

2017/2018 DEL NORTE COUNTY GRAND JURY FINAL REPORT

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COUNTY OF DEL NORTE
GRAND JURY
450 H STREET
Crescent City, CA 95531

The Honorable William Follett
Judge of the Superior Court of Del Norte County
450H Street
Crescent City, CA 95531
RE: Del Norte County 2017-2018 Grand Jury Final Report

Your Honor:

On behalf of the 2017-2018 Del Norte Grand Jury, we submit our final report to you, the citizens of Del Norte County, the Del Norte county Board of Supervisors, and the City Council of Crescent City.

To quote from the Grand Jury Training Manual, "While the Grand Jury is independent, it has the ethical responsibility to use its resources wisely and to conduct meaningful investigations yielding responsible and factually supported reports that will make a difference in local government." On June 27, 2017, 19 Del Norte County citizens were sworn in as Grand Jurors for the 2017/2018 Grand Jury term. Many of us were clueless as to what would be required as jurors over the next 12 months. Several of the jurors were unable to make the commitment and had to resign for a variety of reason. The court replaced those jurors with replacement jurors as needed. The jurors received several training sessions and commenced to determine subjects brought to their attention for investigation.

Four committees were formed, detention, special districts, city, and county. Each committee selected (and approved by the plenary) topics of investigation. It was the desire and the duty of these committees to make a difference and improvement in our local government. Documents were research, individuals interviewed, information compile, reports written and re-written. Throughout the process the goal remained to make a positive difference in our community and local governments.

In addition to the investigations, reports were filed on local detention facilities.

After many hours and meetings, we the Del Norte County Grand Jury of 2017/2018 present this report. Recently, I read a quote, "Good is the enemy of better." It is our desire that the entities investigated can realize and incorporate our findings while always seeking to achieve better results. Our citizens deserve nothing less.

I am appreciative of the hours and sacrifices our jurors made to complete this project. I would salute them, but they are tired of my militaristic manners.

Respectfully Submitted,

David Slagle
Grand Jury Foreperson

Report of the 2017-18 Del Norte County Grand Jury
City of Crescent City: Fred Endert Municipal Swimming Pool

Summary/Background:

The 2017-18 Del Norte County Grand Jury undertook an investigation and review of the Fred Endert Municipal Swimming Pool. It has been six years since it was reviewed by the Grand Jury. While many City of Crescent City departments run budget deficits, i.e. the cost of providing services is greater than the income derived from said services, the Pool generates only enough revenue to cover 46-63% of the costs to operate and maintain its facility. The Grand Jury has recommended ways to reduce costs and increase revenue to keep the Pool operating.

Methodology:

The 2017-18 Del Norte County Grand Jury undertook an investigation and review of the Fred Endert Municipal Swimming Pool between October 2017 and April 2018. We reviewed public documents, formulated questions and interviewed local government officials, pool users and community members. We toured the Pool facilities on March 29, 2018.

Discussion/Facts:

The Fred Endert Municipal Pool is owned and operated by the City of Crescent City and is managed as a “Municipal Recreational Swimming Pool.” The Pool opened in 1966 and was extensively remodeled and updated for efficiency in 2008 and 2009.

The Pool has a staff of 20 including two full time employees. The full-time Pool Manager has held this position since 2003 and had previously been the Assistant Manager. The second full time employee is the Relief Pool Supervisor/Lesson Coordinator. The Pool Manager and Relief Supervisor hold and maintain current certification as “Pool and Spa Managers.” There are approximately 18 part-time employees that serve as Lifeguards. The City Pool staff trains these certified Lifeguards through the Starfish Aquatic Institute program.

The Pool offers multiple programs under the headings of Recreation, Fitness, Lessons and Rentals. These offered programs are: lap swims, aerobic classes, water walking, aqua jogging, aqua yoga, public swim lessons, individual swim lessons, open recreation swim, family recreation swim, the Crescent City Swim Club, and the Masters Swim Club. The Pool has a water slide, diving board, spa and sauna. Annual Adult Season Pass costs \$525, while Individual Adult admission costs \$5. The Youth/Senior Annual pass costs \$450, or \$4.50 per visit. The Pool may be rented for \$100-\$170 per hour depending on the number of swimmers and whether the slide is open. The facility also partners locally with physical therapists, as well as operating a program in conjunction with Del Norte Unified School District to offer swim lessons to all fourth graders.

The Pool has sustained an ongoing effort to maintain and improve their facility to adapt to the needs of our community. In 2014 a standard chlorination system was put in place, due to the prohibitive cost of maintenance for the previous salt water chlorination system. The roof was also replaced in 2014. An Americans with Disabilities Act (ADA) compliant lift was added in 2017 to safely assist people to enter and exit the water. New floating swim lane lines were recently purchased by the Crescent City Swim Club. The Pool uses thermal blankets to conserve heat and reduce the use of chlorine when the pool is not in use, and energy efficient LED lights were installed.

The Pool is open Monday through Saturday and is closed on Sundays and holidays. It is usually open six days for 90.5 hours per week. Program specifics are summarized on the City of Crescent City’s website under Swimming Pool. There were 45,676 customer visits in Fiscal Year (FY) 2016-17, with an anticipated increase of an extra 1000 visits for this FY 2017-18. The 2011-12 Grand Jury Report cited 45,000 annual Pool customer visits.

Review of the City of Crescent City Budgets from FY 2013-14 through the projected FY 2017-18, show the Fred Endert Pool has had an operating deficit each year:

Budget Year	Revenues	Expenses	Deficit	% of Expenses covered by Revenue
FY 2011-12	\$219,805	\$471,825	\$252,020	47%
FY 2013-14	\$245,315	\$405,137	\$159,822	61%
FY 2014-15	\$255,261	\$407,267	\$152,006	63%
FY 2015-16	\$210,385	\$452,379	\$242,994	46%
FY 2016-17	\$291,177	\$493,521	\$202,344	59%
FY 2017-18	\$302,782	\$547,789	\$245,007	55%

The projected FY 2017-18 revenue is estimated to be \$302,782 which is generated through customer visit fees, rental fees, food and supply sales, grants and donations. Expenses for this period are projected to be \$547,789 which primarily include wages, benefits, gas, electricity, maintenance and supplies. This indicates an expected deficit shortfall of \$245,007 which would be paid from the General Fund of the City of Crescent City.

The Crescent City Council addressed the concern of an ongoing Pool deficit at their mid-year budget meeting held on February 5th, 2018. They are planning to hire a consultant to review the pool operation and suggest improvements. The Pool has the highest rate of City employees paid the minimum wage, and this City department will experience the greatest impact of legally mandated increases in minimum wage.

The department is in the last of three years of a \$74,419 annual grant that has helped fund the Pool. This source of grant income cannot likely be renewed. Projected annual electric bill is \$42,000. Projected annual gas, water and sewer bill is \$59,000.

Other Pools in our region similarly operate with a deficit. The Brookings Municipal Pool is an outdoor facility open for 3 months annually during June-August. In FY 2016-17 the Brookings pool generated \$44,134 in revenue with \$96,666 in expenses, resulting in 46% of expenses covered by revenue. The North Humboldt Recreation and Park District established the Arcata Swimming Pool, a non-profit agency that had an annual budget of \$641,435 in 2008-09, with property taxes expected to supply 22% of the revenue needed.

The Promote Our Pool (POP) organization, which helped raise money for major pool renovations and equipment, provided an avenue for public input into pool operations but has been inactive since approximately 2014.

The Pool provides healthy indoor exercise and recreation options for users of all ages--youth to seniors. Swim lessons and water safety programs benefit the population which is surrounded by abundant water resources in the rivers, lakes and ocean. Promoting water safety is one of the major objectives of the Pool Manager.

Findings:

F1) The Pool is an asset to the community by providing healthy indoor exercise and recreation options for users of all ages--youth to seniors. Swim lessons and water safety programs benefit the population which is surrounded by abundant water resources in the rivers, lakes and ocean.

F2) There is an ongoing effort to maintain the Pool facility and to be cost effective in its operation.

F3) Municipal swimming pools generally operate with a budget deficit.

F4) Annual Pool customer visits have been holding steady.

F5) While a benefit to the entire community, the Pool is subsidized from only the City general fund.

Recommendations:

R1) It is imperative that Crescent City explore and consider cost saving options such as:

- Lower energy costs, through efficiency and renewable energy like solar or wind
- Continued search for grant money from all sources to help fund the Pool: for example, the US Department of Agriculture may have funds for rural communities.

R2) It is imperative that Crescent City maximize revenue generation at the Fred Endert Pool by:

- Encouraging Maximum Pool Usage by residents through:
 - Greater community outreach and promotion of existing programs
 - Streamlining the acceptance of new program possibilities, which could include:
Water Polo, Scuba, Swim Meets, Triathlon, Fisherman Water Safety, Public Lifeguard Classes, Kayaking and Special Events.
- Aquatics Director training for staff would be beneficial for developing new programs.
- Open the pool on Sundays and Holidays.
- Do a Cost/Benefit analysis on Annual Passes vs. regular admission price or punch cards.
- Review price of admission, possibly raising the price and/or include a nominal charge for all users.

R3) Consider hiring a Recreation Director who can directly interact with the public to develop and promote new recreational opportunities in the City's waterfront properties, including Shoreline RV Park, Cultural Center, Beachfront Park, Fred Endert Pool, Dog Park, etc.

R4) Remove links to the inactive Promote Our Pool (POP) Foundation from the City website and stop advertising POP in the Community Calendar in the Triplicate.

R5) Pursue community participation through City and County funding for the Pool.

Request for Responses: Pool Manager and City Council are requested to respond to the recommendations within 60 days.

2018 GRAND JURY REPORT on

DEL NORTE COUNTY FAIRGROUNDS, RECREATION, and PARKS SPECIAL DISTRICT

SUMMARY

In 2015-2016, the Del Norte County Grand Jury examined the Del Norte County Fairgrounds, Recreation, and Parks District and left with unanswered questions. The Del Norte County Fairgrounds, Recreation, and Parks District is in control of hundreds of thousands of dollars of taxpayer revenue to distribute for the fair. Presently the 41st District Agricultural Association and the Del Norte County Fairgrounds, Recreation, and Parks District operate together to continue the functioning of the fairgrounds and county fair. Both groups operate informally and rely on positive personal and professional relationships instead of structured policies and procedures. There is a need for the adoption of additional procedures if the present sharing of responsibility for the fairgrounds and county fair continues. In the alternative there should be an exploration of either resubmitting the question of the sales tax and structure to the voters or pursuing a lease agreement with the State to provide for local control to the Del Norte County Fairgrounds, Recreation and Parks District of the fairgrounds and fair.

BACKGROUND

For 92 years until 2014, The State of California's 41st District Agricultural Association (41st State Board) maintained, funded and operated the state-owned Fairgrounds and the County Fair. The 41st Agricultural District is a State Board that is appointed by the governor for fixed terms to exercise decision making for the operation of the Fairgrounds. In 2011, the state eliminated about \$200,000 in funding to the 41st District which jeopardized the continued operation of the Fairgrounds and the County Fair.

Facing a potential closure of the Fairgrounds and loss of the County Fair, various funding avenues were explored and the Board of Supervisors reached a decision to use the Local Agency Formation Commission (LAFCo) to create the Del Norte County Fairgrounds, Recreation and Parks District (Local Board). The Local Board would be funded via a 0.25% sales tax approved by voters.

In November, 2014, the citizens of Del Norte County passed Measure F by the required two-thirds majority approving a 0.25% sales tax to remain in effect for seven years.

The sales tax collection started on April 1, 2015 and generates approximately \$54,000 per month. Thirty percent of the sales tax is set aside in reserve by the County to keep the Fair in operation beyond the seven years when the tax expires.

The Local Board and the 41st State Board sought a Lease Agreement with the State of California to transfer possession, control, and management of the fairgrounds to the Local Board. In October 2015, the state had not signed the lease agreement. While the approval of the lease agreement was pending, the Local Board and the 41st State Board entered a Memorandum of Understanding (MOU) to transfer a portion of the sales tax revenue from the Local Board to the 41st State Board in order to fund the continued operation of the fairgrounds.

In April 2016, the Local Board and 41st State Board learned the governor of California had declined to sign the lease agreement. As such, the MOU continued to function and allowed for the transfer of a portion of the sales tax revenue for the continued function of the fair.

Since the tax began to be collected on April 1, 2015 through February 28, 2018, the County has received \$1,897,826.73 in sales tax revenue. The County transferred \$1,281,803.47 to the Local Board. The County has \$616,023.26 in reserve. The Local Board has \$359,882.66 in reserve. The Local Board has either spent or transferred \$921,920.81.

Methodology

The 2017-2018 Del Norte Grand Jury undertook an investigation and review of the Del Norte Fairgrounds, Recreation, and Parks Special District from August 2017 through April 2018. It reviewed public documents, attended a joint meeting between the 41st State Board and the Local Board, interviewed multiple members of the Local Board, members of the 41st State Board and employees, and county government officials.

Discussion

The fairgrounds encompasses not only the Del Norte County Fair in August but has year round benefits to the community: tennis, pickle ball, equestrian events, boarding of animals, Easter egg hunt, drive through Christmas Light show, traveling merchants, farmers market, agricultural and cultural event as well as many other events and activities.

The Local Board and 41st State Board meet together each month and conduct their business jointly. The Local Board and 41st State Board serve jointly on committees. The Local Board votes only to approve the transfer of funding as requested by the 41st State Board. The 41st State Board exercises control over all other decisions, personnel, maintenance, and operations of the fairgrounds. All employees of the fair grounds were hired and paid by the 41st State Board. While the 41st State Board has encouraged the Local Board to take on personnel expenses and hiring, the Local Board has declined to do so. The Local Board participated in some interviews for staff positions, however only the 41st State Board made hiring decisions.

The Local Board members are elected for four years and receive no compensation. The 41st State Board members are appointed by the governor and receive no compensation. Presently no individuals serve on both boards.

The Financial Committee consists of two members from each of the boards. There is no set standard of training to serve on the Financial Committee. The Financial Committee meets as needed during regular meetings. The budgets published are simple and lack specifics regarding the grants to the 41st State Board and how the sales tax revenue will be utilized.

The Local Board posts the agenda at the fairgrounds offices 72 hours before the meeting. While the Local Board does have a presence on the Del Norte County Fair website, the agendas and minutes are not updated on a fixed schedule. As of April 25, 2018, the last agenda posted on the website is from the February 2018 meeting. The only minutes posted on the website are from the December 2017 meeting.

Both the Local Board and the 41st State Board operate jointly in sharing of information and ideas. The personalities of members of both boards has allowed for harmonious and peaceful relations. However there are no formalized structures for dispute. The 41st State Board has sole decision-making power on the operations and spending for the fairground and fair. The Local Board has sole decision-making power on the transfer of sales tax revenue to the 41st State Board for the fairgrounds and fair.

Findings

F1. The Del Norte County Fairgrounds is an important community resource.

F2. The Local Board is in compliance with the LAFCo structure.

F3. Both the 41st State Board and the Local Board combined meetings help to allow for sharing of information necessary for oversight.

F4. The 41st State Board and the Local Board members are working together effectively to provide continued operations of the fairground.

F5. While the 41st State Board has submitted requests for funding and the Local Board has approved transfers of funds, there is limited information provided regarding specific spending elements and restrictions on the use of the transferred funds.

F6. The Local Board adopted a Financial Committee to provide information according to state law. It has been operating in conjunction with the 41st State Board but it is on an informal basis.

F7. The Local Board is utilizing sales tax revenue to provide for current operation of the Del Norte County Fair and year round events, but is also building up reserve funds for when the sales tax expires in 2022 to allow for future operations.

Recommendations

R1. While both the Local Board and the 41st State Board memberships are effectively working together, there needs to be a dispute resolution structure put into place in case membership changes or diverging priorities result in conflict.

R2. The Local Board should make a greater effort to publicize and reach out to the community for greater participation. Increasing the posting of the agenda's locations, utilizing the electronic sign near the highway, greater exposure of the meetings on the website should be offered. The minutes from each Local Board meeting should be posted for greater public engagement.

R3. The lease agreement between the State of California and Local Board to assume control and operations from the 41st State Board should be resubmitted and promoted when a new Governor is elected in November of 2018.

R4. The Local Board financial committee should be more formalized and operate in accordance with their own Financial and Accounting Policies and Procedures adopted October 29, 2015.

R5. Without Local Board control, the public may wish to explore resubmitting the question of a sales tax on the ballot.

R6. The MOU authorizing the grant of funds from the Local Board to the 41st State Board should be followed. More detailed information should be provided by the 41st State Board as to the purpose of the Del Norte County taxpayer funds and how they will be spent. The Local Board should place more explicit restrictions on the use of the funds to ensure Del Norte County taxpayer funds are not being used in improper ways on State of California property.

R7. The Local Board should provide more detailed accounting of income, expenditures, and transfers to provide greater transparency and accountability to the public.

2017/2018 Del Norte Grand Jury
Local Application and Effects of Assembly Bill 109,
Public Safety Realignment Act

SUMMARY

The Grand Jury voted to take up a series of investigations into the application and implementation of AB109, Public Safety Realignment Act in Del Norte County. The Grand Jury looked at the effects on incarceration in its local jail as well as caseloads for Del Norte Probation Department and Del Norte County Superior Court. Inquiries were made regarding financial implications of AB109 Realignment with special attention given to the oversight of affected stakeholders. One juror was recused.

BACKGROUND

The Senate Bill 678 program was the first of several criminal justice reform initiatives in California and provided an early foundation for subsequent criminal justice reforms, such as the 2011 Public Safety Realignment Act (AB109) and Propositions 47 and 57.

SB 678 (2009) mandated the use of evidence-based probation supervision practices to improve public safety outcomes while reducing the recidivism rate for individuals under probation, parole or post-release supervision. A local Community Corrections Partnership (CCP) was also established to oversee and advise the Chief Probation Officer (CPO) on strategies to implement the initiatives and mandates of these reforms. This partnership is comprised of county stakeholders as well as community representatives from various agencies that have a role in the administration and implementation of the CCP.

AB109 (2011) was initiated by the California Assembly to avoid penalties and early release of prisoners due to overcrowding in the state prison system. AB 109 statutorily prohibited persons convicted of certain lower-level felonies, who did not have previous convictions of serious or violent crimes, to be incarcerated in state prison and instead, required that they be sentenced to local jails.

Proposition 47 (2014) downgraded certain drug possession felonies to misdemeanors and required misdemeanor sentencing for petty theft, receiving stolen property and writing bad checks when the amount is less than \$950. Eligible inmates could petition the court for resentencing and a reduction of their sentence.

Proposition 57 (2016) brought further changes to parole by making an inmate eligible for parole after completing their primary prison sentence while allowing the California Department of Corrections and Rehabilitation to award more credits earned, for good behavior allowing inmates to get out even earlier.

AB109 is the legislation that is the focus of the Grand Jury. These reforms and their impact on the community in Del Norte County are what the Grand Jury is seeking to understand and report to the citizenry.

METHODOLOGY

- The Grand Jury conducted fifteen separate investigative interviews regarding local application and effects of AB109

- The Grand Jury also attended two local CCP meetings
- The Grand Jury performed reviews of past and current CCP budgets and disbursements
- Past CCP agendas, minutes and lists of attendees as well as relevant Board of Supervisors agenda and minutes were reviewed

DISCUSSION

AB109 has fundamentally changed the way that the criminal justice system works in California. With the passage of AB109 and the changes to felony charging and parole resulting from the passage of Propositions 47 and 57, local criminal justice organizations have had to adapt to an increasingly different environment from the previous decade. Offenders who would have previously have been housed in state prison for the duration of their sentence and then monitored by state parole officers were now serving their sentence in local jails and being supervised by local probation officers after the completion of their sentence. The sentences they are serving are shorter due to mandatory sentencing reductions and changes to split sentencing. The offender is given a shorter in-custody sentence and mandatory probation upon their release.

While the state has provided additional funds to offset the costs of probationary supervision and incarceration of prisoners locally, the Del Norte County Jail was not designed nor intended as a method for housing detainees for periods more than one year. This has had the effect of tying up a significant amount of bed space in the local jail. The result leads to a near constant release cycle as inmates are released from the local jail to make room for incoming inmates.

The CCP is the delivery system for the state funds to the individual counties to offset the costs of AB109. The executive (voting) members are charged with the disbursement of these funds. The funds allocated to Del Norte County are approximately \$1.3 million dollars annually. The CCP is statutorily structured with an Executive Committee consisting of the following permanent members: Chief Probation Officer, Courts (represented by the Court Executive Officer), Director of Health and Human Services, District Attorney, Public Defender, Sheriff and the Chief of Police. Other non-voting members of the CCP include a County Supervisor or the Chief Administrative Officer for the county, a representative from a community-based organization and an individual who represents the interests of victims. The CPO acts as Chairman of the CCP and creates the agenda and annual budget.

CCP meetings are open to the public but rarely have public attendance. The posting of the agenda for the meetings is done 72 hours prior to the meetings per the Brown Act; however, meetings are sporadic in nature, occurring mostly when there is a budget to be discussed and voted on. The Grand Jury investigators were informed that one of the voting members was not promptly replaced when the position was vacated, leaving an empty seat on the Executive Committee. Currently all positions on the Executive Committee have been filled, but two non-voting positions remain vacant. They are, a representative from a community-based organization and an individual who would represent the interests of victims.

The Grand Jury observed that the CCP lacks a vision, mission statement, or written strategic plan to guide the CCP in implementing the mandates of AB109. The Probation Department and partner agencies: Sheriff, Courts, Health and Human Services, etc., are without a holistic long-term strategy for reducing the recidivism rate. Each agency is left to decide for itself the most effective way to serve the population affected by AB109 and the community at large.

A significant amount of the annual CCP budget goes to the Sheriff's Department to offset the costs associated with the housing of inmates in the jail. Another large portion goes to the Probation Department to assist with the costs for supervising individuals when they are released from the jail or placed on probation. The remainder goes to support programs for inmates and supervised individuals to increase the likelihood that they will complete their sentence and not violate their probation. In actuality a nominal amount of the funding is used for support programs such as Alcohol and Other Drugs (AOD) groups, counseling and Moral Reconciliation Therapy (MRT).

The Probation Department has opted to spend portions of its allocated funding on weapons and armor, rather than funding more extensive evidence-based programs and trainings as part of the mandate to reduce recidivism. Spending amounts on armament and equipment is necessary in order to ensure that Probation Officers have an acceptable level of safety and security while out in the field. However, many of those interviewed expressed concerns that Probation is overly focused on law enforcement to the detriment of programs.

The jail, in spite of AB109 augmentation, still runs yearly deficits that are subsidized by the Del Norte County General Fund. As overcrowding occurs, the daily decision of who is to be released early frequently falls on the Sheriff's Department. The Sheriff's Department has to decide who should be released back into the community regardless of the time remaining on their sentence.

The oversight of the Probation Department in Del Norte County exists in a limited and divided form. California Government Code Section 27770(a) states "A chief probation officer shall be appointed in every county. He or she shall be nominated by the juvenile justice commission or regional juvenile justice commission of the county in the same manner as the presiding judge, in a county with two judges, or a majority of the judges, in a county with more than two judges, shall prescribe, and shall thereafter be appointed by the presiding judge or majority of judges. The salary for the position shall be established by the board of supervisors of the county. He or she may be removed for good cause as determined by the presiding judge or majority of judges." Further California Government Code Section 24000(x) provides that the Chief Probation Officer is an officer of the county.

This creates an ambiguous situation for supervision of the CPO, where the appointing and dismissal process rests with the Presiding Superior Court Judge and the fiscal and policy oversight functions are handled by the Board of Supervisors. The supervisory oversight is left undefined with both the Superior Court Judge and Board of Supervisors lacking a complete view of how the CPO is performing. Currently, the Board of Supervisors evaluates the CPO with limited input from the Presiding Superior Court Judge. However, there is no supervision of the CPO by anyone who has the knowledge and experience of CPO responsibilities. The CPO's vision and perception of their duties have a direct effect on how things happen locally, e.g. punitive versus rehabilitation. That individual's approach to this balance will measure the level of rehabilitation versus incarceration. Not having a direct supervisor also limits the access of the CPO to guidance and reflection which are critical to maintaining the proper direction of the Probation Department. No mission statement for maintaining the focus and intention of the Probation Department and CCP again speaks to the lack of supervision.

During interviews with the CCP members and other stakeholders the Grand Jury asked for suggestions to improve Del Norte County's CCP efforts. The establishment of a well-run and easily accessible Day Reporting Center, (DRC), was the most common suggestion given. Various

communities have reported success by utilizing a DRC. Establishing a DRC as a single location for reporting, programs, and monitoring would help to promote a greater level of success for clients, as opposed to reporting to multiple locations.

DRCs have reduced re-arrests and have assisted offenders in successful re-entry by providing needed services while increasing public safety by holding clients accountable. DRCs can provide both education and vocational training and other services such as:

- Enhancing coping skills (preventing violence)
- Re-establishing family connections
- Locating and maintaining stable housing
- Finding and retaining meaningful work
- Applying for social service benefits
- Establishing daily community supervision
- Reversing effects due to substance abuse
- General Education Development (GED) preparation
- Financial management

It was reported there was a DRC in Del Norte County previous to the current CPO's tenure; however, the current CPO ended the DRC upon his initial hiring citing the dysfunctional nature of its operation. It should be noted that the Probation Department is responsible for the operation, function and direction of a successful DRC. There have been no further efforts assigned to implementing a DRC by the Probation Department.

An example of the type of programs that the Grand Jury feels are worth promoting and developing is the Del Norte Integrated Treatment Court (ITC). ITC was established to integrate mental health and substance abuse treatment with judicial supervision for the promotion of public safety, individual responsibility, ongoing recovery and reduction of recidivism. Referrals for ITC may be made by anyone, including court, defense attorneys, prosecution, law enforcement, mental health staff or defendants family.

FINDINGS

F1. The lack of a strategic plan or mission statement to guide the Community Corrections Partnership limits the effectiveness in attaining the goal of reducing recidivism and the intent of AB109 mandates.

F2. Public awareness of the CCP is limited due to an unpredictable meeting schedule. The public is not informed of the work and progress of the CCP and partner agencies.

F3. Incomplete oversight from the entities responsible for the assessment and evaluation of the Chief Probation Officer results in a lack of accountability for the position.

F4. Vacant positions on the CCP board are not filled in a timely manner creating an imbalance.

F5. There are few rehabilitation programs at the local level, which contributes to recidivism.

F6. There is no formal policy for choosing who is released early from the jail. It is left to the discretion of the Sheriff's Department to decide who is released to free up space.

RECOMMENDATIONS

R1. With input from the public the CCP Executive Committee should create and implement a comprehensive strategic plan and mission statement to guide the CCP. This will allow the CCP to focus the development and implementation of programs and services to better serve AB109 clients and the community leading to the successful reintegration of inmates and supervisees into the community.

R2. The Grand Jury recommends that the CCP agendas, minutes and supporting documentation are posted on the Del Norte County website in a timely manner. The Grand Jury recommends that the CCP perform an annual presentation to the Board of Supervisors and public on the state of Community Corrections in Del Norte County.

R3. Del Norte County and the Del Norte Superior Court should adopt a Memorandum of Understanding outlining the roles and responsibilities of both agencies in the supervision, accountability, evaluation and professional development of the Chief Probation Officer.

R4. The CCP should fill all of the vacant positions, allowing for a variety of viewpoints. The CCP would be advised to locate a public participant to sit on the CCP committee, preferably a current or former probationary client.

R5. The CCP should re-examine the establishment of a Day Reporting Center to assist AB109 clients in getting support, supervision, drug testing, electronic monitoring, mental health and drug/alcohol dependency treatment services.

R6. The Sheriff's Department should create a formal policy for the early release of inmates from the county jail to allow for increased reporting and statistical information to be gathered while coordinating with partner agencies ensuring public safety.

COMMENDATIONS

C1. Commander Bill Steven, for his excellent judgment and commitment to public safety.

C2. Judge William Follett for his supervision and direction of the Integrated Treatment Court (ITC).

2017-2018 Del Norte County Grand Jury Report on Department of Health and Human Services Mental Health Branch

Summary

Mental health needs are climbing towards epidemic proportions in the nation and Del Norte County. The number of people affected by those with reported mental health issues (which can also include alcohol and other drug abuse) has escalated over the last decade. Ten years ago, the National Institute for Mental Health reported that 11.2 percent of the population had any kind of mental illness, and 25% of them suffered from a severe mental illness. In 2016, that number had risen to 18.3 percent, an increase of 54 percent. Data for Del Norte County has been limited, as it is usually grouped together with other rural California counties, but what data is available shows Del Norte County to have double the mental health-related conditions as other parts of California.

The Grand Jury decided to examine the Mental Health Branch of the Del Norte County Department of Health and Human Services. It found that the department had not been reviewed by a Grand Jury in over 12 years, and wanted to take this opportunity to examine the mental health services available to county residents and their efficacy. It was impossible to fully-address all aspects and issues explored during its investigation of the agency, so the Grand Jury focused on those areas highlighted in the Discussion Section of this report. It has concluded that most services for people in Del Norte County with mental health care needs are limited and difficult to access.

Background

The job of a Grand Jury report is to not only shine a light on local government operations to promote accountability and transparency, but to help bring about positive change in the community. Reports may trigger media inquiries and public discussion of important issues, leading to innovations that help local governing agencies to solve problems and better serve the public.

It appears to the members of the Grand Jury that there are few people living in or visiting Del Norte County who are untouched by the mental health problems. From the number of people with drug and alcohol addiction (which can often escalates to a level of more intensive mental health conditions, as well as criminalization as it goes unchecked and untreated), to the increased number of homeless on the streets. Most alarmingly, in the California County Health Profiles for 2017, compiled annually by the California Department of Public Health, the suicide rate in Del Norte County is twice the overall rate for California. Besides the loss of life, studies from the National Alliance on Mental Illness reports that 46% of homeless have a severe mental illness. Left unchecked, mental illness conditions in this nation are costing Americans \$193.2 billion a year in lost earnings. Additionally, following its Point-in-Time study of homeless in 2017, the US Department of Housing and Urban Development found that there are 11,000 homeless vets sleeping on the streets in California, many with mental health issues. According to a story in the Daily Triplicate on February 8, 2018 about the 2018 PIT study, over 21 percent of the homeless surveyed in Del Norte County had mental health issues, and eight percent were homeless vets.

Based on a review of national, state and local media articles, studies and documents, and the personal observations of its members, the Grand Jury proposed to investigate Mental Health. The primary mission of Mental Health is to provide treatment to people in Del Norte County, through

therapy and psychiatric services as well as prevention services through innovative programs and community outreach. Funding for this program is provided primarily through the Mental Health Services Act (see Appendix A) and Medi-Cal reimbursements.

Glossary of Terms

- **Crisis**: Defined by mental health laws in California as anyone who is in imminent danger of harm to themselves or others due to a mental health condition
- **DHHS**: Del Norte County Department of Health and Human Services, the “mega-agency” that was formed when several county departments realigned into just one in 2001, and which is overseen by one director
- **Mental Health**: the Mental Health Branch of the Del Norte County Department of Health and Human Services
- **MHSA**: Proposition 63, passed in 2007, and now known as the Mental Health Services Act
- **Medi-Cal**: the California Medical Assistance Program, serving low-income individuals, including families, seniors, persons with disabilities, children in foster care, pregnant women, and childless adults with incomes below 138% of federal poverty level
- **Silo**: funds which are limited to specific expenditure criteria and must be kept separate from other funds, such as the general fund
- **Specialist**: an employee of Mental Health who holds a Bachelor’s degree
- **Stakeholder**: an individual, group or organization that has an interest or concern of an entity or issue
- **Therapist**: an employee of Mental Health who holds a Master’s degree or higher

Methodology

In order to get an open, factual report of Mental Health, the Grand Jury investigators took care to provide those interviewed with anonymity, given not only the confidential nature of its investigation, but due to the negative stigma that continues to surround mental illness. The Grand Jury investigated the agency in the following ways:

1. Interviews with administrators and employees
2. Interviews with current and former patients
3. Interviews with relatives and friends of current and former patients
4. Interviews with community partners dealing with the mental health needs of Del Norte County
5. Interviews with concerned citizens of Del Norte County
6. Attended meetings and court proceedings related to department functions
7. Reviewed job descriptions and responsibilities of various positions within the branch
8. Reviewed documents related to the Mental Health Branch (Appendix C)
9. Reviewed documents and statistics via government and other websites (Appendix D)

Discussion

Mental Health Therapy Services:

Overall, those interviewed agreed that there has been improvement in the area of Mental Health Therapy Services in the last three years. Those interviewed said they would like to see more mental health interventions in the schools, especially in the high school. Overcoming the stigma associated with mental health issues is still a problem.

Another problem identified to investigators is the location of the agency, situated in a store-front building at 455 K Street. There is no identifying information other than a small sign on the front door. The agency is located next door to a teen center, Coastal Connections, a part of DHHS Public Health Branch, that offers mental health services as well. Teens visiting Coastal Connections may also be intimidated by those mental health clients who wait on the sidewalk outside offices and who may display more openly-severe mental health conditions. Investigators heard from stakeholders that the centralization of mental health services has reduced the number of people who can access those services. This includes the homeless, especially those who do not trust government services. Additional groups with limited access to services include the underrepresented populations living in outlying areas of Del Norte County, such as Native American and Latino; and those identifying as LGBTQ (Lesbian, Gay, Transgender, Bi-Sexual, Queer/Questioning), a group that is at higher risk of suicide than the general population, especially teens.

Although Mental Health will see anyone in crisis, the hourly rates for services are billed so high that most private insurance companies will not pay. This rate then justifies referrals of non-Medi-Cal recipients to other mental health providers in the county by Mental Health staff. Many of these mental health providers are not taking new patients, leaving many without Medi-Cal without access to any mental health services locally.

Mental Health also has a day wellness center, where various therapy activities take place, such as photography classes, and cooking, sewing and scrapbooking groups. It was reported to investigators that the center must rely on community members and current or former Mental Health clients to run it, since there is not enough paid Mental Health staff to do so. It functions primarily on an "invitation-only" basis. The location is kept vague except to those who are recommended to visit it by Mental Health staff. The reasons given for this include the need to provide a safe place to those with low-to-moderate mental health issues, and who are untrained and unprepared to deal with people who have more significant needs.

Investigators heard that, while the therapists, specialists, and other staff were compassionate and caring, overall, clients felt as though they were being rushed through an overwhelmed system. It was also reported to investigators that Mental Health sees those in crisis immediately; however, clients interviewed told investigators that it took over two weeks for them to be seen for the initial two-hour assessment, and assessments were routinely interrupted and rescheduled. Clients and former clients also told investigators that they would then experience a two-month delay in seeing a specialist for their first therapy appointment, and longer if they needed access to medications. Former clients also said when they stopped going, no one from Mental Health followed up with them. Investigators verified that there is no tracking system in place.

Investigators heard that Mental Health employees are overwhelmed, trying to cope not only with those who have made appointments for services, but also with the high penetration ("walk-in") rate, which is often as high as 20 people per day. The reason given for such a high rate is a requirement from the courts for those being sentenced to receive a mental health assessment. Only the three therapists at Mental Health can conduct assessments, and no more than two per day, which impacts services for those scheduling appointments.

The Grand Jury deduced that, although employees have a passion for the work that they do, many feel overwhelmed by the amount of work and the low pay that they receive, and feel a lack of support or recognition for their work from top-level management, as they are discouraged from talking about their work or attending community meetings.

Need for Mental Health Facilities:

The nearest state-approved mental health facilities that will take Del Norte County patients are in Redding or Santa Rosa, but for those with additional medical conditions, or requiring a stay in a

locked facility, transport can be as far as the Sacramento or Yuba City area. Some patients who cannot be stabilized for outpatient services may require longer stays under the California Welfare and Institutions Code (Appendix B).

Transporting a patient to an out-of-county mental health facility is costly to Del Norte County taxpayers, approaching \$30,000 for a 14-day stay. Patients with additional medical conditions must be sent to a facility with a full-time medical doctor on staff, and that closest facility is in the Sacramento area. Patients who need to be housed in a locked facility must be transported to Yuba City. Mental Health reports that the cost to send a patient to the Redding or Santa Rosa by ambulance can reach \$10,000 or more in addition to the cost of the Emergency Room visit at Sutter Coast Hospital. Mental Health currently has a contract with North Valley Behavioral Health in Yuba City (Appendix E) to provide services to those with acute inpatient psychiatric needs at a rate of \$875 per day, with an average of stay of 14 days. The county must also pay to transport the patient back to Del Norte County if the patient's family or friends cannot transport. The agency has looked for the most economical ways to do this, including a contract with a local taxi company to pick up a patient in Redding for \$300 round-trip. Mental Health employees said that from three to 10 patients per month are transported to other facilities.

Mental Health staff reports that a local Crisis Stabilization Unit (CSU) could reduce the number of people being transported out of county by up to 90 percent. According to those employees interviewed, the agency is currently in negotiations with Sutter Healthcare to build and staff a CSU on the Sutter Coast Hospital property. Sutter Healthcare has agreed to provide staff for the facility, which includes a full-time psychiatrist and round-the-clock nursing staff, required in order to receive state approval. The costs related to staffing and operating of the facility will be the responsibility of the county. Mental Health officials told investigators that a CSU would not be financially feasible, due to the high operating costs; however, no recent feasibility report has been conducted.

Children's Mental Health Services:

Remi Vista, Inc. is a private, non-profit company that is under contract with the county to provide mental health services to children who are under the age of 18, but can be as old as 21, and who are Medi-Cal-eligible only. The company has been under contract with DHHS for approximately 20 years, and its current contract is for \$1.9 million. It appears to the investigators, after researching county documents, that DHHS has not gone out to bid for these services, possibly as far back as when Remi Vista, Inc. first received its contract.

The investigators heard from numerous interviewees about their frustrations in dealing with Remi Vista, Inc. Mental Health employees were hesitant to discuss the performance of Remi Vista, Inc., but there was some acknowledgement of the problems and the need to continue to improve in order to remedy those problems. Those who are outside of Mental Health and deal with Remi Vista, Inc. were not as subtle in their criticism of the organization. The investigators heard repeatedly that appointments for a child to see a therapist are routinely delayed for 60 to 90 days or longer, including those who are bordering on mental health crisis. Several of those interviewed said that the quality of therapy that children receive is poor. Some of those interviewed said that the court waits months to get reports as well. This delay often affects youth treatment plans, family reunification, permanent guardianships, foster family placement, and/or adoptions.

Mental Health and Law Enforcement:

It appears to be a popular public perception that Del Norte County's jail functions as a de facto mental health facility. Mental Health stakeholders said that due to a lack of suitable mental health facilities in Del Norte County, such as an openly-accessible day center, a residential living facility,

transitional housing, or a crisis stabilization unit, Del Norte County law enforcement officers are left with few options but to subject those with acute and chronic mental health conditions to the criminal justice system in the interest of public safety.

Investigators heard that even those who are not a public safety threat can become one when uniformed law enforcement turns up. They also heard that neither law enforcement nor probation officers are trained to deal with those with mental health issues. If there are training opportunities, it is sporadic. It appeared to investigators that probation officers are given no formal training, but rely instead primarily on officers who have a relevant background.

Frustrated with limited mental health services, investigators heard that law enforcement looks for innovative programs that are being used successfully in other California counties to avoid incarcerating those who don't belong in the jail, including having a mental health expert sitting with the 911 dispatcher to take mental health-related calls, or having a non-uniformed mental health specialist to ride along in response to mental health calls, possibly reducing the number of people turned into criminals.

One program that has begun is the Integrated Treatment Court (ITC). Retiring Superior Court Judge William Follett has been credited with starting ITC in December 2017, after seeing the same people in and out of the jail and the legal system whom he knew to be clients of Mental Health. ITC is an unfunded collaborative effort among the Court, Sheriff, District Attorney, Public Defender, Probation, and Mental Health, with support from family, friends, local non-profits and faith-based organizations. Investigators only heard praise for ITC from interviewees.

Those referred to ITC agree to engage in a treatment plan that provides consistent mental health services, and can include job preparation, high school or college courses, and independent living assistance. As the participant successfully meets their treatment plan, their progress is monitored and recognized by everyone in the court on a weekly basis, including high praise from the judge. Ultimately, the criminal complaint against the participant can be suspended or purged. Investigators heard that ITC builds a relationship between (other agencies) and is based on personal successes, no matter how small. Shasta and Tehama counties have demonstrated long-term success with ITC. Additionally, Superior Court Judge Darren McElfresh presides over a similar program for veterans, and treatment plans include services specific to vets, including a therapist who specializes in Post-Traumatic Stress-related conditions.

Findings

F1. The investigators finds that Mental Health Branch employees are to be commended for their efforts in dealing with the mental health needs of this county, displayed in their passion for the work. Employees are underpaid, assigned rapidly-growing caseloads, struggle with a lack of cohesive communication between other departments and local mental health stakeholders, and are frustrated by a lack of support by their own and other Del Norte County administrators. They come to work every day hoping to make a positive impact on the mental health issues affecting the people of Del Norte County.

F2. The investigators find that Judge William Follett is to be commended for his innovative endeavor in creating Integrated Treatment Court, bringing together mental health stakeholders, the courts and law enforcement in an unfunded, collaborative relationship that seems to be working.

F3. Management at DHHS believes that the mental health issues of Del Norte County are being addressed successfully; however, that does not appear to be the case considering the high suicide rate for the county, and the increased number of homeless living on its streets.

F4. Top-level management appears out-of-touch to Mental Health stakeholders and staff with regards to support, recognition, concerns, issues, or suggestions for program improvements.

F5. Many people with mental health issues have ended up in the criminal justice system, because their conditions progressed to a more severe state due to lack of treatment. Some of them are in the Del Norte County jail because there is simply no other place to safely house them.

F6. Many people with mental health issues are living homeless, are transported out of the county and away from their families and support network, or are in jail because Del Norte County lacks suitable facilities for its mentally ill.

F7. Those in mental health crisis are at high risk of hurting themselves or others due to the time it takes to get services while in, or immediately following, crisis stabilization. A lack of sufficient staff has caused Mental Health to risk the lives of those people, and conceivably, the safety of others in the community, due to overwhelming caseloads, delay in assessing and treating clients, and failure to track those who do not show up for appointments.

F8. Remi Vista, Inc. is jeopardizing the mental health stability and recovery time of its child clients by failing to meet its legal obligation to provide mental health services within 30 days, as required by California state law, without consequence.

F9. There is very little productive collaboration among Mental Health stakeholders, including local medical providers, local law enforcement, tribal social service agencies, local schools, private non-profits and the community at large to maximize the limited resources available in Del Norte County for the mentally ill.

F10. Underrepresented populations in Del Norte County cannot utilize Mental Health services due to a lack of outreach, its poor location and its centralized services.

Recommendations:

No recommendations are necessary for **F1** or **F2**.

R1. For **F3**, **F5**, **F6**, **F7**, and **F10**, it is recommended that Del Norte County Board of Supervisors and the people of Del Norte County recognize that mental health-related issues is among one of its most serious problems. Although mental health issues cannot be solved overnight, Del Norte County has an opportunity to make a significant impact locally, but it will require financial commitment of current general fund monies, as well as additional funding sources, including a tax levy similar to that approved for library funding or to support the fairgrounds.

R2. For **F3**, **F4**, **F5**, **F6**, **F9**, and **F10**, it is recommended that a group of mental health stakeholders consisting of representatives of Mental Health, law enforcement, courts, Probation, Del Norte County healthcare providers, Tribal health services, community non-profit and faith-based organizations, and current and former clients meet regularly to address the mental health needs of Del Norte County in a receptive and proactive collaborative effort.

R3. For **F3**, **F4** and **F9**, top-level management at the Department of Health and Human Services should show more of a presence in the community to better understand the needs of those with

mental health issues. It is also strongly recommended that top-level management create a communication system that generates, encourages, receives and grows input from mental health stakeholders regarding those issues in Del Norte County related to mental health.

R4. For **F5** and **F6**, it is recommended that Del Norte County agencies actively seek alternatives to criminalization and incarceration of those with mental health issues, including feasibility studies for law enforcement-social workers ride-along programs, and for suicide prevention specialists who can work alongside 911 dispatchers.

R5. For **F3**, **F7**, and **F9**, Del Norte County Department of Health and Human Services should begin recruitment of Mental Health therapists, both local and nationwide, focusing on incentives for retention, including paid tuition, tuition forgiveness, and pay competitive with other Del Norte County employers.

R6. For **F6**, Mental Health should conduct a feasibility study to determine whether a Crisis Stabilization Unit at Sutter Coast Hospital would be cost effective, taking into consideration the benefits associated with a patient's ability to access his or her support network.

R7. For **F7**, Mental Health should immediately begin client tracking to follow up on clients who miss appointments, including calls to designated families or friends, to determine the reason for the missed appointments.

R8. For **F8**, Department of Health and Human Services should issue a Request for Proposal (RFP) prior to the next fiscal year, seeking bids for mental health services for children. Other organizations may be able to offer the same or better services, demonstrated through the bidding process, at a savings to Del Norte County taxpayers. The Department should re-seek bids every three years to keep services competitive. Beginning with the next fiscal year, financial assessments should be included in any contract for services for the failure of the contractor to comply with its statutory requirements to provide services to children. Public input should also be encouraged as part of an open and transparent evaluation process.

R9. For **F3**, **F9** and **F10**, Mental Health should become more of a public presence in the community, with increased active outreach to encourage greater participation in services by the community. Mental Health should also decentralize its operations, establishing easily-accessible services in facilities in the outlying areas of Del Norte County, including Smith River, Klamath and Gasquet.

Appendix A

Mental Health Services Act Components and Funding Silos:

Mental Health is primarily funded by two sources: MHSA and Medi-Cal reimbursements. MHSA is made up of five components: Community Services & Support; Prevention & Early Intervention; Innovation; Capital Facilities & Technological Needs; and Workforce Education & Training. The funding for MHSA comes from Proposition 63, which places a 1% tax on incomes in California of \$1 million or more. Of those five silos of funding, CSS receives the largest apportionment; followed by Prevention, with Innovation receiving the smallest apportionment, and Capital Improvement and Technologies, the most restrictive.

According to the State of California Mental Health Services Oversight and Accountability Commission:

1) The Community Services & Support (CSS) component is focused on community collaboration, cultural competence, client and family driven services and systems, wellness focus, which includes concepts of recovery and resilience, integrated service experiences for clients and families, as well as serving the unserved and underserved. Providing transitional housing is also a large part of the CSS component.

2) Prevention & Early Intervention (PEI) funds are restricted to anything that promotes wellness, fosters health, and prevents the suffering that can result from untreated mental illness. The PEI component requires collaboration with consumers and family members in the development of its projects and programs.

3) The goal of the Innovation component is to increase access to underserved groups, increase the quality of services, promote interagency collaboration and increase access to services. The county selects one or more goals and use those goals as the primary priority or priorities for their proposed Innovation plan. Currently, Mental Health is working with First Five of Del Norte to create a resource texting system for parents.

4) The Capital Facilities & Technological Needs (CFTN) component appears to be, by far, the most controversial of the components. The criteria “works towards the creation of a facility that is used for the delivery of MHSA services to mental health clients and their families or for administrative offices.” These funds may also be used for peer-support and consumer-run facilities, development of community-based settings, and the development of a technological infrastructure for the mental health system to facilitate the highest quality and cost-effective services and supports for clients and their families. Del Norte County has held over \$400,000 of these funds since 2007. Originally, the county was to expend the funds within three years, or face reversion back to the state. By 2014, Del Norte County was not able to meet the criteria for spending those funds, but the state did not have a system in place to revert those funds, so counties were provided another extension, giving Del Norte County more time to expend the funds. To date, it has yet to use those funds, due primarily to the strict criteria, which requires the building of a brand-new brick-and-mortar structure, and there must be a minimum 20-year commitment by the county to run the facility. Several people interviewed reported that the location of a facility causes the most controversy, due to a “NIMBY” (Not In My BackYard) attitude within the community. If the funds are not expended soon, they will revert back to the state.

5) The goal of the Workforce Education & Training (WET) component is to develop a diverse workforce. Clients and families/caregivers are given training to help others by providing skills to promote wellness and other positive mental health outcomes, they are able to work collaboratively to deliver client-and family-driven services, provide outreach to unserved and underserved populations,

as well as services that are linguistically and culturally competent and relevant, and include the viewpoints and expertise of clients and their families/caregivers.

Appendix B

California Welfare and Institutions Code 5150: Selected Sections

(a) When a person, as a result of a mental health disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, professional person in charge of a facility designated by the county for evaluation and treatment, member of the attending staff, as defined by regulation, of a facility designated by the county for evaluation and treatment, designated members of a mobile crisis team, or professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention, or placement for evaluation and treatment in a facility designated by the county for evaluation and treatment and approved by the State Department of Health Care Services. At a minimum, assessment, as defined in Section 5150.4, and evaluation, as defined in subdivision (a) of Section 5008, shall be conducted and provided on an ongoing basis. Crisis intervention, as defined in subdivision (e) of Section 5008, may be provided concurrently with assessment, evaluation, or any other service.

(b) When determining if a person should be taken into custody pursuant to subdivision (a), the individual making that determination shall apply the provisions of Section 5150.05, and shall not be limited to consideration of the danger of imminent harm.

(c) The professional person in charge of a facility designated by the county for evaluation and treatment, member of the attending staff, or professional person designated by the county shall assess the person to determine whether he or she can be properly served without being detained. If, in the judgment of the professional person in charge of the facility designated by the county for evaluation and treatment, member of the attending staff, or professional person designated by the county, the person can be properly served without being detained, he or she shall be provided evaluation, crisis intervention, or other inpatient or outpatient services on a voluntary basis. Nothing in this subdivision shall be interpreted to prevent a peace officer from delivering individuals to a designated facility for assessment under this section. Furthermore, the assessment requirement of this subdivision shall not be interpreted to require peace officers to perform any additional duties other than those specified in Sections 5150.1 and 5150.2.

(d) Whenever a person is evaluated by a professional person in charge of a facility designated by the county for evaluation or treatment, member of the attending staff, or professional person designated by the county and is found to be in need of mental health services, but is not admitted to the facility, all available alternative services provided pursuant to subdivision (c) shall be offered as determined by the county mental health director.

(e) If, in the judgment of the professional person in charge of the facility designated by the county for evaluation and treatment, member of the attending staff, or the professional person designated by the county, the person cannot be properly served without being detained, the admitting facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the peace officer, professional person in charge of the facility designated by the county for evaluation and treatment, member of the attending staff, or professional person designated by the county, and stating that the peace officer, professional person in charge of the facility designated by the county for evaluation and treatment, member of the attending staff, or professional person designated by the county has probable cause to believe that the person is, as a result of a mental health disorder, a danger to others, or to himself or herself, or gravely disabled. The application shall also record whether the historical course of the person's mental disorder was considered in the determination, pursuant to Section 5150.05. If the probable cause is based on the

statement of a person other than the peace officer, professional person in charge of the facility designated by the county for evaluation and treatment, member of the attending staff, or professional person designated by the county, the person shall be liable in a civil action for intentionally giving a statement that he or she knows to be false.

(f) At the time a person is taken into custody for evaluation, or within a reasonable time thereafter, unless a responsible relative or the guardian or conservator of the person is in possession of the person's personal property, the person taking him or her into custody shall take reasonable precautions to preserve and safeguard the personal property in the possession of or on the premises occupied by the person. The person taking him or her into custody shall then furnish to the court a report generally describing the person's property so preserved and safeguarded and its disposition, in substantially the form set forth in Section 5211, except that if a responsible relative or the guardian or conservator of the person is in possession of the person's property, the report shall include only the name of the relative or guardian or conservator and the location of the property, whereupon responsibility of the person taking him or her into custody for that property shall terminate. As used in this section, "responsible relative" includes the spouse, parent, adult child, domestic partner, grandparent, grandchild, or adult brother or sister of the person.

(g) (1) Each person, at the time he or she is first taken into custody under this section, shall be provided, by the person who takes him or her into custody, the following information orally in a language or modality accessible to the person. If the person cannot understand an oral advisement, the information shall be provided in writing. The information shall be in substantially the following form:

My name is .

I am a _____ (peace officer/mental health professional) _____ .

with _____ (name of agency) _____ .

You are not under criminal arrest, but I am taking you for an examination by mental health professionals at .

_____ (name of facility) _____

You will be told your rights by the mental health staff.

(2) If taken into custody at his or her own residence, the person shall also be provided the following information:

You may bring a few personal items with you, which I will have to approve. Please inform me if you need assistance turning off any appliance or water. You may make a phone call and leave a note to tell your friends or family where you have been taken.

(h) The designated facility shall keep, for each patient evaluated, a record of the advisement given pursuant to subdivision (g) which shall include all of the following:

- (1) The name of the person detained for evaluation.
- (2) The name and position of the peace officer or mental health professional taking the person into custody.
- (3) The date the advisement was completed.
- (4) Whether the advisement was completed.
- (5) The language or modality used to give the advisement.
- (6) If the advisement was not completed, a statement of good cause, as defined by regulations of the State Department of Health Care Services.

(i) (1) Each person admitted to a facility designated by the county for evaluation and treatment shall be given the following information by admission staff of the facility. The information shall be given orally and in writing and in a language or modality accessible to the person. The written information shall be available to the person in English and in the language that is the person's primary means of communication. Accommodations for other disabilities that may affect communication shall also be provided. The information shall be in substantially the following form:

My name is .

My position here is .

You are being placed into this psychiatric facility because it is our professional opinion that, as a result of a mental health disorder, you are likely to (check applicable):

- Harm yourself.
- Harm someone else.
- Be unable to take care of your own food, clothing, and housing needs.

We believe this is true because

(list of the facts upon which the allegation of dangerous or gravely disabled due to mental health disorder is based, including pertinent facts arising from the admission interview).

You will be held for a period up to 72 hours. During the 72 hours you may also be transferred to another facility. You may request to be evaluated or treated at a facility of your choice. You may request to be evaluated or treated by a mental health professional of your choice. We cannot guarantee the facility or mental health professional you choose will be available, but we will honor your choice if we can.

During these 72 hours you will be evaluated by the facility staff, and you may be given treatment, including medications. It is possible for you to be released before the end of the 72 hours. But if the staff decides that you need continued treatment you can be held for a longer period of time. If you are held longer than 72 hours, you have the right to a lawyer and a qualified interpreter and a hearing before a judge. If you are unable to pay for the lawyer, then one will be provided to you free of charge.

If you have questions about your legal rights, you may contact the county Patients' Rights Advocate at _____ (phone number for the county Patients' Rights Advocacy office) _____ .

Your 72-hour period began _____ (date/time) _____ .

(2) If the notice is given in a county where weekends and holidays are excluded from the 72-hour period, the patient shall be informed of this fact.

(j) For each patient admitted for evaluation and treatment, the facility shall keep with the patient's medical record a record of the advisement given pursuant to subdivision (i), which shall include all of the following:

- (1) The name of the person performing the advisement.
- (2) The date of the advisement.
- (3) Whether the advisement was completed.
- (4) The language or modality used to communicate the advisement.
- (5) If the advisement was not completed, a statement of good cause.

California Welfare and Institutions Code 5250:

If a person is detained for 72 hours under the provisions of Article 1 (commencing with Section 5150), or under court order for evaluation pursuant to Article 2 (commencing with Section 5200) or Article 3 (commencing with Section 5225) and has received an evaluation, he or she may be certified for not more than 14 days of intensive treatment related to the mental health disorder or impairment by chronic alcoholism, under the following conditions:

(a) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and has found the person is, as a result of a mental health disorder or impairment by chronic alcoholism, a danger to others, or to himself or herself, or gravely disabled.

(b) The facility providing intensive treatment is designated by the county to provide intensive treatment, and agrees to admit the person. No facility shall be designated to provide intensive treatment unless it complies with the certification review hearing required by this article. The procedures shall be described in the county Short-Doyle plan as required by Section 5651.3.

(c) The person has been advised of the need for, but has not been willing or able to accept, treatment on a voluntary basis.

(d) (1) Notwithstanding paragraph (1) of subdivision (h) of Section 5008, a person is not “gravely disabled” if that person can survive safely without involuntary detention with the help of responsible family, friends, or others who are both willing and able to help provide for the person’s basic personal needs for food, clothing, or shelter.

(2) However, unless they specifically indicate in writing their willingness and ability to help, family, friends, or others shall not be considered willing or able to provide this help.

(3) The purpose of this subdivision is to avoid the necessity for, and the harmful effects of, requiring family, friends, and others to publicly state, and requiring the certification review officer to publicly find, that no one is willing or able to assist a person with a mental health disorder in providing for the person’s basic needs for food, clothing, or shelter.

California Welfare and Institutions Code 5350:

A conservator of the person, of the estate, or of the person and the estate may be appointed for a person who is gravely disabled as a result of a mental health disorder or impairment by chronic alcoholism.

The procedure for establishing, administering, and terminating a conservatorship under this chapter shall be the same as that provided in Division 4 (commencing with Section 1400) of the Probate Code, except as follows:

(a) A conservator may be appointed for a gravely disabled minor.

(b) (1) Appointment of a conservator under this part, including the appointment of a conservator for a person who is gravely disabled, as defined in subparagraph (A) of paragraph (1) of subdivision (h) of Section 5008, shall be subject to the list of priorities in Section 1812 of the Probate Code unless the officer providing conservatorship investigation recommends otherwise to the superior court.

(2) In appointing a conservator, as defined in subparagraph (B) of paragraph (1) of subdivision (h) of Section 5008, the court shall consider the purposes of protection of the public and the treatment of the conservatee. Notwithstanding any other provision of this section, the court shall not appoint the proposed conservator if the court determines that appointment of the proposed conservator will not result in adequate protection of the public.

(c) No conservatorship of the estate pursuant to this chapter shall be established if a conservatorship or guardianship of the estate exists under the Probate Code. When a gravely disabled person already has a guardian or conservator of the person appointed under the Probate Code, the proceedings under this chapter shall not terminate the prior proceedings but shall be concurrent with and superior thereto. The superior court may appoint the existing guardian or conservator of the person or another person as conservator of the person under this chapter.

(d) (1) The person for whom conservatorship is sought shall have the right to demand a court or jury trial on the issue of whether he or she is gravely disabled. Demand for court or jury trial shall be made within five days following the hearing on the conservatorship petition. If the proposed conservatee

demands a court or jury trial before the date of the hearing as provided for in Section 5365, the demand shall constitute a waiver of the hearing.

(2) Court or jury trial shall commence within 10 days of the date of the demand, except that the court shall continue the trial date for a period not to exceed 15 days upon the request of counsel for the proposed conservatee.

(3) This right shall also apply in subsequent proceedings to reestablish conservatorship.

(e) (1) Notwithstanding subparagraph (A) of paragraph (1) of subdivision (h) of Section 5008, a person is not "gravely disabled" if that person can survive safely without involuntary detention with the help of responsible family, friends, or others who are both willing and able to help provide for the person's basic personal needs for food, clothing, or shelter.

(2) However, unless they specifically indicate in writing their willingness and ability to help, family, friends, or others shall not be considered willing or able to provide this help.

(3) The purpose of this subdivision is to avoid the necessity for, and the harmful effects of, requiring family, friends, and others to publicly state, and requiring the court to publicly find, that no one is willing or able to assist a person with a mental health disorder in providing for the person's basic needs for food, clothing, or shelter.

(4) This subdivision does not apply to a person who is gravely disabled, as defined in subparagraph (B) of paragraph (1) of subdivision (h) of Section 5008.

(f) Conservatorship investigation shall be conducted pursuant to this part and shall not be subject to Section 1826 or Chapter 2 (commencing with Section 1850) of Part 3 of Division 4 of the Probate Code.

(g) Notice of proceedings under this chapter shall be given to a guardian or conservator of the person or estate of the proposed conservatee appointed under the Probate Code.

(h) As otherwise provided in this chapter.

Appendix C

References

The Del Norte County Department of Health and Human Services Mental Health Branch

- 2016-17 Annual Revenue and Expenditure Report
- Mental Health Services Act Annual Update for Fiscal Years 2016-17
- Mental Health Services Act Annual Update for Fiscal Years 2018-19
- Mental Health Services Act Three-Year Plan 2017-18, 2018-19, 2019-20
- Mental Health Services Act Annual Update for Fiscal Year 2015-16
- Mental Health Services Act Innovation Project Plan 2018-19

<http://www.co.del-norte.ca.us/departments/health-human-services/mental-health-branch/mental-health-services-act>

Del Norte County Local Mental Health Board Documents 11/2/16 through 2/5/18

- Bylaws
- Minutes

<http://www.co.del-norte.ca.us/departments/health-human-services/mental-health-branch/local-mental-health-board/lmhb-documents>

Del Norte County Board of Supervisors Agendas and Meeting Documents 5/12/15 through 5/8/18

<http://agendas.dnco.org/>

California Legislative Information

<http://leginfo.legislature.ca.gov/>

California Department of Health Care Services

http://www.dhcs.ca.gov/services/mh/Pages/MH_Prop63.aspx

California Department of Public Health County Health Status Profiles 2018

<https://www.cdph.ca.gov/Programs/CHSI/CDPH%20Document%20Library/CHSP-County%20Profiles%202018.pdf>

US Department of Veterans Affairs Point-in-Time Homeless Count

https://www.va.gov/HOMELESS/pit_count.asp

The Daily Triplicate “Homeless census shows increase for three years” February 18, 2018

<http://www.triplicate.com/home/5988360-151/homeless-census-shows-increase-for-three-years>

Centers for Disease Control *Morbidity and Mortality Weekly Report*, August 12, 2016

“Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors Among Students in Grades 9–12 — United States and Selected Sites, 2015”

<https://www.cdc.gov/mmwr/volumes/65/ss/pdfs/ss6509.pdf>

2017/2018 Del Norte County Grand Jury

DEL NORTE COUNTY JAIL

SUMMARY

On March 8, 2018, three members of the Grand Jury toured the Del Norte County Jail. This procedure is in accordance with the California Grand Jury mandate to conduct annual visits of all detention facilities within Del Norte County.

BACKGROUND

The Jail was originally completed in 1960. It was expanded and a new wing was added in 1994. The Jail currently operates at less than the full capacity of 160 beds, due to a self-imposed cap of 85-90. This is due to safety and staffing concerns.

METHODOLOGY

Grand Jury members met with the Commander prior to an inspection of the jail. A discussion of policies pertaining to general daily operations, as well as, AB109 Realignment effects ensued.

DISCUSSION

The Commander escorted the Grand Jury on a tour of the facility from the inmate entry point, through the booking areas, to the housing units. Investigators also observed security operation from the control booth. Investigators noted separate housing units for male and female inmates. Investigators observed the kitchen, food preparation and storage areas. Investigators observed the inmate kitchen staff preparing a meal. All areas were found to be clean, efficiently organized and well maintained.

The Commander informed us of some services provided to inmates such as AA, NA, GED preparation and parenting classes among others. The jail's capacity is related directly to adequate safety and staffing issues. An actual daily count of inmates is available at the Del Norte County website OIS.dnco.org.

Meals provided to inmates are a daily breakfast, sack lunch and dinner. Medical services and prescribed medications are available and administered, as needed.

Early release and shortened sentences are given based upon safety needs due to inadequate resources. Staffing and financial considerations are often the greatest operational concerns.

FINDINGS

F1. The jail operates at its highest safety capacity.

F2. Some services and programs are provided.

F3. The facility is clean and efficiently operated.

RECOMMENDATIONS

R1. Additional funding and staffing would improve operations and capacity.

R2. Nearby Alder Camp Facility is under-utilized. The Grand Jury recommends exploring the possibility of training and housing inmates from Del Norte County Jail.

R3. Establish formal guidelines for early or shortened early release of inmates.

California Department of Corrections and Rehabilitation

Pelican Bay State Prison

SUMMARY

On 1/9/18 five Grand Jury Detention Committee members made a scheduled visit to the California Department of Corrections and Rehabilitation (CDCR), Pelican Bay State Prison (PBSP) in accordance with the California Grand Jury mandate to conduct annual visits to detention facilities in Del Norte County.

BACKGROUND

Established in December of 1989 PBSP is a maximum security prison operated by CDCR. It is located on 275 acres of land 13 miles from the California/Oregon border. PBSP was designed to house California's most serious criminal offenders in a secure, safe, and disciplined institutional setting. PBSP's capacity was set at 2380 inmates however 2702 inmates are incarcerated currently.

METHODOLOGY

The Detention Committee met with the Warden and Chief Deputy Warden for a brief overview of operations at PBSP. Following the overview the Public Information Officer took the Detention Committee on a comprehensive tour of the facility including all of the critical programs and operations.

DISCUSSION

A detailed tour of the facilities highlighted an operation that is well ran and committed to carrying out its missions of Corrections and Rehabilitation. The facilities were all maintained in a clean manner. The tour of the facilities included the various housing units, yards, program areas, classrooms as well as the kitchen and laundry areas. The minimum security area and administration sections were also toured.

FINDINGS

F1. Pelican Bay State Prison is a well-run institution committed to the secure housing and rehabilitation of inmates.

F2. Inmates have a variety of rehabilitative opportunities available to them.

RECOMMENDATIONS

R1. The Warden continue to advocate for more rehabilitation programs and funding.

California Department of Corrections and Rehabilitation

Camp 20 – Alder Camp

SUMMARY

On 3/7/18 four Grand Jury Detention Committee members made a scheduled visit to the California Department of Corrections and Rehabilitation (CDCR), Camp 20 – Alder Camp in accordance with the California Grand Jury mandate to conduct annual visits to detention facilities in Del Norte County.

BACKGROUND

Alder Camp was established 3/18/61. It is operated under the direction of CDCR in partnership with the Department of Forestry and Fire Protection, (Cal-Fire).

METHODOLOGY

The Detention Committee was escorted by the Correctional Lieutenant in charge, the Assistant Warden to the California Correctional Center, the Cal-Fire Division Chief – North Ops and Cal-Fire Chief in charge of inmate crews. We observed and were informed on how inter-agencies work together, train the crews and evaluate inmates for fire camp work experience. In addition, we toured the camp.

DISCUSSION

A comprehensive tour of the facility found it to be well maintained and efficiently organized. Basically it is a self-contained city. All repairs and maintenance are done on site. The camp can house up to 110 inmates but currently is not at capacity. This is a much sought after program by the inmates. It provides them a variety of on the job training experience, as well as, outdoor activities and duties. In addition, these inmates provide valuable fire suppression. They also provide abatement and preventative services.

A tour of the facility included the water and sewage plants, various buildings and equipment storage facilities. This facility has a mill, hobby area, woodworking area, library, game room, kitchen, dining room, automotive repair and barracks. Various outdoor exercise areas were also noted. This is a program that has potential to rehabilitate prisoners in a positive manner. The staff here is a big part of this effort.

FINDINGS

F1. Alder Camp is a very well run facility with the purpose of providing trained inmate crews to needed areas. This is a program providing training and labor for wildfire suppression at critical times.

F2. Inmates learn necessary skills in order to transition to normal life upon parole. This program can provide a positive outcome for inmates who are willing to take advantage of it.

F3. The facility is immaculately kept and in a beautiful location.

COMMENDATION

This is an excellent example of a positive reinforcement type program. In addition, it benefits Del Norte County and the State of California. Alder Camp is to be commended for the work done there. The staff overseeing this program is committed. Their efforts are to be commended