

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.



**TABLE OF CONTENTS**

---

Alameda County Board of Supervisors.....1  
Foreperson’s Letter.....3  
Grand Jury Members.....5  
Officers and Legal Staff.....6  
Grand Jury Photograph.....7  
Presiding Judge of the Superior Court.....8  
Grand Jury Committee Roster.....9

**INTRODUCTION**

History of the Grand Jury..... 10  
Functions..... 10  
Selection Process..... 11  
Qualification of Jurors..... 11  
Commitment..... 12  
Remuneration..... 12  
Orientation and Training..... 12  
How to Submit a Complaint..... 13

**EDUCATION COMMITTEE**

Transition of Youths from Juvenile Hall to Home School Districts.....14

**HEALTH COMMITTEE**

Alameda County Medical Center.....20

**LAW & JUSTICE COMMITTEE**

Introduction..... 24  
Jail Inspections..... 25  
Alameda County Coroner’s Bureau..... 26  
Police Department Internet Accessibility for Citizen Complaints..... 27

**GOVERNMENT COMMITTEE**

Introduction.....29  
Radio Communications Interoperability.....30  
Berkeley Public Library.....35



Alameda County  
**Grand Jury**

1401 Lakeside Drive  
Suite 1104  
Oakland, California 94612

510.272.6259  
fax 510.465.9647  
[www.acgov.org/grandjury](http://www.acgov.org/grandjury)

June 26, 2007

Honorable George C. Hernandez, Jr.  
Presiding Judge  
Alameda County Superior Court  
1225 Fallon Street, Department One  
Oakland, California 94612

Dear Judge Hernandez:

On behalf of the Grand Jury, we are honored to have served the county during the 2006-2007 term. I would like to express, on our collective behalf, that we appreciated the time numerous county employees spent to provide tours of facilities and to provide valuable information regarding numerous areas of interest to the Grand Jury. While we cannot identify these individuals by name, as a county, we should be proud that we employ many competent and committed professionals.

Over the course of our term, the Grand Jury received 41 complaints. Many did not fall within our jurisdiction. The remainder were assigned to one of the four standing committees: Law & Justice, Government, Education and Health. In addition to formal complaints, the Grand Jury investigated issues it believed to be of public concern. A subset of the investigations upon which the Grand Jury reported is outlined below:

- ❖ The Education Committee focused its attention on the transition of youths from Juvenile Hall to their home school districts. Anecdotal evidence suggested that unreasonable delays existed. The Grand Jury's investigation prompted many institutions to analyze current practices. Moving forward, the goal is to improve collaboration and develop a protocol to assist these youths with a seamless transition back into their home school districts. Many related issues exist which may be of continuing interest to future grand juries.
- ❖ Not surprisingly, the fiscal health of the Alameda County Medical Center (ACMC) continues to be of concern. The Health Committee worked diligently to monitor ACMC's actions in managing its finances while not compromising its mission to provide health services for many in our county.

Hon. George C. Hernandez, Jr.

Page two

June 26, 2007

- ❖ The Law & Justice Committee fulfilled its legal mandate to inspect jail facilities and reports that it did not find any inadequacies. Further, due to the rise in crime in Oakland, the Grand Jury interviewed the Chief of Police. Unfortunately, labor negotiations over many aspects of the police officers' contract continue. These negotiations will directly impact law enforcement services to the city. Further monitoring will be necessary.
- ❖ Finally, among the Government Committee's investigations, recent progress has been made on creating a Joint Powers Authority with Contra Costa County to create radio communications interoperability. Simply said, both counties are working to implement the same radio system so that all jurisdictions within these counties can communicate with each other. To create an effective system, numerous jurisdictions will have to work cooperatively together. It will benefit the public for the Grand Jury to continue to track the progress of this effort, especially given the cost of the system.

As described above, the issues on which the 2006-2007 Grand Jury focused are long-term and complicated. Consequently, they will require further work from future grand juries. The Grand Jury also participated in the Logic & Accuracy Board which oversaw the election last November 2006. Sample machines were tested prior to the election and the Board convened the night of the election to monitor the collection and the initial counting of ballots. The Registrar of Voters office worked very hard. The Board did not observe any irregularities.

I'd like to take this opportunity to thank the individual members of the Grand Jury for their hard work, diligence and commitment. Further, a personal and collective word of thanks to Cassie Barner, the Grand Jury's Legal Staff Assistant, and Assistant District Attorney Jeff Stark, the Legal Counsel for the Grand Jury. Without the dedicated, patient, and tireless work of these individuals, the Alameda County Grand Jury would not be an effective body in our county. We are indebted to them.

Thank you again for the opportunity to serve.

Sincerely,

  
YVONNE GONZALEZ ROGERS, Foreperson  
2006-2007 Alameda County Grand Jury

**2006-2007 ALAMEDA COUNTY CIVIL GRAND JURY MEMBERS**

---

<b>NAME</b>	<b>SUPERVISORIAL DISTRICT/CITY</b>	<b>NOMINATING JUDGE</b>
Daniel Apodaca*	District 2 – Newark	Judge Frank Roesch
Ronald S. Barkin^	District 5 – Berkeley	Judge Frank Roesch
Audie Bock	District 4 – Fairview	Judge George C. Hernandez, Jr.
Robert N. Creveling*^	District 1 – Fremont	Judge Barbara Miller
Ceda Floyd	District 4 – Oakland	Judge George C. Hernandez, Jr.
Felix Galaviz, Jr.	District 2 – Hayward	Judge Carlos Ynostroza
Robert D. Graham	District 5 – Oakland	Judge Carl Morris
Karen Hoefs	District 3 – Piedmont	Judge George C. Hernandez, Jr.
Mark A. Kovarik*	District 3 – San Lorenzo	Judge Barbara Miller
Minh Le	District 5 – Albany	Judge Barbara Miller
Martha Ramirez Luehrmann	District 5 – Berkeley	Judge Barbara Miller
Richard D. McKay	District 1 – Fremont	Judge Barbara Miller
George D. Oliva^	District 1 – Pleasanton	Judge George C. Hernandez, Jr.
Patrick K. Preminger	District 3 – Alameda	Judge George C. Hernandez, Jr.
Lloyd L. Rash	District 4 – Castro Valley	Judge George C. Hernandez, Jr.
Ron R. Riggs	District 1 – Livermore	Judge George C. Hernandez, Jr.
Rosemary E. Rogers*	District 3 – Oakland	Judge Joan Cartwright
Yvonne Gonzalez Rogers*	District 5 – Piedmont	Judge Carlos Ynostroza
Nacito R. Sanchez, Sr.	District 3 – Alameda	Judge George C. Hernandez, Jr.
Ken Schirado^	District 4 – Oakland	Judge George C. Hernandez, Jr.
Jack Summerfield*	District 5 – Piedmont	Judge Henry E. Needham, Jr.
Barnarese Wheatley	District 5 – Piedmont	Judge Gordon Baranco

---

\* Jurors held over for a second term by Presiding Judge George C. Hernandez, Jr.

^ Juror Robert N. Creveling resigned on July 13, 2006, and was replaced by juror Ronald S. Barkin.

^ Juror Ken Schirado resigned on August 16, 2006, and was replaced by juror Ron R. Riggs.

^ Juror Ronald S. Barkin resigned August 21, 2006, and was replaced by juror Patrick K. Preminger.

^ Juror George D. Oliva resigned on March 9, 2007.

**2006-2007 ALAMEDA COUNTY CIVIL GRAND JURY  
OFFICERS & LEGAL STAFF**

---

FOREPERSON: Yvonne Gonzalez Rogers

FOREPERSON PRO TEM: Daniel Apodaca

SECRETARY: Lloyd L. Rash

SECRETARY PRO TEM: Martha Ramirez Luehrmann

SERGEANT AT ARMS: Jack Summerfield



LEGAL ADVISOR: Jeffrey P. Stark, Senior Deputy District Attorney

LEGAL STAFF ASSISTANT: Cassie Barner

---



---

**2006-2007 ALAMEDA COUNTY CIVIL GRAND JURY**

---

Standing, left to right:

Mark A. Kovarik, Felix Galaviz Jr., Ceda Floyd, Karen Hoefs, Patrick K. Preminger, Lloyd L. Rash (*Secretary*), Richard D. McKay, Yvonne Gonzalez Rogers (*Foreperson*), Daniel Apodaca (*Foreperson Pro Tem*), Robert D. Graham, Minh Le, Ron R. Riggs, Martha Ramírez Luehrmann (*Secretary Pro Tem*), Nacito R. Sanchez Sr., Jack Summerfield (*Sergeant at Arms*)

Seated, left to right:

Barnarese Wheatley, Honorable George C. Hernandez, Jr. (*Presiding Judge*), Rosemary E. Rogers

Not Pictured:

Audie Bock, George D. Oliva

**PRESIDING JUDGE  
OF THE ALAMEDA COUNTY SUPERIOR COURT**

---



Honorable George C. Hernandez, Jr.  
January 1, 2006 – Present

---



---

**2006-2007 ALAMEDA COUNTY CIVIL GRAND JURY  
COMMITTEE ROSTER**

---

**LAW & JUSTICE**

Ceda Floyd, *Chair*  
Audie Bock  
Robert D. Graham  
Mark A. Kovarik  
Minh Le  
Martha R. Luehrmann  
Richard D. McKay  
George D. Oliva  
Lloyd L. Rash  
Rosemary E. Rogers  
Nacito R. Sanchez, Sr.

**GOVERNMENT**

Barnarese Wheatley, *Chair*  
Audie Bock  
Ceda Floyd  
Felix Galaviz, Jr.  
Robert D. Graham  
Minh Le  
Martha R. Luehrmann  
Richard D. McKay  
George D. Oliva  
Lloyd L. Rash  
Jack Summerfield

**HEALTH**

Mark A. Kovarik, *Chair*  
Daniel Apodaca  
Robert D. Graham  
Karen Hoefs  
Martha R. Luehrmann  
Patrick K. Preminger  
Lloyd L. Rash  
Ron R. Riggs  
Jack Summerfield

**EDUCATION**

Felix Galaviz, Jr., *Chair*  
Daniel Apodaca  
Robert D. Graham  
Karen Hoefs  
Patrick K. Preminger  
Lloyd L. Rash  
Ron R. Riggs  
Rosemary E. Rogers  
Nacito R. Sanchez, Sr.  
Barnarese Wheatley

## **HISTORY OF THE GRAND JURY**

The California grand jury dates back to 1849, with Alameda County's first grand jury being empaneled in 1850. The role of the grand jury was unique in that by 1880, its duties included investigation of county government.

## **FUNCTIONS**

The grand jury is an investigative body. Its two predominant functions are:

**Watchdog Responsibilities** – The grand jury may examine all aspects of county and city government and over 100 special districts to ensure that the best interests of Alameda County citizens are being served. The grand jury reviews and evaluates procedures, methods and systems to determine whether more efficient and economical programs might be employed. The grand jury is authorized to inspect and audit books, records and financial expenditures to ensure public funds are properly accounted for and legally spent; inquire into the condition of jails, detention centers, and hospitals; and inquire into charges of willful misconduct in office by public officials or employees.

Grand jury “watchdog” findings are contained in reports that describe problems and recommend solutions. Interim reports are sometimes released upon completion of investigations. At the end of its term, the grand jury issues a final report on the operations of Alameda County government. The county Board of Supervisors must comment on the jury's recommendations within 90 days. Copies of the most recent final and interim reports can be obtained at the grand jury's web site at: [www.acgov.org/grandjury](http://www.acgov.org/grandjury).

**Citizen Complaints** – As part of its civil function, the grand jury receives letters from citizens alleging mistreatment by officials, suspicion of misconduct, or governmental inefficiencies. Complaints are acknowledged and may be

investigated for their validity. All complaints are confidential. If the situation warrants and corrective action is under the jurisdiction of the grand jury, appropriate solutions are recommended.

## **SELECTION PROCESS**

Superior court judges in Alameda County nominate individuals for grand jury service. It is not necessary, however, to know a judge personally in order to apply. Citizens who are interested, qualified, able to provide one year of service, and who desire to be nominated for grand jury duty may send a letter with their resume and request an application questionnaire from: Office of the Jury Commissioner, Grand Jury Selection, 1225 Fallon Street, Room, 100, Oakland, California 94612. On the basis of supervisorial district, six members from each district for a total of 30 nominees are assigned for grand jury selection. After the list of 30 nominees is completed, the selection of 19 jurors who will actually be empaneled are drawn by lot. This is done in late June before the new grand jury term begins on July 1. For more information, please visit the Alameda County Superior Court web site at: [www.alameda.courts.ca.gov](http://www.alameda.courts.ca.gov) and follow the link to “jury” then “grand jury.”

## **QUALIFICATION OF JURORS**

Prospective grand jurors must possess the following qualifications pursuant to Penal Code section 893: be a citizen of the United States at least 18 years of age who has been a resident of Alameda County for one year immediately before being selected; possess ordinary intelligence, sound judgment and fair character; and possess sufficient knowledge of the English language. Other desirable qualifications include: an open-mind with concern for others’ positions and views; the ability to work well with others; an interest in community affairs; possession of investigative skills and the ability to write reports; and a general knowledge of the functions, authorities and responsibilities of county and city government.

A person may not serve on the grand jury if any of the following apply: the person is serving as a trial juror in any court in this state; the person has been discharged as a grand juror in any court of this state within one year; the person has been convicted of malfeasance in office or any felony or other high crime; or the person is serving as an elected public officer.

### **COMMITMENT**

Persons selected for grand jury service must make a commitment to serve a minimum of one year (July 1 through June 30). Grand jurors should be prepared, on average, to devote two full days each week to grand jury business. Grand Jurors will be required to complete and file Statement of Economic Interests as defined by the state's Fair Political Practices Commission, as well as a Conflict of Interest form.

### **REMUNERATION**

Grand Jurors are paid \$15.00 per day for each day served, as well as a county mileage rate (currently 48.5 cents per mile), portal to portal, for personal vehicle usage. Reserved parking is provided at a reduced rate.

### **ORIENTATION AND TRAINING**

Persons selected for grand jury duty are provided with an extensive orientation and training program regarding grand jury functions. This program takes place immediately after selection and empanelment and lasts approximately one month. This training includes tours of county facilities and orientation by county department heads and elected officials. Those selected for grand jury service are required to attend.

## **HOW TO SUBMIT A COMPLAINT**

In order to maintain the confidentiality of complaints and investigations, the Alameda County Grand Jury only accepts complaints from citizens in writing. Complaints should include the name of the person or agency in question, listing specific dates, incidents or violations. The names of any persons or agencies contacted should be included along with any documentation or responses received. It is preferred that the complainant's name and address also be included should the grand jury wish to contact the complaining party for further information. A complaint form is available on the grand jury's web site at:

[www.acgov.org/grandjury](http://www.acgov.org/grandjury).

All complaints submitted to the grand jury are required by California law to be treated with the strictest of confidence. The grand jury reviews all complaints received; but due to time, staffing or resources, not every complaint may be investigated. Complaints should be mailed to: Foreman, Alameda County Grand Jury, 1401 Lakeside Drive, Suite 1104, Oakland, California 94612. An acknowledgment letter is routinely sent within two weeks of receipt of the complaint.

## **TRANSITION OF YOUTHS FROM JUVENILE HALL TO HOME SCHOOL DISTRICTS**

### **INTRODUCTION**

In the 2006-2007 term, the Grand Jury examined the protocols, practices, and procedures that affect the transition of youth leaving Juvenile Hall for short-term detention (3-15 days) and returning to an educational institution in Alameda County. The Grand Jury explored the effectiveness of communication and collaboration among the Alameda County Office of Education (ACOE), county school districts, and the juvenile probation department. To fully understand the interrelationships and responsibilities of these agencies, the Grand Jury interviewed officials and employees from school districts, from the Alameda County Office of Education, the Probation Department, and the Alameda County Department of Social Services. These interviews were augmented by written responses to Grand Jury requests for information related to the transition of youth from Juvenile Hall to public schools. Members of the Grand Jury attended ACOE board and committee meetings and multi-agency taskforce meetings. Grand Jurors also visited both the old and new Juvenile Hall facilities.

### **BACKGROUND**

School-age youth who are detained in Juvenile Hall for two or three days are typically released to their parents with the expectation that they will return to their home school. Juveniles who are sent to Camp Wilmont Sweeney for a prolonged stay benefit from coordinated services during their detention so that they can be placed in an appropriate educational setting upon their release. It is the short-term detainee (3-15 days) who is most likely to experience school enrollment delays and obstacles, and it is this subset of youngsters that is the focus of this investigation.

At the time of the juvenile's intake, Probation Department staff determines the youngster's previous school so that school records can be requested. ACOE does an educational assessment so that teachers can meet the educational needs while the youth attends classes in Juvenile Hall. The acquisition of school records (transcripts, Individualized Education Plans, etc.) is often hampered by incomplete or incorrect information provided by the minors. Because many of the youth detained in Juvenile Hall have histories of poor school attendance, it is often the case that schools have dropped the child from the attendance rolls and current educational information is not available from the previous school. It is also the case that school districts frequently do not act upon the requests in time for the Probation Department to receive the information before the student is released to his parent.

Once a student has been released from Juvenile Hall to attend his/her district school, the Probation Department notifies ACOE, which sends a form letter to the parent at the address of record and a copy to the home school district. The letter states the statutory requirement that the parent enroll the child in a school, and that the child must attend school. An e-mail address and a telephone number are provided in the letter so parents may request assistance from ACOE. The letter is sent within seven days after the youth's release. According to one ACOE official, approximately 40 percent of the letters are returned by the Postal Service as undeliverable. There is no intervention or facilitation provided by ACOE, who claims that its mandate does not include facilitating school enrollment except into school programs operated by ACOE itself. Notably, even when a student is transferred from an ACOE classroom in Juvenile Hall to another ACOE program in the community, he may experience a delay of a week or more before he is in attendance in a school. In the interim, the children may be in violation of the provisions of probation because they are not in school through no fault of their own.

The fundamental issue is that no county agency has the legal responsibility to transition juvenile releases. Parents have the legal responsibility to ensure school

enrollment and attendance. School districts have the legal responsibility to provide a free and appropriate public education to school age youth who reside within the district. The ACOE has the legal responsibility to provide educational services for children in detention at Juvenile Hall. The Probation Department has the legal responsibility to monitor compliance with court-ordered probation, including school attendance and performance.

In fiscal year 2005-2006, 2,237 juveniles were released from Juvenile Hall. Some of the juveniles were released multiple times, as the total number of releases was 3,382. Over 50 percent of these juveniles were listed as either Oakland or Hayward residents. Probation does not currently keep easily accessible statistics on the number of days between release and re-enrollment.

School district officials, probation officers, and ACOE staff all acknowledge the absence of a unified, coordinated information exchange process. This absence may inhibit a timely transition from Juvenile Hall to a home district. Some school districts have been reluctant to share information with the probation department, citing concerns about privacy and confidentiality. Too, those young people in the juvenile justice system may have histories of sporadic school enrollment or school attendance in many schools during the course of a year. Many have no fixed address, and are difficult to contact simply because of their mobility. School records are often lacking in meaningful assessments because of absences, and students who have been dropped from the rolls have records that are incomplete or that are difficult to locate. All of these factors combine to make providing services difficult in the best of circumstances. In short, there are no countywide guidelines to assist a parent and no unified procedure to facilitate re-enrollment in school once a youngster is released from custody.

Although school enrollment is the legal responsibility of the parents, probation officers who supervise juveniles during the transition from detention to public school enrollment report that parents need assistance. The parents are frequently unfamiliar with the workings of the school enrollment process, are not

fully aware of their rights and responsibilities, and are unskilled in negotiating school district bureaucracies. Clearly, a need exists for these families to have access to an effective and accessible facilitator who can expedite enrollment for at-risk children who are released from juvenile detention. It is insufficient simply to send a letter citing the legal mandates of parents.

The process of ensuring the transition for pupils entering and leaving the public school system should include consistent policies and protocols among the school districts in Alameda County, including ACOE. Both the Welfare and Institutions Code (§827) that governs the operations of the Probation Department and the California Education Code (§§49073-49079) which governs school operations permit information exchange between the Juvenile Probation Department and the school districts within Alameda County.

Given that the new Juvenile Justice Center will house not only Juvenile Hall and its in-house school, but also all juvenile courts and offices for probation, Alameda County has an opportunity to implement a process which will facilitate better communication, and therefore, better transitions for students. It may require additional or shared personnel among Probation, ACOE and the school districts. As the umbrella educational institution in Alameda County, ACOE may be best positioned to lead this effort as it has ongoing relationships with all school districts in Alameda County, contact with each juvenile's home school district and receives state funds designed to benefit students in Alameda County.

The Grand Jury has learned that this issue has existed for many years and involves many different agencies. It involves the justice system (courts, probation and law enforcement), education (ACOE, multiple school districts), social services, and the greater community. Thus far, no one has had the ability or taken the opportunity to champion the cause and bring all of these parties to the table with a comprehensive plan to solve the issue. Some initial discussions have occurred. A subcommittee of the board of ACOE convened in February of 2007 to discuss student achievement, including this as a priority issue. Probation,

ACOE, the Presiding Judge for Juvenile Courts, and some school districts also met to discuss the issue. Notably, neither the Oakland Unified School District (OUSD) nor the Hayward Unified School District (HUSD) attended. Thus far, only the issue has been identified. No protocols have been developed.

The Grand Jury anticipates that any solution will require the active participation of Probation, ACOE, and the school districts, especially OUSD and HUSD whose districts account for over half of the juvenile releases. This will allow coordination and allocation of resources and take advantage of the fact that juveniles are released to guardians at Juvenile Hall. At the time of release, communication can and should occur to address the educational transition of the student. This group should investigate whether there is a culture of rejection at school sites that is hampering the re-enrollment of students. Finally, the solution must recognize that while it is the legal responsibility of the parent to re-enroll a juvenile, it is precisely this set of parents who need assistance. We cannot, and should not, ignore this reality. Although OUSD is under state administration, it is in the best interest of the citizens of Alameda County that OUSD fully participate in the solution.

## **RECOMMENDATIONS**

### *RECOMMENDATION 07-01:*

Create, implement and allocate resources for a county-wide protocol which will ensure the smooth and immediate transition of juvenile releases from Juvenile Hall to their home school districts.

### *RECOMMENDATION 07-02:*

The Hayward Unified School District participate in the development of a county-wide protocol which will ensure the smooth and immediate transition of juvenile releases from Juvenile Hall to their home school districts.

***RECOMMENDATION 07-03:***

The Probation Department collect and maintain data tracking the dates of release and reenrollment of juveniles from Juvenile Hall to home school districts.

**RESPONSES REQUIRED**

Alameda County Office of Education

*Recommendation 07-01*

Hayward Unified School District

*Recommendation 07-02*

Alameda County Chief Probation Officer

*Recommendation 07-01 & 07-03*