

GRAND JURY REPORTS: DOOMED TO REPEAT?

INTRODUCTION

We, the 2017-2018 San Luis Obispo County Grand Jury, review responses to recent reports and contemplate Edmund Burke's observation, "Those who don't know history are doomed to repeat it." We wonder if Grand Juries who review Grand Jury history are doomed to write reports on certain issues year after year?

The mission of a Grand Jury in California, as defined in the State Penal Code, is to provide citizen oversight of governmental agencies within a county, such as cities, special districts or county agencies. Jury members identify issues they believe need attention, interview relevant parties and do extensive research. By the end of their term they issue reports and recommendations on their findings. The relevant agencies are required to respond to each recommendation noting their agreement or disagreement.

A continuity report, such as this one, enables an entering Grand Jury to look back to determine if those recommendations with which the agencies agreed have been implemented, or if those with which they disagreed have received any attention. The end goal is to ensure that the work of the Grand Jury is taken seriously by the addressed agencies, and that the public is provided an update on responses.

The following informational report provides a recap of the status of findings and recommendations made by the 2016-2017 San Luis Obispo County Grand Jury. (Ctrl + Click on an individual report title if you wish to go there immediately:)

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ORIGIN

A continuity report is traditionally prepared by each year's San Luis Obispo County Grand Jury (Grand Jury.)

AUTHORITY

California Penal Code sections 933 and 933.05 prescribe responses to findings and recommendations. The Grand Jury posts all its reports and each agency's response(s) online each year at http://slocourts.net/grand_jury.

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METHOD

The 2017-2018 Grand Jury reviewed official responses from all agencies in preparing this report. Agencies were asked to respond if they agreed with a recommendation, partially agreed, disagreed, or will implement later. Their responses typically included additional comments or rationale. When additional details were required, such as current status on replies where intent to implement a recommendation was earlier provided, the Grand Jury formally requested an update of status by letter.

NARRATIVE

The 2016-2017 Grand Jury issued six investigative reports, five of which required follow up. This report contains detailed information regarding agency responses to the 2016-2017 findings and recommendations. In addition, the current Grand Jury reviewed recommendations and responses from the 2014-2015 and 2015-2016 reports to determine if any open issues remained.

The following reports are from the 2016-2017 Grand Jury:

REPORT: HOW LONG WILL THE NEED GO UNFULFILLED? RESIDENTIAL DETOXIFICATION IN SAN LUIS OBISPO COUNTY

This report examined the availability of detox services in San Luis Obispo County and the delivery of drug and alcohol treatment services at the County Jail for inmates with substance use disorders. The 2016-2017 Grand Jury recommended the County develop a residential detox facility to serve its Medi-Cal and other less financially able residents and identified several changes that if made within the jail would enhance delivery of inmate addiction treatment. They also recommended the County and the City of San Luis Obispo consider a law enforcement-led diversion program for certain substance-abusing arrestees. Ten findings and ten recommendations were made.

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Finding 1 [\(Return\)](#)

“Available and affordable detox services are necessary for delivering comprehensive substance abuse treatment in San Luis Obispo County.”

The San Luis Obispo County Health Agency (Health Agency) agreed with the finding.

Finding 2 [\(Return\)](#)

“The opening of the Haven provides needed detox services for County residents who are privately insured or can afford the high costs.”

The Health Agency agreed with the finding.

Finding 3 [\(Return\)](#)

“There are no detox services available in the County for those with limited financial resources or insurance through Medi-Cal or Medicare.”

The Health Agency agreed with the finding.

Finding 4 [\(Return\)](#)

“The County Jail provides physical detox to newly admitted inmates but fails to provide the additional psychological and social treatments and supportive environment essential for the first phase of addiction treatment: detox-stabilization.”

The Health Agency agreed with the finding.

The San Luis Obispo County Sheriff’s Office (Sheriff) disagreed in part with Finding 4. They agreed that the County Jail provided physical detox to newly admitted inmates; however, they stated they did not have the expertise to provide any additional treatment; therefore, they were unable to address that portion of the finding. (We note this disagreement appears to affirm the stated finding with which they partially disagreed. We also note that under the County’s bifurcated

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structure for inmate well-being, the Sheriff has no apparent “say,” or responsibility for that portion of inmate well-being.)

Finding 5 [\(Return\)](#)

“There are some arrestees currently booked in the County Jail who would be more effectively served by a diversion program, like Law Enforcement Assisted Diversion, and/or receiving treatment in a residential substance-abuse facility.”

The Health Agency agreed with the finding.

Finding 6 [\(Return\)](#)

“There is a lack of integration in how medical and drug/alcohol services are provided at the County Jail.”

The Health Agency agreed with the finding. (The Health Agency appears to have agreed for the Agency’s Drug and Alcohol Services, the Agency’s Health Care Services Division, also, since they did not submit their own responses.)

Finding 7 [\(Return\)](#)

“The use of medication-assisted approaches for detox and addiction treatment at the County Jail is limited while other jurisdictions have been able to provide such treatments.”

The Health Agency agreed with half of Finding 7 but stated they did not have sufficient information about what other jurisdictions are doing relative to providing detox and addiction treatment. (We note the Health Agency claims ignorance on other jurisdictions’ activities. We believe Grand Jury reports should provide questions that encourage agencies to adopt a culture of embracing education on selected subjects within their purview. We appreciate how extensive is the required knowledge for Health Agency’s many responsibilities but remind Health Agency that this is one of their duties.)

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Finding 8 [*\(Return\)*](#)

“Logistical and environmental challenges at the County Jail make delivery of drug and alcohol treatment services difficult and inefficient due to placement of inmates with substance use disorders.”

The Health Agency agreed with the finding.

The Sheriff also agreed with the finding and noted that the logistical challenges in the County Jail make it difficult to deliver treatment. The existing jail was not designed for long-term inmate treatment.

Finding 9 [*\(Return\)*](#)

“With the opening of the women’s jail, there is unused space in the honor farm which presents an opportunity for alternative program development.”

The Sheriff agreed with the Finding and stated that they would make the space available for alternative programming. He also said two modular units adjacent to the jail are available and could be used for treatment.

Finding 10 [*\(Return\)*](#)

“The homeless shelter has no clear plan as to how it will provide its long-anticipated detox beds/service.”

While the Health Agency stated they had several staff members participating in the planning committee for the homeless shelter addressing the topic, they could not respond in any definitive way regarding the finding - they were not the entity building the new Homeless Services Center. (Since the Health Agency had representatives at the planning committee meetings reporting back, it seemed unusual that the Health Agency did not have an opinion on this finding. However, the Grand Jury is aware that since this response was given Community Action Partnership of San Luis Obispo County, Inc. (CAPSLO) will within the next two years develop and operate a residential

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detox center on the site of the new Homeless Services Center. Since CAPSLO does not have the capacity or expertise to operate the detox center, it is looking to the Health Agency, through its Behavioral Health Department, to operate the center or manage a contract with a qualified vendor. The Health Agency has received Board of Supervisors (BoS) support for this plan, although there is still a question of the finances.)

Recommendation 1 [\(Return\)](#)

“The County Health Agency’s Drug and Alcohol Services should resume its concentrated efforts to develop a residential detox service in the County to serve its Medi-Cal and less financially able citizens.”

The Health Agency stated the recommendation had been implemented and was expected to meet “network adequacy” in three years.

Recommendation 2 [\(Return\)](#)

“The Board of Supervisors should direct the Sheriff and the Health Agency to evaluate the feasibility of and approach to repurposing vacated buildings within the County Jail’s honor farm as a residential detox service. A final report on the feasibility and if indicated the specific steps required to convert this housing to a substance-abuse residential and/or treatment facility should be completed by June 2018.”

The BoS stated this recommendation will be implemented. The Health Agency and the Sheriff will work through the SLO County Community Corrections Partnership (CCP) to evaluate repurposing of the vacant buildings as a residential detox facility. The Health Agency and the Sheriff will present a report to the BoS for further consideration in June of 2018.

Recommendation 3 [\(Return\)](#)

“The County Health Agency’s Drug and Alcohol Services should expand its County Jail programs, including individual and group counseling, to cover inmates who go through withdrawal protocols regardless of AB 109 status.”

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BoS and the Health Agency stated this recommendation requires further analysis. BoS anticipates the analysis will be complete in January of 2018 and will include a review of inmate addiction status, treatment needs, treatment space requirements, and cost.

(We note if the Health Agency completed its analysis, it had not reported to BoS yet, based on the Board of Supervisors' Agendas and item documents for the month of January. There was a report presented on 12/5/2017 to the BoS regarding a "Stepping Up" initiative which covered only a portion of the recommendation.)

Recommendation 4 [*\(Return\)*](#)

"The County Jail should revise inmate classification and cell assignment to take into account the inmate's substance abuse treatment needs and interest in such when determining cell placement."

The Sheriff agreed and has tried to do this whenever possible; however, under the present jail conditions, based on configuration and classification of inmates, this can be very difficult to accomplish. With added programming space the placement of inmates may be possible with some exceptions.

Recommendation 5 [*\(Return\)*](#)

"The County Jail should house inmates interested and/or involved in drug and alcohol services in such a way as to create groups of addiction-treatment participants (e.g., units or pods) that allow for efficient delivery of treatment services; this includes separation from other inmates who interfere or disrupt treatment participation."

The Sheriff believes this requires further analysis. In principle, the Sheriff agreed with this recommendation; however, he believes this would be difficult to accomplish. With added programming space it may be easier to do.

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Recommendation 6 [*\(Return\)*](#)

“The County Health Agency and Sheriff should integrate the functions of the jail’s medical and drug and alcohol service providers by locating their offices in close proximity and requiring coordinated care for inmates with substance use disorders.”

The Health Agency and the Sheriff stated that while this recommendation has not yet been implemented, it will be when the new medical facility and jail programming space are completed.

Recommendation 7 [*\(Return\)*](#)

“The County Health Agency should pilot the usage of medication-assisted treatments, i.e., Buprenorphine and Naltrexone, with a select population of opioid and alcohol addicts at the County Jail.”

The Health Agency stated this recommendation requires further analysis. The Health Agency currently provides the continuation of medication-assisted treatment in jail for inmates who are on Methadone treatment when they are jailed. It also initiates Methadone treatment for pregnant women when that protocol is indicated. The Health Agency is also studying the use of medication-assisted treatment in jails/prisons through the California Healthcare Foundation. The goal is to develop a pilot program with both sustainable costs for staff and medications in the jail. The Health Agency will collaborate with the Sheriff’s Office staff to develop the operational processes. By January 2018 they will have evaluated the need for increased staffing and any additional resources needed.

(We note if the Health Agency and the Sheriff’s office completed their analysis, they have not yet reported to BoS, based on the Board of Supervisors’ Agendas and item documents for the month of January. There was a report presented on 12/5/2017 to the BoS regarding a “Stepping Up” initiative which may have taken the place of some of the recommended report, but based on the reporting of the meeting it did not appear to include all of the factors that were to be reviewed.)

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Recommendation 8 [\(Return\)](#)

“The Board of Supervisors should evaluate the Law Enforcement Assisted Diversion program or a similar pre-booking substance abuse diversion for County implementation as a means of motivating and engaging young adult arrestees who are assessed to be primarily substance abusers and not criminally oriented. A written evaluation by the County Administrative Officer should be reviewed at a meeting of Board of Supervisors by June 2018.”

The BoS stated they will implement this recommendation. They will have the SLO County Community Corrections Partnership (CCP) examine the Law Enforcement Assisted Diversion program, or a similar program to determine feasibility and the level of inter-agency support required to roll out the program for the County. CCP is to provide its report in June of 2018 to the BoS for further consideration.

Recommendation 9 [\(Return\)](#)

“The San Luis Obispo City Council should evaluate the Law Enforcement Assisted Diversion program or a similar pre-booking substance abuse diversion for City implementation as a means of motivating and engaging young adult arrestees who are assessed to be primarily substance abusers and not criminally oriented. A written evaluation by the City Manager should be reviewed at a meeting of the San Luis Obispo City Council, by June 2018.”

SLO City has not responded. They have been contacted to provide a response.

Recommendation 10 [\(Return\)](#)

“The County Health Agency should direct its Drug and Alcohol Services to work with the board of the homeless shelter to develop a plan for operationalizing two detox beds in the yet-to-be-built Homeless Services Center, which could entail the DAS providing onsite outpatient detox services if other treatment options are not viable. This plan is to be developed prior to the opening of the center or by June 2018.”

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The Health Agency stated this recommendation has already been implemented. Staff members are currently working with the Homeless Services Center. They stated the development and completion of the plan is dependent on the timeline set by CAPSLO.

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REPORT: IS IT FIVE MINUTES TO MIDNIGHT IN CAMBRIA? AN UPDATE ON THE RISK OF CATASTROPHIC FIRE

This report (one of a number of reports issued over the years on this subject) was conducted to provide an updated assessment of the risk of fire in Cambria, to ensure focus on the imminent danger, to make people aware of the advances Cambria Community Services District (CCSD) has made, and to identify areas that require additional attention. As we have watched the destruction of portions of Northern and Southern California from the fires and their aftermath, we are even more concerned for Cambria. Any fire could become devastating to its citizens and their property. Four findings and three recommendations were made.

Finding 1 [\(Return\)](#)

“Local agencies took the report issued by the 2014-2015 Grand Jury seriously and have made a positive impact by their responses to it.”

No response was necessary; however, Cambria responded that they agreed with the finding.

Finding 2 [\(Return\)](#)

“Cambria Community Services District’s (CCSD) continued lack of a fire hydrant testing program represents an unnecessary risk.”

CCSD agreed with the finding. They acknowledged that fire hydrant testing was sporadic and that a formal program was never adopted because of 1) lack of personnel, 2) uncertainty as to whether the Fire Department or the Water Department was responsible for testing and maintaining the

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system, and 3) the drought, which heightened the perception that testing was wasteful and unnecessary.

Finding 3 ([Return](#))

“The CCSD is currently limited in its ability to force removal of dead trees from private property which adds unnecessarily to the fire risk.”

CCSD agrees with the finding, and believes this is a significant problem. CCSD currently has a Fire Hazard Fuel Reduction Program (FHFRP) which mandates the removal of trees (live or dead) that have fallen over the previous year.

Finding 4 ([Return](#))

“Additional actions are warranted to further limit the critical fire danger and prepare for improved response to a critical fire.”

CCSD agreed with the finding, and stated that they have made an effort to reduce fire danger by implementing the following programs:

1. Enhancing shaded fuel breaks
2. Enforcement and expansion of FHFRP
3. Cambria Fire Safe Focus Group receiving a Firewise Community Declaration
4. Community awareness and education
5. Addition of firefighting personnel

Recommendation 1 ([Return](#))

“CCSD should resume a regular plan for fire hydrant testing as soon as possible and no later than the end of calendar year 2017.”

CCSD agreed with the recommendation. CCSD Fire Department states they have adopted two new policies regarding fire hydrant maintenance and flow testing. They are testing an average of twelve hydrants a month. CCSD stated they had completed 51 hydrants (which represented fewer than
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14 percent of their hydrants). CCSD states once they have tested all of the hydrants they will continue to flush and maintain all hydrants on a two-year basis.

(We commend Cambria on establishing a testing and maintenance schedule. We note that private hydrants in California are required to be inspected every year for maintenance and to assure they are working; at a minimum, fire hydrants should have flow testing done once every five years. Based on the CCSD numbers, it will take approximately 2.5 more years to complete the fire hydrant maintenance for the initial testing. We wonder if the maintenance schedule is adequate.)

Recommendation 2 ([Return](#))

“CCSD should amend their fire code to require the removal of dead trees from private property while exploring funding sources to help homeowners in need of financial assistance comply with that requirement.”

CCSD agreed with the finding, and states that while they have worked with the BoS to approve a resolution to bring the community’s fire protection standards into compliance with surrounding communities, they have not been able to address the fire code to require removal of dead trees, nor have they found funding sources to help homeowners who would need financial assistance to comply with such a code.

CCSD states it is their plan to work with their District Counsel to possibly develop a specific tree removal ordinance. However, CCSD notes that two of their Ad-Hoc Fire Committee members resigned. Until they are replaced, the committee is not meeting and cannot pursue the tree removal ordinance which in turn keeps the CCSD from pursuing it. (Because of the importance of amending their fire code, we believe that CCSD, along with their fire department, should pursue discussions with their District Counsel to explore their options without waiting to get additional members to join the Ad-Hoc Fire Committee.)

Recommendation 3 ([Return](#))

“CCSD should request its staff to evaluate and recommend whether any of the following actions should be pursued and funded:

- Post evacuation route signs on primary evacuation routes.
- Identify key streets presenting fire truck access challenges and develop a no-parking strategy for those streets.
- Work with the Fire Safe Council to seek additional funding and permits to allow for removal of broom and other flammable brush along Highway 1 rights-of-way within the general area of Cambria.
- Develop a strategic fire plan for Cambria. Gain approval by the CCSD Board of Directors, and implement the plan by the end of 2017.
- Renew efforts to ensure the reverse 911 plan is fully understood by Cambria residents and that everyone who should be registered is registered.”

CCSD agreed with the recommendation and stated they have contacted the SLO Department of Public Works about evaluating additional evacuation signs on primary roadways. They are working to develop the best locations and signage. They have also discussed extending the siren warning system to Cambria with the SLO County Office of Emergency Services. They are also considering the development of an entirely separate emergency notification system for Cambria. No deadline was provided for this action. (We note that in our collective experience often if there is no deadline, actions are delayed or don't get done at all.)

CCSD will reach out to SLO Department of Public Works to identify additional areas for limited or no parking. They will also consider updating existing streets to single-side parking to allow emergency vehicles to pass. (No deadline was provided for this action.)

CCSD has worked with the Fire Safe Council and has been awarded grants for chipping as well as a \$498,000 grant for hazardous fuel reduction. CCSD pursued the possibility of acquiring a Bio Mass Gasification Generator to produce energy while removing the diseased and dead trees from Cambria, and has now abandoned it.

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The 2012 strategic fire plan, which was to be the guiding document for ten years, was never formally reviewed or adopted by the CCSD administration and Board of Directors. It is no longer valid. The Fire Department has been given direction to develop a new strategic plan. (No deadline was provided.)

The Cambria Fire Department has made an effort to connect to all forms of social media to further expand Reverse 911 notifications, including a Facebook page. All land lines are automatically registered with the SLO County Sheriff Department. Cell phones are not automatically registered. CCSD and the Fire Department have and continue to advertise the benefit of registering cell phones with Reverse 911 to get emergency information. The Fire Department is using Nixle as an additional form of notification. They are encouraging smartphone users to download the free app and register with local agencies. CCSD points out that they are not responsible if people choose not to register. (We commend CCSD and the Cambria Fire Department for their attempts to reach out to cell phone users in their district.)

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REPORT: INCARCERATION IN SAN LUIS OBISPO COUNTY: INMATE HEALTH AND SAFETY AT THE COUNTY JAIL

This report was undertaken as part of the annual inspection of public prisons, but developed into a limited look at the death of four inmates at the County Jail. The Grand Jury took a detailed look at issues related to changes in population and programs with a specific focus on safety and health, including suicide risk and overall medical care at the San Luis Obispo County Jail. The Grand Jury made five findings and one recommendation.

Finding 1 [\(Return\)](#)

“There is inadequate physical space to conduct programming for male inmates. This lack of space restricts the amount of programming offered, as well as inmate participation.”

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The San Luis Obispo County Health Agency (Health Agency) agreed with the finding. They pointed out that in large part the situation would be improved by construction of the new medical facility.

The San Luis Obispo County Sheriff's Office (Sheriff) disagreed in part with this finding. The Sheriff points out that it is a conflict with an inmate's classification, more than lack of space, that limits programming in a group setting. The Sheriff points out that on the date of the response, July 11, 2017, there were 81 inmates classified as Administrative Segregation and 161 classified as Protective Custody. Those inmates are unable to interact with one another, nor with the general population inmates. This limits the programming available to them. The Sheriff agrees the majority of the jail was built without programming space which makes programming difficult for general population inmates.

Finding 2 [*\(Return\)*](#)

“There is no single official at the County Jail level that has true oversight and responsibility over all aspects of an inmate's well-being.”

Health Agency agreed with the finding.

The Sheriff agreed with the finding. The Department pointed out they have no management or supervision over jail medical and Mental Health services, and there is no single person in charge of all aspects of inmate well-being. The Sheriff also pointed out the three different departments within the Health Agency report to the Director of Health Services and not the County Administrative Officer. (As a result of this finding, in 2018, the Sheriff and the BoS have implemented the position of Chief Medical Officer who reports to the Sheriff.)

Finding 3 [*\(Return\)*](#)

“Other counties sometimes contract correctional health care services to an outside provider giving the custodial side direct responsibility over all aspects of an inmate's well-being.”

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Health Agency agreed with the finding.

The Sheriff agreed with the finding. The Sheriff pointed out it is common for other Sheriff's Offices to contract for medical and mental health services to companies specializing in proper care and oversight in a custodial setting. The Sheriff recommended exploring outsourcing several years ago and still remains interested in doing so.

Finding 4 [\(Return\)](#)

“Violations noted in the biennial BSCC (Board of State and Community Corrections) report, issued September 7, 2016, involve health and safety issues that are largely managed by the County Health Agency.”

Health Agency agreed with the finding.

The Sheriff agreed with the finding. The Department pointed out that many of the BSCC report observations are health issues, and it is unable to respond to those; however, the Sheriff did respond to two of the observations:

- Inmate sick call slips are handled by custody staff and are reviewed to ensure that a medical or mental health emergency does not exist. The County Counsel has agreed this process is legally permitted and necessary. The Sheriff is looking into alternatives to this process.
- Use of sobering cells provides a higher level of care to the inmate since there are more staff and a Registered Nurse available in the Intake and Release Center, which allows direct observation and multiple cameras to record all of the cells.

Finding 5 [\(Return\)](#)

“Recent deaths of inmates at the County Jail and violations noted in the most recent BSCC report have raised public concern over the adequacy of health and safety procedures and policies related to the current population.”

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Health Agency agreed with the finding.

The Sheriff agreed with the finding.

Recommendation 1 [\(Return\)](#)

“The Sheriff and the County Health Agency should conduct a joint review of the adequacy and appropriateness of management structure, policies, and procedures related to inmate safety, physical and mental health (including suicide prevention), and should issue a public report by December 31, 2017.”

Health Agency and the Sheriff have partially implemented the joint review, and they planned to provide a report to the Board of Supervisors by the December date.

(We note the “Stepping Up” initiative and the hiring of the Chief Medical Officer for the County Jail are intended to address these issues.)

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**REPORT: JUVENILE HALL: SAFE, SECURE AND SUPPORTIVE
...BUT DOES IT HAVE SURPLUS SPACE?**

This report was undertaken to examine the utilization of the Juvenile Hall (Hall) after expansion was completed in 2016. The 2016-2017 Grand Jury found the space in the Hall was underutilized and suggested repurposing would more efficiently use the resource and lower operating costs charged to a specific program. The report also commended the Probation Department, the District Attorney’s office, the Juvenile Court, the Department of Social Services, the County Office of Education, the Juvenile Justice Commission, and the Juvenile Delinquency Prevention Commission. The report had seven findings and four recommendations.

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Finding 1 [\(Return\)](#)

“Juvenile Hall staff members demonstrate an impressive level of care and concern for the safety, security, well-being and rehabilitation of the youth under their care.”

No response was required for this finding.

Finding 2 [\(Return\)](#)

“With its new expansion, Juvenile Hall has more space than it is likely to need.”

The Probation Department partially disagreed with this finding. They stated on average about half of the beds are being used (25 out of 50.) The department pointed out that during peak times (nights when multiple juveniles have been booked,) 37 beds are used. (They did not specify if the 37 beds were all used for detention.) They also pointed out that the Hall was built for the next thirty years and the daily population of the Hall should increase as the County’s population increases. (The report, however, pointed to a dramatic slowing in the County’s juvenile population growth rate and noted that, according to the State of California Department of Finance County Population Projections, the County’s juvenile population, age 10 to 17 years, is expected to grow, on average, only one-quarter of one percent each year during the next 40 years. The Probation Department appears to have overlooked this statistic.)

(We also note that while the Probation Department may make a case for possible future occupancy, the Grand Jury’s concern was the current underutilization.)

The Board of Supervisors (BoS) also partially disagreed with this finding and adopted the Probation Department’s response.

Finding 3 [\(Return\)](#)

“It has been 10 years since the last Juvenile Hall needs analysis was prepared.”

The Probation Department agreed with this finding.

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The BoS agreed with this finding.

Finding 4 [*\(Return\)*](#)

“The treatment program’s repurposing of 15 beds is not expected to impact the County budget, but this depends on expected group home cost-savings or cuts in other budget areas to make the program cost-neutral. If the treatment program does not pay for itself, it adds to the expense of running a larger Juvenile Hall instead of staffing and using its infrastructure more cost-effectively.”

The Probation Department agreed with the finding. However, they pointed out that over the past four years the County General Fund expenses for juvenile group home placements was approximately \$735,000. It is believed the cost of the treatment program will be \$660,000 per year. Additionally, it is believed treating the youthful offenders locally will lead to better outcomes.

The Board of Supervisors (BoS) also agreed with this finding and adopted the Probation Department’s response.

Finding 5 [*\(Return\)*](#)

“The treatment program is operating without a written operational manual.”

The Probation Department disagreed partially with this finding. They stated the documentation for the treatment program was not completely finished in April when the Grand Jury viewed the program; however, they point out that the program is operating in accordance with California Code of Regulations Title 15 and 24 as approved by the Board of State and Community Corrections. (We note that the Probation Department’s response did not state the program had a complete operations manual, even as of the date of their response.)

Finding 6 [*\(Return\)*](#)

“A dual-purpose facility creates a statistical reporting dilemma. Occupancy trends may be harder to discern depending on how data is reported. Data such as average daily population and average

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length of stay are used by researchers and members of the public interested in understanding juvenile justice trends. If the numbers from both the treatment unit and the detention units are aggregated in developing this data, trends will become more difficult to discern. If the numbers are separated out, transparency will increase but reporting the data will become more complicated.”

The Probation Department agreed with this finding.

Finding 7 [*\(Return\)*](#)

“Even assuming the treatment program increases the Juvenile Hall’s usage and cost-effectiveness, the larger Hall may still cost too much for the overall use it is likely to get. Additional repurposing could reduce overall operating costs.”

The Probation Department disagreed with this finding. The Department restated their opinion, that Hall is not significantly underutilized and more space may be needed over the next 30 years. They stated that other than expenses for utilities and routine maintenance, no new costs have been added. They did not specify what those additional utility and maintenance costs were.

(We will let the public decide if there appears to be resistance to efficiently using County resources and possibly saving some money on overhead costs.)

The Board of Supervisors (BoS) also disagreed with this finding and adopted the Probation Department’s response.

Recommendation 1 [*\(Return\)*](#)

“The Board should commission a new needs analysis for completion no later than June 30, 2019, to help the County understand if 50 detention beds are too many and if the Juvenile Hall being too big adds unnecessarily to the County’s general fund expense.”

The BoS stated this recommendation would not be implemented because it is not warranted.

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Recommendation 2 [*\(Return\)*](#)

“The Board should request a report on program costs versus group home savings as part of its annual budget hearings, starting with the budget hearings for fiscal year 2017-18. If expected savings are not achieved, the Board should decide if cuts in other areas of the County’s budget are needed to allow this important program to continue.”

The BoS stated this recommendation would not be implemented because it is not warranted. They did note that the County Administrative Office will monitor the cost of the treatment program.

Recommendation 3 [*\(Return\)*](#)

“Probation should separately report statistical data for Juvenile Hall’s treatment population versus its detention population for improved transparency.”

The Probation Department stated this recommendation will be implemented. They stated the separate reporting would begin on July 1, 2017. In response to a follow-up letter by the Grand Jury, they have confirmed the reporting began in July 2017.

Recommendation 4 [*\(Return\)*](#)

“If the results of the needs analysis in R1 (Recommendation 1) indicate a sustained underuse, the County should determine no later than June 30, 2020, whether the repurposing suggestions in this report or other alternative uses would benefit the community and improve Juvenile Hall’s cost effectiveness, would be feasible to implement, and would be consistent with the County’s lease agreement with the State.”

The BoS stated this recommendation would not be implemented because it is not warranted. The response noted occupancy and cost of operating the juvenile hall would be monitored by the Probation Department and the County Administrative Office (CAO.) The Board further noted if the occupancy drops “significantly” (undefined by the Board) over a sustained period (also undefined by the Board,) cost reductions would be considered.

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(We will rely on the CAO to determine what a “significant” drop in occupancy and a “sustained period” are. We also note that the 2016-2017 Grand Jury had already found the juvenile hall to be underutilized.)

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REPORT: AN INNOVATIVE APPROACH TO COST AND SCHEDULING CHALLENGES IN COUNTY CAPITAL PROJECTS

This report was undertaken to determine if the public perception of County capital projects overrunning their budgets and finishing later than their scheduled completion dates was accurate. The report found that County capital projects are generally carefully planned, prioritized, budgeted, and overseen. The report also looked at the County’s pilot use of the Design-Build method. The report commended the County on its efforts to add the Design-Build approach for delivery of capital projects. The report had six findings and three recommendations.

Finding 1 [\(Return\)](#)

“The first public announcement of the cost and schedule of an approved project is an initial estimate, which is usually lower than the eventually approved budget for the project based on the building contract costs and similar factors.”

The County Department of Public Works (DPW) agreed with this finding. They noted initial estimates can increase over time due to scope refinement and construction cost escalation.

The Board of Supervisors adopted the response of the DPW.

Finding 2 [\(Return\)](#)

“Major factors contributing to the increase in final cost/completion over original estimates include the passage of time between initial estimates and the execution of project contracts, changes in the cost of funds, late-discovered need for changes of design, unavailability of necessary materials, unexpected construction/labor problems, and changes in relevant regulations.”

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DPW partially disagreed with this finding. DPW noted that they have dealt with issues of contract changes and material availability/delays; they have not seen work stoppage or delays due to construction/labor problems.

Finding 3 [*\(Return\)*](#)

“The reporting of final project completion sometimes includes statements that give rise to speculation that projects are not well managed.”

The BoS partially disagreed with the finding. They noted that statements such as constructed “on time and within budget” are relative to a specific construction contract value and time. Projects involving state agencies frequently involved further time and approvals beyond just the construction contract, which could lead to unclear project completion. (The Board appears to be saying the average citizen has no misunderstanding of the terms. We note that while the BoS’ response is accurate in a technical sense, we believe most citizens are not conversant with construction terms, value, and time. We believe a little more effort in explaining items, so laypersons could understand them, would go a long way to helping our citizens understand what a good job the DPW is generally doing.)

Finding 4 [*\(Return\)*](#)

“California law imposes detailed process requirements on all counties awarding building contracts for capital projects, with the clear intent of eliminating the possibility that anyone could allege bias, nepotism, or preferential treatment in the awarding of any public contract.”

The DPW agreed with this finding. They stated additional contract regulations are created by the State Legislature annually, which require the staff to revise and review County contract documents to assure compliance.

Finding 5 [*\(Return\)*](#)

“As the state authorizes it and as the County proposes to use it, the Design-Build project delivery method has generally proven in practice to expedite project completion and enable more cost-effective contracting with less financial and other risk to the owner.”

DPW partially disagreed with this finding. They stated they cannot assure all risk will be removed from the County. (“All risk” was not used in the finding.) They noted site development conditions will require specific criteria to be developed by the County. Also, they noted, if the requirements are not well-defined by the County, costs could increase under Design-Build.

The Board of Supervisors adopted the response of the DPW.

Finding 6 [*\(Return\)*](#)

“While experts generally indicate the Design-Build method can be useful for all types and sizes of projects, under California law there is a limit: If County policy permits, the County may use Design-Build for any vertical project with a price tag that will exceed one million dollars.”

DPW agreed with this finding. However, they noted that not all projects may fit the process. In some cases the County may want to control the final design features of a project, so they may want to utilize a traditional Design-Bid-Build.

The Board of Supervisors adopted the response of the DPW.

Recommendation 1 [*\(Return\)*](#)

“Recognizing that many County residents and taxpayers are concerned about capital project development costs and delays, the County should keep the public abreast of the extent of its efforts to ensure financial rigor in the management/delivery of capital projects.”

DPW stated this recommendation has been partially implemented with the current quarterly budget reporting to the Board of Supervisors. They have suggested future elements of capital projects that

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change in scope, schedule, or budget may be highlighted in the quarterly reports. By the beginning of 2018, DPW will upgrade its capital projects webpage to include reporting on project scope, schedule, and/or budget changes.

The Board of Supervisors adopted the response of the DPW.

Recommendation 2 [*\(Return\)*](#)

“Rather than simply stating at the time of completion that a project came in ‘on-time and within budget,’ the County should provide more detailed information in a reader-friendly way, with a goal of diffusing the erroneous perception that project cost-overruns are being ‘slipped past the voters’.”

The recommendation has not yet been implemented, but will be incorporated in the redesigned webpage for capital projects, beginning in March 2018. Also, there will be enhanced reporting under the “Completed Projects” Appendix of the annual Five-Year Capital Improvement Plan, submitted to the Board of Supervisors each February. While the performance measure does not list all active projects, it will note which projects exceeded time and/or budget clearly to the public in the adopted budget.

The Board of Supervisors adopted the response of the DPW.

Recommendation 3 [*\(Return\)*](#)

“The County should give itself the option to use Design-Build for any project valued above one million dollars (as opposed to the current five million dollar threshold.)”

DPW will not implement this recommendation at this time. DPW stated they have received cautionary advice on Design-Build from their staff based on information from other counties. They want to evaluate their experience with Design-Build on the pilot projects - the Animal Shelter and the Co-Located Dispatch Center - before requesting the BoS adopt a long-term policy regarding Design-Build. Also, DPW would like to evaluate the level where Design-Build becomes cost-effective and “proper” to use. DPW expects to have sufficient experience by the 2019-2020 fiscal

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year to begin other Design-Build projects and possibly adopt guidance for action by the Board of Supervisors.

The Board of Supervisors adopted the response of the DPW.

[Return to Report List \(Ctrl + Click\)](#)

REPORT: INSPECTING CALIFORNIA MEN'S COLONY: A FOCUS ON HEALTH AND SAFETY

This report was based on the Grand Jury's statutorily required annual inspections of all public prisons, including state prisons, county jails, juvenile halls, and holding cells utilized by police departments and courthouses. The report took a detailed look at issues related to changes in population and programs with a focus on safety and health at the State-run California Men's Colony (CMC.) It also looked at occupational health and safety issues concerning the California Prison Industries Authority facilities located at CMC. There were four findings and no recommendations.

Finding 1 [\(Return\)](#)

"The suicide rate over the past two years at CMC appears higher than expected based on available system-wide data on suicides."

While the State is not required by law to respond to findings and/or recommendations, they are encouraged to do so. The State chose not to respond.

Finding 2 [\(Return\)](#)

"Records of inmate worker 6-month hearing tests or other individual hearing tests were not easily accessible to the Grand Jury."

While the State is not required by law to respond to findings and/or recommendations, they are encouraged to do so. The State chose not to respond.

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Finding 3 [\(Return\)](#)

“Audiometric Testing data received indicated that three inmate workers experienced a significant hearing loss.”

While the State is not required by law to respond to findings and/or recommendations, they are encouraged to do so. The State chose not to respond.

Finding 4 [\(Return\)](#)

“The Grand Jury noted that the wearing of hearing protection devices by inmate workers was inconsistent, and the procedures which required the wearing of hearing protection may not have been uniformly implemented.”

While the State is not required by law to respond to findings and/or recommendations, they are encouraged to do so. The State chose not to respond.

[Return to Report List \(Ctrl + Click\)](#)

CONCLUSIONS

Of the 10 findings made by the Grand Jury in the [Residential Detox](#) report:

(Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
F1	SLO County Health Agency’s Drug and Alcohol Services	Agreed by Health Agency
F2	SLO County Health Agency’s Drug and Alcohol Services	Agreed by Health Agency
F3	SLO County Health Agency’s Drug and Alcohol Services	Agreed by Health Agency
F4	SLO County Health Agency’s Drug and Alcohol Services	Agreed by Health Agency
F4	SLO County Sheriff’s Department	Agreed
F5	SLO County Health Agency’s Drug and Alcohol Services	Agreed by Health Agency
F5	SLO County Health Agency’s Health Care Services Division	Agreed by Health Agency
F6	SLO County Health Agency	Agreed
F6	SLO County Health Agency’s Health Care Services Division	Agreed by Health Agency
F6	SLO County Health Agency’s Drug and Alcohol Services	Agreed by Health Agency
F7	SLO County Health Agency’s Drug and Alcohol Services	Partially-agreed by Health Agency

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F8	SLO County Health Agency's Drug and Alcohol Services	Agreed
F8	SLO County Sheriff's Department	Agreed
F9	SLO County Sheriff's Department	Agreed
F10	SLO County Health Agency's Drug and Alcohol Services	Disagreed

Of the 10 recommendations made by the Grand Jury in the Residential Detox report:

(Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
R1	SLO County Health Agency	Implemented
R2	SLO County Board of Supervisors	Will be implemented
R3	SLO County Health Agency	Requires further analysis
R4	SLO County Sheriff's Department	Agrees and implements when and where possible
R5	SLO County Sheriff's Department	Requires further analysis
R6	SLO County Health Agency	Will be implemented
R6	SLO County Sheriff's Department	Will be implemented
R7	SLO County Health Agency	Requires further analysis
R8	SLO County Board of Supervisors	Will be implemented
R9	San Luis Obispo City Council	No response
R10	SLO County Health Agency	Implemented

Of the five findings listed for the County Jail Inmate Health and Safety report:

(Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
F1	SLO County Sheriff's Department	Partially Disagreed
F1	SLO County Health Agency	Agreed
F2	SLO County Sheriff's Department	Agreed
F2	SLO County Health Agency	Agreed
F3	SLO County Sheriff's Department	Agreed
F3	SLO County Health Agency	Agreed
F4	SLO County Sheriff's Department	Agreed
F4	SLO County Health Agency	Agreed
F5	SLO County Sheriff's Department	Agreed
F5	SLO County Health Agency	Agreed

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Of the one recommendation made in the County Jail Inmate Health and Safety report:

(Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
R1	SLO County Sheriff's Department	Partially implemented and will provide report to BoS
R1	SLO County Health Agency	Partially implemented and will provide report to BoS

Of the seven findings listed in the Juvenile Hall Surplus Space report:

(Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
F1	No Response Required	No Response Required
F2	SLO County Board of Supervisors	Partially disagreed
F2	SLO County Probation Department	Partially disagreed
F3	SLO County Board of Supervisors	Agreed
F3	SLO County Probation Department	Agreed
F4	SLO County Board of Supervisors	Agreed
F4	SLO County Probation Department	Agreed
F5	SLO County Probation Department	Partially disagreed
F6	SLO County Probation Department	Agreed
F7	SLO County Board of Supervisors	Disagreed
F7	SLO County Probation Department	Disagreed

We note stating that the treatment program is operating in accordance with Regulations is not the same as stating it has a written operations manual. We also note the response to finding 7 may not have adequately addressed whether the juvenile hall is currently underutilized and whether money could be saved by addressing that fact.

Of the four recommendations made in the Juvenile Hall Surplus Space report:

(Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
R1	SLO County Board of Supervisors	Will not be implemented
R2	SLO County Board of Supervisors	Will not be implemented
R3	SLO County Probation Department	Implemented
R4	SLO County Board of Supervisors	Will not be implemented

We sincerely hope that sometime in the near future the CAO will review whether Juvenile Hall space is underutilized and whether taxpayer money can be saved.

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Of the six findings listed in the County Capital Projects report:

(Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
F1	SLO County Board of Supervisors	Agreed
F1	SLO County Department of Public Works	Agreed
F2	SLO County Department of Public Works	Partially disagreed
F3	SLO County Board of Supervisors	Partially disagreed
F4	SLO County Department of Public Works	Agreed
F5	SLO County Board of Supervisors	Partially disagreed
F5	SLO County Department of Public Works	Partially disagreed
F6	SLO County Board of Supervisors	Agreed
F6	SLO County Department of Public Works	Agreed

Of the three recommendations made in the County Capital Projects report:

(Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
R1	SLO County Board of Supervisors	Partially implemented
R1	SLO County Department of Public Works	Partially implemented
R2	SLO County Board of Supervisors	Will be implemented
R2	SLO County Department of Public Works	Will be implemented
R3	SLO County Board of Supervisors	Will not implement, but will re-evaluate at a later date
R3	SLO County Department of Public Works	Will not implement, but will re-evaluate at a later date

Of the four findings listed in the California Men’s Colony Inspection report (Encouraged to respond, but not required): (Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
F1	California Men’s Colony (California State prison)	No response
F2	California Men’s Colony (California State prison)	No response
F3	California Men’s Colony (California State prison)	No response
F4	California Men’s Colony (California State prison)	No response

Of the four findings listed in the Cambria Fire report (Ctrl + Click to see response) (Click on Return to return)

#	Respondent	Response
F1	Cambria Community Services District	Agreed
F2	Cambria Community Services District	Agreed
F3	Cambria Community Services District	Agreed

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F4	Cambria Community Services District	Agreed
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Of the three recommendations in the Cambria Fire report

#	Respondent	Response
R1	Cambria Community Services District	Agreed and implemented
R2	Cambria Community Services District	Agreed and in process of implementing
R3	Cambria Community Services District	Agreed and in process of implementing

The Grand Jury was concerned that for the most part CCSD did not provide deadlines to meet their objectives. The 2017-2018 Grand Jury continues to have grave concerns for Cambria residents and visitors and how the town can reduce its fire risk.

On Monday, February 5, 2018, the Cambria Community Services District (CCSD) held an open meeting to discuss a proposal to replace an expiring Federal Grant which funds three full-time firefighters until March 2018. The proposal is to levy a \$50 assessment per parcel (or a possible \$85 per inhabited parcel assessment) within the CCSD area. This would generate approximately \$300,000 per year to fund firefighters. This measure would appear on the June 5, 2018 ballot for Cambria voters to decide. No final decision has been made as of the date of this report. We believe the residents will want to keep their firefighters and make sure the hydrant inspection and maintenance program continues.

COMMENDATIONS

We commend the Cambria Community Services District on establishing a testing and maintenance schedule for their fire hydrants, but we encourage the pace of the testing be picked up to ensure all hydrants are working.

We also commend the County Department of Public Works for undertaking pilot programs for the use of the Design-Build approach to see if taxpayer money can be saved for County capital projects. We look forward to seeing the results of the pilot programs and what suggestions the Department makes to the Board of Supervisors.

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Finally, we commend the County Health Agency for their work with Community Action Partnership of San Luis Obispo County in bringing the residential detox facility (to serve Medi-Cal and less financially able citizens in San Luis Obispo County) closer to reality. Health Agency is working to meet the deadline they provided to the Grand Jury for Recommendation 1 from the 2016-2017 Residential Detox report. The Grand Jury has written a number of prior reports identifying the need for a residential detox facility in SLO County. SLO County staff is concerned recent federal changes to the Affordable Care Act may cause a reduction in reimbursements thereby affecting service levels and possibly resulting in the closure of the detox facility. Should this happen, we trust the SLO County Board of Supervisors will find the necessary funds to make up any shortfall.

REQUIRED RESPONSES

This is an informational report. No responses are required.