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Soquel Union Elementary School Board – Full Disclosure is Not Optional –

Summary

The Soquel Union Elementary School Board experienced a breakdown of community trust beginning in the 2014–15 school year. The Grand Jury found an accumulation of many issues that alienated the community from the Board. The issues include teacher salary negotiations, enforcement of the District Residency Policy, incomplete and inaccurate accounting of home and school club contributions, and Brown Act violations. All of these stresses combined to create an atmosphere of distrust.

In this report the Grand Jury identifies the issues and recommends some corrective measures that should reduce future dissension. It will take a major commitment from the Board and the Office of the Superintendent to keep closed session decisions to a minimum and to actively seek input and criticism from the community rather than avoid it.

Background

The Santa Cruz County public school system is managed by the Santa Cruz County Office of Education (SCCOE). Within the county there are ten districts plus alternative education schools and 12 charter schools.^[1]^[2] Total enrollment for the county is approximately 40,000 students.^[3] The Soquel Union Elementary School District (SUESD) is responsible for the education of roughly 2,000 students and has an annual budget of \$15 million or \$7,500 per student according to the California Department of Education ED-Data website.^[3] In addition to state funding, schools receive approximately \$200 per student from parent organizations.

Each school district has an elected school board that is responsible for setting educational goals and managing the budget of the district. The goals and budget priorities set by the board are carried out by the superintendent. In effect the superintendent is the only employee of the district board. The board recruits, hires, sets the performance standards, and annually evaluates the superintendent. The board is also responsible for a public reporting of the annual evaluation.

During 2014–15 there were several confrontations between SUESD Board members and the public during Board meetings and allegations were reported in the press. In addition to contentious teacher salary negotiations following the 2008 economic crisis there were:

- Disagreements over control of Home and School Club (HSC) donations
- Allegations of Brown Act violations by the Board
- Parent complaints over special needs funding and residency requirements
- Accusations of “Salary Spiking” (see [Definitions](#))

- A no-confidence vote by the teachers
- Resignation of the Superintendent effective 6/20/2016
- A petition for recall of two Board members
- Reorganization of Board officers in June and again in December 2015

The following table lists the recent history of issues raised in Board meetings and reported in the press.

***Timeline of Recent SUESD Board of Trustees
Complaints, Elections, and Personnel Actions***

Year	Date	Incident
2011	Jul 1	Superintendent Castaniada signs initial three year contract ^[4]
2012	Nov 8	McGooden and Del Favero elected to Board for four year terms ^[5]
2013	Apr 12	Complaint – alleging District not in compliance with California Laws regarding discrimination and bullying ^[6]
	May 7	Measure S Parcel tax defeated ^[7]
	Oct 12	Complaint – Traffic conditions throughout the District regarding drop-off and pick-up times ^[6]
	Oct 17	Lynette Hamby resigns Board position ^[8]
	Dec 4	Jackson-Miller appointed to Board as provisional trustee ^[9]
2014	Jan	Jackson-Miller removed from Board by petition ^[10]
	Jan 4	Jackson-Miller wins special election for 2014–16 term ^[11]
	Feb 25	Soquel Education Association (SEA) agrees to new contract that includes a 3.5% raise ^[12]
	Mar 13	Soquel HSC request for Soquel Elementary payroll record 2012–2014 ^[6]
	Jun 18	The contract for the Superintendent is amended, allocating a substantial retroactive raise and extending the contract term to 2018 without open meeting discussion of terms ^[13]
	Dec 17	Parent dissatisfaction expressed at Board meeting regarding control of HSC contributions ^[14]
	Dec 17	Letter from Friends of Main Street (FOMS) documenting lack of adherence to Board policies and no review of the policies as required by state regulations ^[6]
2015	Jan 14	Parents of special needs students voice complaints ^[15]

Year	Date	Incident
2015	Jan 20	Information request for Soquel Music Teacher funding and expense history 2004–2015 ^[6]
	Mar 18	New policy re:HSC District fundraising, reporting rules ^{[16] [17]}
	Mar 25	SUESD teachers vote 96% “no confidence” in Superintendent ^[18]
	Apr 30	Soquel HSC continues to request accounting information that will resolve unspent donated funds issue ^[6]
	May 11	Students arrested in gun threat ^[19]
	May 27	Campaign to recall Board members Rodriguez and McGooden announced ^[20]
	Jun 17	Board votes 3:2 to add expenses to the Superintendent’s salary ^{[21] [22]}
	Jun 17	Superintendent submits resignation effective June 2016 ^[23]
	Jun 18	Rodriguez resigns Board presidency and VP Del Favero assumes office of president ^[24]
	Jul 15	Board recall effort suspended ^[25]
	Jul 31	Complaint – Pupil fees required for participation in an educational activity offered by a California public school ^[6]
	Nov 11	Meeting with HSCs regarding teacher accounts and Soquel accounting error ^[26]
	Nov 12	Complaint – Failing to investigate bullying, harassment, and sexual harassment ^[6]
	Dec 9	McGooden elected Board president by 3:2 vote ^[27]
2016	Jan 12	Board received complaint alleging Brown Act violation with regard to the Dec 9, 2015 Board election of officers ^[6]

Source: See individual references.

Home and School Club Tension

One of the sources of tension not cited in the table above has been the relationship between the Board, Superintendent, and the HSCs: Who controls HSC contributions? Since the passage of Proposition 13 in 1978, which limits the rate of property tax increase, California public schools have experienced declining revenues relative to inflation rates. Currently, California ranks 35th in state spending per pupil.^[28] To compensate for declining inflation-adjusted revenues, school districts have resorted to local bond measures and propositions to help fund their schools. These measures are very difficult to pass, requiring a two-thirds majority vote. When faced with cuts that

could eliminate music, art, PE, and other enrichment activities parents have stepped in and generated replacement funds through non-profit organizations.

The PTAs, HSCs, and school foundations now provide most of the discretionary funding for many schools. Since HSCs are independent 501(c)3 non-profit organizations managed by parents, there is a large variation in the funds they provide from school to school. This variation is compounding the divide between rich school districts and poor ones. In Santa Cruz County the variation in HSC contributions per student is large (Figure 1). Adjacent schools such as Bay View and Westlake have a four-fold difference in HSC contributions.

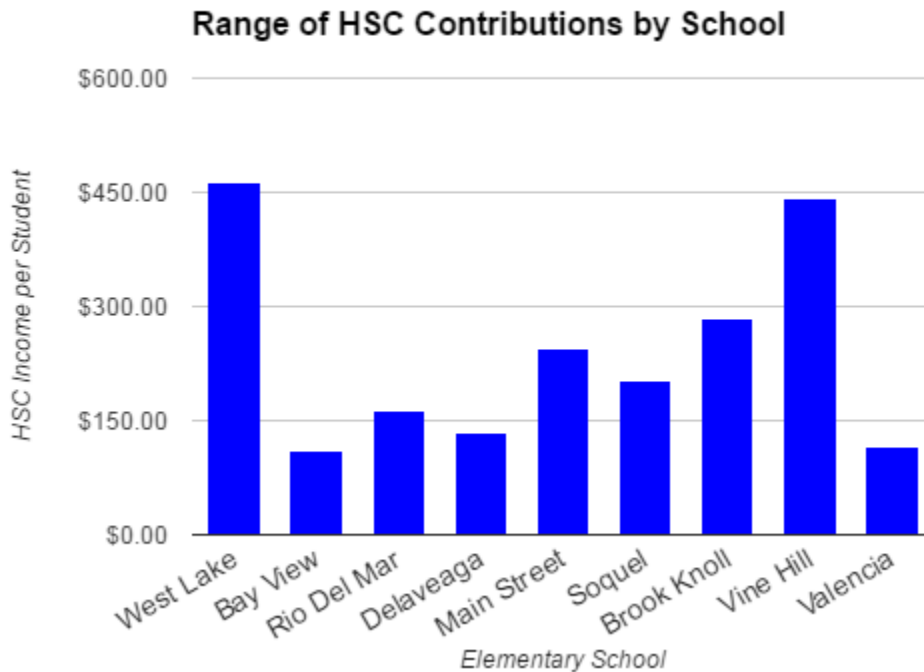


Figure 1: Per-student contributions for some Santa Cruz County Home and School Clubs for the 2014/15 school year^{[29] [30] [31] [32] [33] [34] [35] [36] [37]}

The fact that these organizations have become a very important part of our educational system is noteworthy. Even though the dollar amount may seem small relative to the total District or school budget, when you eliminate salaries and facilities costs from the budget, roughly 2% or \$150 per student is left for local discretionary spending. The HSC contributions are the most valuable income for the school because:

- 1) They provide enrichment programs in art, music, and physical education which might otherwise be eliminated.
- 2) The funds can easily be directed to the most effective programs and materials.
- 3) They provide a pathway for parents to get directly involved with school curriculum and resources.

Given that they are such a valuable resource for each school, the District must take the steps necessary to ensure that HSC participation is effective and ongoing. In practice,

HSC transfers funds to the District account based on the estimated cost of a teacher, program, or capital expense. Occasionally, these estimates are wrong. The current process for reporting these errors does not work. The District must provide accurate accounting of the HSC contributions as well as public recognition of their contributions.

Scope

What were the circumstances that caused a District that had been running relatively smoothly to suddenly fall into disfunction and generate a petition for recall? Numerous allegations and complaints were reported in the press. We examined these and identified District practices that could change to prevent future problems. In our investigation we:

- Reviewed Brown Act public reporting requirements
- Conducted interviews
- Reviewed discrepancies between District and the Soquel HSC accounts
- Reviewed applicable Board policies
- Attended Board meetings and reviewed meeting recordings
- Reviewed California State Teachers Retirement System (CalSTRS) pension retirement spiking regulations
- Were briefed by the SCCOE on the new accounting system
- Examined the email record of Board members for possible Brown Act violations

Investigation

Possible Brown Act Violations

The Brown Act, initially passed in 1953, defines the baseline disclosure rules for public boards. It defines what business public boards can conduct out of the public view and what must be presented in open session.

Throughout California's history, local legislative bodies have played a vital role in bringing participatory democracy to the citizens of the state. Local legislative bodies – such as boards, councils and commissions - are created in recognition of the fact that several minds are better than one, and that through debate and discussion, the best ideas will emerge. The law which guarantees the public's right to attend and participate in meetings of local legislative bodies is the Ralph M. Brown Act. (from Attorney General Lockyer's cover letter to: "The Brown Act, Open Meetings for Local Legislative Bodies"^[38])

The intent of the Brown Act is often violated by public agencies and boards, but due to ambiguity, exemptions, inexperience, and parliamentary tactics, charges are seldom prosecuted.^[39] Although the act can be difficult to enforce at times, it is a valuable tool

for the public to evaluate the performance of a public board. The Grand Jury uses both the letter and spirit of the law when it evaluates agencies in its jurisdiction.

We examined four areas of potential Brown Act violations:

- Reporting of closed session decisions
- Specific salary changes in closed session
- Allowance for public comment
- Serial meetings (see [Definitions](#))

A review of the June 18, 2014 SUESD Board meeting minutes and meeting recording revealed the Superintendent's contract was discussed in closed session and approved in open session without public discussion of the contract changes. This appears to be a violation of California Government Code § 54957.1.^[40]

§ 54957.1. (a) (1) (A) If its own approval renders the agreement final, the body shall report that approval and the **substance** of the agreement in open session at the public meeting during which the closed session is held.

§ 54957.1. (6) Approval of an agreement concluding closed session labor negotiations with represented employees shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify the item approved and the other party or parties to the negotiation. ...

In addition, since the Superintendent's contract modifications were approved, a contract prepared, and signed the same day (June 18, 2014), by implication the terms of the modification must have been discussed and agreed upon at some earlier undocumented date. Reaching final compensation terms in closed session is a violation of California Government Code § 54957.6.^[41]

§ 54957.6 (a) Closed sessions held pursuant to this section shall **not** include final action on the proposed compensation of one or more unrepresented employees. ...

An objection was raised during the December 9, 2015 Board meeting regarding the lack of a public comment period prior to the election of a new Board president. The same written complaint was filed Jan 9, 2016. When the objection was raised, the Board defended the action by referring to a public comment period on the agenda at the start of the meeting. The comment period is most effective when it occurs just prior to an action; an out-of-sequence comment period satisfies the Brown Act but it does not promote community input and open debate.

While conducting our review of Board meeting minutes we discovered closed session

topics are usually posted in the agenda and as a matter of practice the topics are not repeated in the minutes of the meeting. The minutes state “Nothing to Report” from closed session. While technically this may comply with the public reporting requirements of the Brown Act, this practice obscures closed session topics for interested parties that are not in attendance. It would take very little effort to repeat the closed session agenda items in the minutes even when no decision is made in closed session.

By limiting comment time and discouraging open discussion within the Board before taking votes, the Board has obscured their decision process and appeared indifferent to public input. Improving public perception is difficult and will take time. Each Board member should commit to full and open disclosure of SUESD business as their personal goal as well as the goal of the Board. Public meeting discussions, as required by the Brown Act, will lead to better decisions and an informed constituency.

Review of SUESD Email Record

Email records for Board members were requested for the period 9/1/2014 – 1/15/2016. There were allegations of serial meetings, a violation of the Brown Act. The Grand Jury requested a digital copy of the Board emails. Instead, the Grand Jury received paper copies of 435 partial emails with all attachments removed. This is one more instance of the Board appearing to hide public business from public review.

The paper email record did not show any clear evidence of serial meetings. There were several instances of discussions started then continuing by phone. There were a few instances of “Breakfast meetings” and social gatherings with no indication Board business was discussed or resolved.

One sequence of emails stood out as a possible violation of the Brown Act and California Government Code § 54952.2 (b) (1) prohibition of serial meetings.^[42] In order to stem the recall effort initiated in May 2015, Phil Rodriguez stepped down as Board President and first term trustee, Tory Del Favero, became president. She was able to establish some rapport with dissatisfied HSC officers and parents. Given this success one might assume her term as Board president would be extended, yet as early as October 16, 2015 and two months before the December 15 “Board reorganization” vote, an end-of-term gift was discussed in the emails. It appears at least three of the members had agreed on a new Board president prior to the open meeting discussion and vote. By taking this action the Board moved a step back placing itself in an adversarial position once again.

Discrepancies between District and the Soquel HSC Accounts

The first indication there was an accounting problem surfaced in the Fall of 2013. The Principal at Soquel Elementary noticed a large (>\$30K) balance in the HSC account. The HSC could find nothing in their records that indicated an overpayment, so they asked the District to provide records that could explain the discrepancy. Throughout the following 2014–15 school year the Soquel HSC asked for financial reports that could explain the overpayments. Apparently, over several years the estimates for the music teacher salary had been more than the actual expense. The HSC was not informed of

the overpayment. When reports were produced there appeared to be some charges to the account that were not for the intended music teacher salary. Accusations of the District using the overpayment as a “slush fund” soon emerged. The total overpayment remains in negotiation but proposed estimates range from \$10,000 to \$50,000.

The District continues to negotiate with the Soquel HSC to find a satisfactory resolution to the overpayment problem. The 2015 change in accounting system should make the production of custom reports easier and prevent future overpayments, as long as there is frequent and accurate exchange of accounting data.

A second accounting issue emerged regarding the annual teacher supply accounts (approximately \$500/teacher/year). In order to close the books on a school year and prepare a new budget, the funds remaining in individual teacher accounts are combined (swept) into a single carryover account for the next school year. The problem is further complicated by the fact that multiple sources may contribute to teacher supply accounts. The complaint was that HSC contributions could no longer be tracked. At some point the labor required to accurately track small dollar amounts by source outweighs the amount being tracked. If HSCs wish to track these teacher supply accounts accurately it may be better for them to manage supply costs directly. The preferable alternative is to negotiate with the District to take over funding of supplies.

The District is currently working on a new policy with regard to HSC contribution accounting and reporting. An annual contract has been proposed which would specify the expectations on both sides. If agreement can be achieved it will be a great improvement.

SCCOE Accounting System

The Grand Jury received a briefing and demonstration of the current accounting system used by the SCCOE and all of the districts in its jurisdiction. This system replaces a 30-year-old, difficult-to-maintain technology based on a mainframe system that Hewlett Packard ceased supporting in 2010.

The SCCOE and its member districts started the process of planning its replacement in the summer of 2011. Fortunately all of the districts in the county agreed to migrate to the same system, Digital Schools,^{[43](#)} and the County Board of Education voted to approve the conversion on March 21, 2013. A three-phase conversion process was set up for all of the districts and charter schools to convert over the following two years with the last districts going live on September 30, 2015. SUESD converted during the second phase and went live on July 1, 2015.

The new web-based system has a much better report-generation system for both standardized reporting and ad hoc queries and reports. The new system is more than capable of providing the kinds of reports needed for managing HSC funded activities.

Complaint Procedures

In any organization dealing with public transactions there will be some level of dissatisfaction. Not everyone will be happy with every decision a board or administration

makes. In order to track dissatisfaction, clarify decisions, and perform self-evaluation of the district management, a complaint procedure must be in place. The Grand Jury investigated the complaint process in the SUESD and found:

- Complaints received from emails and formal letters were passed to the superintendent to respond. There appears to be no open meeting reporting of these complaints or discussion of policies involved. While privacy may be an issue in some cases at least reporting the topic and the number of complaints in open session would provide an indicator of issues that may be building.
- The complaint procedure posted on the District website is minimal, referring to state code and District policies by number. There is no guidance for where and how to file a complaint. A nearby school district in Monterey County keeps an easy to use form online.^[44] SUESD could add a complaint form with instructions to their website.
- When a complaint was filed against a Board decision regarding the Superintendent's contract, instead of responding directly, the complaint was referred to the Superintendent for a response. When a complaint is filed against the Superintendent the Board should take responsibility for the investigation and response.

We also checked for a complaint procedure at the next level of administration in the county, the SCCOE, where no complaint procedure could easily be found. The SCCOE Office of the Superintendent referred a complainant to the State Department of Education. As with the District office, the SCCOE would benefit from an easy to access complaint procedure with clear guidelines for where and how to file a complaint. Knowing when and where problems are developing will promote early intervention and may prevent wasting money and time on recall elections.

Pension Spiking Accusation

On June 17, 2015 the SUESD Board voted 3:2 to add items that were previously reimbursable expenses to the Superintendent's base salary.^[21] This action was taken to improve the pension of the the soon-to-rotate Superintendent. The addition of expenses to a salary for the purposes of increasing a retirement benefit would normally be a violation of the recently passed "anti-spiking" requirements. The proponents of the increase (McGooden, Rodriguez, and Wallace) argued that since the Superintendent's contract was initiated in 2011, at a time when business expenses could be included in the computation of retirement benefits, the salary addition should be allowed. The opponents (Del Favero, Jackson-Miller) argued the District was not obligated to make the increase because his reimbursable expenses no longer exist after retirement. Also, there was opposition from some teachers who felt this raise in addition to the 15% raise the Superintendent received in 2014 was excessive relative to their 3.5% raise.

Based on the rules as they apply to the Superintendent's contract and modifications, as a "classic" member of the retirement system the addition of expenses to his base salary in his final year is allowed. While this practice is a common complaint in news articles^{[45] [46]} it is also an accepted practice and will only be resolved through new case

law or changes in school board practices. This action was not illegal but it did generate a lot of ill will from constituents and teaching staff. See California Government Code § 7522.34.^[47]

§ 7522.34 (a) "Pensionable compensation" of a new member of any public retirement system means the normal monthly rate of pay or base pay of the member ...

§ 7522.34 (c) Notwithstanding any other law, "pensionable compensation" of a new member does not include the following:

§ 7522.34 (c) (1) Any compensation determined by the board to have been paid to increase a member's retirement benefit under that system.

(Amended by Stats. 2013, Ch. 528, Sec. 8. Effective October 4, 2013.)

Superintendent Evaluation

As noted in the background section, the superintendent is the only employee of the School Board and is responsible for day-to-day operations of the District. As the only employee the Board hires, evaluates, and fires, it is essential they communicate the goals and standards they expect in the management of District business. In our investigation of the evaluation process we found the following applicable codes and policies:

- The School Board is responsible for writing and annually reviewing the performance standards for the superintendent, as stated in Board Policy 2140(a) and in Superintendent Castaniada's contract.^[4] We could find no evidence of the details of these standards being discussed or reported in open session minutes.
- Board Policy 2140(b)^[48] requires that the performance goals be reported in open session.
- Board policies regarding the administration and supervision of the Superintendent have not been updated since 2001, as shown by Board Policy 2122(a) the "Superintendent of Schools: Responsibilities and Duties."^[49]
- In 2014/15 the District adopted the State mandated Local Control and Accountability Plan (LCAP) as their primary superintendent evaluation document.

The superintendent's evaluation should include some specific elements with regard to HSC funds. These funds have become essential to school enrichment activities and for many students the fun part of school. It is incumbent on the Board and the administration to provide accurate accounting and support for these HSCs to continue their needed funding. Making accurate, mutually agreeable accounting reports to the HSCs should be part of the superintendent's annual evaluation.

Summary of Investigation Facts

Brown Act Violations and Public Disclosure Issues

- On June 18, 2014 the Superintendent's contract was discussed in closed session and approved in open session without public discussion of the contract changes.^[13]
- Closed session topics listed in the agenda^[50] are not repeated in the published minutes^[51] of the meeting. This practice obscures closed session topics for interested parties that use the minutes to follow Board actions.
- The Superintendent contract modifications were approved, a contract prepared, and signed the same day, June 18, 2014. Therefore, the terms of the modification must have been discussed and agreed upon at some earlier undocumented date.^[4] ^[50]

Salary Spiking

- The Board voted 3:2 June 17, 2015 to include expense allowances in the Superintendent's salary.^[21]
- According to California Government Code § 7522.34(c)(1),^[47] for employees hired after January 1, 2013, "compensation paid to increase a member's retirement benefit" is not allowed.^[52]
- The superintendent's contract was originally signed in 2011, therefore he is considered a "classic" employee, not subject to the new employee retirement rules.

Complaint Procedures

- The only District website reference to filing a complaint restates the CA code with no guidance on how to compose or where to file the complaint.^[53]
- Other Santa Cruz County school districts provide some context and procedures for complaints.^[54] ^[55]
- Some nearby school districts supply an online form to simplify the process.^[44]
- References to the SCCOE complaint procedures can only be found by searching the website index for their board policies and knowing that complaint procedures can be found under community relations.^[56]
- The San Mateo County Office of Education provides links on their community relations web page to their board policy, a complaint form, and a complaint procedures handbook.^[57]
- The Grand Jury placed a call to SCCOE and inquired about filing a complaint against a district board. The recommendation from the County Superintendent's office was to call the California Department of Education.

Superintendent Evaluation

- The superintendent is the only employee the School Board evaluates.^[58]

- The School Board is responsible for annually evaluating the performance of the superintendent.^[59]
- Performance standards can be discussed in open sessions of the School Board.^[60]
- Board Policy 2140(b) requires that performance goals be reported in open session.^[48]
- The Board Policy 2122 “Superintendent of Schools: Responsibilities and Duties” have not been updated since 2001.^[49]

Home and School Club Accounting

- 98% of the District budget is dedicated to salaries and facilities, consequently less than \$150/student is available for discretionary spending.^[3]
- Many HSCs contribute more than \$200 per student ([figure 1](#)).
- There was a build up of overpayments by the Soquel HSC that accumulated in the District accounts over several years without reporting the error to the Soquel HSC.
- The financial software used by the District is capable of creating summary expense reports for the HSCs.^[61]
- The District is developing a contract with HSCs that should improve communication and define expectations.^[62]

Findings

- F1.** The Grand Jury finds that the Board has violated the Brown Act on at least two occasions. These violations were due to the lack of open session discussion regarding the superintendent's contract and incomplete reporting of closed session decisions.
- F2.** The Board chose to add the superintendent's expenses to his annual salary. While this is contrary to the spirit of the California Public Employees' Pension Reform Act adopted in 2012, the practice is commonplace for superintendents hired before 2013.
- F3.** There is history of poor communication and mistrust of the Board and District administration by the public they serve.
- F4.** The lack of an adequate, posted complaint procedure and problem resolution process contributes to the mistrust of the District and Board.
- F5.** The Board has failed to adequately develop and report performance standards for the superintendent.
- F6.** Although HSC contributions are a significant part of the discretionary budget for schools in the District, they are not well managed and they do not receive adequate public recognition.

- F7.** There is no policy in place to reconcile HSC donations with District expenditures. The proposed contract policy between the District and contributors of donations in excess of \$500 is intended to address this issue.
- F8.** Because HSC contributions for teacher supplies are combined with contributions from other sources, accounting to individual donors for each teacher's expenses is impractical.

Recommendations

- R1.** The Board must follow the state law and their District policies by adopting practices that will inform the public of the details of their decisions and their decision process. As noted in the report the Brown act provides a baseline for public disclosure. Debating and giving reasoned explanations for their decisions in open meetings will improve public support and participation. (F1, F3, F4)
- R2.** If the Board chooses to grant the Superintendent a salary raise in excess of the percentage granted to District Bargaining Units, they should announce the amount together with the Superintendent's annual performance goals and discuss the increase in a public meeting. (F2, F3)
- R3.** The Board should include in the Superintendent's performance standard a goal of reaching an agreement between the District and the HSCs that specifies accounting report content and frequency. (F5, F7)
- R4.** Soquel Union Elementary School District should make available on their website an easily filed complaint form with guidelines. (F3, F4)
- R5.** The Board should include a summary of complaint topics received since their last meeting in the meeting minutes. All complaint topics should be summarized, including Williams Uniform Complaint Procedure, Uniform Complaint Process, Freedom Of Information Act, email, etc. (F3, F4)
- R6.** The District administration should provide accounting reports to the HSCs in accordance with mutually agreed content and frequency. (F3, F6, F7)
- R7.** The Board should include public recognition, recorded in meeting minutes, of all financial contributions from HSCs and other contributors of funds to the District. (F3, F6)
- R8.** At the beginning of each school year and after consulting with the school principal, a proposed budget should be prepared by each HSC outlining the plans for donations in excess of \$500. The plan should be submitted to the District for final approval. (F3, F6, F7)
- R9.** The District should assume all responsibility for funding and managing teacher supply accounts and/or define a clear donation policy for contributions to teacher accounts. (F8)

Commendations

- C1.** The SCCOE and all of the districts in its jurisdiction have worked together to successfully complete a difficult upgrade of their accounting system.

Responses Required

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
SUESD Board of Trustees	F1–F8	R1–R9	90 Days July 25, 2016

Definitions

- **Board:** In all cases, capitalized Board refers to The Soquel Union Elementary School District Board of Trustees. The terms School Board and District Board are also used.
- **CalSTRS:** California State Teachers Retirement System
- **FOMS:** Friends of Main Street, home and school club
- **FOIA:** Freedom of Information Act
- **HSC:** Home and School Club
- **LCAP:** Local Control and Accountability Plan, part of the state funding plan for California schools adopted in the 2013–14 Budget Act. [\[63\]](#)
- **PEPRA:** California Public Employees’ Pension Reform Act
- **SCCOE:** Santa Cruz County Office of Education
- **SEA:** Soquel Education Association
- **Serial Meeting:** The Brown Act provides that a majority of the members of a legislative body shall not meet outside a noticed meeting using a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.
- **Salary Spiking:** The process whereby public sector employees grant themselves large raises or otherwise artificially inflate their compensation in the years immediately preceding retirement in order to receive larger pensions than they otherwise would be entitled to receive.
- **SUESD:** Soquel Union Elementary School District
- **UCP:** Universal Complaint Procedure
- **Williams Complaint:** A type of UCP dealing with instructional materials and urgent health and safety issues.

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Soquel Union Elementary School District Board meetings
Santa Cruz County Office of Education Business Office

Very Civil Asset Forfeiture in Santa Cruz County

Summary

Many national media reports cite abuse surrounding civil asset forfeitures.^{[1][2][3][4][5][6][7]} The Santa Cruz Civil Grand Jury noted that none of the reports of abuse involved Santa Cruz County. The Grand Jury investigated the processes and procedures that the Santa Cruz County District Attorney's Office and Sheriff's Office use to implement and oversee the handling of civil asset forfeitures.

Civil asset forfeiture is a process whereby law enforcement seize assets (cash, vehicles, boats, property, etc.) from persons suspected of involvement with crime or illegal activity, most often in connection with drug offenses, and the District Attorney processes the adjudication in Santa Cruz County Superior Court.

We found the civil asset forfeiture process in Santa Cruz County has been and continues to be handled and adjudicated with intelligence, compassion, and fairness. The Sheriff's Office and the District Attorney's Office have fully complied with the letter and the spirit of the law.

Investigation

The Grand Jury investigated those county entities responsible for implementing civil asset forfeiture. We conducted interviews and reviewed documentation for Santa Cruz County fiscal year 2014–15.

The Grand Jury reviewed policies and procedures relating to the forfeited funds distributed to the Sheriff's Office per California Health and Safety Code Section 11489.^[8] We investigated the policies and procedures relating to seizure of money or property returned to rightful owners for cases that were dropped or defendants that were found innocent.

These distributed funds were used by the Sheriff's Office to purchase additional equipment and furnishings, and not used for salaries and benefits. The District Attorney's Office and the Sheriff's Office are not dependent on civil asset forfeiture funds for meeting their budgets. These policies remove any likelihood that forfeiture will be misapplied for personal gain.

The total value of property held in abeyance as evidence that came to final disposition after adjudication in 2014 was \$177,018.72. Of this, \$71,364.21 was returned to the property owners. The remaining \$105,654.51 (\$12,707.50 of non-currency assets like trucks, motorcycles, and bicycles, and \$92,947.01 of cash or cash equivalents), was forfeited and distributed as directed by California Health and Safety Code Section 11489.^[8]

2014 Civil Asset Forfeiture Process Summary

Value of property returned		\$71,364.21
Value of forfeited cash-equivalent property retained	\$92,947.01	
Value of forfeited non-cash property retained	<u>\$12,707.50</u>	
Value of property retained		<u>\$105,654.51</u>
Total value of property that came to final disposition		\$177,018.72
Note: all values include accrued interest.		

Source: Information gathered from the Sheriff's and DA's Offices.^[9]

Findings

- F1.** The District Attorney's Office does not currently provide an annual summary of the disposition of civil asset forfeitures.
- F2.** The Sheriff and prosecuting authorities are following the letter and spirit of the law.
- F3.** The District Attorney's Office and the Sheriff's Office are following strict accounting procedures in managing the process.
- F4.** Property due to be returned was released in a timely and fair manner.
- F5.** Proper escrow procedures were followed.
- F6.** There is no incentive to abuse the program to supplement salaries and benefits, since none of the retained funds are used for salaries or benefits in the Santa Cruz County Sheriff's Office.

Recommendations

- R1.** The Santa Cruz County District Attorney's Office should include an annual summary of civil asset forfeitures on their website. (F1)
- R2.** Such a report should include a chart similar to the table *2014 Civil Asset Forfeiture Process Summary* above. (F1)

Commendations

- C1.** The Grand Jury commends the quality of the process followed by the District Attorney's Office and the Sheriff's Office.
- C2.** The Grand Jury found that the District Attorney's Office and Sheriff's Office are treating the return of assets to parties as directed, and it is being done intelligently, with care, compassion, and a focus on timeliness.

Responses Required

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County District Attorney	F1	R1, R2	60 days August 1, 2016

Definitions

- **Abeyance:** A state of temporary disuse or suspension.
- **Adjudication:** The legal process of resolving a dispute. The formal giving or pronouncing of a judgment or decree in a court proceeding; also the judgment or decision given. The entry of a decree by a court in respect to the parties in a case.
- **Civil Asset Forfeiture:** A legal tool that allows law enforcement officials to seize property that they allege has been involved in certain criminal activity. The assets are held in abeyance, as evidence, during the civil asset forfeiture process and are either forfeited or returned upon adjudication of the case.
- **Forfeiture:** The loss or giving up of something as a penalty for wrongdoing.
- **Seize:** Forcible taking of property by a government law enforcement official from a person who is suspected of violating, or is known to have violated, the law.

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K-12 School Safety and Emergency Plan Audit

Are we ready?

Summary

Santa Cruz County schools must ensure the safety of 40,000 students in its seventy-two public K-12 schools. School safety plans, mandated by state law, are of paramount importance, must be in compliance with the law and updated annually. The Grand Jury queried each public school as to the existence of its safety plan and whether it was up-to-date.

The Grand Jury found that not all plans were up to date, accessible to the public and staff, or available at school district offices.

Background

Each year there is potential for natural or man-made emergencies to impact our schools. This demands that our schools exercise foresight and planning for school safety.

The purpose of this investigation is to determine if all K-12 Santa Cruz County public schools have comprehensive school safety plans. California Education Code §32280-89,^[1] requires all California K-12 public schools have school safety plans. The Santa Cruz County Office of Education has an *Emergency Response/Crisis Management Manual*^[2] that the schools can use as a template to develop their individual plans. The plans are to be updated yearly, be readily available to the public at each school, and be forwarded to each district office or the Santa Cruz County Office of Education. Annually by October 15 the school district or the Santa Cruz County Office of Education is to notify the State Department of Education of any school not in compliance with the requirements for an updated and available school safety plan.

Scope

The scope of this investigation was to survey the schools to:

- Determine that state-mandated school safety plans exist and are updated annually for every Santa Cruz County K-12 public school.^[1]
- Ascertain whether each plan is readily available to the public, either at the school or on the school's website.
- Confirm that a plan copy is filed with the district office or the Santa Cruz County Office of Education.
- Determine whether the schools felt that they had an appropriate amount of emergency supplies.^[3]

Our survey^[4] focused on the existence of a plan, whether the plan was up to date, and that the plan was readily accessible to the public. Plan content as defined by the County Office of Education^[2] and California Education Code §33280-89^[1] was beyond our scope.

Investigation

The Grand Jury surveyed all seventy-two public K-12 schools. We visited all ten school district offices and the County Office of Education to confirm school safety plans were on file.

All schools did have a safety plan although many were not up to date. The responses also drew our attention to several other compliance and implementation issues.

A few respondents indicated that they had their plan available on the school website. A Grand Jury search for these website plans turned up inconsistent results: some were available, some pointed to a district plan, some were hard to find, and some were never found. There was no hard copy safety plan for each school that will ensure that the safety plan will be available in the event of loss of power or other outages.

The survey results^[4] also indicated that most schools reported that they did not have sufficient emergency supplies.

Findings

- F1.** All schools had a plan. However, not all schools were current with the required yearly updates.
- F2.** Few schools had any reference to a Safety Preparedness Plan on their websites.
- F3.** Most schools had insufficient emergency supplies.
- F4.** At some district offices the existence of the safety plan was unknown, at other district offices the location of the plan was unknown.
- F5.** Some district offices had only online versions of their schools' plans and no printed copies.

Recommendations

- R1.** All schools should have a plan that is reviewed and updated yearly. (F1)
- R2.** Publicly available school safety plans should be on all school websites. The location of this information should be prominently and uniformly displayed on the homepage of each school's website. (F2)
- R3.** The County Office of Education should ensure that schools have sufficient and appropriate emergency supplies. (F3)
- R4.** All schools and district offices should have a printed copy of the school safety plan readily available. (F5)
- R5.** All district and school staff members should know about the existence of the safety plan and should know the exact location of their printed safety plan. (F4)

- R6.** County Office of Education should require a yearly report from each district superintendent certifying the existence and annual update of each school's safety plan. (F1)

Responses Required

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Office of Education Board of Trustees	F1–F5	R1–R6	90 Days August 22, 2016

Definitions

- **K-12:** All School grades from Kindergarten through twelfth (12th) grade.
- **School Safety Plan:** A plan to develop strategies aimed at the prevention of, and education about, potential incidents and emergencies.^{[1] [2]}

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Santa Cruz County Domestic Violence Commission

Missing in Action

Summary

The Santa Cruz County Domestic Violence Commission was established in order to improve services for families, educate the public about domestic violence issues, and develop and monitor protocols used by law enforcement agencies and the Court.^[1] There has not been a meeting of the commission since 2013; prior to that, on numerous occasions the lack of a quorum prevented action. The Grand Jury was concerned that the Domestic Violence Commission, mandated in County Code Chapter 2.118,^[2] is no longer functioning.

The Grand Jury met with representatives from both the District Attorney's Office and law enforcement. All agreed that the Domestic Violence Commission was essential and needed to be reconstituted by modifying the membership, bylaws, and structure of the meetings. The District Attorney's Office agreed to take on the project, and a team has already been put in place to move it forward.

Background

On average, 1,000 domestic violence (DV, see [definition](#)) cases were reported each year in the county, according to the Santa Cruz County Women's Commission, and an estimated 60 percent of victims never reported incidents to authorities.^[3]

The currently non-operational Santa Cruz Domestic Violence Commission (DV Commission), an advisory commission to the Santa Cruz County Board of Supervisors, was established in 1994 and has had 24 to 28 members, comprised of agency representatives, at-large appointments, and several members from elected county positions.

The five mandated responsibilities are listed in County Code Chapter 2.118.050^[2] as follows:

- (A) *Help increase coordination between agencies, departments and the courts, and with victims of domestic violence and abuse.*
- (B) *Promote effective and accessible education, prevention, intervention, and treatment techniques which will be developed based upon research and data collection.*
- (C) *Seek to improve the response to domestic violence and abuse so as to reduce incidents of domestic violence.*
- (D) *Examine issues relating to domestic violence and make recommendations in regard to administrative and legislative action*

to be taken by the Board of Supervisors.

(E) Establish a committee from among its membership, with the addition of a representative from the Office of the Santa Cruz County Counsel, as specified by Penal Code Section [853.6\(a\)](#), to develop protocols for use by law enforcement officers and recommend the adoption of said protocols to the Board of Supervisors. [Ord. 4329 § 1, 1994]

In addition, the DV Commission published annual reports to the community that provided information about local services, statistics, and responses of law enforcement.

Investigation

The Grand Jury's concern that Santa Cruz County no longer had an operational DV Commission was shared by all the individuals interviewed. There was agreement that the membership originally formulated by the County Code was appropriate for the first several years, but was too broadly inclusive and thus not sustainable over time. The extensive membership was initially needed to ensure that the protocols established included all aspects and communities involved with domestic violence, but after the first annual report in 2003 interest diminished, and numerous failed quorums rendered the commission nonfunctional.

The Grand Jury was informed that the DV Commission started out very well and came up with an "awesome" protocol for law enforcement and the domestic violence agencies. It was reported that in addition to having an unwieldy membership, the DV Commission became bogged down in politics and several mandated members did not want to participate.

Many we talked to thought the DV Commission was essential and needed to be reconstituted after modifying the membership, bylaws, and structure of the meetings. These changes would better address the County Code objectives for the DV Commission: coordinating interventions and research, reducing occurrences of DV, increasing agency responsiveness, and recommending multi-agency protocols.

In the past a Domestic Violence Court (see [definition](#)) existed in the county. This Court brought together key participants to streamline the process of both civil and criminal cases within a single courtroom. Again, everyone emphasized that the Domestic Violence Court had been very valuable and hoped to see it reinstated.

Our investigation yielded several new potential goals for the future DV Commission. These included:

1. Review and update the county Domestic Violence Protocols (see [definition](#)).
2. Develop a subcommittee to receive, investigate, and resolve complaints.
3. Organize support services for victim and perpetrator, such as supervised visitation.
4. Encourage and assist in reconstituting the Domestic Violence Court.

The lack of agendas and minutes for the past three years confirmed the DV Commission did not meet; attendance had dwindled, and quorums were unattainable. Nothing was accomplished.

Approximately two years ago, the DA's Office planned to reinstitute the DV Commission, but the momentum was halted when the DA, Bob Lee, died. The Grand Jury has learned that the District Attorney's Office is moving forward and has appointed a lead person with a team in place to establish a modern DV Commission that can function efficiently. The first meeting was scheduled for May 4, 2016.

Findings

- F1.** The Domestic Violence Commission has not met since 2013.
- F2.** A quorum was not reached at the majority of the 2013 meetings.
- F3.** The mandated 24–28 person membership is too large.
- F4.** The District Attorney's Office has appointed a leader to organize the new Domestic Violence Commission.
- F5.** There was universal concern that the dedicated Domestic Violence Court had been abandoned.

Recommendations

- R1.** Domestic Violence Commission meetings should be held monthly during the first six months with the commission determining the ongoing meeting times and schedule. (F1)
- R2.** The Board of Supervisors should reduce the Domestic Violence Commission membership from 28 to a workable number. (F2, F3)
- R3.** The District Attorney (or their designee) should be the Domestic Violence Commission's chair for at least the first year. (F4)
- R4.** The Domestic Violence Commission should report to the Board of Supervisors quarterly for the first year and annually thereafter. (F1)
- R5.** The Board of Supervisors should direct the Domestic Violence Commission to investigate the re-establishment of the Domestic Violence Court. (F5)

Responses Required

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F5	R1–R5	90 Days August 22, 2016

Definitions

- **Domestic Violence Court:** A court that the criminal cases and resolutions run concurrently with family law cases. Includes probation, Child Protective Services, county council, Public defenders, The District Attorney and family court services.
- **Domestic Violence Protocols:** The *Domestic Violence Protocols* are the mutually agreed-upon methods that the agencies involved in domestic violence cases use to communicate and coordinate their actions.
- **DV:** *Domestic violence* and emotional abuse are behaviors used by one person in a relationship to control the other. Partners may be married or not married; living together, separated, or dating. As defined in California Penal Code § 13700:^[4]
 - (a) *"Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.*
 - (b) *"Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.*
- **DV Commission:** the *Domestic Violence Commission* is a Santa Cruz County advisory commission to the Board of Supervisors.

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Another Death in Our Jail

Summary

For the third consecutive term, the Grand Jury is compelled to investigate yet another death at the Main Jail. There have been six deaths since October 2012, the most recent that of a 23-year-old mother on September 29, 2015.

The tragic death of this young woman comes as the Sheriff-Coroner and Santa Cruz County Board of Supervisors are in the process of selecting a new medical services provider. The 2012–2016 provider is California Forensic Medical Group, Inc., whose existing contract began shortly before the first of these deaths.

This report reviews the death of Krista DeLuca in the Santa Cruz County Main Jail, the medical policies and procedures related to her death, and the existing medical services contract for the Santa Cruz County detention facilities.

The Grand Jury strenuously reasserts that significant revisions must be made to existing jail policies and procedures and to the contract with the medical services provider to prevent future deaths. The Grand Jury further advocates retaining independent medical oversight of the medical services provider, accreditation of medical services at the detention facilities, and a thorough review of the existing medical services provider.

Background

On September 17, 2012, the provider of medical services at the jail changed^[1] from the Santa Cruz County Health Services Agency (HSA) to the California Forensic Medical Group, Inc. (CFMG), a for-profit company. The 2012–2016 medical services contract^[2] with the Sheriff-Coroner, authorized and approved by the Santa Cruz County Board of Supervisors, expires on September 16, 2016. The contract covers the County Main Jail, Blaine Street, and Rountree detention facilities. Mental health treatment is provided by the Santa Cruz County Health Services Agency.

The Sheriff-Coroner has the responsibility to ensure emergency and basic health care for all inmates. This can not be abrogated by contracting out the fulfillment of these essential medical services.

The County is currently reviewing responses to a Request for Proposals for a new medical services contract. The Grand Jury has issued two previous reports related to deaths in the jail and the contract between the Sheriff-Coroner and CFMG: *Five Deaths in Santa Cruz*^[3] in 2014 and *Medical Services at the Jails*^[4] in 2015.

The 2014–2015 Grand Jury recommendations made and responses received concerning jail medical services included:^[5]

- R1.** *The Sheriff-Coroner should designate qualified personnel to oversee the medical services contract provisions and compliance*

with standards.

Response: Will not be implemented [with explanation].

R2. The Sheriff-Coroner should obtain independent oversight of its jail medical services by medically qualified personnel.

Response: Will not be implemented [with explanation].

R5. The Sheriff-Coroner should require, at the time of contract renewal, that the jail medical services provider obtain and maintain California Medical Association-Institute for Medical Quality accreditation for the Main Jail, Blaine Street and Rountree detention facilities.

Response: Requires further analysis [with explanation].

We find the Sheriff's responses unsatisfying.

There have been six deaths in the Main Jail since October 2012. The sixth and most recent death occurred on September 29, 2015. It is important to note that not all of the six inmates died while under the direct medical care of CFMG.

Santa Cruz Main Jail In-Custody Deaths from October 2012 through March 2016

Name	Age	Date of Death	Reported Cause of Death
Richard Prichard	59	10/06/12	Heart attack
Brant Monnett	47	11/20/12	Narcotic overdose
Bradley Dreher	47	1/13/13	Asphyxiation by hanging
Amanda Sloan	30	7/17/13	Asphyxiation by hanging
Sharyon Gibbs	65	11/5/14	Natural causes
Krista DeLuca	23	9/29/15	Aspiration pneumonia, dehydration from opiate withdrawal

Sources: *Five Deaths in Santa Cruz*^[3] in 2014, *Medical Services at the Jails*^[4] in 2015, and the autopsy report for Krista DeLuca.^[6]

Two of those deaths have been related to the withdrawal or detoxification from controlled substances (opiates) while under the medical care of CFMG. The Grand Jury has the authority to evaluate the Sheriff's Office, the detention facilities, the policies and procedures reviewed and approved by the Sheriff's Office, and the contract between the Sheriff's Office and CFMG. The Grand Jury does not have the authority to investigate the California Forensic Medical Group, Inc., a for-profit company.

Death rates for jails are collected by the U.S. Bureau of Justice Statistics. For the years 2000–2013 death rates at local jails have ranged from 123 to 151 per 100,000 inmates per year.^[7] During this 13 year period, 82% of local jails had zero deaths recorded.^[7] The Santa Cruz County jail population is roughly 500.^[8] Therefore, we could expect at most three deaths in our jails in four years; there have been more than twice that number of deaths in the four years under the 2012–2016 contract.

Jail inmates are a medically vulnerable population, whether due to poor health habits, poverty, old age, lack of medical care or, as in the case of Krista DeLuca, drug or alcohol addiction. The Sheriff's Office is responsible for the health care of inmates and our investigation made note of the efforts taken by Corrections Officers in providing humane assistance and care to these fragile inmates. What the Grand Jury found to be so disturbing in Ms. DeLuca's case was that she was under medical care during the four-day period in which she slowly died. Ms. DeLuca did not die from a drug overdose; this 23-year-old woman died from complications from an ostensibly medically supervised drug withdrawal.

Six inmate deaths have occurred at the Main Jail since October 2012, two of which were related to opiate withdrawals or detoxification while under the medical care of CFMG.

Scope

The focus of this report is to review three issues: the most recent death in the jail, the medical policies and procedures reviewed and approved by the Sheriff's Office related to that death, and the existing medical services contract between Santa Cruz County and California Forensic Medical Group, Inc. The following documents were examined:

- The contract between the Sheriff-Coroner and CFMG^[2]
- Four medical policies approved by the Sheriff's Office related to the death:
 - Pre-Detention Medical Evaluation/Intake Health Screening
 - Chronic Care
 - Chemically Dependent Inmates
 - Reporting In-Custody Deaths
- The 2013–2014^[3] and 2014–2015^[4] Grand Jury reports
- The autopsy report^[6] for Krista DeLuca
- Title 15 Inspection of the Main Jail by the Health Services Agency, April and May 2015^[9]
- The Federal Bureau of Prisons, Clinical Practice Guidelines, *Detoxification of Chemically Dependent Inmates*, February 2014^[10]

Interviews were conducted and the Grand Jury toured and inspected the Main Jail.

The Grand Jury does not have the authority to investigate the California Forensic Medical Group, Inc., a for-profit company.

Investigation

Death

Krista DeLuca was taken into custody on September 25, 2015, and died four days later in the County Main Jail on September 29, 2015. The autopsy stated the cause of death was:

Acute aspiration pneumonia, dehydration and probable electrolyte imbalance due to protracted vomiting associated with opiate withdrawal and opiate dependence from chronic heroin abuse.^[6]

In common terms, this says in part that Ms. DeLuca died after four days of vomiting, depleting her body of essential minerals and hydration, ultimately inhaling her own vomit and developing pneumonia.

As an inmate of the County Main Jail, Ms. DeLuca was under the medical care of CFMG. For a chronology of the four days of events leading to her death see [Appendix A](#).

After reviewing the records from the jail and conducting interviews, the Grand Jury found that the Corrections Officers at the facility followed their policies and procedures and provided both professional and compassionate care to Krista DeLuca. The Grand Jury has jurisdiction to investigate the Sheriff-Coroner's oversight of the CFMG contract, but the Grand Jury does not have authority to investigate CFMG directly. The Sheriff's Office has not issued a public report on Ms. DeLuca's death and the actions or inactions of CFMG.

Medical Policies and Procedures Approved by the Sheriff-Coroner

As part of the contract between CFMG and the Sheriff-Coroner, the *Medical and Mental Health Care Procedure Manual* is reviewed and approved by the Sheriff's Office prior to its implementation. Four policies were reviewed by the Grand Jury for compliance to California Title 15 requirements for adult detention facilities:

1. *Pre-Detention Medical Evaluation/Intake Health Screening*

This policy meets the requirements of Title 15.^[11]

2. *Chronic Care*

This policy meets the requirements of Title 15.

3. *Chemically Dependent Inmate Policy*

This policy does not meet the requirements of the Title 15, Section 1213, which states in part:

The responsible physician shall develop written medical policies on detoxification which shall include a statement as to whether detoxification will be provided within the facility or require transfer to a licensed medical facility. The facility detoxification protocol

shall include procedures and symptoms necessitating immediate transfer to a hospital or other medical facility.

The Grand Jury found that the *Chemically Dependent Inmates Policy* does not specify what symptoms necessitate immediate transfer to a hospital or other medical facility. The policy does not address how chemically dependent inmates are identified other than self report or staff report.

Also missing from this policy is the use of an objective opiate withdrawal screening tool such as the Clinical Opiate Withdrawal Scale (COWS).^[12] This simple 11 item questionnaire provides an objective measurement of the stage and severity of an inmate's opiate withdrawal and helps staff with treatment decision making.

4. Reporting In-Custody Deaths

This policy meets the requirements of Title 15.

The Grand Jury reviewed the *Detoxification of Chemically Dependent Inmates, Federal Bureau of Prisons Clinical Practice Guidelines, February 2014*.^[10] The document provides guidelines for the medical management of withdrawal from addictive substances for federal inmates. The Grand Jury recommends this document be reviewed and evaluated by the Sheriff-Coroner and the applicable guidelines be incorporated into the Sheriff's Office policies and procedures.

Why did CFMG medical staff not transfer Krista DeLuca to a hospital?

The Grand Jury can not investigate this because actions by a for-profit contractor are not within our jurisdiction.

Contract between the Sheriff-Coroner and CFMG

The Grand Jury reviewed the existing contract between the Sheriff-Coroner and CFMG, which expires on September 16, 2016. Five areas of concern were noted:

1. Responsibility for Health Care Services

The contract states (page 0172) the following regarding responsibility:

Final medical judgements rest with the Medical Director of CFMG, or designee.

The Sheriff-Coroner, who is ultimately responsible for emergency and basic health care services to all inmates, should have the ability to retain additional independent medical assessment for life-threatening or emergency circumstances.

2. *Compliance with CMA-IMQ Accreditation Standards*¹³¹

The contract states (page 0172) the following regarding compliance with standards:

All health care services will comply with Title 15, the CMA-IMQ Accreditation Standards for Adult Correction Facilities and all other applicable laws, regulations, codes and guidelines relating to health care services and programs in adult correction facilities in the State of California.

The contract does not specifically state CFMG must seek and obtain CMA-IMQ accreditation, only that they must comply with the accreditation standards. The Grand Jury found no documentation that the medical services at detention facilities under CFMG's management were compliant with CMA-IMQ accreditation standards.

3. *Detoxification Treatment*

The contract states (page 0185-0186) the following relating to detoxification treatment:

Inmates who are unresponsive and/or whose condition is deemed by CFMG health services staff as unsuitable for housing in the jail will be transported to either Dominican Hospital or Watsonville Community Hospital for treatment.

CFMG medical staff did not transfer Krista DeLuca to a hospital. The Grand Jury can not investigate this because actions by a for-profit contractor are not within our jurisdiction.

4. *Emergency and Catastrophic Costs*

The contract states (page 0217) the following relating to emergency and catastrophic costs:

CFMG will pay all hospital emergency/catastrophic medical care costs up to \$15,000 per inmate for each medical/surgical inpatient episode.

The Grand Jury believes this is a disincentive to admit inmates to a hospital for necessary medical treatment, and recommends removing this clause from the contract, an action currently being considered by the Sheriff's Office.

The Board of Supervisors and the Sheriff-Coroner should thoroughly review and revise the existing medical services contract and critically evaluate the performance of the 2012–2016 medical services provider.

5. *Outside Review of Contract and the Medical Services Contractor*

There is no on-going independent county medical oversight of the detention facility medical services provider or contract compliance related to medical issues. The Grand Jury believes retaining medically qualified personnel familiar with medical services within institutions and contract compliance is necessary to ensure basic health care for all inmates.

Investigative Facts Summary

1. The Sheriff-Coroner has the responsibility to ensure provision of emergency and basic health care services to all inmates in Santa Cruz County detention facilities, even when contracting with a medical services provider for jail health care services.
2. The 2012–2016 contract with CFMG for medical services at the county detention facilities began on September 17, 2012, and ends on September 16, 2016.
3. There have been six inmate deaths in the Main Jail since October 2012.
4. The Santa Cruz County detention facilities are not accredited by the California Medical Association-Institute for Medical Quality. The contract states that all health care services will comply with the California Medical Association-Institute for Medical Quality standards, but there is no specific requirement for accreditation.
5. The Sheriff's Office and Board of Supervisors have the option of continuing with a private contractor for jail medical services or returning to the Santa Cruz County Health Services Agency.
6. The Sheriff's Office at times refers to placing at-risk inmates in the infirmary, when in fact they are placed in the Observation Unit. The Observation Unit is not an infirmary.
7. The most recent Title 15 annual inspection for detention facilities conducted by the Santa Cruz County Health Services Agency in April and May 2015 shows that compliance with the detoxification treatment requirements (Title 15, Section 1213) was marked as "not applicable."
8. The Sheriff-Coroner declined to implement most recommendations in the 2013–2014 and 2014–2015 Grand Jury Reports.
9. Sheriff-Coroner Watch Commanders have the authority to override the medical service provider's decision and escalate to a higher level of medical care in life-threatening emergency circumstances.

Findings

- F1.** There is no publicly available comprehensive report identifying the cause of Krista DeLuca's death, the activities of the Sheriff-Coroner's Office, and the activities of the medical services provider related to her death.
- F2.** There is no independent county oversight, by a qualified medical professional, of both the medical services provider (CFMG) and the contract.
- F3.** The 2012–2016 contract does not allow the Sheriff's Office to retain additional independent medical providers but the Watch Commander can override the medical service provider's decision and escalate to a higher level of medical care in life-threatening emergency circumstances.
- F4.** The 2012–2016 contract requirement that the jail medical services provider pay up to \$15,000 per inmate admitted to a hospital may be a deterrent to admitting inmates in need of hospital medical care.
- F5.** The Health Services Agency completed the required 2015 annual Title 15 inspection of the Main Jail but did not identify if the facility was in compliance with the Detoxification Treatment requirements (Title 15, Section 1213).
- F6.** There is no documentation that the Santa Cruz County facilities have been evaluated for compliance with the CMA-IMQ medical accreditation standards for detention facilities.
- F7.** The *Chemically Dependent Inmate Policy* lacks objective measurement tools for assisting the medical staff with their clinical decision making and determination of when a patient requires a higher level of medical care.
- F8.** The *Chemically Dependent Inmate Policy* does not include procedures and symptoms necessitating immediate transfer to a hospital or other medical facility.
- F9.** The *Chemically Dependent Inmate Policy* and the Sheriff's *Medical and Mental Health Care Procedure Manual* lack guidance for when an inmate should be transferred to a hospital for a higher level of care or when an inmate should be placed on IV hydration.
- F10.** The *Detoxification of Chemically Dependent Inmates*, Federal Bureau of Prisons Clinical Practice Guidelines, February 2014, contains useful information related to recommended standards for the medical management of withdrawal from addictive substances.
- F11.** The Sheriff's Office at times refers to placing at-risk inmates in the infirmary, when in fact they are placed in the Observation Unit. The Observation Unit is not an infirmary. The Grand Jury finds this misnomer to be misleading to the public and endangering of the public trust.

Recommendations

- R1.** The Sheriff-Coroner should complete a comprehensive report of every jail death including, but not limited to: the cause of death; the activities of the Sheriff's Office and medical services provider related to the death; and recommendations, if any, for improvement. This report should be made available to the Board of Supervisors and the public. (F1)
- R2.** The Sheriff-Coroner should retain independent oversight of the jail medical service provider and their contract by medically qualified professionals. (F2)
- R3.** Prior to approving a new medical services contract, the Sheriff-Coroner and Board of Supervisors should thoroughly review the existing contract and evaluate the performance of the 2012–2016 medical services provider with the assistance of qualified medical personnel. (F1–10)
- R4.** The Sheriff-Coroner should revise the medical services contract to allow an independently retained medical provider to escalate medical care under life-threatening emergency circumstances. (F3)
- R5.** The Sheriff-Coroner and Board of Supervisors should delete the contract requirement that the medical provider pay up to \$15,000 per inmate for each inmate emergency or catastrophic transfer to hospital care. (F4)
- R6.** The Health Services Agency should complete the annual 2016 Title 15 inspection and identify if the facility is in compliance with the Detoxification Treatment requirements (Title 15, Section 1213), as required by state law. (F5)
- R7.** The Sheriff-Coroner and Board of Supervisors should require in the contract that the medical services provider for detention facilities obtain and maintain accreditation from the California Medical Association-Institute for Medical Quality for adult detention facilities. (F6)
- R8.** The Sheriff-Coroner should require that the *Chemically Dependent Inmate Policy* include the use of objective measurements of opiate detoxification stages, such as the Clinical Opiate Withdrawal Scale (COWS), to assist the medical staff in making more objective decisions regarding treatment. (F7)
- R9.** The Sheriff-Coroner should work with the medical services provider to revise the *Chemically Dependent Inmate Policy* to comply with California Code of Regulations, Title 15, Section 1213, regarding procedures and symptoms necessitating immediate transfer to a hospital or other medical facility. (F8)
- R10.** Clear guidelines need to be established in the Sheriff's *Medical and Mental Health Care Procedure Manual* for when an inmate should be given a higher level care such as IV hydration or transfer to a hospital. (F9)
- R11.** The Sheriff-Coroner should review *Detoxification of Chemically Dependent Inmates*, Federal Bureau of Prisons Clinical Practice Guidelines, February 2014, and revise applicable Sheriff's policies and procedures to meet or exceed federal guidelines. (F10)

- R12.** The Sheriff-Coroner should stop referring to the Observation Unit as an infirmary unless major steps are taken to improve the medical services provided in this unit. Continuing to refer to this group of observation cells as an infirmary is misleading to the public and does a disservice to the public trust. (F11)

Commendation

- C1.** In this entire unfortunate situation, there is but one bright spot. The Corrections Officers who watched over Krista DeLuca during her last hours carried out their duties with professionalism and compassion for their charge by making small but meaningful efforts to preserve her dignity during her last hours.

The Corrections Officer who was working at the booking desk was concerned for Ms. DeLuca's safety and kept her in booking so he could keep a closer watch on her. Corrections Officers in the Observation Unit made efforts to provide water and assistance while performing their required duties.

Responses Required

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Sheriff-Coroner	F1–F11	R1–R12	60 Days August 8, 2016
Santa Cruz County Board of Supervisors	F3–F5	R3, R5–R7	90 Days September 6, 2016

Definitions

- **Blaine Street:** *Blaine Street Women's Minimum Security Facility*, Santa Cruz County's minimum-security detention facility for women, located near the Main Jail.
- **CFMG:** *California Forensic Medical Group, Inc.*, a for-profit company.
- **CMA-IMQ:** *California Medical Association-Institute for Medical Quality*.
- **COWS:** *Clinical Opiate Withdrawal Scale*, an evaluation tool used to rate common signs and symptoms of opiate withdrawal and monitor those symptoms over time.
- **Detention Facility:** a place to house inmates, generally short term; jail.
- **EMS:** *Emergency Medical Services*
- **Grand Jury:** the *Santa Cruz County Civil Grand Jury*.
- **HSA:** *Health Services Agency*, a Santa Cruz County department.
- **Infirmary:** A building or part of a building for the treatment of the sick or wounded; a hospital; esp. the sick-quarters in a religious establishment, a school, workhouse, or other institution.

- **Inmate:** inhabitant of a correctional or detention facility, either sentenced by the courts or held before trial.
- **Main Jail:** *Water Street Maximum Security Jail*, the County of Santa Cruz's largest detention facility, located in the City of Santa Cruz.
- **Observation Unit:** A unit with sixteen locked down cells, most of which are under constant video surveillance by a central control room correctional officer. These cells are used for treatment and monitoring of inmates with medical and mental health concerns.
- **Rountree:** *Rountree Men's Medium Security Facility*, a medium detention facility for Santa Cruz County, located in Watsonville.
- **Title 15:** California Code of Regulations, Title 15, Division 1, Chapter 1, Subchapter 4, Minimum Standards for Local Detention Facilities.^[9]

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Site Visits

Santa Cruz County Main Jail

Appendix A

Chronology of Events for Krista DeLuca, September 2015

Date	Time	Event
24th	11:45pm	Ms. DeLuca arrested by Capitola Police and transported to Main Jail.
25th	1:37am	Ms. DeLuca referred by Corrections Officers to medical staff after being identified as an “at-risk inmate” after Pre-Detention Medical Evaluation.
	–	Nurse took Ms. DeLuca’s medical history and vital signs.
	–	Ms. DeLuca assigned to the general population (G unit) for housing.
26th	–	Ms. DeLuca placed on opiate withdrawal protocol during the evening.
27th	–	Nurse called to G Unit because Ms. DeLuca is complaining of difficulty breathing, nausea, and vomiting. Ms. DeLuca asks to go to the hospital but the nurse does not refer. Nurse prescribes Gatorade and deep breathing exercises. Ms. DeLuca transferred from G unit to booking area holding room #2 on medical watch for dehydration.
28th	12:30pm	Physician’s Assistant (PA) notified that Ms. DeLuca was suffering from prolonged vomiting. The PA did not actually see her. Physician’s Assistant prescribes an injection to control vomiting.
	12:51pm	Her symptoms improve.
	2:13pm	Oral hydration is encouraged and she is to remain on the OWD protocol.
	–	Ms. DeLuca moved to Observation Unit cell #13.
29th	5:00am	Ms. DeLuca given suppository by nurse to control vomiting.
	5:30am	Ms. DeLuca is visited by nurse, provided medication, vital signs not recorded.
No CFMG medical observations recorded after 5:30 AM		
	5:51am 6:20am 6:48am	Routine checks by Corrections Officers (approximate times).
	6:52am	EMS called for “possible seizure and cardiac arrest.”
	7:00am	EMS from Santa Cruz City Fire Department arrives on scene.
	7:28am	Ms. DeLuca was pronounced dead at the Main Jail.

Sources: Santa Cruz Sentinel^[14] and Autopsy Report for Krista DeLuca^[6]

Jails in Transition

2015-2016 Jail Inspection Report

Summary

The Grand Jury toured and inspected four detention facilities in Santa Cruz County: the Main Jail, Rountree Men's Medium Security Facility, Juvenile Hall Detention Center, and Blaine Street Women's Minimum Security Facility. We found all to be well run and generally in good physical condition, with some signs of wear from their years of service.

The Grand Jury recommends increased security around the Main Jail kitchen door and the area beyond, improved utilization of cells in the Main Jail Medical Unit and Observation Unit, more detailed treatment plans and quicker medical response for at-risk inmates, and a minor upgrade to one cell.

The Grand Jury is encouraged by the vocational and rehabilitation programs at Rountree and Blaine Street, and the number and variety of exceptional programs at Juvenile Hall.

Background

The California Penal Code 919(b) provides: "The Grand Jury shall inquire into the condition and management of the public prisons within the county."^[1] Santa Cruz County has four jails: the Santa Cruz County Main Jail, Rountree Men's Medium Security Facility, Juvenile Hall Detention Center, and Blaine Street Women's Minimum Security Facility.

Scope

In meeting its responsibility to inspect the county's detention facilities and report on conditions and management provided by the Sheriff's Office, the Grand Jury toured each physical property; questioned management and personnel regarding inmate care and services, diet, availability, and access to chaplains, rehabilitation programs and opportunities for community engagement; reviewed policies and procedures;^[2] interviewed inmates; and reviewed logs and other documentation to ascertain compliance with stated policies and procedures.

Investigation

Water Street Main Jail, Inspected on December 14, 2015

Inmate Populations and Intake Statistics

The Main Jail has a maximum capacity of 400 inmates. On the day of the Grand Jury inspection, the population was 311. The required annual fire, medical, mental health, and environmental inspections were all up to date for 2015. There are approximately 1,000 arrests each month. Since the 2014-2015 Grand Jury Inspection Report, the Sheriff's Office has established an alcohol sobering facility adjacent to the jail. This facility has been outsourced to Janus of Santa Cruz, a drug and alcohol recovery center.

Everyone arrested who is 65 years old or older is first sent to Dominican Hospital for medical screening before jail intake.

Crisis Intervention Team

There is a Crisis Intervention Team (CIT) that meets five days a week. The team consists of the mental health staff, medical staff, Chief Correctional Officer, and other supervisory jail personnel. During the meetings daily assessments are made about the current jail population and inmates' special needs are identified and addressed.

On the days that CIT³¹ meets, it issues a Facility Risk Report for staff providing necessary alerts for the inmates deemed at-risk for suicide, escape, assault, medical issues, and other destabilizing behaviors, all of which are constants in this environment.

The Grand Jury found the implementation of CIT successfully addresses many of its objectives to coordinate care and anticipate and avert potential adverse events. We found the program lacking in these significant ways:

- CIT meets only on weekdays. On weekends, when members are off duty, crises occur in the absence of this coordinated care model. CIT should meet daily.
- The Facility Risk Report is helpful but more specific recommendations for jail staff could improve overall care and inmate management.
- CIT meetings directly impact jail operations and should be documented. Minutes should be required.

Intake Screening and Evaluation

Properly assigning inmates to a housing unit emphasizes health and safety for the newly incarcerated. Intake processing consists of layers of screening detainees. Initially an arrestee receives an at-risk assessment performed by the arresting officer. This assessment becomes part of the individual's booking record to assist other personnel.

The at-risk assessment is accompanied by a health screening before the arrestee is assigned to a housing unit. This assessment, performed by a health-trained Corrections Officer (CO), ascertains physical or mental limitations posing potential hazards to the arrestee or other inmates if placed in the general population.

Delivery of Medical Services

Since 2012, all medical services for the correctional facilities have been contracted with the California Forensic Medical Group (CFMG). Medical care at the Main Jail is available 24/7. There is a certified Physician's Assistant (PA) available five days a week. There is a medical doctor on-call who is available to see at-risk inmates within 72 hours. Mental health services are provided by the County Health Services Agency.

The Medical Unit is an area with two holding cells for inmates waiting for a medical appointment. Generally they are accompanied by a Corrections Officer (CO), however when there is a staff shortage, which is often, the inmate is left alone. These rooms are inside the Medical Unit which houses all medications, medical equipment, and medical staff. The Grand Jury feels these rooms could be put to better use by transforming them into critical care units for seriously ill inmates.

Infirmiry Operations and Utilization

The Observation Unit, frequently but inaccurately referred to as the infirmiry, is in another area a distance from the Medical Unit. It consists of 13 cells that are centrally monitored by non-medical personnel, both directly and via video surveillance. This is also referred to as the "direct observations" area and is managed by the CO on duty. It is the responsibility of the CO to contact nursing staff if he or she recognizes a medical need. The CO monitors each occupied cell by observing the inmate through a small window when making rounds, which can range in frequency from every 15 minutes to one hour. The Grand Jury observed that all the windows are the same size other than for cell 13, which is smaller. We question how effective a check can be if an inmate is covered by a blanket: most of the time these checks are strictly visual, from outside the cell door. In prior Grand Jury inspections, it was noted there were irregularities discovered involving inmates covering these windows with various items to block the view; this is no longer a problem and has been corrected.

Escape Incidents

The Main Jail experienced an escape in 2015 through an open door in the kitchen. This door leads to an unrestricted and unfenced area and the inmate simply walked away. It was observed that this same door was open during the Grand Jury inspections. The Grand Jury was told that the inmate who walked away was a minimum security detainee. We learned that funding has been allocated to build a fence surrounding this door. Construction is scheduled to begin this year.

Food Service

In December 2015 a new food-serving protocol was instituted for faster service, higher compliance with nutrition standards, and cost control. Inmates now receive their meals fully served in specialized serving trays. Nutritional content and cost of \$1.29 per meal are carefully monitored. This is a reduction from \$1.49 per meal from last year.

Kitchen employees are supported by up to four inmates per shift. Minimum security

inmates who are interested can apply for kitchen duty. The Grand Jury noticed that the morale of the kitchen staff was particularly positive.

Facility Condition

The general physical condition of the jail building is showing some age and could use updating. In particular, the linoleum in the Observation Unit has severe buckling and may pose a hazard for foot traffic. For a kitchen originally designed to provide meals for 100 people, the staff do an amazing job feeding 300 people daily. All service areas were clean; floors were buffed to a high shine, and considering the age of the building, it continues to be functional.

Staffing

It was also noted the staff is consistently rotated to experience the duties of all personnel. This has shown to be valuable in offering a fresh look at situations by staff as they “walk in each other’s shoes.”

Rountree Men’s Medium Security Facility, Inspected on February 1, 2016

Rountree is located in Watsonville, California. This is an all male adult facility which can house up to 96 inmates. Since this is a medium security facility, incarceration here only happens if the offender is guilty of a low level or first time offense. The inmate classification system here is based on a profile established by the Main Jail. Rountree is frequently called “The Farm.”

The focus of “The Farm” centers around inmate rehabilitation. There is strong emphasis on compliance while they are in custody. This is promoted by a weekly meeting every Monday to acquaint inmates with the rules and procedures for a successful stay. Consequently, they are reminded on a regular basis what it means to cooperate and build a better life.

There are over 30 different classes available, such as substance abuse issues, anger management, parenting, gang activity, and financial education. The goal is to redirect their lives toward healthy self-management and functionality without the prior influences that got them into trouble in the first place. This is accomplished by an incredibly devoted staff who are qualified to teach these critical life skills. The response from the inmates the Grand Jury spoke with was overwhelmingly positive. For many of these inmates this is their first exposure to life skills training. It is the impression of the Grand Jury that the inmates have sincere gratitude for what they are learning. The long term goal for the staff is to be influential enough to prevent inmates returning to their old lifestyle.

A new program that has proven to be highly successful is the “Jail to Jobs Fair.” The director of the facility enlists a number of prospective employers who come to the jail, make a presentation about their employment opportunities, and encourage inmates to work toward applying for jobs once released. This boosts morale and creates a sense of hope in these men. Once apprised of their opportunities they are motivated to engage in programs with a goal in mind. An additional motivating factor is the knowledge that if they are uncooperative or under performing they are returned to the Main Jail.

Santa Cruz Probation Department – Juvenile Hall Detention Facility, Inspected on December 7, 2015

Since 1968 this facility has consistently garnered accolades for its successful programs. The Grand Jury learned that this facility is recognized as a nation-wide model for reducing incarceration of juveniles.

This facility houses up to 42 young offenders. The population on the day of the inspection was 17. This is a coed environment. The average stay for the youths is 12 to 14 days and then they are returned to their families. If they stay longer and reach their 18th birthday, they are transferred to the Main Jail. What the Grand Jury found to be impressive was the attitude shared by the staff, who are committed to helping these youngsters build a better life for their experience in the real world. The Grand Jury observed a level of dedication which is so obvious that it becomes infectious when hearing their success stories and the continuous flow of new ideas for improvement.

There are numerous programs available to assist in the transition from incarceration to life at home. There are educational classes to accomplish a GED or high school diploma, mental health classes to help with self sufficiency, anger management, gang affiliation, financial management, and basic living skills. There is a focus on literacy; the local library makes new books available to the youth on a regular basis so they are not relegated to reading the same things over and over. The onsite library is available to them everyday.

A recent successful objective has been the staff decision to incorporate a culinary program for the juveniles called the “Seed to Table” program. The plan calls for remodeling the kitchen so it can perform as a teaching and learning environment, planting a garden area to complement the menu, and adding an agricultural component to the educational opportunities. This is coming to fruition through a portion of three grants. This program provides an opportunity for Juvenile Hall to offer a more diverse curriculum while simultaneously improving the quality of the food service.

The physical condition of this facility was clean and orderly. It is showing signs of age but the staff does a more than adequate job of maintenance. The kitchen was very clean, neat, and functional. With the coming improvements for the “Seed to Table” program, the kitchen will be able to provide healthier and more appealing meals. The food costs are always considered an important factor and to date, the cost is \$1.49 per meal. This is less than the prior year. When speaking with the juveniles, there was enthusiastic approval of the food served.

We had the opportunity to sit down, have lunch, and speak with various juveniles. It was during these conversations that the Grand Jury heard the personal reactions to what the facility is providing for them. The majority of those incarcerated only had positive comments to make about the staff and the programs. They all felt the staff “really cared about them” and their acceptance was a key to their motivation to improve their lives.

Blaine Street Women's Minimum Security Facility, Inspected on December 14, 2015

Reminiscent of a dormitory style older home, this facility shows some signs of wear and tear. Much of it is outdated, however the facility adequately meets the needs of the female inmates. While there is room for 32 women, there were 11 women in custody at the time of the Grand Jury inspection.

There is a work furlough program provided for the detainees which allows them to work outside the facility and return each night. The women are encouraged to apply for duty in the kitchen of the Main Jail. Unfortunately, one of the women on kitchen duty walked off the property in 2015 and escaped from the Main Jail through an open back door. As noted earlier, construction is set to begin this year on a fence to enclose the unrestricted area outside the door.

The inmates are offered programs designed to integrate them back into life outside the facility. These programs include drug and alcohol counseling, parenting skills, employment opportunities, and self esteem tutoring through group therapy.

Findings

- F1.** The Facility Risk Report, which is generated from the Crisis Intervention Team meeting, lacks specific recommendations.
- F2.** The Crisis Intervention Team only meets on weekdays, creating potential communication problems by not meeting on weekends and holidays.
- F3.** The Observation Unit does not meet the standard definition of an infirmary.
- F4.** There are two holding cells in the Medical Unit which can be put to better use for inmate medical needs.
- F5.** The Medical Unit (which houses the nurse's station) is several doors away from the Observation Unit contributing to less-than-optimal medical care.
- F6.** Current policy allows 72 hours before an at-risk inmate is seen by a doctor, which we feel is too long for at-risk inmates.
- F7.** The window for cell 13 in the Observation Unit is too small for adequate observation.
- F8.** The Main Jail's unsecured kitchen back door is a security risk.

Recommendations

- R1.** The Grand Jury recommends the Crisis Intervention Team's Facility Risk Report include written concerns and recommendations for inmates identified as at-risk. (F1)
- R2.** The Grand Jury recommends the Crisis Intervention Team meet seven days a week. (F2)

- R3.** The Grand Jury recommends that the Observation Unit be upgraded to an infirmary or that the Sheriff's Office stop referring to the area as an infirmary. (F3)
- R4.** This Grand Jury has concerns about the usage of space in the Observation Unit and the Medical Unit and recommends working with a space planner to redesign the physical access between these two units. (F3–F5)
- R5.** The Grand Jury recommends that at-risk inmates be seen within four hours by medical personnel. (F6)
- R6.** The Grand Jury recommends that the window for cell 13 in the Observation Unit be enlarged to at least the same size as the other cells. (F7)
- R7.** The Grand Jury recommends a fence be built within this year to enclose the unrestricted area outside the kitchen back door. Until it is completed, a temporary solution should be installed immediately and inmates should be personally escorted. (F8)

Responses Required

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Sheriff-Coroner	F1–F8	R1–R7	60 Days August 15, 2016

Definitions

- **Penal Code:** A code of laws dealing with crime and its punishment.
- **CO:** *Corrections Officer.*
- **CIT:** *Crisis Intervention Team.*
- **Janus of Santa Cruz:** A drug and alcohol rehabilitation facility for inpatients and outpatients.
- **CFMG:** *California Forensic Medical Group, Inc.,* a for-profit company.
- **Minimum Security:** (of a jail or prison) designed for prisoners regarded as being less dangerous; having fewer restrictions.
- **Observation Unit** A special housing unit where inmates are visually monitored in 13 specified cells.
- **“Seed to Table” Program:** The newest program at the Juvenile Detention Facility which will incorporate an onsite garden managed by the juveniles and the harvest utilized in the kitchen (by select juvenile participants) in a culinary program.
- **Infirmary:** a building or part of a building for the treatment of the sick or wounded; a hospital; esp.the sick quarters in a religious establishment, a school, workhouse, or institution.

Sources

References

1. California Penal Code. 2016. §919 (b). Accessed on May 19, 2016.
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=914-924.6>
2. Santa Cruz County *Medical and Mental Health Care Procedures Manual* for Sheriff's Corrections. 2016.
3. Santa Cruz County Health Services Agency. Crisis Intervention Team. Accessed on May 19, 2016.
<http://www.santacruzhealth.org/HSAHome/HSADivisions/BehavioralHealth/AdultMentalHealthServices/CoordinatedCareTeamsandSpecializedServices.aspx>

Site Visits

Juvenile Hall Detention Facility visited on December 7, 2015.

Santa Cruz County Main Jail visited on December 14, 2015.

Blaine Street Women's Minimum Security Facility visited on December 14, 2015.

Rountree Men's Medium Security Facility visited on February 1, 2016.

Felton Fire Protection District's Surplus Land Sale

A Fire Sale But No Fire

Summary

The Santa Cruz County Grand Jury investigated a land sale transaction executed by the Felton Fire Protection District's Board of Directors in 2014. Contrary to state laws governing surplus land sales by special districts this sale occurred without public notice and in such a manner as to preclude other interested parties from bidding for the parcel, potentially depriving the district of a substantially higher price.

After reviewing the sale in question, board minutes and budgets, Santa Cruz County assessor's records of this and comparable sales, state and county ordinances regarding disposition of surplus property, and conducting interviews, the Grand Jury believes the sale was conducted in violation of state law and with the appearance of benefitting one member of the community over others.

Background

Felton Fire Protection District (Felton Fire) is one of ten fire protection districts in the County of Santa Cruz, nine of which are wholly within the county. The tenth fire district, Aromas, straddles Santa Cruz and Monterey counties. The nine districts we included in our investigation are:

- Aptos/La Selva
- Ben Lomond
- Boulder Creek
- Branciforte
- Central
- Felton
- Pajaro Valley
- Scotts Valley
- Zayante

Fire protection districts are government entities known as Special Districts,^{[11](#)} a form of local government established to meet specific needs of the community and subject to state laws and annual financial reporting to the State Controller. Special Districts are governed by a locally elected board of directors and are funded by users' fees or special assessments voted on by local residents and collected through property taxes. These districts typically deliver a single service which the community has agreed is not otherwise met or is deemed best met through local control. Two primary motivations for a community establishing a special district are (1) greater involvement and oversight and (2) the ability to collectively pay for a service important to constituents that does not otherwise command the necessary resources.

Fire Protection Districts are non-enterprise districts, meaning they receive their operating revenue primarily through property tax assessments rather than fees for service. Other potential sources of public funds are general obligation bonds, which

must be voted for by a two-thirds majority of district voters; revenue bonds issued by the state or county; and state grants. These limited revenue resources underscore the need for special districts to exercise strong fiscal discipline, properly maintain district assets, and maximize potential revenues from sales of surplus property such as major equipment, land, and buildings.

Land is particularly valuable in California, especially in existing neighborhoods where property values are high and where it is often an appreciating rather than a depreciating asset. Statutory restrictions on the disposition of these properties often increase the need that each sale be handled so as to balance competing community concerns while conforming to all applicable laws, policies, and procedures.

History of the Subject Property’s Sale

Felton Fire had been gifted a 7,878 square foot parcel on the corner of El Solyo Heights and Hacienda Way (Subject Property) many years ago, situated within an established residential neighborhood in Felton with few vacant parcels. The owner of one of two contiguous properties made an unsolicited offer to purchase the property for \$1,500. The Board of Directors addressed the offer and agreed on a counter offer as they reviewed these items:

- A letter offering to purchase the land for \$1,500 from the owner of an adjacent parcel was received by the Board.
- The Fire Chief approached “surrounding property owners,” as the board requested, to see if they wanted to purchase the parcel.
- The property was free of acquisition restrictions on a sale of the property.
- The Board researched area lot values for like parcels, such as those with County Assessor designations of [unbuildable](#) and under 15,000 square feet, and found values ranging from \$5,000 to \$7,000 (\$0.63 to \$0.88 per square foot).
- The Board unanimously agreed to proceed with the sale at \$0.30 per square foot and directed the Fire Chief to counter the offer at \$2,365.

The sale was completed on November 12, 2014.

Prior to the close of escrow two other comparable land sale transactions occurred in the same neighborhood:

- El Solyo Heights APN07125136 9,300 sf \$16,000 \$1.72 psf
- Hillview APN07129207 10,500 sf \$25,000 \$2.38 psf

Compare these transactions to the Subject Property:

- Subject Property APN07105401 7,878 sf \$2,365 \$0.30 psf

Note: The Subject Property’s former APN number no longer exists. The parcel has been combined with the new owner’s parcel and the two parcels are now APN07105411.^[2]

The two comparable properties had each been listed by a licensed realtor for \$49,500. Ultimately, the market value for each was established through the common practice of first contacting local real estate agents, listing the property with a licensed real estate brokerage, posting the property on the Multiple Listing Service (MLS) or other public

listing venues, and marketing the property through familiar portals such as local newspapers and web-based listing services. The Subject Property was never listed or marketed.

Valuations of Vacant Land

Determining value for vacant land is very difficult. Zoning is one of the most important criteria as it dictates potential uses for the land, which in turn determine potential value. Felton is subject to the Santa Cruz County Zoning Ordinance (Title 13 of the County Code)^[3] and overseen by the Santa Cruz County Planning Department. Zoning for the Subject Property is R-1-15. The “15” describes the minimum net developable lot size requirement in thousands of square feet for a single-family dwelling.^[4] This means the subject parcel, at 7,878 square feet, is smaller than the net developable area of 15,000 square feet in the County’s General Plan. However, permissible development for any particular parcel is determined by the Planning Department during the application process or for a fee in a “pre-application review.”^[5] Many neighborhood homes are on less than 10,000 square foot parcels,^[6] although this fact by itself would neither justify nor preclude a [variance](#) for the Subject Property.

Countless other factors are used in valuing vacant land including:

- Features of the land itself, the neighborhood and location, and the broader market
- Environmental mitigations and restrictions, utilities and water access, and other governmental controls
- Broader community interests

Felton Fire derived a value and processed the sale based on an assumption that since the property did not conform to the current zoning requirements, only adjacent property owners would have an interest in purchasing the parcel. The Board did not consider the possibility that some non-contiguous property owner might be interested in acquiring the property to preserve a view, gain additional parking, limit development, or some other near- or long-term use. Advertising the property on the open market would have allowed other potential buyers help Felton Fire establish a true market value.

Scope

The Grand Jury embarked on this investigation of the sale of the Subject Property by Felton Fire to determine whether the transaction conformed with applicable laws and met the standards of fiduciary responsibility and transparency. This investigation did not consider Felton Fire’s role as first responder to its community and to Santa Cruz County, which the Grand Jury acknowledges is the district’s primary and most important role.

In the course of its investigation, the Grand Jury addressed these questions:

- What policies and procedures guided Felton Fire in its sale of the Subject Property and were they compliant?

- Were Felton Fire's actions in accordance with all laws governing the disposition of surplus property by special districts?
- Does Felton Fire's management of its real property comply with the requirements of state law?
- Did Felton Fire's actions comply with the terms of acquisition of the Subject Property?
- Does Felton Fire account for the value of real property on its balance sheets?
- Does Felton Fire meet the standard of fair, open, and unbiased actions in executing its fiduciary obligations to the community in its disposal of surplus property?

Investigation

The Grand Jury's investigation began by identifying the potential scale and scope of Santa Cruz County fire protection districts' surplus property sales.

The Grand Jury first identified California state laws governing special districts and their execution of surplus property dispositions. In order to ascertain the potential impact of surplus property sales we compiled from county assessor records a preliminary list of property held by the nine Santa Cruz County fire protection districts we examined. This initial list was eventually updated based on records requested and obtained from each district. Fire district minutes and agendas beginning with January 2010 were requested from each district to identify any surplus property transactions, all of which require action by the districts' boards of directors. Financial statements for fiscal years 2010-2011 through 2014-2015 were requested to assess the relative impact on net revenue from surplus property sales. Balance sheets from fiscal years 2010-2011 forward were examined when received to learn if, and to what extent, districts are recognizing the value of the property they are stewarding for their communities. Lastly, districts were asked to provide their policies and procedures for surplus property and their listings of surplus properties, both of which they are required to maintain and the latter of which they are required to update and publish annually. Not all requested documents were available or provided but the documentation reviewed was sufficient for our purposes.

Laws Governing Special Districts and Surplus Property Dispositions

California state law explicitly requires that special districts comply with the following statutes for managing and disposing of surplus land:

- A list of all lands owned or controlled must be annually made public.
- All lands owned that are surplus must be publicly identified annually.
- All surplus land must first be offered for sale to other public entities or for public use.
- Prior to executing a sale of surplus land, its intended use must be in compliance with the jurisdiction's General Plan (in this case Santa Cruz County).
- A sale of anything of value may be evaluated based on general law which prohibits a gift by any public entity to any individual or corporation.

Despite Felton Fire’s failure to comply with these state laws, California state law deems such failure does not invalidate the sale (California Government Code §54230.5).^[7]

**California State Statutes and Regulations
Governing the Disposal of Surplus Property by Special Districts
and Felton Fire’s Compliance in the Sale of the Subject Property**

Government Code Section	Summary of Code	Assessment of Felton Fire’s Compliance
§50569 ^[8]	Requires each local agency inventory all lands owned or controlled by the agency by December 31 of each year to determine what land is excess of its foreseeable needs. A description of each parcel shall be made a matter of public record.	There is no documentation that Felton Fire complied with this requirement.
§§54220–54233 ^[7]	Establishes that any public agency selling surplus land must first offer the land for sale to uses such as recreational facilities, school facilities, affordable housing development, or for enterprise zone projects.	There is no documentation that Felton Fire complied with this requirement.
§65402 ^[9]	Requires local governments to determine that the potential use of the surplus land conforms to the jurisdiction’s General Plan before disposal occurs.	There is no documentation that Felton Fire complied with this requirement.
California Constitution, Article 16, Section 6 ^[10]	The legislature has no power "... to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation"	It is unclear if there was a gift of public funds by selling the property for \$2,365 since there is no documentation that the fair market value of the property was established prior to sale.

Source: Specific code references are cited separately above.

Real Estate Owned by Santa Cruz County’s Fire Protection Districts

The Grand Jury found that the nine fire protection districts investigated own a total of 32 properties as of December 2015. The Grand Jury is not questioning the rationales for districts’ ownership of real estate; our concerns are that the properties are managed and accounted for in accordance with all applicable laws.

The following table shows the number of properties owned by each district:

**Number of Real Estate Parcels Owned
and Their Use by District as of December 2015**

District	Fire Stations	Vacant Land	Other Non-Station Use	Total
Aptos/La Selva	3	0	0	3
Ben Lomond	1	1	3	5
Boulder Creek	3	3	2	8
Branciforte	1	0	0	1
Central	4	2	2	8
Felton	1	0	0	1
Scotts Valley	2	2	0	4
Zayante	2	0	0	2
Total	17	8	7	32

Source: Santa Cruz County Assessor's Office, Parcel Tax Rolls

Fire Districts' Operating Margins

Fire protection districts are not for-profit enterprises. Despite the high cost of equipment and operations needed to deliver services, they typically operate on very tight margins, giving them little flexibility for contingencies or improvements. Many take several commendable steps to constrain costs or raise revenue. A large portion are staffed by dedicated volunteers who are members of their communities. Local fund raisers, such as pancake breakfasts, are common. Major equipment needs are often met through interdepartmental transfers; such cooperation enables fire protection districts such as those in our county to upgrade or add to equipment they could not otherwise afford.

A higher sales price for the Subject Property would have meant more discretionary funds for Felton Fire.

Reporting and Maintaining Asset Valuations

Balance sheets record the assets and liabilities of an enterprise and are used to assess financial health. On a balance sheet, land is a non-depreciating asset and unlike other fixed assets such as buildings and equipment, its value does not decrease each year as it has an unlimited useful life. This is unrelated to market value which fluctuates and may or may not be depicted on a balance sheet.

Felton Fire received the Subject Property as a gift many years ago when its owner no longer wanted to maintain the parcel. As far as we can determine no recorded value was ever placed on the parcel. Had the district ascertained the value of the property and reported that value on its balance sheet, the Board may have recognized the property as an asset and thus sought a better price, or not have sold it at all.

Policies and Procedures for the Acquisition and Disposal of Surplus Property

Felton Fire is required by law to have policies and procedures for disposal of surplus property. It is also in its best interest to do so. Policies and procedures help districts act consistently despite board changes and they guide decision making, assuring the public their board will act legally and with consideration for the agency's mandate.

The absence of policies and procedures led the Board to make these errors:

- Sold the Subject Property for less than comparable neighborhood land sales
- Used sale proceeds to cover fees relating to the sale instead of having the buyer doing so
- Left the Subject Property tied up in escrow for a very long time as the buyer delayed completing the transaction
- Gave the impression the Board did not meet the standard of impartiality in transacting this sale, given that the Fire Chief and the buyer have worked together

Central Clearinghouse for Surplus Property

In our investigation it became apparent the lack of a central, county-wide clearinghouse for the disposition of all surplus property inhibits the ability of districts and the county to receive full and fair value for their assets. There is a limited county-run surplus sale site^[11] for small, unlisted items, and an auction site,^[12] apparently intended for surplus vehicles, with nothing observed listed. Neither of these existing sites would seem to be appropriate for real estate or other substantial properties.

Some districts use private listing, sale, or auction sites, especially for major equipment such as fire engines.

A public, central listing of surplus property could ensure interested residents of Santa Cruz County are aware of what is available, for personal use and for monitoring the actions of their districts. We see little reason for each district to develop its own site for surplus property as there would be considerable duplication of effort, and the public would not be as well served. At the very least, we would expect surplus land to be listed on a widely disseminated listing service, but that would not preclude it also being listed on a central clearinghouse.

With some land and equipment values ranging above \$500,000 it is important that the sale of these properties return the maximum price to the constituents who paid for them.

Facts

- Felton Fire sold the Subject Property for \$2,365.
- A failure to follow state law does not invalidate the sale of surplus property by Special Districts (California Government Code §54230.5).
- The Board neither sought an appraisal nor documented any attempts to obtain a value for the property based on comparable sales beyond one director's assertion.
- The property was purchased by someone with a relationship to the Fire Chief.
- There is no documentation that the Board advertised the property.
- Felton Fire does not have written policies and procedures for the acquisition or sale of real estate.
- There is no documentation that Felton Fire complied with California Government Codes §50569, §65402 and §§50568-50573 and may be in violation of California Constitution, Article 16, Section 6 in its sale of the Subject Property.
- Felton Fire does not report the value of all of its land assets on its balance sheets.
- County fire protection districts, including Felton Fire, own a combined 32 properties, only 17 of which are fire stations.
- There is no central online surplus property clearinghouse for the county.
- Santa Cruz County maintains a surplus property list that does not include real estate or listings by districts.
- Surplus real estate is not required to be listed on public listing services such as the MLS or other public listing venues.

Findings

- F1.** Felton Fire is in violation of California Government Code §50569 which requires each government agency to annually inventory their property and make available to the public a description of excess property.
- F2.** Felton Fire violated California Government Code §§54220-54233 and §65402 which govern the manner by which Special Districts must conduct sales of surplus properties and which require confirmation that proposed uses conform with the county's general plan.
- F3.** By not openly advertising the Subject Property or obtaining an independent appraisal of the property's value, the Board did not establish market value and may not have obtained the highest price for the district.
- F4.** Felton Fire did not maintain impartiality by permitting the Fire Chief to transact the sale with a colleague.
- F5.** The Board did not account for the value of all of the District's land holdings on its balance sheet, denying its constituents a full accounting of the District's assets and liabilities.

Recommendations

- R1.** An annual inventory of District-owned real estate and surplus property should be publicly available. (F1)
- R2.** All proposed sales of surplus property should be publicly advertised in a manner that reaches and informs the general public. This may include signage posted on the property, listing in online forums (such as the MLS and other classified advertisers), and notices on the District's website. (F2, F3)
- R3.** The Board should comply with the law and adopt policies and procedures for acquiring, managing, and disposing of surplus property. All policies and procedures should be posted on their website. (F2, F4)
- R4.** All of the District's assets should be included on its balance sheet. (F5)

Responses Required

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Felton Fire Protection District Board of Directors	F1–F5	R1–R4	90 Days September 19, 2016

Definitions

- **Balance Sheet:** In financial accounting, a balance sheet is a summary of the financial balances of a business or organization. Assets, Liabilities and Equity are listed as of a specific date, such as the end of its financial year. A balance sheet is often described as a "snapshot of financial condition."
- **Comparable Sale:** A valuation technique in which a recently sold asset is used to determine the value of a similar asset.
- **County Assessor:** The Santa Cruz County Assessor. The County Assessor establishes the assessed value of your property by appraising the value of that property under applicable State laws. The assessed value is then placed on a list with all other properties in Santa Cruz County and this list is called the "Assessment Roll." The Assessor also approves and applies all exemptions, which are added to the Assessment Roll. The Assessment Roll is then presented to the Santa Cruz County Auditor Controller. [\[13\]](#)
- **Market Value:** The price at which an asset would trade in a competitive auction setting.
- **MLS:** Multiple Listing Service, a consolidated real estate listing service governed by the National Association of Realtors.
- **PSF:** Abbreviation for Per Square Foot.

- **Real Property:** Real property is any property that is attached directly to land, as well as the land itself. Real property not only includes buildings and other structures, but also rights and interests.
- **SF:** Abbreviation for Square Foot.
- **Unbuildable (Assessor’s designation):** Assessor Use Codes state:^[14]
Disclaimer: Use codes have been developed by the Santa Cruz County Assessor’s office to aid in the appraisal of property for assessment purposes only. Use code information associated with individual parcels may not reflect the property’s legal use, may be out of date or may not be accurate. This information has been provided to allow easy access and a visual display of County Assessor information. The County of Santa Cruz assumes no responsibility arising from use of this information. THESE USE CODES AND ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Do not make any business decisions based on this data without validating the data.
- **Variance:** A request to deviate from current zoning requirements. If granted, it permits the owner to use his land in a way that is ordinarily not permitted by the zoning ordinance. It is not a change in the zoning law, but a waiver from the requirements of the zoning ordinance.

Sources

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Site Visits

Subject Property at the corner of Hacienda Way and El Solyo Heights, Felton, CA

Capitola Police Department's Citizen Complaint Procedures

Nothing to Complain About

Summary

The Santa Cruz County Grand Jury investigated the Capitola Police Department's handling of citizen complaints and evaluated the department's performance for fairness, timeliness, professionalism, and willingness to improve.

Our investigation concluded the department is balancing the needs of its community for protection and service, consistently investigating citizens' complaints thoroughly, effectively, and expeditiously. We believe that with minor improvements in its complaint procedures the department could be a role model for other county law enforcement agencies.

Background

The impact of poor policing is felt widely throughout the community and among the rank and file. Many California police agencies are acknowledged as embracing high standards in delivering professional and effective law enforcement. One of the most powerful tools in protecting a department's integrity and ensuring the confidence and respect of its community is the citizen complaint process.

Complaints should be investigated quickly and fairly, and corrective action taken if necessary. The outcome must be communicated, demonstrating the importance of proper handling of the complaint while protecting the privacy of those involved.

How we view and interact with our police departments has been affected by media coverage of provocative and disturbing events nationwide. Often it is not the events, but the manner of handling the investigations that erodes public confidence in law enforcement. Poor communication of all of the facts relevant to these events often gives an incomplete picture to the press and the people.

The Capitola Police Department is a relatively small department: It consists of 21 sworn officers and two reserves. The sworn officers are a Chief, one Captain, four Sergeants, two Detectives, and 13 Patrol Officers. Other employees include a small number of community service officers, lifeguards, parking enforcement officers, and administrative staff. Despite its size, the department sees a significant number of calls for service.

Capitola Police Calls for Service and Arrests 2010 - 2014

Year	Calls for Service	Felony Arrests	Misdemeanor Arrests	Total Arrests
2010	19,693	156	768	924
2011	17,760	122	612	734
2012	16,142	143	477	620
2013	17,574	144	581	725
2014	19,740	172	703	875

In the interest of protecting the rights of its citizens, each law enforcement agency in California is required to have a procedure to investigate citizen complaints and to make this procedure available to the public (California Penal Code §832.5). ^[1]

The Grand Jury decided to investigate the policies and procedures of the Capitola Police Department and its adherence to these procedures, as the department sees a wide range of incidents that adequately reflect those in other parts of the county.

Scope

This investigation reviewed the Capitola Police Department's complaint program. ^[2]

California Penal Code §832.5^[1] requires that each law enforcement agency have a complaint program and specifies the minimum program requirements. We verified the Capitola Police Department has a complaint program that meets these requirements and that the policy and complaint forms are available to the public.

The existence of a complaint process does not itself ensure a department is meeting its legal requirements under this statute: departments may have policies, practices, or conduct that would discourage the use of their complaint program. At each step of its investigation, the Grand Jury determined whether this was the case.

We reviewed all complaints for a five year period, both external and internal. We did not investigate complaints against traffic enforcement officers or other employees of the department. We reviewed all written documentation collected by the department during its investigations. In one case we contacted witnesses and investigated some details to see how our evaluation compared to the resolution of the Capitola Police Department.

Lastly, we reviewed complaints looking for patterns such as officers not receiving counseling for repeat offenses, officers committing the same offense with impunity, or specific types of offenses being ignored.

Investigation

The Grand Jury found the Capitola Police Department's *Citizen Complaint Form*^[3] and

procedures^[2] available online with a quick internet search. They are also available at the front desk at the Capitola Police Department. The complaint form was easy to understand and fill out.

The policy document is also intelligible. There are some terms that require prior knowledge or a reference search to understand, but since this document is primarily directed at the people administering the system this is acceptable. The policy meets all of the requirements set forth in California Penal Code §832.5.

Because of the sensitive nature of the complaints we were required to review them on-site. We were greeted warmly and provided with space to work without interruption or oversight. There was someone available to provide supporting documentation when required.

We discovered early in the review that internal complaints and external complaints are treated in an almost identical fashion. Internal complaints are generated by officers based on the identification of an issue with officer conduct or some other infraction. While most typically are not as serious as external complaints, that they exist and are used demonstrates a commitment to correcting deficiencies.

We found that a number of complaints were dropped at the request of the complainant. In some cases this was due to the complainant seeing a video of the incident and admitting that it looked different in hindsight. Another complainant, when contacted to discuss the issue, stated that they thought nothing would happen anyway. Lastly, at least one complaining citizen was unreachable.

Upon review of the case files we found that in each incident where it was determined that the officer had committed an infraction of department policies or state or local laws, the officer was disciplined appropriately. We did not see any indication that officers were being unfairly protected or targeted by this process.

One complaint was investigated in greater detail. An officer had been accused of making a significant mistake and of conduct that was inappropriate. We conducted interviews to understand the exact nature of the grievance. We read the police reports from a number of officers and witness statements. We then reviewed the Capitola Police Department's investigation and found they demonstrated integrity in upholding the citizen's complaint. They completed their investigation and sent a letter to the complainant within the time required by the Capitola policy.

Lastly, we reviewed the statistics on the number of cases versus the number of calls for service to get a feel for how often complaints are occurring. We could find no comparable statistics but it is the Grand Jury's opinion that the complaint rate is low considering the workload of the department.

Capitola Police Complaints 2010 – 2014

Year	Calls for Service	Complaints	Investigations of Internal Complaints	Investigations of External Complaints	Complaints Per 10,000 Calls
2010	19,693	6	4	2	3.05
2011	17,760	1	0	1	0.56
2012	16,142	1	0	0	0.06
2013	17,574	9	1	2	5.12
2014	19,740	9	2	1	4.56
2015*	17,000	9	5	2	5.30

Facts

1. The Capitola Police Department's *Citizen Complaint Form* and policy are available online and are easily accessible.
2. The Grand Jury reviewed complaints generated both internally and externally.
3. We did not investigate complaints against parking enforcement officers or other staff.
4. A majority of complaints received between 2010 and 2015 were generated internally.
5. All internal and external complaints are treated equally.
6. When appropriate, Capitola Police Department disciplines the subject of the complaint.
7. Many complaints were dropped due to a lack of follow up by the complainant.
8. Some complaints were dropped after review of the information with the complainant.
9. Some complaints were not sustained due to lack of supporting evidence.
10. Not all aspects of a complaint are actionable offenses, e.g., "I didn't like the officer's attitude."
11. Some complaints are generated due to a lack of understanding of the laws related to the perceived offense.
12. The Capitola Police Department sends the complainant a letter after the investigation, reporting whether the complaint is sustained or not.
13. Some complaints take a substantial amount of time to investigate and resolve.

Findings

- F1.** The Capitola Police Department could reduce the time needed to complete many complaint investigations.
- F2.** The Capitola Police Department and citizens would benefit by having statistics related to complaints and closure of complaints available online.
- F3.** The process for submitting a complaint to the Capitola Police Department is documented and is reasonable.
- F4.** The Capitola Police Department policy for citizen complaints is consistent with governing laws.
- F5.** The Capitola Police Department conducts its complaint program consistently with its policy.
- F6.** The Capitola Police Department investigates its own officers with integrity and fairness.
- F7.** The Capitola Police Department informs the submitter of their complaint resolution.
- F8.** We find that the Capitola Police Department is conducting its duties in a professional manner.

Recommendations

- R1.** While the Capitola Police Department does complete its investigations within the 12-month period allotted, we believe that this could be improved upon. We recommend working to reduce the time required to process complaints. (F1)
- R2.** The Capitola Police Department should consider placing statistics on closure of complaints online. This would give better visibility to the residents of Capitola on the performance of their Police Department. (F2)

Commendations

- C1.** The Grand Jury commends the excellent work by the Capitola Police Department on the way they handle their complaint process. It is an effective program that deals fairly with both the complainant and the officer involved to ensure that the people of Capitola are well served.

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond within/ Respond by</i>
Capitola City Council	F1, F2	R1, R2	90 days September 21, 2016

Definitions

- **External Complaint:** A complaint initiated by a private citizen to the Capitola Police Department concerning officer conduct.
- **Internal Complaint:** A complaint initiated by someone within the Capitola Police Department concerning officer conduct.
- **Inquiry:** A complaint that does not actually reach the investigation phase. Usually dropped by the complainant.

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Site Visits

Capitola Police Department

Public Program Successes

Exceptional Public Service

Summary

Every year the Santa Cruz County Grand Jury conducts many investigations, inquiries, and site visits in our role of holding hundreds of local government entities accountable. This year, the Grand Jury witnessed many public programs providing exceptional public service. This report commends the following programs and supporting agencies:

- **Bob Lee Community Partnership for Accountability, Connection and Treatment (PACT) Program**
District Attorney's Office, the City of Santa Cruz, City of Santa Cruz Police Department, the County Board of Supervisors, Sheriff's Office, County Health Services Agency, and Probation Department
- **Birthday Books by Coco**
Starlight Elementary School, Pajaro Valley Unified School District
- **Neighborhood Safety Team**
Santa Cruz City Manager's Office, City of Santa Cruz Police Department, City of Santa Cruz Planning Department, City of Santa Cruz Parks and Recreation, City of Santa Cruz Information Technology Department, and City of Santa Cruz Code Enforcement
- **Abandoned Vehicle Program**
City of Santa Cruz Police Department, Santa Cruz County Department of Public Works, and Santa Cruz County Sheriff's Office
- **Inmate Welfare Program**
Santa Cruz County Sheriff's Office
- **Voter Outreach**
Santa Cruz County Clerk's Office

Background

The Santa Cruz County Civil Grand Jury is charged with investigating local government agencies and special districts, and when warranted reporting on its investigations and making recommendations for change. In the course of our investigations the Grand Jury sometimes finds agencies whose actions or programs are exceptional and worthy of accolade. Typically these investigations are closed with no public announcements or acknowledgement. The Grand Jury found the programs listed above went well beyond community expectations and simple compliance with applicable policies and procedures.

Scope

The focus of the report is to recognize exceptional public agencies and programs in the county. The Grand Jury's goal in highlighting exemplary services is to educate the public and showcase the outstanding work being done by specific departments in the county.

Investigation

The Grand Jury collected the following information about these programs and agencies during our investigations. The reviews and information gathered represent a variety of successful programs in making our community a better place to live.

Bob Lee Community Partnership for Accountability, Connection, and Treatment (PACT) Program

PACT was established by the District Attorney's Office, the City of Santa Cruz, the City of Santa Cruz Police Department, the County Board of Supervisors, the Sheriff's Office, the County Health Services Agency, and the Santa Cruz County Probation Department to offer services such as treatment for substance abuse and mental health to people who routinely are arrested downtown for intoxication, illegal camping, or other problems.^[1] PACT was formerly known as the Downtown Accountability Program (DAP). Police and city staff collaborate with service providers, prosecutors, and the courts to keep chronic offenders and the most vulnerable homeless people out of the debilitating cycle of citations, arrests, and recidivism. Launched in the spring of 2014, PACT is a partnership of city, county, and nonprofit agencies that work to improve the quality of life for chronic offenders through court accountability and treatment.

The program focused on 70 repeat offenders during its first year and results show a 70% decrease in arrests and citation recidivism rates. During that period, ambulance runs for those 70 focused offenders decreased 80%.^[2]

With such an impressive success rate, PACT should consider expanding to other areas impacted by nuisance crimes such as Beach Street, San Lorenzo Park, the Emeline neighborhood, Grant Street Park, and the Harvey West area in the City of Santa Cruz and unincorporated areas in the county enforced by the Sheriff's Office.

Birthday Books by Coco, Starlight Elementary School, Watsonville

This literacy project strives to inspire not only a love of reading, but a love of books themselves. Following the tragic death of Colleen "Coco" Pavau Lazenby in a traffic accident in August 2015, her parents wanted to do something with all of the books she left behind. Working with the staff at Starlight Elementary and Pajaro Valley Unified School District the team came up with a program to give a new or lightly used book to every child on his or her birthday.^[3] For many of these children it is the first book they have owned. These gifted books become personal treasures and through their tales and adventures, books are no longer singularly associated with school work. The program endeavors to encourage a powerful shift in how the children regard books and hopefully inspires a lifetime love of reading and books.

There are 680 students at Starlight Elementary School and the project goal is to give every student a book. If the program is successful there is hope to extend it to other schools within Pajaro Valley Unified School District where Coco had ties as well.^[4]

Neighborhood Safety Team

The City of Santa Cruz has decided to address the ever-present and ongoing problem of public nuisance concerns in a new and hopefully more effective manner. In the past these nuisances would solely be the responsibility of the police department, which is not structured to tackle these chronic problems. The city's new Neighborhood Safety Team is comprised of staff from multiple departments and programs. This arrangement fosters teamwork with increased communication and cooperation, provides additional manpower and other resources, and brings a variety of expertise together. The team is also tasked with providing updates to the community on a regular basis.

One of the first locations the new Neighborhood Safety Team focused on was San Lorenzo Park, a place traditionally rife with public nuisance complaints, in particular regarding drug dealing, drug use, and prostitution. The Santa Cruz Neighborhood Safety Team made both environmental and technological changes to the park to alleviate these problems.^[5]

In order to complete its goals the Neighborhood Safety Team began by producing a prioritized list of all major public nuisance sites. It then planned a course of action for the various problems associated with each site. As each project plan is implemented it will be tracked to measure the team's successes or failures, providing valuable information for future projects.^[6]

Abandoned Vehicle Program

The presence of abandoned and dismantled vehicles across our county's private and public properties creates a condition of increased blight and deterioration which constitutes a public nuisance. The presence of these vehicles reduces property values, introduces fire hazards, creates habitat for rodents and pests, and draws children to play in these dangerous conditions. For these reasons, and to keep Santa Cruz County beautiful, both the City of Santa Cruz and County of Santa Cruz have established effective vehicle abatement programs.^[7]

For the purpose of these programs an abandoned vehicle is considered one that has not been moved in over 72 hours. Anyone interested in reporting an abandoned or dismantled vehicle can visit either the City of Santa Cruz Police Department website^[8] or the Santa Cruz County Sheriff's office website,^[9] depending on where the vehicle is located, and fill out the "Abandoned Vehicle Removal Request" forms. Another course of action for removal is to call either one of their abandoned vehicle hotlines at (831) 454-7602, or (831) 420-5863, as long as the vehicle location, make, model, color, and license plate number are known. A law enforcement or public works official will visit the vehicle to confirm it is abandoned and subsequently post a notice on it providing 72 hours to move it. If the vehicle is not moved on time it will be towed by the authorities and the cost levied on its owner.

During 2011-2015, the following abatement notices were issued and vehicles towed:

	<i>Abatement Notices Issued</i>	<i>Vehicles Towed</i>
County of Santa Cruz	608	322
City of Santa Cruz	10,556	529

Inmate Welfare Program

California Penal Code Section 4025 provides for the administration of an Inmate Welfare Fund. The Inmate Welfare Program is run by the Sheriff's Office. The primary revenue sources for this program come from inmate telephone fees and commissary purchases.

The goal of the Inmate Welfare Program is to offer options for inmates that want to change their thinking and behavior, and to ensure that inmates have an opportunity to restructure and redirect their lives. The program provides high-quality educational and vocational classes for the inmates where they can earn transferable high school and college credits. The program also offers substance abuse and domestic violence prevention counseling, religious services, and Alcoholics Anonymous and Narcotics Anonymous meetings.^{[101](#)}

Voter Outreach

The Santa Cruz Registrar of Voters and Election staff do an exemplary job of seeing that all eligible voters that have trouble voting are able to vote. Ensuring eligible voters are registered to vote and providing access to polls is as important to these professionals as preventing non-eligible persons from casting ballots. For voters unable to reach a polling station, they deliver ballots or provide rides. This is all done with limited financial resources, cramped spaces, and outdated election equipment.

Commendations

- C1.** The Grand Jury commends the District Attorney's Office, the City of Santa Cruz, the County Board of Supervisors, and the Sheriff's Office for the successful implementation of the Bob Lee Community Partnership for Accountability, Connection, and Treatment (PACT) Program that improves the quality of life for chronic offenders of nuisance crimes through court accountability and treatment.
- C2.** The Grand Jury commends Starlight Elementary School for the implementation of the Birthday Books by Coco program, which provides a book to every child at the school on his or her birthday. This program seeks to instill a love of books, encourage reading at home, spread the joy of reading, and raise literacy rates.
- C3.** The Grand Jury commends the Santa Cruz City Manager's Office, the City of Santa Cruz Police Department, the City of Santa Cruz Planning Department, the

City of Santa Cruz Parks and Recreation Department, the City of Santa Cruz Information Technology Department and the City of Santa Cruz Code Enforcement for implementing the Neighborhood Safety Team. This is an interdepartmental collaboration that addresses public nuisances, in particular drug dealing, drug use, and prostitution.

- C4.** The Grand Jury commends the City of Santa Cruz Police Department, Santa Cruz County Department of Public Works, and County of Santa Cruz Sheriff's Office for their Vehicle Abatement Programs. These programs enable the removal of the unsightly and hazardous public nuisance of abandoned vehicles. We are rewarded with an ever more beautiful Santa Cruz.
- C5.** The Grand Jury commends the Santa Cruz County Sheriff's Office for the Inmate Welfare Program, which provides much needed vocational, educational, and counseling services to the county inmates.
- C6.** The Grand Jury commends the Santa Cruz Registrar of Voters and Election staff for a job well done in voter registration and providing access to polling places.

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