

SANTA CRUZ COUNTY GRAND JURY



Credit: Maria Grusauskas, Watsonville.patch.com

2011-2012 Final Report

On the Cover - Pajaro Valley High School Class of 2012



County of Santa Cruz

Grand Jury

701 Ocean Street, Room 318-I
Santa Cruz, CA 95060
(831) 454-2099

June 28, 2012

To the Citizens of Santa Cruz County:

We the Grand Jury are 19 citizens who are members of your communities. We serve under mandate of the California Constitution as the most independent investigative body in our county. We are all volunteers, independent of administrators, politicians and legislators. We encourage you, our fellow citizens, to read this report and let your voices be heard. The Carter Center states:

Democracy depends on a knowledgeable citizenry whose access to a range of information enables them to participate more fully in public life, help determine priorities for public spending, receive equal access to justice, and hold their public officials accountable.

In this report we endeavor to provide you, the citizens, with knowledge and information regarding various aspects of government, which we have analyzed and examined during the course of this year.

Given the current lack of civility and transparency in our nation's political discourse, we hope this report will become a catalyst for more collaboration between government and the citizens of our cities, county and other governmental agencies. As citizens we need to require this of our public servants, and also to require accountability by government of our limited resources. Government and the citizens of Santa Cruz County have a shared responsibility to provide the best services to all our citizens.

We ask that those who are required to respond to our Findings and Recommendations do so with information and thoughtful solutions to the issues of governance, and not merely in a technical manner. We truly believe that good governance is a collaborative effort between government and the citizenry.

I have been privileged to work with 18 other citizens during the past year, who have devoted many hours of their personal time to analyze local government and agencies. This report is the result of their hard work.

We thank all the people throughout the county who cooperated with our investigations and provided much of the information provided in this report. As citizens of the county, you should know that all these people are working on your behalf, with your best interests in mind.

We also thank our statutory advisors: The Honorable Timothy Volkmann, Presiding Judge, Chief Deputy County Counsel Rahn Garcia, and District Attorney Bob Lee. Their guidance and thoughtful responses to our inquiries were instrumental to our investigations.

On behalf of all the members of the 2011-2012 Santa Cruz County Grand Jury, I am proud to present the Final Report for 2011-2012.

Respectfully,

A handwritten signature in blue ink that reads "Jay R. Leite". The signature is written in a cursive style with a large initial "J" and "L".

Jay R. Leite

Foreperson

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Introduction

Each year, 19 jurors are empaneled through a combination of random selection and personal interviews to serve for one year, typically from July 1 through June 30, on the Santa Cruz County Grand Jury. These jurors are your neighbors, serving on your behalf, as independent watchdogs over local government.

The grand jury concept dates back to the Norman conquest of England in the eleventh century. In the United States, the Massachusetts Bay Colony impaneled the first grand jury in about 1635 to consider instances of murder, robbery, and wife beating. Both the U. S. Constitution's Fifth Amendment and the California Constitution call for grand juries, and they were established throughout California during the early years of statehood. Now each of the 58 counties in this state impanels a grand jury.

Although most people think a grand jury only considers whether a crime has been committed and whether a certain person should be charged with that crime and required to stand trial, the grand jury in Santa Cruz County, as in all California counties, is an investigative body with three primary functions:

- Examination of all aspects of county government, city government, and special districts to ensure that those who govern are honest and efficient; and that local government funds are being spent appropriately
- Investigation of complaints filed by citizens
- Inspection or investigation of the management and condition of all public prisons within the county

The grand jury submits a final report of its findings and recommendations before the end of its term to the Presiding Judge of the Superior Court. Government officials and agencies to which the recommendations are directed are required to respond to the details in the report within 60 or 90 days. The report and the responses are available to the public at the grand jury website. However, while the reports are public, all investigations and interviews are kept secret, and the jury's records may not be inspected or subpoenaed.

Citizens may submit complaints directly to the grand jury requesting it to investigate what they perceive as mistreatment by officials or suspicions of governmental misconduct or inefficiencies. The jury is not a consumer complaint agency but uses complaints to identify policies and procedures that might need improvement. While the grand jury cannot investigate every complaint, each one is considered carefully and treated confidentially. The ultimate goal of the grand jury is to improve government in the county and to make public officials responsive to the people.

Additional information about the grand jury, and complaint forms, are available at the address and website below:

Santa Cruz County Grand Jury
701 Ocean Street, Room 318-I
Santa Cruz, CA 95060

Telephone: 831-454-2099

Fax: 831-454-3387

grandjury@co.santa-cruz.ca.us

<http://www.co.santa-cruz.ca.us/grandjury>

Grand Jurors



Santa Cruz County 2011-2012 Grand Jury

Front row: Midge Ralston, Colleen Tiffin, KC Cleary, Suzanne McLean

Second row: Wendi Eggleston, Jim Kerr, Darrell Musick

Third row: Jeanne Greatorex, Barbara Brown, Rich Simms, Jay Leite, Gary Montrezza, Erik Zinn

Not pictured: Tom Fox, Pat Goslin, Teri Hernandez, Lise Peterson, Jay Stoffer

Instructions for Respondents

California law PC § 933.05 requires that those responding to the Grand Jury report must provide a response for each individual finding and recommendation within a report, not a generalized response to the entire report. Explanations for disagreements and timeframes for future implementation or analysis must be provided. Please follow the format below when preparing your response.

Response Format

1. Find the Responses Required table that appears near the end of the report. Look for the row with the name of the entity you represent and then respond to the Findings and/or Recommendations listed in that row using the custom form provided to you.
2. For Findings, indicate one of the following responses and provide the required additional information:
 - AGREE with the Finding,
 - PARTIALLY AGREE or PARTIALLY DISAGREE with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
 - DISAGREE with the Finding and provide an explanation of the reasons therefor.
3. For Recommendations select one of the following actions and provide the required additional information:
 - HAS BEEN IMPLEMENTED, with a summary regarding the implemented action,
 - HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE, with a timeframe or expected date for implementation,
 - REQUIRES FURTHER ANALYSIS, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report,
 - WILL NOT BE IMPLEMENTED because it is not warranted or is not reasonable, with an explanation therefor.

If you have questions about the response report, please contact the Grand Jury by calling 831-454-2099 or by sending an e-mail to grandjury@co.santa-cruz.ca.us.

How and Where to Respond

1. Please use the electronic Adobe PDF Response Form provided to you for your responses. There is one form page provided for each Finding and Recommendation. Be sure to save any changes you make to the form.

2. Print and send a hard copy of the finished Adobe PDF Response Form to:

The Honorable Judge Timothy Volkmann
Santa Cruz Superior Court
701 Ocean Street
Santa Cruz, CA 95060

3. Send the electronic version of the Adobe PDF Response Form via e-mail to the Grand Jury at grandjury@co.santa-cruz.ca.us.

Due Dates

Elected officials or administrators are required to respond within 60 days of the publication of the Grand Jury report. Responses by the governing body of any public entity are required within 90 days.

Penal Code § 933.05

1. For purposes of subdivision (b) of § 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
 - a. the respondent agrees with the finding,
 - b. 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 therefor.
2. For purposes of subdivision (b) of § 933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
 - a. the recommendation has been implemented, with a summary regarding the implemented action,
 - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
 - c. 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 director 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, or
 - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county department headed by an elected officer, both the 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 department head shall address all aspects of the findings or recommendations affecting his or her department.
4. 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.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that 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.

6. 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.

Pathways for English Learners

Giving Parents the Right Information

Summary

In Santa Cruz County, some children arrive at school with little exposure to the English language. Since English is the main vehicle for learning, these students are designated as “English Learners” and placed in one of several instructional programs to become proficient. The achievement gap faced by English Learners can start early and continue for years. It is an area of great concern, with over 11,500 Santa Cruz County English Learner students, and is the subject of an ongoing complicated debate over the effectiveness of various instructional programs.

While districts have benchmarks, no data is published on the length of time it takes county English Learners to become fluent, which of the many instructional programs are most effective, and whether the overall trend is improving. With little data, parents of English Learners face the difficult task of deciding which English Language instruction program is best suited to their child’s needs.

So that parents can make better decisions for their children, the Grand Jury recommends that school districts publish additional, updated information on the various instructional programs, provide results of program effectiveness using easily understood measures, and list the availability of each instructional program by school site. In addition, the Grand Jury recommends a higher degree of collaboration between kindergarten and preschool programs like Head Start.

Background

The Grand Jury initiated its investigation in response to several articles in local newspapers last fall regarding English Learners in California schools. These articles raised a number of concerns: flaws in the assessment methodology,^[1] an achievement gap,^[2] ineffective English Learner programs, higher dropout rates, and even allusions to financial incentives that might keep students from moving on.^[3] The Grand Jury decided to examine these issues within selected districts of Santa Cruz County.

The Impact of Proposition 227 on English Learners

Back in the 1990s, the methods for teaching English came under intense scrutiny. In 1998 California voters passed Proposition 227. The summary prepared by the Attorney General^[4] is as follows:

- Requires all public school instruction be conducted in English.

- Requirement may be waived if parents or guardian show that child already knows English, or has special needs, or would learn English faster through alternate instructional technique.
- Provides initial short-term placement, not normally exceeding one year, in intensive sheltered English immersion programs for children not fluent in English.
- Appropriates \$50 million per year for ten years funding English instruction for individuals pledging to provide personal English tutoring to children in their community.
- Permits enforcement suits by parents and guardians.

The intent of Proposition 227 was to end decades of bilingual education, and instead place English Learners into one year of sheltered English immersion (a special curriculum and level of English designed to accommodate students who are learning the language), after which they would be placed into regular mainstream classrooms. The law also allows waivers for parents who prefer a bilingual program. The result was large numbers of students moving from bilingual to English-only immersion instructional programs. A bitter and protracted debate between immersion and bilingual program proponents continues to this day. This debate only makes it harder to address the underlying developmental issues.^[5] Each side clings to data^[6] or studies^[7] that show its method is right, while other studies show neither approach is better.^{[8] [9]}

Head Start

The Grand Jury wanted to better understand the benefits of early childhood education programs like Head Start, to English Learners, because children acquire language skills early in life. Head Start programs were established in the 1960s as part of President Johnson's "War on Poverty" to meet the needs of disadvantaged preschool children.^[10] This national program had an annual budget over \$7 billion by 2010, with an enrollment of more than 900,000 children.^[11] That same year in California, Head Start sent 59,663 children to kindergarten, at over 1,120 different local school districts. Two-thirds of those districts have formal agreements with Head Start to coordinate transition services for children and families.^[12] Through its website, The California Department of Education promotes partnerships between Head Start and local districts.^[13] As part of the investigation on English Learners, the Grand Jury decided to explore the relationship between local Head Start agencies and county public schools.

Scope

We selected the three school districts with the most English Learners (Pajaro Valley Unified School District, Santa Cruz City Schools, and Live Oak School District) for study, as part of this investigation. In the 2010-11 academic year, these three districts enrolled 94% of the county's English Learners.^[14] Santa Cruz City Schools is technically two districts—one for the elementary schools, and one for the middle and high schools. We also chose to examine the Head Start, Early Head Start and Migrant Head Start agencies.

The Grand Jury chose to examine these programs from the perspective of a parent:

- How long will it take for my child to become proficient?
- Will my child be at grade level after completing the program?
- Will the program be better when my next child starts school?

The title of this report was inspired by a statement made by a parent who was making a presentation to other parents of English Learners: “As parents, we don’t always have the right information.”

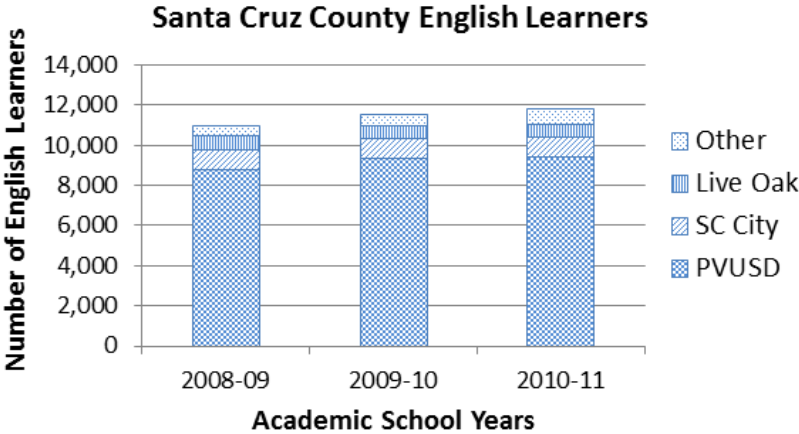
Investigation

The Grand Jury began by reviewing state and national press articles, educational reports, and studies on English Learners. We researched information on the California Department of Education online databases and school district websites. To obtain an overall feel for the structure of English Learner education in Santa Cruz County, we initially interviewed district administrators and the staff administering English Language Development services and assessment programs. Individual schools offer different instructional programs across the county, and each district has its own criteria for when an English Learner is deemed fluent. We focused on Pajaro Valley Unified School District (PVUSD) in particular, because it is the largest district in the county and has the majority of English Learners.

County English Learner Population

Determining the historical size of the English Learner population in the county is straightforward using the online databases (Dataquest^[15] and Ed-Data^[16]) provided by the California Department of Education. Santa Cruz County had 38,975 students enrolled for the 2010-11 school year, of which 11,764 (30%) were classified as English Learners.

Chart 1



Source: Dataquest^[14]

Chart 1 shows the number of English Learners in the county growing slightly over the last three years. PVUSD is the largest district by far in the county, and has the largest share of English Learners, more than all the other districts combined. In the 2010-11 academic year, PVUSD had 9,388 (80%) English Learners enrolled, Santa Cruz City Schools (Elementary and Secondary districts combined) had 967 (8%), and Live Oak School District had 670 (6%).

Table 1 - Comparison of selected districts for 2010-11 academic year

District	2010-11 Enrollment	Number of English Learners	Number of English Learners Speaking Spanish
Pajaro Valley Unified	19,545	9,388	9135
Santa Cruz City Schools (Elementary)	2,257	599	574
Santa Cruz City Schools (Secondary)	4,718	368	332
Live Oak	2,108	670	644

Source: Ed-Data [\[17\]](#) [\[18\]](#) [\[19\]](#) [\[20\]](#)

Table 1 shows the breakdown for the 2010-11 academic year comparing total enrollment to the number of English Learners, and the number of English Learners speaking Spanish at home. For example, the Live Oak School District had 2,108 students enrolled, of which 670 were English Learners. The language spoken at home for 644 of those English Learners was Spanish.

English Learner Classification

Every California student is screened for English proficiency when first enrolling in a public school. This screening begins with a very short questionnaire, the Home Language Survey, which is filled out by the parents. If a questionnaire mentions a home language other than English, the child will be further assessed using the California English Language Development Test (CELDT). The CELDT evaluates English proficiency across four domains: listening, speaking, reading, and writing; and five performance levels: Beginning, Early Intermediate, Intermediate, Early Advanced, and Advanced. For students entering kindergarten, listening and speaking are the only domain assessments used. [\[21\]](#)

There are three initial outcomes with this assessment:

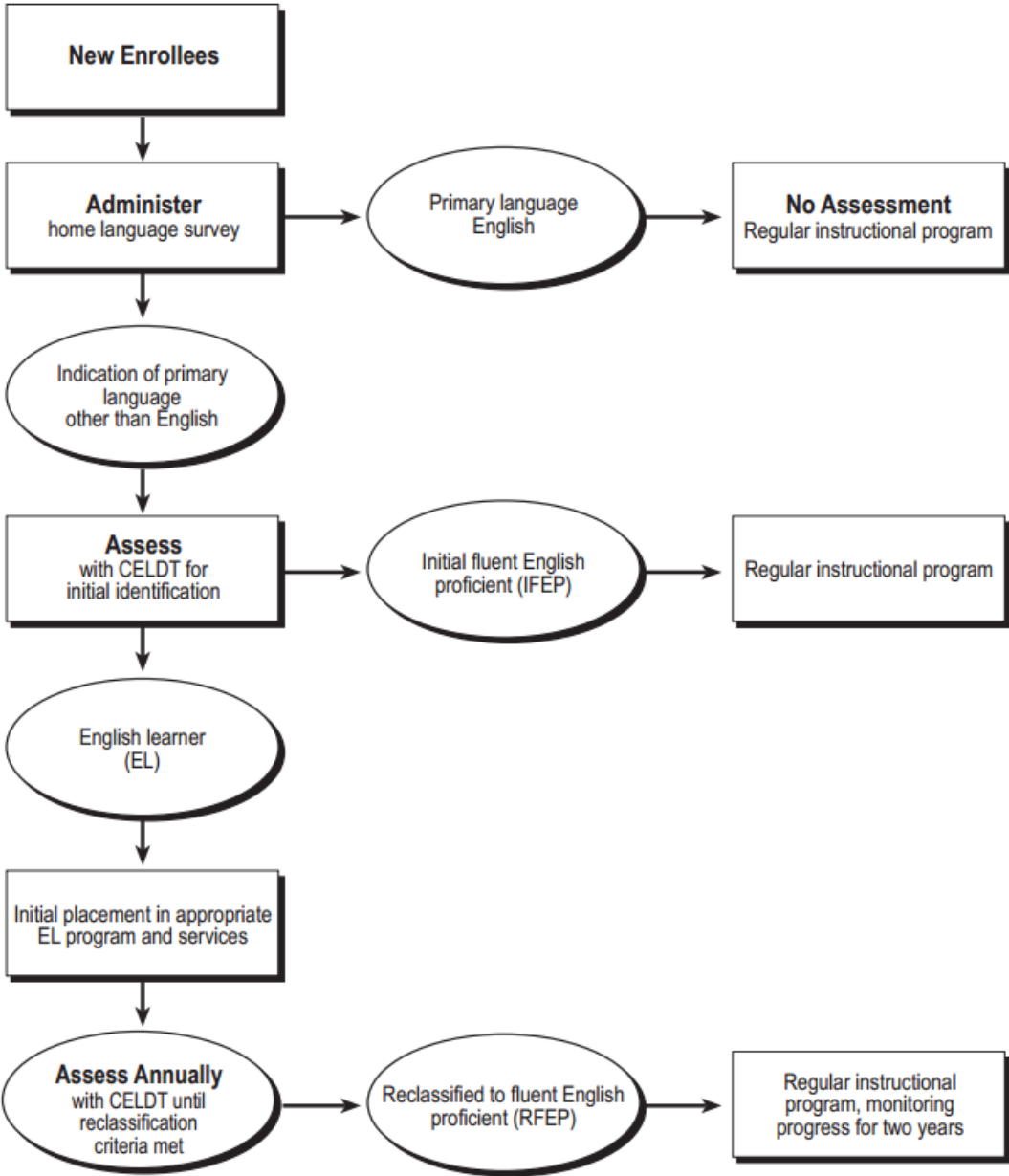
- If the Home Language Survey determines English is the home language, then these students are assigned to a regular classroom.
- Students who pass the CELDT are designated as Initial Fluent English Proficient (IFEP) and assigned to a regular classroom.
- Children who do not pass the CELDT are designated as English Learners and enter the appropriate English Learner instructional program. From this point on they will take the CELDT annually, until reclassified as fluent.

Figure 1 below shows the process by which a California student can become classified as an English Learner.

Figure 1

Decision Guide for Placement of English Learners

(Education Code sections 313 and 60810[d])



Source: California Department of Education [21]

The publication of a University of California at Berkeley study about the use of the CELDT^[22] tool attracted widespread attention with its finding that children may be misclassified as English Learners, not due to language skills, but to a lack of maturity. Further, one of the primary authors of the study was quoted in a Santa Cruz Sentinel report:^[1]

...if students were misjudged, they can be short-changed academically. In some schools, for example, students are pulled from classrooms for targeted English language development. During that time, they're missing out on other instruction.

The Grand Jury looked into this issue and found that although some students may be incorrectly classified, there are sufficient processes in place to make corrections as needed. While the Home Language Survey and CELDT system may not be perfect, the Grand Jury did not find any evidence that it was being administered improperly. One change PVUSD did make after the Berkeley study came out was to add supplemental questions to their Home Language Survey to better identify which students get assessed using the CELDT.

To get some perspective from outside the county on the CELDT test itself, we interviewed a California researcher and author who specializes in English Learners. This researcher disputed the findings in the Berkeley study on the CELDT assessment, and felt there were more pressing issues that needed to be addressed for English Learners.

As interviews continued, it became apparent that the more pressing problem for English Learners was not the initial CELDT assessment process, but rather the ability to get "Reclassified to Fluent English Proficient" (RFEP) in a timely manner. Those who could not pass the CELDT and gain access to mainstream classroom instruction by middle school get labeled as Long Term English Learners. It becomes increasingly difficult for these students to achieve success in education.^[23]

Instructional Programs for Teaching English Learners

Multiple instructional programs for achieving English proficiency are offered at schools across the county. These programs are the same or similar to those used across the state and nation.^[24] In California, once children are classified as English Learners they are placed, by default, in a Structured (Sheltered) English Immersion program. Parents may request their child be placed, instead, into an English Language Mainstream class, or request a waiver for an alternative program. The alternative programs, which provide instruction in the student's home language, may not be available at their school or district.

The following is a brief description of programs offered:

- **English Language Mainstream (ELM):** This is the regular classroom with instruction in English. This option is intended for students who are reasonably fluent in English. Students in ELM include English Only students and English Learners who have become fluent. They can also include English Learners who are not reasonably fluent in English, but whose parents have requested they be mainstreamed.^{[26] [27]}
- **Structured (or Sheltered) English Immersion (SEI):** This is the primary instructional model used in California after the passage of Proposition 227. It uses a special curriculum and level of English designed to accommodate students who are learning the language. Instruction is done mostly in English to facilitate rapidly learning the language.^[27]
- **Early Exit “Transitional” Bilingual:** The home language is used for the purpose of early reading and clarification. The goal is to transition children into mainstream English-only speaking classrooms within two to three years.^{[28] [31]}
- **Late Exit “Developmental” Bilingual:** Instruction on academic subjects is done in the home language. The home language is maintained and developed as these students learn English and are mainstreamed into English-only classrooms, usually by the end of the fifth grade. The goal is for English Learners to be proficient in two languages.^{[29] [31]}
- **Two-Way Bilingual Immersion:** A program of instruction where a mix of English speakers and English Learners are taught literacy and content in two languages. It combines features of developmental bilingual programs for English Learners and foreign language immersion for English speakers. The goal is for both groups of students to become proficient in two languages.^{[30] [31]} Often referred to as Dual-Language Immersion, but actually it is one of several programs under the Dual-Language Immersion umbrella.^[94]

The Two-Way Bilingual Immersion program has been growing in popularity in the state. At the time of this report, there were over 300 schools in California offering it.^[32] This program appeals to both English Learners and native English speakers, with the goal of all students becoming fully bilingual and biliterate. Much of the growth has been in San Diego County, which now has 48 dual-language programs.^{[33] [34]} The San Diego County Office of Education is providing Two-Way Immersion training and staff development workshops^[35] attended by participants from around the state. Advocates cite recent studies that show learning a second language can stimulate the brain to develop higher-level reasoning skills,^{[36] [37]} and that the program can help turn around low-performing schools.^[38] Santa Cruz County has two schools offering Two-Way Bilingual Immersion programs: Alianza Charter School in Watsonville, and selected classrooms at DeLaveaga Elementary School in Santa Cruz.

The English Learner instructional program options available in each district are shown in Table 2. The percentages indicate the proportion of English Learners in each program. “NA” indicates the program is not available. For example, all Live Oak School District

English Learners and 46% of PVUSD English Learners are placed in Structured English Immersion.

Table 2 - Program Options and Utilization by English Learners (2011-12)

District	Number of English Learners 2011-12*	English Language Mainstream	Structured (Sheltered) English Immersion	Early Exit "Transitional" Bilingual	Late Exit "Developmental" Bilingual	Two-Way Bilingual Immersion	Other
Live Oak	659	0%	100%	NA	NA	NA	NA
Pajaro Valley Unified	9038	22%	46%	13%	10%	5%	4%
Santa Cruz City Schools (Elementary)	619	2%	60%	22%	NA	16%	NA
Santa Cruz City Schools (Secondary)	277	37%	57%	0%	NA	6%	NA

*Current 2011-12 counts which may change by the end of the academic year

Sources: Provided by PVUSD, Live Oak School District, and Santa Cruz City Schools

After reviewing publicly available district literature, master plans, videos, websites, presentations, pamphlets, board meeting minutes, and school websites, we observed:

- School districts do not provide centralized information showing which English Learner programs are offered by which schools.
- It was not clear how parents of native English speakers could find out about the Two-Way Immersion programs being offered.
- Terminology is not always consistent. For example, the PVUSD English Learner Master Plan, the English Learner Program pamphlet, a slide set, and a video use only the term "Dual-Language" or "Dual-Language Immersion." However, on the website for Alianza Charter School, the only school offering this program in PVUSD, it is referred to as "Two-Way Bilingual Immersion."
- The PVUSD English Learner Master Plan and English Learner Programs pamphlet indicate the Dual-Language Immersion program must be requested by at least 20 parents, and all parents must request a waiver each year to be in the program. However, Alianza is a charter school, so no waiver is needed, and the 20-request requirement is not applicable.
- In the PVUSD Master Plan and English Learner Programs pamphlet, the distinction between Late Exit "Developmental" Bilingual, and Two-Way Bilingual

Immersion programs is not clear. There is some confusion even among some PVUSD employees, who stated that the programs are equivalent.

The Time It Takes to Learn English

The Grand Jury attempted to determine how long it takes county English Learners to achieve fluency in English, which instructional models (English mainstream, structured English immersion, early/late bilingual, or two-way bilingual immersion) were most effective, and whether the time to reclassification was continually improving.

There are two important milestones for English Learners. The first is to become “English Proficient,” as measured by the CELDT. This requires an overall score of “Early Advanced” or “Advanced” on the CELDT, and scores of at least “Intermediate” for each required section.^[39] The second milestone is to become Reclassified as Fluent English Proficient (RFEP) and exit the English Learner program entirely.

The first real data on this topic was found in a lawsuit that was filed in 2005 and later dropped.^[40] This lawsuit, which included PVUSD as one of the plaintiffs, states:

Relevant, nationally recognized professional and technical standards and research have determined that English Learners on average need between five to seven years to become proficient enough that academic tests in English will yield accurate results of what that student knows and can do...

Some districts publish benchmark matrices of how long it should take English Learners to become reclassified based on their initial CELDT score. For example, PVUSD and Santa Cruz City Schools benchmarks set the expectation of being reclassified in the sixth year if the initial score on the CELDT is Level 1, or by the second year if the initial score is Level 4 or 5.^[25]^[53] The PVUSD matrix is based on the Hayward Unified School District matrices which aim for being reclassified in the fourth year, given an initial CELDT score of Level 1.^[54]

The Grand Jury learned during interviews that the districts do not regularly produce reports showing which instructional models were proving most effective, or the actual length of time to reclassification; however, five to seven years is probably typical.

The Grand Jury discovered that some English Learners never achieve reclassification.

The Grand Jury asked each district for data or reports regarding the length of time it takes their English Learners to master English. For lack of a better term, we called this “time to reclassification.” We did not receive any reports that showed actual time to reclassification or any historical trends. Instead, the districts provided us with the state-mandated data collected to show progress, and pointed us to the English Learner data on the California Department of Education online databases. We reviewed this data to discover the length of time to reclassification.

All districts track Annual Measurable Achievement Objectives (AMAOs).^[41] Every California school district must track these measures in order to receive Title III federal funding for English Learners.^[42] These measures include:

- AMAO 1: Making annual progress toward proficiency (measured by CELDT)
- AMAO 2: Attaining English proficiency (measured by CELDT)
- AMAO 3: Meeting academic goals for English Language Arts and Mathematics (measured by California STAR testing)
- The numbers of consecutive years not meeting the AMAOs

AMAO 1 is the percentage of English Learners moving up one CELDT performance level each year towards proficiency; or, if proficient, maintaining that proficiency. To do this, a “Beginner” must score as “Early Intermediate”; an “Early Intermediate” must score as “Intermediate”; and “Intermediate” must score as “Early Advanced”; and all others must maintain their “English Proficient” score. For 2010-11, the statewide goal was to have 54.6% of English Learners advance one level, or maintain their proficiency on the CELDT. As shown in Table 3 Santa Cruz City Schools (High), which includes middle and high schools, was the only district of the three to have met this goal.

Table 3 - AMAO 1 - English Learners Making Annual CELDT Progress (2010-11)

CELDT level progress	Statewide Target	Pajaro Valley Unified	Santa Cruz City Schools (Elementary)	Santa Cruz City Schools (High)	Live Oak
Percent making annual progress	54.6%	48.8%	50.0%	56.7%	49.2%

Source: Dataquest^{[43] [44] [45] [46]}

Overall, for the AMAO 1 measure on the three districts, 4,713 of 9,277 English Learners, who took the test and had taken the test previously, advanced one CELDT level or maintained proficiency, according to our calculations derived from Dataquest.^[80]

AMAO 2 shows the percentage of English Learners who have attained English proficiency as shown in Table 4 below. This means scoring “Early Advanced” or “Advanced,” and at least “Intermediate” on all required sections of the CELDT. English Learners are split into two groups: those in the program for fewer than five years, and those in the program for five years or more. The 2010-11 goal was for 18.7% of the first group, and 43.2% of the second group, to score as proficient. The Santa Cruz School District (High) and Live Oak met the goal, and that was just for the long-term English Learner group.

Table 4 - AMAO 2 - English Learners Achieving English Proficiency Scores (2010-11)

English Learner Groups	Statewide Target	Pajaro Valley Unified	Santa Cruz City Schools (Elementary)	Santa Cruz City Schools (High)	Live Oak
Fewer than 5 years group	18.7%	12.1%	16.3%	16.4%	17.6%
5 Years or more group	43.2%	40.0%	35.1%	46.8%	43.9%

Source: Dataquest [\[43\]](#) [\[44\]](#) [\[45\]](#) [\[46\]](#)

Overall for the AMAO 2 measure, 8,428 of the 10,915 English Learners taking the test in the three districts did not score as proficient last year, according to our calculations derived from Dataquest. [\[80\]](#)

AMAO 3 indicates whether English Learners are meeting “No Child Left Behind” (NCLB) [\[81\]](#) goals in English Language Arts and Mathematics. This is measured using the same STAR standardized tests administered to all California students. Each year there is a new goal for the percentage of English Learners to score proficient or above on these tests. For 2010-11, the goal was 66.1% to 68.5% (depending on the test subject matter and type of school) of the English Learners to score proficient or above. None of the school districts met these goals as shown in Table 5. Note that this AMAO only indicates whether the goal was met or not. It does not indicate the extent of any achievement gap for English Learners. [\[39\]](#)

Table 5 - AMAO 3 - English Learners Meeting Standardized Testing Goals (2010-11)

California Standardized Tests	Pajaro Valley Unified	Santa Cruz City Schools (Elementary)	Santa Cruz City Schools (High)	Live Oak
Met goal for English-Language Arts	No	No	No	No
Met goal for Mathematics	No	No	No	No

Source: Dataquest [\[43\]](#) [\[44\]](#) [\[45\]](#) [\[46\]](#)

Number of consecutive years indicates how long a district has gone without meeting all the AMAOs (see Table 6). The Santa Cruz County districts are not alone in not meeting the AMAO goals. Each year the bar is raised, making it increasingly difficult to hit the statewide targets. Looking statewide for 2010-11, only 51% of school districts and education agencies met AMAO 1, only 45% met AMAO 2, and only 14% met AMAO 3. [\[48\]](#)

Table 6 - Number of Consecutive Years Not Meeting AMAOs (2010-11)

	Pajaro Valley Unified	Santa Cruz City Schools (Elementary)	Santa Cruz City Schools (High)	Live Oak
Years not meeting AMAO goals	8	8	4	5

Source: Dataquest [\[43\]](#) [\[44\]](#) [\[45\]](#) [\[46\]](#)

The 2012 AMAO 1 & 2 results were not available by the time this report was finalized. Some districts let us know that their preliminary results were quite positive compared to last year. The reader will be able to view the final 2012 results using DataQuest (see the website links at the end of this report).

Next, the Grand Jury reviewed online California Department of Education data to see how fast the number of English Learners decreased each year, as they became reclassified and placed into mainstream English-only classrooms. The number of English Learners does decline in each successive grade as shown in Charts 2 through 5. However, it never goes to zero, indicating there are a significant number of Long Term English Learners or incoming transfers that never attain proficiency while in public school.

Chart 2

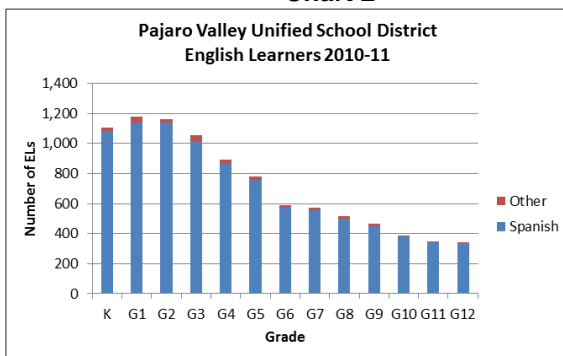
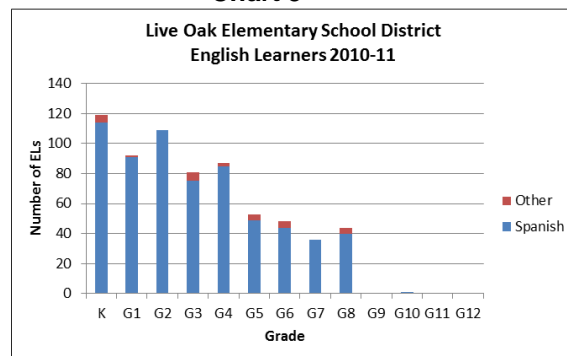


Chart 3



Source: DataQuest [\[49\]](#) [\[50\]](#)

Note the difference in the scale on the vertical axis, which measures the number of English Learners. PVUSD has the largest number of English Learners, with over 1000 entering kindergarten last year, compared with about 120 each, for both Santa Cruz City and Live Oak schools.

Chart 4

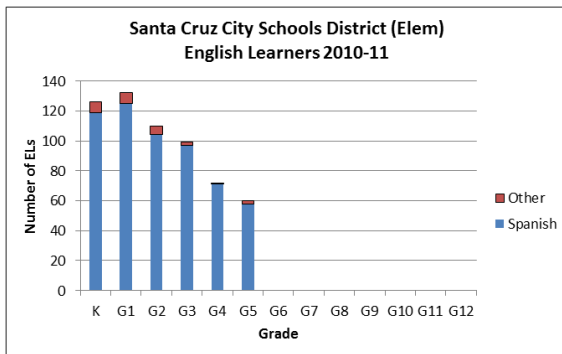
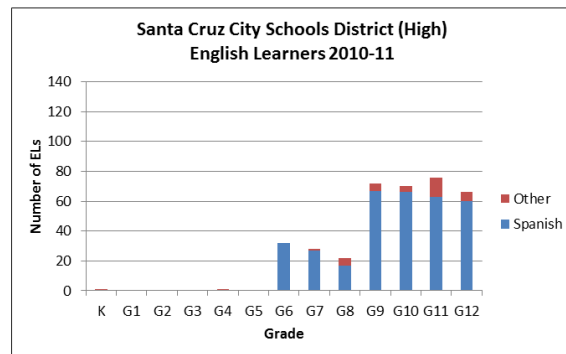


Chart 5



Source: DataQuest [\[51\]](#) [\[52\]](#)

The jump in the number of English Learners in the 9th grade for Santa Cruz City schools is due to the arrival of students from surrounding K-8 districts. For example, the Soquel Union School District does not have any high schools, so its students will flow into the Santa Cruz City Schools for high school.

We got our first glimpse of how long it actually takes to become reclassified when PVUSD and Live Oak School districts provided us with anonymous raw data. This data included student records for every student enrolled that year who had once been an English Learner, and had at some point been reclassified. Each record had the date entering the district, and the date reclassified. This allowed us to calculate the time to reclassification for each student, and to group them accordingly. Each bar on Charts 6 and 7 is a count of the number of students achieving reclassification within a specific length of time. For example, 987 of the past PVUSD English Learners achieved reclassification within 3 to 3.99 years.

Chart 6

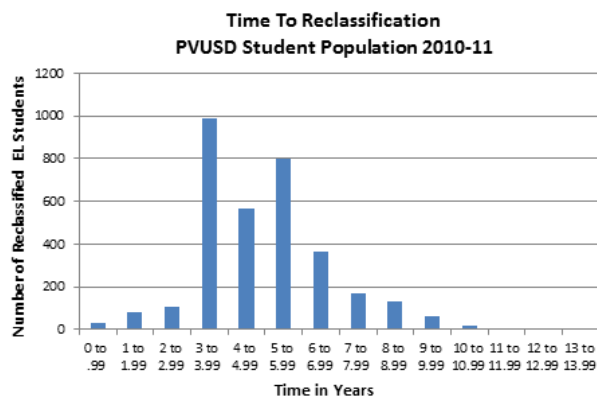
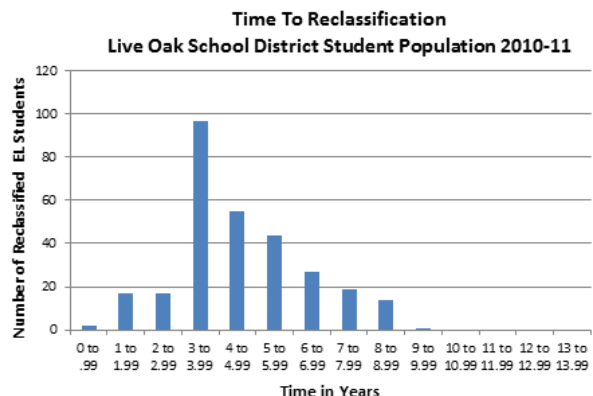


Chart 7



Source: PVUSD and Live Oak School Districts

While the raw data exists, the Grand Jury was not able to obtain English Learner reports from any of the three districts that would show how long it was actually taking district English Learners to become reclassified. The AMAOs do measure progress but give very little hint as to how long it actually takes. The number of English Learners by grade shows students are getting reclassified over time, but it is difficult to draw any conclusions, since unknown numbers of students are periodically entering, leaving or dropping out.

Observations:

- No districts publish data on program effectiveness, as measured by how long it actually takes a student to become reclassified.
- No districts publish trend data on program effectiveness (for time to reclassification) for successive groups of children that start kindergarten together and eventually graduate together.
- No districts publish Title III AMAO results on their websites, or provide links to the online Title III AMAO reports.

Parents need this information to make informed decisions in selecting the right program for their child.

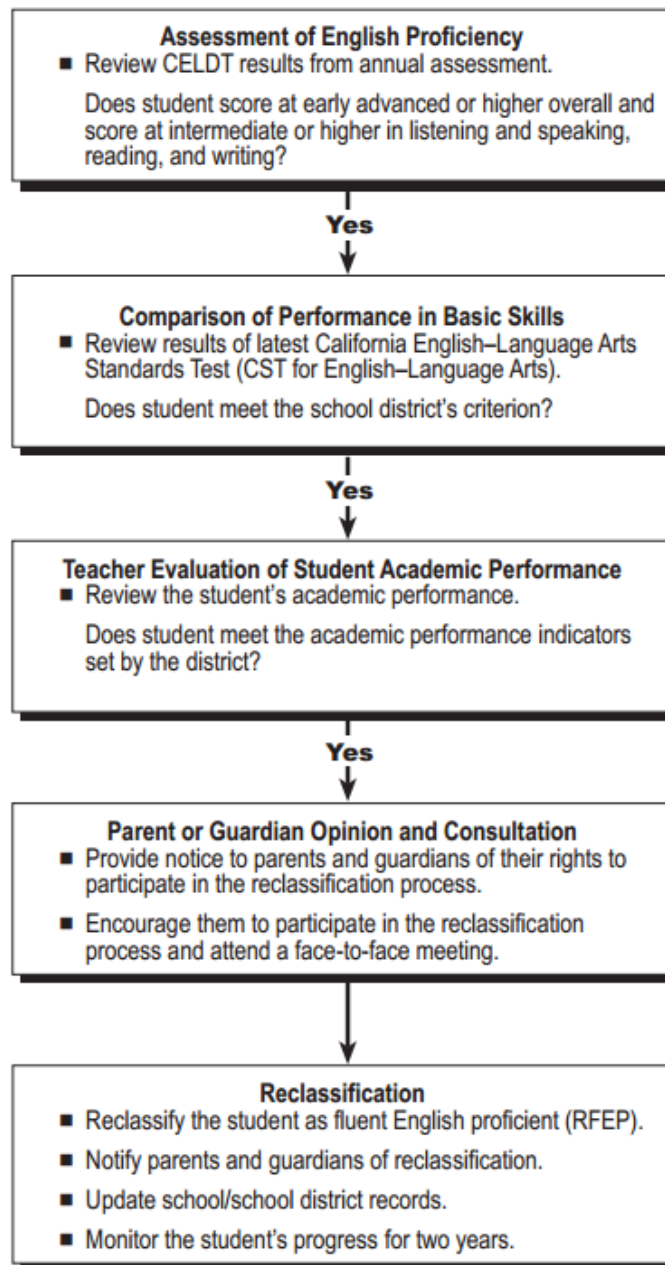
Reclassification

Students exit English Learner programs by being reclassified as fluent, using the steps in Figure 2 below. The procedures used for reclassification must follow overall state guidelines in conjunction with district-developed criteria. Scoring English Proficient on the CELDT is a state-mandated requirement, and these students must take the CELDT test every year, until they have been reclassified or left the school system. The other criteria can vary between districts, but generally include satisfactory results on the regular standardized tests, teacher evaluations, and teacher/parent meetings.

Figure 2

Reclassifying a Student from English Learner to Fluent English Proficient

School districts are to develop student reclassification policy and procedures based on the four criteria set forth in *Education Code Section 313(d)*. The reclassification guidelines, approved by the State Board of Education, may be used by school districts/schools when evaluating a student's readiness for reclassification from English learner (EL) to fluent English proficient (RFEP).



Source: California Department of Education October 2008

The Achievement Gap

Test scores indicate an achievement gap between English Learners and their English-speaking peers. It is a challenge to both learn a second language and master grade-level academic content, with no additional instruction time. It is even harder when practice time for the second language is limited, because it's seldom used on the playground, outside of school, or during school breaks. A recent publication from the Santa Cruz County Office of Education commented on this achievement gap:

Analysis of Santa Cruz County's STAR test scores and API scores reveal similar achievement gaps that are occurring at a national and statewide level. In particular, test scores on English-language arts and math reveal wide gaps in proficiency between 1) Caucasian students and Latino students, 2) English learners and students who are fluent in English, and 3) low-income students and mid-high income students by the second grade.^[55]

Every year California school children take STAR tests designed to assess their knowledge on English Language Arts, Mathematics, and a number of other subjects. To understand the extent of the gap across the three districts, we obtained student test results from the California Department of Education online database, which contains years of test results for all schools in California.

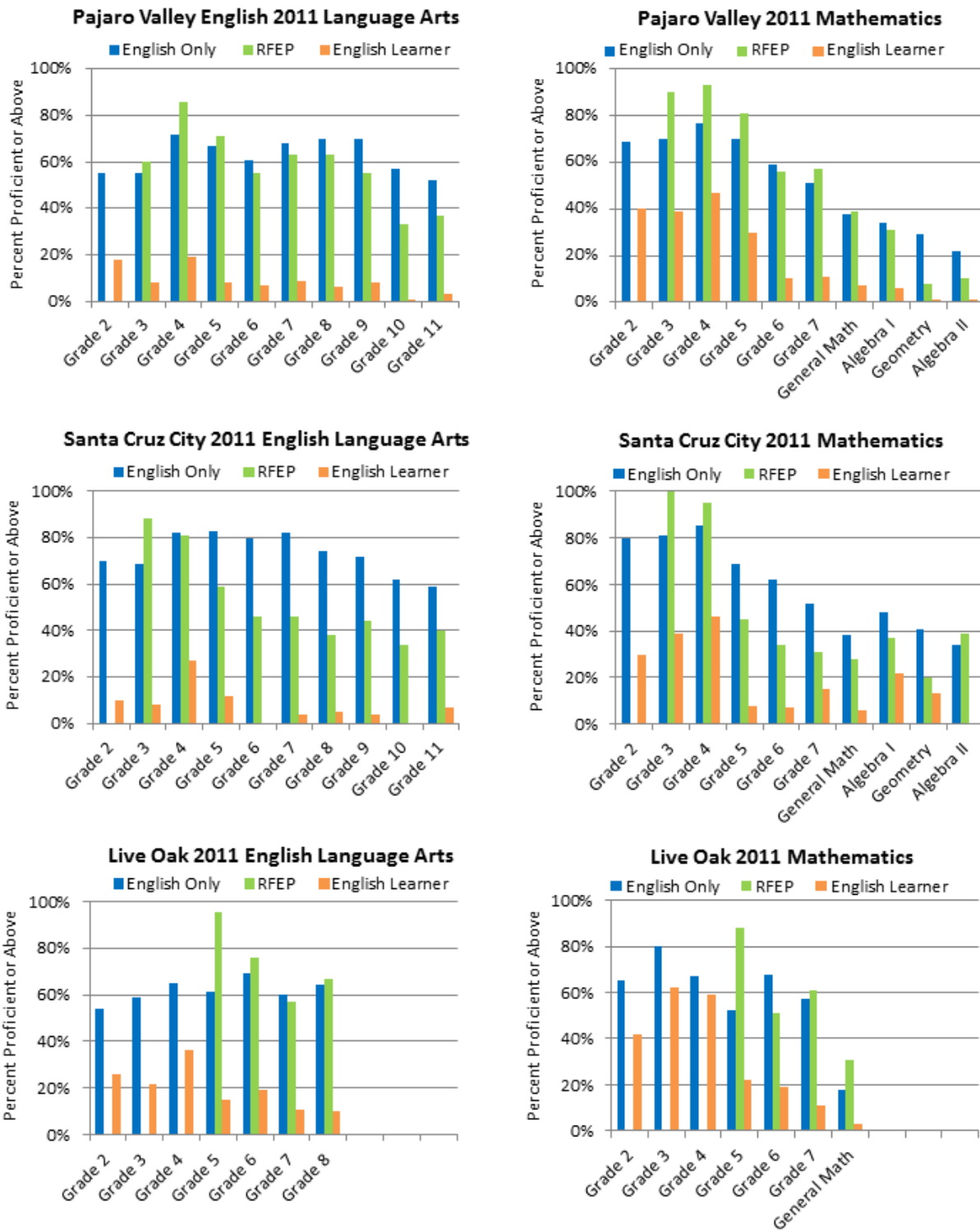
Figure 3 shows district test results for both Mathematics and English Language Arts scores, for three student subgroups, in each of the three districts reviewed. For each subgroup (English Only, Reclassified, and English Learner) the height of the bar represents the percentage of each group that scored Proficient or above on the STAR test. For example, of the PVUSD fourth-graders who took the English Language Arts STAR test, 72% of the English Only group, 86% of the reclassified students, and 19% of the English Learners scored Proficient or above.

Note that these tests are given in English, and, by definition, English Learners are not yet proficient in English.

The scores for General Math, Algebra I, Geometry and Algebra II are compiled at the end of the course and are not associated with a specific grade level, since they can be taken in different grades.

The Grand Jury observed the reclassified group's unexpectedly high scores. Their scores are initially higher than English Only scores and then taper off. One reason for this can be found in the state's AYP Information Guide,^[47] which states that reclassified student scores should continue to be included in the English Learner subgroup, until scoring proficient or above three times.

Figure 3 - 2011 STAR test results



Source: DataQuest [\[56\]](#) [\[57\]](#) [\[58\]](#) [\[59\]](#) [\[60\]](#) [\[61\]](#) [\[62\]](#) [\[63\]](#) [\[64\]](#) [\[65\]](#) [\[66\]](#) [\[67\]](#)

One county school has demonstrated significantly higher middle school test scores for English Learners.^[68] Ceiba College Preparatory Academy charter school starts with the sixth grade and has a student population that is 94% Latino and 34% English Learner. Ceiba College Prep uses an English Immersion model, offers significantly more instruction time for all students, and provides additional tutoring and a summer academy for students needing help. The Ceiba website states: “30% of students entering Ceiba as 6th graders score proficient in Math and 25% score proficient in Language Arts. Two years later: 72% of the same students score proficient in Math and 70% score proficient in Language Arts.”^[69] After a follow-up with Ceiba we learned that of the English Learners who entered Ceiba with the cohort quoted above (Ceiba 6th graders in the 2008-09 academic year), 14% scored proficient in Math and 5% scored proficient in English Language Arts in the year prior to Ceiba. After two years at Ceiba, 43% of the same English Learner students scored proficient in Math and 23% scored proficient in English Language Arts.

In reviewing district websites and literature, the Grand Jury observed that, of the districts reviewed, none publish data on program effectiveness as measured by actual academic achievement levels. These districts publish no long-term trend data on program effectiveness for successive groups of children that start kindergarten together and eventually graduate together.

Observations:

- Tests are given in English only, and, by definition, English Learners are not yet proficient in English.
- The achievement scores for English Learners tend to stay low, because as soon as those students become proficient in English, and their scores increase, they are reclassified and removed from the English Learner group.
- Ceiba spends more classroom hours per day, and more school days, than any other middle school in the district.
- No districts publish data on program effectiveness as measured by long term achievement levels and historical trends.

Again, parents need this information to make informed decisions in selecting the right program for their child.

Drop-out and Graduation Rates for English Learners

In 2011, the California Department of Education did its first statewide annual report on dropouts in California for the class of 2010, using “longitudinal” data. Longitudinal studies follow the same group of students over a long period of time. One of the subgroups analyzed was English Learners. Studies have indicated that dropout rates are significantly higher for English Learners. The study began when this group started high school (9th grade) and followed them through their senior year. The data for

English Learners across all of California is alarming, with a 31.1% dropout rate and a 56.3% graduation rate.^[70]

It should be pointed out that this study was done for the high school students, so by definition those English Learners would all be Long Term English Learners. Ideally, future studies done at the state or local level would be comprised of a group of students who started kindergarten together, so data would show their relative performance through high school.

We were told by some of the districts that better quality dropout data was needed in order to draw valid conclusions.^{[71] [72] [73]}

The Importance of Early Childhood Education

Children start learning language at a very young age. Research points to the benefits of early childhood education. The Santa Cruz County Office of Education recently published “ASAP: All Succeed with Access to Preschool.”^[55] This is a plan developed by early childhood education experts from around the county and begins:

Children are born learners. A young child’s brain is most flexible and impressionable during the first five years of life when brain cells are forming the connections that shape thinking, feeling and behavior. The growth in connections and organization of the brain structure in these early years creates the foundation for future development and how an individual will think, learn and function throughout life. In this sense, the early years of a child’s life are truly a window of opportunity to chart a course for a lifetime of learning.

The ASAP plan mentions the RAND Corporation’s “California Preschool Study” (2009),^[74] which traces the root of the achievement gap back to readiness for kindergarten. Based on findings in the “California Preschool Study,” the ASAP plan also states:

However, it’s not just the availability of preschool programs that leads to positive outcomes in school and life, but it’s the quality of the preschool programs that makes the difference. Unfortunately, not everyone has the opportunity to attend the type of quality preschool associated with positive outcomes. According to the California Preschool Study, children from the most disadvantaged socioeconomic groups are the least likely to attend quality preschool programs.

There are a large number of early childhood education programs in the county. The Grand Jury decided to focus on Head Start, because they are a well known, nationwide program with standardized measurement criteria. The Grand Jury looked at the three Head Start programs in the county:

- Head Start and Early Head Start^{[77] [78]}
 - serves 625 children
 - part of the Santa Cruz Community Counseling Center
- Migrant Head Start
 - serves 752 children
 - housed by PVUSD
- Central California Migrant Head Start^[79]
 - serves 112 children
 - coordinated by Santa Cruz County Office of Education

The Head Start staff realize they have a responsibility to prepare their children for kindergarten. These new kindergarten students would benefit greatly if the public schools interacted more with the Head Start programs. Some collaboration has begun between Head Start and the Freedom and Starlight Elementary schools, but much more is needed. With more collaboration and relationship-sharing strategies, these organizations could better link student data, advise parents, and smoothly promote children into the public schools. In other counties, most early childhood education programs, such as Head Start, have formal agreements in place with school districts.^[12]

English Learner Program Funding

Schools receive additional state and federal funding for each student classified as an English Learner. A recent newspaper article stated these extra funds averaged \$448 annually per English Learner statewide.^[3]

The primary additional funding for English Learners comes from these funds:

- Economic Impact Aid^[82]
 - This state fund is for both English Learners and economically disadvantaged students, some of whom may not be English Learners.
- No Child Left Behind - Title III Limited-English Proficient^[83]
 - Federal funding to help students achieve grade level standards and learn English.
- No Child Left Behind Title I - Part A^[84]
 - This federal fund is for low-income students who are not achieving proficiency levels; many of these children are English Learners.

The annual district apportionment for these and other funds are available online at the California Department of Education website. Each district was asked to provide the average amount of additional annual funding it receives per English Learner, which is shown in Table 7 below.

Table 7 - Additional Funding Per English Learner

PVUSD	Santa Cruz City (Elementary)	Santa Cruz City (High)	Live Oak Elementary
\$1,348	\$707	\$821	\$1,225

Sources: PVUSD, Santa Cruz City Schools, Live Oak school districts.

This funding is used for expenses such as the annual CELDT assessments, professional development for staff on teaching English Learners, English Language Development materials, and expenses related to parental involvement in English Language Advisory Committee and District English Language Advisory Committee activities.

Findings

F1. The Title III Annual Measurable Achievement Objectives (AMAOs) for English Learner progress are complex, give little indication of how long it takes English Learners to become reclassified as fluent, and do not measure the effectiveness of individual English Learner programs.

F2. Many parents and community members do not understand the various English Learner programs.

F3. The English Learner program information is not readily accessible on district websites.

F4. Two-Way Immersion programs are not widely available in Santa Cruz County.

F5. Two-Way Immersion programs are beneficial to native English speakers who want to become fluent in multiple languages.

F6. Portions of the descriptive material made available by the Pajaro Valley Unified School District describing the Dual-Language Immersion program are inconsistent or incomplete, which could be misleading to parents trying to decide on the best program for their children.

F7. Collaboration and communication between Head Start and the elementary schools would be beneficial to English Learners making the transition to kindergarten.

Recommendations

R1. Even though it is not mandated by the state, in order to monitor historical trends and validate improvements made to programs, districts should consider tracking long term English Learner results by program and make the information available on district websites for review by parents, the Board of Trustees, and the community. The data should track all English Learners and follow them until they leave the district. This longitudinal data would allow the following information to be published by instructional program:

- Time to Reclassification (RFEP)
- Long term achievement levels (from STAR testing)
- Long term achievement level “gap” between English Learners, RFEPs, and English Only
- High school graduation and dropout rates

R2. Districts should make the following information available on their English Learner web pages:

- An easy-to-understand description of the programs offered by the district, with references to more in-depth information
- A matrix showing availability of programs by school site
- Title III Annual Measurable Achievement Objectives (AMAOs), or links to them on the California Department of Education website
- The district English Learner Master Plan

A bilingual packet containing the above information (except the Master Plan) should be provided to all parents and teachers of English Learners.

R3. Districts should consider starting or expanding Two-Way Bilingual Immersion programs.

R4. Information on Two-Way Bilingual Immersion programs should be made available to parents of English speakers.

R5. The next version of Pajaro Valley Unified School District’s pamphlets, slide sets, video, and websites should revise the Dual-Language Immersion information to:

- Use consistent terminology throughout the district. For example, the district refers to a “Dual-Language Immersion” program, and Alianza (which provides the program) calls it “Two-Way Bilingual Immersion.”
- Update the description of how the waiver process works, as applied to Alianza, to clarify that neither the annual waiver, nor the need for at least 20 approved waivers by parents, is applicable because of Alianza’s status as a charter school.

- The “English Learner Programs” pamphlet should more clearly distinguish the differences between Late-Exit “Developmental” Bilingual, and Two-Way Bilingual Immersion.

R6. The districts should develop agreements for collaboration with the appropriate Head Start agencies to better align and take advantage of the school readiness efforts of Head Start.

Commendations

C1. The Grand Jury congratulates all the Santa Cruz County English Learners who have persevered and successfully completed the uphill climb to English fluency. We also acknowledge all the teachers, staff, administrators, and parents who provided support along the way.

C2. The State of California passed Assembly Bill 815 creating a State Seal of Biliteracy Award. As of January 1, 2012, graduating seniors who achieve the biliterate, bilingual standards will be honored with a gold insignia on their diplomas. County students in several school districts received the award this year, and PVUSD was ahead of its time presenting deserving seniors this award starting last year.

Responses Required

Respondent	Findings	Recommendations	Respond Within/ Respond By
Superintendent - Live Oak School District	F1-F5, F7	R1-R3	60 Days September 1, 2012
Superintendent - Pajaro Valley Unified School District	F1-F7	R1-R6	60 Days September 1, 2012
Superintendent - Santa Cruz City Schools	F1-F5, F7	R1-R4, R6	60 Days September 1, 2012

Definitions

- **AMAO:** *Annual Measurable Achievement Objective* - All public schools in California use three measures to track English Learner progress towards proficiency. AMAO 1 is the percentage of English Learners moving up one CELDT performance level, becoming or maintaining proficiency. AMAO 2 is the percentage of English Learners who have attained the English proficient level. AMAO 3 is the percentage of English Learners meeting No Child Left Behind requirements for English language arts and math.^[39]
- **API:** *Academic Performance Index* - The centerpiece of the California Public Schools Accountability Act of 1999. The API is used to measure schools based on a variety of academic measures.^[96]
- **AYP:** *Adequate Yearly Progress* - From the federal No Child Left Behind Act of 2001 for measuring student proficiency in English and math using standardized tests.^[85]
- **CDE:** *California Department of Education* - The top of the administrative hierarchy for education in California. The current State Superintendent of Public Instruction is Tom Torlakson, an elected official.^[95]
- **CELDT:** *California English Language Development Test* - This test is used to assess initial and ongoing English proficiency. The CELDT assesses four domains: listening, speaking, reading and writing at five performance levels: Beginning, Early Intermediate, Intermediate, Early Advanced, and Advanced.^[87]
- **DELAC:** *District English Learner Advisory Committee* - A committee of parents, school staff and community members who advocate for English Learners at the district level.^[88]
- **Early Exit “Transitional” Bilingual:** A program model where the home language is used for the purpose of early reading and clarification. The goal is to transition children into mainstream English-only speaking classrooms within two to three years.^{[28] [31]}
- **EL:** *English Learner* - Formerly known as Limited English-Proficient. A student can be classified as an English Learner after being assessed by the CELDT.
- **ELAC:** *English Learner Advisory Committee* - This is a committee of parents, school staff and community members who advocate for English Learners at the school level. They are responsible for advising the school on programs and services for English Learners and the school site council on the development of the Single Plan for Student Achievement (SPSA).^[90]
- **ELD:** *English Language Development* - ELD was formerly known as ESL (English as a Second Language). ELD refers to the curriculum and course materials used to instruct students in learning English.^[91]
- **ELM:** *English Language Mainstream* - This is the regular classroom with instruction in English. This option is intended for students who are reasonably fluent in English. Students in ELM include English Only students and English

Learners who have become fluent. They can also include English Learners who are not reasonably fluent in English, whose parents have requested they be mainstreamed. [\[26\]](#) [\[27\]](#)

- **English-Language Arts:** Includes reading, writing, listening and speaking. English-language arts and math are tracked and improvements are required every year on standardized tests for No Child Left Behind. [\[89\]](#)
- **ESL: *English as a Second Language*** - A program model to teach English to non-English speakers with a focus entirely on language development. Taught primarily in English. "Pull-out" ESL refers to students leaving the classroom to work on English skills. [\[92\]](#)
- **IFEP: *Initial Fluent English Proficient*** - Newly enrolled students who "pass" the CELDT are designated as IFEP. IFEP students will be placed in regular instruction rather than an English Learner program. [\[21\]](#)
- **Late Exit "Developmental" Bilingual:** Instruction on academic subjects is done in the home language. The home language is maintained and developed as these students learn English and are mainstreamed into English-only classrooms, usually by the end of the fifth grade. The goal is for students to be proficient in two languages. [\[29\]](#) [\[31\]](#)
- **LEA: *Local Education Agency*** - LEAs include school districts, county offices of education, and independent public charter schools.
- **LEP: *Limited English-Proficient*** - This was the federal designation used in the past for English Learners.
- **Long Term English Learner:** Not a precise term but often used for English Learners who have not become proficient in English by middle school.
- **Longitudinal Study:** In education, these studies track student academic performance over long periods of time.
- **LOSD: *Live Oak School District*** - A district in the Live Oak area of Santa Cruz County, not to be confused with the Live Oak Unified School District in Sutter County.
- **NCLB: *No Child Left Behind*** - An Act of Congress passed in 2001. The federal NCLB program established statewide standardized testing and accountability for results. [\[81\]](#)
- **Proposition 227:** A proposition which requires school instruction to be in English. Parents may get waivers if they feel their child would learn English better with alternate techniques. [\[4\]](#)
- **PVUSD: *Pajaro Valley Unified School District*** - The largest school district in Santa Cruz County with schools in the Watsonville, Aptos and Rio Del Mar area.
- **RFEP: *Reclassified Fluent English Proficient*** - The designation for students who were initially classified as English Learners but have passed both CELDT and

local district criteria as fluent in English. They no longer participate in the English Learner program and join their peers in the regular classes.^[21]

- **SCCOE:** *Santa Cruz County Office of Education* - The Santa Cruz COE supports infrastructure for local schools and districts. They also fulfill state mandates to audit school district budgets, register teacher credentials, complete employee background checks, certify school attendance records, and develop countywide programs to service special student populations. The current superintendent is Michael Watkins who is an elected official.
- **SCCS:** *Santa Cruz City Schools* - Instead of a single unified district, the SCCS are actually comprised of two districts, one for the elementary schools and one for the secondary (middle and high) schools.
- **SEI:** *Structured (or Sheltered) English Immersion* - This is the primary instructional model used in California after the passage of Proposition 227. It uses a special curriculum and level of English designed to accommodate students who are learning the language. Instruction is done mostly in English to facilitate rapidly learning the language.^[27]
- **SPSA:** *Single Plan for Student Achievement* - The SPSA is developed by each school site council with the advice of the English Language Advisory Committee. The purpose is to have a single plan to most efficiently organize the funding to meet student needs.^[93]
- **STAR:** *Standardized Testing and Reporting* - California uses the annual STAR tests to assess English and math as part of the No Child Left Behind program. They also measure proficiency in other areas like science, history and social studies.^[86]
- **Two-Way Immersion (also called Dual-Language Immersion):** A program of instruction where a mix of English speakers and English Learners are taught literacy and content in two languages. It combines features of developmental bilingual programs for English Learners and foreign language immersion for English speakers. The goal is for both groups of students to become be proficient in two languages.^{[30] [31]}

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Resources

- Santa Cruz County Office of Education
 - Website: <http://www.santacruz.k12.ca.us/>
- Pajaro Valley Unified School District
 - Website: <http://www.pvusd.net/>
 - Archived website: <http://www.pvusd.k12.ca.us/>
 - English Learners: <http://www.pvusd.net/els>
 - School Facts: <http://pajarovalley.schoolwisepress.com/home/>
 - School improvement plans: http://www.pvusd.net/cms/page_view?d=x&piid=&vpid=1311502328844
- Santa Cruz City Schools
 - Website: <http://www.sccs.santacruz.k12.ca.us/>
 - English Learners: <http://www.sccs.santacruz.k12.ca.us/education-services/academic-equity-and-categorical-programs.html>
 - School facts: <http://santacruzcity.schoolwisepress.com/home/>

- Single Plans for School Achievement:
<http://www.sccs.santacruz.k12.ca.us/education-services/curriculum/single-plans-for-student-achievement.html>
- Live Oak School District
 - Website: <http://www.lodo.santacruz.k12.ca.us/>
 - English Learners: http://www.lodo.santacruz.k12.ca.us/cur_txt_bks.html
 - School Facts: <http://liveoak.schoolwisepress.com/home/>
 - School Plans:
http://www.lodo.santacruz.k12.ca.us/board/docs/2010/Board_Packet_12-14-10.pdf
- Ed-Data - provides fiscal, demographic and performance data on California K-12 schools
<http://www.ed-data.k12.ca.us/Pages/Home.aspx>
- DataQuest - provides a wealth of information on California K-12 schools including English Learners, graduation and dropout rates
<http://data1.cde.ca.gov/dataquest/>
- Standardized Testing and Reporting (STAR) Results
<http://star.cde.ca.gov/>
- Title III Accountability Reports (AMAOs)
<http://www.cde.ca.gov/ta/ac/t3/t3reports.asp>

Protecting Our Special Districts

Is There Any Oversight?

Summary

The absence of strong leadership to address the difficulties of a special water district in crisis exposes citizens to risk, and foreshadows potential problems for other special districts in the future. Using the Lompico County Water District's (LCWD) troubled history as a backdrop, the Grand Jury explored the boundaries and scope of oversight for independent special districts in Santa Cruz County. Good stewardship of water resources requires increasingly greater cooperation and transparency among multiple affected agencies. As a result, there is a growing need for clear procedures and proactive leadership for all agencies involved.

Santa Cruz County has special districts for water, fire, cemeteries, parks and recreation, as well as many other services. Initially, special districts were independent government agencies, subject only to state and local laws, until the California State Legislature created Local Agency Formation Commissions (LAFCOs) in 1963. Since then, new special districts and expanded spheres of influence are created through a LAFCO application process. The governing structure of most special districts, such as LCWD, actually predates the creation of LAFCO.

Independent special districts are governed by their own elected boards of directors. These boards annually report their financial statements to the California State Controller's Office, contract out for independent yearly audits and, in the case of an independent special water district, periodically send water samples to the California Department of Public Health. While such reports are routinely submitted to the appropriate agencies, the financial and governance information filed may be inadequate, not reviewed, or not acted upon. Even when followed by a succession of citizen complaints, in cases like LCWD, critical reports and financial documents seem to be ignored by all the agencies charged with oversight.

Whenever there is unsatisfactory governance or poor financial management, citizens of the district may use regular board elections to elect new directors, or may recall individual directors. If issues persist, however, the problem-solving process is ambiguous and unstructured, with no external agency taking responsibility. When county officials and LAFCO allow a special district to founder, the cost of the failure falls back on county taxpayers, who must eventually shoulder the burden of debt.

Background

The 2009-2010 Grand Jury conducted an extensive investigation of the Lompico County Water District, and recommended that LAFCO and San Lorenzo Valley Water District (SLVWD) intervene to prevent LCWD from bankruptcy and collapse.^[1] For well over six years, Santa Cruz County residents living in the Lompico area have complained about the LCWD's irresponsible management, poor adherence to sound governance practices, and degraded infrastructure. These complaints have largely been ignored by LAFCO and the Board of Supervisors.

The LCWD is now financially vulnerable, due to the lack of significant assistance or intervention. This inaction has resulted in a shortfall of an estimated \$2.5 to \$3 million needed for essential repairs to the deteriorating infrastructure.^[2] Recent, but insufficient, efforts to help the district include emergency technical assistance from the SLVWD and short-term cash flow assistance and payroll services from the County.

Scope

The Grand Jury's investigation sought to determine how the operation of LCWD could reach this point without triggering corrective action by the citizens, the water board, or the County. We also sought to discern where early intervention might have come from, and how it might have helped the LCWD and its residents. We asked ourselves the following questions to help guide our investigation:

- What jurisdictional boundaries and agreements exist to protect both county and district residents in the event of a special district failure?
- What evidence revealed in existing reports and procedures could have alerted someone early on that problems existed, and are these reports and procedures adequate?
- Is there a system in place to adequately respond to a special district under stress *before* it fails?

We explored what countywide protocols and shared responsibilities exist to prevent the failure of other independent special districts. Similarly, we tried to determine the limits to the autonomy of a special district, so that signs of trouble could be detected early, and assistance provided in a timely manner. We tried to determine what it would take to protect community residents and the County from a similar liability in the future.

Investigation

Our investigation started with a review of the 2009-2010 Grand Jury Report on the LCWD and the responses received. We examined state and county regulations specific to independent special districts, and jurisdictional agreements and understandings between Santa Cruz County, LAFCO, LCWD, and residents within the LCWD. We also examined documents regarding the fates of other troubled water districts, and reviewed the citizen guides about special districts published by the state.

Next, we met with individuals we believed could best understand and describe the situation in Santa Cruz County regarding current jurisdictional boundaries. We interviewed several county department heads and a County Supervisor, LAFCO staff and a Commissioner, water district supervisors and board members, a state water official, and numerous residents. During our investigation, we asked them to outline their understanding of pertinent ordinances, codes, and best practices, in the event of a special district's failure. We also asked them to contemplate LCWD's potential failure in light of the uncertain economic climate, and what could be done to prevent similar failures in the future.

Shared Governance

Residents of an independent special district have unique influence related to governance, because a district is an autonomous legal entity. Generally, elected or appointed board members are responsible for the health and proper functioning of the district. Their responsibilities include adopting and approving policies and procedures, providing budgetary oversight, and hiring and evaluating management. The board is charged with monitoring the overall performance and effectiveness of operations to ensure the future health and sustainability of the district's water supply.^[3]

LCWD's board members have admitted that they failed to do these things properly in the past.^[1] Citizens have the option of electing new board members, recalling individual board members, or, as a last resort, taking legal action. Lompico residents eventually chose to elect new board members, but as of April 2012, there was no consensus within the Lompico community on how to move forward.

The requirements for efficient operation of a water district are stringent, demanding a level of expertise the ordinary citizen may not possess. However, citizens can become educated to their roles and responsibilities, and training programs are available for this purpose. Part of that education includes understanding the roles of other agencies in shared governance.

Water Resource Issues

Water system management requires cooperation and transparency amongst multiple agencies. This calls for clear procedures and effective leadership. External agencies should be available to assist special districts when help is needed.

The Grand Jury interviewed an official of the California Department of Public Health (CDPH),^[4] who explained the Department's duties to oversee water quality and distribution of water in systems of LCWD's size (499 connections). The State delegates oversight of the small and medium-sized systems (5 to 199 connections) to the Environmental Health Services Division of the County Health Services Agency. We interviewed representatives of this division as well.

The CDPH conducts inspections of physical plant and equipment, samples water for pathogens, and tests for contaminants, at specified intervals. There is no single trigger

point for CDPH to take action. Only if a water district falls out of compliance with state and federal laws, is CDPH required and empowered to do anything.^[4] As of March 2012, no water district in the county, including Lompico, was found to be out of compliance.

However, water resource issues are not restricted only to those found by CDPH inspections. Historically, there have been several other problems with water management in Lompico. For example, a landslide took out a portion of the main water line loop on Lake Boulevard in 2006.^[5] The Lompico landslide and maintenance problems of 2006 should have been resolved by the LCWD Board of Directors, but they disagreed over how to finance the repairs.^[5]

The aftermath of the 2006 landslide was a clear signal the district was in trouble.

Financial Oversight

Water district revenues come from customer water bill payments, as well as a percentage of property taxes refunded to the water district by the State. Even before the landslide occurred, LCWD was struggling to pay operating costs, and had no capital improvement plan or reserve fund.^[1] The water district's financial situation was made worse by an ever-increasing need to repair or replace worn-out equipment and facilities.^[1] The 2009-2010 Grand Jury report stated that LCWD's financial structure was in worse shape than its physical water system. Five years of deficit spending put LCWD on the verge of bankruptcy.^[1]

The County Auditor-Controller's office offered assistance when they were alerted to LCWD's financial difficulties. Other Auditor-Controllers in California also assist smaller special districts.^[6] Special districts are required to file an audited annual financial statement to the State Controller's office, with copies to the County Auditor-Controller's office, for purposes of verifying that district finances have been independently audited and reviewed for problems. LCWD failed to submit their audited financials for the year 2008.^[1] They were not completed until July 1, 2009. At that time, at the request of the LCWD Board of Directors, the County Auditor-Controller's office took over paying the district bills and payroll.^[7]

In addition to the independent audit, special districts are required to submit an "Annual Report of Financial Transactions"^[8] in electronic form to the State Controller within 90 days after the end of each fiscal year. This information becomes part of a larger database available to consultants, other agencies, and the public. LCWD missed the deadline in October 2009, and was fined \$5,000 by the State Controller.^[1] Again, the County Auditor-Controller's office stated they provided assistance and were able to help get the report filed and the fine rescinded.

The County extended "dry period financing" to LCWD when district funds became inadequate to cover expenses for a limited period during fiscal year 2010. The process requires the district's board to pass a resolution to apply for dry period financing. The request is passed to the County Auditor-Controller's office and then submitted to the

County Board of Supervisors for approval. Although this financing method is frequently used by school districts, it is seldom done for special districts.^[9]

The request for “dry period financing” for a special district should have alerted the County Board of Supervisors that the district was in trouble.

LAFCO’s Role in Shared Governance

One of LAFCO’s primary responsibilities is to review ways to organize, evaluate, and streamline the boundaries of cities and special districts.^[10] This led us to believe that LAFCO also might be able to assist special districts in trouble. We therefore interviewed members of LAFCO staff and a Commissioner, plus a member of the County Board of Supervisors, to discuss their oversight of new and existing water districts.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Hertzberg Act) requires that district services and spheres of influence be reviewed every five years, beginning on or before January 1, 2008.^[10] The Hertzberg Act further requires LAFCOs to conduct reviews of municipal and district services, and make written determinations regarding such factors as:^[10]

- Adequacy of public services, including infrastructure needs or deficiencies
- Financial ability of agencies to provide services
- Opportunities for sharing facilities
- Accountability for community service needs, including government structure and operational efficiencies

Santa Cruz County LAFCO staff informed the Grand Jury that LAFCO is a boundary-setting agency, and defines its responsibilities very narrowly. However, by law, LAFCO has the power to examine operational efficiencies, and the authority to initiate proposals for changes, when deemed necessary. LAFCO jurisdiction includes consolidations, dissolutions, mergers, establishment of subsidiary districts, formation of new districts, and reorganizations, such as annexations of special districts.^[11]

LAFCO stated that it does have the power to examine the operational efficiencies of districts, independent of the larger five-year review cycle. However, we found disagreement between a LAFCO commissioner and LAFCO staff on this point. One source asserts such reviews may be “proactive” and at the discretion of LAFCO, meaning LAFCO can initiate a review of a single special district and its operations. Another source asserts that reviews are only “reactive,” meaning a district must request a review. The question remains why a special district near failure, such as LCWD, would seek out a service review at significant cost to itself, especially if the review would expose possible neglect or incompetence.

Santa Cruz County LAFCO conducted its last service review of LCWD in 2005. The LCWD section was a brief portion of a larger consolidated review of countywide services (including nine water districts) under LAFCO jurisdiction. This review was

largely descriptive rather than evaluative, more similar to a job description than to a performance review.^[12]

Although this review could have been a useful opportunity to assess LCWD's needs, there was no exploration of LCWD's problems.

Santa Cruz County LAFCO has not always utilized the consolidated "Countywide Service Review" approach. This type of review was formally adopted by LAFCO in December 2007.^[13] Interviewees characterized the service reviews as sometimes perfunctory and lacking in prescriptive remedies for problems. One district manager wasn't certain if he had ever seen a review for his district. Another interviewee told the Grand Jury that service reviews were being done with self-reported information supplied by the districts, without vetting for accuracy by LAFCO. A third official stated that service reviews were a "kind of checklist."

LAFCO's Budget and Fees

According to a staff memo to the LAFCO Commissioners (February 29, 2012),^[14] "LAFCO is now expecting local agencies with sphere adoption or amendment proposals to prepare, or fund LAFCO to prepare, the needed service reviews." It is not clear if this is a formal policy or an informally adopted work procedure. Either way, LAFCO is not independently pursuing service reviews of special districts, but instead is simply waiting for the districts to come to them.

It appears an action can be initiated by voters or property owners, but only if they can afford to pay the costs of performing the review. While LAFCO budgets have historically maintained a litigation reserve, there is only a small budget item for hiring outside consultants to conduct service reviews. In spite of repeated attempts, the Grand Jury was unable to determine how much an adequate review of LCWD or any single special district would cost.^[15]

The State does not provide any funding for LAFCOs. However, Santa Cruz County LAFCO does receive budget approval and funding from the Santa Cruz County Board of Supervisors, and dues from each city and special district, as well as revenue from application and proposal fees. LAFCO has an extensive schedule of fees for applications and services.^[16] For example, the initial deposit fee for a boundary change application is \$5,150. The estimated application cost for LCWD to merge with another water district is about \$15,000.^[17] It is important to note that the schedule of fees is simply an initial deposit for the applicant expenses. There is no schedule of fees that estimates total costs beyond the initial deposit for the services provided by LAFCO.

LAFCO's Work Program and Priorities

The Work Program proposed by LAFCO for 2012-2013 (Attachment D, LAFCO budget) includes activities of high, medium, and low priority. Highest priority tasks include: (1) public assistance with questions about boundary change procedures; (2) processing applications and conducting public hearings on applications; and (3) updating city and

district spheres of influence. In our county, sphere of influence study applications are submitted before municipal service reviews are conducted. Other LAFCOs in the State of California rank service reviews as a higher priority than boundary changes.^[19] Santa Cruz County LAFCO has a backlog of required special district reviews, but has no plans to study them this coming fiscal year (Attachment C of budget).

During the course of this investigation, we learned that LAFCO has the authority to exert considerable influence over service districts by using political leverage and the “soft power” of persuasion when reviewing sphere of influence proposals. One agency representative stated that LAFCO could conduct service reviews “as narrowly or as broadly as it preferred.” After public hearings LAFCO can approve or deny any application. If LAFCO approves, it can impose terms and conditions. The only ways to challenge a LAFCO decision are to appeal the decision to LAFCO itself, or file suit in court.^[20]

One example of LAFCO influence is its response to the Bonny Doon Fire District proposal. In 2008 Bonny Doon residents petitioned LAFCO to establish a Sphere of Influence for the Bonny Doon Fire Protection District, and remove Bonny Doon from the Sphere of Influence of County Service Area 48 (Cal Fire). After hearings and litigation, LAFCO denied the Bonny Doon petition, stating that the financial loss to Cal Fire would negatively impact the level of services being provided in other communities. Nonetheless, LAFCO staff did offer suggestions to relevant parties that could possibly improve fire protection and response times.^[21]

More recently, LAFCO has specified conditions for approvals of the City of Santa Cruz and University of California, Santa Cruz, petitions to expand water and sewer services beyond the city limits. LAFCO added conditions to the petition requiring the City and the University to indemnify LAFCO against any future litigation, to pay all LAFCO costs of processing the applications, and to apply to annex the lands within the proposed 240-acre expanded campus area.^[22]

Who is Responsible for a Failing District and When Should Action Be Taken?

So who is ultimately responsible when a special district shows signs of trouble, and when should action be taken? If a special district needs help, someone should be paying attention and feeling compelled to act sooner rather than later. The Grand Jury believes a thorough review and possible reorganization of the district is required.

The process for reorganization of a special district may begin in one of three ways: by citizen petition whereby registered voters or landowners request a boundary change; by resolution of the County Board of Supervisors; or by LAFCO.^{[20] [10]} According to the state guide, *It's Time to Draw the Line*, a citizen's guide to LAFCO, page 19, the Board of Supervisors can also start the process:

A county is always an affected agency because its boundaries include all of the cities and special districts in that county. Therefore, the county board of supervisors can initiate any boundary change in its county.^[20]

The third way to initiate change is for LAFCO to act of its own accord. Drawing on its knowledge from routine service reviews, LAFCO is in the best position to offer guidance when action becomes necessary.^[20]

Discussion

At the close of our investigation, we realized that almost every interview seemed to bring us to the same conclusion: everyone said, “Not my job.” LAFCO can and does indeed exert pressure that initiates change in some circumstances. However, LAFCO continues to fall back on citing that it is a “boundary-setting agency” and not an oversight agency. In the instance of water districts, CDPH stated in an interview that they look only at water quality and are not involved with other managerial or financial decisions. Other special water districts have interests and problems of their own.

Consequently, citizens are the ones who lose when government officials adhere to narrow constructions of their own roles and responsibilities. Under the guise of deferring to local control, some agencies may assume a hands-off position regarding independent special districts, to the detriment of county taxpayers and citizens as a whole.

Inaction has resulted in a shortfall of an estimated \$2.5 to \$3 million for the essential repairs of the deteriorating infrastructure in the case of LCWD. The Grand Jury questions whether ignoring immediate problems, in favor of an unspecified longer-term solution, is a sound way to do business. Ultimately, everyone pays when a special district fails.

The net result is that LAFCO is not completely fulfilling its statutory obligations as defined by the Hertzberg Act.

Findings

F1. When a special district fails due to neglect or poor practice, the financial burden falls upon the county taxpayers.

F2. When problems in special districts occur, there is no clear cooperative path of response for addressing those problems.

F3. LAFCO underutilizes reviews that would allow for early problem detection and evaluation of independent special districts.

F4. LAFCO has the ability and the responsibility (per Government Code Section 56430) to do service reviews at least every five (5) years; however, they are not being completed in a timely or effective manner.

F5. LAFCO asserts that a general lack of funding prevents the performance of proactive and comprehensive service reviews, yet they selectively pursue funding for other purposes.

F6. LAFCO, external agencies, and citizens have conflicting interpretations of the scope and frequency of service reviews for special districts.

Recommendations

R1. Once a problem is identified within a special district, LAFCO should proactively conduct a thorough service review of that district, with the aid of state and county agencies.

R2. To protect the public interest, the Board of Supervisors should work with LAFCO to initiate special reviews that adequately examine the effectiveness of service delivery, especially when unaddressed chronic problems are discovered.

R3. LAFCO should adopt policies to ensure proactive service reviews are completed, to safeguard the proper functioning of a district. These reviews should be in addition to, and independent of, sphere of influence studies.

R4. LAFCO should budget adequately for professional services to conduct proactive service reviews, and maintain sufficient reserves for unanticipated service reviews of special districts.

R5. Service reviews should be designed as diagnostic assessments with recommendations to the special district, County Board of Supervisors, and LAFCO Commissioners, in order to pinpoint, make transparent, and preemptively resolve special district problems.

Commendations

C1. The Santa Cruz County Auditor-Controller's Office should be commended for providing assistance and professional services to Lompico County Water District.

Responses Required

Respondents	Findings	Recommendations	Respond Within/ Respond By
LAFCO Commissioners	F1-F6	R1, R3-R5	90 days October 1, 2012
LAFCO Executive Officer	F1-F6	R1, R3-R5	60 days September 1, 2012
Santa Cruz County Board of Supervisors	F1-F3, F5, F6	R1, R2, R4, R5	90 days October 1, 2012
Santa Cruz County Auditor- Controller	F5		60 days September 1, 2012

Definitions

- **CDPH:** *California Department of Public Health.*
- **CSA:** *County Service Area* - A CSA is a special taxing district, similar to a special district, in that it is empowered by state law to provide specific services within a specified boundary; however, a CSA stays under the governance of the County Board of Supervisors. Road maintenance and sewer districts can fall into this category. Water and fire districts are generally set up as independent special districts.
- **Dry Period Financing:** A method of paying bills used by public agencies during the months prior to receiving monies from the distribution of property tax payments. The County Auditor-Controller “loans” the money to the agency and then later deducts that amount from the property tax money assigned to that agency.
- **Hertzberg Act:** Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 redefined LAFCO’s jurisdiction by combining and adding to several prior laws. Gives LAFCO authority to: approve boundaries; form, merge and dissolve districts and annex territories.
- **LAFCO:** *Local Agency Formation Commissions* - The independent commissions created by the California Legislature to control the boundaries of cities and most special districts.
- **LCWD:** *Lompico County Water District.*
- **Lompico Board of Directors:** Five citizens residing within the geographical boundaries of the LCWD, elected by the community to govern the water district.
- **Service Review (Municipal Service Review or MSR):** A comprehensive study designed to better inform LAFCO, local agencies, and the community about the

performance of municipal services. Service Reviews capture and analyze information about the governance and operations of service providers, and identify opportunities for greater coordination and cooperation between providers.

- **Shared Governance:** Governance based on cooperation and interaction between multiple stakeholders.
- **SLVWD:** *San Lorenzo Valley Water District.*
- **Special District:** A separate local government entity, unique to California, that delivers a limited number of public services to a geographically limited area.
- **Sphere of Influence:** The physical land boundaries defining a service area, or potential future area, to which a local agency will or may provide services.
- **SVWD:** *Scotts Valley Water District.*

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Meetings

Santa Cruz LAFCO monthly meetings, March 2012 and April 2012.

The Power and Privilege of Transparency

Access to information is the cornerstone to good governance, meaningful participation, and increasing transparency, and is recognized as a fundamental human right.

Democracy depends on a knowledgeable citizenry whose access to a range of information enables them to participate more fully in public life, help determine priorities for public spending, receive equal access to justice, and hold their public officials accountable. Inadequate access to public information allows corruption to flourish, and back-room deals to determine spending in the interests of the few rather than many.^[1]

–The Carter Center

Summary

The 2010-2011 Santa Cruz County Grand Jury Report found that,

...the City of Watsonville had not been conducting its business in a professional way; one that is transparent in all its dealings, and one that gives all relevant information needed by elected officials to be able to make informed decisions.^[2]

After reviewing that report, the 2011-2012 Grand Jury decided to investigate issues that are “illustrative of a laxity of process and controls”^[2] in the Watsonville City Government, both those identified by the prior Grand Jury and new relevant concerns:

- Issuance of a \$225,000 check in April 2008 for a fire truck, more than three years prior to its delivery. Nearly a year after its delivery, its operational status remains unclear.
- Continuing concerns about the process by which Community Development Block Grant (CDBG) funds were used to purchase the fire truck
- Cash handling procedures for the Strawberry Festival
- Citywide cash handling policy and procedures
- Difficulties obtaining complete, accurate, and timely information, which suggests a lack of transparency

The citizens of Watsonville deserve a clear understanding of where, why, and how their tax dollars are being spent.

Background

After reviewing the City of Watsonville's responses^[3] to the 2010-2011 Santa Cruz County Grand Jury Report, "City of Watsonville: Fastest Growing City Looking for Leadership and a Fire Truck,"^[2] the 2011-2012 Grand Jury believes issues remain related to transparency, communication, controls, policies, and procedures.

While the prior Grand Jury's report offered constructive recommendations, the City did not view them as such. Many of their responses were notably lengthy, bureaucratic, and failed to substantively address the material in the report.^[3] The 2011-2012 Grand Jury feels several of these issues warrant further examination. The confusion surrounding financial procedures and transactions, as communicated by many staff and Council interviewees, was of primary concern. Specific examples are Strawberry Festival cash handling, the fire truck purchase, and CDBG funding.

Scope

Incomplete, inaccurate and inaccessible information, and lack of transparency, continue to be issues for the City of Watsonville. The Grand Jury focused on investigating policies and procedures in the City related to purchasing, cash handling, and internal controls. We reviewed city, county, state and federal documents, and conducted interviews with city staff, senior staff, the City Manager and City Council members; county, state, and federal officials; the District Attorney; and members of other Grand Juries.

Investigation

Strawberry Festival and Cash Handling

The City of Watsonville assumed the operation of the annual Strawberry Festival in 2009, after a disagreement with the former festival operator. The following events occurred after the conclusion of the third festival operated by the City in 2011:

- Members of the 2011-2012 Grand Jury attended the August 23, 2011, City Council meeting, at which a council member asked for an explanation of three separate expenditures coded "Petty Cash," totaling \$22,950. Administrative Services Director Pimentel said "...he would follow up with the Council at a later date regarding payments made to Petty cash..."^[4] ^[5]
- At the November 8, 2011, City Council meeting, Department of Parks and Community Services staff Sr. Administrative Analyst Mattos and Parks & Community Services Director Espinoza presented the staff report on the 2011 Strawberry Festival.^[6] ^[7] Council member Bilicich asked for an explanation of the large petty cash disbursement, and was told,

In regards to cash, there are certain contractors that we do pay in cash and that is (sic) includes some of the performers,

the bands...and so we follow city protocols in obtaining the petty cash and accounting for it...and actually making payment once the performance is completed.^[6]

- At the December 13, 2011, City Council meeting, it was noted,

Administrative Services Director Pimentel at the request of Member Martinez explained the procedure for requesting petty cash, including the difference between incidental petty cash transactions and formal vendor payments using cash. Member Martinez asked additional questions regarding why entertainment bands were paid in petty cash to perform at the Strawberry Festival. Administrative Services Director Pimentel and City Manager Palacios clarified that the money used to pay the bands was not petty cash but rather a vendor payment in accordance with established purchasing procedures. Mayor Montesino asked Administrative Services Director Pimentel to provide a written report to the Council with answers to Member Martinez's questions.^[8]

- In a memorandum dated January 5, 2012, "REPORT ON STRAWBERRY FESTIVAL SPECIFIC PAYMENTS,"^{[9] [10]} Administrative Services Director Marc Pimentel provided a formal summary describing, in greater detail,

...the processes involving a Strawberry Festival related check #182454 for \$18,650 (dated 7/27/11) that was used for stage acts/band vendor payments and to set up starting cash boxes for the City's parking/sales/soda activities.

The memorandum also explains,

When such infrequent cash transactions as these are approved, there are multiple layers of controls in place to protect the City's assets...reviewed and confirmed as part of the annual, independent, financial audit that includes a highly scrutinized review of the City's "financial internal controls."

It should be noted that during this almost five-month period, the petty cash issue, and the length of time it took to resolve it, was a source of considerable media discussion.

The events described above raised additional questions, and led us to investigate the City's overall cash-handling policies and procedures.

The Grand Jury conducted fact-checking interviews with Watsonville staff and City Council members, and reviewed numerous city documents. We attended the majority of City Council meetings during the 2011-2012 fiscal year, and reviewed audio and video

recordings of City Council meetings, minutes, and other City documents. We believe the following points from our investigation, taken together, demonstrate a laxity of process and controls:

A. August 4, 2011. Check #182454 for \$18,650,^[11] one of the checks made out to petty cash, was cashed. The proceeds were used to pay three bands in cash (\$10,450 total) on the following Saturday and Sunday. The balance of \$8,200 in cash was used for vendor cash drawers.^[9] [\[10\]](#)

B. August 6-7, 2011. The 2011 Strawberry Festival was held in Watsonville. The City reported 75,000 attendees,^[7] with festival revenues of \$117,158.47, and expenses of \$106,685.57, for a profit of \$10,472.90.^[8]

C. The Grand Jury initially asked Senior Staff if they prepared any Festival planning documents, such as meeting minutes, budgets, financial statements, policies, or procedures, including those involving cash-handling. At that time, staff advised there were budgets, but no other documents, and that all related financial practices were in accordance with City Finance Department procedures. In response to our request to confirm this information, other staff later revealed that the City did have records from prior festivals, and made them available for our inspection.

March 8, 2012. During a site visit to Watsonville, city staff produced numerous boxes and binders of documents, including three years (2009-2011) of contracts, vendor records, revenue receipts from booths, payments, and 1099 forms. However, they did not produce any of the planning documents or policies, nor the cash handling protocol that was mentioned at the November 8, 2011, City Council meeting.

March 24, 2012. Following the review of the Festival documents, the Grand Jury interviewed the Parks and Community Services Department staff member charged with planning and operating the Festival, and asked if there were any additional documents pertaining to the event. This staff member said there was one document being prepared, and later provided an undated document, "Cash handling - Annual Watsonville Strawberry Festival (DRAFT – subject to change)"^[12] to the Grand Jury on April 4, 2012. The document is a two-page draft that fails to address adequate safeguards for cash handling.

D. We wondered if there were any citywide cash handling policies that could be adapted to the Strawberry Festival.

March 21, 2012. We requested *any and all* city documents related to *citywide* cash-handling policies and procedures.

April 2, 2012. We were provided a one-page memorandum to Finance staff, dated March 14, 2003, "Summary of Major Cash and Check Controls

(Revised 8/29/03),”^[13] which contained only one paragraph of cash control guidelines.

E. Wondering if our inquiry was misunderstood, we engaged in a lengthy exchange of e-mails with city officials, culminating with the following:

On April 9, 2012, we asked additional questions regarding cash handling, and received a response on April 23, 2012. Our questions and the responses included the following:

1. Can you confirm that the Finance Department memorandum that you previously provided is the only other policy or procedures document used by the City, regarding cash handling/controls?

“Yes. All other written policies are included in the City's Administrative Rules.” (Note: We reviewed the City Administrative Rules and Regulations. “Chapter VI. Finance” consists of three Sections—Tuition Reimbursement, Travel and Meal Reimbursement, and Petty Cash Procedures—but does not include any other cash handling/controls policies or procedures.)

2. Is there a separate Finance Department Administrative manual?

“No.”

3. Are there any specific written policies for staff, such as those receiving utility payments?

“Yes. There is a Utilities Desk Front Counter Manual that stipulates various procedures for processing payments.”

If there are any other documents, such as described above, can you please provide them?

“There is also a transfer log for daily deposits and an Oasis User's Manual for our utility billing system. Information about our cash handling process was discussed with members of the Grand Jury during their site visit on Monday, April 16, 2012, at 10:30am. Both Grand Jury members (names withheld) reviewed the Front Desk Front Counter Manual and the Transfer Log for Daily Deposit during their site visit. In addition, Grand Jury members (names withheld) reviewed our Brinks Signature Log and Cash Deposit Slip. Please advise if you still require a copy of the manuals.”

F. April 16, 2012. While waiting for responses to the above questions, we made a site visit to the payment counter at City Hall, where staff produced binders with comprehensive procedures for handling all payments made at that location.

Those payments include: utilities payments, accounts receivable, fines, permit fees, license fees, and monies received by other departments. The procedures in place at the payment counters included steps to insure that incoming monies are recorded and deposited accurately. This confirmed the existence of some site-specific procedures, but no overall cash-handling policy or procedure for the City of Watsonville.

We reviewed the cash-handling policies and procedures of other cities and local governments. Though varying widely in detail, most cities had adopted some form of policy. A City of Watsonville senior staff interviewee characterized the City of San Luis Obispo policies and procedures as outstanding. "Best Practices—Accountability for Public Money," also describes the City of San Luis Obispo policies as notable:¹⁴

Of the cash-handling policies reviewed, the city of San Luis Obispo's policies and procedures on cash management are the most thorough and comprehensive. They are divided into the following sections: General Information, Public Service, Cash Handling, Daily Cashier Operations and Security and Loss and Prevention.

In an interview, a senior city staff member referred to Watsonville's policies and procedures by saying,

There's very few policies and procedures from a day-to-day operations standpoint in the whole city—for anything.

The repeated efforts required to get basic information; and the surprising disparity between information asked for, initially provided, and ultimately discovered, painted a disturbing picture.

Fire Truck Purchase

In April 2008, the City of Watsonville issued a check for \$225,000 for the purchase of a used aerial ladder truck. The truck was finally delivered in June 2011.

After our review of the 2010-2011 Grand Jury report, we had questions regarding the process by which the fire truck was purchased, using CDBG funds from a Housing and Urban Development (HUD) program.

Our preliminary review of HUD documents suggested that Watsonville could be in violation of the requirements of the CDBG program that funded the purchase of the fire truck. A senior HUD staff member stated, and HUD regulations confirm, that CDBG grant recipients must meet specific criteria, including: (a) the expenditure must be for an allowable activity; and (b), the project must be completed in a timely manner.

The purchase of a fire truck appears to be an allowable activity; however, almost four years after receiving the grant, and one year after taking delivery, the operational status of the fire truck remains unclear. We reviewed the CDBG Activity Summary Report for

Program Year 2007,^[15] prepared by the City, that stated the activity “purchase of used aerial ladder fire truck” was completed on June 30, 2008. It remains unclear if the CDBG program requirement was met, given the extended delivery date and unknown operational status of the truck.

Issues of Transparency and Adequacy of Information

The Grand Jury attended numerous City Council meetings during which council members asked questions of staff, including questions regarding disbursements, that could not be answered. Members were advised they would be provided answers at a later date. Often, those answers had not been provided by the next meeting.

Council members were often unable to cast informed votes to approve expenses, because details were not provided in time for adequate review.

One reason for information not being available in a timely manner was alluded to by the City Administrative Services Director, who publicly described problems with the city’s accounting system, suggesting that it hindered the city’s ability to compile reports requested by Council members.^[16]

Marc Pimentel, administrative services director, said Watsonville uses software first created in 1978 and last updated in 1996, which makes compiling the requested reports more labor intensive than it would be with more up-to-date programs.

During our investigation of the Strawberry Festival, we noted that the petty cash issue was first raised at the August 23, 2011, City Council meeting, but it was not until December 13, 2011, that it was explained that the check had been incorrectly coded, and that it should have been listed as “vendor payment.” It is troubling that it took nearly four months to clarify an entry into the financial accounting system, and to answer Council Members’ repeated questions.

As previously noted, the Strawberry Festival investigation revealed extensive time delays in obtaining cash handling documents after repeated requests. This was representative of our numerous formal requests for information from the City. At times, the information was provided promptly and completely. At other times, it was not.

The number of repeated requests needed to receive the specific information; the length of time required for an appropriate response; and the failure to provide complete information was perplexing.

Findings

F1. It appears the City of Watsonville does not have a comprehensive, citywide cash handling policy.

F2. In the absence of an overall cash-handling procedure, the handling of large amounts of cash paid out and received during the Strawberry Festival creates an unacceptable risk for misappropriation of funds.

F3. The City of Watsonville may have failed to meet U.S. Department of Housing and Urban Development Community Development Block Grant program objectives for the purchase of the fire truck.

F4. With regards to the Grand Jury investigations reported on here, city staff responses to requests for information from the City Council or the public were too often incomplete, inaccurate, or not provided in a timely manner.

Recommendations

R1. The City of Watsonville should develop comprehensive citywide cash handling policies and procedures. (The City of San Luis Obispo Cash Handling Policy is an excellent resource.^[17])

R2. The City of Watsonville should immediately implement interim procedures, in writing, for the handling and tracking of cash, prior to the 2012 Strawberry Festival.

R3. The City of Watsonville should comply with U.S. Department of Housing and Urban Development requirements for the use of Community Development Block Grants.

R4. The City of Watsonville should improve the accuracy, completeness, and timeliness of information provided to the City Council and the public.

R5. The City Council should stipulate date specific response deadlines on requests to City staff for information.

Responses Required

Respondent	Findings	Recommendations	Respond Within/ Respond By
City of Watsonville - City Council	F1-F4	R1-R5	90 Days October 1, 2012
City of Watsonville - City Manager	F1-F4	R1-R4	60 Days September 1, 2012

Definitions

- **Aerial Ladder Truck:** A specialized firefighting vehicle with a large telescoping ladder, used to provide access to upper stories of buildings.
- **CAPER:** *Consolidated Annual Performance and Evaluation Report* - Required of grant recipients, by the Department of Housing and Urban Development (HUD). At the end of each fiscal year, the CAPER report details accomplishments toward meeting the goals outlined in a grant recipient's Consolidated Plan.
- **CDBG:** *Community Development Block Grant* - A grant from HUD to be used for specific city projects.
- **CDBG Activity Summary Report:** An element of the CAPER report, which grant recipients must complete on an annual basis.
- **City Council:** Refers to Watsonville City Council. The seven elected City Council Members of the City of Watsonville, acting as the governing body.
- **City Government:** Refers to Watsonville City Government. The Watsonville City Council and Watsonville City Staff, operating under the city charter.
- **City Manager:** Appointed by the City Council; supervises all heads of city departments, all activities and operations of the City, and makes recommendations to the City Council.
- **City Staff:** All employees of the City of Watsonville.
- **Consolidated Plan:** A five-year plan required by HUD for CDBG recipients. The five-year plan must include an analysis of low-income housing needs, the needs of homeless persons and special needs populations, and the local housing market.
- **HUD:** *U.S. Department of Housing and Urban Development* - HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all.
- **Policy:** The formal guidance needed to coordinate and execute activity throughout the city. When effectively deployed, policy statements help focus attention and resources on high priority issues—aligning and merging efforts to achieve the city's vision. Policy provides the operational framework within which the city functions.
- **Procedures:** The operational processes required to implement city policy. Operating procedures can be formal or informal, specific to a department, or applicable across the entire city.

- **Senior Staff:** City employees who report directly to the City Manager.
- **Staff Report:** A report presented to the City Council or City Commissions by a member of the city staff, which presents the details concerning an item on the City Council or Commissions' agendas. This is typically in the form of a memorandum to the City Manager with attachments as appropriate.
- **Watsonville Department of Parks and Community Services:** The city department responsible for managing the Strawberry Festival.

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<http://media.csmfo.org/archives/resources/1816.pdf>

Resources

City of Watsonville - <http://www.ci.watsonville.ca.us/index.html>

Charter of the City of Watsonville - <http://www.bixby.org/charter/charters/Watsonville.pdf>

Watsonville Municipal Code - <http://www.codepublishing.com/ca/Watsonville/>

Santa Cruz County Grand Jury - <http://www.co.santa-cruz.ca.us/default.aspx?tabid=895>

Known Soil Contamination and Building Permit Applications

Who Asks? Who Should Ask? Who Knows?

Summary

The Grand Jury is concerned that land use and building permits are being issued for activities/construction on sites without prior consideration for existing soil contamination. Further, we are concerned that not all permit applicants are informed, prior to issuance of the permits, that there is easily accessible information on existing contaminated soil sites. In Santa Cruz County permitting agencies do not ask land use or building permit applicants whether they are aware of existing soil contamination on the property. Environmental Health Services (EHS), a division of the Public Health program of the County Health Services Agency, is responsible for monitoring known contaminated sites and for advising the county's various jurisdictions as to the locations. EHS also directs soil contamination mitigation work mandated by state law prior to approval of a land use and/or building permit. However, not all permit applications are referred to EHS for review.

Background

The 2010/2011 Grand Jury reported that the City of Watsonville does not usually check for environmental hazards at a proposed development site prior to the issuance of land use or building permits.^[1] The Grand Jury recommended that the City of Watsonville collaborate with EHS to develop a procedure that alerts staff to the presence of hazardous materials before issuing land use or building permits.^[1]

The City of Watsonville did not implement this recommendation, on the grounds that they would be assuming a new liability that should rightfully stay with the property owner or developer, who are required to notify the City "of potential or known contamination on the site for proposed development."^[2] This response sidesteps the finding that the "City of Watsonville Community Development Department issues land use and building permits without consideration of the presence of hazardous materials or recorded land use restrictions."^[1]

The current Grand Jury investigation was triggered by this response and by the discovery of inconsistent collaboration between local permitting agencies and EHS. This may increase the likelihood that the public will unwittingly be exposed to soil contaminants.

The Grand Jury subsequently examined the permit application procedures that have been implemented by the various building departments within the County of Santa Cruz for identifying known contaminated soil sites. We found no routine communications

between the various jurisdictions and the County EHS regarding soil contamination. The primary coordination between EHS and any building departments is on large and/or commercial projects.

EHS maintains, updates, and continues to expand its database of contaminated sites in the county. With continuing growth in Santa Cruz County, development on contaminated soil sites is an ever-increasing possibility. Property owners, with little or no experience in seeking building permits, may not be aware of any potentially hazardous materials or contaminated soil under their property.

It is important to educate property owners about how to determine if their property is on a contaminated-site list. To this end, we believe there is a need for a consistent notification statement to be present on all county and city jurisdiction permit applications.

Scope

The Grand Jury interviewed personnel of various planning and building departments, local consultants and agencies, as well as EHS and Santa Cruz County Geographic Information Systems (GIS) personnel. We asked specific questions regarding building permit procedures pertaining to soil contamination. We gathered and reviewed documents which included: permit decision matrices, permit applications, permit information made available to contractors and the public, and documents and websites from agencies dealing with hazardous materials and contamination.

Investigation

The 2011-2012 Grand Jury interviewed the departments responsible for issuing permits in the cities of Santa Cruz, Capitola, Watsonville, Scotts Valley, and the County of Santa Cruz.

The Grand Jury pursued the following lines of investigation:

- Reviewed all building permit application forms^{[3] [4] [5] [6] [7]}
- Reviewed the 2010-2011 Grand Jury report and the response from the City of Watsonville, regarding the issue of known soil contamination sites and the issuance of building permits^{[1] [2]}
- Interviewed key staff in all city and county building and planning departments and at EHS

Our interviews, coupled with the examination of planning and building permit documents in the county and the cities of Scotts Valley, Watsonville, Capitola and Santa Cruz, revealed that there is not a uniform approach for addressing soil contamination during the permitting process. In each jurisdiction, only certain types of projects require a check for hazardous and/or contaminated soil. The various criteria for checking include:

- Large building projects (e.g. homes over 3,000 sq. ft.)
- Projects in watershed areas
- Projects involving septic tanks and lines
- Publicly-funded projects
- Known hazardous sites

We learned through interviews that the permitting staff may, on occasion, check with EHS for evidence of known soil contamination for a given site. However, this procedure is rarely implemented for a small project. With the exception of Santa Cruz County's LORI Property Disclosure Statement, none of the permit application forms require the applicant to provide any information regarding the applicant's knowledge of existing soil contamination at the proposed build site.

The Grand Jury confirmed that EHS is responsible for enforcing state and federal statutes and regulations, as well as any applicable local ordinance regarding soil contamination.^[8] Pursuant to State of California Code Of Regulations, Title 27, Division 1, Subdivision 4, Chapter 1,^[9] in 1996, the California Environmental Protection Agency (EPA) designated EHS as the "Certified Unified Program Agency" (CUPA) within the geographic boundaries of Santa Cruz County (Santa Cruz County Code Chapter 7.100),^[10] pertaining to the storage, use and disposal of hazardous materials and hazardous wastes.

EHS maintains their own database and tracks various others as part of their responsibilities. Sites with known hazardous materials contamination and mitigation activity are listed on different websites. The locations of the websites are noted in the table below.

Source	Contents	Access Availability
GeoTracker ^[11]	Primarily concerned with groundwater contamination and related topics	Publicly available online
EnviroStor ^[12]	Information on hazardous waste sites of various kinds	Publicly available online
Santa Cruz County GIS website ^[13]	Geographic database that is updated with various land use and planning, hydrography, and jurisdictional data.	Limited online data. Only accessible from Internet Explorer 8. More accessible version in process. Full version available in County Building, 701 Ocean Street, Room 316.
Santa Cruz County Site Mitigation List ^[14]	List of sites where soil contamination has been addressed	Publicly available online
Santa Cruz County Environmental Health Database	Has links and data regarding soil contamination	Only available in EHS County Building, Room 312

The County of Santa Cruz maintains a comprehensive resource entitled Environmental Health Database (EHD). Using the EHD, the Grand Jury easily found that the site referred to by last year’s Grand Jury, 618 Main Street, Watsonville, was listed on “EnviroStor,”^[12] “GeoTracker,”^[11] and “Santa Cruz County Site Mitigation List.”^[14] An examination of the EHD reveals that contaminated sites are listed by street address only. In contrast, the Santa Cruz County Site Mitigation List, EnviroStor, and GeoTracker do present the data in an easy-to-access geographical manner. The EHD is only available in the EHS office at the County Building, 701 Ocean Street, Room 312 (3rd Floor), Santa Cruz, or by phoning (831) 454-2022.

Findings

F1. The building departments of the County of Santa Cruz, and the Cities of Watsonville, Capitola, Santa Cruz and Scotts Valley, do not consistently communicate with Environmental Health Services (EHS) to identify known soil contamination sites during the building permit application process.

F2. Public access to the Environmental Health Database is unnecessarily limited because it is only available by visiting or calling the EHS office.

F3. With the exception of the county's LORI Property Disclosure Statement, nowhere in the examination of city and county building permits was the issue of existing or possible soil contamination brought to the attention of the applicant.

Recommendations

R1. The building departments of the County of Santa Cruz and of the cities of Watsonville, Capitola, Santa Cruz and Scotts Valley should establish a procedure with Environmental Health Services to identify known soil contamination sites during the building permit application process.

R2. Environmental Health Services should make the Environmental Health Database available as an online geographic resource within the existing Santa Cruz County Geographic Information Systems database. Environmental Health Services should also provide their department phone number as a link on the GeoTracker website.

R3. Building departments should make property owners and developers aware that the Environmental Health Database lists known soil contamination sites, as a routine step in the building permit application process.

R4. Environmental Health Services and the building departments should notify applicants that the identification of contaminated soils on their property may impact the building permit process.

R5. Environmental Health Services and the building departments should develop a soil contamination advisory statement, such as the sample given below, and incorporate that statement and information into the building permit application process.

Sample:

Property owners or their agents can find a list of all known contaminated soil sites by viewing the [Geotracker](#), [Santa Cruz County Site Mitigation List](#) websites, and/or by contacting the Environmental Health Services at (831) 454-2022 and asking if their property is on the list of known contaminated sites. The identification of contaminated soils on the property may impact the building permit process.

Responses Required

Respondent	Findings	Recommendations	Respond Within/ Respond By
City of Watsonville Community Development Department	F1-F3	R1-R5	60 Days September 1, 2012
City of Santa Cruz Department of Planning and Community Development	F1-F3	R1-R5	60 Days September 1, 2012
City of Capitola Community Development Department	F1-F3	R1-R5	60 Days September 1, 2012
City of Scotts Valley Building Department	F1-F3	R1-R5	60 Days September 1, 2012
County of Santa Cruz Planning Department	F1-F3	R1-R5	60 Days September 1, 2012
County of Santa Cruz Health Services Agency	F1-F3	R1-R5	60 Days September 1, 2012

Definitions

- **CEQA:** *California Environmental Quality Act* - A statute that requires state and local agencies to identify the significant environmental impacts and to avoid or mitigate those impacts if feasible when the agency considers approving a project.
- **CEPA:** *California Environmental Protection Agency* - A state cabinet-level agency within the government of California responsible for performing environmental research, regulating and administering the state's environmental protection programs and fulfilling hazardous waste cleanup.
- **CUPA:** *Certified Unified Program Agency* - An agency certified by the California Department of Toxic Substances Control to conduct the Unified Program, which consists of hazardous waste generator and on-site treatment programs; above ground and underground storage tank programs; Hazardous Materials Management, and Business Plans and Inventory Statements; and the Risk Management and Prevention Program.

- **DTSC:** *California Department of Toxic Substances Control* - DTSC programs include dealing with the aftermath of improper hazardous waste management by overseeing site cleanups; preventing the releases of hazardous waste, by ensuring that those who generate, handle, transport, store and dispose of wastes do so properly; and taking enforcement actions against those who fail to manage hazardous wastes appropriately.
- **EHS:** *Santa Cruz County Environmental Health Services* - Environmental Health Services is a division of the Public Health program of the County Health Services Agency. Their mission is to protect, preserve and enhance the public health and safety and the environment through the delivery of effective environmental health inspection, consultation and education, enforcement, monitoring and oversight services to the citizens of and visitors to Santa Cruz County.
- **EnviroStor:** The California Department of Toxic Substances Control online database search and Geographic Information System tool for identifying sites where extensive investigation and/or cleanup actions are planned or have been completed at permitted facilities and cleanup sites. It also identifies facilities that are authorized to treat, store, dispose of or transfer hazardous waste. Users can conduct searches using various criteria, including facility/site name, address, city, and county.
- **GeoTracker:** A data management system maintained by the California State Water Resources Control Board for managing sites that impact groundwater, especially those that require groundwater cleanup, as well as permitted facilities such as operating Underground Storage Tanks and land disposal sites. GeoTracker portals retrieve records and view integrated data sets from multiple State Water Resources Control Board programs and other agencies through an easy-to-use Google maps Geographic Information System interface. The interface allows users to view data in relationship to streets/roads, satellite imagery, and terrain map views as well as other sites that affect groundwater quality and wells and other beneficial uses that may be affected.
- **GIS:** *Geographic Information Systems* - GIS is the merger of maps, statistical analysis and databases. As used throughout this report, the acronym defines a specific GIS managed by the Santa Cruz County Information Services Department. The County of Santa Cruz maintains a vast amount of geographic data, much of which is available through a number of resources. Online mapping applications allow interaction directly with geographic data holdings to create a custom map on a computer screen. These interactive mapping applications help to visualize information about land use and planning, hydrography, and jurisdictional data. There are also mapping applications geared toward elections information as well as water quality along shores and streams.
- **LORI:** *List of Required Information* - Required by the Santa Cruz County Planning Department when applying for certain property development permits.

- **SWRCB:** *State Water Resources Control Board* - The mission of the SWRCB is to ensure the highest reasonable quality for waters of the State, while allocating those waters to achieve the optimum balance of beneficial uses. The joint authority of water allocation and water quality protection enables the Water Board to provide comprehensive protection for California's waters.
- **Unified Program:** The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of six environmental and emergency response programs. The state agencies responsible for these programs set the standards for their programs while local governments implement the standards. Cal/EPA oversees the implementation of the program as a whole. The Unified Program is implemented at the local level by 83 government agencies certified by the Secretary of Cal/EPA.

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Learning the Lessons of a Tragedy

Summary

Following the San Bruno natural gas pipeline explosion in September 2010, the National Transportation Safety Board (NTSB) conducted a thorough investigation of the incident.^[1] In a detailed report, the NTSB concluded that Pacific Gas & Electric Company (PG&E) was negligent in critical areas such as having detailed maps showing the location of all natural gas pipelines, conducting proper safety testing on their pipelines, replacing aged pipelines in a timely manner, and working with emergency response teams on a coordinated emergency response plan. Furthermore, PG&E failed to alert emergency responders when they realized the line had burst. It took more than an hour to isolate the rupture to stop the flow of gas, putting first responders in a defensive mode as they struggled to put out the fire, according to NTSB investigators.^[2]

The NTSB faulted the California Public Utilities Commission (CPUC) for failure to perform their basic function, to “inspect what was expected,” by failing to ensure that PG&E:

- conducted proper tests
- reported on pipeline conditions
- had plans in place to replace aged pipelines^[1]

The NTSB findings led members of the Grand Jury to ask, “What are the conditions of the PG&E pipelines in Santa Cruz County, and do our emergency services agencies maintain close communications and coordination with PG&E, should a natural gas pipeline explosion lead to similar devastation in Santa Cruz County?”

Background

Initially, the Grand Jury reviewed the report on the emergency response to the September 9, 2010, San Bruno natural gas pipeline explosion, and interviewed Santa Cruz County emergency response agencies to find out if any lessons were learned.

The NTSB report dated August 2011 noted that a faulty pipe, flawed operations, and inadequate state and federal government oversight led to the natural gas explosion in San Bruno.^[1] During a public board meeting following their final report on the matter,

NTSB investigators sharply criticized pipeline owner PG&E for the explosion, saying the pipe was inadequate from the time it was installed in 1956:

This accident is not just about the failure of a seam in a pipeline. Rather it's about a failure of an entire system -- a system of checks and balances that should have been in place to prevent the disaster.

-Robert Sumwalt, NTSB Board Member

Additionally, NTSB stated that the CPUC failed to exercise adequate oversight and enforcement of PG&E, and that the federal regulator, the Pipeline and Hazardous Material Safety Administration (PHMSA), failed to monitor the CPUC's oversight of PG&E.^[1]

In light of the above, we wondered if our county officials know the following about pipelines and emergency response procedures in Santa Cruz County:

- The location of PG&E pipelines
- The age, composition, and condition of the pipelines
- Location of critical shut-off valves
- Test dates, locations, and test results conducted by PG&E
- PG&E replacement plans for aging pipelines
- Whether adequate emergency response procedures exist, and have they been updated based upon conclusions from the San Bruno event

We found a disturbing picture of complacency during a series of interviews with local fire officials, other city and county officials, and the Santa Cruz County Office of Emergency Services (OES).

Scope

PG&E and the CPUC are beyond the jurisdiction of the Grand Jury; thus, we focused our investigation on the county emergency response agencies, and the level of communication amongst those agencies and PG&E. Although PG&E has made assertions that they are taking aggressive action, we focused our investigation on the level of knowledge and the efforts that exist in Santa Cruz County to reduce the probability of a similar catastrophe.

Investigation

We interviewed government officials at the county and city levels, including Planning, Public Works, Environmental Health, City Council members, County Office of Emergency Services, and local fire departments.

Documents reviewed included NTSB^[1] and CPUC's "Report of the Independent Review Panel San Bruno Explosion,"^[3] news media and Internet accounts regarding the San Bruno incident, PG&E's responses to those reports, and the investigators' recommendations.

Overall, interviewees had little information regarding location, condition, and composition of pipelines in Santa Cruz County. While the CPUC and the PHMSA are the ones responsible for regulatory oversight of PG&E's infrastructure, the failures of PG&E and these agencies to ensure compliance with safety requirements leave local emergency responders and the public in a vulnerable position. Local emergency agencies should not rely on state and federal oversight, or be left in the position of having to accept the safety representations of PG&E. Local emergency agencies should increase their preparations for possible emergencies similar to San Bruno. They also seemed to take at face value PG&E's statement that the condition and safety of the gas pipelines would be improved.

Until recently, OES had not met with officials of PG&E to ask specific questions about the status of Santa Cruz County natural gas pipelines, test results, replacement plans, and emergency response plans.

Since we began our investigation, OES has taken an increasingly active role in addressing the above issues, by setting up joint meetings with PG&E and local fire officials.

OES has a PG&E desk in their emergency response headquarters, and conducts regular training exercises with local emergency response officials. Historically, PG&E seldom attended. However, as of May 2012, OES reported that PG&E has attended two meetings and held a training session for first responders. OES also succeeded in coordinating a meeting with PG&E where the issues were addressed. At this meeting, PG&E finally provided current pipeline maps, and testing and replacement plans.

When we began our investigation, neither OES nor any county agency had received updated emergency disaster response plans from PG&E. In January 2012, local fire officials and PG&E met to review updated emergency disaster response plans.

Prior to the second quarter of 2012, Santa Cruz County OES had not contacted San Mateo County OES or San Mateo County emergency response personnel regarding lessons learned from the San Bruno incident. In the second quarter of 2012, OES requested and received the San Bruno post-incident report.

The Grand Jury and Santa Cruz County Office of Emergency Services have no direct jurisdiction over PG&E. The Consumer Protection and Safety Division of the CPUC have safety oversight of our natural gas pipelines.^[4] The ultimate responsibility for the CPUC lies with the Governor, who, with Senate confirmation, appoints all of the commissioners.^[4] The commissioners give direction to the Executive Director, who in turn oversees all the different divisions of the CPUC. The current organization of the

CPUC places multiple layers of bureaucracy between citizens and the Consumer Protection and Safety Division.

However, options are available to the citizens of our county. Citizens can and should voice their concerns regarding pipeline safety to the Governor, their state legislators, and the County Board of Supervisors. Another effective method of communication is for the County Board of Supervisors to request help from the Governor and our local state representatives.

Findings

F1. The Grand Jury and Santa Cruz County Office of Emergency Services have no jurisdiction over PG&E. However, the County Board of Supervisors can request help from the Governor and from their state legislators to require that the California Public Utilities Commission uphold their state mandate, as the oversight body of PG&E: **“to ensure the provision of safe, reliable utility service and infrastructure at reasonable rates.”**^[5]

F2. During the course of our investigation, the Santa Cruz County Office of Emergency Services made significant progress in coordinating the flow of essential emergency response information regarding pipeline safety to the appropriate agencies.

Recommendations

R1. The County Board of Supervisors should request periodic updates on the condition and safety of PG&E gas pipelines in Santa Cruz County, urging the Governor and state legislators to demand that the CPUC improve their oversight of gas pipeline safety.

Commendations

C1. The Grand Jury wishes to commend the Santa Cruz County Office of Emergency Services, who continues to demonstrate excellence and professionalism, despite budget cuts. Their preparedness, use of community resources, organization, and foresight make this office a model for other counties. The citizens of Santa Cruz County are far safer because of their work.

Responses Required

Respondent	Findings	Recommendations	Respond Within/ Respond By
Santa Cruz County Board of Supervisors	F1, F2	R1	90 Days October 1, 2012

Definitions

- **CPUC:** *California Public Utilities Commission* - A state agency authorized to regulate privately owned electric, natural gas, telecommunications, water, railroad, rail transit, and passenger transportation companies and serves the public interest by protecting consumers and ensuring the provision of safe, reliable utility service.
- **NTSB:** *National Transportation Safety Board* - An independent federal agency charged with determining the probable cause of transportation accidents, promoting transportation safety, and assisting victims of transportation accidents and their families.
- **OES:** *Santa Cruz County Office of Emergency Services* - The County agency responsible for emergency planning and preparation for Santa Cruz County.
- **PG&E:** *Pacific Gas & Electric Company* - The utility that provides natural gas and electricity to most of Northern California.
- **PHMSA:** *Pipeline and Hazardous Materials Safety Administration* - The federal safety authority for the nation's 2.3 million miles of natural gas and hazardous liquid pipelines.

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Jails and Juvenile Hall Inspection Report

Status of Inmate Management in Santa Cruz County

Summary

Every year the Grand Jury is mandated to inspect jails in Santa Cruz County. The 2011-2012 Grand Jury visited the Main Jail, Rountree Men's Medium Facility, Blaine Street Women's Facility, court holding cells in Santa Cruz and Watsonville, and Juvenile Hall. Overall the Grand Jury commends the Sheriff's Department and the Probation Department for operating clean and apparently well-run facilities, despite intermittent overcrowding, gang-related inmate interactions, and limited funding.

However, the Grand Jury has significant concerns regarding the successful implementation of the 2011 "Realignment Legislation Addressing Public Safety" (AB 109),^[1] which went into effect on October 1, 2011. While the Sheriff's Office has a plan,^[2] through its Community Corrections Partnership (CCP), to address potential overcrowding, it will take at least a year to accurately assess how well AB 109 is working. The Grand Jury is also concerned about decreases in the community-based services and programs necessary to serve inmates released into the community for lesser offenses, as county funding for community-based services has decreased nearly 30% since 2009.^{[3] [4]}

The Grand Jury also sought to understand protracted delays in building mandated recreation areas for youth within Juvenile Hall. While Juvenile Hall received funding in 2009 under a \$1.3 million SB 81 grant award^[5] to build the facility, initiative to complete the project has stalled in other areas of county administration and government. The Grand Jury is concerned that chronic delays, now estimated to be an additional three years, may jeopardize the grant award and increase project costs, while youth are not afforded necessary, adequate, and required recreational areas.

Background

The Grand Jury is mandated to inspect the county jails annually under State of California Penal Code §919(b). Additionally, the Grand Jury reviewed previous Grand Jury jails reports in order to identify patterns and issues that remain unresolved. The Grand Jury visited six detention facilities over an eight-month period:

Facility	Address	Visitation Dates
Main Jail	259 Water Street Santa Cruz, CA 95060	September 16, 2011; December 15, 2011; April 26, 2012
Blaine Street Women’s Facility	141 Blaine Street Santa Cruz, CA 95060	September 16, 2011; December 15, 2011
Rountree Men’s Medium Facility	90 Rountree Lane Watsonville, CA 95076	September 16, 2011; April 13, 2012
Court Holding Cells	A) 701 Ocean Street, Santa Cruz, CA 95060 B) #1 2nd Street, Watsonville, CA 95076	December 15, 2011
Santa Cruz County Juvenile Hall	3650 Graham Hill Road Felton, CA 95018	October 27, 2011; February 24, 2012

The Main Jail, Rountree Men's Medium Facility, Blaine Street Women’s Facility, and the Court Holding Cells are operated by the Santa Cruz County Sheriff’s Office. Santa Cruz County Juvenile Hall is operated by the Santa Cruz County Probation Department. The County Board of Supervisors approves the budget for each facility.

Scope

The Grand Jury inspected the correctional facilities of Santa Cruz County and reviewed their policies and procedures. The intent of the investigation was to ensure the proper operation and oversight of our local detention facilities per the penal code, while highlighting any issues or concerns that may be of interest to the community. We investigated the following: booking procedures, staffing, operations, inmate services and rehabilitation, medical services, overcrowding, classification, grievances, and discipline.

One principal concern explored in this investigation was the impact of AB 109 on the operating conditions and potential overcrowding of the jails. AB 109 purports to give local law enforcement the ability to manage offenders in smarter and more cost-effective ways. An additional concern the Grand Jury explored was the protracted delay to initiating necessary construction of a recreation area at the County Juvenile Hall facility. The lack of an adequate facility was noted as a compliance issue in a Corrections Standards Authority inspection.

MAIN JAIL FACILITY INSPECTION REPORT

<p>Facility Name: Santa Cruz County Corrections Main Jail</p>	<p>Inspection Date(s): September 16, 2011; December 15, 2011; April 26, 2012</p>
<p>Address: 259 Water Street Santa Cruz, CA 95060</p>	<p>Rated Capacity: 311 Occupancy: 343 (as of September 16, 2011)</p>

AREAS INSPECTED OR REVIEWED

Quality of Life	Programs	Persons Interviewed
<p>Physical Plant Meals/Nutrition Mental Health Physical/Dental Health Religious Services Visiting Volunteer Involvement</p>	<p>Educational Vocational Community-Based Services Domestic Violence Victim/Gang Awareness Substance Abuse</p>	<p>Inmates: N/A Facility Manager: Yes Medical Staff: Yes School Staff: N/A Mental Health Staff: N/A Line Staff: N/A Food Services Staff: N/A</p>

GENERAL INFORMATION ABOUT THE MAIN JAIL

What is the rated capacity of the facility?

This facility has 16 specific housing modules, each with its own rated capacity, with a total rated capacity of 311. Each module is assigned a specific population type: general population, disciplinary isolation, inmate worker, medical needs, and protective custody.

Has the facility exceeded capacity since the last inspection?

Yes. On three separate interviews/visits, the Jail Management System Reports indicated the Main Jail was over capacity. The effects of AB 109 are beginning to be felt in the Main Jail. The average length of stay of non-AB 109 inmates is 30-32 days, while AB 109 inmates have an average length of stay of 2.8 years.

What is the inmate classification system?

Inmate behavior determines housing assignment. Inmates exhibiting gang affiliation, race hatred, or anti-social behavior are classified as Administrative Segregation, which restricts out-of-cell hours and access to other activities offered to General Population inmates. Administrative Segregation and General Population inmates may request

reclassification every 30 days on an Inmate Request Form. If inmates maintain positive behavior, they may be returned to the General Population. If they do not maintain positive behavior, they will remain in Administrative Segregation.

INCIDENTS SINCE LAST ANNUAL INSPECTION

Number of suicides	0
Number of attempted suicides	0
Number of deaths from other causes	0
Number of escapes	1 (Cut off ankle monitor)

LOCAL INSPECTIONS

Fire System Inspection:	Date: May 9, 2011
Medical/Mental Health	Date: Per CSA May 11-13, 2011
Environmental Health	Date: Per CSA May 11-13, 2011
Nutritional Health	Date: Per CSA May 10, 2011

STAFFING

Is there enough staff to monitor inmates?

Each shift has 15-17 officers. The total number of officers employed at the jail is 120. However, discrepancies regarding adequate staffing were noted by the Corrections Standards Authority (CSA) 2010-2012 Biennial Inspection Report.^[6] The CSA report noted that staffing levels were insufficient:

...consistent gaps in security checks throughout the housing areas...A high percentage of delayed checks were up to 20 minutes overdue...delayed security checks in the housing areas are only evident to supervisors when a computer-generated report is printed. That report is not printed or reviewed regularly by sergeants. When interviewed, sergeants were not aware of the overdue checks. Taken together, these observations indicate

that the level of staffing is insufficient to perform all tasks required by the regulations.

The CSA report also highlighted the following compliance issue:

Title 15, Section 1024: This regulation requires a sufficient number of personnel be on duty at all times to ensure the implementation and operation of all programs and activities required by regulations.^[6]

Does staff communicate in language that an inmate can understand?

At least one Spanish-speaking officer is on duty most of the time. Bilingual inmates are sometimes used as translators when no other option is available.

Impression of staff/inmate interactions?

There appeared to be mutual respect and low tension between officers and inmates during the Grand Jury's inspection.

Number of staff interviewed?

Four staff members were interviewed.

CONDITION OF GROUNDS

The outside grounds are well maintained and pleasant. There are no other grounds areas except a service bay at the back of the building.

EXTERIOR OF BUILDING

The exterior of the building appears in good condition. (Note entry lobby issue in section below.)

INTERIOR OF BUILDING

The lobby of the Main Jail closed on September 21, 2011, due to a water problem under a tile floor. This required the front glass lobby windows to be removed and boarded up for safety precautions. As of April 26, 2012, the lobby still has not been repaired, and the windows remain boarded up. Staff reported that this condition reflects poorly on the overall appearance of the facility.

Are cleaning fluids and chemicals labeled and safely stored?

A few spray bottles on cleaning carts had labels worn off or were not clearly marked.

Weapons locker present?

Weapons lockers are present in the command room and sally port.

Recreation/sports equipment?

Each pod has a common area. Inmates were observed working out with weights and on weight machines.

Are the hallways clear, are doors propped open or closed?

Hallways were clear, and no doors were propped open.

Do holding areas (cells/rooms) have access to drinking water and toilet?

Yes.

Are there individual cells/rooms, or dormitories?

Medical Pod, Unit U, has individual cells/rooms and the inmates in the rooms are checked every 20 minutes. Other units utilize a dormitory style.

Beds: Type of bed and 12 inches off the floor?

Yes. However, during periods of overcrowding "boats" are utilized.

Adequate lighting?

There appeared to be adequate lighting throughout the facility.

Temperature?

Temperature was comfortable throughout the facility.

INDIVIDUAL CELLS/ROOMS

Conditions of walls?

We did not inspect individual cells of inmates.

Personal possessions allowed in cell/room?

Inmates are allowed eyeglasses, personal letters, photos, legal documents, and religious materials.

Graffiti present?

No. We did not observe graffiti.

Ample bedding?

With the aid of "boats," all inmates have beds.

ORIENTATION OF INMATES

Are inmates oriented to rules and procedures?

Yes. Inmate orientation is reviewed with all inmates admitted.

Are rules and grievance procedures posted?

Yes.

Do inmates understand rules and grievance procedures?

Yes. A review of grievances over the past six months suggested inmates understood procedures.

Number of inmates interviewed?

None.

MEALS

Have the inmates working in the kitchen been trained?

Yes. There is a strict procedure and protocol in place that allows for trusted inmates to work in the kitchen under the close supervision of experienced staff.

The kitchen area – is it clean? Are knives and chemicals locked?

Yes, the kitchen area was clean. Chemicals and knives are locked when not in use. Staff checks out knives to individual worker inmates; knives are then tethered to the counter space while in use. The kitchen is supervised by experienced staff. The Grand Jury toured the kitchen and extensively interviewed the staff. The supervised inmates are responsible for meals, maintenance, and cleanup of the kitchen.

Is the weekly menu posted?

Yes, the menu is planned and posted weekly.

Are meals served in the cell, day-room, or at a central cafeteria?

Meals are served in the day-room. Special meals are provided to inmates with medical needs.

Are inmates allowed to converse during meals?

Yes.

Length of time allowed for eating?

Inmates are allowed 30 minutes to eat unless their physical limitations require more time.

PERSONAL APPEARANCE OF INMATES

What is appearance of inmates?

Inmates are dressed in jail jumpsuits. All inmates appeared to be well-groomed.

Showers: Frequency, privacy, supervised by staff?

Inmates shower on a regular schedule and are monitored.

Are there any reported assaults by inmates on inmates?

Yes, the grievance sheets indicated there have been some reported assaults between inmates.

Condition of clothing?

The inmate clothing appeared clean and seasonably appropriate.

PROGRAMS

Exercise inside or outside? How frequently is it offered? How much time is each inmate offered? Do men get more exercise time than women?

Inmates can exercise both inside and in a patio area. Inmates may use the recreation

area daily depending on overall status of the unit and the weather. Men and women are allowed equal time to exercise.

Are there clergy available to inmates on request? Is there access to religious services?

An inmate may submit a request form to contact the Jail Chaplain or clergy; this form must be cleared by the Special Service Division Lieutenant. Volunteers lead weekly bible study and discussion groups for inmates choosing to participate.

Are anger management and other applicable programs available?

Programs noted above at the beginning of this report are available in both English and Spanish.

Are medical services available? How frequently is mental health staff on site?

There is an on-site physician available Tuesday through Friday. Medical services cover only routine medical needs. Needs outside of basic care require transporting inmates to the local hospital, demanding greater security and staff time. Mental health staff is available during the day. Dental care is provided on a part-time basis. The level of medical and dental services may be impacted in the future with the addition of AB 109 inmates.

Are vocational classes available? If so, what types?

No.

Is there a program to involve community volunteers?

Yes. The main goal for the jail visiting project is to ease the disruptions caused by incarceration, by providing accurate information and support to inmates and families.

Friends Outside is a community-based, non-profit organization whose mission is to "Improve the quality of life of families, children and communities impacted by incarceration, and to assist with successful community reentry and family reunification for those transitioning from confinement to freedom." This organization provides approximately 20 hours per week of direct volunteer service. A church-based group also comes to the jail weekly. Additional outside volunteers are not encouraged due to security concerns.

Is there a work program?

Yes.

AB 109 PLANNING AND MITIGATION

To address the impact of AB 109 implementation, the Community Corrections Partnership (CCP),^[2] a countywide oversight committee, was created. Members of this committee include the Probation Department, Sheriff's Office, District Attorney's Office, Public Defender's Office, and a local judge. To date, \$600,000 has been released to fund Custody Alternate Program (CAP) programming and inmate education.

DISCIPLINE OF INMATES

How often is discipline imposed? What is the range of discipline options?

There are four levels of disciplinary sanctions, ranging from Level I to Level IV. Level I entails four to eight hours of extra work detail and loss of privileges for three to seven days. Level IV entails isolation, loss of privileges for 30-60 days, disciplinary diet for three to six days, and forfeiture of credits earned. This system of discipline applies to the Main Jail, Blaine Street Women's Facility, and Rountree Men's Medium Facility.

GRIEVANCES

What are the most common types of grievances filed by inmates? Is there a record kept based on type and number?

The Grand Jury reviewed the inmate grievance log for a 60-day period. The 206 grievances fell into the following categories: 67 medical; 25 inmate classification issues; 14 food; 12 disciplinary; 12 general conditions; 11 personnel; 6 mail; 6 phones; 5 property; 3 mental health; and 45 grievances of other categories.

CORRESPONDENCE

Is there limited free postage to inmates without money?

Yes. Two postage-paid envelopes a week are provided to inmates.

Are inmates aware that their incoming and outgoing mail may be read by jail officials?

Yes, they are notified upon orientation to the jail.

Confidential correspondence to attorneys, legislators, CSA – how is it handled?

Confidential correspondence is opened while the inmate is present. It is not read, just checked for contraband.

Do inmates have access to telephones? What are the restrictions?

Yes. Inmates have a ten-minute limit if there is another inmate waiting to use the phone. All phones are turned off at 10:00 PM.

VISITATION

Is there adequate space and privacy? Convenient times or accommodations to family schedules?

Yes. Rooms are available for visits. Visits are scheduled at convenient times for families.

Are there provisions for special visits with attorneys?

Attorney visits take place in a private room and are not supervised.

Does staff supervise visits?

No.

Do all inmates have access to visiting? If not, give reasons?

Yes. All inmates have access to visits unless they have had their visiting privileges revoked.

EDUCATIONAL PROGRAMS

College levels, high school level, other?

Classes are provided through Santa Cruz City Schools Adult School to assist inmates in obtaining a GED or computer training.

Name of school district providing educational services?

Santa Cruz City Schools Adult School.

Number of teachers: full time, part-time, substitutes?

There are four part-time teachers. Substitutes are available.

Number of inmates and in what types of educational programs?

38 inmates were attending classes to earn a GED at the time of the visit.

Atmosphere of classrooms?

We did not visit any classrooms.

Are there adequate supplies (books, paper, computers)?

Not observed.

Are activities and coursework assigned by teachers?

Yes.

Relationship between educational program staff and facility staff?

Not observed.

MAIN JAIL FINDINGS

F1. The current practice of transporting inmates off site for certain medical procedures continues to present security issues and additional expense.

F2. Uncompleted repairs to the Main Jail lobby are unsightly, unprofessional, and present potential safety hazards.

RECOMMENDATIONS

R1. In order to reduce staff and transportation costs, and to mitigate transportation security risks, the Sheriff's Office should expand the scope of medical services provided at the Main Jail to adequately serve the jail population and prepare for inmate growth projections due to AB 109.

R2. The Sheriff's Office should immediately request funding from the Board of Supervisors to complete repairs of the Main Jail lobby.

COMMENDATIONS

The Sheriff's staff is team-oriented, positive, and supportive. The facility is adequately run in spite of tight funding.

BLAINE STREET WOMEN'S FACILITY INSPECTION REPORT

<p>Facility Name: Santa Cruz County Corrections Blaine Street Facility</p>	<p>Inspection Date(s): September 16, 2011; December 15, 2011</p>
<p>Address: 141 Blaine Street Santa Cruz, CA 95060</p>	<p>Rated Capacity: 32 Occupancy: 24 on day of inspection</p>

AREA INSPECTED OR REVIEWED

Quality of Life	Programs	Persons Interviewed
Physical Plant Meals/Nutrition Mental Health Physical/Dental Health Religious Services Visiting Volunteer Involvement	Educational Vocational Community Services Domestic Violence Victim/Gang Awareness Substance Abuse	Inmates: 1 Facility Manager: 2 Medical : N/A School Staff: No Mental Health Staff: N/A Line Staff N/A Food Services Staff: N/A

GENERAL INFORMATION

What is the rated capacity of the facility?
32.

Has the facility exceeded capacity since the last inspection?
This facility is not at capacity and has not been for some time, due to a lower female inmate population. The average daily number of inmates is 19-21 for the facility.

What is the inmate classification system?
There is no classification at Blaine Street. Its population is selected from the general population of female inmates at the Main Jail. Blaine Street is a minimum-security facility.

INCIDENTS SINCE LAST ANNUAL INSPECTION

Number of suicides	0
Number of attempted suicides	0
Number of deaths from other causes	0
Number of escapes	3 (from January 1, 2012, to April 25, 2012)

LOCAL INSPECTIONS

Fire System Inspection:	Date: May 9, 2011
Medical/Mental Health	Date: Per CSA Report May 11-13, 2011
Environmental Health	Date: Per CSA Report May 11-13, 2011
Nutritional Health	Date: April 10, 2011
Corrections Standards Authority	Date: Per May 11-13, 2011

STAFFING

Is there enough staff to monitor inmates?

Yes. Staffing consists of one posted correctional officer per shift. Supervision is shared between the sergeant on site and remote supervision from the Main Jail.

Does staff communicate in language that an inmate can understand?

Yes. There are bilingual officers on staff.

Impression of staff/inmate interactions?

The atmosphere of this facility appeared relaxed and supportive.

Number of staff interviewed?

Two.

Staff Comments?

We informally spoke with both correctional officers at the time of the visits.

CONDITION OF GROUNDS

The backyard was well maintained. The walkway to the facility is concrete and well maintained.

EXTERIOR OF BUILDING

The exterior of the building appears to be in good condition.

INTERIOR OF BUILDING

While not new, the interior of the facility appeared to be well-maintained and clean. We noted that the couches upstairs are ripped and stained.

Are cleaning fluids and chemicals labeled and safely stored?

Yes.

Weapons locker present?

No

Recreation/sports equipment?

Inmates can pursue ongoing recreational activities such as knitting, gardening and crafts.

Are the hallways clear, are doors propped open or closed?

Doors were open and hallways clear during the inspection.

Do holding areas (cells/rooms) have access to drinking water and toilet?

There are no holding areas at this facility.

Are there individual cells/rooms, or dormitories?

Inmates sleep in bedrooms with two beds per room in this facility.

Beds: Type of bed and 12 inches off the floor?

There is one set of bunk beds in each bedroom, set 12 inches off the floor.

Adequate lighting?

Skylights and windows provide adequate natural lighting.

Temperature?

The thermostat was broken on the day of our second visit. The temperature was comfortable throughout the facility.

INDIVIDUAL CELLS/ROOMS

Condition of walls?

The walls of the bedrooms were in good condition.

Personal possessions allowed in cell/room?

Inmates are allowed eyeglasses, personal letters, photos, and legal and religious material.

Graffiti present?

No graffiti was observed.

Ample bedding?

Yes.

ORIENTATION OF INMATES

Are inmates oriented to rules and procedures?

Yes. Inmate orientation is reviewed with all inmates admitted to Blaine Street. They are provided with a list of rules and regulations.

Are rules and grievance procedures posted?

Yes.

Are rules and grievance procedures understood by inmates?

Yes. (Note: The total list of grievances listed in the Main Jail section includes all facilities.)

Number of inmates interviewed?

One.

Inmate Comments?

Our interviewee believes that Blaine Street is “therapeutic and has a lot of programs.” However, she is worried that the work furlough program may be taken away. She is overall pleased with the medical care and very complimentary to the Main Jail nursing staff.

MEALS

Have the inmates working in the kitchen been trained?

Yes. The inmates are trained in meal service, maintenance, and clean up of the kitchen.

The kitchen area – is it clean? Are knives and chemicals locked?

Yes, the kitchen area was clean. Hot food is prepared at the Main Jail and delivered to Blaine Street for distribution. Knives and chemicals are locked and secured.

Is the weekly menu posted?

Yes, the menu is planned and posted weekly.

Are meals served in the cell, day-room, or at a central cafeteria?

Meals are served in the day-room.

Are inmates allowed to converse during meals?

Yes.

Length of time allowed for eating?

30 minutes unless physical limitations require more time.

PERSONAL APPEARANCE OF INMATES

What is the appearance of inmates?

The inmates appeared clean and well-groomed.

Showers: Frequency, privacy, supervised by staff?

Inmates are allowed to shower in private.

Are there any reported assaults by inmates on inmates?

None were noted in logs at the time of inspection.

Condition of clothing?

Good. All inmates appeared well groomed and wore clothes that fit properly.

PROGRAMS

Exercise inside or outside? How frequently is it offered? How much time is each inmate offered?

The women at Blaine Street are allowed to exercise either indoors or outdoors at their discretion. The doors to the backyard are always unlocked during the day.

Are there clergy available to inmates on request? Is there access to religious services?

The same religious services available at the Main Jail are available to Blaine Street inmates.

Are anger management and other applicable programs available?

Anger management programs are available in both English and Spanish.

Are medical services available? How frequently is mental health staff on site?

Blaine Street is next door to the Main Jail. Inmates in the Blaine Street Facility are escorted to the Main Jail for medical services. Blaine Street inmates have the same medical services as the Main Jail inmates.

Are vocational classes available? If so, what types?

Yes. Most of the classes are life-skills-based.

Is there a program to involve community volunteers?

Some of the programs offered to the inmates include volunteer speakers from Narcotics Anonymous and Alcoholics Anonymous.

Is there a work program?

No formal work program is in place, but if an inmate has a job, she is allowed to retain it through work release.

Additional Programs?

GEMMA is a program to assist women to successfully reintegrate and become contributing members of the community after incarceration. During our visit, we were given information about the program. GEMMA educates and empowers women in the transformation of their lives through safe, structured, skill-building support to help stop the cycle of re-incarceration.

DISCIPLINE OF INMATES

How often is discipline imposed? What is the range of discipline options?

Since Blaine Street is a minimum-risk facility, inmates are asked to agree to a standard of conduct. If they are unable to meet that standard, they are returned to the Main Jail.

GRIEVANCES

Types of grievances filed by inmates? Is there a record kept based on type and number?

Yes. Grievances are tracked for the entire system versus per facility.

CORRESPONDENCE

Is there limited free postage to inmates without money?

Yes. Inmates are provided two postage-paid envelopes a week.

Are inmates aware that their incoming and outgoing mail may be read by jail officials?

Yes, they are notified of this during jail orientation.

Confidential correspondence to attorneys, legislators, CSA – how is it handled?

Confidential correspondence is opened while the inmate is present, and checked for contraband only. It is not read by jail staff.

Do inmates have access to telephones? What are the restrictions?

Yes. There is a ten-minute limit if there is another inmate waiting to use the phone. Telephones are turned off at 10:00 PM during the week and 11:00 PM on weekends.

VISITATION

Is there adequate space and privacy? Convenient times or accommodations to family work schedules?

Yes. There is space and privacy at the Blaine Street facility. Families can also visit in the backyard.

Are there provisions for special visits with attorneys and clergy?

Yes.

Does staff supervise visits?

No.

Do all inmates have access to visiting? If not give reasons?

Yes. However, if inmates do not comply with guidelines, they will have their visiting privileges revoked.

EDUCATIONAL PROGRAMS

College level, high school level, other?

Classes are available to assist inmates in obtaining a GED, improving or establishing computer literacy, creative writing, and job skills training. The GEMMA program offers money-management and life-skills training. Where appropriate, Blaine Street mandates attendance at Alcoholics Anonymous, Narcotics Anonymous, and other recovery programs.

Name of school district providing educational services?

Santa Cruz City Schools Adult School.

Number of teachers: full time, part-time, substitutes?

There are four part-time teachers; each teaches fewer than 20 hours per week. Substitutes are available when necessary.

Number of inmates and in what types of educational programs?

At the time of our visit 23 inmates were enrolled and had access to a computer lab and a fully-supplied classroom.

Atmosphere of classrooms?

The classrooms are nice spaces in which to work.

Are there adequate supplies (books, paper, computers)?

There appear to be adequate supplies.

Are activities and coursework assigned by teachers?

Yes.

Relationship between educational program staff and facility staff?

The overall atmosphere of Blaine Street appears to be therapeutic and restorative in nature.

COMMENDATIONS

This facility appears to be well-run. Inmates appear to be fully engaged and involved in constructive activities. This facility offers several educational and skill-building options for the benefit of inmates.

ROUNTREE MEDIUM SECURITY FACILITY

<p>Facility Name: Santa Cruz County Corrections Rountree Medium Security Facility</p>	<p>Inspection Date(s): September 16, 2011; April 13, 2012</p>
<p>Address: 90 Rountree Lane, Watsonville, CA 95076</p>	<p>Rated Capacity: 135 Occupancy: 110 on day of inspection</p>

AREAS INSPECTED OR REVIEWED

Quality of Life	Programs	Persons Interviewed
Physical Plant Meals/Nutrition Mental Health Physical/Dental Health Religious Services Visiting Volunteer Involvement	Educational Vocational Community-Based Services Domestic Violence Victim/Gang Awareness Substance Abuse	Inmates: N/A Facility Manager: N/A Medical Staff: No School Staff: Yes Mental Health Staff: No Line Staff: Yes Food Services Staff: Yes

GENERAL INFORMATION

What is the rated capacity of the facility?
135

Has the facility exceeded capacity since the last inspection?
No.

What is the inmate classification system?
This is a medium-security facility for male inmates only. Inmates are assigned to one of two units: S Unit is a more restrictive unit; R Unit is for lower-risk inmates.

INCIDENTS SINCE LAST ANNUAL INSPECTION

Number of suicides	0
Number of attempted suicides	0
Number of deaths from other causes	0
Number of escapes	1 (from January 1, 2012, to April 4, 2012)

LOCAL INSPECTIONS

Fire System Inspection	Date: May 9, 2011
Medical/Mental Health	Date: N/A. Rountree Men's Medium Facility does not house inmates with medical conditions
Environmental Health	Date: Per CSA May 11-13, 2011
Nutritional Health	Date: Per CSA April 10, 2011
Corrections Standards Authority	Date: May 11-13, 2011

STAFFING

Is there enough staff to monitor inmates?

Staffing and supervisory levels appear adequate to meet regulatory minimums (per CSA Report dated May 13, 2011)

Does staff communicate in language that an inmate can understand?

Yes.

Impression of staff/inmate interactions?

Positive.

Number staff interviewed?

Four.

CONDITION OF GROUNDS

The grounds of this facility are actually quite lovely, with redwood trees, shrubs, and lawns in a park-like setting. Grounds are maintained by inmates.

EXTERIOR OF BUILDINGS

The condition of the buildings was good for the age of the facility.

INTERIOR OF BUILDING

The building is well-maintained, clean, and in good order.

Are cleaning fluids and chemicals labeled and safely stored?

Yes.

Weapons locker present?

None

Recreation/sports equipment?

Exercise is provided inside and outside of each unit and is offered daily. Inmates are allowed to exercise during daylight hours. Both units have an adjacent secure outside area that can be used for basketball and other sport activities. Minimum risk inmates walk next door to the former minimum security facility for exercise and recreation during the day (8:00 am to dusk) where they have access to volleyball, handball, and outdoor exercise equipment.

Are the hallways clear, are doors propped open or closed?

Hallways are clear, and all doors were closed and locked.

Holding areas (cells/rooms) have access to drinking water and toilet?

Holding cells are utilized only to separate prisoners when necessary. Prisoners do not stay in the holding cells overnight. Water and toilets are available.

Are there individual cells/rooms, or dormitories?

There are dormitory-style units.

Beds: Type of bed and 12 inches off the floor?

The bunk beds' bottom bunk is 12 inches off the floor.

Adequate lighting?

Yes, there is adequate lighting throughout the facility.

Temperature?

The temperature of the facility was comfortable.

INDIVIDUAL CELLS/ROOMS

Condition of bays?

The bays were generally clean and orderly.

Personal possessions allowed in cell/room?

Each prisoner has a steel locker under his bunk to store possessions.

Graffiti present?

We did not see any during the two visits.

Ample bedding?

Yes. There were no "boats" being utilized upon either visit.

ORIENTATION OF INMATES

Are inmates oriented to rules and procedures?

Yes. Prior to entering the general population, each inmate is given a one-on-one interview to review rules and procedures. Questions are asked to secure any information about potential medical issues.

Are rules and grievance procedures posted?

Yes. We observed posted grievance procedures in the common area of the sleeping bays.

Are rules and grievance procedures understood by inmates?

Yes. There is an individual interview with each inmate prior to being released into the general population. The supervising officer is bilingual.

Number inmates interviewed?

None.

MEALS

The kitchen area: Is it clean? Are knives and chemicals locked?

The kitchen area is off limits to inmates, as is access to chemicals. Both knives and chemicals are locked. Inmates are served their food through a window in the cafeteria.

Are meals served in the cell, day-room, or at a central cafeteria?

In a central cafeteria.

Is the weekly menu posted?

Yes, the menu is planned and posted weekly.

Are inmates allowed to converse during meals?

Yes.

Length of time allowed for eating?

Inmates are allowed 30 minutes unless their physical limitations require more time.

PERSONAL APPEARANCE OF INMATES

What is appearance of inmates?

The inmates were well-groomed.

Showers: Frequency, privacy, supervised by staff?

Inmates shower every other day, unless involved in physical work such as crew work or grounds maintenance, in which case they are allowed to shower and get a clean set of clothes daily. Otherwise, clean clothes are provided every other day for inmates.

Are there any reported assaults by inmates on inmates?

Yes, there have been fights and assaults at this facility. Holding cells are used to separate inmates.

Condition of clothing?

Condition of clothing is good.

PROGRAMS

Exercise inside or outside? How frequently is it offered? How much time is each inmate offered? Inmates can exercise daily in the enclosed patio area or participate in supervised activities, playing soccer or softball.

Are there clergy available to inmates on request? Is there access to religious services? Yes. This facility has the same services available to inmates as the Main Jail.

Are anger management and other applicable programs available?

Yes. Classes are available in both English and Spanish. Counseling for drug awareness and drug abuse education are provided by Pajaro Valley Unified School District Adult Education teachers and counselors. There is a new program in development called the Men's Re-entry Program, based on the women's GEMMA program.

Are medical services available? How frequently is mental health staff on site?

There are no medical or mental health services available at this facility. Inmates with medical conditions are not sent to this facility. If inmates require medical attention, they are transported to the Main Jail or to the local hospital. We were informed during our April 13 visit, however, that medical services may be made available at this facility as early as July, 2012, due to AB 109 funding.

Are vocational classes available? If so, what types?

No.

Is there a program to involve community volunteers?

No.

Is there a work program?

Inmates can be assigned to supervised crews that work off-site, or provide gardening and maintenance services to the facility grounds. There is no work furlough program.

DISCIPLINE OF INMATES

How often is discipline imposed? What is the range of discipline options?

The inmates are subject to a graduated disciplinary procedure that ranges from Level I to Level IV. The degree of corrective action is directly related to the severity of the offense.

GRIEVANCES

What are the most common types of grievances filed by inmates? Is there a record kept based on type and number?

Medical complaints are the most common grievance. There is a record kept of all findings and responses.

CORRESPONDENCE

Is there limited free postage to inmates without money?

Yes, two postage-paid envelopes a week.

Incoming/outgoing: are inmates aware that mail can be read?

Yes, they are notified of this upon orientation to the jail.

Confidential correspondence to attorneys, legislators, CSA – how is it handled?

Correspondence is opened while the inmate is present and checked for contraband. It is not read by staff.

Do inmates have access to telephones? What are the restrictions?

Yes. There is a ten-minute limit if there is another inmate waiting to use the phone. Phones are turned off at 10 PM.

VISITATION

Is there adequate space and privacy? Convenient times or accommodations to family work schedules?

Visiting is scheduled for Sundays, Mondays and Wednesdays. Inmates can request special visiting privileges.

Are there provisions for special visits with attorneys and clergy?

Yes.

Does staff supervise visits?

Staff supervise from a room with a window across the hall from the visiting room.

Do all inmates have access to visiting? If not give reasons?

Yes, unless they did not comply with the guidelines, in which case visiting privileges are revoked.

EDUCATIONAL PROGRAMS

College levels, high school level, other?

Classes to obtain a GED and some counseling are provided by the Pajaro Valley Unified School District Adult Education program. The Adult School also provides English as a Second Language classes.

Name of school district providing educational services?

Pajaro Valley Unified School District Adult Education.

Number of teachers: full time, part-time, substitutes?

Four part-time teachers for up to 30 hours a week of instruction and classes, and two counselors, for a total of 15 hours per week, for drug abuse/awareness counseling.

Number of inmates and in what types of educational programs?

Class attendance numbers fluctuate since inmates are regularly being booked into and released out of the facility. Class sizes are small (10-12 inmates).

Atmosphere of classroom(s)?

Not observed.

Are there adequate supplies (books, paper, computers)?

Classroom supplies appear fairly minimal. The teacher commented that supplies are provided by both Pajaro Valley Unified School District and the jail. Storage space for the supplies and books is inadequate. However, a second classroom is under construction. At the time of the April visit, no computers were available to inmates in the classroom.

Are activities and coursework assigned by teachers?

Yes.

Relationship between educational program staff and facility staff?

We did not observe inmates in class.

SANTA CRUZ COUNTY HOLDING CELL INSPECTION SUMMARY

Superior Court Holding Cells

Court holding facilities for the Santa Cruz Courthouse consists of five holding cells. Inspections of the cells are conducted by CSA using the appropriate building codes in place at the time of construction or remodel of the cell. Therefore, the code in place in 1994 is used for the inspection of cells Four and Five, which were remodeled in that year. The remaining cells, which were built or remodeled prior to 1978, are inspected according to the appropriate older code. The holding area and holding cells were clean and serviceable despite their age.

Watsonville Court Holding Cell

Court Holding cells for Watsonville Superior Court were opened in 2008. They were inspected in accordance with the 2001 Title 24, California Code of Regulations.

JUVENILE FACILITY INSPECTION REPORT

<p>Facility Name: Santa Cruz County Juvenile Hall</p>	<p>Inspection Date(s): October 27, 2011; February 24, 2012</p>
<p>Address: 3650 Graham Hill Road Santa Cruz, CA 95060</p>	<p>Rated Capacity: 42 Occupancy: 21</p>

AREA INSPECTED/REVIEWED

Quality of Life	Programs	Persons Interviewed
Physical Plan Meals Nutrition Mental Health Physical/Dental Health Religious Services Visiting Volunteer Involvement	Educational Vocational Community Services Domestic Violence Victim/Gang Awareness Substance Abuse	Minors: N/A Superintendent: Yes Medical/Mental Health Staff: Yes School Staff: Yes Supervisor: Yes Food Services Staff: Yes

GENERAL INFORMATION

What is the rated capacity of the facility?

42. The average daily population is 26, with a population of 19 on one of the two days the Grand Jury visited the facility.

Has the facility exceeded capacity since the last inspection?

No.

What is the juvenile classification system?

Both male and female juveniles are separated into two sections of the facility: Ward A and Ward B. Ward A houses higher-risk juveniles, while Ward B houses lower-risk ones. The facility and classification system are adjusted to reduce gang-related behavior or other factors that increase tension within the wards.

INCIDENTS SINCE LAST ANNUAL INSPECTION

Number of suicides	0
Number of attempted suicides	0
Number of deaths from other causes	0
Number of escapes	0

LOCAL INSPECTIONS

Fire System Inspection	Date: October 26, 2011
Medical/Mental Health	Date: No data gathered
Environmental Health	Date: Per CSA July 14, 2011
Nutritional Health	Date: Per CSA July 14, 2011
Other	<ul style="list-style-type: none"> • Judicial Inspection of Juvenile Detention Facility for Suitability: February 22, 2012, by Judge Denine Guy. • Annual Attendance Audit for the Santa Cruz County Office of Education: the week of June 20, 2011.

STAFFING

Is there adequate staffing?

There are two staff per unit and one “floater.” There are four staff at all times on the wards, supervising 10-12 youth. There are 31 total staff. Two full-time nurses cover day-time shifts.

Does staff communicate in a language that a juvenile can understand?

A majority of staff are bilingual in Spanish and English.

Impression of staff/juvenile interactions?

Very good. Juveniles in the common room were calm. The philosophy of staff is that communication should be positive while emphasizing respect for each individual.

Number staff interviewed?

Four staff were interviewed.

CONDITION OF GROUNDS

Lawns, playing fields, blacktop, asphalt, other?

The only area for recreation is a small concrete area in the middle of the facility that is cracked, uneven, and inadequate for exercise. There are no playing fields due to the lack of fencing at the back of the facility.

EXTERIOR OF BUILDING

General conditions, paint, roof, drains/gutters, other?

Overall condition of facility is good, given its age. It is being maintained effectively.

INTERIOR OF BUILDING

Walls, paint, floors, drains, plumbing fixtures, air vents, windows?

All rooms were found to be in adequate condition.

Are cleaning fluids and chemicals labeled and safely stored?

Yes.

Weapons locker present?

None.

Recreation/sports equipment?

Recreation is limited due to restricted outdoor space. No recreation/sports areas exist inside the facility.

Are the hallways clear, are doors propped open or closed?

All hallways were clear. Doors were properly positioned.

Holding areas (cells/rooms) have access to drinking water and toilet?

Yes.

Are there individual cells/rooms, or dormitories?

Individual cells.

Beds: Type of bed and 12 inches off the floor?

Standard beds are 12-plus inches off the floor. Each bed is a raised cement slab with a mattress on top.

Is there a study area?

There is a common area in each ward that also serves as a study area. Juveniles are also allowed to study in two main classrooms.

Adequate lighting?

Yes. The lighting in the facility is adequate, with many large windows in the common room and classrooms.

Temperature?

Adequate. Currently, the heating system is being upgraded. However, the facility does not have air conditioning.

INDIVIDUAL CELLS/ROOMS

Conditions of walls?

Good.

Personal possessions allowed in cell/room (art, books, etc.)?

Juveniles are allowed two books or magazines and five pictures in their rooms. Other personal belongings are stored in individual boxes in a separate area of their unit.

Graffiti present?

No.

Ample bedding?

Yes. Each juvenile had a bed and room.

ORIENTATION OF JUVENILES

Are juveniles oriented to rules and procedures?

Yes. In addition, rules and procedures are posted in different places throughout the facility.

Are rules and grievance procedures posted?

Yes.

Are rules and grievance procedures understood by juveniles?

Yes. At the time of confinement, the juvenile meets with a staff member for an orientation to discuss rules and procedures.

Number of juveniles interviewed?

None

Juveniles' Comments?

None

MEALS

The kitchen area: Is it clean? Are knives and chemicals locked?

Kitchen is clean and well maintained. Knives and chemicals are secured.

Have the juveniles working in the kitchen been trained?

Juveniles work in the kitchen during clean-up only. Four juveniles at a time do kitchen cleanup duty and are able to earn rewards in the process.

Are meals served in the cell, day-room, or at a central cafeteria?

Meals are served in a central cafeteria; however, juveniles may take meals into their rooms at the discretion of staff.

Are juveniles allowed to converse during meals?

Yes.

Length of time allowed for eating?

20 minutes from the time the last juvenile sits down at the table.

Are staff present and supervising?

Yes.

Is a weekly menu prepared? Is it posted?

Yes.

Are servings ample, nutritious and appetizing?

The meal served during the visit was pizza, green salad, and peanut butter and chocolate muffins baked from scratch. The meal looked appealing and portion size was ample.

Are weaker juveniles protected from having food taken from them?

Juveniles are supervised during meals to prevent bullying and food theft.

PERSONAL APPEARANCE OF JUVENILES

Appearance of juveniles?

Each juvenile was clean and well-kept.

Showers: Frequency, privacy, supervised by staff?

Juveniles are allowed to shower privately. There is a schedule for use of the showers.

Are there any reported juvenile assaults on one another?

Statistics cited by the Probation Department show a total of 11 fights over a 21-month period, with no serious injuries. A direct correlation exists between fights and Average Daily Population (ADP) numbers: a higher ADP equates to increased assaults.

Condition of clothing (does the clothing fit, appropriate for weather, etc)?

Yes. Juveniles wore uniforms that appeared comfortable and appropriate for the weather.

PROGRAMS

Exercise inside or outside? How frequently is it offered? How much time is each juvenile offered?

Juveniles lack appropriate facilities to exercise outside. Thus, they are deprived of the positive and instructive experiences necessary to learn new skills related to anger-management and social cooperation, or to simply work off anger and aggression in an appropriate, sports-oriented way. This has been a longstanding issue within the facility, particularly after the adoption of SB 81. Under SB 81,^[8] communities are required to house and educate non-violent youth offenders:

California Senate Bill 81 was one of the most drastic changes to California's juvenile detention system. The bill shifted the responsibility of housing non-violent juvenile offenders (non Welfare and Institutions Code Section 707 (b) offenders), with the exception of child molesters, from the state to counties. Before SB 81, non-violent juvenile offenders were housed in facilities under the state Division of Juvenile Justice (DJJ). After SB 81, these non-violent juvenile offenders were placed in county facilities and programs. The Corrections Standards Authority (CSA) created a Youth Offender Block Grant, which the Department of Finance used to distribute funds to the counties.^[9]

The Grand Jury sought to understand the protracted delay in building the mandated recreation area for youth within Juvenile Hall because it is a major provision of SB 81. The lack of an adequate facility was noted as a compliance issue in a Corrections Standards Authority inspection. In 2009, Juvenile Hall staff proactively sought and received a \$1.3 million^[5] SB 81 grant award to build a new multi-use recreation facility; however, initiative to complete the project has stalled in other areas of county administration and government.

The reasons cited for the delay in construction of the recreation area range from permitting process delays to mitigation of related insect species in the immediate area. Removing these mitigating factors requires proactive work by county officials regarding permitting, and approval by the U.S. Fish and Wildlife Service. It appears that the issue is understood by county administrative staff, elected officials, and the Juvenile Justice Commission. Yet, the project has been chronically delayed since 2009, with some staff stating that the initial stages of the project have not been initiated at all. The Grand Jury was further informed that once started, completion may not be realized for an additional three years—pushing the total time to completion to five years.

Chronic delays may jeopardize the grant award, continue a longstanding non-compliance issue, and increase project costs; all while youth are not afforded necessary, adequate, and required recreational areas.

This inaction puts at risk \$1.3 million designed to enhance the well-being and rehabilitation of youth in Juvenile Hall.

Are there clergy available to juveniles on request? Is there access to religious services?

Yes. Religious programs are available to juveniles and held every Sunday from 6:30-8:30 PM, with different denominations alternating each week. Bible study is held on Thursdays from 6:30-8:30 PM.

Are anger management and other applicable programs available?

Yes. Juvenile Hall offers an Aggression Replacement Training Program funded by the California Gang Reduction and Intervention Program.

Are medical services available? How frequently is mental health staff on site?

Mental health staff are on site in shifts. A total of two full-time clinicians provide assessment, treatment and crisis intervention. Psychological testing and assessment is provided for the court pursuant to Section 741 of the Welfare and Institutions Code. A full-time nurse attends to medical needs. Juveniles are transported to a local hospital if necessary.

Are programs and services available? If so, what types?

The following community-based agencies and programs are offered and listed on the Juvenile Hall website 2012:^[10]

- Barrios Unidos (Gang Intervention/Prevention)
- Planned Parenthood
- Friday Night Live
- Mentoring / Job Readiness Programs
- Educational Programs
- Narcotics Anonymous
- Alcoholics Anonymous (Alateen)
- The Beat Within
- Seven Challenges

Is there a program to involve community volunteers?

Yes, interns from sociology and human services programs at University of California at Santa Cruz volunteer while they earn their trainee and intern hours.

Counseling and casework?

Counseling is available to juveniles and their families through the mental health services program.^[11]

Family reunification planning?

The Wraparound Program^[12] provides a multi-disciplinary, family-driven and strengths-

based approach for working with youth and their families to avoid recidivism. Youth and parents are provided with services such as individual skill-building activities, educational advocacy, substance abuse services, parent support, and coaching sessions.

Substance abuse counseling?

Narcotics Anonymous, Alcoholics Anonymous, and Alateen programs are available on site.

Victim awareness classes?

Planned Parenthood, Wrap Around, County Office of Education educational programs, and counseling services are available to address sexual harassment and education issues.

Gang awareness classes?

Barrios Unidos provides gang intervention and prevention classes and activities.

Sexual harassment classes?

Planned Parenthood, Wrap Around, County Office of Education educational programs, and counseling services address sexual harassment issues.

Parenting classes?

Planned Parenthood and the curriculum offered through the County Office of Education provide some parenting classes for parents of juvenile offenders and for the juveniles themselves.

Community service?

Community speakers are brought to Juvenile Hall to provide enrichment and further educational opportunities. Guest speakers and community members visit the school to provide parenting classes and mentoring, plus art and poetry lessons. Health seminars covering such topics as AIDS, sexually transmitted diseases, substance abuse, smoking cessation and gang suppression are a major portion of the school's curriculum.

Work program?

A strong emphasis is placed on life skills development, job preparation, and computer skills through the Robert A. Hartman School. [131](#)

Other programs?

Friday Night Live; Movie Night; The Beat Within; Seven Challenges; and SB 81 related programs are available for youth with longer stays in Juvenile Hall.

DISCIPLINE OF JUVENILES

How often is discipline enacted? What is the range of discipline options?

Disciplinary action begins with discussion of the incident with the involved juvenile. In most cases no further action is necessary. On occasion, the range of discipline can include loss of privileges and room confinement.

GRIEVANCES

Is there a record kept based on type and number? What are the most common types of grievances filed by juveniles?

Yes, there is a record. The most common type of grievance involves heating or cooling of the facility. As stated previously, the facility does not have air conditioning.

CORRESPONDENCE

Is there limited free postage to juveniles without money?

Yes.

Incoming/outgoing: are juveniles aware that mail can be read?

Yes, they are informed that mail may be read by the staff.

Confidential correspondence to attorneys, legislators, CSA, etc. – How is it handled?

Confidential correspondence is opened and checked for contraband while juvenile is present. It is not read by the staff.

Do minors have access to telephones?

Yes.

What are the restrictions?

Free phone calls are allowed to parents and attorneys. All other calls must be placed as a collect call.

VISITATION

Is there adequate space and privacy?

Juveniles (two at a time) generally meet with family in the cafeteria. There is also a private room available for special visits with family and siblings.

Convenient times or accommodations to parent work schedules, etc?

Visits are allowed twice per week from 7:30-8:30 PM during weekdays, and 1:45-2:45 PM on Saturdays. Staff does make an effort to be flexible to the needs of families that are unable to visit at posted times.

Are there provisions for special visits with attorneys and clergy?

Yes.

Does staff supervise visits?

Yes.

Do all juveniles have access to visiting? If not give reasons?

All juveniles have access to visits.

SCHOOL

Number of teachers?

One full-time teacher, one full-time teacher's aide, one part-time aide. Substitutes are available for teachers.

Name of school district providing educational services?

Santa Cruz County Office of Education.

Number of juveniles attending school?

All attend school, unless there are outside circumstances. Average Daily Attendance (ADA) is 19-21 students, with an average of 11 students per classroom.

Number of students in each classroom?

There are two classrooms, each seating 12-15 students. School was not in session during our visit.

Number of juveniles on independent study?

None at this time. When warranted, independent study can be assigned for an individual student.

Atmosphere of classrooms?

School was not in session. Classrooms appeared bright, filled with age-appropriate, stimulating posters, books, and learning materials.

Are there adequate supplies?

There are adequate classroom supplies.

Are activities and coursework assigned by teachers?

Yes. The Santa Cruz County Office of Education provides the teacher, aides, and curriculum for the Juvenile Hall facility.

Are students required to do homework?

No.

Number of juveniles not attending, for what reason?

None at this time.

Relationship between school and juvenile hall staff?

Staff and teachers meet on a weekly basis to discuss needs and progress of individual juveniles.

Describe access to school, recreation, exercise and recreation for juveniles confined to their rooms?

No juveniles were confined to their rooms during our visit. When confined to his room, the juvenile is allowed one hour of recreation outside of his room per day, but not in the company of other juveniles.

ACCESS TO MEDICAL AND MENTAL HEALTH SERVICES

There are two full-time mental health staff on site at the Juvenile Hall facility. They provide assessment, treatment, and crisis intervention. The nurse and mental health worker made a special effort to talk with the Grand Jury to explain how services are provided. A full-time nurse is also on staff during regular daytime shifts.

FINDINGS

F3. Juvenile Hall lacks an outside area for exercise and recreation. This is a longstanding deficiency for the facility and the incarcerated youth.

RECOMMENDATIONS

R3. The Board of Supervisors should collaborate with all involved agencies to complete the design, permitting and construction of the already-funded multi-use recreational facility for Juvenile Hall.

Responses Required

Respondent	Findings	Recommendations	Respond Within / Respond By
Santa Cruz County Sheriff	F1, F2	R1, R2	60 days September 1, 2012
Santa Cruz County Board of Supervisors	F2, F3	R3	90 days October 1, 2012
Chief Probation Officer, Santa Cruz County Probation Department	F3		60 days September 1, 2012

Definitions

- **AB 109:** Assembly Bill 109 changes the law to realign certain responsibilities for lower-level offenders, adult parolees from state to local jurisdictions. AB 109 gives local law enforcement the right and the ability to manage offenders in smarter and more cost-effective ways. It was signed into effect by Governor Edmund G. Brown, Jr. on April 05, 2011. See Additional: <http://www.cpoc.org/php/realign/ab109other/CDAARealignGuide.pdf>
- **AB 111:** Assembly Bill 111 gives counties additional flexibility to access funding to increase local jail capacity for the purpose of implementing AB 109. Signed into effect by Governor Edmund G. Brown, Jr. on April 05, 2011. See Additional: <http://www.cpoc.org/php/realign/ab109other/CDAARealignGuide.pdf>
- **CAP:** *Custody Alternative Program* - Custody Alternative Program includes utilization of electronic monitoring of low-risk inmates under AB 109.
- **County Jail:** A jail facility operated by the County Sheriff's Office to hold inmates pending sentencing and those suspected of felony or misdemeanor crimes, and sentenced inmates facing a term of one year or less.
- **Electronic Monitoring:** A program run by the Probation Department in which offenders are fitted with an ankle bracelet programmed to alert the Probation Department as to their whereabouts.
- **GED:** *General Educational Development* - A group of tests that cover five subject areas which, when passed, certify that the taker has an American high school level of academic skills. The GED is sometimes referred to as a *General Equivalency Diploma* or *General Education Diploma*.
- **GEMMA:** A program provided by the Community Action Board of Santa Cruz County, Inc., dedicated to preparing women in jail for their reentry into society and reunification with their families. The program provides diverse life skills classes designed to prevent the cycle of recidivism cycle.
- **Medium Security:** A dorm-like setting in a locked facility, rather than individual cells, for inmates whose crime and criminal history do not pose a high security risk.
- **Misdemeanor:** A classification for lesser crimes punishable by confinement in a county jail normally for a period of one year or less, and/or probation
- **Boats:** Beds used for inmates when the population exceeds the maximum capacity of the facility. The boat-shaped plastic bed sits directly on the floor within a cell block.
- **R Unit:** Minimum security unit at Rountree facility
- **S Unit:** Minimum security minus some privileges at Rountree facility
- **Sally Port:** A controlled space often remotely monitored in which the entrance is protected in some way. In the case of correctional facilities, the middle space between two doors of the sally port can be monitored for movement and number

of persons, materials, and in some cases, vehicles. The structure enhances the safety of persons and property occupying the larger structure connected to the port.

- **Title 24:** California State minimum standard regulations for the physical plant, furnishings, and equipment for local correctional facilities.
- **Ward:** An offender who is under the age of eighteen years whose case is within the jurisdiction of the Juvenile Court.
- **Work Extension Program:** Low risk inmates live and work off site for the last 30 days of their sentence.
- **Work Release Program:** A program that allows individuals meeting certain criteria to serve their sentences through the performance of community service work projects for up to 60 days. If the court has recommended detainees for Work Release, they may apply for the program to determine if they meet criteria established by the Sheriff's Office.

Sources

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Resources

Correction Standards Authority - <http://www.cdcr.ca.gov/csa/>

Friends Outside - <http://www.friendsoutside.org/about-friends-outside.htm>

Santa Cruz County Sheriff's Office - <http://www.scsheriff.com/>

Santa Cruz County Probation Department - <http://sccounty01.co.santa-cruz.ca.us/prb/index.asp>

Robert Hartman School in Juvenile Hall - http://www.santacruz.k12.ca.us/alt_ed/schools/robert_hartman.html

Treasurer-Tax Collector & Sheriff's Office Responses to the Santa Cruz County 2010-2011 Grand Jury Report

Improvement: Where the Code Stops and Performance Starts

Access to public records gives citizens the opportunity to participate in public life, help set priorities, and hold their governments accountable. A free flow of information can be an important tool for building trust between a government and its citizens. It also improves communication within government to make the public administration more efficient and more effective in delivering services to its constituency.

– The Carter Center, Americas Program

The Treasurer-Tax Collector's (Tax Collector) responses^[1] to the 2010-2011 Grand Jury Report^[2] failed to constructively address concerns found in the Grand Jury's investigation. The Grand Jury found that the process for cancelling property tax delinquency penalties lacked transparency in that documentation for those waivers granted appeared inconsistent and the office did not keep records of waivers that were denied. Without this documentation, it is impossible to assess if waivers were granted fairly and appropriately. The Tax Collector issued the following response without directly addressing this failure:

Tax Collector Response: "Lest there be any misunderstanding on this point, it should be made entirely clear that this office is in full compliance with the Revenue and Taxation Code of the State of California on the issue of retention of records concerning tax penalty cancellations. For those tax penalty cancellations that are approved, please refer to F2 above. Regarding those tax penalty cancellation requests that are not approved, the Revenue and Taxation Code does not require the retention of records. Again, in both instances, this office is in full compliance with the relevant sections of California law."^[1]

None of the Grand Jury's findings called into question the legal compliance of the Tax Collector's office. Yet, rather than constructively address the findings as requested by the Grand Jury, the Tax Collector's responses focused upon compliance with county, state, and federal laws. The Grand Jury's findings and recommendations were intended to make Tax Collector operations more transparent and responsive to the public—a primary focus of the original investigation.

In contrast to the Tax Collector responses, the Sheriff's Office presented thoughtful replies to findings and recommendations and offered solutions on how to improve their performance. One such example may be found in their response to Recommendation 5, which suggested that the Sheriff's Office should track the effectiveness and results of their education and restorative programming. The Sheriff's Office acknowledged the difficulties of serving a highly transient population while asserting they are working on a method to track the progress and outcomes of their education interventions.

Conclusion

The overarching goal of Grand Jury investigations is to shine a light upon areas where government can improve. The citizens ultimately are in charge, and their role is to provide the mandate for change when poor practices and inefficiencies are exposed. In the absence of direction from citizens, government does not change. We hope this commentary will inspire citizens to insist on improved performance from their local officials.

Sources

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RTC, County & PVUSD Responses to the Santa Cruz County 2010-2011 Grand Jury Report

A Tale of Two Approaches to Responses

Those who govern, having much business on their hands, do not generally like to take the trouble of considering and carrying into execution new projects. The best public measures are therefore seldom adopted from previous wisdom, but forced by the occasion.

- Benjamin Franklin

The 2011-2012 Grand Jury published the responses^[1] to the 2010-2011 Final Report this fall that exposed a contrast in the quality of public servant responses. One of the most striking contrasts can be seen in the rote responses to the Transportation Report versus the constructive responses by the Pajaro Valley Unified School District.

Transportation Report

Last year's Grand Jury report^[2] highlighted what it saw as a lack of collaboration and execution for regional transportation planning between the County of Santa Cruz, the Regional Transportation Commission (RTC) and the cities. The Grand Jury expected each respondent to evaluate its findings and recommendations more thoroughly. However, many of the responses failed to substantively address the material in the report. Furthermore, the inconsistencies among responses confirm the Grand Jury's original finding of planning gridlock and dysfunction. An example of this type of inconsistency can be found in the response given by the RTC to Finding F3, where they disagree with a finding that is paraphrased from their own 2010 Regional Transportation Plan.

The County responses were notably lengthy and bureaucratic, often failing to directly answer the question. For example, the County's 1100+ word response to Recommendation R1 outlined procedural processes without explaining why the recommendation could not be implemented. Most respondents supplied nearly identical boilerplate answers, suggesting a lack of desire to participate thoughtfully. It appears that few respondents were willing to consider additional constructive actions necessary to improve the coordination of long-range transportation planning.

The Grand Jury believes that state law and local codes, as cited by the respondents, represent the *minimum* threshold of performance under which local governments must operate. The Grand Jury did not question the agencies' compliance with the law. The County was asked to more actively collaborate with the RTC in updating its transportation plan. They did not appear to consider changing their procedures, protocols and ordinances to improve their processes.

The citizens of Santa Cruz County should not accept the quotation of various laws as an excuse for not seeking better ways to address thorny problems. Regulations need not bar local government from creative solutions to the county's most intractable transportation issues. The Transportation Report respondents may want to take a cue from the Pajaro Valley Unified School District (PVUSD) in making constructive changes.

Pajaro Valley Union School District Report

In stark contrast to the transportation respondents, PVUSD appeared to give serious and thoughtful consideration to their responses. Although they didn't entirely agree with the Grand Jury's analysis of their vendor selection process, they did agree that change was warranted. The District also made constructive statements to the press.^[3] They rapidly implemented process improvements with the selection of a new consultant.^[4]

This is how the process of the Grand Jury should work: government and policy makers can improve their performance and efficiency by constructively responding to the findings and recommendations issued by the Grand Jury.

Conclusion

The overarching goal of Grand Jury investigations is to shine a light upon areas where government can improve. The citizens ultimately are in charge, and their role is to provide the mandate for change when poor practices and inefficiencies are exposed. In the absence of direction from citizens, government does not change. We hope this commentary will inspire citizens to insist on improved performance from their local officials.

Sources

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