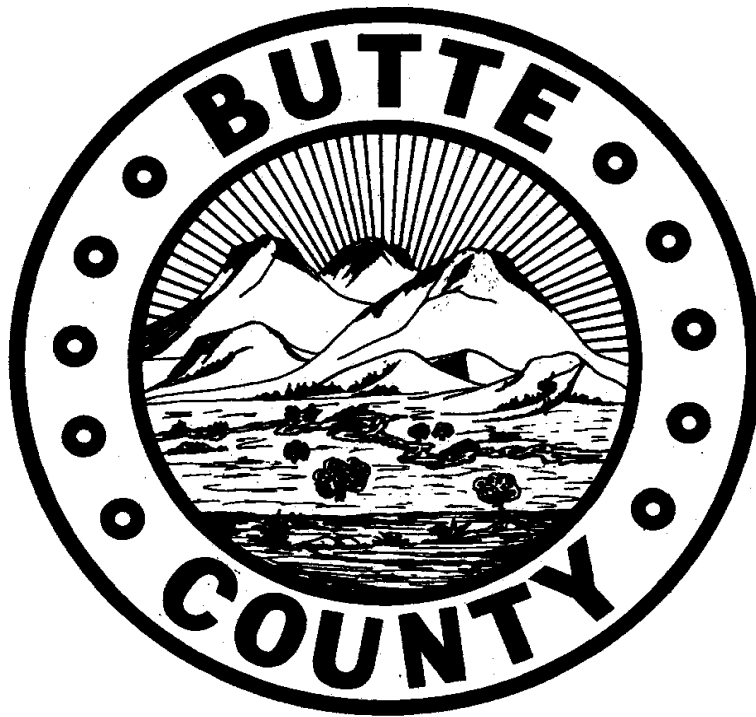


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WILDFIRE
THERMALITO
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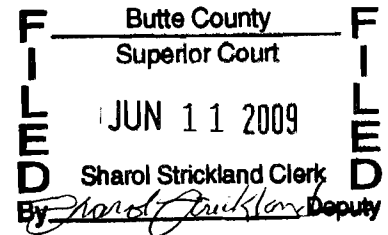
Butte County Grand Jury
2008-2009

FINAL REPORT



JUNE 26, 2009

May 15, 2009
Superior Court of California
County of Butte
One Court Street
Oroville, CA 95965



2008-2009
BUTTE COUNTY GRAND JURY
FINAL REPORT

The Grand Jury Final Report has been filed on this date pursuant to California Penal Code Section 933. A copy of the report is enclosed. Your attention is invited to the following code section regarding the time requirements for comment on the report.

Section 933.

- (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.
- (b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the county clerk and remain on file in the office of the county clerk. The county clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.
- (c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls.

In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section “agency” includes a department.

Section 933.05

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

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FOREPERSON'S LETTER TO THE PRESIDING JUDGE

May 15, 2009

The Honorable James F. Reilley

Presiding Judge, Superior Court of California, County of Butte

Dear Judge Reilley,

On behalf of the 2008-2009 Grand Jury, it is my honor to present the *2008-2009 Butte County Grand Jury Final Report* for your review and consideration. The thirteen individual reports, along with their findings and recommendations, have been approved by the 2008-2009 Grand Jury. It has been our pleasure to serve the citizens of Butte County, and our hope that the following report will be of benefit.

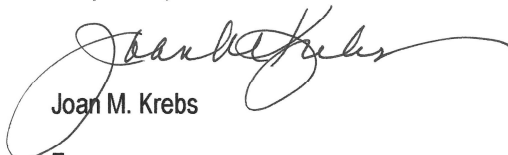
The members of the 2008-2009 Grand Jury came from all parts of the County and brought with them their ideas, energy and talents. It was a pleasure to come to know and work with each of them. We each gained a vast amount of knowledge concerning the workings of Butte County, and hold a greater respect for the individuals that make up the workforce of the County.

Every year presents its own challenges for the Grand Jury. The year 2008-2009 was no different. Soon after the jury was impaneled, Butte County suffered a series of devastating wildfires. In the fall, Butte County, along with the nation as a whole, entered a period of economic turmoil. A Presidential election, and a significant County election, occurred in November, and the Chief Administrative Officer of the County resigned mid-year. Needless to say, these factors made for a very interesting year.

The members of this Grand Jury would like to express our appreciation to you, the Presiding Judge, and to those individuals of the cities, district departments, and County offices who so graciously accommodated us, spoke to us and provided us with information needed for our reviews and investigations. Thanks also to the County Counsel and Assistant County Counsel for their advice and assistance during our investigations and during the writing of this Final Report. In addition, the court staff was always available to us and provided prompt and professional support.

Finally, without the understanding of our families and employers, we could not have done our job fully. We thank them for their patience and consideration.

Respectfully submitted,



Joan M. Krebs

Foreperson
Butte County Grand Jury 2008-2009

2008-2009 BUTTE COUNTY GRAND JURY MEMBERS

Joan Krebs	Chico	Foreperson
Diane Otten	Paradise	Foreperson Pro Tempore
Desta Dunlap	Chico	Recording Secretary
Lee Wood	Oroville	Corresponding Secretary
Peggy Williams	Oroville	Treasurer
Walter Sipher	Chico	Sergeant-at-Arms
John Welton	Chico	Computer Support
James Adams	Oroville	
Mary Amicarella	Chico	
Douglas Brum	Durham	
Rose Mary Burke	Chico	
Kenton Goodhue	Oroville	
Katherine Haines	Chico	
Marjorie Hartnett	Chico	
Garrett Jackson	Oroville	
Albert Klein	Oroville	
Robert Leask	Oroville	
Tracy Lotter	Paradise	
John Vorisek	Paradise	


FINAL RESOLUTION

Whereas, the 2008-2009 Butte County Grand Jury has conducted the business of its term and has reached certain conclusions, and

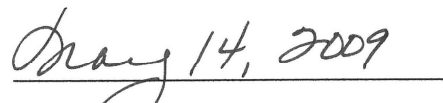
Whereas, the 2008-2009 Butte County Grand Jury desires to disclose the substance of those conclusions for the benefit of local government, its agencies, and the citizens of Butte County

Now, therefore, be it resolved that the attached papers, commendations, findings, and recommendations are adopted as the *2008-2009 Butte County Grand Jury Final Report* and submitted to the Presiding Judge of the Superior Court of the State of California, County of Butte, to be entered as a public document pursuant to California law.

The above resolution was **passed and adopted** by the 2008-2009 Butte County Grand Jury at the Butte County Offices in Oroville on the fourteenth day of May 2009.



Joan M. Krebs, Foreperson



May 14, 2009

2008-2009 GRAND JURY MISSION STATEMENT

In the rich, historic tradition of the American legal system, our mission is to perform diligently and impartially the sworn duties of the Butte County Grand Jury. We endeavor to carry out our mission in pursuit of the highest common good and with the intent of improving local government. To the best of our individual abilities we strive to execute fairly, fearlessly and lawfully our proscribed criminal and civil functions. Within the distinct limits of the jury's authority, we investigate incidents of misconduct and corruption as they come to light; we scrutinize the operations of Butte County's public offices, departments and districts; we investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of incorporated cities and joint powers agencies in the County; and we use complaints to identify policies that need improvement. Correspondingly, we present and report our findings and recommendations in a timely and responsible manner.

CORE VALUES ALL GRAND JURORS AGREE TO UPHOLD

We recognize the importance of applying—to all individuals—the same objective standards of conduct and responsibility, without regard to race, color, creed, religion, sex, sexual preference or economic status.

We recognize that others may be more skilled than we in particular matters regarding the business of public office and government. Consequently, our own sound judgment, in itself, is not a viable substitute for others' expertise, nor for their reasonable but differing views.

We respect and do not seek to interfere with the discretionary policy-making or operational powers of public officials.

We recognize the importance of maintaining accuracy and integrity in our activities. The Grand Jury's reports, therefore, are factual and confined to matters within the scope and power of our inquiry.

We recognize the importance of communicating clearly and effectively among ourselves and with our constituency.

We respect individuals' right to privacy, and we operate within the confines of strict confidentiality.

We recognize that the Grand Jury functions lawfully as a legal entity. Accordingly, no single grand juror, when acting alone, has any power or authority to represent the jury.

We acknowledge the importance of remaining vigilant to detect and avoid any personal conflicts of interest that may arise during the course of performing the business of the Grand Jury.

With the specific purpose and intent of improving our local government, we value the opportunity and privilege of serving on the Grand Jury.

ACKNOWLEDGMENTS

The 2008-2009 Butte County Grand Jury sincerely wishes to acknowledge and thank the following people and organizations for all of their support and professional guidance in contributing to the publication of this final report.

The Honorable James F. Reilley, Presiding Judge of the Superior Court of California, County of Butte

The Honorable Congressman Wally Herger
Fran Peace, Legislative Representative

County Counsel, Bruce Alpert, and Assistant County Counsel, Elizabeth McGie

The Staff of the Superior Court of California, County of Butte:
Sharol Strickland, Court Executive Officer
Sandra Jones, Executive Office Program Administrator
Rich Holst, Executive Program Analyst
Kelly Mortensen, Court Administrative Specialist
Vicky Caporale, Court Administrative Specialist

Butte County Superior Court Bailiffs

Butte County Board of Supervisors - Jane Dolan, Maureen Kirk, William Connelly, Kim Yamaguchi, Steve Lambert, and retired Supervisor Curt Josiassen

Butte County Clerk-Recorder/Registrar of Voters - Candace Grubbs and her Staff

Butte County Auditor-Controller - David Houser and his Staff

Butte County Assessor Ken Reimers and his Staff

Butte County Department Heads, City Administrators, Special District Directors, LAFCO, and Staffs

Butte County Sheriff, Perry Reniff, Butte County Probation Officer, John Wardell, Butte County Correctional Sergeant, Daniel Young, and their Officers and Staff s who guided us through the Butte County Jail and the Butte County Juvenile Hall

Butte County Sheriff's Posse

John Gulserian and members of the Emergency Operations Center, who enthusiastically re-opened the EOC for us after weeks of dedicated performance in the midst of devastating wildfires

CalFire-Butte County

Officers and Staff of the Chico Police Department

All those who graciously agreed to be interviewed by the Grand Jury during visits and investigations

California Grand Jury Association for the training seminars

Our families and employers who demonstrated patience, support, and understanding during our year of challenging public service

HISTORY OF THE GRAND JURY

A Grand Jury derives its name from the fact that it usually has a greater number of jurors than a trial (petit) jury. One of the earliest concepts of Grand Juries dates back to early Greece where the Athenians used an accusatory body. In early Britain, the Saxons also used something similar to a Grand Jury system. During the years 978 to 1016, one of the Domesday (laws) stated that for each one hundred men, twelve were to be named to act as an accusing body. They were cautioned, “not to accuse an innocent man nor spare a guilty one.”

The Grand Jury can also be traced to the time of the Norman conquest of England in 1066. There is evidence that the courts of that time summoned a body of sworn neighbors to present crimes that had come to their knowledge. Since the members of that accusing jury were selected from small jurisdictions, it was natural that they could present accusations based on their personal knowledge.

Historians agree that the Assize [court session or assembly] of Clarendon in 1166 provided the groundwork for our present Grand Jury system. During the reign of Henry II (1154-1189), in an effort to regain for the crown the powers usurped by Thomas Becket, Chancellor of England, twelve “good and lawful” men in each village were assembled to reveal the names of those suspected of crimes. It was during this same period that juries were divided into two types, civil and criminal, with the development of each influencing the other.

The oath taken by these jurors provided that they would carry out their duties faithfully, that they would aggrieve no one through enmity nor deference to anyone through love, and that they would conceal those things which they had heard.

By the year 1290, these accusing juries were given the authority to inquire into the maintenance of bridges and highways, defects of jails, and whether the Sheriff had kept in jail anyone who should have been brought before the justices. “Le Grand Inquest” evolved during the reign of Edward III (1368), when the “accusatory jury” was increased in number from twelve to twenty-three, with a majority vote necessary to indict anyone accused of crime.

In America, the Massachusetts Bay Colony impaneled the first Grand Jury in 1635 to consider cases of murder, robbery and wife beating. As early as 1700, the value of the Grand Jury was recognized in opposing the Royalists. These colonial Grand Juries expressed their independence by refusing to indict leaders of the Stamp Act (1765), and refusing to bring libel charges against the editors of the Boston Gazette (1765). The Philadelphia Grand Jury supported a union with other colonies to oppose British taxes in 1770.

By the end of the Colonial Period, the Grand Jury had become an indispensable adjunct of Government. “They proposed new laws, protested against abuses in government, and wielded the tremendous authority in their power to determine who should and should not face trial.”

Although originally the Constitution of the United States made no provision for a Grand Jury, the Fifth Amendment, ratified in 1791, guaranteed that:

“...no person shall be held to answer to a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger...”

Public support for Grand Juries, sustained through the Revolutionary Period, began to wane in the early 1800s. Adoption of the fourteenth Amendment in 1868, made it illegal to “deprive any person of life, liberty or property without due process of law.” As interpreted by some states, this amendment no longer required prosecution of crimes by Grand Jury indictment nor prohibited direct accusation by a prosecutor. California is still one of the states that allows prosecution to be initiated by either Grand Jury indictment or judicial preliminary hearing.

The first California Penal Codes contained statutes providing for a Grand Jury, to be empanelled quarterly, at the same time as the trial jurors were drawn. Early Grand Juries investigated local prisons, conducted audits of county books and pursued matters of community interest. The role of the Grand Jury in California is unique in that by stat-

utes passed in 1880, their duties include investigation of county government. Only seven other states provide for investigation of county government by a Grand Jury beyond alleged misconduct of public officials. Only California and Nevada mandate that Grand Juries be impaneled annually to function specifically in a watchdog capacity over county government.

As constituted today, the Grand Jury is a part of the Judicial Branch of government — “an arm of the court.” It does not have the functions of either the legislative or administrative branches and it is not a police agency. Additionally, it does not mandate policy changes. It is an inquisitorial and an investigative body tasked with making recommendations to improve systems, procedures and methods of operations in designated local government. The primary function of the Grand Jury, and the most important reason for its existence, is the examination of all aspects of county government (including special districts), seeing that the public’s monies are handled judiciously and that all accounts are properly audited — in general assuring honest, efficient government in the best interests of the people.

The Grand Jury has three ways to exercise its powers:

Written communications of unsatisfactory conditions where no crime is charged with recommendations for improvements (reports);

Written complaints charging a person with a crime (indictments); and

Written complaints against a person whose conviction would result in removal from office rather than criminal penalties (accusations).

A large portion of the public believes that an individual appearing before the Grand Jury, particularly a public official, suggests malfeasance or misfeasance. It should be clearly understood that it is the constitutional responsibility of the Grand Jury to review the conduct of county government each year and this entails having public officials appear before the jury for the purpose of providing information to the jury relative to their departments or offices.

While Grand Jurors are a part of the Judicial System and are considered to be officers of the court, the Grand Jury is an entirely independent body. The Presiding Judge of the Superior Court, the District Attorney, County Counsel, and the State Attorney General act as its advisors, but cannot prevent the actions of the jury except for illegality.

Because of the confidential nature of a Grand Jury’s work, much of it must be conducted in closed session. Members of a Grand Jury are sworn to secrecy, thus assuring all who appear that their complaints will be handled in an entirely confidential manner. No one may be present during the sessions of a Grand Jury except those specified by law (Penal Code Section 939), and the minutes of its meetings may not be inspected by anyone, nor can its records be subpoenaed.

Penal Code Section 939 as amended effective January 1, 1989 requires that prejudiced jurors may not be present during any part of proceedings from which they have once been formally excused and no non-juror may be present during the expression of the opinions of Grand Jurors, or the giving of their votes, on any criminal or civil matter before them. An officer having custody of a prisoner witness may be present during criminal sessions of the Grand Jury while the prisoner is testifying but the officer shall be admonished to insure the secrecy of any Grand Jury proceeding heard.

The conduct of criminal investigations and the return of indictments is the smaller part of a Grand Jury’s function in California. In some states, all persons accused of felonies must be indicted by a Grand Jury before being tried. This is also true of the Federal Courts. In this state, the vast majority of criminal cases are presented to the court, at a preliminary hearing, on a complaint issued by the District Attorney.

Cases presented to the criminal Grand Jury by the District Attorney may include, but are not limited to:

1. Cases having multiple defendants;
2. Cases with special witnesses such as children, out-of-state witnesses, informers or undercover agents;
3. Cases involving public officials or employees;
4. Cases in which adverse publicity could hurt the suspect, such as rape, murder or kidnap; and
5. Cases in regard to which the Statute of Limitations is about to expire.

Unlike a trial (petit) jury, a Grand Jury does not pass upon the guilt or innocence of the person accused. Its duty is to decide whether the evidence warrants charging a person with a triable offense.

A Grand Jury is charged with a grave responsibility. The Grand Jury serves as an ombudsman for citizens of the county. The jury may receive and investigate complaints by individuals regarding the actions and performances of county or public officials. The attention of the entire county is centered upon an active Grand Jury, and its every act is a matter of public interest. Malevolent and unfaithful public servants are uneasy, while honest citizens and the conscientious public servants are reassured. Therefore, Grand Jury service calls for diligence, impartiality, courage and responsibility.

TABLE OF CONTENTS

REPORTS OF THE 2008-2009 GRAND JURY of BUTTE COUNTY

Air Quality Department, Butte County.....	1
Auditor-Controller’s Office, Butte County.....	9
Behavioral Health Department, Butte County.....	13
Butte County Jail.....	25
Butte County Juvenile Hall.....	31
Cemetery Districts Report.....	35
Clerk Recorder/Registrar of Voters, Butte County.....	39
General Plan 2030, Butte County.....	45
General Reserve, Butte County.....	61
General Services/Contracts Division, Butte County.....	69
Health Benefits for Butte County Retirees.....	73
Thermalito Water and Sewer District.....	79
Weights and Measures Department.....	87
Appendix I.....	91
Appendix II.....	92

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BUTTE COUNTY GRAND JURY REPORT 2008/2009 AIR QUALITY MANAGEMENT DISTRICT

SUMMARY

The 2008/2009 Grand Jury visited the Butte County Air Quality Management District. The primary purposes were to gain an understanding of the District's operations, the challenges it faces, and to identify any major air pollution concerns for Butte County.

Clean, pollution free air is essential to public health. Air pollution is created by two different sources; harmful gases, and particulates. Recent studies have found that particulates are more harmful than previously thought and are known to cause respiratory problems and lung damage. There is also evidence that high concentrations of ozone, created by pollution and daylight ultra-violet rays, can irritate the respiratory system and affect lung function.

The District is mandated by the federal government and the State of California to monitor and maintain air quality standards, including levels of particulates and the volume of harmful gases, such as ozone. These mandates are not funded by the federal government

In recent years, portions of Butte County have not met the federal and state air quality standard for particulates, during winter months. The District is working to eliminate the primary source of these particulates, specifically emissions from wood burning devices.

The District is responsible for monitoring other harmful air components, such as ozone, which are regulated by state and federal laws. At present, Butte County does not meet the federal standard for ozone emissions during some months. The greatest concern is regarding ozone levels near the ground. Most ground level ozone in Butte County is created in the Sacramento area, and then blown by winds to Butte County. However, as agriculture burning contributes to particulates and smog, the District also monitors this activity.

There is concern regarding the District's future annual budgets which may be impacted by the current financial condition of the state government. Funding for programs to reduce emissions from wood burning devices, and to provide public education to insure compliance, will require finding new funding sources.

GLOSSARY

EPA - Environmental Protection Agency

DMV - Department of Motor Vehicles

Micron - A unit of measure equal to one millionth of a meter, or one thousandth of a millimeter. A human hair is 70 microns in diameter.

Particulates - Matter of a certain size. In terms of air quality, the particulates are 2.5 microns or smaller.

ppm - parts per million

Ozone - Ozone is a gas formed by the reaction of sunlight on air containing hydrocarbons and nitrogen oxides emitted by vehicle engines and industrial operations. The reaction to form ozone can be directly at the source of the pollution or many kilometers down wind.

Smog - A combination of ozone, other gases, and particulates from motor vehicle emissions and other sources.

BACKGROUND

The main focus of the Butte County Air Quality District is public health. Their goal is to insure that the quality of air in Butte County corresponds to current standards. Clean, pollution free air is essential to the public health of our communities.

The District is governed by a Board of Directors, consisting of the five Butte County Supervisors, and one elected official from each of the five incorporated cities in the County. It is not supported by the county general fund, but receives monies from state licensing fees and penalties, and federal grants when available.

DISCUSSION

Currently, the District regularly monitors air quality in Chico, Paradise and Gridley, with occasional spot monitoring in other locations. Previously, the District monitored air quality at higher elevations, but found it consistently conformed to standards. Hence, they no longer monitor at higher elevations.

Particulate Sources

Prior to 1991, the burning of rice stalks created a serious air pollution problem in the inland valleys of California. As a result, the Rice Straw Burning Reduction Act was enacted in 1991 by the California Legislature to decrease, but not phase out, burning of rice straw. Since 2001, rice straw burning has been limited to 25% of the planted acres in California. Farmers are continuing to seek alternatives to burning.

In Butte County, woodstoves and fireplaces are the primary source of airborne particulates. From November through February, particulate emissions average 50% to 75% of the annual total.

At present there are no regulations controlling emissions from wood burning devices, except laws relating to new installations. The City of Chico prohibits yard waste and leaf burning and is in the process of enacting an ordinance to regulate wood burning devices.

The Air Quality Control District had a voluntary incentive program to encourage upgrading wood burning devices to more efficient EPA certified models. Previously, funding for this program was obtained through grants and penalty fees, which are now exhausted. In addition, some purveyors of wood burning devices offered discounts to encourage upgrading. These sources

are no longer available, requiring the District to actively search for new funding sources. The District offers public education programs, such as "Check before You Light".

Ozone

Studies have found evidence showing that high concentrations of ozone, created by pollution and daylight ultra-violet rays at the Earth's surface, can irritate the respiratory system and harm lung function. Air quality guidelines, such as those from the World Health Organization, are based on detailed studies of what ozone levels can cause negative health effects. Exposure to ozone, and the pollutants that produce it, has been linked to premature death, asthma, bronchitis, heart attack, and other cardiovascular problems. According to scientists with the EPA, susceptible people can be adversely affected by ozone levels as low as 0.04 ppm.

The Clean Air Act directs the EPA to set National Ambient Air Quality Standards (See Appendix A) for several pollutants, including ground-level ozone. Counties out of compliance with these standards are required to take steps to reduce their levels. In May 2008, the EPA lowered its ozone standard from 0.08 ppm to 0.075 ppm. During summer months, Butte County is not able to attain this standard.

The EPA has also developed an Air Quality Index (See Appendix B) to help explain air pollution levels to the general public. Eight-hour average ozone concentrations of 0.085 to 0.104 ppm are described as "unhealthy for sensitive groups", 0.105 ppm to 0.124 ppm as "unhealthy", and .125 ppm to .404 ppm as "very unhealthy".

Ozone is normally associated with smog, which is a combination of ozone and particulates. When viewed from a distance or above, smog looks like a haze or fog.

Smog

The primary source of smog, and thus ozone, in Butte County is created in the Sacramento Metropolitan Area, and transmitted to Butte County by winds from that area. At present, Butte County has no ability to reduce this source of smog.

Funding

District operations are funded by DMV surcharges on automobile registrations, business license fees, and non-compliance penalties. Funding is a continuous problem for incentive programs. The mandates for particulates and ozone are not funded by the federal government. Grants providing incentives for voluntary upgrade/compliance by wood burning device users are no longer available. Without new funding sources, the District will be unable to offer incentives to upgrade wood burning devices.

Carl Moyer Fund

The Carl Moyer Fund is a special state wide fund that provides money to individuals for such projects as replacing or retrofitting old diesel engines (on agricultural pumps, for example), or other old engines, including boats and locomotives. Approximately \$450,000 is currently available in this fund.

Current Efforts to Regulate Particulates

Chico City Council has decided to pursue a ban on wood burning devices based on a recommendation from the Air Quality Management District. EPA certified wood burning devices would be exempt, as would residents whose stoves are their sole source of heat. The regulations will only apply to the densely populated areas in and around Chico. As of April 21, 2009, the final ordinance had not been adopted.

FINDINGS

- F1. The City of Chico is considering a ban on non EPA certified burning devices, with some exceptions.
- F2. The ability of the District to conform to Ambient Air Quality Standards will be diminished unless new sources of funding are found.
- F3. Butte County does not currently meet the federal air quality standard for particulates, due to wood burning devices used in the winter.
- F4. Butte County does not meet the federal standard for ozone during the summer months. Butte County cannot reduce ozone that is created in another jurisdiction.
- F5. The District appears to be well managed by a professional and dedicated staff.

RECOMMENDATIONS

- R1. The District should continue to pursue all possible sources of funding to finance incentives to upgrade wood burning devices.
- R2. The District should continue to educate the public and encourage the voluntary conversion of ineffective wood burning devices to EPA certified models.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:

Butte County Air Quality Management District

Butte County Board of Supervisors

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.
--

APPENDIX A
Ambient Air Quality Standards

Ambient Air Quality Standards						
Pollutant	Averaging Time	California Standards ¹		Federal Standards ²		
		Concentration ³	Method ⁴	Primary ^{3,5}	Secondary ^{3,6}	Method ⁷
Ozone (O₃)	1 Hour	0.09 ppm (180 µg/m ³)	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m ³)		0.075 ppm (147 µg/m ³)		
Respirable Particulate Matter (PM₁₀)	24 Hour	50 µg/m ³	Gravimetric or Beta Attenuation	150 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m ³		—		
Fine Particulate Matter (PM_{2.5})	24 Hour	No Separate State Standard		35 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m ³	Gravimetric or Beta Attenuation	15.0 µg/m ³		
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10mg/m ³)	Non-Dispersive Infrared Photometry (NDIR)	9 ppm (10 mg/m ³)	None	Non-Dispersive Infrared Photometry (NDIR)
	1 Hour	20 ppm (23 mg/m ³)		35 ppm (40 mg/m ³)		
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m ³)		—		
Nitrogen Dioxide (NO₂)	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)	Gas Phase Chemiluminescence	0.053 ppm (100 µg/m ³)	Same as Primary Standard	Gas Phase Chemiluminescence
	1 Hour	0.18 ppm (339 µg/m ³)		—		
Sulfur Dioxide (SO₂)	Annual Arithmetic Mean	—	Ultraviolet Fluorescence	0.030 ppm (80 µg/m ³)	—	Spectrophotometry (Pararosaniline Method)
	24 Hour	0.04 ppm (105 µg/m ³)		0.14 ppm (365 µg/m ³)	—	
	3 Hour	—		—	0.5 ppm (1300 µg/m ³)	
	1 Hour	0.25 ppm (655 µg/m ³)		—	—	
Lead⁸	30 Day Average	1.5 µg/m ³	Atomic Absorption	—	Same as Primary Standard	High Volume Sampler and Atomic Absorption
	Calendar Quarter	—		1.5 µg/m ³		
	Rolling 3-Month Average ⁹	—		0.15 µg/m ³		
Visibility Reducing Particles	8 Hour	Extinction coefficient of 0.23 per kilometer — visibility of ten miles or more (0.07 — 30 miles or more for Lake Tahoe) due to particles when relative humidity is less than 70 percent. Method: Beta Attenuation and Transmittance through Filter Tape.		No Federal Standards		
Sulfates	24 Hour	25 µg/m ³	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m ³)	Ultraviolet Fluorescence			
Vinyl Chloride⁸	24 Hour	0.01 ppm (26 µg/m ³)	Gas Chromatography			

See footnotes on next page ...

For more information please call ARB-PIO at (916) 322-2990

California Air Resources Board (11/17/08)

APPENDIX B
Air Quality Index

Air Quality Index (AQI): Particle Pollution

Index Values	Levels of Health Concern	Cautionary Statements
0-50	Good	None
51-100*	Moderate	Unusually sensitive people should consider reducing prolonged or heavy exertion.
101-150	Unhealthy for Sensitive Groups	People with heart or lung disease, older adults, and children should reduce prolonged or heavy exertion.
151-200	Unhealthy	People with heart or lung disease, older adults, and children should avoid prolonged or heavy exertion. Everyone else should reduce prolonged or heavy exertion.
201-300	Very Unhealthy	People with heart or lung disease, older adults, and children should avoid all physical activity outdoors. Everyone else should avoid prolonged or heavy exertion.
301-500	Hazardous	People with heart or lung disease, older adults, and children should remain indoors and keep activity levels low. Everyone else should avoid all physical activity outdoors.

*An AQI of 100 for particles up to 2.5 micrometers in diameter corresponds to a level of 40 micrograms per cubic meter (averaged over 24 hours). An AQI of 100 for particles up to 10 micrometers in diameter corresponds to a level of 150 micrograms per cubic meter (averaged over 24 hours).

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter—PM10, PM2.5, and visibility reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
2. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above $150 \mu\text{g}/\text{m}^3$ is equal to or less than one. For PM2.5, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact U.S. EPA for further clarification and current federal policies.
3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. Any equivalent procedure which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
7. Reference method as described by the EPA. An “equivalent method” of measurement may be used but must have a “consistent relationship to the reference method” and must be approved by the EPA.
8. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
9. National lead standard, rolling 3-month average: final rule signed October 15, 2008.

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**BUTTE COUNTY GRAND JURY REPORT 2008/2009
OFFICE OF THE AUDITOR-CONTROLLER**

SUMMARY

The 2008/2009 Grand Jury visited the Office of the Auditor-Controller (A-C) to learn of the changes made since the 2005/2006 Grand Jury investigated the office and published a report. The Grand Jury would like to compliment David Houser and his staff on the positive changes in the work environment since the Grand Jury Report of 2005/2006. Overall, a positive turnaround has occurred in the A-C's Office. The Grand Jury recommends improvements continue in the areas of team building, cross training, and updating of manuals.

In the reorganization of the A-C's Office, following the 2005/2006 Grand Jury report, some A-C employees left or were transferred to the CFO's Office and other Butte County Departments. A portion of the work load previously performed by the transferred employees did not leave but remained at the A-C's Office. The Grand Jury recommends the A-C and the Chief Financial Officer (CFO) jointly develop a specific plan for resolving the issues regarding the workload not transferred from the A-C's Office to the CFO's Office.

BACKGROUND

In the past three years, the number of employees in the A-C's Office has decreased from thirty six to seventeen. Many duties and responsibilities have been transferred to other departments, such as the Information Systems and the CFO's Office.

The mission of the A-C's Office is to provide public oversight, fiscal leadership, and financial integrity and accountability through effective fiscal monitoring, reporting and safeguarding of public resources. In addition the Office provides service, assistance, and information to the Public, Board of Supervisors, the Administrative Office, County Departments, Employees and Special Districts. The Accounting Section, Property Tax Section, and the Internal Audit Section each fall under the direction of the A-C's Office.

The Accounting Section is responsible for recording all receipts and disbursements of County monies and maintaining budgetary control of various funds and departments. The section reviews all revenue and expenditure contracts for fiscal appropriateness and prepares all required reports. In addition, this section develops and administers the County wide cost plan.

The Property Tax Section performs mandated property tax functions, including tax rate computations, tax bill preparation, and reconciliation of tax charges, tax roll corrections, and special report generation. The section is responsible for distributing the tax proceeds to all government agencies, cities, schools, special districts and the County. In addition, the section provides property tax information and assistance to state, local, county representatives, and to the general public.

The Internal Audit Section assists the County departments in assessing risks, evaluating the internal control system to ensure the efficiency, reliability, and integrity of information in compli-

ance with laws and regulations. The section performs operational, management, performance, and departmental audits as directed by the A-C and provides financial consulting services to the County departments and special districts.

DISCUSSION

All seventeen employees of the A-C's Office were interviewed by the Grand Jury. Some of the current employees were employed in the Auditor's Office during the investigation of the 2005/2006 Grand Jury. Immediately following the release of the 2005/2006 report, the Butte County A-C's Office hit a low point in terms of office morale. One employee described this as "a very painful time. We felt that we had to redeem ourselves in the eyes of our county co-workers." Another employee called the report of 2005/2006 "a real hatchet job"; while a few others agreed with the findings and felt the report was justified.

In the reorganization of the A-C's Office, following the 2005/2006 Grand Jury report, some A-C employees left or were transferred to the CFO's Office and other Butte County Departments. A portion of the work load previously performed by the transferred employees did not leave but remained at the A-C's Office. For example, the duties of cash flow analysis, long term financing and deferred compensation were not transferred. This substantially increased the work load in the A-C's Office. This unfinished transfer of duties created a heavy workload, especially for the Accounting Section. At the time of the interview by the Grand Jury there were two vacancies. As a result of non transferred work load and these vacancies, stress levels seemed to be high within management and staff.

The staff is accomplishing the work with a "can do" attitude. The Property Tax Section has now relocated to the Auditor's office. This group of four employees assists the other sections during peak work load periods.

The employees of the A-C's Office participate in multiple team building activities. It was gratifying to hear employee comments such as, "We are a good team," "We are a family and we are proud of our office," "During peak workloads we pull together and everyone helps," "It's a good place to work."

Intradepartmental assistance appears to be working well. During employee absences, the A-C's office would function more efficiently if a continual cross training program was formally implemented. This would require the updating of the procedural manuals for the accounting and property tax divisions. Individual desk manuals would also be of value when an employee is away on vacation or an extended leave. This would allow almost anyone, at anytime, to fill in, so the work doesn't back up in the A-C's office.

FINDINGS

- F1. A portion of workload scheduled to be transferred from the A-C's Office to the CFO's Office has not yet occurred.

- F2. The Butte County A-C's Office appears to have a positive work environment.
- F3. Currently, there appears to be a lack of cross training in the A-C's Office.
- F4. The division *Procedural Manuals* are outdated.
- F5. There are no individual desk *Procedural Manuals*.

RECOMMENDATIONS

- R1. The A-C and the CFO should jointly develop a specific plan for resolving the issues regarding the workload not transferred from the A-C's Office to the CFO's Office.
- R2. Continue to incorporate "team building" activities to foster the positive work environment.
- R3. Develop a continual cross training program and implementation schedule.
- R4. Update the division *Procedural Manuals*.
- R5. Create and publish individual desk *Procedural Manuals*.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:

Butte County Auditor-Controller

Butte County Chief Financial Officer

Butte County Board of Supervisors

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

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BUTTE COUNTY GRAND JURY REPORT 2008/2009
BUTTE COUNTY DEPARTMENT OF BEHAVIORAL HEALTH

SUMMARY

The 2008/2009 Grand Jury chose to visit the Department of Behavioral Health (BCDBH) since it had not been investigated for seven years, nor reviewed for five. Upon the first two visits of BCDBH clinics, it became evident that there were problems of malcontent within the Department. Simultaneously, the media began to report that the Department was financially upside down and \$5 million had to be cut from the BCDBH budget. The Board of Supervisors granted the Department a “loan” plus interest, to subsidize them during their financial crisis. The fiscal predicament was partly due to state funding problems and their purported “oversight” which created a three year funding delay, and partly due to failure on the former Director’s end to report financial difficulties or discrepancies. The Director left his position abruptly.

After learning of the financial crisis, the Board of Supervisors publicly voiced their concerns about the operation of BCDBH, summing up the situation by saying there were “too many Chiefs and not enough Indians.” At this time an outside auditor was brought in to conduct an audit of the BCDBH business office and help explain the budget at a public workshop held by the Board of Supervisors on September 8, 2008.

Voluntary information and stories from the past eight years to present began pouring out during routine visits to local Behavioral Health Clinics and Counseling Centers. Generally, the Grand Jury does not become involved with personnel issues; however, repetitive testimony from all levels of staffing, reporting the same inefficiencies, led the panel to be concerned for the overall well-being of the entire Department. Thus, the Grand Jury began an investigation and the process of interviewing numerous witnesses. Eighty eight percent of those witnesses independently corroborated much of the same detailed information during personal interviews.

Medical, clinical, and line staffs within the individual divisions of BCDBH were suffering from low morale, mistrust, and fear of losing their jobs. In some cases, entire clinics and counseling centers were in danger of being closed and programs in jeopardy of being cut. The closing of the clinics/counseling centers did not occur, as it became clear to those calling for the drastic measures that it would be illegal to take such action according to precluding rules set forth by Government Code, the County Charter, and County personnel.

Behavioral Health is one of the few self-supporting Departments in the County that is capable of supporting their programs through patient billing for reimbursement through Medi-Cal, Medicare, CMSP, EPSDT, grant funding, and state and federal funding.

The importance of retaining first-rate medical and clinical staff that generates revenue for the Department is essential. Achieving higher productivity standards, re-organizing the structure of management, and maintaining an honest and transparent administration are imperative in preserving quality patient care and the future wellbeing of BCDBH. The focus of the Department should on patient care rather than administration.

GLOSSARY

ACCESS – a single point of assessment and entry to the inpatient Psychiatric Health Facility

AVATAR – an information system comprised of software specific to medical records, reporting, and billing

Butte County Behavioral Health Board – an Advisory Board to BCDBH, comprised of ten members, and four staff representatives

BCDBH – Butte County Department of Behavioral Health

CMSP – County Medical Services Program; provides health services for low-income indigent adults in 34 rural CA counties

Crisis Stabilization Unit - a facility capable of assessing, evaluating, holding, and treating four adults and two youth patients in crisis, for up to 24 hours

Dashboard Report – an abbreviated real-time, at-a-glance report that shows cost to revenue data

EPSDT – Early Periodic Screening Diagnostic Training Program, funded by Medi-Cal dollars

HERE – Homeless Emergency Runaway Effort

HOPE Cottage – a care home for youth in crisis

HR Dept. – Human Resources Department

IT – Information Technology

MHSA Funding – Mental Health Services Act; a streaming fund from the millionaire's tax (Prop. 63) designed to implement new programs in conjunction with existing programs, inviting community input

MOUs – Memorandum of Understanding describing a bilateral or multilateral agreement between two parties

PHF – Psychiatric Health Facility; a 16 bed facility that can hold and treat patients up to five days

RFQs – Request for Quote or quotation from competitively bidding contractors

BACKGROUND

The mission statement of BCDBH: The mission of Butte County Department of Behavioral Health is to establish a wide spectrum of health promotion and treatment services for individuals and families at-risk of, or currently suffering from, acute psychological and/or serious mental illness, as well as substance abuse. This will be accomplished through collaborative programs and partnerships with key segments of our community.

BCDBH provides a comprehensive continuum of services meeting vital community needs related to mental health and substance abuse problems. Services provided by BCDBH may be placed in the following general categories: administrative services, community education and prevention services, client intake and access services, residential treatment services, day treatment services, and psychiatric inpatient and outpatient treatment services. Approximately twenty five percent of the Department's budget is used to contract for treatment services. The remainder of the services is provided by Departmental staff or through inter-departmental collaborations, and with several local non-county entities.

Background Chronicle 2000-2008:

- a. Previous Director takes over BCDBH with a \$2 million surplus
- b. Unit rates (cost based unit of billable time) are reduced below costs.
- c. Budgeting is taken from transparent (when management and staff participated), to a behind-closed-doors secretive process.
- d. Vacant positions are frozen midyear and eliminated prior to budget approval by the Board of Supervisors.
- e. An assistant administrator is given authority to make budget cuts at will, taking away the rights of assistant directors and program managers, to manage their own budgets.
- f. Budget decisions are questioned by medical/clinical staff.
- g. Clerical, HERE/ACCESS, HR, and Contracts, are all centralized under the former Director, causing lost revenue and inefficiency as far as decision making, hires, contracts, MOUs, RFQs, etc.
- h. Cost effective programs are cut, staff is transferred to non-direct client services as monitors, quality assurance, and compliance officers.
- i. Eight youth service staff are moved to non-billable positions, resulting in loss of revenue and staff morale.
- j. Adolescent day treatment programs are eliminated at a loss of \$500,000 a year in revenue profit.

- k. Attempts by medical/clinical staff to advise against cutting clinical positions, resulting in cutting patient services, are disregarded.
- l. Psychiatrists and psychologists are reclassified to a salary below market rates, while administrators receive large pay raises. Clinicians, counselors, MRTs (medical records technicians) get little or no increases.
- m. Staff becomes restricted from Department data necessary to make informed decisions on patient care, i.e., out-of-home placement, hospital data, expenditures, costs, and clinical outcomes.
- n. Medical staff feels their clinical concerns regarding patient care are being ignored and voice their opinions to the Board of Supervisors.
- o. Shortly after it becomes evident that the Department is in financial trouble, the former Director abruptly leaves his position.
- p. An outside audit is called for and a standing-room-only crowd attends a public workshop held by the board of Supervisors for the purpose of explaining the BCDBH budget.

In light of the *background chronicle*, the Department of Behavioral Health was left in an emotional and financial turmoil following the sudden resignation of the former Director who had served in that position for eight years. An Interim Director was subsequently hired to come in and pick up the pieces. Because of mistrust and lack of leadership under the former Administrator, staff was plagued with low morale, grievances from the past, and job insecurities. In addition to the aforementioned problems, the Interim Director was faced with mopping up from the financial backlash of unreported difficulties. A three year funding oversight on the State's end and the fact that the former Director was not "minding the store," literally put the BCDBH into debt. The 2007/2008 budget was \$48 million and yet the Board of Supervisors had to authorize a "loan" for an additional \$5 million. The new Interim had little choice but to reduce the budget by enforcing immediate cuts in staffing, shifting/relocating staff, proposing the closing of clinics, counseling centers, and the cutting of programs, in order to regain financial stability.

It is important that financial information be clear and understandable when presented to persons making decisions for the health and welfare of others. It has been difficult to obtain current, easy to understand, financial data and reports upon request by medical/clinical staff and supervisors. Several witnesses said they gave up and quit asking the business office for information. The business office, or fiscal operation of Behavioral Health, has the reputation of being run by a small group of people who make important decisions indirectly affecting patient care based solely on financial considerations, without input from the entire leadership team, or representation from medical and clinical staff. The leadership team is currently comprised of eight people: the Interim Director, assistant directors, program managers, and an analyst.

The Interim Director inherited the problems left behind by the former Department head. Coming to the end of his first year, the Interim has been successful in regaining some of the lost trust within the Department. He is reportedly a good listener, and is well liked and respected by all levels of Department personnel. However, because the Director continues to have an interim

status with no contracted or agreed upon time limits, there remains an atmosphere of uncertainty until a permanent Director is appointed. The consensus of witness testimony is that things aren't changing fast enough, and some of the same issues that existed under old leadership have not changed nor been resolved.

APPROACH

- The Grand Jury approached this investigation by conducting numerous personal interviews. Thirty four people were interviewed over the course of seven months. Some witnesses were called upon multiple times to testify.
- Visits were conducted at seven of the BCDBH clinics and facilities located in the Oroville, Paradise, and Chico areas.
- Administrators, supervisors, program managers, physicians, clinicians, and financial experts were questioned by the Grand Jury in order to gain insight into the workings of BCDBH.
- Financial data and reports were received from the business office of Behavioral Health. Current information was difficult to obtain.
- Information gathered from interviews and documentation was corroborated and cross-referenced to establish priority areas of concern existing within the BCDBH.
- The Grand Jury followed the proceedings of the Board of Supervisor's meetings and public hearings.

DISCUSSION

Emotional Healing

The intent of this report is to focus on reorganization, restructuring, and emotional healing of this Department so that it may function to the full intent of its sole purpose: to treat the mentally and emotionally ill who would otherwise go untreated, harm themselves or others, be removed from their families, end up on the streets, or be mistakenly incarcerated in prisons.

If it weren't for the dedication of the Department's psychiatrists, therapists, clinicians, and social workers who devote their lives and careers to each of these less fortunate individuals, many would not be integrated back into their families, neighborhoods, schools, or workplaces. These dedicated professionals do much more than provide the latest medical treatments and counseling for their patients. They provide hope and improved quality of life to those suffering life-long mental illnesses.

The Department appears to be healing slowly; however, the consensus of witness testimony reveals a continuing lack of transparency, fear of retaliation for speaking out, and decision making that continues to be made by a small group of people at the top.

Permanent Director

The Department is in need of a highly qualified permanent Director who will continue the task of re-organizing the Department so that it may operate at maximum efficiency and support itself financially. A Director who is willing to work in collaboration with a medical director, medical, clinical, and line staff is imperative in establishing continuity, permanency, trust, and a healthier Department environment. According to the bylaws of the Behavioral Health Board, they, along with the Board of Supervisors, are required to interview each candidate for the position of Director of BCDBH.

Medical Director

All witnesses interviewed support the need for a Medical Director physician who would be in charge of medical services, oversee and direct physicians and clinicians, and represent them in administrative decision making. The high cost of hiring a psychiatrist to fill the Medical Director position could be offset by Medi-Cal reimbursement for direct services, providing the psychiatrist sees patients a percentage of the work week. The administrative portion of his/her work schedule could be billed for reimbursement as a “claim-for-management” cost.

Transparency

“Transparency promotes accountability and provides information for citizens about what their Government is doing. My Administration will take appropriate action, consistent with law and policy, to disclose information rapidly in forms that the public can readily find and use. Executive departments and agencies should harness new technologies to put information about their operations and decisions online and readily available to the public. Executive departments and agencies should also solicit public feedback to identify information of greatest use to the public. Executive departments and agencies should use innovative tools, methods, and systems to cooperate among themselves, across all levels of Government, and with nonprofit organizations, businesses, and individuals in the private sector. Executive departments and agencies should solicit public feedback to assess and improve their level of collaboration and to identify new opportunities for cooperation.” (Quoted excerpts from a portion of Barack Obama’s 2009 transparency memorandum directive)

According to eighty eight percent of witnesses, transparency is non-existent in the BCDBH. The line of communication between medical/clinical staff and the business/administrative office of Behavioral Health appears to be the weak link within the Department. Information is not readily available, and sometimes never forthcoming upon request by program managers and medical/clinical staff. Witnesses who have tried to obtain statistical and budgetary information from the business office have been “stonewalled” and given up. The majority of witnesses believe that major decisions for the entire Department of BCDBH continue to be made by a small group of people in the business office.

BCDBH should follow government transparency guidelines as mentioned above. Financial reporting and data should be understandable and readily accessible upon request. The at-a-glance, “Dashboard Report,” currently in development, should be implemented as soon as possible to provide on-demand information.

Communication

Historical barriers of communication need to be broken down in order to regain trust and cooperation across the Department. While some problems of the past continue to linger, efforts are being made to raise morale. "Focus Groups" have recently been formed to work with line staff, inviting them to participate in policy decisions regarding patient/client care. The groups will then compile a report addressing the self-disclosed issues or input derived from line staff. From this information, a draft report is produced and sent to line staff. Administration should continue to foster open avenues of communication such as this example.

Leadership Training

Several witnesses felt there was inadequate training available to them when transitioning into leadership roles, for example, moving up to supervisor or manager positions. Comprehensive leadership training should be provided by the HR Department to produce strong leaders.

Contracts

The monitoring and administering of contracts is reported to be poor considering the increase of contracts issued. In the past four years, spending for contract providers has increased from \$2,051,000 to \$6,379,000. This dramatic increase needs to be clarified, and a better balance between county services and contract providers should be reached.

Productivity

Productivity is measured by the number of billable hours for direct patient services versus non-billable hours. In some cases clinicians are producing at fifty to sixty percent while others may be producing at eighteen percent. Overall productivity in BCDBH outpatient clinics is about fifty percent. Productivity statistics are affected by the high number of non-productive supervisors and program managers (non-productive meaning, they do not see patients). Productivity levels should be analyzed, determined, and maintained for the highest level of efficiency, which in turn generates revenue.

Youth Residential Facilities

There is a need for additional youth residential facilities in Butte County to reduce costly out-of-county transportation, hospitalization and placement expenditures of approximately fifty youth and children each year. Contracting for additional local residential facilities would allow BCDBH psychiatrists to treat children and youth close to home, school, and family. Unfortunately, the state makes credentialing and licensing very difficult, hampering the development of new residential facilities such as Hope Cottage, a newly opened care home for youth in crisis. The facility is now fully licensed in compliance with state mandated licensing requirements and is operational at this time.

Adult Residential Facilities

Additional residential facilities are needed to reduce out-of-county hospitalizations and long-term placements for adults as in the same situation mentioned under Youth. A new adult twelve bed facility will be opening in Paradise that will allow a six to twelve month stay. It is currently awaiting Paradise City Council, and state licensing approvals.

Partnering

Partnering agreements with local hospitals and facilities, equipped and staffed to hospitalize and treat mentally ill patients, would save additional County dollars that presently finance transportation, treatment, and hospitalization for those sent outside of the County. The annual cost of placing patients in out-of-county institutional care is approximately \$1,800,000. Meetings are being held to foster partnerships.

Systems Performance

The Department is becoming more data driven, and under close scrutiny by state and federal governments. The addition of a trained Systems Performance Evaluation Coordinator is important. Funding of this position could be supported by various grant revenues and the administrative portion could be funded by Medi-Cal reimbursement. The Coordinator would be responsible for the integration of IT data along with AVATAR's reporting system, including mental health outcomes and research slated for development. Line staff would be additionally served as well by the Coordinator's focus on overall systems performance and fulfillment of mandates, including MHSA funding and state and federal grants.

Overhead

When the newly appointed Interim Director took over his duties, he was faced with the immediate challenge of reducing an astronomical forty percent overhead. The state allows for a fifteen percent overhead to qualify for reimbursement. The Interim Director has been successful in his efforts to lower overhead operating expenses by reducing office and other supply expenditures, bottled water dispensers, closing excessive office suites, eliminating vacant positions, and cutting staff.

Board of Supervisors

The Grand Jury had the opportunity to address three members of the Board of Supervisors. When asked questions regarding BCDBH issues, they knew very little about the financial affairs or administrative workings, which was shocking in the light of the Department's recent history and subsequent bailout loan in the fall of 2008.

Psychiatric Health Facility

Also known as the PHF, the Psychiatric Health Facility is a sixteen bed unit which can hold and treat patients for up to five days. When visited, the facility was at full capacity, extremely clean, quiet, and staffed by caring, dedicated professionals. The facility has a large backyard where patients can visit or garden with the help of staff. Vegetable and flowering plants are donated by a local non-profit nursery in the spring.

Crisis Stabilization Unit

The Crisis Stabilization Unit has the capacity to hold four adult and two youth patients in crisis. Patients cannot be held for more than a twenty four hour period. They are assessed, evaluated, treated, and moved on to appropriate modes of treatment or facilities, or released to family. The early opening of the unit was fraught with problems that ranged from seldom being fully staffed, to the program manager not being a licensed mental health care worker, slowing the facilities' licensing process. Now fully staffed twenty four-seven, the unit is officially licensed and up and running as of March 7, 2009. The Crisis Stabilization Unit is one hundred percent funded by MHSA monies.

Caseloads

Caseloads have doubled, tripled, and even quadrupled, at some of the mental health outpatient facilities visited. One clinic for instance, has the same number of staff that they had five years ago, upon startup; however, their caseload has increased from seventy to four hundred. According to one program manager, caseloads that used to be thirty are now fifty. Psychiatric technicians who monitor medications for patients often have caseloads of 250-300.

Representative Payee Program

The Representative Payee Program is set up to manage money for adults, 18 or older, with mental impairments, who cannot manage their own funds. To be eligible for the program, patients must be referred by their case manager. The program ensures that daily living needs are met, and the patient's well being and independence are maintained. Some patients who qualify for the Representative Payee Program have transitioned from a conservatorship. The next transition would be to encourage independence when appropriate.

The duty of the representative, an employee of the County, is to help the consumer with finances, write rent checks, pay utilities, allocate an allowance, etc., at no cost to the patient. The program is supported by realignment funds.

Two outside businesses offer representative payee services for thirty seven dollars per month. A low monthly fee of thirty seven dollars can even be too expensive for some of those in need of the service, and it may be too difficult for them to navigate the logistics of getting to, and negotiating with, a business on their own. Landlords may refuse to rent to the mentally ill without them being enrolled in the Representative Payee Program.

Representative Payee Program was slated to be discontinued but following protest from medical and clinical staff, the program is presently fully maintained. Grant monies that supported the program in the past have now been diverted to a homeless program.

County Medical Services Program

It was proposed by administration to limit service to CMSP patients. The majority of CMSP patients are low-income, indigent and oftentimes mentally ill. Twenty five percent of patients at one BCDBH facility alone are CMSP patients. There is a behavioral health effort to enlist the Welfare Department in helping switch CMSP card holders over to Medi-Cal for two reasons. One being for better reimbursement, and two being for better patient care. Very few physicians will see CMSP patients as reimbursement is too little and too late.

FINDINGS

- F1. There is no plan in place to hire a permanent Director who will reorganize and stabilize BCDBH.
- F2. There is no Medical Director in BCDBH for the overall management of medical/ clinical staff, nor a spokesperson to advocate for the medical/clinical staff in administrative decision making.

- F3. There is a lack of a transparent, financial, and statistical data reporting system.
- F4. There is a lack of productive communication, trust, and cooperation within the various divisions that comprise BCDBH.
- F5. There is a lack of effective leadership, due to lack of leadership training.
- F6. There is a lack of monitoring and administering of the increased number of contracts.
- F7. Productivity levels appear lower than the standard in some areas of BCDBH.
- F8. There is a lack of contracted residential facilities for youth in crisis in Butte County.
- F9. There is a lack of contracted residential facilities for adults in crisis in Butte County.
- F10. There has been a lack of local partnering with a hospital or facility that can hospitalize and treat patients locally. Meetings are being held to foster partnerships.
- F11. There was a lack of a Systems Performance Evaluation Coordinator in the past. This position has just been assigned and is in the process of classification.
- F12. Overhead costs that were too high in relation to the budget have been reduced to qualify for state reimbursement.
- F13. The Grand Jury found the Butte County Board of Supervisors to be surprisingly un-informed, and un-involved in overseeing and monitoring the Department of Behavioral Health's fiscal affairs, structure of management, and administrative decisions made for the Department. When questioned they were unable to answer most of the Grand Jury's inquiries about the Department.
- F14. The PHF was visited and found to be well staffed, extremely clean, and full to its sixteen bed capacity.
- F15. The Crisis Stabilization Unit is now fully staffed 24-7 and is in compliance with state mandates as of March 7, 2009.
- F16. Caseload ratios in the clinics and counseling centers need to be studied and adjusted accordingly.
- F17. Representative Payee Program was slated to be discontinued but following protest from medical and clinical staff, the program is presently fully maintained. Grant monies that supported the program in the past have now been diverted to a homeless program. The Representative Payee Program is currently being supported by realignment funds.
- F18. The outside audit report done in August-September, 2008 has not been received to date.

RECOMMENDATIONS

- R1. The Board of Supervisors needs to prioritize recruitment for a Permanent Director of BCDBH with the medical staff and Behavioral Health Board strongly involved in the process of interviewing every single applicant.
- R2. A Medical Director should be actively recruited. The cost of doing so could be offset by reimbursement through Medi-Cal billing for direct services and billing for administrative claim-for-management time. It is recommended that the Medical Director see patients a percentage of his/her workday, as well as represent and direct the medical and clinical staff.
- R3. BCDBH should follow government transparency guidelines. Financial reporting and data should be understandable and readily accessible upon request. The at-a-glance, "Dashboard Report," currently in development, should be implemented as soon as possible to provide on-demand information.
- R4. Communication, cooperation, and trust need to be fostered by administration.
- R5. HR should provide appropriate leadership training to promote effective leaders within BCDBH.
- R6. A plan and process for monitoring contracts should be developed.
- R7. Productivity levels need to be established and enforced. Qualified medical and clinical supervisors should interface with patients a percentage of the time.
- R8. Additional residential facilities that meet state mandated requirements and licensing qualifications should be encouraged for the purpose of treating and housing youth locally. This would be advantageous to the families involved and save the County a great deal of money.
- R9. Additional residential facilities that meet state mandate requirements and licensing qualifications should be developed for treating and housing adults needing long-term placement locally, again saving out-of-county costs.
- R10. Partnerships with local hospitals in the County need to be developed for the collaborative treatment and care of severely mentally ill patients.
- R11. The classification process and position allocation for the Systems Performance Evaluation Coordinator should be completed and accepted by the Board of Supervisors as soon as possible.
- R12. Overhead operating costs should continue to be monitored and kept at or below the state requirement level of fifteen percent to qualify for state reimbursement.

- R13. The Board of Supervisors should become more regularly informed and more involved with the fiscal affairs and administrative structure of BCDBH.
- R14. The Psychiatric Health Facility should retain full coverage staffing in order to continue to operate at full capacity.
- R15. The Crisis Stabilization Unit should retain full coverage staffing in order to continue to operate at full capacity.
- R16. Clinics and counseling center's caseload ratios should be studied and reassessed.
- R17. The Representative Payee Program should be continued in its full capacity and should not be outsourced.
- R18. The Board of supervisors should pursue receipt of the outside audit done in August-September, 2008.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:

Butte County Behavioral Health Interim Director

Butte County Chief Administrative Officer

Butte County Board of Supervisors

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

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Disclaimer:

This report was issued by the 2008/2009 Grand Jury with the exception of one member of the panel who is a contracted employee of the Butte County Department of Behavioral Health. This juror was excluded from all parts of the investigation including voting rights, deliberation, and composition and acceptance of this report.

BUTTE COUNTY GRAND JURY REPORT 2008/2009 BUTTE COUNTY JAIL

SUMMARY

The Grand Jury is required by California Penal Code Section 919 to visit the jail, inspect the conditions, and see how the jail is managed. The Butte County Jail received an update to the surveillance equipment and the equipment to operate the cell doors in the west wing of the jail. The west wing of the jail consists of two sections, named Delta and Charlie. There are 416 inmates housed in the west wing. With new equipment installed, the west section is state of the art. The correctional officers can isolate one cell at a time and use a digital video recorder to capture evidence in the event a crime or riot breaks out. One officer can control the entire set of pods, locking and unlocking doors, and speaking to the inmates as required.

The Sheriff's Office has obtained a contract to house sentenced federal prisoners. This contract could bring in an estimated \$3.8 million a year.

Jail staff is updating the jail handbook and will make an orientation video to show newly booked inmates what resources are available to them and what they can expect while incarcerated. The Compliance Officer (CO) will provide the narration, and said, "We want to give inmates the chance to rehabilitate themselves if they want to."

GLOSSARY

Sally Port: A secured area preceding the booking area

BACKGROUND

The Grand Jury is required by California Penal Code Section 919 to visit the jail, inspect the conditions, and see how the jail is managed. The jail is a Type II facility mandated by the California Constitution and defined by Chapter I of Title 15 of the California Code of Regulation. A Type II facility receives and houses misdemeanor and felony arrestees from all local law enforcement agencies. It also houses inmates that have been sentenced to county incarceration, and inmates sentenced and awaiting transport to state prison.

In 1964, the main jail facility was built and had a capacity of 197. North and south dormitories, constructed in 1968, are able to hold an additional ninety eight inmates. A major remodel of the kitchen was completed in 1994. The main jail facility was remodeled in 1999, improving and expanding the inmate medical services unit and the intake/booking areas. There are ninety-six beds in the women's section. The California Corrections Standards Authority has inspected the women's section and found it to be up to state standards.

The west facility, a state of the art complex, housing 416 inmates, was opened in November 1994, at a cost of \$7.5 million.

As the County population grows, the jail population increases. There have been times when inmates outnumber available beds and bedrolls have been laid on the floor for inmates. To take care of overcrowding, the Butte County Superior Court Order #84429, also known as the Consent Decree, was issued. This order allows the Sheriff to release low-level, pre-sentenced inmates, followed by un-sentenced, non-violent, misdemeanor offenders, to make room for new inmates. Un-sentenced felons are never released.

APPROACH

The entire Grand Jury visited the Butte County Jail. They were introduced to the Jail Commander, the Operations Lieutenant, and the Compliance Officer. Before the Grand Jury was allowed in the jail, they were advised the jail has a no hostage negotiation policy. If a Grand Juror were taken hostage, the jail would not bargain to release the hostage. The Grand Jury entered the jail from the sally port, just like an inmate would. The entire jail was open for observation, allowing Grand Jurors to address questions to inmates, as well as attending officers.

The Grand Jury made two additional visits, one unannounced, to observe the operations and conditions of the jail.

DISCUSSION

As the Grand Jury began the tour of the jail, the conditions were clean with a pleasant smell. Each section of the jail is secured so inmates from one section cannot come in contact with inmates from another section. The women's section is located in the older section of the jail. The CO would like to see a new section constructed for the women. AB900, signed by Governor Schwarzenegger on May 3, 2007, appropriates \$1.2 billion for jail construction through state lease-revenue bonds. The County must provide at least twenty five percent of the total project cost. The CO stated, with the current poor economy, it could take time before remodeling the women's section becomes a reality.

The CO took the Grand Jury into the kitchen where they met with the chef. He advised us the meals meet state nutrition requirements. Three meals a day, including one hot meal, are served. Several non-violent, sentenced inmates were doing the dishes after lunch was served. The kitchen was very clean, and sharp kitchen utensils are secured. Kitchen workers and inmates wear hair coverings or hats, aprons, and gloves. The ovens and stoves were visibly clean, and food containers were labeled and dated. No sign of rodents or bugs were evident throughout the jail.

The medical facility was impressive. The medical staff includes a physician, physician's assistants, nurses, and a dentist. The medical staff sees sick inmates, administers prescribed drugs, checks blood sugar levels, and provides medical needs for the inmates. Some inmates need prescribed psychiatric meds, but cannot be forced to take them. If an inmate refuses to take the meds and his/her condition becomes uncontrollable, the inmate can be referred to a state hospital. This process can take several months.

As the Grand Jury entered the west facility, inmates were wearing different colored jump suits. Different colors indicate inmate classification. White indicates a minimum-security inmate. Orange is worn by the general population and minimum-security inmates. Green is worn by inmates under minimum protective custody. Red is used for high risk, maximum-security inmates. Blue is for inmates under high risk protective custody. Yellow is for administrative security, the inmate who is isolated. Black and white stripes are worn by violent inmates. Correctional officers are aware of color classifications and do not house passive inmates with violent inmates.

Both the Charlie and Delta sides of the facility have six pods. A command center above the pods controls all the cameras and door locks. The Delta and Charlie inmates are not allowed to come in contact with one another. The correctional officers use the different pods to house non-violent inmates away from violent inmates. Each command station is equipped with a door and stairs to gain access to the roof, in case of emergency. Once the roof door is locked, the door cannot be opened without keys. Not one escape has occurred from the new West Facility.

There are multiple gangs in the jail and opposing members are separated to prevent gang wars. Each side has a separate recreation yard. The Grand Jury observed inmates exercising and were informed the gangs require their members to stay in shape to create a fighting machine. The largest gang affiliations in this jail are the Norteno and Sureno. Additional gangs include: Hmong, African American, white supremacists, and Native American. Confrontations have occurred requiring medical attention.

The Grand Jury returned to the Jail after the Christmas break. A remodel of the command center at the west facility was in process. The CO said they had to go back to using keys to open doors until the new operations center was complete, which would take up to a week. The new command post will allow one officer to open doors for all locks on all pods. A digital video recorder will allow the correctional officers to record any disturbance or destruction of jail property, and identify the responsible inmate. The command center upgrade is equipped with the latest, most advanced technology available, and is designed to keep inmates and correctional officers safe.

During this visit, the Grand Jury toured the evidence room where all items of evidence are stored. Some evidence must be kept until the evidence-correlated inmate is released from prison, or he/she dies. Drugs are kept until the case is closed and then the evidence is destroyed. Only evidence technicians are allowed inside the evidence room. Officers have a key to the outside room where they log evidence to be stored. They sign in and place a case number on each piece of evidence. Freezers and refrigerators for biological and blood samples must be held at a certain temperature. A new heating and air conditioning unit has been installed, and commercial freezers are now in use. The CO reported no evidence had been lost. The evidence room was neat and well organized.

The Grand Jury returned to the jail to talk to the CO for the purpose of gathering additional information for this report. When asked if any correctional officers would be let go due to the economic conditions, jurors were told the Sheriff's Department lost one un-filled clerical position. The Sheriff is always looking for ways to avoid laying off deputies.

A contract with the federal government has been negotiated to house between 100-144 federal prisoners at the Butte County Jail. The government would pay Butte County Jail \$77 a day per prisoner. The jail could potentially, make \$3.8 million a year for the County, over the next three years. Butte County Jail can house an inmate for under \$50 per day without neglecting inmates or compromising efficiency. This is less than the California Department of Corrections per day costs. To give an example of varying costs of housing inmates, the Jury was told that South Carolina spends approximately \$20 per day, per inmate.

The Grand Jury learned how costly it is to transport a prisoner to another facility. In asking if there were any other ways in which the jail was attempting to save money; the panel was informed of a new prisoner transport system. An arrangement has been made for most Northern California jails and prisons to meet at the Rio Cosumnes Correctional Center in Elk Grove, CA, where prisoners are dropped off to be incarcerated or transported to another facility in the north state. When the County transports prisoners to the drop off location, they then pick up inmates going to Butte County Jail. This process allows for one round trip, rather than transporting inmates all over the state at the expense of the County.

An orientation video will be produced to show newly booked inmates the resources available to them and what they can expect while incarcerated. The CO said he would provide the narration. His message, "We want to give inmates the chance to rehabilitate themselves if they want to." The *Jail Handbook* is in the process of being re-written. A Spanish version is also planned for both.

FINDINGS

- F1. The west facility received an equipment update to make it a state of the art facility. One officer can control digital video recorders, open and close individual doors, and give commands and information to the inmates while they are in their cells.
- F2. The Sheriff is continuously looking for ways to reduce costs in the jail, and run the jail more efficiently. A contract has been awarded to the Sheriff's Department to house sentenced federal prisoners. Approximately \$3.8 million could be realized from this contract, which goes to the County.
- F3. A video in English and Spanish, for the purpose of explaining rules, programs available, and what inmates can expect while incarcerated at Butte County Jail, is in the planning. A Spanish version of the *Jail Handbook* is planned as well.

RECOMMENDATIONS

- R1. The Sheriff and the Butte County Jail staff should continue to look for ways to improve housing of prisoners while making conditions safe for inmates and correctional officers.
- R2. A video informing the newly booked inmates of the programs available to them should be produced, and the *Jail Handbook* should be published. A Spanish version of both is recommended.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:

Butte County Sheriff

Butte County Board of Supervisors

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BUTTE COUNTY GRAND JURY REPORT 2008/2009
BUTTE COUNTY JUVENILE HALL

SUMMARY

The Butte County Grand Jury conducted a tour of the Juvenile Hall (JH) facility as required by Penal Code Statute 919a. The Chief of the Probation Department, the Superintendent, and Assistant Superintendent of JH conducted the tour. The JH building was built and opened in November, 2003. There are six pods that can hold twenty wards each. Currently, funding in the budget allows for staffing of three pods. The juveniles attend year-round classes at Table Mountain School (TMS), contained within JH. The Boys and Girls Club has transformed one of the unused pods into a “Club”. A Foster Grandparent Program is also in place to offer guidance for the juveniles. There are many afternoon and evening activities and outside organizations that come into Juvenile Hall.

BACKGROUND

The Grand Jury inspected JH as required by Penal Code Statute 919a. The JH operates under the direction of the Butte County Probation Department. The Superintendent is in charge of the daily operation and staff. JH has six pods available; current staffing allows only three of the six pods to be used for housing juveniles.

The youth’s day starts at 6:00 a.m. with showers, chores, and breakfast. Classes begin at 8:45 a.m. and end at 2:55 p.m. TMS falls under the supervision of the Butte County Office of Education and are in session year-round.

Three meals are served daily, one hot and two cold. The chef prepares the hot meals from scratch. Knives and dangerous utensils are secured for safety. A plastic spoon is the only utensil used to eat with for safety reasons. Kitchen chores are assigned on a rotating basis.

After school the students can do homework, write letters, or check out books and magazines for reading. Many outside organizations come into the hall for afternoon and evening activities. The organizations include: Northern Valley Catholic Social Services, Catalyst, Live Spot – Behavioral Health, and Spiritual Volunteers. Bedtime is usually 8:30 p.m.

APPROACH

Report findings were gathered during a tour of JH, which included the pods, individual cells, kitchen, medical facility, classrooms, club room, the gym and yard, and control observation and security areas.

DISCUSSION

The tour began in the intake area where a local artist was volunteering his time to paint murals on the block walls.

Intake

Staff spends approximately ninety minutes during the intake process, asking questions and filling out forms. A protective padded cell is available if the juvenile is combative.

Health/Psychological Intake Assessment

Within the first eight hours after intake, the juvenile is given a physical and tested for sexually transmitted diseases and tuberculosis. Females are given a pregnancy test. A nurse is available to administer medication and first aid.

Transportation and supervision to a hospital is provided when necessary. Butte County Behavioral Health, and a therapist contracted with the Probation Department, conduct a psychological assessment of the individual and provide drug/alcohol counseling. If a psychiatrist's diagnosis is needed, the ward may speak to a psychiatrist via a closed-circuit monitor. This type of technology is also used to talk with the Judge.

Educational Assessment Program

The Grand Jury was taken to one of the pods, where individual cells and classrooms are located. TMS was in session and the Grand Jury was able to communicate with the students and their teacher. TMS assesses the current credits for the student, and then matches the academic courses to fulfill their course requirements. The students said they liked attending TMS because they could return to their public school upon release, without being behind in their studies.

Kitchen/Meals

The kitchen area is equipped to prepare food from scratch. Juveniles are assigned to help with the meals. All preparation knives and dangerous utensils are kept secure. Three meals are served daily, one hot and two cold. A plastic spoon is the only utensil used to eat with, for safety purposes. The kitchen and food preparation areas were clean and had a fresh smell. When the Grand Jury talked to the staff and students, they said their favorite meal was biscuits and gravy.

Activities

The Boys and Girls Club transformed one of the pods not used for detention, into a "Club" with a recreational lounge with exercise equipment, games, and music. They also follow a schedule that provides life-skill building activities. Membership to the "Club" is attained by good behavior, doing chores, participating in school, and maintaining or improving grades.

A Foster Grandparent Program is in place for the benefit of the juveniles. One of the grandparents on duty reported that the juveniles often talk more openly with them than they would with staff. The program allows the youth to bond with someone and discuss their problems.

Many afternoon and evening activities are provided by outside organizations that come into Juvenile Hall.

Future

Several members of the Butte County Board of Supervisors have spoken to the Grand Jury. Due to the economic conditions, cutbacks and layoffs are a reality. If the JH staff is reduced, one of

the pods presently housing juveniles will most likely be shut down. The Chief of Butte County Probation states there are fifty to fifty five juvenile wards housed in the JH at any given time. Three pods are required in order to hold sixty juveniles. He is using the minimum staff required to operate the three pods. The Chief would like to have more staff at JH, but with budget cuts, additional staff will not be an option for quite some time. If staff is cut at JH, the Chief advised he would have to close one of the pods and be forced to release a minimum of fifteen wards. Wards housed in the remaining two pods would be at the maximum capacity of forty. In order to admit one new juvenile ward, another would have to be released.

FINDINGS

- F1. The average number of wards housed in three pods is fifty five.
- F2. Table Mountain School allows students to continue to progress academically, so they can mainstream back into public school upon their release.
- F3. The Boys and Girls Club offers juveniles a place to go where they can participate in building life skills, exercise, music, and games. Entry to the “Club” is earned by good behavior.
- F4. Foster Grandparents provide role models for the youth, offering a non-authoritarian ear to talk to.

RECOMMENDATIONS

- R1. Adequate funding should be made available to maintain the existing three pods.
- R2. TMS classrooms should remain fully functioning in each of the three existing pods.
- R3. The Boys and Girls Club should remain in operation at JH.
- R4. The Foster Grandparent Program and other after-school and evening activities provided by community groups should continue.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:

Butte County Juvenile Hall

Butte County Department of Probation

Butte County Board of Supervisors

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

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**BUTTE COUNTY GRAND JURY REPORT 2008/2009
GRIDLEY-BIGGS, OROVILLE, AND PARADISE CEMETERY DISTRICTS**

SUMMARY

The 2008/2009 Butte County Grand Jury elected to examine the status of the three largest cemetery districts in the County, as it has been several years since they have been visited. The purpose of these visits was to evaluate how the cemeteries operate, understand their financial status, determine if they are conforming to the State Regulatory Board, and learn how their monies are handled.

All three Districts are operating smoothly and efficiently. After discussions with the State Regulatory Board, the Districts appear to be operating within the State of California rules and regulations. Monies collected by the cemeteries for immediate services, or “at-need”, are deposited with Butte County. Monies collected in advance of need, or “pre-need”, are deposited in a pooled account for investment with Butte County or in private institutions allowed by the State Regulatory Board.

It is the policy of the Oroville Cemetery District to require additional fees, when they have undercharged a family. The PCD and GBCD do not, they absorb the error.

The Oroville Cemetery District closes a half day before a holiday, the actual holiday, and the day after a holiday. The Oroville Cemetery District and Paradise Cemetery District also charge extra fees for a death occurring outside of the District, even when all costs have been pre-paid. The Paradise Cemetery District does not charge an extra interment fee after a holiday, but takes the day after Thanksgiving as a holiday. The Gridley-Biggs Cemetery District only charges an extra interment fee on a holiday when it is deemed an emergency.

The Gridley-Biggs Cemetery District has a unique educational outreach program for young adults, which should be more widely adopted.

GLOSSARY

GBCD - Gridley-Biggs Cemetery District

OCD - Oroville Cemetery District

PCD - Paradise Cemetery District

At-Need – Purchasing services and resting places at the time of need.

Pre-Need – Purchasing services and resting places prior to the time of need.

BACKGROUND

The OCD has four cemeteries in its district. They are; the Jewish Cemetery on Feather River Boulevard which was deeded in 1871, the cemetery on Feather River Boulevard, deeded in 1876, Memorial Park Cemetery, deeded in 1929, and the Wyandotte Cemetery became part of the District in 1984. Acreage available today at Memorial Park Cemetery is forty acres, at the Jewish Cemetery, one acre, and at the Wyandotte Cemetery, two acres. This enables the OCD to provide adequate property for at least 100 years. Oroville cemeteries have grave markers that date back to 1852.

The GBCD was formed in 1927. Prior to 1877, it was known as Wharton Burial Grounds. In 1877, it became known as Live Oak Cemetery Association. The GBCD has grave markers dating back to 1855. They have an availability of twelve acres, enough to last 150 years.

The PCD was formed in 1930. In 1862, donated land was used for a cemetery in Paradise with markers dating back to 1862. There is a total of forty six available acres left to be developed and should be sufficient for the next 200 years.

All three districts were formed to provide affordable burials. Records for all of the cemetery plots and burials are maintained at each cemetery and are backed up by the burial space managers, Burrows Consultants Service in Centerville, Ohio.

The three districts are similar in operation and appear to comply with all State Regulatory Board rules and regulations, under the Department of Consumer Affairs. The same certified public accountant is used by all three, and audit reports are sent to the State of California Cemetery Board.

When Butte County property owners, residing within each Cemetery District's boundaries, pay property taxes, a small portion is designated for the Cemetery District's fund.

DISCUSSION

In visiting the OCD, the Grand Jury found it to be governed by a board consisting of five members appointed by the District One County Supervisor, all serving four year terms. The GBCD and the PCD have three member boards, serving four year terms, selected by the respective district's supervisor. Minutes are public records and are all stored on site.

Each of the cemeteries is well maintained. Mosquitoes and weeds at the OCD and GBCD are controlled by the application of chemicals on the cemetery grounds. Annual training in their proper use occurs at OCD and GBCD. PCD makes lesser use of chemicals, using only Round-Up on the fence line, and due to this limited use, does not need licensed personnel for the application of chemicals.

When families contract for at-need funeral services, gravesites, niches, or crypts, monies paid to the cemetery go to the County and are divided into two separate funds. A portion of the fee is set aside for actual gravesites and services such as opening and closing the site. Another portion

is used to support future cemetery operations and maintenance and is held in an Endowment Care Fund. Endowment Care Funds are never refunded. Endowment Care Funds at all three Districts are adequate for cemetery maintenance to perpetuity. All three cemeteries require payment in full before services. Multiple uses of plots for the burial of cremated remains are allowed at GBCD, OCD, and PCD.

Families who plan in advance of actual need and purchase services and gravesites are said to purchase pre-need. Pre-need fees are based on today's costs. Monies collected pre-need at GBCD are deposited with Butte County in a pooled account for investment purposes. PCD and OCD deposit their pre-need funds in the County's pooled account and in private investments allowable by the State Regulatory Board.

PCD does not charge an additional interment fee for burials done the day, or days, before or after a holiday. The GBCD only charges an extra interment fee on a holiday when it is deemed an emergency. OCD closes a half day before a holiday, the actual holiday, and a day after a holiday.

It is the policy of the Oroville Cemetery District to require additional fees when they have undercharged a family. The PCD and GBCD do not, they absorb the error. In the case of overcharging, all three return the overcharge to the family.

If a resident of OCD or PCD dies out-of-district, the District collects an extra fee for burial. In the case of the death occurring in a care or hospice facility outside of the District, this extra fee seems insensitive and uncharitable. However, its purpose is to discourage the use of district cemetery space by those living outside the boundaries of the District. At GBCD, out-of-district fees are waived if a cemetery contract has been paid pre-need.

The GBCD encourages young adults to visit the cemetery for the purpose of learning respect for the sacred ground and the historical significance of the cemetery. These visitation privileges have been successful in discouraging vandalism.

FINDINGS

- F1. It is the policy of the Oroville Cemetery District to require additional fees, when they have undercharged a family. The PCD and GBCD do not, they absorb the error.
- F2. The OCD does not allow for an interment fee adjustment for burials done the day after a holiday.
- F3. The OCD and PCD charge for a death occurring outside of the District seems excessive and harsh, especially if all costs have been pre-paid.
- F4. The GBCD educational program for young adults is original and wise.
- F5. The Endowment Care Funds for all three Cemetery Districts are adequate and should be sufficient to maintain the cemeteries to perpetuity.