their responsibilities for maintaining City-owned trees on private property. This can result in inadequate or no watering of established Street Trees, especially those on rental properties managed by agents.

F-2: The City does not enforce compliance with Chapter 37 obligations to maintain City Street Trees.

F-3: The voter-approved ballot language in adopting the 2018 Measure H is clear and precise. However, the laws implementing Measure H substitutes "street lighting" for "street trees," contrary to the voters' intent.

F-4: Chapter 37 fails to provide current and accurate information as to which officials or agencies are responsible for overseeing the various elements of the City's tree program. This information is not available on the City's website.

## RECOMMENDATIONS

R-1: The Grand Jury recommends that the City clarify its expectations that private property owners maintain City-owned Street Trees on their property so that Street Trees do not suffer early decline that forces early removal at City expense. Publication of specific expectations for watering and coordination with other landscaping is needed. This outreach effort should include extra measures to communicate with absentee owners and property managers. This should be done by January 1, 2024.

R-2: The City should enforce compliance with Chapter 37 obligations to maintain City Street Trees.

R-3: The Grand Jury recommends that the City develop a means to incentivize the proper care of City-owned Street Trees on private property by providing a water allowance for this purpose, or similar measures such as making available appropriate irrigation materials and consultations with property owners. This should be completed by January 1, 2024.

R-4: The Grand Jury recommends that the City amend the language of Ordinance 2521, now DMC sections 15.14.010, 15.14.040, and 15.14.070, to effectuate voter's intent in adopting Measure H. This should be completed by January 1, 2024.

R-5: The Grand Jury recommends that the City post on its website a simplified summary of annual revenues received from Measure H and related appropriate annual City allocations and expenditures. This should be completed by January 1, 2024.

R-6: The Grand Jury recommends that Davis Municipal Code, Chapter 37, be amended to clearly identify responsible departments and officials charged with overseeing each element of the City's tree program. This information should be clearly posted on the City's website. This should be completed by January 1, 2024.

## REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests responses to its Findings and Recommendations from the **Davis City Council** within 90 days.

## END NOTES

- (1) [https://ballotpedia.org/Davis, California, Measure H, Park Maintenance Parcel Tax \(June 2018\)](https://ballotpedia.org/Davis,_California,_Measure_H,_Park_Maintenance_Parcel_Tax_(June_2018)) Measure H Parcel Tax
- (2) [https://content.qcode.us/lib/davis\\_ca/pub/municipal\\_code/files/ordlist.pdf](https://content.qcode.us/lib/davis_ca/pub/municipal_code/files/ordlist.pdf)
- (3) [https://library.qcode.us/lib/davis\\_ca/pub/municipal\\_code/item/chapter\\_37](https://library.qcode.us/lib/davis_ca/pub/municipal_code/item/chapter_37)
- (4) <https://www.cityofdavis.org/city-hall/urban-forestry/city-of-davis-urban-forest-management-plan>
- (5) <https://www.cityofdavis.org/home/showdocument?id=5638> 2002 UFMP
- (6) <https://www.cityofdavis.org/home/showpublisheddocument/17344/637813053672630000>
- (7) <sup>1</sup> In 1977, the City received recognition by the National Arbor Day Foundation and continues to receive this award annually. <https://www.cityofdavis.org/city-hall/urban-forestry>.
- (8) <sup>1</sup> 02/06/2018 City Council Minutes.  
<https://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CityCouncil/Council/Meeting/Minutes/2018/Minutes-2028-02-06-City-Council-Meeting.pdf>

## APPENDICES

- Appendix 1: City Tree Planting Notice
- Appendix 2: Caring for Young Trees
- Appendix 3: City Tree Planting Notice
- Appendix 4: There's No Doubt—We're in a Drought You Can Help!

**APPENDIX 1**

Davis, CALIFORNIA  
CITY TREE PLANTING NOTICE  
October 26, 2022

Occupant  
Davis, CA 95616

Dear Occupant,

The City of Davis Urban Forestry Division will be planting a tree soon at \_\_\_\_\_. Please read the following information carefully as the replacement tree will not be removed once it has been planted. This planting is happening because a City tree was removed. As part of the City's street tree planting program a replacement tree(s) will be planted at \_\_\_\_\_. City Trees are planted in the easement on your property, within 10 feet from the back of the sidewalk (back of the sidewalk is the edge of the sidewalk closest to your home). Generally, replacement trees are planted in or near the same location as the City tree that was removed.

The tree recommended (or specified per your request) for your property with consideration of soil, size, and location is: Bubba Desert Willow. To review information about this tree species, go to [www.nfei.org](http://www.nfei.org) and click on the SelecTree at the top of the page. You can enter the species name to see pictures and learn more about these trees. If you would like a different tree selection for your property, please contact our office as soon as possible via email at [CityTrees@cityofdavis.org](mailto:CityTrees@cityofdavis.org), so we can work with you to determine an appropriate alternative. Requested alternatives for trees must be received in writing and be an available species from City of Davis Master Street Tree list. Availability of species could be limited, and for that reason the City of Davis will be working with regional nurseries this planting season. To learn about the species available for this planting season please contact the Urban Forestry division at [CityTrees@cityofdavis.org](mailto:CityTrees@cityofdavis.org) or 530-757-5633. The City of Davis Master Street Tree list can be found on the City of Davis website at [https://www.cityofdavis.org/cit\\_half/urban-](https://www.cityofdavis.org/cit_half/urban-)

Prior to tree planting, a door hanger will be posted at your residence confirming the tree species, listing an approximate planting date, and explaining the tree planting location. Also, a flag will be placed in the general tree planting area and will be marked in paint. The paint marks the area that will need to be assessed for underground service lines

530-756-5686 | @CityofDavis @    
Public Works Utilities and Operations Department  
23 Russell Boulevard, Davis, CA 95616

and confirm that there are no utilities in the area before planting. If you would like to change the planting location, please keep in mind that the following specifications must be met:

- The tree must be kept within the City's 10' tree planting and maintenance easement. The 10' is measured from the back of the sidewalk (back of the sidewalk is the edge of the sidewalk closest to your home).
- The tree must be planted a minimum of 5' from City utilities such as the sewer and water lines.
- The tree must be planted a minimum of 4' from existing sidewalks and driveways.

To help with tree establishment, it is the property owner's responsibility to water the newly planted tree. This is an important partnership with the City of Davis; therefore, at the time of planting, tree care instructions will be left at the residence. Property owners are responsible for watering street trees that are on their property. With proper care, your newly planted street tree can become an integral part of our Community Forest.

The tree is the property of the City of Davis and will be maintained on a block pruning schedule. You can find information about caring for new trees and the block pruning schedule on the City of Davis website at <https://www.cityofdavis.org/city-halt/urban->

If at any time you feel the tree requires inspection, please contact the Urban Forestry Division staff. Staff can be reached at (530) 757-5633 to resolve any questions or concerns you have.

Sincerely,

Davis Urban Forestry Program  
Public Works Utilities & Operations Department

**APPENDIX 2**

# CARING FOR YOUR TREES

## Watering

Trees of all ages require watering to remain healthy.

Newly planted trees require regular watering to become established. At the time of planting, a basin can be constructed around the tree, slightly larger than the root ball to help direct water to the tree's roots. Fill the basin once or twice a week, as needed, to keep the root ball moist. More frequent watering may be required during periods of hot weather. Since soils and environmental conditions vary, periodically check the soil to see that it is not too wet or too dry and that you are watering deeply enough. Be sure to water the entire root area and slightly beyond.



Young, established trees require infrequent deep watering for root development and good tree growth. Drip irrigation is best to apply water slowly onto the soil, allowing the water to infiltrate into the root zone. A system that allows approximately 40 gallons of water to infiltrate per watering is a good starting point to keep the tree's roots moist. A good system is calibrated to adapt to the soil, weather conditions, and tree type prior to installing and irrigating.

Mature trees may only require watering in the hotter summer months. Water should be applied under the drip line when possible. Trees should be watered so the soil is at field capacity.

**APPENDIX 3**

**City Tree Planting Notice**

As part of the City's Urban Forestry Program a replacement tree will be planted in the City easement front of your home.

It is the goal of the City to have at least one tree on each lot (one on each side for corner lots). The tree is the property of the City of Davis and will be maintained on a block trimming schedule.

The tree recommended your lot with consideration of size, and location is a \_\_\_\_\_. Which is estimated to grow to \_\_\_\_\_ feet tall.

This is a deciduous evergreen tree.

Should you have any questions, please call the City's Urban Forestry Program at 530-757-5633 with your name and address. To view information about this tree species, go to [www.ufe.org](http://www.ufe.org) and click on "SelecTree." Please note that the City will not remove or relocate trees once they are planted.

The small flag placed in your yard indicates the area that was selected for the tree to be planted. If you would like the tree planted in an alternate location, move the flag to the spot you prefer. Please note that tree planting locations must be:

- Within 4-10 feet of the sidewalk.
- At least 5 feet from water, sewer or gas lines.

Depending on the weather we will plant your tree in the coming weeks.



APPENDIX 3

# There's No Doubt – We're in a Drought You Can Help!

With three dry years in a row, Davis is in a drought. Alongside the City's permanent mandatory water-use restrictions, the City has implemented Shortage Level 2 of the City's Water Shortage Contingency Plan (as required by the Governor). Shortage Level 2 restricts irrigation to three days per week and prohibits vehicle washing except at a commercial carwash. The state water-waste restrictions also remain in place. See below for more information on the sprinkler irrigation restrictions.

## Sprinkler Irrigation Restrictions

The City Council implemented watering restrictions for sprinkler/spray irrigation use that began November 1, 2021. The watering restrictions apply to all customers (residential and commercial) and will aid the City in reducing water usage. The watering restrictions only apply to sprinkler/spray irrigation and do not apply to other methods of irrigation such as drip systems and hand-watering.



**Sprinkler irrigation systems can water a maximum of three days a week on an odd/even watering schedule :**

**Odd numbered addresses: Tuesday, Thursday, and Saturday**

**Even numbered addresses: Wednesday, Friday, and Sunday**

Whether you own your property or are renting, we can all help to reduce water usage during these dry conditions. Learn more at: [SaveDavisWater.org](https://www.savedaviswater.org)

### Look Out for Leaks

- Look and listen for leaks. Make repairs or report leaks to the property manager.
- Register for AquaHawk (if you rent, check with your property owner/manager)
- Watch for water or gas (hot water) bill increases



### Save Water Indoors

- Only wash full loads of dishes and clothes
- Turn off the water while brushing teeth
- Take shorter showers or fill the bathtub less
- Save and reuse water for watering



### Save Water Outdoors

- Use a broom instead of a hose
- Repair leaks and broken sprinkler heads or report them to the property manager
- Water no more than three days per week (or less!) and keep deep watering your trees



## Prioritize watering trees

During the hot, dry summer months it is essential to water your trees. Deep watering of trees encourages root growth, helps reduce surface rooting, and helps keep trees healthy even during dry and/or drought conditions. Young and mature trees have different watering needs. Young, established trees require infrequent deep watering. Mature trees may only require watering in the hotter summer months. Drip or flood irrigation over the critical root zone (under the tree canopy) is usually the best way to water trees. Avoid spray irrigation if possible. If this is the only option, make sure the sprinklers do not spray the trunk of the tree. Visit [CityofDavis.org/City-Hall/Urban-Forestry](https://www.cityofdavis.org/City-Hall/Urban-Forestry) for details on tree watering.




**Public Works Utilities and Operations**  
 PWWeb@CityofDavis.org | 530-757-5686  
[SaveDavisWater.org](https://www.savedaviswater.org)

@GreenerDavis  





# YOLO COUNTY PUBLIC CEMETERIES

*With Great Autonomy Comes Great Responsibility*

A report by the 2022-23 Yolo County Grand Jury

**JUNE 1, 2023**

*There's something special about visiting a graveyard. Both life and death meet together in time." – Eric Overby*

## **SUMMARY**

Yolo County has six public cemetery districts which are independent "special districts" under California law. Within their boundaries, these public cemetery districts provide the single service of cemetery plots and interments (also known as burials) in cemetery plots for residents of the district. Each of the districts is governed by a board of trustees appointed by the Yolo County Board of Supervisors. Under state law, each of those public cemetery districts has exclusive jurisdiction over the maintenance and management of their cemetery.

Four of the six public cemeteries in Yolo County serve primarily rural areas, and the other two districts include the cities of Davis and Winters.<sup>1</sup> There are wide differences among the six districts. For example, the Davis Cemetery District operates a cemetery serving a population of 73,930 with 27 developed acres and has a land service area of 43.28 square miles. The Knights Landing Cemetery District operates a cemetery with 6.2 developed acres, serving a population of 1,154 with a land service area of 33.62 square miles. The small population in the Knight's Landing Cemetery District service area has led to difficulties in finding volunteers to serve on the district's Board of Trustees.

With smaller budgets, maintenance and upkeep at the rural cemeteries can be challenging. Financial challenges are apparent at the Cottonwood Cemetery District (CCD) south of Madison, California where there are no formal guidelines or expectations for

---

<sup>1</sup> While there are a large number of cemeteries in Yolo County, only six are organized and operated under the Public Cemetery District Law (Health and Safety Code sections 9000 - 9093): Capay Cemetery District, Cottonwood Cemetery District, Davis Cemetery District, Knights Landing Cemetery District, Mary's Cemetery District and Winters Cemetery District.

the groundskeeper's duties and no records of hours worked or tasks accomplished to fulfil them. A close family relationship between a member of the CCD's Board of Trustees and the current groundskeeper for the District raises questions of possible nepotism or a conflict of interest. Formalizing maintenance duties and accountability for the groundskeeper and adopting a nepotism policy can provide more confidence that the CCD is using its limited resources to maintain the cemetery grounds in the best manner possible.

Public cemetery districts perform a vital function and service within Yolo County. Residents within the boundaries of each of the Yolo County public cemetery districts should have easy access to accurate information regarding the governance and operations of each cemetery. Such information is normally made available via a website; yet three of the six public cemeteries do not have one. While the lack of a website limits access and transparency for residents of the county, it also means the three cemetery districts are out of compliance with state law.

#### **TERMINOLOGY AND DEFINITIONS**

***Independent Special District:*** An Independent Special District (ISD) is an agency with a locally elected or appointed board that makes independent decisions (i.e., not subject to review by a city or county).

***Public Cemetery District:*** Such districts are granted by law the power to own, operate, improve and maintain cemeteries and provide interment services within the district's boundaries. Each cemetery district in Yolo County has one public cemetery.

***Yolo LAFCo:*** Yolo Local Agency Formation Commission is a state-mandated agency located in Yolo County which coordinates and manages special districts.

#### **BACKGROUND**

A complaint was received from a citizen regarding the lack of maintenance and overgrowth at the Cottonwood Cemetery. Upon investigation of that complaint, the 2022-23 Yolo County Grand Jury (Grand Jury) learned about the six public cemetery districts within Yolo County and their varying sizes and budgets. The largest district, in Davis, has multiple groundskeepers and a superintendent on staff and the ability to bring on seasonal help. Other districts have much smaller operations and maintenance budgets. The Grand Jury focused its investigation on possible deficiencies and opportunities to optimize spending of limited maintenance funds, and on improving public access to information about the budgets and activities of these public cemetery districts.

## **APPROACH**

The Grand Jury interviewed cemetery district trustees and county staff providing support functions to public cemetery districts. It reviewed minutes and agendas for the CCD's Board of Trustees' meetings, reviewed conflict of interest documents related to the CCD Board of Trustees, reviewed financial and budget documents for the four "rural" public cemetery districts within Yolo County (Capay Cemetery District, CCD, Knights Landing Cemetery District and Mary's Cemetery District), and reviewed the [Yolo Local Agency Formation Commission's \(LAFCo\) 2022 Website Transparency Scorecard](#). (1,2) The Grand Jury also inspected the four "rural" Yolo County public cemeteries identified above. Please see the district map in Appendix 1.

## **DISCUSSION**

### ***Authority and Governance of Public Cemetery Districts***

Beginning in 1909, the California Legislature authorized the creation of cemetery districts to assume responsibility for the ownership, improvement, expansion and operation of public cemeteries. These districts provide communities with the means to publicly finance the ownership and operation of public cemeteries, and to enable cost-effective interments, particularly in rural areas. Public cemetery districts are special districts that are legally separate from any other unit of state or local government. (California Health and Safety Code (HSC) section 9007 (c))

Public cemetery districts "shall maintain the cemeteries owned by the district and in doing so, shall have exclusive jurisdiction and control over the maintenance and management of those cemeteries". (HSC section 9040.) The rights and powers given to a district include:

- "To engage necessary employees, to define their qualifications and duties, and to provide a schedule of compensation for the performance of their duties.
- To enter into and perform all necessary contracts.
- To adopt and enforce rules and regulations for the administration, maintenance and use of cemeteries." (HSC section 9041)

Public cemetery districts are governed by a board of trustees who establish policies for the operation of the district. The board "shall provide for the faithful implementation of those policies which is the responsibility of the employees of the district." (HSC section 9020) The board of supervisors for the county containing the cemetery district territory appoints either three or five voters in the district to the board of trustees. (HSC section 9021) The trustees "shall exercise their independent judgment on behalf of the

interests of the residents, property owners, and the public as a whole in furthering the purposes and intent of [the Public Cemetery Law]”. (HSC section 9022)

***Governance Issues at Knights Landing Cemetery District***

The Knights Landing Cemetery District is governed by a three-member board of trustees; two of the three trustee positions are currently vacant. As a majority of the board is required to establish a quorum for the transaction of business, and as the board of trustees may only act by ordinance, resolution, or motion, the vacancies prevent the Knight’s Landing District board from conducting business. Under HSC section 9024 (c), any vacancy in the office of a member appointed to the board of trustees “shall be filled promptly.” The two trustee positions on the Knight’s Landing Cemetery District board have been vacant since at least September 12, 2022.<sup>2</sup>

***Funding and Maintenance Issues at the Cottonwood Cemetery***

Public cemetery districts are primarily funded by a small share of county property tax revenue. (HSC section 9073.) Cemetery districts in high-property-value areas annually receive more funding from taxes than districts in lower-density areas, by virtue of the higher value of property from which taxes are collected within the district’s service area. Any increase in tax revenue for a district would require the approval of the voters within the public cemetery district’s boundaries. Public cemeteries are also authorized to sell interment rights to residents of the district.

Since 1985 all public cemetery districts have been required to build “endowments” from the interment rights sold, to fund long-term maintenance. (HSC section 9065.) Public cemeteries may generally only spend the interest, not the principal, of these endowment funds. For the rural public cemetery districts in Yolo County, the endowment funds do not make a significant contribution to maintenance costs. Cottonwood’s financial statements, for example, list an endowment of about \$13,569 that yields about \$560 annually.

The CCD covers a land service area of 99.20 square miles, serves a district population of 2,212 and is governed by a three-member board of trustees. The CCD is largely

---

<sup>2</sup> Although not an ideal solution as it contravenes local governance, should the Knight’s Landing Cemetery District cease capability to provide for the operations and maintenance of the public cemetery, the Yolo County Board of Supervisors can assume control of the cemetery operations and management by appointing itself as the board of trustees for the District. (HSC section 9026.)

dependent on the tax revenues collected within the district's service area and receives very limited revenue from plot sales or burials. Nearly 60 percent of the annual budget for CCD is allocated to payment for a groundskeeper. The full cost for the groundskeeper is \$18,400 per year, the majority of the annual budget. This limited budget contrasts starkly with the Davis Cemetery District which employs five individuals with wages of \$345,410 per year and includes a superintendent and three groundskeepers.

Although public cemetery districts are statutorily charged with maintaining their cemeteries, there is no general maintenance standard or guideline in the law for the districts. As independent special districts, each public cemetery has "exclusive jurisdiction and control over its maintenance and management." (HSC section 9040 (c))

The CCD has not adopted any maintenance standards for its cemetery grounds. Although it engages a groundskeeper with a direct payment of \$16,500 for the fiscal year 2021-22 (beginning July 1), there is no written duty statement or job expectations for the groundskeeper. The groundskeeper is not required to keep track of hours worked or tasks completed. Any direction from the CCD Board of Trustees regarding maintenance is verbal and is only provided if necessary.

The Grand Jury observed the grounds of the Cottonwood Cemetery itself on multiple occasions and found that the grounds were not well-maintained. The Grand Jury observed grass and weeds obstructing the flat markers of individual graves and observed overgrown shrubs and trees obscuring headstones and monuments on the cemetery grounds. These observations were made over the course of several months to account for any limitations on maintaining the grounds presented by the weather.

***Management Documents at CCD***

Public cemeteries are required to maintain accurate and current records of interment rights and the location of available plots, as well as details for each person buried in the cemetery: name, age at time of death, and interment plot. These records can be kept in their original form or any other method that can produce an accurate reproduction of the original record. (HSC 9064)

The Grand Jury found that recordkeeping at CCD was dated. A sole map of the cemetery on paper was available, but no digital records exist. Should the paper records be lost, there would be little available to show the arrangement of plots. Software products

such as *Cem Sites*, *Plot Box*, and *Crypt Keeper* offer easy ways to document assets, as well as provide tools for making records public on a website.

*Photos of the Cottonwood Cemetery taken by the Grand Jury*





Although the state law does not include any maintenance standards for public cemeteries, there are standards for other cemeteries which could provide guidance. Private cemeteries in California are licensed and regulated by the California Cemetery and Funeral Bureau.<sup>3</sup> Those private cemeteries are required to have minimum maintenance standards for cemetery property including:

- Trim and mow grass to a level where flat markers of individual graves can be seen; prune shrubs and trees in and around the cemetery.
- Suppress or remove weeds on the developed cemetery property.
- Provide sufficient water to keep cemetery grass and plants as green as seasonally possible in accordance with natural terrain.
- Repair or restore improvements, structures and fences on the property.
- Keep cemetery roads accessible and repair surfacing which presents a hazard.
- Provide clear delineation of undeveloped cemetery property with the use of signage. (Cal. Code of Regs., tit. 16, § 2333)

***Conflicts of Interest and Nepotism Issues at CCD***

California Law includes the Political Reform Act of 1974 (PRA). Statutory provisions of the PRA prohibit public officials from participating in governmental decisions in which they have a financial interest. “Assets and income of public officials which may be materially affected by their official actions should be disclosed, and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided” (California Government Code section 81002 (c)). Under the PRA, “[a] public official has a disqualifying financial interest if the decision will have a reasonably foreseeable material financial effect, distinguishable from the effect on the public generally, directly on the official, or the official’s immediate family, or any financial interest described in subdivision (c)(6)(A-F) herein.” (Cal. Code. Regs., title 2, § 18700 (a))

To help identify potential conflicts of interest, the law generally requires public entities to adopt Conflict of Interest Codes and for public officials to file Statements of Economic Interests (Form 700) which are public documents. In September 2022, the CCD Board of Trustees sought and apparently obtained an exemption from the requirement to adopt

---

<sup>3</sup> The State of California does not license cemeteries operated by public cemetery districts, nor those operated by cities, counties, the military, Native American tribal organizations, or religious organizations.

a conflict-of-interest code from Yolo County.<sup>4</sup> Without a conflict-of-interest code, the CCD Board of Trustees do not file Form 700s with the state.

Nepotism is the practice of using influence or power to aid or hinder another in the employment setting because of a personal relationship, including association by blood, marriage, and/or cohabitation. Many agencies have adopted anti-nepotism policies to ensure that employment decisions, including the recruiting, hiring and assigning work to employees, are fairly made and are not improperly influenced by personal relationships.

The CCD groundskeeper is an immediate family member of a CCD Board member. The Grand Jury is concerned that this relationship has the potential to improperly impact decisions of CCD regarding the groundskeeper and maintenance tasks performed by the groundskeeper, and to discourage full reporting about expenditures.

***Requirement to Maintain a Website***

Senate Bill 929 added Government Code sections 6270.6 and 53087.8 to provide the public with accessible and accurate information through creation of agency websites. By January 1, 2020, all independent special districts in California were required to maintain a website. The required website must clearly list contact information for the Independent Special District. (Government Code sections 6270.6 and 53087.8) The website is also required to include:

- information on the annual compensation of officers and employees (Government Code section 53908.);
- financial reports (Government Code section 53890-53993); and
- meeting agenda postings. (Government Code section 54954.2)

A special district may annually adopt a resolution to determine that a hardship exists preventing the district from establishing and maintaining a website. The resolution must include detailed findings supporting the related hardship. Such hardships can include, but are not limited to, inadequate access to broadband communications, significantly limited financial resources, or insufficient staff resources. (Government Code section 53087.8)

---

<sup>4</sup> It is not clear to the Grand Jury that the CCD request for an exemption should have been approved by Yolo County as the CCD Board of Trustee’s “possess decision-making authority as defined in Regulations 18700(c)(2).” In any event, the Grand Jury findings and recommendations in this report are not contingent upon a current legal requirement for the CCD to adopt a Conflict-of-Interest policy.

Each year, Yolo LAFCo publishes a web transparency score card for the cities/county, special districts, and joint powers authorities within the county (71 agencies in total). The *Yolo Local Government 2022 Website Transparency Scorecard* reveals that 82% of Yolo County's ISDs (23 out of 28) had a website in 2022. Three of the five independent special districts without a website were public cemetery districts: Capay Cemetery District<sup>5</sup>, Cottonwood Cemetery District and Knights Landing Cemetery District.

Yolo LAFCo sends all local government agencies, including the rural independent special districts, a courtesy letter each year reminding agencies of transparency evaluations to occur in the fall and the website scorecard after it is finalized each year, in January or February. The letter encourages local government agencies without a website to contact Yolo LAFCo for information about affordable website options and available scholarships so special districts can apply for 15 months of free website services through the [Special District Leadership Foundation](#). (3)

## **FINDINGS**

- F-1 The Knights Landing Cemetery District is governed by a three-member board of trustees and has two current vacancies, which impairs proper governance and operations under the law.
- F-2 The Cottonwood Cemetery District lacks guidelines or maintenance standards for the cemetery grounds, which may contribute to the observed unkempt appearance with grass, shrubs and trees obscuring flat markers of individual graves, headstones and monuments.
- F-3 The Cottonwood Cemetery District lacks a formal process for evaluating the work completed by the groundskeeper or for tracking the employee's work hours or schedule, which may contribute to the observed unkempt appearance as well as concerns about whether and when work is performed.
- F-4 A close familial relationship exists between a current trustee serving on the Board of the Cottonwood Cemetery District and the groundskeeper as the sole employee of the District. This raises questions of nepotism and the specter of a conflict of interest.
- F-5 The Capay Cemetery District, Cottonwood Cemetery District and Knights Landing Cemetery District are each out of compliance with state law (Government Code sections 6270.6 and 53087.8) requiring that independent

---

<sup>5</sup> For 2021 only, the Capay Cemetery District adopted a hardship resolution determining the district could not adopt a website, so the district was deemed compliant with SB 929 for that year.

special districts in California either maintain a website by January 1, 2020, or adopt a hardship resolution annually.

- F-6 The Cottonwood Cemetery District does not manage records of the location and ownership of burial sites and remains interred in a manner that can be maintained, reproduced or recovered easily.

**RECOMMENDATIONS**

- R-1 The Yolo County Board of Supervisors should make appointments as soon as possible to fill the two vacancies on the Knights Landing Cemetery District Board of Trustees.
- R-2 The Cottonwood Cemetery District should adopt cemetery maintenance standards by January 1, 2024, to ensure the property is appropriately and regularly maintained, including trimming and mowing grass, and pruning shrubs and trees around the cemetery.
- R-3 The Cottonwood Cemetery District should adopt written guidelines or expectations for individuals performing groundskeeper and maintenance services for the District by January 1, 2024, including accountability provisions to ensure the maintenance and upkeep of the cemetery grounds, guidelines and expectations are being followed.
- R-4 The Cottonwood Cemetery District should adopt both a Conflict of Interest and a Nepotism Policy by January 1, 2024, to ensure that decisions made represent the interests of the public as a whole and not the interests of any Trustee.
- R-5 The Cottonwood Cemetery District should establish a website by January 1, 2024.
- R-6 The Capay Cemetery District should establish a website by January 1, 2024.
- R-7 The Knights Landing Cemetery District should establish a website by January 1, 2024.
- R-8 The Cottonwood Cemetery District should make available to the public the location and ownership of burial sites and remains interred, in reproducible form by April 1, 2024. This information could be displayed on a website.

**COMMENDATION**

All trustees of the various public cemetery districts in Yolo County are volunteers and the Grand Jury would like to commend each trustee for their public service in these important positions.

## REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requires responses to its Findings and Recommendations as follows:

From the following governing bodies:

- Yolo County Board of Supervisors – F-1, R-1
- Cottonwood Cemetery District Board of Trustees – F-2, F-3, F-4, F-5, F-6, R-2, R-3, R-4, R-5, R-8
- Capay Cemetery District Board of Trustees – F-5, R-6
- Knight’s Landing Cemetery District Board of Trustees – F-5, R-7

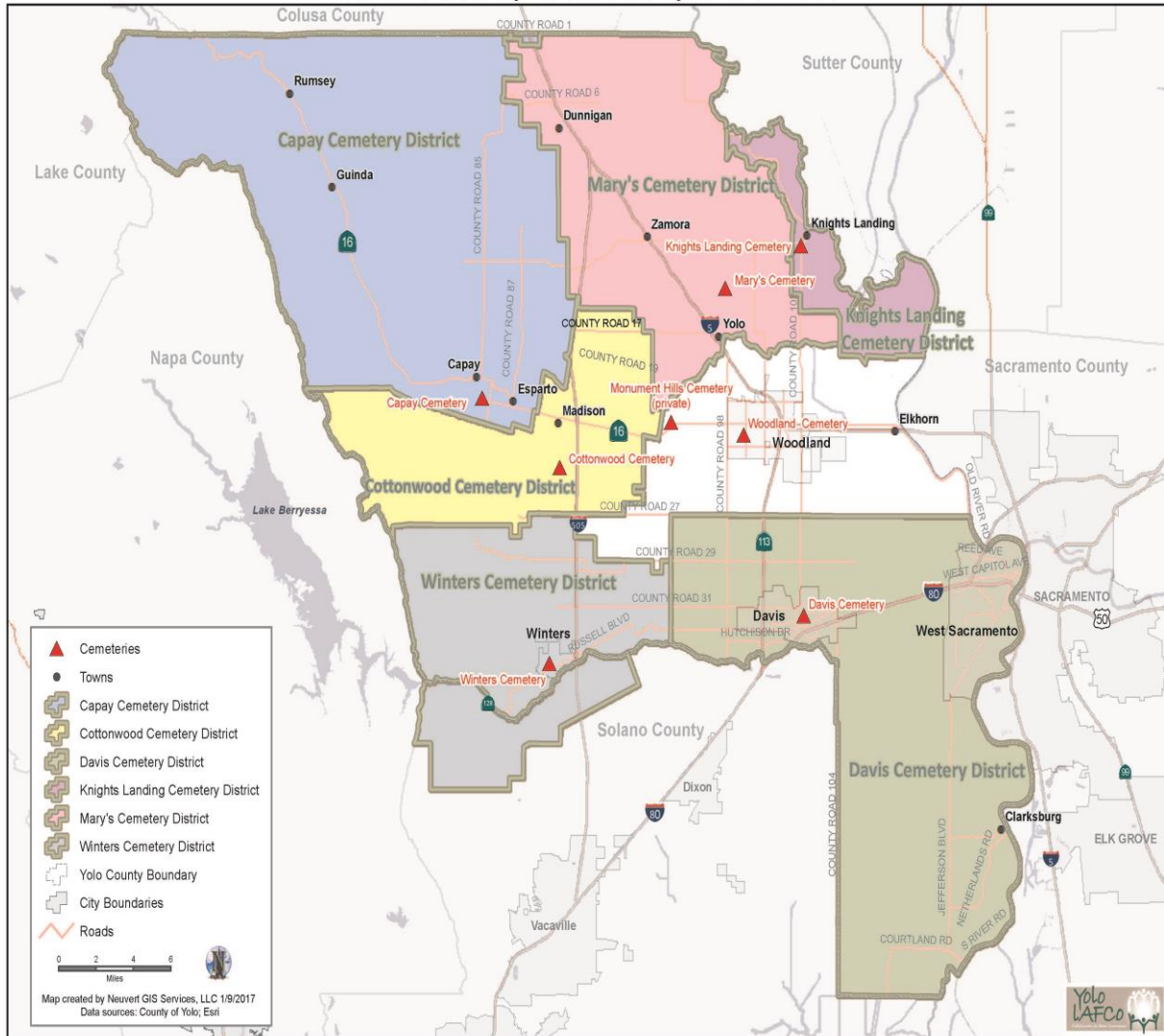
## END NOTES

1. Yolo LAFCo: <https://www.yololafco.org>
2. Website Transparency: <https://www.yololafco.org/yolo-local-government-website-transparency-scorecards>
3. Special District Leadership Foundation: <https://www.sdlf.org/home>

- |   |
|---|
| <ol style="list-style-type: none"><li>4. Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.</li></ol> |
|---|

APPENDIX

Yolo County Cemetery Districts





# MEETING THEIR OBLIGATIONS?

## *A Report on Yolo County Detention Facilities*

By the Yolo County Grand Jury

June 1, 2023



Courtesy photo

### TABLE OF CONTENTS

Summary	Page 2
Terminology and Definitions	Page 3
Background	Page 4
Approach	Page 5
Discussion	Page 6
<u>Detention Facility Tours</u>	Page 6
<u>Detention Facility Enhancement</u>	Page 8
<u>Programs</u>	Page 9
<u>Visitation and Grievances</u>	Page 13
Commendations	Page 17
Findings	Page 17
Recommendations	Page 18
Required Responses	Page 18
End Notes	Page 19

*“It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones.”*

*Nelson Mandela*

**SUMMARY:**

The 2022-23 Grand Jury (Grand Jury) inspected the Yolo County Monroe Detention Facility (MDF), which houses adult males, on November 2, 2022. On January 10, 2023, the Grand Jury inspected the Women’s Facility, which is temporarily housed in a section of the Yolo County Juvenile Detention Facility (JDF), and on January 25, 2023, the Grand Jury toured the juvenile section of the JDF. Another facility, the Walter J. Leinberger Detention Center, has been demolished, and a new facility, which will replace it, is nearing completion. The new facility will house low-risk adult incarcerated persons serving out their sentences, with an emphasis on providing program and medical needs. All of the facilities are located in the City of Woodland.

The Grand Jury found the facilities to be clean and sufficiently staffed, although vacancies exist as in all areas of law enforcement. Several newer sections of the MDF, including the incarcerated persons program area, were still being updated. The Grand Jury also found opportunities for improving the MDF grounds.

The Grand Jury found that while programs to support incarcerated persons and reduce recidivism rates were paused during the COVID-19 pandemic, significant steps, including the hiring of additional staff, have been taken during the past year to reinstate and improve the programs offered.

During interviews with corrections staff, a technology solution was identified that the Grand Jury agrees could both improve the safety and security of incarcerated persons and help protect the Yolo County Sheriff’s Office from potential lawsuits.

The Grand Jury also reviewed [reports](#) from earlier grand juries dating as far back as 2017-18. The reports recommended improvements to visitation and grievance systems at the facilities. (1) While steps are being taken to improve those systems, the Grand Jury found they are still not fully implemented.

## TERMINOLOGY AND DEFINITIONS

***Board of State and Community Corrections:*** The [Board of State and Community Corrections](#) (BSCC) is a California agency that conducts biennial inspections of state, county, city, and court detention facilities. (2) The BSCC also posts its biennial reports on its [website](#). (3)

***Jail Management System:*** [Lawinsider.com](#) defines a Jail Management System (JMS) as “a software program utilized by a jail facility to store jail data and to track inmate information and status beginning at booking and until release.” (4) More specifically, a JMS provides a single entry, comprehensive incarcerated person management system that makes real-time incarcerated person information available to any system user. Typically, this involves a software program utilized by a jail facility to store jail data and to track incarcerated person information and status from the time of booking through release.

***Records Management System:*** The Office of Justice Programs, U.S. Department of Justice, defines a [Records Management System](#) (RMS) as “an agency-wide system that provides for the storage, retrieval, retention, manipulation, archiving, and viewing of information, records, documents, or files pertaining to law enforcement operations.” (5)

***Types of Facilities:*** The Monroe Detention Facility (MDF) is a Type II medium/maximum detention facility rated to house adult incarcerated persons with all security classifications, depending on their perceived public safety risk. The BSCC classifies county facilities in its 2022 report as:

- Type I facility: a local detention facility used for the detention of persons for not more than 96 hours, excluding holidays, after booking. May also be used for short-term sentences, depending on local policy.
- Type II facility: a local detention facility used for the detention of persons pending arraignment, during trial, and upon a sentence of commitment.
- Type III facility: a local detention facility used only for the detention of convicted and sentenced persons.
- Type IV facility: a local detention facility or portion thereof designated for housing under Penal Code Section 1208 for work/education furlough or other programs involving access into the community.

## **BACKGROUND**

California Penal Code section [919\(b\)](#) provides: “The grand jury shall inquire into the condition and management of the public prisons within the county.” (6) To fulfill this statutory obligation, the Grand Jury visited the Monroe Detention Facility (MDF) housing men; the women’s facility located in a separate section of the Yolo County Juvenile Hall (JDF); and the area of the JDF housing three juveniles at the time of the Grand Jury’s visit. The MDF and the women’s section of the JDF are managed by the Yolo County Sheriff’s Office (YCSO), while the Yolo County Probation Department oversees the youth section of the JDF.

Before the MDF tour, the Grand Jury watched a training video developed by the Board of State and Community Corrections (BSCC) to learn about visitor requirements and expectations. The Grand Jury also used questions developed by the BSCC related to all areas and activities within a facility to encourage a better understanding of the facility and its operations. Grand Jurors added items to be observed or questions to ask, as desired.

The Grand Jury met with the facility’s Correctional Command Team at the beginning of the MDF tour. The focus was on the facilities themselves and jail operations regarding incarcerated person medical treatment, mental health, nutrition, visitation procedures, the impact of COVID-19 restrictions, how grievances are managed, and pre-release programs.

The Grand Jury also toured several areas within the MDF, including incarcerated person intake booking and release, the healthcare wing, incarcerated person housing pods, recreation yard, main kitchen, laundry, central control, staff offices/training rooms, classrooms, and incarcerated person visiting areas. The Grand Jury interviewed correctional officers, supervisors and incarcerated persons. Before the tour, the Grand Jury was provided with a copy of the *Inmate Rules Handbook*.

## **APPROACH**

The Grand Jury interviewed knowledgeable persons about the programs available to those incarcerated at the MDF in order to follow up on recommendations made by previous Yolo County Grand Juries, and reviewed government and public domain sources.

The Grand Jury reviewed jail policies and procedures and the BSCC's inspection report on the MDF dated September 11, 2022. The BSCC report showed that the YCSO and its detention facilities were compliant with California law and regulations.

The Grand Jury also reviewed a report by the 2017-18 Grand Jury entitled *Inmate Visitation Policy at the Monroe Detention Facility*, and reports by the 2021-22 Grand Jury entitled *Cancelled: Visitation Policies at the Monroe Detention Facility*, and *A Snapshot in Time: An Overview of the Yolo County Jail*.<sup>1</sup> The recommendations from the 2017-18 Grand Jury focused on implementing a “more convenient and more family-friendly [visitation] schedule” and an online system for making visitation appointments (Recommendations 1 and 2). Those recommendations were echoed and built upon by the 2021-22 Grand Jury in its report *Cancelled: Visitation Policies at the Monroe Detention Center* (Recommendations 1, 2 and 3). In another report, *A Snapshot in Time: An Overview of the Yolo County Jail*, the 2021-22 Grand Jury recommended that the “YCSO prioritize the hiring of a full-time program coordinator to

---

<sup>1</sup> See End Note ([1](#))

better support inmates in preparing for their release back into our communities...” and establish a computerized grievance system (Recommendations 1, 2 and 3).

## **DISCUSSION**

### ***Detention Facility Tours***

The Monroe Detention Facility (MDF), which currently only houses male adults, was built in 1988 and upgraded subsequently with a new booking area and a new medical and mental health wing. The Grand Jury found the facility to be clean, well-lit and with a comfortable temperature overall. There were several classrooms, some of which are still awaiting technical upgrades for video conferencing. Incarcerated persons have access to computer tablets, which are used for online classes and ordering items from the commissary. When fully implemented, the tablets also could be used for scheduling and conducting virtual visits as well as filing grievances.

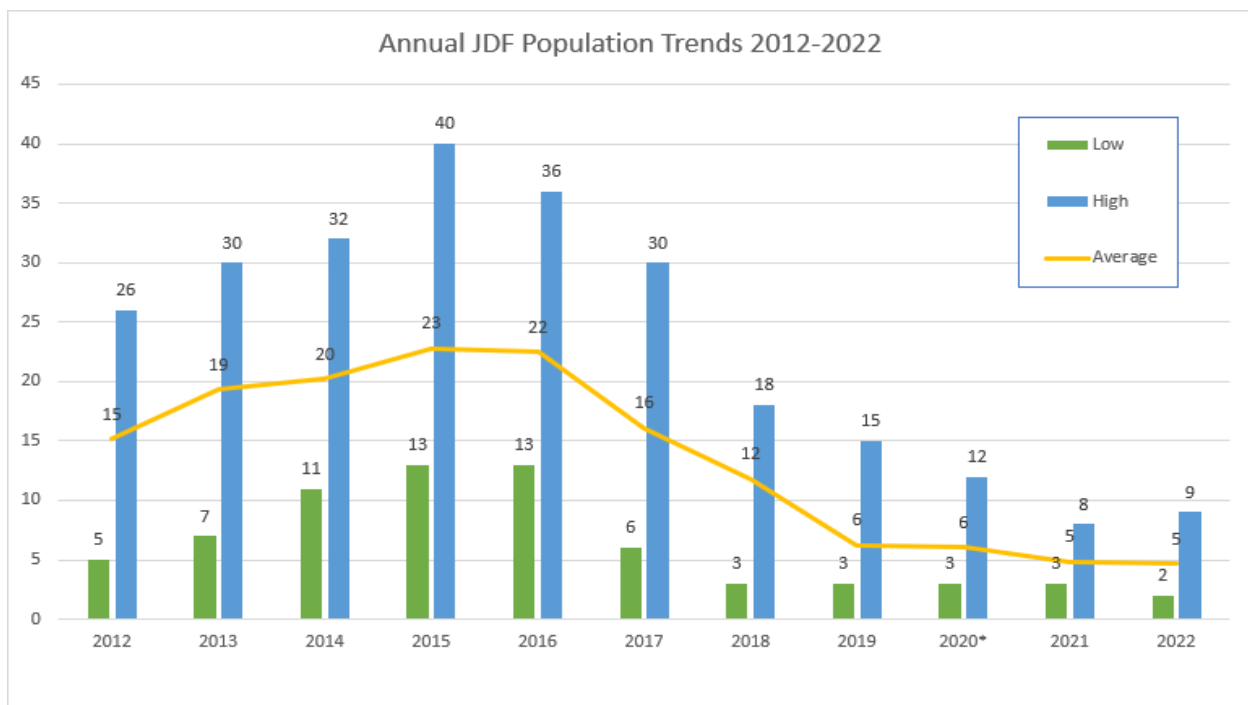
The exercise yards were found to be small and offered limited opportunity for incarcerated persons to work out. No green spaces, such as gardens, were visible from within the facility by incarcerated persons. Green spaces would provide an opportunity for incarcerated persons to interact with nature.

During interviews, incarcerated persons praised the MDF, its staff and the quality and quantity of the food. They felt that staff cared about them as individuals, in contrast with their incarceration experiences at other detention facilities. One inmate noted that the programs available at MDF were not as robust then as those provided at state detention facilities.

The Yolo County Juvenile Hall, also known as the Juvenile Detention Facility (JDF), has two separate sections: one is for male youth and the other is a temporary facility for adult female incarcerated persons. The YCSO is having discussions about whether and when the women will be moved to MDF or the new Leinberger facility now being completed. Currently JDF separately houses three youth and, on average, 20 women. This facility is managed by the Yolo County

Probation Department (except for the adult females overseen by the YCSO). JDF was built in 2005 and designed to house 90 juvenile incarcerated persons. Currently housing so few incarcerated persons, it is significantly underused.

According to Probation Department staff and a report by the [California State Association of Counties](#) entitled *California County Adult Criminal Justice Cost-Benefit Model Guide*, the occupancy rate at juvenile facilities statewide has decreased significantly over the past five years due to changes in state laws, probation departments' increased focus statewide on rehabilitation efforts aimed at keeping youth out of juvenile facilities, and overall philosophical shifts by society on the detention of juveniles. (7) The result of these changes is reflected in the following chart, which can be found in a report entitled *Juvenile Justice Trends in California* published by the Chief Probation Officers of California. The report was provided to the Grand Jury by the Probation Department. (8)



Other counties in California have seen drastic reductions in their juvenile facility populations as well. Continuing to house only three youths in a large, outdated facility once the women are moved has both financial and ethical implications to Yolo County. Staff reported that if the

facility was closed, it could not be reopened as a juvenile detention facility without major upgrades at significant cost due to new state standards. Although the current facility does not meet the new standards, it is allowed to continue to operate because it was built before the new standards were instituted. The Yolo County Board of Supervisors recognizes the high cost of housing so few incarcerated persons, so it has been [considering](#) contracting with detention facilities in neighboring counties and exploring alternative uses for the facility if and when it is vacated. (9)

Grand Jurors interviewed two juvenile incarcerated persons who said they had no serious complaints about the facility or the staff. They also knew about the possible closure of the facility and hoped that it would not be shut down. They felt that the care and attention they received at this facility was of high quality, and that, if they were transferred, the care and attention they would receive elsewhere would likely decline significantly.

The JDF overall appears to be in good condition. In the adult women's section, the walls in the common area host a large mural and attractive colors. The Grand Jury was allowed to enter one unoccupied cell. The bed, toilet and sink area were visible from the cell door. In that example, however, the walls had not been painted in some time; their condition was poor, with large scrapes and partially removed graffiti from previous incarcerated persons. The mattress, atop a concrete slab, was only three inches thick.

Since the outbreak of the COVID-19 pandemic, the women have not been allowed to dine together, but must continue to eat meals in their own cells. Being unable to interact during even these short periods makes building and sustaining healthy relationships very difficult. In addition, the JDF has a different wireless communication system than the one in the MDF; as a result, women housed there are unable to use computer tablets. While in their pods or the general-use area (formerly also used as the dining area), female incarcerated persons have access only to crayons, games, puzzles, or paperback books for learning or entertainment purposes. This will be corrected once the women are rehoused.

The Grand Jury interviewed one woman incarcerated in her section of the JDF. She was pleased with the food she received but was unhappy that she had to eat in her room and not with others.

### ***Detention Facility Enhancement***

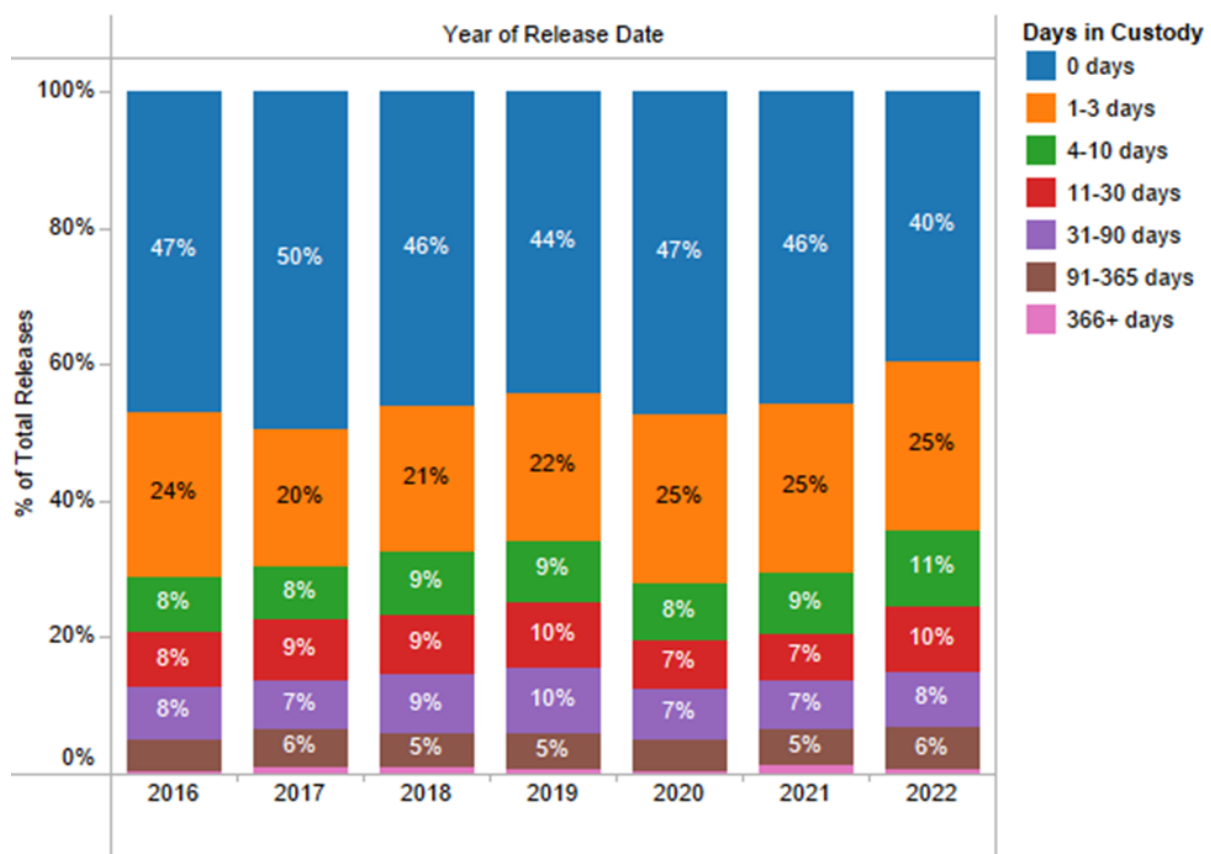
MDF command staff were asked that if they had a “dream list” of changes or programs they would like to see become a part of their department. One staff member commented that the YCSO is already working on better communication with line staff. The other item, raised by several staff, was their desire to implement an RFID (radio frequency identification) software program. An example of such a system is the [GUARDIAN RFID](#) program, which enables corrections staff to capture every observation, interaction, and service provided to incarcerated persons in order to demonstrate compliance with jail standards. (10) The Grand Jury reviewed publicly available materials related to RFID programs and spoke to a vendor, particularly with respect to improved security aspects.

Staff stated that a primary challenge facing detention facilities today is a lack of consistent and concise incarcerated person management records that should be easy to access. RFID systems frequently include cell check observations captured at certain intervals which record an officer’s observations on an incarcerated person’s demeanor, out-of-cell movements, meal and recreation offerings, and medical access. Such awareness can both help prevent and respond timely to problems or needs.

By capturing a wide range of information about what an incarcerated person is doing, where they are going, and what they are given in real-time, an RFID system can also streamline compliance reporting as well as help mitigate risk to jail staff of future legal actions, including allegations of deliberate indifference or civil rights violations.

**Programs**

Detention facilities, such as the MDF, primarily offer two types of programs: those focused on providing assistance to persons while incarcerated and those that can help them re-enter their communities effectively. Such programs have been proven to reduce [recidivism](#). (11) In 2022, 86 percent of incarcerated persons in Yolo County detention facilities were in custody less than 30 days: 40% 0 days, 25% 1-3 days, 11% 4-10 days, and 10% 11-30 days. The table below, provided by the YCSO, groups numbers of days persons were incarcerated at the MDF from 2016 through 2022.



The shorter the period incarcerated, the fewer the programs that can be provided effectively. For example, incarcerated persons serving 10 days or less in the MDF can be enrolled in the [CalAIM](#) program (California’s initiative to improve Medi-Cal) (12), receive documents with contact information for hotlines, shelters, homeless outreach, etc., and take advantage of the in-custody literacy program coordinated by the City of Woodland Library. Incarcerated persons

serving more than 30 days have access to additional programs such as the Day Reporting Center<sup>2</sup> (DRC), Medication Assisted Treatment (MAT), and Substance Use Disorder (SUD).

In addition to the programs offered to persons while incarcerated, YCSO and Probation Department staff work to help them re-enter their communities successfully. Sixty days before release (or earlier if the release date comes sooner than expected), Probation staff meet with the incarcerated person to assess their long-term health needs, provide access to Medi-Cal, housing and behavioral health treatment services, help with identification needs (such as California identification or driver's license), and provide detailed information about Yolo County's many resources.

The programs available to incarcerated persons were reduced significantly during the COVID-19 pandemic. The Grand Jury reviewed one grievance from an incarcerated person asserting that the MDF failed to provide programs. All the programs noted above have been reinstated at this time. By June 30, 2023, the YCSO expects to add two more programs for longer term incarcerated persons: education and training on workplace skills and a "career online high school program". One program is coordinated by YoloWorks, a Health and Human Services Agency program, and focuses on critical thinking, decision making, problem solving, and business etiquette. A second program is coordinated by the Woodland Public Library and allows incarcerated persons to work toward earning their high school diploma and a certificate in a variety of career paths.

The 2021-22 Grand Jury found there was inadequate pre-release planning and resources available for incarcerated persons pending release. That grand jury recommended that the YCSO "prioritize the hiring of a full-time program coordinator to better support incarcerated persons in preparing for their release back into our communities, by December 31, 2022." A full-time In-Custody Program Coordinator for the men's and women's facilities joined the YCSO

---

<sup>2</sup> Yolo County has two Day Reporting Centers, whose goal is to offer an array of services designed to increase the success of at-risk parolees discharging from correctional institutions. (13)

in December 2022. A full-time County Health and Human Services Agency social worker is also assigned to the YSCO to determine individual incarcerated persons' needs for services and to develop appropriate pre-release plans in coordination with Probation Department staff. In addition, the Probation Department is seeking to fill a full-time Discharge Outreach/Re-entry Coordinator position which will complement YCSO staff's efforts to coordinate out-of-custody services upon discharge. Primary duties of both the YCSO's In-Custody Program Coordinator and the Probation Department's Discharge Outreach/Re-Entry Coordinator include planning, developing, organizing, and evaluating the functions of educational, rehabilitation and recidivism reduction programs.

It remains difficult at this time for incarcerated persons in both the men's and women's detention facilities to take full advantage of these programs. Two classrooms in the MDF are Wi-Fi enabled and two more are anticipated to be Wi-Fi enabled, but the implementation date is not known at this time. Tablets are available to incarcerated persons so they can access limited online courses and other educational materials. However, that requires the tablets to be fully functional, which is dependent on the YCSO's contract with a third-party provider whose contract has not yet been fully implemented. Female incarcerated persons housed at the current juvenile facility have no access to tablets since the facility does not have sufficient Internet connectivity. Their only access to programs is when they can attend classes virtually via hardwired computers in the one functional classroom on Fridays.

Recidivism, or reoffending, especially by those who have committed felonies, is a common concern in all communities. As of 2019, the recidivism rate of felony persons in California was 47%. (14) Yolo County is at the forefront of counties in California in developing programs, partnerships and services to reduce recidivism, with the result of a cumulative rate (combining those who return in the first and second year) of 37%. In 2018, Yolo County partnered with the California State Association of Counties on their [Results First Initiative](#) to help counties engage in evidence-based policymaking related to their criminal justice programming. (15) In 2020, Yolo County estimated that its Results First approach would result in \$120,000 in total savings

for each avoided recidivist, which was broken down as “\$86,000 in avoided taxpayer costs and \$33,000 in avoided costs to crime victims.”

As part of its efforts to alleviate state prison overcrowding and save state General Fund monies, California Senate Bill 678 created the Community Corrections Partnership (CCP) in 2009. Yolo County has such a [partnership](#), whose mission is “to protect the public by holding individuals accountable and providing opportunities that support victim and community restoration, offender rehabilitation and successful reintegration through evidence-based, innovative and culturally competent programs and services.” (16) Of particular interest to the Grand Jury is the emphasis on offender rehabilitation and successful re-entry into their community. The CCP’s primary partners are the Sheriff’s Office, Probation Department, Public Defender’s Office, District Attorney’s Office, and Health and Human Services Agency. The State of California provides funding for programs used by the YCSO, such as the Day Reporting Centers, Medication Assisted Treatment, In-custody Substance Abuse Disorder Services, Mental Health Diversion Program, and staff, such as a Victim Services Advocate and the Discharge Outreach/Re-Entry Coordinator.

The Grand Jury hopes that the CCP’s *2023-2025 Strategic Plan* will achieve its ambitious and important goals, thereby helping Yolo County remain at the forefront of counties reducing recidivism.

### ***Visitation and Grievances***

Software is both the savior and curse of modern detention facilities. The gold standard is having two major software systems – the Jail Management System (JMS) and Records Management System (RMS) – interact seamlessly. (Staff stated that, to their knowledge, no county in California has yet achieved this goal.) These two systems affect almost all aspects of detention operations so that incarcerated persons can be booked, housed and supported safely, depen-

ding on their security status, and all actions taken can be recorded and archived appropriately. Two subsets of these software systems are grievances and video visitation and scheduling.

The Yolo County Board of Supervisors has provided funding to the YCSO for purchasing both JMS and RMS systems. In 2018 the YCSO recognized that its current JMS/RMS provider could not meet its needs long-term, so it searched for, found and contracted with another provider in November 2019. In January 2020, “go-live” of the upgraded system was anticipated for the end of the year. (Hardware upgrades, software integration and staff training usually take many months.) The COVID-19 pandemic began in March 2020 and significantly impacted on-site support from the contractor. A new go-live date was set for June 2021; but then California changed its incident-based reporting requirements, which impacted the YCSO’s RMS templates.<sup>3</sup> The YCSO has now signed their final contract with the last of the software companies. They believe everything should be up and running by the summer of 2023, barring any new logistical problems.

Part of the reason this new system is critical is that the current JMS provider does not support video visitation systems. This part of the technology industry has also gone through significant consolidation. Subsequently, the YCSO is in the process of finalizing a contract with a third provider that will combine phone, tablet, video visitation, and grievance capabilities within its JMS system.

According to the YCSO - if all goes as planned - full implementation of the JMS/RMS, including full video visitation and grievance capabilities, could be completed by the end of 2023. In the meantime, workarounds continue. The MDF has both in-person and on-site video visitation capabilities, but families and friends must still call the YCSO to make an appointment.

Incarcerated persons can still file grievances, but the grievances themselves and their tracking are managed by pen and paper.

---

<sup>3</sup> The FBI maintains a National Incident-based Reporting System ([NIBRS](#)) which captures details on every crime incident. (17) In 2019 California received funding to its own [NIBRS-compliant](#) system. (18) Its system collects more data than the national system, thereby requiring significant changes to the RMS software.

Visitation: Regarding visitation and scheduling, in its report (*Inmate Visitation Policy at the Monroe Detention Facility*), the 2017-18 Grand Jury stated that “[s]uch visits can reduce recidivism, promote adjustment to prison life, and contribute to a successful re-entry to society after release.” When the COVID-19 pandemic starting in March 2020 prevented in-person contact for well over a year, video visitation could have filled the gap. A Video Visitation room at the MDC was launched in September of 2022 to allow for video visitation by family members and friends when they came to the facility.

There are two forms of video visitation. One, as currently exists at MDF, requires family or friends to still go to the facility. While there, they can “visit” with their family member or friend virtually. The incarcerated person and the visitor sit in front of video screens in separate rooms. Currently visitors must schedule either in-person or on-site video visits by calling YCSO staff within very limited time periods. The second form of video visitation – not yet available at MDF – can take place through a tablet provided to the incarcerated person. That individual can then schedule a virtual visit with a family member or friend who can participate from a location convenient to them.

Using an online scheduling system for either in-person or video visits as well as allowing video visits to be conducted through tablets given to incarcerated persons still eludes the Yolo County detention facilities, with no guarantee or notification to the Grand Jury of when they will be fully implemented.

A recent real-world example of how visits by family members are inconvenienced with scheduling by phone is as follows. When a resident called the MDF on a Thursday to schedule a visit for the following Sunday with a family member who had just been incarcerated, the individual was told that visits could take place only on Wednesdays and Fridays and by pre-arrangement 24 hours in advance. To schedule a visit for the next Wednesday, the individual would have to call the YCSO after 7:00 a.m. the day before. When the individual asked if they

could send their family member a note in the meantime, they were told it could be by U.S. mail only and could take up to 10 days for delivery since YCSO staff would have to examine it thoroughly. When the individual called that Tuesday, they were told that all in-person visitation slots the next day were full. They were also told, though, that the schedule was wide open if they wished to visit their family member virtually. When the individual came to the MDF to conduct the virtual visit that Wednesday, staff were helpful in answering various questions and the visit was completed successfully.

While remote video visitation can be a viable alternative to in-person visits when those slots are full, not all friends or families are comfortable with or easily have the ability to interact virtually. This can have an impact on the number of interactions between incarcerated individuals and their families and friends. This may compromise maintaining family ties and relationships can be instrumental in reducing recidivism.

Grievances: Grievances are an opportunity for incarcerated persons to inform staff of problems. When managed responsibly, they are also an important check and balance. Incarcerated persons are encouraged to discuss issues or needs with an on-duty officer. If it cannot be resolved at that level, the matter can be investigated by the supervisor, then the manager, and finally taken up by a jail committee. One inmate interviewed appreciated that the Grand Jury was looking into how grievances are managed. Such scrutiny made him feel that the Grand Jury is “aware of us as other people.”

It is important for the integrity of the grievance process that it run smoothly and be trackable in a quantifiable manner so as to more easily identify trends that need attention. Using a hard-copy-only system makes it easier for grievances to be lost, misclassified, not responded to, or not archived appropriately for future needs. The YCSO has yet to implement the 2021-22 Grand Jury’s recommendation to use readily available software, such as Microsoft Excel or Access, to

establish a computerized grievance system. Even that approach would be preferable to pen and paper.

## **COMMENDATIONS**

The Grand Jury found that incarcerated persons appreciated the professionalism of staff and the excellence of the food provided by the MDF. The Grand Jury was also pleased to learn that the In-Custody Program Coordinator position has been filled with someone qualified and excited about the position's opportunities to better support incarcerated persons and help them prepare for successful re-entry into their communities. In addition, the Grand Jury applauds the extensive efforts toward reducing recidivism being made by the Yolo County Community Corrections Partnership.

## **FINDINGS**

F-1: Opportunities for exercise are limited in the Monroe Detention Facility. Small concrete yards within the pods have very limited equipment, and time allowed in the general exercise yard is minimal. This prevents incarcerated persons from managing stress and aggression in a more positive manner as well as from increasing their overall health.

F-2: An online RFID system is a technology that could significantly boost the Yolo County Sheriff's Office's ability to further meet the needs of incarcerated individuals while maintaining accountability and helping prevent future lawsuits.

F-3: Although in-person visiting hours were reinstated in April of 2022, online scheduling for visits (whether virtual or in-person) and remote video visitation on tablets given to the incarcerated persons are still unavailable, even though they would make it easier for family members to schedule and visit with incarcerated persons.

F4: A computerized grievance and tracking system is still not implemented nor can a final implementation date be determined at this time. Maintaining such a system could increase

trust in the system as well as allow trends to be identified and studied so problems can be remedied appropriately.

## **RECOMMENDATIONS**

R-1: The Yolo County Sheriff's Office should develop a plan for improving exercise facilities and availability at the Monroe Detention Facility and the Leinberger Detention Facility (when completed) by January 31, 2024.

R-2: The Yolo County Sheriff's Office should further research RFID systems for compatibility with their facilities and, if found to be compatible, by April 1, 2024 submit a request to the Yolo County Board of Supervisors to invest in this technology.

R-3: The Yolo County Sheriff's Office should submit a report to the Grand Jury by January 1, 2024, regarding the status of its full implementation of the JMS and RMS systems, including the online video visitation/scheduling and grievance management systems. The Yolo County Sheriff's Office should send an update report to the Grand Jury every six months thereafter until all systems are fully implemented.

## **REQUIRED RESPONSES:**

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests responses from the Yolo County Sheriff for the following Findings and Recommendations:

- Findings F-1, F-2, F-3, F-4
- Recommendations R-1, R-2, R-3

## **END NOTES**

- 1 Yolo County Grand Jury Reports, <https://www.yolocounty.org/living/grand-jury/yolo-county-grand-jury-reports>.
- 2 Board of State and Community Corrections, <https://bscc.ca.gov/>.

- 3 Board of State and Community Corrections Biennial Reports,  
[https://www.bscc.ca.gov/s\\_fsolocaldetentionfacilityinspectionreports/](https://www.bscc.ca.gov/s_fsolocaldetentionfacilityinspectionreports/).
- 4 Lawinsider.com, <https://www.lawinsider.com/dictionary/jail-management-system>.
- 5 Office of Justice Programs, U.S. Department of Justice, “Standard functional specifications for law enforcement records management systems version II,” 2009,  
<https://www.ojp.gov/ncjrs/virtual-library/abstracts/standard-functional-specifications-law-enforcement-records>.
- 6 Findlaw, California Penal Code section 919(b), <https://codes.findlaw.com/ca/penal-code/pen-sect-919/>.
- 7 California State Association of Counties, “Juvenile justice facilities in California, Report and tool kit,” 2019, [https://www.counties.org/sites/main/files/file-attachments/juvenile\\_hall\\_report\\_and\\_toolkit\\_2019.pdf](https://www.counties.org/sites/main/files/file-attachments/juvenile_hall_report_and_toolkit_2019.pdf)
- 8 Chief Probation Officers of California, Juvenile Justice Trends in [California](#),  
[https://www.courts.ca.gov/documents/BTB\\_23\\_4L\\_1.pdf](https://www.courts.ca.gov/documents/BTB_23_4L_1.pdf)
- 9 Robyn Dobson, “Supervisors discuss future of Yolo County Juvenile Facility,” Daily Democrat, September 17, 2021, <https://www.dailydemocrat.com/2021/09/17/supervisors-discuss-future-of-yolo-county-juvenile-hall/>
- 10 GUARDIAN RFID, <https://guardianrfid.com/>
- 11 Garrett Jensen, “Community reentry program reduces recidivism for prisoners”, CalMatters, September 3, 2021, <https://calmatters.org/commentary/2021/09/community-reentry-program-for-prisoners-reduces-recidivism/>
- 12 Department of Health Care Services, <https://www.dhcs.ca.gov/calaim>
- 13 California Department of Corrections and Rehabilitation,  
<https://www.cdcr.ca.gov/rehabilitation/drc/>
- 14 Mia Bird, Justin Goss and Viet Nguyen, “Recidivism of felony persons in California,” Public Policy Institute of California, June, 2019, <https://www.ppic.org/publication/recidivism-of-felony-persons-in-california/>
- 15 Yolo County Results First Initiative, <https://www.yolocounty.org/government/general-government-departments/law-justice/community-corrections-partnership/special-projects/results-first-initiative>
- 16 Yolo County Community Corrections Partnership,  
<https://www.yolocounty.org/government/general-government-departments/law-justice/community-corrections-partnership>

- 17 FBI, National Incident-Based Reporting System, <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/ucr/nibrs>
- 18 Bureau of Justice Statistics, CA NIBRS Implementation Project, Department of Justice, <https://bjs.ojp.gov/funding/awards/2019-fu-cx-k002#:~:text=Through%20a%20competitive%20peer%20review%20process%2C%20the%20California,agencies%20directly%20reporting%20NIBRS%20data%20to%20the%20FBI>

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

# SAFE AND SECURE?

*A New Look at the Yolo County Elections Office*

**A Report by the 2022-23 Yolo County Grand Jury**



Stock Photo

## TABLE OF CONTENTS

SUMMARY	Page 2
TERMINOLOGY	Page 3
BACKGROUND	Page 4
APPROACH	Page 5
DISCUSSION	Page 5
<u>Election Integrity</u>	Page 5
National and State Concerns	Page 5
Yolo County Concerns	Page 6
Non-citizen Voting	Page 7
Voting by Mail	Page 7
Voter Registration	Page 8
Voting Equipment and Vote Processing	Page 9
Voting Equipment Software	Page 11
Drop Boxes	Page 12
Training for Election Security	Page 12
Voter and Observer Outreach	Page 13
Workplace Physical Safety	Page 16
Workplace Ergonomics	Page 19
COMMENDATIONS	Page 21
FINDINGS	Page 22
RECOMMENDATIONS	Page 22
REQUIRED RESPONSES	Page 23
END NOTES	Page 23
APPENDICES	Page 25

*“Let us never forget that government is ourselves and not an alien power over us. The ultimate rulers of our democracy are not a President and senators and congressmen and government officials, but the voters of this country”.*

-Franklin D. Roosevelt

## **SUMMARY**

A free and fair election system is the cornerstone of American democracy. Trust and confidence in the integrity of regular elections must be maintained. Bearing this in mind, the 2022-23 Yolo County Grand Jury (Grand Jury) investigated the operation of the Yolo County Elections Office (Elections Office) during the 2022 mid-term election period.

This report responds to a citizen complaint received this year raising concerns about election integrity in Yolo County. Some county citizens are concerned that election fraud alleged in other jurisdictions in California and other states might be present in Yolo County. The Grand Jury also reviewed the Elections Office’s response to the 2021-22 Grand Jury’s recommendation to make its emergency response plan accessible to the public.

The Grand Jury found that the Elections Office voter outreach and ballot processing procedures went over and above merely complying with California election laws and procedures. The Elections Office encourages and facilitates participation of election observers, and offers training for them, unlike the practice of some counties and states where election fraud has been reported. The Elections Office complies with California state election law and procedures.

Some possible vulnerabilities, such as possible registration by non-citizens, improper maintenance of voter rolls and misdirected mail ballots, are difficult to discover, measure, or prevent. These risks are known to the Elections Office and to the California Secretary of State (SOS) and are discussed below. The Grand Jury found there are workplace safety issues for Elections Office staff and poll workers, including ergonomic issues.

In its 2021-22 report, the Grand Jury recommended the creation and publication of an emergency response plan to provide guidance should the election process be disrupted. The current grand jury has reviewed the *Yolo County Procedures and Guidelines for Voting in a State of Emergency or Natural Disaster* (Emergency Response Plan) published by the Elections Office on its website on November 8, 2022. This review indicates that the plan includes acceptable emergency response elements including the scope and application, alarm system effectiveness, evacuation, and training required under California Code of Regulations, Title 8, Section 3220, [Emergency Response Plan](#) (1).

## TERMINOLOGY

**ACE:** Assessor/Clerk-Recorder/Elections department in Yolo County. The ACE mission statement (2) is “To serve Yolo County residents with integrity and pride through accessible, fair, and transparent property assessments, records management, and election services.” Jesse Salinas became ACE administrator for Yolo County in 2016 and was elected Registrar of Voters in 2022.

**Election Integrity:** The extent to which an election process is accurate, verifiable, and defensible, which is the basis of public trust in the voting system.

**Election Security:** The extent to which the means to attain election integrity, including effective laws and procedures, are accurately determined and correctly enforced.

**Ergonomics:** An applied science concerned with designing and arranging the workplace so that workers interact most efficiently and safely. The Occupational Health and Safety Administration (OSHA) further defines ergonomics as “fitting a job to a person” (OSHA Ergonomics) (3).

**MSD:** Musculo-skeletal Disorders (4) are muscular, skeletal, and connective tissue injuries and disorders caused by bending, climbing, crawling, reaching, or twisting. Examples of MSDs include sprains, tears, back pain, carpal tunnel syndrome, and hernias. MSDs do not include sudden injuries caused by slips, trips, falls, or similar incidents.

**Poll Worker:** Lawinsider.com defines poll worker as a person (5) assigned by an election official to assist with an election, voting, or counting votes. Poll workers in Yolo County are temporary paid employees assigned to work under the guidance of Elections Office staff before, during, and after an election.

**Source Code:** A human-readable listing of commands compiled or assembled into executable computer program machine language. Voting equipment machines use proprietary software including source code that is tested and approved by the California SOS.

**Voting Equipment:** Hardware and software used to print, tabulate, and process ballots. Yolo County voting equipment includes Hart, Agilis, Canon, and OPEX machines, which have been approved by the California SOS.

**Workplace Safety:** Lawinsider.com defines workplace safety (6) as “those conditions related to physical health and safety of employees enforceable under federal or state law, or District rule

related to: safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment and training”. This includes measures to protect against workplace violence.

## **BACKGROUND**

Since the presidential election of 2000, Americans nationwide have been concerned about election integrity. This is due in part to the fact that the rules for elections vary by state, and administration varies by county, as allowed by the Constitution. As a result, questions about election integrity are often local in nature.

Nationally, opinions questioning the legitimacy of the November 2020 Presidential election official results have persisted since the election. The possible causes of such opinions about election integrity are addressed below.

Nationally as well, threats of violence and intimidation against elections officials and workers have risen since the 2020 general election. In July of 2021, the Department of Justice launched a [task force](#) (7) to identify risks and take action against those making the threats. Since that election, there have been numerous [published reports](#) (8) of threats against election workers in at least seven states. In 2021, the Brennan Center for Justice reported on its poll of elections officials from across the United States. [The poll](#) (9), taken in April 2021, found that “one in three local election officials are concerned about facing harassment or pressure while on the job.” Fortunately, no threats have been reported against election officials or workers in Yolo County. To verify that Elections Office staff and poll workers are prepared should threats occur in the future, the Grand Jury reviewed existing policies and training efforts for recommended responses to violence.

Other national concerns have to do with voter registration, ballot handling, and reporting of election results. Suspicions about voting machines and software vulnerability have been voiced in reports and observations from concerned citizens. During interviews, the Grand Jury found that the Elections Office has been the subject of scrutiny from residents who are concerned about election fraud alleged in other counties in California and in other states. No evidence of election fraud was presented by those interviewed.

The 2019-20 Grand Jury examined the Elections Office and reported that its procedures were generally acceptable. Since then, Yolo County has fully adopted measures of the 2016 [Voters Choice Act](#) (10), which replaces precinct voting with “vote center” voting. These measures were in effect in the 2022 mid-term election. The Grand Jury noted that, since 2010, the Elections

Office has upgraded voting equipment to current technology, including servers, software, tabulation equipment, and secure communications devices.

## **APPROACH**

The Grand Jury researched many aspects of the election process. Grand Jurors joined other election observers to review voting equipment, ballot processing, and election security procedures. Besides election integrity and security issues, the Grand Jury also looked into Elections Office voter outreach, voter satisfaction, and worker safety. A Grand Jury committee reviewed documents and other information available both online and gathered from Elections Office staff. It toured the Elections Office, observed actual ballot processing and tabulation, visited a mobile and a regular vote center, and interviewed county staff, special subject matter experts, a poll worker, and members of the general public.

## **DISCUSSION**

In part because of the complaint received and in part because of ongoing controversy about election processes surrounding recent elections, the Grand Jury investigated whether or how much those concerns – national and state-wide – could be found in Yolo County. To provide context, the Grand Jury identified the most common allegations or concerns. Where appropriate, they discussed how or whether those concerns are reflected in Yolo County's election processes. This also provided the Grand Jury with an opportunity to dig deeper into Election Office operations and provide more extensive detail about those operations than past grand jury reports.

### **Election Integrity**

Trust in free and fair elections is fundamental to democracy. Our elections should be free and secure for eligible voters. Voters should have free access to pertinent information on election issues prior to voting. Voters should feel secure about the results afterwards.

### **National and State Concerns**

Nationally, election integrity and security have been major topics of interest since the 2000 Presidential election. The issue of election integrity is bipartisan. In 2005, a [bipartisan commission](#) (11) co-chaired by former President Carter and former Republican Secretary of State James Baker wrote a paper addressing the distrust in election security arising from the 2000 and 2004 elections. Despite such bipartisan efforts, concern over election irregularities has continued to grow. Some Democrats believe that the 2016 election was improperly influenced, and some Republicans believe the 2020 election was stolen. This interest has heightened since the 2016 presidential election, and there has been recurrent talk of improper methods.

In California, an example of a compromised voting process occurred in 2022 in the City of Compton. The city council election was overturned due to fraud, according to the Los Angeles Times (12): “After a contentious primary, [candidates] Galvan and Spicer advanced to a runoff in June 2021, which Galvan won, 855 to 854. With the four illegal ballots disqualified, a Court ruled that Spicer was the rightful winner of the election by a tally of 854 to 851.”

With the national discussion in mind, the grand jury is focusing mainly on Yolo County election vulnerability -- whether election irregularities did occur *or could occur* here.

### **Yolo County Concerns**

Considering online research into controversial claims that lapses in election integrity could have changed the outcome of local, state, or national elections, the Grand Jury identified five concerns and investigated whether they related to Yolo County operations. Sources for those concerns are noted below.

1. Voter suppression or intimidation: The Grand Jury did not see any evidence of voter suppression or intimidation in Yolo County (alleged in Georgia and Arizona).
2. Registration and list maintenance: California, and in particular Yolo County, has an unusually large number of registered voters compared to its number of voting-age citizens. California does not require voters to show identification at the time they vote and does not appear to have any procedures in place to challenge voters’ citizenship status. The Grand Jury did not see any evidence that the Elections Office, in complying with state procedures and laws, had done anything improper.
3. Elections Office procedures: The Grand Jury observed Elections Office chain of custody and ballot signature verification protocols and saw no evidence of anything improper in their procedures.
4. Vote-by-mail and vote drop boxes: The Grand Jury did not see any evidence that the Elections Office, in complying with state procedures and laws about vote-by-mail and drop boxes, had done anything improper.
5. Voting machine integrity: Yolo County uses Hart, not Dominion, voting equipment, and the election staff are satisfied with its performance. While Hart software is proprietary and its software is not subject to review by outside experts, the Grand Jury did not see any evidence that the Elections Office, in complying with state procedures and laws about voting machines, had done anything improper.

### **Noncitizen Voting**

The United States has more immigrants (13) than any other country in the world; more than 40 million people living in the U.S. were born in another country. In 2018, non-citizens comprised about 23.5 million of the 332 million U.S. population (14), of which an estimated 10-11 million are “unauthorized immigrants.” (15) California has the highest percentage of immigrants among the states. The presence of so many immigrants has fueled suspicions about vote patterns in immigrant-heavy states. However, when the Brennan Center interviewed election officers in 2016, it concluded that non-citizen voting was very rare. It found that “multiple nationwide studies have uncovered only a handful of incidents of non- citizens voting. Based on state prosecution records, votes by non-citizens account for less than 0.001 percent of all votes cast.”

Nationally, election officials agree that there is no serious problem of non-citizen voting in our elections. The National Association of Secretaries of State, whose Republican-majority membership includes the chief elections officers of 40 states (16), said they “are not aware of any evidence that supports the voter fraud claims....”

California is a sanctuary state and is more supportive of undocumented non-citizens than most states. In 2016, the voters in the City and County of San Francisco voted to allow non-citizen voting (17) for school board elections only, although this measure is pending in the state courts.

### **Voting by Mail**

In 2020, voting by mail was encouraged nationally as an emergency response to the COVID-19 pandemic. In California, the mandate for all registered voters to receive ballots with pre-paid postage return envelopes may have been responsible for a slight increase in voting numbers, although a trend was already apparent.

The California SOS’s Rumor Control web page (18) says: “Fact: Mail in ballots provide more security to elections, not less. Elections officials use protocols to verify the eligibility and identity of the voter prior to sending the vote by mail ballot. When the ballot is returned, elections officials will verify the voter’s identity through signature verification. If the elections official determines that the voter's signature does not match, the identification envelope will not be opened, and the ballot will not be counted until the identification of the voter is confirmed. If a voter loses, fails to receive, or makes a mistake on their ballot, they can request another vote by mail ballot from their county elections official or go to a polling place to receive a replacement ballot.”

### **Voter Registration**

Nationally, voter registration procedures can be a subject of heated discussion. There have been many changes throughout America’s history as to who may vote, and some regional differences remain. Today, rules for voting eligibility vary from state to state and among local jurisdictions. Registration is necessary everywhere before voting. Following are the ways that citizens may register to vote in Yolo County.

*Registration Process:* Prospective voters in Yolo County can apply for registration by one of three methods: paper forms, online and through personal assistance at the Elections Office and vote centers. The paper registration form in Yolo County is one-sided, 8.5” x 17” and can be mailed in with pre-paid postage. Entry fields are numbered, and the first one requires the applicant to state whether they are a U.S. citizen. Another field asks for a driver’s license number or Social Security number. A required signature at the bottom affirms that the applicant is “a U.S. citizen and at least 16 years old.”<sup>1</sup> See Appendix A for a sample paper voter registration form.

Paper registration forms are available at the Elections Office in Woodland and at many other locations, such as the Department of Motor Vehicles (DMV), post offices, libraries and city offices. Voter registration forms are commonly submitted at the DMV, the Elections Office, vote centers, and by mail. All are processed when received by Elections Office staff.

Up to the day of the election, registration applications are accepted at vote centers. An applicant who submits such a form is allowed to fill out a paper ballot, but the ballots are considered “provisional” and are not counted unless the application is processed and accepted as valid and completed by the Elections Office.

The online registration form (19) at the Elections Office web site, [yoloelections.org](http://yoloelections.org), requests data similar to the paper form. It differs from the paper form in that, in order to progress through the process, an initial positive affirmation of citizenship is required. Failure to take this step results in an incomplete application and no online acceptance. Since in both cases (paper and online) a declaration of citizenship is required, an incomplete voter application should not be processed for a non-citizen.

Questions may arise from the public about mistakes made but there is no documentation that incomplete applications have resulted in improper registrations or illegal voting in Yolo County.

---

<sup>1</sup> Preregistration can begin at 16 years old. Voting cannot begin until age 18.

However, it can be difficult to verify that no mistakes were made. Elections Office receives the registration database from the SOS.

Misunderstandings about how to register correctly could occur at vote centers such as the one at the University of California, Davis (UC Davis). Students arriving there to vote in a national or state election must appear on voter rolls or register on a provisional basis to receive a ballot. If they additionally show proof of Yolo County residency, they may receive a local ballot appropriate for their local address. If registering for the first time, they must attest to their U.S. citizenship as others must do. Provisional ballots from UC Davis will be counted only if eligibility is verified later by the Elections Office.

*Motor/Voter:* The National Voter Registration Act (NVRA) (20) was passed in 1993 and “requires states to provide the opportunity to apply to register to vote for federal elections. Section 5 of the Act requires states to provide individuals with the opportunity to register to vote at the same time that they apply for a driver's license or seek to renew a driver's license and requires the State to forward the completed application to the appropriate state or local election official.” Its California counterpart, AB60 or the “Motor Voter Law” (21), provides rules for its use in Yolo County.

Local DMV offices have Yolo County voter registration forms available and offer them to customers. The DMV collects completed forms and forwards them to the Yolo Elections Office. Voter registration is not “automatic” but the opportunity to fill out a form is. It is possible that some customers do not understand that the form must be filled out completely to be processed by the Elections Office.

### ***Voting Equipment and Vote Processing***

The Grand Jury observed voting procedures at a county vote center and the mobile vote center and interviewed a vote center supervisor. At a vote center, ballots can be printed for every voter according to their precinct. In-person voters must sign their names to get a ballot. An “e-pollbook” at each location holds statewide voter information and is used to verify eligibility on the spot and to determine if a ballot has already been cast by that voter. (21) An unregistered voter may cast a provisional ballot and apply to register at the vote center. Address changes may be handled at the vote center and new voter information may result in the voter receiving a ballot for a new precinct according to their new address. Paper ballots are printed using a [Hart Verity](#) (22) machine as directed by the e-pollbook. At a vote center, ballots are marked with a pen and not by a voting machine; the product of in-person voting is a paper ballot, placed by the voter in a secure box.

All equipment and software used in Yolo County is tested and approved by the California SOS and is obtained through that state office. Prior to each election, the latest secure software package is provided by the state to the county. Its installation on County servers is tightly controlled and checked by a “checksum” process, a file-size verification routine, and a receipt is provided. No one at a county level is allowed to access the source code at any time, including when it is installed using a controlled process.

Until recently, Yolo County used voting equipment purchased in 2002 that operated on a Windows 2000 platform. The Elections Office obtained funding in 2020 from the Board of Supervisors and has modernized all equipment, which is now considered state of the art. The Elections Office will need funding in coming years for upgrades on a five-year cycle, the same as with other Yolo County offices.

During the election period, ballots arrive at the Elections Office in Woodland by various means. Most arrive in envelopes from the post office or from drop boxes. Others arrive from vote centers in sealed ballot boxes (some in envelopes). In-person voting in the 2022 midterm election was under 15% of the total, much less common than it used to be, per the Yolo County Elections website.

When envelopes with ballots arrive at the Elections Office, they go through a detailed sorting and verification process. Envelopes containing ballots first go through an automatic signature verification (ASV) process before they are opened. Signatures on the envelopes are compared to verified signatures from accepted registration forms using dedicated software running on desktop servers. This software stores all signatures from past voting years and allows for evaluation by Elections Office staff when a match is not perfect. This verification system is set currently to “90% discrimination” which means that the scanned signature must be a 90% match with the ones on file or else it goes to a human for resolution. At the Elections Office, only 22% of submitted signatures are accepted by the software and 78% are evaluated by certified workers. When accepted, the submitted signature is stored on the system as well and added to the database for future comparison use. This ASV system is “air-gapped” (not connected to the internet). When a signature is not found on the envelope, elections staff attempts to contact the voter to resolve the situation.

If a signature does not match or no valid signature can be obtained, the envelope is not opened, and the ballot is not counted. The ASV software also verifies voter eligibility by checking the frequently updated state database that shows who has died (data from the Yolo County Coroner’s Office) and who has moved away (data from the U.S. Postal Service). If a voter, such as a UC Davis student for example, has moved away but has not notified the USPS of

the fact, a ballot could still be mailed out to the address on file. The Post Office will not forward such ballots and will return them to the Elections Office if delivery is refused. It is possible for mailed ballots to be delivered and not returned. If a person were to return another person's ballot, it would have to bear the mailed voter's signature and be verified at the Elections Office for votes to count. A voter may track the status of a ballot mailed back using a web link on the ballot.

In 2022, it was found that 110 Yolo County voters were mailed incorrect ballots (23). Per the Woodland Daily Democrat (October 18, 2022), for 90% of these individuals, the error occurred due to a recently changed street name on the UC Davis campus that did not get updated in the voter database system before mailing. Once resolved, the voters who were still residents were issued new ballots and all incorrect ballots were canceled. The Elections Office met with the Post Office and UC Davis to set new noticing rules.

Ballot envelopes are sorted by an Agilis machine which groups them by precinct and condition. The resulting groups of envelopes are kept separate up to the time that they are opened on an OPEX machine operated by two workers. After this point, the envelopes bearing unique bar codes are stored and the removed ballots, separated from identifying information, become anonymous.

The now-anonymous paper ballots are scanned in batches on a Canon desktop device. The scanned images are then read by Hart software running on a server that is not connected to the internet. The software can detect problems with individual ballots such as unclear voter marks or votes with unclear intent (such as a vote for both candidates). Images of the problem fields are shown on a computer screen to a trained and certified human, who tries to resolve the conflict. Errant votes with no clear intent are not counted. Following this, the software tabulates the votes to be certified. Machines and software in this process are checked before each election with logic and accuracy tests.

### ***Voting Equipment Software***

The California SOS says (24), "California conducts source code review and evaluation, hardware and software security penetration testing, open ended vulnerability testing, operational testing to validate system performance and functioning under normal and abnormal conditions and more, to identify any vulnerabilities and have our voting systems resolve or mitigate them". The SOS alone has the power to review the voting machine vendor's propriety software and to allow counties to purchase it. When more than one vendor is approved, the counties can choose which one they want. The SOS's software certification process is thorough and can take up to two years. The public is not permitted access to the source code.

Yolo County administrators stated that voting equipment and tabulators are not connected to the internet, and do not have modems or hardware in them that could be remotely "activated." Vendors and county officials follow strict physical security and chain of custody requirements for all voting technology software, firmware and hardware that meet or exceed federal guidance including that of the Justice Department, the Cybersecurity and Infrastructure Security Agency (CISA) and the Election Assistance Commission.

Every county must validate, before every election, that the voting system is identical to the SOS-supplied "trusted build" by reinstalling the "trusted build" or utilizing the SOS's trusted build cryptographic HASH (essentially a digital fingerprint of the software and firmware) to ensure it matches the approved version and has not been modified. For a comprehensive article about California's voting system security standards, please visit the SOS's [statement](#). (25)

### ***Drop Boxes***

[California Code of Regulation, title 2 section 20135\(e\)](#) (26) states, "[i]f feasible, drop boxes shall be monitored by a video security surveillance system, or an internal camera that can capture digital images and/or video. A video security surveillance system can include existing systems on county, city, or private buildings". Drop boxes are under heavy safeguards to protect ballots returned by voters. The typical drop box is made of steel, is bolted to the ground and is equipped with additional security features such as tamper-evident seals, minimal ballot insertion size, locks, and water/fireproof materials. Election officials will often place the drop box in a public location that already has 24-hour video surveillance.

The SOS does not require county election offices to have cameras located at ballot drop boxes because it understands that many elections offices lack the infrastructure or financial resources to be able to do so. There also is concern that forcing locations, such as local grocery stores, to add cameras for ballot boxes in addition to their normal security efforts could result in them backing out of such arrangements, which would limit where voters could safely and conveniently return vote-by-mail ballots. Some people might take exception to a proliferation of cameras, for privacy reasons. The state formula for the number of drop boxes is one per 15,000 registered voters, but Yolo County provides a higher number, located both inside businesses and outdoors.

### ***Training for Election Security***

Election integrity requires trust that those performing election processes, such as registering voters and using voting equipment, are properly trained. Elections Office staff rely on the Secretary of State's office to evaluate the trustworthiness of Hart software, as required under

current law, and its senior Elections Office staff bring to their positions extensive training and experience. Training includes staff who have become Registered Election officials per the California Association of Clerks and Election Offices, who have completed the Certified Election Registration Administrators program, have been certified by the National Election Center Organization, certified as a California Professional Elections Administrator Credential Program (CalPEAC), or have taken cybersecurity training from the Cybersecurity Information Security Agency (CISA). Currently, all but two regular Elections Office staff are CalPEAC certified; the two remaining staff members are relatively new. Some Yolo County staff also have previous experience working in election offices in other counties including Solano, San Mateo and San Joaquin.

Elections Office staff are informed of changes or clarifications in elections operations, laws and policies through notices from, or attending meetings or conferences by, the SOS's office or the Election Infrastructure Information Sharing and Analysis Center (EI-ISAC) under the [Center for Internet Security](#) (27), a nonprofit organization formed in 2000. During election periods, weekly calls with SOS staff include all counties in California.

Vote recounts may be called for in some cases. Now that ballots have more localized variations due to state law, machine recounts are necessary, using trusted equipment. The Elections Office says that it is not possible to complete a hand recount of 90,000 or so ballots in the short time allowed for vote certification after an election.

### ***Voter and Observer Outreach***

Significant changes to voter registration and the voting process have been made over the past several years. Many states have now [passed laws](#) (28) that change identification requirements when registering to vote and when and how voting can take place. There also have been [reports](#) (29) of potential voter intimidation at the polls in several states. Concerns about possible voter [intimidation](#) (30) also arose in California during the November 2022 election.

The Elections Office works hard to communicate with potential and current voters to encourage them to register and vote, as well as with observers to understand and witness the many processes related to voting. Below is information about the Office's recent outreach efforts to voters as well as how staff works with residents interested in observing the voting process.

*Voter Outreach:* The Elections Office has been assertive in its efforts to reach prospective and actual voters in the County. Its outreach goals center around the need to educate, encourage and engage eligible individuals who historically have low participation turnout in the voting and decision-making process, such as young voters, language minority groups and individuals

impacted by the legal system. A main goal of the office is to make official voter information more accessible using diverse outlets. Some outreach efforts to encourage voter registration and voting include:

- Use of technology to make information available to voters. The Elections Office [website](#) (31) allows visitors to research a wide range of information on diverse topics, with tabs entitled Election Returns, Election Services, Voter Registration, Get Involved, Candidate Services, Voter’s Choice Act, My Elected Officials, and News & Publications (which includes press releases and direct links to social media accounts). Its use of cutting-edge technology won it a 2019 [Clearie Award](#) (32) from the U.S. Elections Assistance Commission for its use of geographic information systems (GIS) and mapping, along with a new poll worker app, to streamline election night reporting and improve voter participation. GIS technology also allowed staff to create surveys to learn more about voter experiences and preferences. Elections Office staff have used mail, email, texts, and postcards to send election information to Yolo County residents.
- Use of an outreach specialist in the ACE department for myriad projects, such as one project with the Probation department to help current and former incarcerated persons know when and how to vote, one working with a media group to draft press releases, and one to provide elections-related information at community events. A sampling of community organizations with which the specialist works includes Gurdwara Sahib Sikh Temple, Yolo County Healthy Aging Alliance, Catholic Charities of Yolo Solano, Yolo County Agriculture Worker Program, Winters Community Corazon, National Alliance on Mental Illness Yolo County, and Esparto Regional Chamber of Commerce.
- Use of social media, including Facebook, YouTube, Twitter, Instagram and TikTok, to provide timely information to online users. More traditional media include: television (KCRA 3, Univision 19, ABC 10, Fox 40, etc.), radio (KDVS, NPR-Capital Public Radio, KFBK, Ethno.fm 87/7 Radio-Russian, etc.) and print (CalMatters, Daily Democrat, Davis Enterprise, Winters Express, West Sacramento News-Ledger, Davis Vanguard, d’Primeramano Magazine, Diaspora Community Newspaper-Russian, Valley Voice).
- Use of the only Mobile Vote Center in Northern California which visited the rural locations of Clarksburg, Dunnigan, Guinda, Knights Landing, Madison, Yolo, and Zamora days before the June and November 2022 elections. The Mobile Vote Center gives residents the choice of either voting in-person or dropping off their completed ballots without having to drive to a vote center in Davis, Esparto, West Sacramento, Winters or Woodland.
- Close work with UC Davis officials to encourage student voter registration and voting. Following the 2020 primary election, UC Davis received [multiple awards](#) (33) for its improvements in student registration and voting in collaboration with the Elections Office.

- Outreach to local groups of voters with special needs. For example, working with the Voter Access Advisory Committee and Language Access Advisory Committee, and holding town hall meetings with groups with limited knowledge of English to provide voter education. The Elections Office also partnered with the Yolo County Public Defender’s Office and Probation Department to conduct voter education and outreach to individuals impacted by the criminal-legal system (34) ahead of the October 24, 2022, deadline to register to vote.
- Partnering with YES!, a national program to empower and encourage youth to say “yes” to leadership roles and civic engagement in their local communities and to conduct an annual Youth Engagement Summit (35). This event was most recently hosted by UC Davis, in April 2022, and attended by almost 50 students from high schools throughout Yolo County. Conducting the YES! event virtually during the COVID pandemic was also recognized by the Center for Tech and Civic Life in its February 24, 2021, discussion (36) entitled “27 Ideas for Encouraging Youth Participation in Elections”. In 2019, Yolo County received the Guardian Award (37) from the National Association of Election Offices for its efforts with the Youth Empowerment Summit. In addition, having vote centers in high schools has allowed students to see voting in action and to ask questions of poll workers or their teachers.
- Conducting voter education and outreach workshops (38), virtually and in multiple languages, in September 2022 in preparation for the November 2022 midterm election.
- Giving presentations and conducting voter registration drives at schools throughout Yolo County, including high schools in Winters, West Sacramento, Woodland, and Davis. Drives at Woodland Community College are held during its Hispanic Heritage Month Celebration.
- Surveying voters about aspects of the voting process. Individuals who dropped by vote centers or the Elections Office during the 2022 election received a business card with a QR code and website address to complete a Voter Survey. Survey questions included: where and how you voted, how a ballot was returned and how long you took to return the ballot, ballot drop off preference, whether you used the Vote by Mail Ballot Tracking system, how easy or difficult it was to vote, and to rate the overall experience. Survey respondents were not asked to provide their name or contact information. The Elections Office has created an Excel spreadsheet noting all the categories and responses by the 177 participants; results will reportedly become available in Summer 2023.

The Elections Office has also supported voter education and registration activities by local chapters of non-profit groups, such as the League of Women Voters and Empower Yolo’s Knights Landing Family Resource Center. The outreach efforts noted above were validated in terms of voter convenience, preference, and concerns when Grand Jury members spoke briefly

with eight voters at both the mobile vote center and a vote center location on election day. The majority came to the site primarily to vote in person (their preference) and chose the location because it was close to their home. All surveyed were very positive about their voting experience, and the majority stated they had no concerns about the voting process.

*Outreach to Observers:* To attract election observers from throughout Yolo County, the Elections Office uses various forms of media (social, print, emails, etc.). In a press release on August 15, 2022, the Elections Office invited “interested members of the public” to observe “a randomized alphabet drawing to determine the order in which state candidates’ name [would] appear on the November 8, 2022, General Election ballot.” On October 3, 2022, the Elections Office sent a press release to local media inviting groups or individuals interested in observing election activities to join an Election Observer Panel training to be held on November 8, 2022. That press release also stated that “anyone may observe our processes without being on the panel.” Those and other press releases can be found on the Elections Office [website](#). (39)

As noted above, several grand jurors attended the November 8 training session, overseen by the Deputy of Elections and the Administrative Services Officer. The training session covered the Election Observer Guide and General Election Prohibitions and information on how vote-by-mail ballots are counted, as well as where to vote in Yolo County, including ballot drop box, vote center and mobile vote center dates and locations.

During its observation of the many election activities in October and November 2022, at no time were Grand Jury members prohibited from asking questions (following prescribed limits so as not to impact election work), prevented from seeing activities (such as ballot sorting and envelope opening) or asked to stand away from an activity (unless standing too close would invade a voter’s privacy or possibly cause injury). When interviewed, subject matter experts attested to both the transparency of observation and not seeing cause for concern, although one complained that observers had to sign in and receive a badge every time they came to observe.

### ***Workplace Physical Safety***

*Threats of Violence:* Yolo County has policies, training and emergency action plans in place to address workplace safety incidents. The County relies primarily on department heads to be proactive in seeking County assistance to identify possible risks to their workplaces or staff. Department heads are then expected to take substantive action, such as implementing and requiring staff training or purchasing equipment. A review of documents, such as the Emergency Response Plan and poll worker training manual, and interviews, showed that there remain myriad risks to elections staff and poll workers.

To better understand physical risks, training and expectations related to worker safety from threats of violence, the Grand Jury interviewed staff and poll workers and reviewed the Elections Office training manual for poll workers. Yolo County policies related to workplace safety were also reviewed. There are many resources available, some online, for assessing different threats (such as active shooter, bomb, etc.), determining best practices and enhancing training. Among these are the federal Cybersecurity and Infrastructure Security Agency's (CISA) Active Shooter Emergency Action Plan Guide and Template, local law enforcement and Yolo County's Human Resources department.

*Threat Awareness:* The Elections Office demonstrated some awareness of potential threats of violence when, during Observer training by Elections Office staff in October 2022, attendees received two documents from the Elections Office as part of the training packet. One document, titled *Election Observers* and printed on October 5, 2022, identified one "Prohibited Activity" as "disrupt[ing] the workplace or anywhere voting is taking place including, but not limited to, intimidation, pushing, shouting/loud vocalizations, cursing, or throwing objects." Another prohibition in the "Intimidation of Voters, Election Interference, and Corruptions of the Voting Process" section stated, "Do not possess or arrange for someone to possess a firearm in the immediate vicinity of a polling place, with some exceptions." The second document, entitled "General Rules for Observers/Media at the Yolo County Elections Office, Vote Centers & Ballot Drop Box Locations" (no date given), stated that "Observers may NOT: 1) make physical contact with election personnel or throw objects" and 2) "carry any weapon or firearm, regardless of any concealed carry licenses issued by any jurisdiction, unless in the course of official business of peace officer employment or under the approval of the election official."

Elections Office staff reported having received accusations related to election security and being subjected to foul language over the phone, to the point of emotional distress for the staff member hearing such calls during the November 2022 midterm election. (Yolo County has an Employee Assistance Program available to staff to provide counseling and other support upon request.) Fortunately, no overt threats of violence are known to have been received to date, as have been made in other counties in California or in other states. It is entirely possible, however, given the current political climate and threats or violence occurring increasingly in other workplaces, that such a threat will occur at either the Elections Office or a vote center site during a future election. By comparison, Yolo County school districts have made significant improvements in response to threats of violence before and after a 2019-20 Grand Jury report recommended changes needed so staff and students could feel safe.

*Emergency Response Plan:* The focus of the aforementioned Elections Office Emergency Response Plan is primarily on evacuating safely in case of an emergency, communications, and securing voting equipment and ballots. Threats of violence, whether active shooter or bomb threats, are noted briefly in the Emergency Response Plan, but provide only minimal guidance about how staff or poll workers should respond to such threats in progress.

*Building Security:* The Yolo County Administration building, which houses the Elections Office and is located at 625 Court Street in Woodland, has 27 on-site cameras, several of which are pointed toward the Elections Office. There also is an on-site security guard, who is present at most times. County safety staff also have toured the Elections Office in the past, identified appropriate exits and provided panic buttons to front office staff. Staff have been trained multiple times on using panic buttons, as are new staff. Staff are reminded of the panic buttons before each election.

*Workplace Safety Policies:* Yolo County has workplace safety policies in place, all of which were thoroughly reviewed by the Grand Jury. Its Injury and Illness Prevention Plan (IIPP) was updated in December 2013 and does not cover acts or threats of violence. The 2009 Workplace Civility policy encourages county employees to report incidents of workplace incivility, hostility or offensive behaviors and protects persons who make such reports from threatening or retaliatory action but provides no further direction on how to protect oneself when such behavior occurs. The 1998 Workplace Security and Safety Policy goes further in defining threats and acts of violence as well as measures the County will take should such be found to have occurred. However, the focus is on who to contact in case of such an emergency, not how to protect oneself during an act of violence.

The Grand Jury felt that many Yolo County workplace safety policies were outdated, and County staff have reportedly updated approximately 50 percent since 2021. An annual review process is under consideration to ensure such policies reflect the most up-to-date guidance and mitigation opportunities. The County also has a Safety Committee, comprised of members of different departments, including the County's ACE department, and the County's Safety staff that regularly discusses workplace safety issues and makes recommendations based upon department concerns or needs.

*Workplace Safety Training:* Yolo County has an array of trainings available through its Yolo Training Academy and is reportedly in the process of implementing LEARN (40), an online system that would allow for electronically reserving, tracking and reporting on completion of employee trainings. Active shooter and other safety-related trainings are typically available upon request by department heads. Policy and training opportunities focus on regular

employees, while the elections training manual, with over 200 pages of step-by-step guidelines and helpful graphics, provides poll workers with detailed information about all aspects of elections operations – but nothing specific to active threats of violence. There also are mandatory online training modules for poll workers that reflect information in the training manual.

Active-shooter training has not been offered to Elections employees consistently in the past; it is not an integral part of poll worker training. The 2022 poll worker training manual discusses de-escalation techniques when dealing with an angry or upset member of the public but does not mention what to do – beyond calling law enforcement – should a threat escalate or a weapon appear. Nor does it provide specific guidance to address a bomb threat.

The visitor lobby is a small public space that forces visitors to stand close to the office area. The work area behind it is vulnerable to forced access, having only an unlocked half-gate separating a visitor from the office area itself. While panic buttons are available, harm could be caused before a security guard or law enforcement could respond.

The Elections Office is aware that threats of violence have been made in other counties and states during recent elections. Yolo County is in the process of updating its safety policies. More consistent and robust steps can be taken to better ensure the safety of staff, poll workers and the public.

### ***Workplace Ergonomics***

In October and November 2022, Grand Jury members walked through the front and back offices of the Elections Office, and other areas used during the peak of elections activity. The Grand Jury had concerns about how the limited workspace available, especially during an election crunch time, could contribute to work-related injuries or fatigue. The Grand Jury interviewed individuals knowledgeable about the layout of the offices and how they are utilized and reviewed ergonomics training available to staff and poll workers.

The Centers for Disease Control and Prevention (CDC) has published data (41) from as early as 1999 finding that MSDs are associated with high costs to employers, such as absenteeism, lost productivity, as well as increased health care, disability and workers' compensation costs. Such cases can be more severe than the average nonfatal injury or illness. More recently, the National Safety Council (NSC) found that in 2020 alone the private sector experienced 247,630 (42) MSD injuries or illnesses involving days away from work. The NSC found that in 2021 the total cost to employers of fatal and nonfatal injuries (beyond MSDs alone) was \$167 billion (43). The NSC also noted that "the true cost to the nation, employers, and individuals of work-related

deaths and injuries is much greater than the cost of workers' compensation insurance alone.” Yolo County departments are not charged separately for Workers’ Compensation claims.

*Ergonomics Policies and Practices:* Ergonomics has been described as the science of fitting the job to the person. To start this process in Yolo County, reviews of work areas and training focused on ergonomics are requested through the Human Resources department and Yolo County Public Agency Risk Management Insurance Authority (YCPARMIA). Department heads are responsible for requesting such assistance, although they themselves may not be fully aware of risks.

Yolo County also has a robust “Ergonomic Program” guide which includes detailed diagrams, discusses resources and responsibilities, and provides checklists to help employees assess discomfort and risks related to MSDs. A “*Potential Hazard Identification Form*” also is available to employees; potential hazards and responses are discussed in the county’s IIPP.

*Other Observed Risks:* From tours of the Elections Office and discussions with staff, grand jurors determined that there is more that remains to be done to reduce risks of MSDs or other injuries to Elections staff and poll workers. For example:

- There do not appear to be adjustable keyboard trays or sit/stand stations at cubicle or office desks. Computer monitors are not always at the optimal height for users. Lighting appears to be adequate.
- Work stations in the front office appear too small for the work performed. They are crowded with work-related materials, such as file folders, books, staplers, document holders, etc., which limit desk space for such activities as writing or sorting papers. Leg room underneath is cramped with waste-paper baskets, boxes, etc., which could force workers to twist in place while seated. Work station ergonomics, whether involving computer, furniture or lighting setups, directly affects employee health and productivity and is relatively easy and inexpensive to improve (44).
- Two desks for regular staff in the back offices were entirely exposed to their surroundings: large storage racks, myriad boxes of all sizes and weights, elections machines, and, during prime election periods, constant movement and noise from staff, poll workers and observers. The resulting distractions and disruptions could make concentration, conversation and the ability to discuss or work on confidential projects very challenging.
- The back-office areas – where voting-related machines, large storage racks, equipment, and boxes of different shapes and sizes for use during elections are housed – allowed no more than three feet of space for walking, and occasionally less. Items were piled in such a way that they could fall upon someone or cause them to trip. The large metal

storage racks, set on wheels, were not restrained. Dust and other air pollutants did not appear to be controlled should a worker have breathing-related problems.

- OSHA notes (45) , “75% of workplace-related back injuries occur during a lifting task”. MSDs could result from staff or poll workers attempting to incorrectly lift, shift and move boxes and trays of varying sizes, materials and weights. MSDs can result from moving large handfuls of ballots or ballot trays – up, down and sideways – to and from machines used for ballot opening, sorting and scanning or lifting, moving or assembling equipment at vote centers. High stress, such as during the days immediately preceding or following an election, can make MSD injuries more likely to occur.

The Erwin Meier Administration Building, referred to as the county administration building, was completed in the spring of 1985, and the Elections Office moved in from its previous location at 470 Kentucky Avenue. Elections Office staff, furnishings, office and election equipment and supplies have increased steadily over the past 40 years to the point where the Elections Office is forced to take over additional space to meet its demands from time to time. This may negatively impact other county departments. Demands on the Elections Office space will continue to grow along with Yolo County’s increasing population. Taking steps now to provide a workspace better adapted for the increasing demands on elections operations and staff will prevent future injuries and costs related to Workers’ Compensation claims and lost productivity. It will reinforce Yolo County’s and Elections Office management’s desire to provide election safety as well as workplace safety.

## **COMMENDATIONS**

1. The Yolo County Elections Office security procedures for both ballots and machines were well implemented. They are subject to necessary compliance with California state election law and procedures.
2. The Yolo County Elections Office informs the public well and invites them to see the election process in action. Those who wish to be election observers are invited to witness key election events, such as ballot removal from envelopes, signature verification, vote tabulation, and recording and transmission of voting counts.
3. The Yolo County Elections Office continues to interact and train with a variety of local, state and federal election and security personnel and organizations in order to maintain county election security.
4. The Yolo County Elections Office has gone above and beyond in its efforts to increase voter education and turn-out among all of its communities.
5. The Yolo County Elections Office poll worker manual is thorough and well-illustrated (see sample page, Appendix B), and its procedures are well conceived and well implemented by trained staff.

## **FINDINGS**

- F-1 The Yolo County Elections Office will need stable funding in coming years for upgrades and maintenance of electronic voting equipment.
- F-2 The Yolo County Elections Office makes extensive efforts in voter outreach, through media communication and visits with various citizen groups, and by operating a mobile vote center. While it has goals, they are not SMART (Specific, Measurable, Attainable, Realistic, Time-specific) nor are metrics in place to determine how closely the goals are achieved.
- F-3 The Yolo County Elections Office lacks consistent training to help staff and poll workers respond directly to violence (physical, guns and knives or bomb threats).
- F-4 The Yolo County Elections Office needs additional and more flexible space to meet staff productivity needs. In addition to appropriate space, additional training is needed to meet minimum ergonomic standards.

## **RECOMMENDATIONS**

The Grand Jury recommends that:

- R-1 Yolo County Board of Supervisors should ensure adequate future funding for voting equipment maintenance and upgrades, appropriate to the nature of the equipment.
- R-2 The Elections Office should create SMART (Specific, Measurable, Attainable, Realistic, and Time-specific) goals for its outreach efforts, including metrics and a timeline for reviewing such efforts and determining how closely the goals are achieved. In addition, the Elections Office should complete a final report on responses to its voter survey. Both the SMART goals and metrics and the voter survey final report should be submitted to the Yolo County Grand Jury by December 31, 2023.
- R-3 Active shooter and bomb threat risks should: 1) be assessed thoroughly utilizing appropriate resources (such as local law enforcement, YCPARMIA, safety staff, etc.), relevant policies updated and communicated to all new staff and poll workers. 2) Trainings should be updated and implemented at least annually for all Elections staff and at the beginning of each election for all poll workers. To implement these recommendations, a detailed plan for completing the assessment and changes to workplace safety-related policies and trainings with an implementation plan should be completed by December 1, 2023, with full implementation prior to the next scheduled election (March 5, 2024).
- R-4 A thorough assessment of the Yolo County Elections Office (front and back areas) by Human Resources staff and knowledgeable Yolo County third-party providers, such as YCPARMIA, should be conducted by January 1, 2024. During the assessment, input should also be gathered from Elections staff about how equipment and storage needs

impact work spaces during election periods. At minimum, such assessment should determine: 1) whether the current space is adequate to meet the Election Office’s growing needs; 2) how the work spaces can be reconfigured to address day-to-day and election period needs; 3) the furnishings or equipment that should be purchased, installed and training provided for appropriate use to reduce the possibility of MSDs and other injuries; 4) how the funding will be made available to complete these changes; and 5) how ergonomics training should be updated and implemented for regular staff at least annually and poll workers at the beginning of each election.

## REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests responses as follows:

From the following individual:

- Yolo County REGISTRAR OF VOTERS - F1, F2, F3, F4, R2, R3, R4

From the following governing bodies:

- Yolo County Board of Supervisors – R1, R2, R3, R4

## ENDNOTES

1. Emergency Action Plan, California Code of Regulations, Title 8, Section 3220: <https://www.dir.ca.gov/Title8/3220.html>
2. ACE mission statement, Yolo County: <https://www.yolocounty.org/about-us/mission-values-strategic-plan>
3. Ergonomics, Occupational Health and Safety Administration, United State Department of Labor: <https://www.osha.gov/ergonomics>
4. Work-Related Musculoskeletal Disorders & Ergonomics, Centers for Disease Control and Prevention: <https://www.cdc.gov/workplacehealthpromotion/health-strategies/musculoskeletal-disorders/index.html>
5. Poll Worker definition, Lawinsider.com: <https://www.lawinsider.com/dictionary/poll-worker>
6. Workplace Safety definition, Lawinsider.com: <https://www.lawinsider.com/dictionary/workplace-safety>
7. Justice Department Launches Task Force to Combat Threats Against Election Workers, The United States Department of Justice: <https://www.justice.gov/opa/blog/justice-department-launches-task-force-combat-threats-against-election-workers-0>
8. Jeff Pegues, Seven states continue to see unusual levels of threats to election workers, CBS News, October 23, 2022: <https://www.cbsnews.com/news/election-worker-threats-7-states/>
9. Local Election Officials Survey (June 2021), Brennan Center for Justice: <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-june-2021>
10. About California Voter’s Choice Act, California Secretary of State: <https://www.sos.ca.gov/voters-choice-act>
11. The Carter-Baker Commission: 16 Years Later, Conference Report, The Carter Center/Rice University’s Baker Institute for Public Policy, October 20, 2021:

- <https://www.cartercenter.org/resources/pdfs/peace/democracy/carter-baker-conference-report-110121.pdf>
12. Compton case: <https://www.latimes.com/california/story/2021-08-13/compton-city-councilman-charged-with-election-rigging-bribery-in-race-decided-by-one-vote>
  13. Abby Budiman, Key findings about U.S. immigrants, Pew Research Center, August 20, 2020: <https://www.pewresearch.org/short-reads/2020/08/20/key-findings-about-u-s-immigrants/>
  14. Estimates of the Voting Age Population for 2020, Federal Register, National Archives: <https://www.federalregister.gov/documents/2021/05/06/2021-09422/estimates-of-the-voting-age-population-for-2020>
  15. Estimates of the Unauthorized Immigrant Population Residing in the United States, U.S. Department of Homeland Security: <https://www.dhs.gov/immigration-statistics/population-estimates/unauthorized-resident>
  16. In their own words: Officials refuting false claims of voter fraud, Brennan Center for Justice, April 13, 2017: <https://www.brennancenter.org/our-work/research-reports/their-own-words-officials-refuting-false-claims-voter-fraud>
  17. Zaidee Stavely, Non-citizen parents can vote in San Francisco School Board recall. But will they?, EdSource, February 4, 2022: <https://edsource.org/2022/non-citizen-parents-can-vote-in-san-francisco-school-board-recall-but-will-they/666796>
  18. California Elections Rumor Control, California Secretary of State: <https://www.sos.ca.gov/elections/election-cybersecurity/rumor-control>
  19. Register to Vote, Yolo County Elections Office: <https://www.yoloelections.org/voter-registration/register-to-vote>
  20. About the National Voter Registration Act, Civil Rights Division, U.S. Department of Justice: <https://www.justice.gov/crt/about-national-voter-registration-act>
  21. California Motor Voter, California Secretary of State: <https://www.sos.ca.gov/elections/california-motor-voter>
  22. Verity Paper Voting Solution, Hart Verity: <https://www.hartintercivic.com/paper/>
  23. Yolo County Elections Office provides update on incorrectly mailed ballots, Daily Democrat, October 18, 2022: <https://www.dailydemocrat.com/2022/10/18/yolo-county-elections-office-provides-update-on-incorrectly-mailed-ballots/>
  24. Reality: California has the strongest voting security system standards in the country, Rumor Control, California Secretary of State: <https://www.sos.ca.gov/elections/election-cybersecurity/rumor-control>
  25. OVSTA: Voting Technology Security, May 6, 2022: <https://elections.cdn.sos.ca.gov/ccrov/2022/may/22105sl.pdf>
  26. Cal. Code Regulations, Title 2, Section 20135 – Drop-off Location and Drop Box Security, Cornell Law School: <https://www.law.cornell.edu/regulations/california/2-CCR-20135>
  27. About Us, Center for Internet Security: <https://www.cisecurity.org/about-us>
  28. Horus Alas, Report: Republican-led state legislatures pass dozens of restrictive voting laws in 2021, U.S. News, July 2, 2021: <https://www.usnews.com/news/best-states/articles/2021-07-02/17-states-have-passed-restrictive-voting-laws-this-year-report-says>
  29. Rachel Leingang, ‘We’re watching you’: incidents of voter intimidation rise as midterm elections near, theguardian.com, November 4, 2022: <https://www.theguardian.com/us-news/2022/nov/04/voter-intimidation-midterm-elections-arizona>
  30. Ned Parker and Andy Sullivan, In the hunt for voter fraud, Republican door knockers are intimidating residents: Officials, Reuters, November 3, 2022: <https://www.reuters.com/legal/republican-door-knockers-intimidate-voters-while-hunting-voter-fraud-say-2022-11-03/>

31. Yolo County Elections Office: <https://www.yoloelections.org/>
32. Yolo County Elections Office, CA – 2019 Clearinghouse Award Winner, United State Election Assistance Commission, March 11, 2022: <https://www.eac.gov/election-officials/yolo-county-elections-office-ca-2019-clearinghouse-award-winner>
33. Dateline Staff, As ‘UC Votes’, UC Davis is ready to collect the ballots, UC Davis, April 21, 2022: <https://www.ucdavis.edu/news/as-uc-votes-uc-davis-ready-collect-ballots>
34. Robyn Dobson, Criminal justice partners engage in voter education and outreach in Yolo County, Daily Democrat, September 19, 2022: <https://www.dailydemocrat.com/2022/09/19/criminal-justice-partners-engage-in-voter-education-and-outreach-in-yolo-county/>
35. Youth Empowerment Summit: <https://yolosaysyes.com/>
36. 27 ideas for encouraging youth participation in elections, Center for Tech and Civic Life, February 24, 2021: <https://www.techandcivicliflife.org/youth-engagement/>
37. Yolo youth program earns recognition, Davis Enterprise, September 6, 2019, <https://www.davisenterprise.com/news/community/yolo-youth-program-earns-recognition/>
38. Voter Education and Outreach Workshops, Yolo Elections Office: <https://www.yoloelections.org/get-involved/voter-education-and-outreach-workshops>
39. Press Releases, Yolo Elections Office: <https://www.yoloelections.org/news-and-publications>
40. LEARN, Neogov.com: <https://www.neogov.com/products/learn>
41. Work-related musculoskeletal disorders & ergonomics, Centers for Disease Control and Prevention, <https://www.cdc.gov/workplacehealthpromotion/health-strategies/musculoskeletal-disorders/index.html>
42. Musculoskeletal Injuries, Injury Facts, National Safety Council: <https://injuryfacts.nsc.org/work/safety-topics/musculoskeletal-injuries/>
43. Work Injury Costs, Injury Facts, National Safety Council: <https://injuryfacts.nsc.org/work/costs/work-injury-costs/>
44. Top five benefits of ergonomics, PECB, March 17, 2016: <https://pecb.com/article/top-five-benefits-of-ergonomics>
45. OSHA Proper Lifting Techniques: Safe Lifting Ergonomics, Online OSHA Training, <https://www.osha.com/blog/proper-lifting-techniques>

## APPENDICES

1. Voter Registration Form
2. Training Manual sample page

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

APPENDIX 1: VOTER REGISTRATION FORM

### California Voter Registration/Pre-registration Application YOLO COUNTY

Use blue or black ink. Print clearly. Fill out this form if you are a new voter, are pre-registering to vote, have changed your name, or want to change your political party preference.

① I am a U.S. citizen and resident of California.....  Yes  No ← If "No" you CANNOT register to vote. Do not complete.  
 I am 18 or older.....  Yes  No  
 I am 16 or 17 and want to pre-register.....  Yes  No

Your legal name: First name \_\_\_\_\_ Middle name \_\_\_\_\_

② \_\_\_\_\_

③ Last name (may include suffix, such as Jr., Sr., III) \_\_\_\_\_ Optional  Mr.  Mrs.  Ms.  Miss

④ \_\_\_\_\_

⑤ Home address – not a P.O. Box or business address – (Number, Street, Ave., Drive, etc. Include N, S, E, W) \_\_\_\_\_ Apt or unit # \_\_\_\_\_

⑥ City \_\_\_\_\_ State **CA** Zip \_\_\_\_\_ California county \_\_\_\_\_

⑦ If you do not have a street address, describe where you live including cross streets, Route, N, S, E, W \_\_\_\_\_

⑧ Mailing address – if different from above, or P.O. Box \_\_\_\_\_

⑨ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Foreign country \_\_\_\_\_

⑩ Date of birth \_\_\_\_\_ U.S. state or foreign country of birth \_\_\_\_\_

⑪

⑫ CA driver license or CA ID card # \_\_\_\_\_ If you do not have a CA driver license or CA ID card, list the last 4 numbers of your Social Security Number, if you have one. . . . . SSN (Last 4 numbers) \_\_\_\_\_ Phone numbers are posted at polling places on Election Day.

⑬ Email (optional) \_\_\_\_\_ Phone number (optional) \_\_\_\_\_

⑭ \_\_\_\_\_

⑮ Do you want to choose a political party preference?

**Yes**, my political party preference is (check one):  
 American Independent Party  Democratic Party  Green Party  
 Libertarian Party  Peace and Freedom Party  Republican Party  
 Other (specify): \_\_\_\_\_

**No**, I do not want to choose a political party preference. (If you choose no, you may not be able to vote for some parties' candidates at a primary election for U.S. President or party committee.)

⑯ I want to get my ballot by mail before each election.\*  Yes  No

⑰ If you were registered/pre-registered to vote before, fill out below:

First name \_\_\_\_\_ Middle initial \_\_\_\_\_ Last name \_\_\_\_\_

Previous address where you were registered/pre-registered \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_ Previous county \_\_\_\_\_ Previous political party preference (if any) \_\_\_\_\_

⑱ **Read and sign below.**

I am a **U.S. citizen** and am **at least 16 years old** I am not currently imprisoned or on parole for the conviction of a felony. I am not prohibited from voting by a court because of mental incompetency. I understand that it is a crime to intentionally provide incorrect information on this form. I declare under penalty of perjury under the laws of the State of California that the information on this form is true and correct.

Signature \_\_\_\_\_ Date Signed: Month / Day / Year

57 ZB **769051** 200001

**Important!** To vote in the next election, you **must** be at least 18 on Election Day and mail or deliver this card at least **15 days** before the next election. New voters who register by mail may have to show their ID at the polling place the first time they vote.

**Optional**

A.  I want to be a poll worker. (If bilingual, indicate language: \_\_\_\_\_)  
 I can provide a polling place.

B. My ethnicity/race is: \_\_\_\_\_

C. My language preference for receiving election materials is:

English  Spanish  Chinese  Vietnamese  Korean  
 Español  中文  Việt ngữ  한국어  
 Tagalog  Japanese  Hindi  Khmer  Thai  
 日本語  हिन्दी  ខ្មែរ  ไทย

**Did someone help you fill out or deliver this form?**  
 If yes, the person who helped you must fill out and sign both parts of this green box.

Signature \_\_\_\_\_ Month / Day / Year  
 Name, address, and tel.: \_\_\_\_\_

## APPENDIX 2 – POLL WORKERS MANUAL SAMPLE PAGE

### Verity Touch Writer

#### Verity Touch Writer (cont'd)

14. Turn **green circle** key to lock screen in place and remove key. Secure the **blue square** and **green circle** keys in the **Site Binder's** pouch.



15. Wait until the Verity Touch Writer finishes powering up and displays the **Print Zero Report** screen, and then connect the AutoBallot Barcode Scanner to the USB connection located on the lower compartment above the report printer.



16. Lift the Verity Access Controller from its cradle.
17. Plug headphones into the headphone jack on the top left of the Verity Access Controller. The headphone jack is also indicated by the raised headphone symbol.



18. Place a set of disposable ear covers on headphone set in preparation for the first user.
19. To install input devices from the voter (e.g., tactile switches, sip-and-puff, or other stereo input devices), plug the device into the jack on the top right of the Verity Access Controller. This jack is also indicated by the raised wheelchair symbol.





# KEEPING FAMILIES TOGETHER

## *Strengthening a Struggling Child Welfare Service*

A report by the 2022-23 Yolo County Grand Jury  
June 1, 2023

“Family relationships are the building blocks of society. Strong families foster compassionate and responsible individuals who contribute positively to their communities.” Pope Francis



Stock photo

### **SUMMARY**

Families needing support from the Child Welfare Services (CWS), a branch of Yolo County’s Health and Human Services Agency, deserve dedicated resources that will enable all children and families to achieve their full potential and experience a “healthy, safe and vibrant community where all have the opportunity to [thrive...](#)” (1)

The 2022-23 Yolo County Grand Jury (Grand Jury) responded to a complaint on the following alleged problems at CWS: 1) staffing and human resource concerns, 2) racial and ethnic disparities in the way cases are handled for children and families, and 3) the sizeable number of children who are sent out of Yolo County for foster care. While the Grand Jury found evidence of these problems, they also found staff and management were experienced, compassionate and dedicated individuals whose priority is the welfare of the children and families they serve. They are seemingly recharged following challenges arising from earlier leadership changes and the COVID-19 pandemic. The

Grand Jury further found that the new executive leadership team is focused on creating a stable organization that will deliver on its [vision](#) to “strengthen the safety, permanency, and well-being of children involved in the child welfare system”. (2)

However, CWS needs extensive help to achieve its vision. The agency is facing a host of internal challenges that affect the delivery of services to vulnerable Yolo County children. These challenges are not new. The 2015-16 Grand Jury also found operational practices that adversely affected staff morale. Some of the most critical current obstacles – staff shortages, high turnover, and irregular training – were also identified as shortcomings in an assessment presented as part of the Child Workshop #2<sup>1</sup> to the Yolo County Board of Supervisors in 2016.

Although additional positions were added to the CWS staffing budget since the 2016 assessment, many positions are unfilled, resulting in excessively large caseloads for social workers and a perpetual state of burnout driving staff turnover. CWS management is left without the time or organizational energy to implement necessary improvements. In 2015, the Annie E. Casey Foundation noted, when caseloads are not reasonable “...agencies experience high staff turnover that fuels poor decision-making, spurs poor child and family outcomes, requires inordinate recruitment and [increases training cost.](#)” (3) Turnover is the result of excessive caseloads, low-morale, high-stress, low-pay, poor management-staff relationships, inadequate training, and many other negative organizational attributes.

Needed reforms to child welfare practices outlined in the 2020-25 CWS System Improvement Plan (SIP) aimed at improving outcomes for Yolo County’s children and families are lagging behind what is needed. As noted in the SIP, implementation of a program to reduce the high incidence of referrals to foster care, especially for Black children, is behind schedule. The longstanding lack of foster families in Yolo County means too many children are sent out of Yolo County for foster care, away from school, family and friends.

These are long-standing, critical concerns requiring a high sense of urgency. Until the staffing crisis is addressed, dedicated staff and leadership will persevere until they, too, become victims of burnout. Children and families who are among the most disadvantaged in our community are those who desperately need CWS’s help and will suffer

---

<sup>1</sup> Yolo County Board of Supervisors Child Welfare Workshop #2, 9.27.16, Oppenheim, Fabella, Webster

most. When one segment of the community suffers, especially the children, Yolo County's reputation and desirability as a place to live and work for all suffers.

## **DEFINITIONS**

**CWS:** Child Welfare Services is the branch of Yolo County's Health and Human Services Agency that focuses on strengthening the "safety, permanency, and well-being of children involved in the child welfare system." (3)

**HHSA:** Yolo County's Health and Human Services Agency provides a wide range of services and support programs throughout the county. These include assisting adults, children and youth, and families with mental health, substance abuse and welfare services. The branches within HHSA include Children's Mental Health, Continuous Quality Improvement, Community Health, and Child Welfare Services. Its mission is to ensure "Yolo County residents are healthy, safe and economically stable." (4)

**SIP:** Mandated by the state, System Improvement Plans are 5-year strategic plans that all CWS departments develop in collaboration with local partners to improve outcomes in priority areas. Plans must be approved by the county Boards of Supervisors and then submitted to the California Department of Social Services. Yolo County's CWS branch established its SIP for 2020-25.<sup>2</sup>

## **BACKGROUND**

Yolo County Child Welfare Services (CWS) is the primary system of intervention for child abuse and neglect in the county. California law provides for, and CWS arranges, a variety of services for children who are victims of abuse or neglect and their families with the goal of keeping the child at home when it is safe, and developing an alternative plan when removal from the home is in the child's best interest. In addition, CWS is also responsible for assistance with adoption and foster family recruitment, licensing and placement.

Protecting children and strengthening families is a complex process where the social worker is the developer and conductor of a care plan requiring collaboration with an array of partners. These include the court, HHSA, law enforcement, schools, hospitals, and others. Numerous federal and state statutory rules govern the operation of CWS, and the work of social workers within the agency. The flowchart in Appendix A provides an overview of the process from the first notification that abuse or neglect is suspected through to resolution.

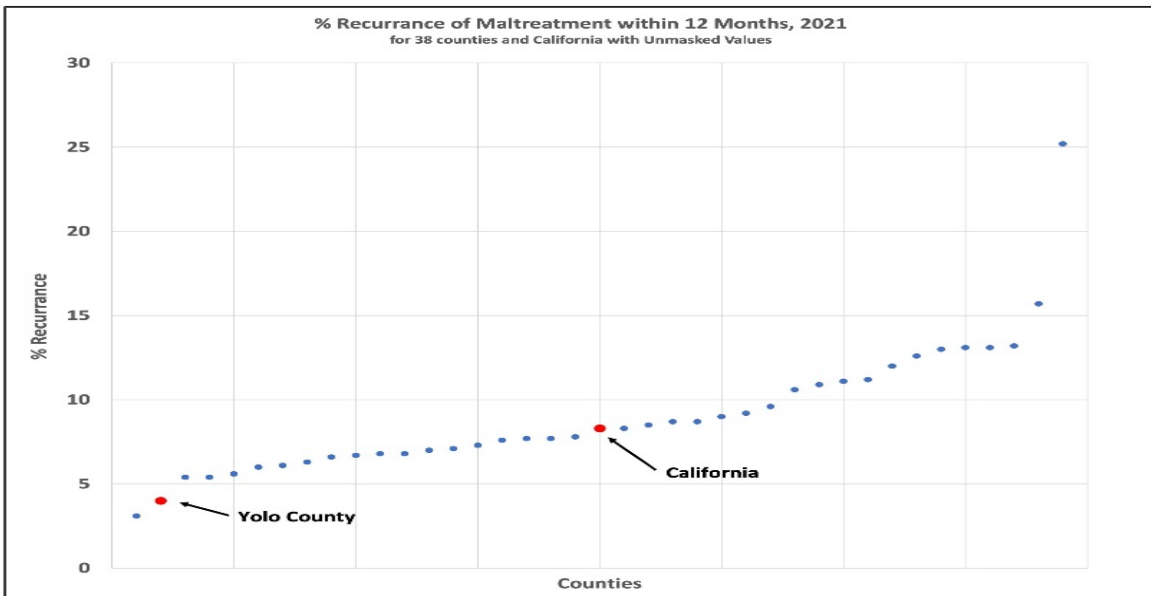
---

<sup>2</sup> Copies may be requested from California Department of Social Services, <https://www.cdss.ca.gov>

Several of the concerns raised in the filed complaint were also identified in 2016 when the Yolo County Board of Supervisors commissioned an outside expert evaluation of the operation of CWS in response to the death of several [children](#). (5)

Fortunately, the tragic circumstances which drew the Board of Supervisor’s attention in 2016 have not been repeated. In fact, Yolo County’s rate of recurrence<sup>3</sup>, a measure of child safety, has been declining steadily. (See Appendix B). Currently, Yolo County’s recurrence percentage is among the lowest of counties in the state (2021, [most recent data](#)). (6)

Rates of recurrence of child abuse and neglect in 2021 is half the statewide rate as shown in the [chart](#) below. (7) Yolo County has a low rate of recurrence.



Many of the deficiencies noted in the 2016 report<sup>4</sup> continue today. Operational challenges, including staffing shortages, high turnover rates and inadequate training described in the 2016 assessment, remain present today. Long term issues that have seriously impacted CWS started with some overreporting of children based on racial and ethnic community bias, challenges once they enter the system, and high out-of-county placement of foster children. To address these challenges, CWS has an ambitious strategy to “create a paradigm shift within the culture of the agency ...”<sup>5</sup> which is the foundation for Yolo County’s SIP for 2020-25. Its priorities include: 1) “decrease entries

<sup>3</sup> Recurrence is any subsequent child welfare report of maltreatment (abuse) or neglect

<sup>4</sup> Yolo County Board of Supervisors Child Welfare Workshop #2, 9.27.16, Openheim, Fabella, Webster

<sup>5</sup> SIP 2020-25 page 19

into foster care and to reduce racial and ethnic disproportionality and disparity”, and 2) increasing foster and adoptive parent licensing, recruitment and retention. Strategies to address both priorities require an extensive time commitment from managers, intensive training and adoption of new practices within CWS which will be a challenge without additional resources.

This Grand Jury report is not meant to be an exhaustive review of CWS, but one focused on areas identified in the complaint and reinforced by interviews with staff and managers.

## **APPROACH**

The Grand Jury reviewed:

- Child and Family Services Systems Improvement Plan (SIP) for 2020-25 and Updates;
- Yolo County HHS and CWS websites (personnel policies, forms and internal presentation materials);
- [UC Berkeley, Child Welfare Indicators Project](#); (8)
- 2015-16 Grand Jury report and the County’s response to recommendations;
- Minutes from the Board of Supervisors meetings and presentations from the Child Welfare Workshops (7.26.16, 9.27.16); and
- Child Welfare Services Action Plan 2016-17.

The Grand Jury interviewed:

- CWS and HHS staff members, supervisors, managers;
- Former CWS employees;
- Representatives from community partners; and
- Union representatives.

The Grand Jury also researched numerous media sources and online experts.

## **DISCUSSION**

### ***Staff Shortage and High Turnover Rates***

A strong and experienced workforce is the backbone of CWS. But, , the Grand Jury found that Yolo County, like many counties in California, continues to experience a shortage of social workers in CWS and lacks a consistent pipeline for new hires. Validated by staff and management interviews, an urgent need to address the many work-force challenges was identified. As of April 2023, there were 24 open social worker positions, a vacancy rate over 30%. (Recruitment is on hold for one-third of the vacant positions.) Exacerbated by the COVID-19 pandemic, staffing shortages have been an [ongoing challenge](#) for Yolo County CWS dating back at least eight years. (9)

The lack of adequate staffing means that CWS social workers carry caseloads in excess of best practices. For example, social workers working in the Ongoing Unit work closely with families and children once they have been assessed and enter the system. Best practice in the program was identified by management as approximately 14 to 18 cases at any given time. In practice, interviewees noted having caseloads ranging from 20 to 35.<sup>6</sup> Supervisors attempt to assist their staff by either managing some cases themselves or at least being available for advice and direction when needed. High caseloads for staff translate into high demands for supervisor time. Supervisor attention is especially critical for crisis situations, such as domestic abuse when children must be removed from their home immediately, but the social worker's supervisor may not be available because they are assisting another social worker.

High rates of social worker turnover<sup>7</sup> impair CWS's ability to meet children's and family's needs. Over the past four years CWS experienced 100% employee turnover and twice that rate in the Ongoing Unit<sup>8</sup>. It takes at least three months until an experienced social worker new to the county is trained in its unique operation and is able to assume a caseload capably. Recent graduates require an even longer training and ramp-up period.

With high staff turnover comes [higher costs](#) (10) as resources are necessarily diverted to training new staff rather than supporting existing staff to work with clients. The burden of excessive caseloads plus the emotional demands of the social worker's role has resulted in classic signs of burnout<sup>9</sup>. Staff reported that this is causing social workers to leave CWS and find less-taxing positions elsewhere.

Turnover is disruptive to children and families who must form relationships with their newly assigned social worker and re-build trust. A family may be forced to build such relationships and trust with several different social workers during the course of their time with CWS, in addition to experiencing their own emotional stresses. Lack of

---

<sup>6</sup> Internal data, HHS 12.22

<sup>7</sup> Turnover rate is the percentage of employees who leave an organization during a specified time frame.

<sup>8</sup> HHS Internal data and interviews

<sup>9</sup> Christina Maslach PhD, "Why we're burned out and what to do about it", American Psychological Association, podcast transcript, 7/21

continuity with their social worker also means longer waits for permanency<sup>10</sup> for the children awaiting resolution of their situation. This results in cases being open longer, thereby increasing the social workers' caseloads and chances of burnout and turnover. It is a very vicious circle.

With excessive caseloads, inadequate staffing and high turnover, social workers and support staff are challenged to deliver optimal care to Yolo County's children and their families. The results are causing physical and emotional stress for the overworked social workers. This leaves less time and energy to work with children and families, assess and implement operational improvements, attend mandatory training and professional development courses as well as less time for emotional recharging. According to the Annie E. Casey Family [Foundation](#), "High workloads have a domino effect: staff burnout and stress lead to staff attrition that can result in decreased worker-family contact and failure to meet professional standards for investigation response and completion; case plan completion and updates and service provision; as well as increased time to permanency, rates of maltreatment recurrence and the number of foster care placement and re-entries into foster care." (11)

In addition to working directly with clients, social workers spend considerable time on administrative reporting and clerical duties mandated by law. Attending court, documenting case progress, arranging for in-home services and support, searching for relatives, meeting with supervisors, and planning transportation were tasks identified by staff as taking between 25 and 40 percent of a social worker's time. These tasks need to be done, but is there a more cost-effective and less time intensive way to accomplish some of these tasks?

### ***Staff Burnout***

Poor employee morale has plagued CWS for many years.<sup>11</sup> Although many CWS staff are optimistic that the workplace environment will improve with the new leadership team, (which has begun to implement several strategies that address the low morale issues), they also reported a wide range of chronic job stressors leading to classic "burnout".<sup>12</sup> These include:

---

<sup>10</sup> Permanency refers to a stable, long-term attachment to an adult, a crucial building block of child development, <https://www.acef.org/topics/permanence>

<sup>11</sup> Yolo County Board of Supervisors Child Welfare Workshop #2, 9.27.16, Oppenheim, Fabella, Webster

<sup>12</sup> Christina Maslach PhD, "Why we're burned out and what to do about it", American Psychological Association, podcast transcript, 7/21

- *Physical and emotional exhaustion from excessive client caseloads leaving them with less free time available for their own families:* In one example, the current “on-call” system, whereby social workers are to be available for urgent situations after regular work hours based on their seniority, has unintended consequences. First, being on-call, typically a minimum of once a week for a CWS social worker, means being available for 24 hours, thereby impacting their personal lives and the ability of the department to deliver a standard level of care. Second, those with more seniority typically pick the most desired shifts, which leaves the newest social workers the holiday and weekend shifts. Third, staff stated their belief that some workers simply call in “sick” to avoid working their on-call shift. This is a practice that is unfair to staff who must pick up that shift but has few, if any, consequences. Staff recognized that on-call shifts are necessary, but also recommended management consider practices that could meet the need while being more balanced for all. Management is working to address this problem.
- *An ongoing history of conflict between leadership and frontline social workers who felt their concerns went unheard and their ideas unappreciated:* Staff voiced examples of unfair treatment that were not resolved.
- *Lower pay and higher workloads than colleagues in other counties, especially those within a reasonable commute distance:* While Yolo County recently made salary adjustments, several interviewees questioned whether the increase was adequate to make positions in CWS competitive.
- *The challenge of balancing regular work with emergencies:* Emergent situations require social workers to defer “regular work” and attend to the inevitable emergency. With very tight staffing, there is no capacity to manage emergencies without causing delays for existing clients.
- *Performance evaluations continue to be conducted inconsistently:* The results are delayed raises, missed opportunities to provide useful and timely feedback to acknowledge excellence as well as to improve staff performance required for promotion, and to identify underperforming or incompetent employees who are unable to meet expected performance standards. This issue was identified in the 2015-16 Grand Jury Report and, as of this report, the department is still deficient. While current leadership is attempting to meet its own policies regarding the timely completion of staff performance evaluations, it is challenged with ensuring that overworked supervisors and managers comply.
- *A history of racial insensitivity to staff of color compounded by a marked increase in outside hostility towards the CWS and staff:* Efforts are underway to remedy this internal cultural insensitivity, but leadership acknowledges creating a consistent welcoming environment will take time and commitment at all levels of CWS.

- *Strained internal relationships and poor communication, particularly among staff and supervisors from separate units, lead staff to feel unsupported by colleagues on other teams or in other CWS units:* This limits the organization's ability to optimize performance, creates a culture of mistrust, and ultimately results in ineffective service delivery.

To best serve the children and families who count on them, staff members need to feel supported by colleagues and valued for their work. To their credit, current leadership appears aware of the morale challenges and has designed multiple interventions to correct the deficiencies. Unfortunately, the overworked staff lack the time and mental reserve to focus on activities other than direct services for children and families, leaving leaders with only partially implemented plans and no certain end-dates for completion.

### **Recruitment**

Despite recent efforts to augment staff recruitment activities, such as visiting colleges with social work programs, resources to attract social workers to these hard-to-fill positions are inadequate. Yolo County salaries, which were recently increased, historically have been below those offered in neighboring counties. Also, the workload is greater than nearby counties, making recruitment even more difficult. Staff share workplace experiences with colleagues in other counties, so a county's reputation as a potential employer is very important.

An intensive recruitment effort is also needed with a particular focus on outreach to attract Latino and Black social workers to serve a CWS clientele that is 66%<sup>13</sup> children of color.

### **Training**

The CWS System Improvement Plan (SIP) for 2020-25 noted that "In 2019, Yolo County Child Welfare Services implemented a Practitioner Training Unit dedicated to not only provide onboarding training to a core group of social workers, but also to implement, monitor, and develop trainings and resources identified as lacking within the agency." While started in good faith, the unit created initially to support social workers new to CWS and longer-term staff soon had all staff reassigned to meet increasing workload demands.

---

<sup>13</sup> 2022 [allegations](#) where ethnicity is known (12)

Due to understaffing, CWS is unable to allow new hires sufficient time for training or reasonable time to ramp up their caseload, although this has begun to change recently in some units.

In November 2022, the HHS Performance and Process Management Team reported on its goal to improve onboarding efforts in each branch of the agency. The team identified existing problems as: “inconsistency across branches and programs; lack of clarity around tasks that need to be completed and topics that need to be discussed; and lack of tools and resources for managers and supervisors.” It then laid out goals for standardizing policies and practices and providing sufficient resources to meet those goals. While these goals and the plan are admirable, no evaluation criteria or timeline was provided to assess how closely the initiative will come to meeting its goals. In the meantime, supervisors of units collaborating with another recently established training unit are hopeful that recent graduates, although taking longer to assume their full case-loads, will be more effective and confident in their role and more likely to stay in CWS.

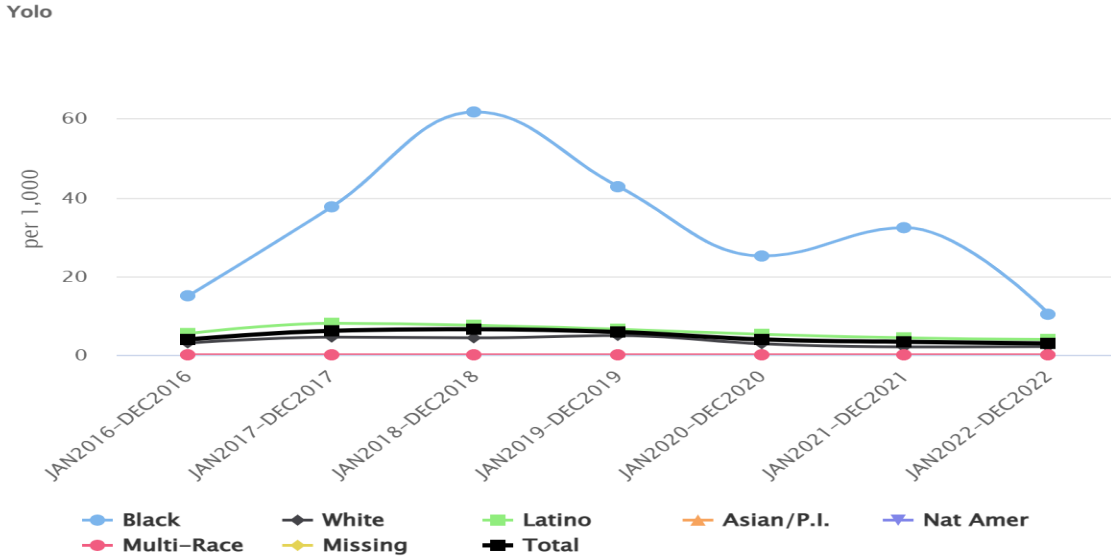
In addition to insufficient resources for onboarding new staff, existing staff are required to attend ongoing training mandated by the state. The SIP and leadership’s desire to increase social workers’ knowledge of and sensitivity to cultural diversity to support clients according to their unique needs, creates more training demands. Staff and supervisors are struggling to balance those training requirements against immediate client needs and other demands. When given a choice between protecting a child’s safety or taking a required training, the training will be put on a back burner. Staff are eager for training but continue to lack sufficient time to acquire it.

According to the Children’s Bureau, “Training is essential to the development of a skilled child welfare workforce and to achieve outcomes of safety, permanency and well-being for children and their families. It is also key to [worker retention](#).” (13) The challenge for CWS is carving out enough time for staff to participate in the training, while meeting service demands. CWS has engaged outside expertise to provide leadership support and training as well as a broad assessment of the agency structure.

### ***Entry Into Foster Care***

Although the incidence of all children in Yolo County entering foster care has declined significantly from its high in 2018, rates for Black children (which have historically been higher than other racial or ethnic groups) continue to exceed other groups. (See chart).

Children with Entries to Foster Care, Child Population (0–17), and Incidence Rates  
 Incidence per 1,000 Children  
 Agency Type: Child Welfare  
 Selected Subset: Episode Count: All Children Entering



Note: There are relatively few Black children (1761 in 2022) in Yolo County <https://ccwip.berkeley.edu/>  
 The System Improvement Plan (SIP) for 2020-25 aims to reduce the total number of entries into foster care as well as the racial disparities by implementing an Alternate Response (AR) program, a strategy with documented results in preventing children from being removed from their homes while maintaining their safety. AR programs have also proven effective in preventing the need for future formal child welfare services involvement.<sup>14</sup> The timeline given in the SIP, which began in December 2020, indicates the program was targeted for implementation in 2022, yet as of December 2022 the contract with an outside vendor was not signed.

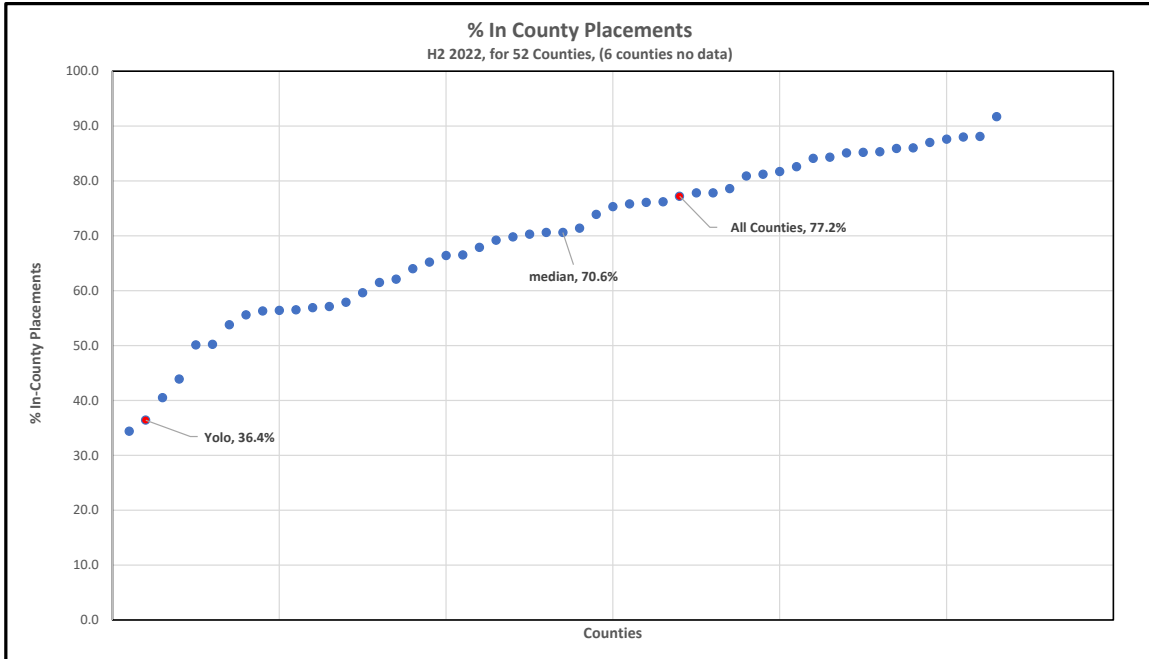
HHSA leadership indicated that implementation of an AR program continues to be a high priority. However, with the current staffing crisis and the amount of staff training required during implementation, it is unrealistic to expect CWS to meet established timeframe goals. Cultural subjectivity and ethnic bias cannot be mitigated until social workers are afforded needed training.

**Foster Placement**

Unfortunately, Yolo County has the second lowest proportion among California counties of children who remain in the county where they live for foster care. Just over one-third

<sup>14</sup> SIP 2020-25, page 9

of Yolo County’s foster children are placed in the county while the average for all counties in the state is over three-quarters. (See [chart](#) below.) (14)



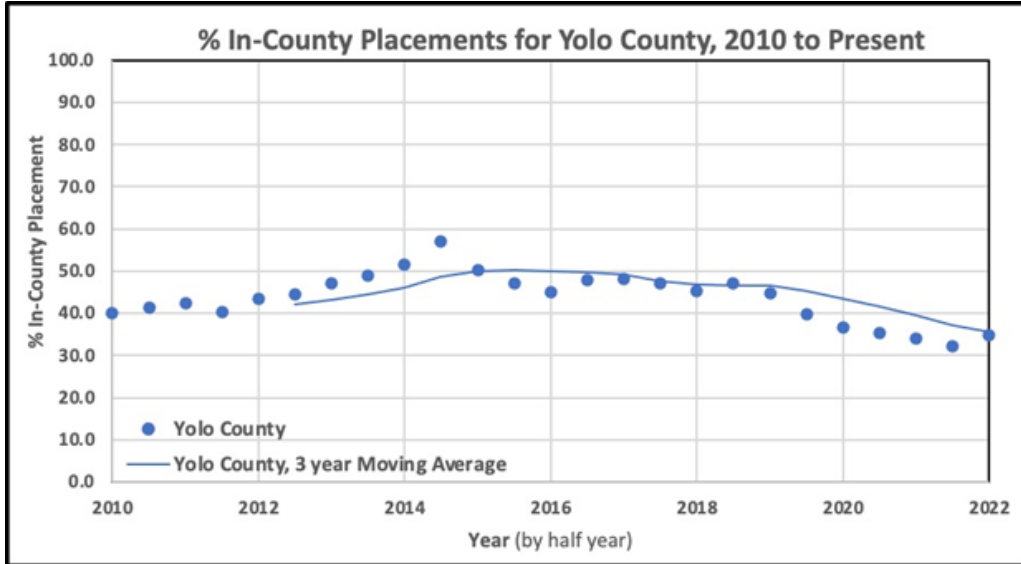
A further concern is that foster children are often placed with foster parents who do not match their race and [ethnicity](#), (15) which can affect the success of the placement.

Children, already suffering from being removed from their home, are further distressed when displaced from school, family and friends and placed in foster care that is a distance from what they recognize as “home”. Furthermore, children placed away from their home are more likely to experience multiple placements. This outcome is at odds with the CWS goal of providing placement stability and decreasing a child’s chances of spending more time in [foster care](#). (16)

CWS social workers are mandated to have regular in-person contact with children who are in care outside their home regardless of their location. Check-ins with children in distant locations place a further burden on the already overloaded social worker.

The declining number of children in foster placements within Yolo County is attributed to growth in the number of children in foster care and the lack of foster homes in Yolo

County.<sup>15</sup> The lack of foster families in Yolo County was identified as a priority focus in the Yolo County Strategic Plan 2020-25<sup>16</sup> as well as the Child Welfare Services SIP.<sup>17</sup>



Effective models for foster family recruitment, support and retention, all responsibilities of Child Welfare Services, are in place in other California counties. While implementing such a model is a CWS goal, this is another area where a lack of resources is preventing progress.

**Resources To Support Families**

According to staff, while behavioral health services appear readily available for children within HHSA, there are often insufficient resources to meet current demand for adult family members who need services, particularly residential substance abuse treatment. These delays lengthen the time to case resolution, thereby working against the agency goal of timeliness to permanency. Partner agencies, such as RISE, Inc., Empower Yolo and CommuniCare, contracted providers of behavioral health and parenting programs, lack adequate staffing resources to meet demand. When receiving these services is a condition for reunification, reunification is delayed and cases remain open longer. Also, for low and moderate risk families where there are safety concerns that do not rise to the level of court intervention, services are often needed to prevent escalation.

<sup>15</sup> See Appendix C for greater detail

<sup>16</sup> Yolo County Strategic Plan, “Thriving Residents: Children”, 2020-25

<sup>17</sup> SIP 2020-25

## **COMMENDATIONS**

Child Welfare Services staff and management are experienced, compassionate and dedicated to the welfare of the children and families they serve. The new leadership team, with a resolute focus on leading Child Welfare Services to a better place, has sound plans to address the workplace environment issues and better serve children and families of all races and ethnicities and particularly those from vulnerable communities. They have earned the respect of employees who are hopeful that the work environment will continue to improve.

## **FINDINGS**

- F-1 Child Welfare Services is facing an acute shortage of social workers, hampering the delivery of needed services to Yolo County's children and families. This is an ongoing problem dating back at least eight years.
- F-2 Child Welfare Services lacks sufficient staffing to allow for quality training and reasonable caseloads.
- F-3 The excessive staff turnover at all levels of Child Welfare Services, compounded by employee burnout, perpetuates the staffing crisis and negatively impacts children and families.
- F-4 Employee morale, though improving, continues to be wanting, compromising recruitment and retention.
- F-5 Despite the critical need for additional social workers, professional resources dedicated to recruitment are lacking.
- F-6 Black children in Yolo County have a continuing history of entering foster care at higher rates than other ethnic and racial groups, which is potentially avoidable.
- F-7 Yolo County has a long-term, crucial shortage of foster families, especially for Black and Latino children. As a result, children are placed out-of-county, disrupting their school and community relationships and making family visitation more difficult. Additionally, out-of-county placements are more time consuming for social workers, adding to their already over-burdened workload.
- F-8 Community resources for child abuse prevention and intervention services essential to family preservation are inadequate, especially for a racially and culturally diverse client base.

## **RECOMMENDATIONS**

The Yolo County Grand Jury recommends the following:

- R-1 Yolo County Health and Social Services Agency should develop a plan by December 31, 2023, to provide CWS a rapid infusion of temporary or permanent professional staff to reduce caseload to within 80% of best practice as defined by CWS leadership.
- R-2 Yolo County Health and Human Services Agency should identify and adopt administrative support tools, such as dictation and outside transcription services, and add clerical staff to reduce workload on social workers by December 31, 2023.
- R-3 Yolo County Board of Supervisors should, subject to collective bargaining, adopt a compensation and benefit structure for all social worker classifications that is competitive in the regional market by July 1, 2024.
- R-4 Yolo County Health and Human Services Agency should establish a fully operational Practitioner Training Unit within Child Welfare Services by July 1, 2024.
- R-5 Yolo County Health and Human Services Agency should initiate implementation of the Alternate Response Program by December 31, 2023.
- R-6 Yolo County Health and Human Services Agency should contract with an outside expert in recruitment, retention and support of culturally diverse foster families by December 31, 2023, to assist with increasing the proportion of in-county foster placements.

## **REQUIRED RESPONSES**

*Pursuant to Penal Code section 933 and 933.05, the Grand Jury requests responses to its Findings and Recommendations as follows:*

Yolo County Health and Social Services Agency: F-1 through F-8 and R-1 through R-6

Yolo County Board of Supervisors: F-1, F-5, F-6, F-7, F-8 and R-3

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

## ENDNOTES

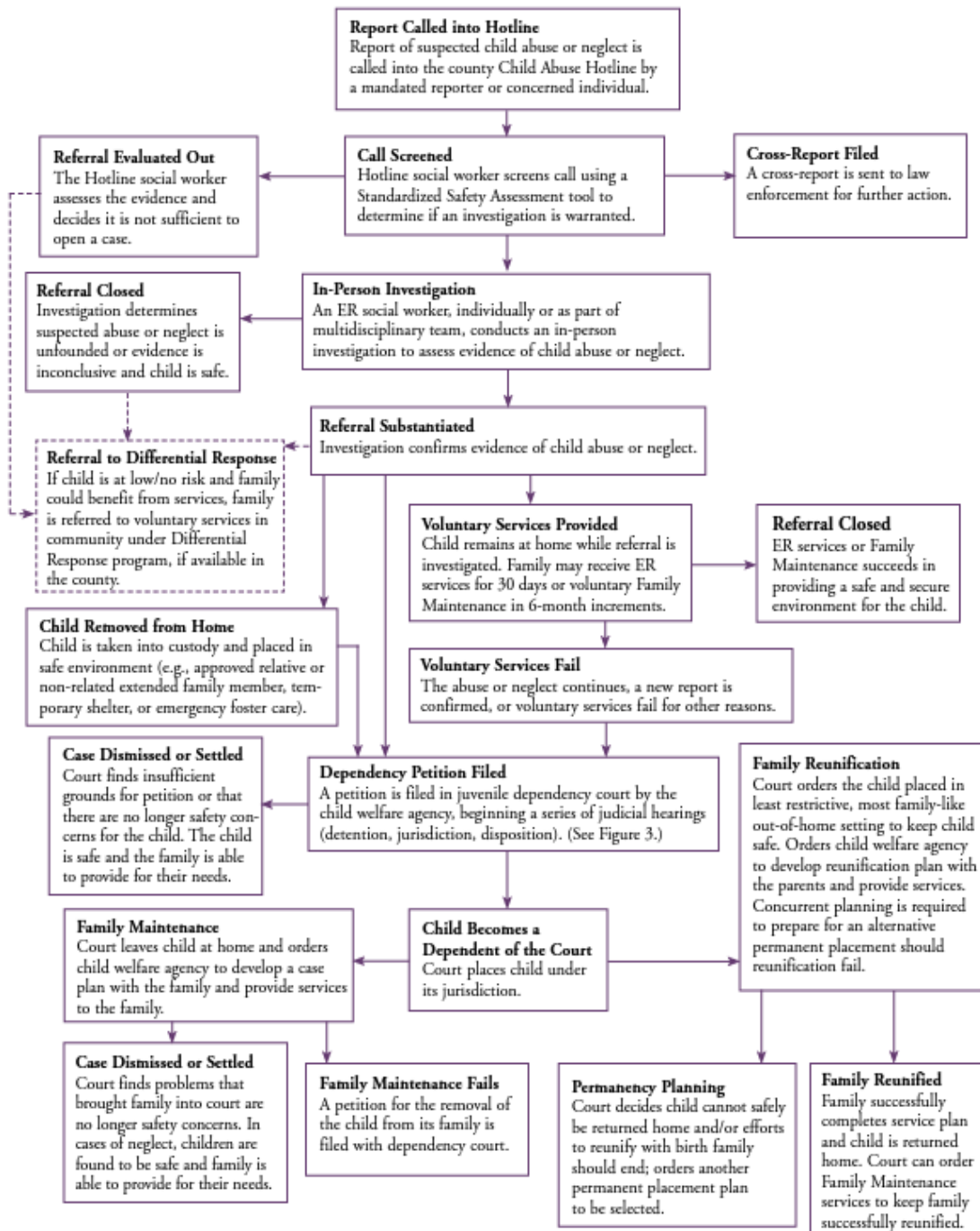
1. Yolo County Strategic Plan, Vision Statement, excerpt: <https://www.yolocounty.org/about-us/mission-values-strategic-plan>
2. Yolo County Child Welfare Services Vision Statement, excerpt: <https://www.yolocounty.org/government/general-government-departments/health-human-services/children-youth/child-welfare-services-cws#:~:text=Yolo%20County%20Child%20Welfare%20Services%20strengthens%20the%20safety%2C,children%20who%20need%20protection%20from%20abuse%20and%20neglect>
3. increases training cost: <https://www.aecf.org/blog/new-desk-guide-for-child-welfare-leaders-provides-improvement-roadmap-for-c/>
4. CWS: <https://www.yolocounty.org/government/general-government-departments/health-human-services/children-youth/child-welfare-services-cws#:~:text=Yolo%20County%20Child%20Welfare%20Services%20strengthens%20the%20safety%2C,children%20who%20need%20protection%20from%20abuse%20and%20neglect>
5. HHS: <https://www.yolocounty.org/government/general-government-departments/health-human-services>
6. Lauren King, “Yolo County Supervisors prioritize child welfare”, Daily Democrat, 11/10/16: <https://www.dailydemocrat.com/2016/11/10/yolo-county-supervisors-prioritize-child-welfare/>
7. Webster, D., Lee, S., Dawson, W., Magruder, J., Exel, M., Cuccaro-Alamin, S., Putnam-Hornstein, E., Wiegmann, W., Saika, G., Chambers, J., Hammond, I., Williams, C., Miramontes, A., Ayat, N., Sandoval, A., Benton, C., Hoerl, C., McMillen, B., Wade, B., Yee, H., Flamson, T., Hunt, J., Carpenter, W., Casillas, E., & Gonzalez, A. (2020). CCWIP reports. Retrieved from UC Berkeley California Child Welfare Indicators Project website. <https://ccwip.berkeley.edu/>
8. <https://ccwip.berkeley.edu/childwelfare/reports/S2/MTSG/r/Fed/s>
9. UC Berkeley, Child Welfare Indicators Project: <https://ccwip.berkeley.edu/>
10. Lauren King, “Yolo County Supervisors prioritize child welfare”, Daily Democrat, 11/10/16: <https://www.dailydemocrat.com/2016/11/10/yolo-county-supervisors-prioritize-child-welfare/>
11. Annie E. Casey Foundation “Every time a case worker leaves the cost to the child welfare agency is 30% to 200% of the existing employee’s annual salary”, 12.29.17, <https://www.aecf.org/>
12. Annie E. Casey Foundation, <https://www.aecf.org/>
13. Allegations: <https://ccwip.berkeley.edu/childwelfare/reports/Allegation/MTSG/r/ab636/s>
14. Worker Retention, <https://www.childwelfare.gov/topics/management/training/>
15. Yolo County Retention: <https://ccwip.berkeley.edu/childwelfare/static/PlacementGrids/r/fcp/s>
16. Jordan Silva-Benham, Racial disparities seen in Yolo’s foster care system, Daily Democrat, February 16, 2021; <https://www.dailydemocrat.com/2021/02/16/racial-disparities-seen-in-yolos-foster-care-system/>
17. Casey.org, Strategy Brief Strong Families, “How Can We Improve Stability for Children in Foster Care”, [https://www.casey.org/media/SF\\_Strategies-to-improve-placement-stability-1.pdf](https://www.casey.org/media/SF_Strategies-to-improve-placement-stability-1.pdf)

APPENDIX A

Going Through the Child Welfare System

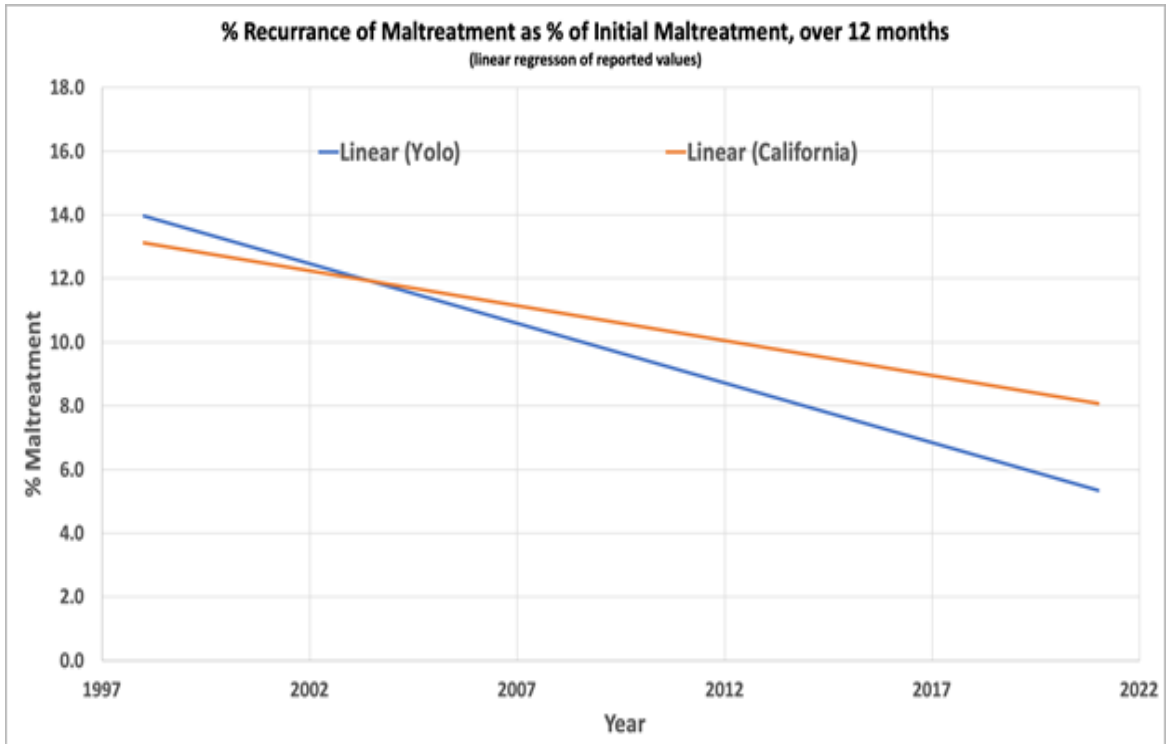
<https://theacademy.sdsu.edu/wp-content/uploads/2015/01/understanding-cws.pdf> (Page 10)

**Going Through the Child Welfare System**



**APPENDIX B**

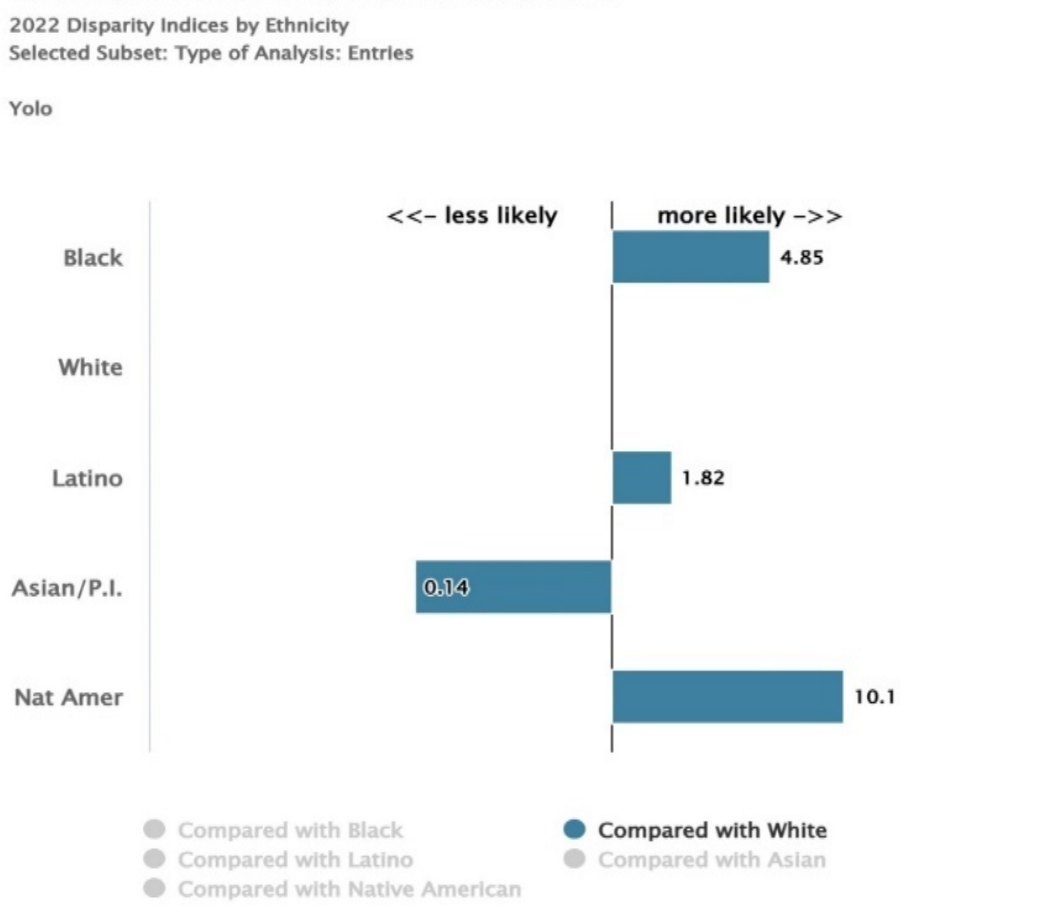
*Rates of recurrence of maltreatment has been declining steadily:*



Source: <https://ccwip.berkeley.edu/childwelfare/reports/S2/MTSG/r/Fed/s>

**APPENDIX C**

*This chart shows that Black children are almost five times more likely to enter foster care than white children. Latino children are 82% more likely to enter care compared with their white counterparts. Note: Data for Native Americans is masked due to very small numbers and therefore unusable.*



**NOTE ON INTERPRETATION**-- The Disparity Index (DI) can in be interpreted in the following ways:  
 A DI of 1.00 means that the risk of the event is identical in two groups.  
 A DI that is less than 1.00 means that the risk is lower in the selected group versus a comparison.  
 For example, a DI of 0.30 indicates that the risk of the outcome is reduced to 30% for the selected group versus the comparison. A DI of 0.30 may also be interpreted as indicating that the risk is reduced by 70% for the selected group versus the comparison, and stated in a way the expresses the difference. For example, a DI of 0.30 indicates that the selected group is 70% less likely than the comparison group to experience the outcome.  
 A DI that is greater than 1.00 means that the risk is greater in the selected group versus a comparison.

When the DI is greater than 1.00 but less than 2.00, the index may be interpreted as indicating the greater likelihood as a percentage. For example, a DI of 1.34 indicates that the selected group is 34% more likely than the comparison group to experience the outcome.

When the DI is greater than 2.00, the index should be interpreted as indicating how many times as likely the selected group is to experience the outcome. For example, a DI of 2.34 indicates that the selected group is more than two times likely to experience the outcome than the comparison group.

<https://ccwip.berkeley.edu/childwelfare/reports/EntryRates/MTSG/r/rts/s>

# UNFINISHED BUSINESS

## *A Continuity Report by the 2022-23 Yolo County Grand Jury*

*The ability to change constantly and effectively is made easier by high-level continuity. – Michael Porter*

### **SUMMARY**

The Yolo County Grand Jury (Grand Jury) functions as a civil watchdog investigating local governments located in Yolo County, including Yolo County agencies, cities and special districts. During the one-year grand jury term, a grand jury completes investigations on various issues affecting Yolo County. Reports are written that include factual background, findings, recommendations and occasionally commendations. Reports also include due dates for responses back to the grand jury in accordance with California Penal Code sections 933 and 933.05.

Prior grand jury reports and agency responses are available at the Yolo County Grand Jury website: <https://www.yolocounty.org/living/grand-jury>

Subsequent grand juries develop follow-up reports that monitor required responses and evolving practices of agencies. This follow-up permits review of long-term issues over a period of years.

The 2022-23 Grand Jury issued three new investigative reports which considered findings from investigations of earlier reports, including additional research and investigation, and produced their own new findings that expand upon the original reports.

The 2022-23 Grand Jury issued new investigative reports originating from:

- one investigative report of the 2017-18 term,
- two investigative reports of the 2019-20 term, and
- three investigative reports of the 2021-22 term.

These reports concern the operations of five school districts, the Sheriff's Office, and the Elections Office. (See Table I)

The Grand Jury also further engaged agencies regarding the subject of previous years' grand jury investigations to observe compliance with prior grand jury recommendations.

## **BACKGROUND**

### ***I. Prior Term Findings And Recommendations Incorporated Into 2022-23 Investigative Reports***

#### Are We There Yet? On the Road to School Safety

This year's report continues to address the subject of safety in Yolo County's five principal school districts, discussing factors affecting district responses to threats, acknowledging improvements, pointing out differences among school districts, and addressing improvement needs.

#### Meeting Their Obligations? A Report on the Yolo County Detention Facility

The Grand Jury incorporated investigation of follow-up items to the 2017-2018 Report and two 2021-22 reports concerning Yolo County's detention facilities, its annual detention facility review, and investigation of other topics into this term's investigative report.

The Grand Jury found that recommended improvements by the Yolo County Sheriff to visitation and grievance systems were not fully implemented, although steps were being taken to improve these systems. Similarly, pre-release planning and resources discontinued during the COVID-19 epidemic were paused and partially but not completely reinstated as of this report.

#### Safe and Secure? A Look at the Yolo County Elections Office

The 2019-20 Yolo County Grand Jury found that the County's emergency response plan did not fully prepare for emergencies, and recommended publishing the contents of an emergency response plan. While the Elections Office agreed to implement such a plan, the 2021-22 Yolo County Grand Jury found that the Elections Office had not published the plan, although it had partially complied with the Grand Jury's recommendations. This term's report concerning the Elections Office found that that the Elections Office did provide an emergency response plan.

Prior grand jury investigative report findings and recommendations are considered in this year's reports as summarized in the following table.

**TABLE I**

<b>REPORT YEAR/TITLE</b>	<b>FINDINGS/ RECOMMENDATIONS</b>	<b>SUBJECT</b>	<b>EVALUATED IN 2022-23 REPORT</b>
<b>2019-20</b> Every School is Vulnerable: Staff and Students Must Feel Safe for Learning to Occur	Findings F-1 to F-9 Recommendations R-1 to R-7	School safety	Are We There Yet? On the Road to School Safety
<b>2017-18:</b> Inmate Visitation Policy at the Yolo County Monroe Detention Center	Findings F-1 to F-3 Recommendations R-1 to R-3	Inmate visitation appointments, remote visitation	Meeting Their Obligations? A Report on the Yolo County Detention Facility
<b>2019-20:</b> Monitoring Compliance with 2017-18 Yolo County Grand Jury Recommendations	Review of 2017-18 agency responses. (Continuity report discussion)	Visitation scheduling, video visitation system, implementation and funding	
<b>2021-22:</b> A Snapshot in Time: An Overview of the Yolo County Jail	Findings F-1, F-2 Recommendations R-1 to R-3	Grievance tracking, pre-release planning	
<b>2021-22:</b> Cancelled: Visitation Policies at the Monroe Detention Center	Findings F-1 to F-4 Recommendations R-1 to R-5	Visitation scheduling, video visitation, visitation cancellation, transparency concerning visitation practices	

REPORT YEAR/TITLE	FINDINGS/ RECOMMENDATIONS	SUBJECT	EVALUATED IN 2022-23 REPORT
<b>2019-20:</b> Election Security in Yolo County	Findings F-5 to F-8 Recommendations R1 -3	Elections Office Emergency Response Plan	<i>Safe and Secure? A New look at the Yolo County Elections Office 2021-22</i> Recommendation R-1 Implemented
<b>2021-22:</b> You Only Vote Once- Election Integrity in Yolo County	Finding F-3 Recommendation R-1		

**II. Follow-Up Items To 2022-23 Report**

A summary of follow-up items taken up this term resulting in progress on earlier recommendations is summarized in the table below.

**TABLE II**

REPORT TITLE/ YEAR	KEY FINDINGS/ RECOMMENDATIONS	FOLLOW-UP RESPONSE	DISPOSITION
<b>2021-22:</b>  HELP! I Need Somebody-Getting an Education  (Winters JUSD)	Recommendation R-2: The district has provided a graphic in a publicly accessible office in each school which clearly outlines the steps required to: (a) evaluate a child for disabilities and (b) obtain special education services or classroom accommodations for a child by October 1, 2022.	Grand Jury Inquiry concerning Recommendation R-2 from 11/16/22: Has the SST Road Map graphic regarding data from literacy testing been finalized and displayed at every school for public view? If so, please identify where it is located in each school. (Appendix A-1, p. 1)	District response 11/16/22: The District initially established an SST RoadMap publication timeline of October, 1, 2022. Staff have extended this timeline to allow for additional engagement partner input. The graphic will be finalized and publicized by February 1, 2023. WJUSD staff will post the SST Roadmap graphic at the District Office, in school

			<p>site offices, and on the District website. (Appendix A-2, p. 2)</p> <p><b>Note: The Grand Jury was unable to locate this on the District's web site as of 6/2023</b></p>
<p><b>2021-22:</b></p> <p>Inspecting the Inspectors: Hiring practices at the City of West Sacramento</p>	<p>Finding F-1: Management failed to conduct an adequate background check and failed to properly vet the Subject of the Complaint (SOTC) to ensure all qualifications for the position were met, as specified by the City of West Sacramento's personnel rule.</p> <p>Finding F-3: For over two years, supervisory and management staff failed to address the pattern of community complaints regarding the SOTC's work.</p>	<p>Letter of 2/8/23 to Grand Jury, request to confirm practices are in place:</p> <p>Preemployment Checks: 1. That always before hiring new inspectors, the Building Division will perform a background check of relevant occupational licenses issued to the individual by state or federal agencies (e.g., California State License Board, Architect's Board, Board for Professional State Engineers, Land Surveyors and Geologists).</p> <p>2. Post Hiring Checks: The City of West Sacramento has procedures to periodically determine (such as by a check of public records or self-certification by an inspector) that each building inspector submit a certification</p>	<p>City of West Sacramento letter of 3/2/23 confirms employment checks are in place. Pre-employment Hiring: When job candidates submit an employment application to the City where the position requires some form of professional license and/or certificate, the applicant must list those in their position. If the job description requires a license/certificate at the time of hire, those applicants not possessing those credentials will be screened out as not meeting the minimum qualifications. For those positions where credentials are not required upon hiring, the hiring Department will verify that they are obtained in a timely manner-typically during the employee's probationary period-and will not permit the employee to perform any</p>

		that he or she has not been subject to discipline by any regulatory/professional licensing board or association. (Appendix B-1, p. 2)	work requiring those credentials until such credentials are obtained. Post hiring checks: The City of West Sacramento has procedures to periodically determine (such as by a check of public records or self-certification by an inspector) that each building inspector submit a certification that he or she has not been subject to discipline by any regulatory/professional licensing board or association. (Appendix B-2, p. 1)
<p><b>2021-22:</b></p> <p>Unfinished Business: A Continuity report. Follow-up to 2018-19 report recommendation concerning possible preparation of MSR-ROI earlier than fiscal year 2023-24 related to reorganization of Reclamation Districts 537 and 900 as early as 2/1/22 (Exhibit C of 2021-22 YCGJ Report)</p>	<p>6/16/22: Yolo LAFCo responded that earlier publication for MSR-MOI is not scheduled (Appendix C-1)</p>	<p>11 /21 /22: 2022-23 Grand Jury requested expedited review (Appendix C-2, p. 1).</p>	<p>11/22/22; Yolo LAFCo agreed to expedited review by one year to fiscal year 2022-23 instead of 2023-24) (Appendix C-3, p. 1)</p>

**APPENDICES**

- A-1, A-2: Yolo County schools
- B-1, B-2 West Sacramento Hiring practices
- C-1, C-2, C-3 LAFCo operations





