

**THE
IMPERIAL COUNTY**



CIVIL

GRAND

JURY

2007-2008 FINAL REPORT

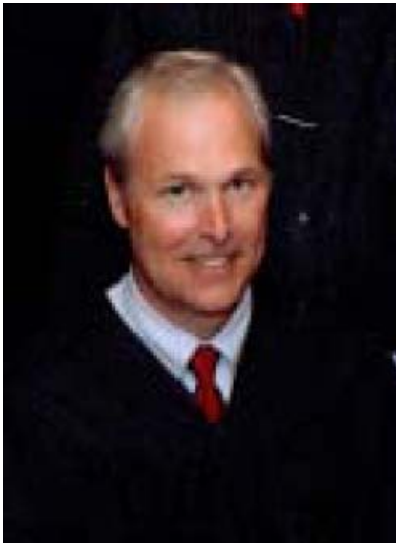
www.co.imperial.ca.us



Superior Court of California
County of Imperial

Executive Office of the Court
939 West Main Street ♦ El Centro, CA 92243
Telephone 760-482-4374 ♦ Fax 760-337-7742

2007-2008 Civil Grand Jury Presiding Judges



Honorable Jeffrey B. Jones
Presiding Judge 2007



Honorable Donal B. Donnelly
Presiding Judge 2008

2007-2008 Civil Grand Jury County Counsel



Ralph Cordova
County Counsel



Superior Court of California
County of Imperial

Executive Office of the Court
939 West Main Street ♦ El Centro, CA 92243
Telephone 760-482-4374 ♦ Fax 760-337-7742

2007-2008 Civil Grand Jury Support Staff



Kristi Kussman

Assistant Court Executive Officer



Judy Bird

Court Services Specialist



Jennifer Bolin

Court Services Supervisor



Estela Muñoz

Court Services Assistant

The 2007-2008 Civil Grand Jury Officers



Allen Earley
Foreman



Ray Naud
Foreman Pro-Tem



Frances Obeso
Secretary



Deborah Walk
Corresponding Secretary



Curtis Lugenbeel
Sergeant at Arms



Carl David
Treasurer

The 2007-2008 Civil Grand Jury



Deborah Walk



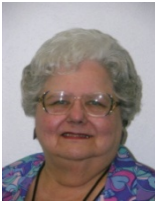
Ray Naud



Jim Hamilton



Frances Obeso



Dorothy Keating



Monica Cristobal



Gita Berry



Judd Neves



Mike Sabath



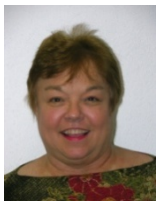
David Crittendon



Gilberto Longoria



Jesse Zendejas



Lyla Corfman



Manual Quintero



Carl David



Kaye Valvi



Curtis Lugenbeel



Frank Fernandez



IMPERIAL COUNTY CIVIL GRAND JURY

June 05, 2008

To the Residents of Imperial County:

It is with pleasure that the 2007-2008 Imperial County Civil Grand Jury presents the final report of our investigations and the procedures used during our year in service on your behalf. The intention of this report is to summarize our conclusions with regard to important and serious issues facing Imperial County.

The nineteen-members of this panel were sworn in by Presiding Judge Jeffrey Jones, in July 2007. His wise counsel and advice was greatly appreciated. On January 1, 2008 Judge Donal B. Donnelly became the Presiding Judge. His enthusiasm and support for our members was extremely important to our accomplishments. Additional assistance was provided by county Counsel Ralph Cordova and his staff. They provided essential legal oversight of the Civil Grand Jury's activities.

Each member of this year's Civil Grand Jury was conscientious and hardworking. Different committees conducted detailed investigations on particular issues, inspecting sites, examining published and unpublished documents and drafting reports.

The Civil Grand Jury also participated in various mandated inspections, complaint driven investigations and State Prison inspections. The jurors spent many additional hours per week with their respective committees to complete all these investigations. Their service was dedicated to providing oversight and transparency to county and city governments making knowledgeable recommendations for the benefit of our Imperial County.

One innovation in the way our Civil Grand Jury reports are released was made this year. As each committee completed a report, which had been approved by the entire panel, county counsel, and the presiding judge, it was then sent to the respondents and immediately released to the public. These earlier releases resulted in each report having a greater public impact.

APPLICATION INFORMATION

The Grand Jury serves as the civil watch group for the Imperial County. Their responsibilities include investigating complaints regarding county government and issuing reports when necessary.

In the early months of each calendar year, the process begins for selecting a new grand jury. Anyone having an interest in serving on the Civil Grand Jury may contact the Juror Services Division of the Court and ask to be considered as a prospective Grand Juror. In addition to self



IMPERIAL COUNTY CIVIL GRAND JURY

referrals, names of perspective grand jurors are suggested by the active and retired judicial officers of the Imperial County Superior Court and current Civil Grand Jury Members.

Questionnaires are mailed to all perspective grand jurors after the nominations are received. All perspective grand jurors are required to have a background check. Since all perspective grand jurors must be officially nominated by a sitting superior court judge, perspective grand jurors may be scheduled to come in for an interview. However, this is usually done over the telephone. Those nominated for service will be invited to attend an empanelment and swearing-in ceremony, usually held in mid June. Names are drawn at random to complete the nineteen member grand jury. There should be several holdovers from the previous grand jury to help make a smooth transition. The service begins July 1 and ends the following June 30.

The panel members usually meet every other week for about an hour. The panel meeting schedule is at the discretion of your Civil Grand Jury Foreman. There are several training seminars that are usually attended by various panel members and it is recommended for alternates as well.

Civil grand jury members will be asked to sign up for committees that they wish to serve on. Many of these committees are pre-formed as outlined by the Civil Grand Jury procedures manual provided by the Superior Court; however the authority of the Civil Grand Jury rests with the penal code.

Effective leadership to structure key members in specific positions is important. Identifying strengths of the panel's members will greatly facilitate this process. For additional assistance and information, contact the Juror Services Division of the Court at the El Centro Courthouse.

FUNCTIONS

History: In 1635, the Massachusetts Bay Colony impaneled the first Grand Jury to consider cases of murder, robbery, and wife beating. By the end of the colony period, the grand jury had become an indispensable adjunct to the government. The Fifth Amendment to the United States Constitution and the California State Constitution mandate the establishment of grand juries.

In 1880, statutes were passed which empowered Grand Juries in California to investigate a variety of aspects of county government in addition to misconduct of public officials. Only California and Nevada mandate that the civil grand juries be impaneled annually to function as watch groups over our county government.

Functions: The Civil Grand Jury is a part of the judicial branch of government---an arm of the court. As an arm of the Superior Court, the Imperial County Civil Grand Jury is impaneled every year to conduct civil investigations of county and city government and to hear evidence to



IMPERIAL COUNTY CIVIL GRAND JURY

decide whether to return an indictment against a public official. The Civil Grand Jury in its role as a civil watch group for the Imperial County has two distinct functions:

1. Investigate allegations of misconduct against public officials and determine whether to present formal accusations requesting the removal from office for nonfeasance, misfeasance, or malfeasance.
2. Civil investigations in reporting---the watch group function. This is primarily the duty of a Civil Grand Jury. In addition to mandated state requirements that the Grand Jury must investigate, the Grand Jury also responds to complaints, investigate the conditions of local prisons, and respond to prisoners' complaints, there is a **matrix** that provides a suggested cycle for every Imperial County agency **once every five years**.

Civil Watch-Group Functions: Considerable time and energy is put into the primary function of the Civil Grand Jury. The Grand Jury acts in the public's interests by investigating and reporting upon the operation, management, and fiscal affairs of local government in the county (California penal code 919, 925 et seq.). The Civil Grand Jury may examine all aspects of county and city government, agencies, and districts to ensure that the best interests of the citizens of the Imperial County are being served. The Civil Grand jury may review and evaluate procedures, methods, and systems used by county and city governments to determine whether more efficient and economical programs may be used. The Civil Grand Jury is also mandated to inspect any state prisons, jails or any other detention facility located within the county.

Citizen complaints: The Civil Grand Jury receives many letters from citizens alleging misconduct by officials or concerns about government inefficiencies. Letters are also received from prisoners in the county about concerns within the prisons and jails. Complaints are acknowledged and investigated for their validity. The identities of the complainants are kept confidential.

The Grand Jury system as a part of our judicial system is an excellent example of our democracy in which individuals can volunteer for civil service on behalf of their community. The grand jury is an independent body. Judges of the Superior Court, The District Attorney, County Counsel, and the State Attorney General may act as advisers but cannot attend jury deliberations nor control the actions of the Civil Grand Jury. (California Penal Code 934, 939).

MEMBERSHIP

The members of the 2007-2008 Imperial County Civil Grand Jury bring a wealth of experience and education to their office. Who are the members of this grand jury?

They come from the public and private sectors. The panel includes members representing education (elementary through university) agriculture, real estate, government, finance, human



IMPERIAL COUNTY CIVIL GRAND JURY

resources, telecommunications, lawyers, firefighters, dietitians, the trucking industry, law enforcement, medical field, retired county employees, and business entrepreneurs.

The members have distinguished themselves in their chosen careers before joining the Civil Grand Jury. The panel includes members who have worked for governments as well as for large and small business organizations. Each member of this formidable group volunteered a substantial part of his or her time over the past year in some cases two years, to make government more accountable to the people it serves.

I feel the most important tool that these members bring to this panel is their life experiences and common knowledge in their respective fields. Many of the tasks that the jury undertakes require reasoned and calm judgment drawing upon each member's experience. The greatest compliment that this or any other Grand Jury can be paid is for others to follow in its footsteps.

The panel has enjoyed compiling this report for you. We hope that it will inspire more people to participate in this useful and exciting activity.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Earley", with a long horizontal stroke extending to the right.

Allen Earley, Foreman

2007–2008 Imperial County Civil Grand Jury



Superior Court of California County of Imperial

Executive Office of the Court
939 West Main Street ♦ El Centro, CA 92243
Telephone 760-482-4374 ♦ Fax 760-337-7742

JOSÉ OCTAVIO GUILLÉN
Court Executive Officer/Jury Commissioner



On behalf of our judiciary and jury commissioner staff, I would like to thank and congratulate the 2007-2008 Civil Grand Jury of Imperial County for its service, commitment, and contributions in making the Grand Jury system a relevant and important part of our local government. It is community members, like the grand jurors and regular trial jurors that help us preserve the principles of democracy in action, transparency, accountability, and greater public trust and confidence in our local government.

The many hours devoted by members of the grand jury have resulted in meaningful investigations and recommendations aimed at improving the operations and delivery of services by the agencies audited. Each year, the Judges and I engage in community outreach to promote jury service and ensure that community participation in this important civic duty is not simply seen as a burden or inconvenience, but as an opportunity to participate in our democratic governance process and improve the quality of life within our community.

Demographical data required by Rule 10.625 of the California Rules of Court, for our 2007-2008 Civil Grand Jury reflects the following representation of our community:

By Supervisorial District

District 1 = 1, District 2 = 8, District 3 = 13, District 4 = 4, and District 5 = 2

Gender

Males = 16 and Females = 12

Age

(18-25) = 1, (26-34) = 3, (35-44) = 3, (45-54) = 9, (55-64) = 6, (65-74) = 5, and (75 & over) = 1

Race/Ethnicity

White = 15, Hispanic = 12, and Asian = 1

The Superior Court of California, County of Imperial is committed to excellence, integrity, fairness, and accountability as it carries out its core mission of administering justice. Community members, like members of our Civil Grand Jury, help the court carry out its mission, while preserving impartiality and accountability in local government.

Again, many thanks to each member of the 2007-2008 Civil Grand Jury for their civic duty and making a difference.

Sincerely yours,



José Octavio Guillén
Court Executive Officer/Jury Commissioner

TABLE OF CONTENTS
2007-2008 FINAL REPORTS (MATRIX)

- City of El Centro Administration (Including City Manager)1
- Imperial County Auditor/Controller (**Response Required**).....3
- Imperial County Treasurer/Tax Collector (**Response Required**).....6
- City of Calexico Fire Department (**Response Received**).....7
- City of Calipatria Police Department (**Response Required**).....10
- Imperial County Child Protective Services(**Response Required**).....12
- Imperial County Fire Department (**Response Required**).....15
- Imperial County Prison Inspection (**Response Required**).....20
- Calipatria Prison Inspection.....24
- Centinela Prison Inspection (**Response Required**).....26
- Imperial County Juvenile Hall (**Response Required**).....28
- City of El Centro High School District (**Response Required**).....31
- City of El Centro Elementary School District (**Response Required**).....34
- Imperial County Behavioral Health Services(**Response Required**).....37
- Imperial County Airport(**Response Received**).....42

TABLE OF CONTENTS
2007-2008 FINAL REPORTS (COMPLAINT DRIVEN)

- City of Holtville (LSV).....48
- Imperial County Sheriff’s Department (Individual Complaint).....53
- City of Calexico (Hiring Practices) (**Response Required**).....55
- City of Holtville (Police/City).....58
- City of Holtville Fire Department (Individual Complaint).....59
- Imperial County District Attorney’s Office (**Response Required**).....60
- City of El Centro Police Department (**Response Required**).....62
- Imperial County Sheriff’s Department (Individual Complaint).....65
- City of Calexico (Individual Complaint).....67

TABLE OF CONTENTS
2007-2008 FINAL REPORTS (VOLENTEER INSPECTION)

- Imperial County Department of Elections.....69

ADDITIONAL INFORMATION

- Note to Respondents.....71
- Responses to the 2007-2008 Final Report.....END

**THE
IMPERIAL COUNTY**



CIVIL

GRAND

JURY

**2007-2008 FINAL REPORTS
MATRIX DRIVEN**

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

El Centro City Administration

REASON FOR INVESTIGATION

The Civil Grand Jury is authorized to periodically investigate El Centro City Administration.

BACKGROUND

The City of El Centro is the county seat. It was incorporated on April 16, 1908. The city owns and operates 145 acres of park land. The city has a \$107 million budget.

FINDINGS

The City Manager, who was hired in November 2003, was interviewed. The City Manager indicated that the city was not in bad shape but felt that there were areas that could be improved. The manager renegotiated with the unions and the union employees agreed to a 2% merit raise instead of the 6% raise they requested. By the end of 2004 the city was in the black by \$500,000.

The current city budget has increased to \$107 million which is \$8 million over last year's budget of \$99 million. The city has 330 employees. Job descriptions are periodically updated. Employees are adequately trained for their jobs with some employees having more training than what is required for the positions they hold. Five of the ten department heads were promoted from within.

Street maintenance workers who were laid off in 2003 were able to be rehired by following a street maintenance schedule instead of a series of special projects that necessitated the lay off. Turnover is low and moral is stated to be high.

The Public Library has an Assistant Librarian position that has been open for 2 years. The job requires a Master's Degree.

El Centro Regional Medical Center is reportedly doing well financially and is showing a two percent profit this year.

The City Manager keeps city funds in several banks to support local businesses.

The Civil Grand Jury followed with an interview of the Finance Director. The Finance Director has held this position for two and one-half years after working in the City of Brawley's Finance Department for ten years.

The city of El Centro has ten departments which consist of Finance, Economic Development, Public Works, Engineering, Fire, Police, Human Resources, Parks and Recreation, Planning and the Public Library.

According to the Finance Director the city is in sound financial condition. The City budget due in June is currently being worked on. The banking reserves are with Wells Fargo Bank. The city sales tax is 7.75% of which the city keeps 4.5%.

The City Finance Director has eleven full-time and 2 part-time employees. The Finance Director and the Treasurer give recommendations monthly to the City Council on how to invest City money. The Finance Director oversees

- And assembles and audits the budget
- And collects the water bills
- Payroll
- Business licenses
- And monitors transient occupancy tax
- Weekly accounts payable
- Information technology

There is an opening for a Code Enforcement Officer who will check to ensure that businesses are properly licensed.

CONCLUSION

The City Manager and Finance Director answered all of the Civil Grand Jury's questions. Indications are that the City of El Centro is in good shape.

RESPONSE

No response is required.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

Imperial County Auditor-Controller's Office

REASON FOR INVESTIGATION

The Civil Grand Jury is authorized by California State law to investigate the Imperial County Auditor-Controller's Office periodically.

BACKGROUND

The Imperial County Auditor-Controller's Office is located at 940 Main Street in El Centro and is directed by an elected official. It provides a variety of auditing, accounting, and financial services to county agencies, departments, and districts whose funds are kept in the county treasury. It is responsible for servicing over a thousand funds and disburses thousands of checks annually. The office is organized around four primary functions: administration, accounting, auditing, and property tax distribution. The administrative section plans and implements financial services that support operations of county agencies, including preparing the county's annual budget. The accounting section provides financial services including budgetary control of funds and payroll administration. The audit section conducts audits of county agencies and departments, as well as federal and state grants as needed. The property tax section is primarily responsible for distributing property tax proceeds to the appropriate government agencies in the county, including schools and special districts. A more complete description of the mission and functions of the Imperial County Auditor-Controller's Office can be found at its website, <http://www.co.imperial.ca.us/Auditor%2DController>.

The Civil Grand Jury interviewed the Auditor-Controller, asking questions about the organization and operations of the Auditor-Controller's Office. It also interviewed one long-term employee in the office.

FINDINGS

- **Personnel.** The Auditor-Controller's Office operates with eighteen employees. Most of these employees work in the accounting and auditing sections. Staff turnover has been low. Currently, there are two vacant accountant /auditor positions which can be filled if needed. Competitive salaries pose the greatest impediment to recruiting for these positions. The work environment is pleasant and staff morale appears to be good. Employees have opportunities for training and professional development, but could use more.

- **Cross-Training.** Given the nature and range of the services in the Auditor-Controller's Office, some emphasis is placed on cross-training employees in different functional areas. The Auditor-Controller expressed interest in developing a more meaningful career ladder for cross-trained personnel and accounting positions given the complexity of the work involved in these positions that is not taken into account by the conventional position ladders used in the county.
- **Facilities.** The Auditor-Controller indicated the office's physical facilities are adequate. However, the Civil Grand Jury noted that the space was a little cramped for the number of personnel and paper material handled by the office. There was also a slight mold problem near a vent on one of the walls in the office. Parking is a problem for the public. While there is a small parking lot for use by the public near the Auditor-Controller's Office building, it is inadequate. This is partially because it used as employee parking by various agencies housed in the building. The office is supposed to move to a new location in another building nearby. This could resolve some of the space issues. However, the Auditor-Controller expressed concern about the risks of physically moving paper financial documents between the buildings and stressed the importance of computerizing some transactions currently being done with paper.
- **Computerization.** Since being elected about eight years ago, the Auditor-Controller has taken several steps to computerize the agency's functions, including implementing a new property tax program. Much of the agency's financial systems are run on a server in Northern California. The Auditor-Controller thinks the current level of computer technology being employed in the office is adequate. Efforts are being undertaken to reduce the amount of paper storage through computerization. If the county continues to grow at its current rate, the office will need a computer programmer on staff.
- **Annual Audit.** The annual audit of the county has been performed by the same certified public accounting firm for several years. The Auditor-Controller is a former employee of this firm. According to the Auditor-Controller, the lack of competition for audit services is due to the small number of firms interested in providing governmental accounting services in the county and difficulty attracting firms from outside of the area. Because of the difficulty obtaining such services through competitive bidding, the county awarded a five year contract for independent auditing services to the current certified public accounting firm.

CONCLUSIONS

- The Civil Grand Jury commends the Auditor-Controller for his efforts to develop and direct the operations of the Imperial County Auditor-Controller's Office. He has done a most credible job of providing quality service, making use of current technology, and developing personnel in the Auditor-Controller's Office, given the resources available to him.
- The lack of competition for independent audit services seems to be a continuing problem. However, the Auditor-Controller seems to have taken a reasonable approach to addressing the situation. But, if possible, the Civil Grand Jury thinks it would be wise to continue to seek competitive bids for these services in the future to ensure independence in the performance of this function.
- While the Auditor-Controller's Office may be relocating in the near future, the slight mold problem in the office may pose a hazard for employees working there in the interim. Also, the parking situation will remain a problem for the public, the Auditor-Controller's Office as well as other agencies located in the area.

RECOMMENDATIONS

The Imperial County Civil Grand Jury makes the following recommendations:

- In the future, the Imperial County Auditor-Controller should continue to seek competitive bids from certified public accounting firms for county auditing services.
- The slight mold problem in the Auditor-Controller's Office should be repaired.
- The Auditor-Controller should encourage the Imperial County Supervisors to address the public parking problem.

RESPONSE

The Civil Grand Jury requests to be notified of the actions taken by the Auditor-Controller's Office in regard to these matters.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

Imperial County Treasurer/Tax Collector's Office

REASON FOR INVESTIGATION

The Civil Grand Jury is authorized to periodically investigate the Treasurer/Tax Collector's office.

BACKGROUND

The Civil Grand Jury interviewed the Treasurer/Tax Collector.

FINDINGS

The county has combined the offices of the Treasurer and Tax Collector. Personnel are cross-trained to work in both offices. The offices are separated by a shared wall. It is necessary for supervising personnel to go back and forth between the offices.

The public area is too small to serve customers during peak periods. The line of customers often extends out the door and down the hall. This is also a security concern due to the large amounts of money collected on a daily basis.

Having a larger contiguous office space would simplify the collection process and secure the area better for receiving monies. A larger office serving both departments would benefit the personnel as well as the customers.

Armored service accesses the building by using the east door or the front door making it necessary to walk by the customers.

RECOMMENDATIONS

The Civil Grand Jury recommends that the county makes space available to combine both departments that are supervised by the Treasurer/Tax Collector. This could be done by modification and expansion of current office space or by moving to another building.

The Civil Grand Jury also recommends that armored service have access to an outside security door leading directly into the office.

RESPONSE

The Civil Grand Jury requests to be notified of the actions taken by the Treasurer/Tax Collector.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

City of Calexico Fire Department

REASON FOR INVESTIGATION

The Civil Grand Jury is authorized by California State law to investigate the Calexico Fire Department periodically.

BACKGROUND

The Calexico Fire Department serves a population of over 37,000 residents. It is also responsible for thousands of people who cross daily into the United States through the international port of entry in the City of Calexico. The Department covers and serves an area of seven square miles. It frequently responds to emergencies outside its boundaries upon request from other jurisdictions, including Mexicali, Baja California Norte.

The city is currently protected by two fire stations. Station 1 is located at 430 East Fifth Street and Station 2 is located at 900 West Grant Street. The Department has thirty firefighters, comprised of one fire chief, six captains, six engineers and seventeen firefighters. A captain has been assigned as interim fire chief for the last six months due to the retirement of the previous fire chief. The Department is looking forward to reorganizing itself. The reorganization is likely to include designation of three battalion chiefs by the end of the year. The Department is also examining the need for additional fire stations.

Three persons were interviewed concerning the state of the Fire Department. They included:

- The interim Fire Chief who has seventeen years of fire service experience, twelve of these with the Calexico Fire Department.
- One Captain with five years full-time firefighting experience and five years of reserve experience.
- One Firefighter with four years of full-time firefighting experience and some reserve experience.

FINDINGS

- No specific mission statement for the Fire Department was available for review or known to exist. It functions under the City's general mission statement.
- The City is experiencing rapid growth in population and residential and commercial development. The Department handles anywhere from 4200 to 4400 calls for services per year. The majority of these calls are requests for medical assistance. The medical aid

runs make up about eighty-five percent of the calls received. The Department has ten firefighters per day on duty per shift to handle emergency calls and the daily operations. They are supported by two front-line fire engines, one aerial ladder truck, and four ambulances.

- The growth in development, particularly housing development in the northeast part of Calexico, has resulted in difficulty adhering to National Fire Protection Association (NFPA) standards for response time. The locations of the two existing stations make it difficult to respond to emergencies in these new developments in a timely manner.
- The equipment is regularly maintained by the firefighters and the City's maintenance shop. The station and apparatus (fire engines) appeared to be clean and in good shape. The City provides the required safety gear and equipment.
- The firefighters feel that they are being offered and given the required training and education to carry out their duties. Much of the training is either mandated by the city or by state regulations. The firefighters take much of the training on their own initiative. A state fire officer certificate is required for any firefighter looking to promote to a captain position. A fire officer certificate entails taking eleven 40 hour fire courses and a obtaining a letter from the chief attesting that the firefighter has served in the capacity of a fire officer in the department for at least one year.
- The interim fire chief stated that the Department is short-handed by a least twelve firefighters according to the NFPA standard of providing one firefighter for every one thousand residents. The daily influx of commuters and visitors sharply increases the population of the city and the number of emergency calls, further exacerbating the manpower problem.
- Interviewees reported that the morale of the Department is on the rise since the appointment of an interim fire chief. One weakness reported was the lack of consistent standard operating procedures and the lack of written standard operating procedures. Under the interim chief's direction, policies and procedures for departmental operations are being rewritten or newly written. Department personnel reported they were excited and happy with the new road map that is being laid out by the interim chief. They also reported that they feel their ideas are being heard and well received. The majority of personnel appear to embrace change and welcome its challenges.

CONCLUSIONS

The Calexico Fire Department appears to be functioning well, but faces a number of challenges. Among these challenges is the lack of a permanent fire chief, manpower shortages and appropriate location of fire stations to meet NFPA standards. More specifically, the Department's fire-fighting contingent appears to be overextended given the size of the population, and the locations of existing fire stations do not support reasonable response times to emergencies. The City of Calexico would serve its residents well by examining these issues closely in the near future.

RECOMMENDATIONS

The Civil Grand Jury makes the following specific recommendations:

- City officials should examine the firefighter manpower needs of the city to ensure that the Fire Department meets NFPA standards and that adequate protection is afforded to the Calexico public.
- They should examine the need for building and staffing at least one, and perhaps two, new fire station(s) to cover the city's growing population and the geographically expanding housing developments.
- The city should recruit a permanent fire chief as soon as possible in order to help the Fire Department respond to the pressing issues and problems that it presently faces.

RESPONSE

The Civil Grand Jury respectfully requests to be notified by the Calexico City Council, City Manager or Fire Chief of the courses of action to be taken in response to these recommendations.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

The Calipatria Police Department

REASON FOR INVESTIGATION

The Civil Grand Jury is authorized by California State law to conduct a review of the Calipatria Police Department periodically.

BACKGROUND

Interviews were conducted with the following personnel:

- The Police Chief; and
- A Police Sergeant who has been with the Calipatria Police Department for six years.

The Chief of Police indicated that the Department's mission statement is: "Public service, protection and guarding of life." The Calipatria Police Department has been located at 140 West Main Street for the past six years. In previous years, the police department building housed administrative offices for the Imperial Irrigation District.

The Calipatria Police Department provides protection services over a 2.5 mile square area for a population of 7,200 that includes 4200 prisoners incarcerated at Calipatria State Prison. When necessary, the Calipatria Police Department responds to crime incidents at the prison. Police services are provided by one chief, one sergeant, four officers and three reserve officers. The reserve officers work on a voluntary basis only. At one time in years past, the city had closed the city police department and relied on service from the Imperial County Sheriff's Department. It then reverted to providing its own police protection.

FINDINGS

The Police Chief reports to the city manager who is accessible and responsive. The Police Department is operating efficiently with no major problems. Communication and moral in the department are good. The department would like to have more personnel to be able to better serve the residents.

The Police Chief reports that his budget is running a little on the deficit side and would like to have additional funds for the department. He would like to see three more policemen added to the force. Currently, there are only two officers working during the day and one officer at night. Support staff and a secretary would make them more accessible to the public.

The Police Department's parking lot at the rear of the station is uneven and has potholes. Additional police cars, radios, shower facilities and a flag pole are desired.

The officers are receiving the state required Police Officers Safety Training (POST) on a regular and consistent basis. The chief and his sergeant stated that they would like to receive additional advanced training in order to better provide services. This training is usually out of town and is a hardship on the department since the remaining officers have to work overtime due to the shortage of officers.

CONCLUSIONS

Although the department is not fully staffed, the Calipatria Police Department is handling operations well with their current number of employees. The Police Department carries out their duties safely, efficiently and effectively.

RECOMMENDATIONS

The Imperial County Civil Grand Jury makes the following recommendations:

- The City should work toward seeking and obtaining additional revenue to better staff the Police Department.
- The parking lot would benefit from being repaired and resurfaced. A carport shade structure should be considered to protect department vehicles.
- The City should purchase and install a flagpole for the Department.

RESPONSE

The Civil Grand Jury respectfully requests that it be advised of actions taken in response to these recommendations.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

Child Protective Services, Imperial County Department of Social Services

REASON FOR INVESTIGATION

The Civil Grand Jury is authorized to periodically investigate Child Protective Services

BACKGROUND

Child Protective Services is one of the departments of the Imperial County Department of Social Services. The department has 84 employees with approximately 45 of them being social workers. The department is headed by a deputy director that oversees support services, intake services, resource families policy and quality assurance, continuing court services, and support services.

FINDINGS

The Child Protective Services Department located at 2995 South 4th Street was toured. The department is in Suite #101 and Suite #103. Originally the entire department was in Suite #101, but was soon outgrown. Suite #102 was occupied and the department moved into Suite #103. The department makes use of all space available. There are several cubicles up and down the aisles. The employees would like the two suites to be together since it is inconvenient and takes a few minutes to get from one suite to the other.

The Civil Grand Jury investigative committee interviewed the Director of the Department of Social Services, the Deputy Director of Children and Family Services, the Program Manager of Intake Services, the Program Manager of Continuing Court Services, and a level IV Caseworker.

The Intake Program provides prevention and intervention services to children and their families. A child abuse hotline provides a way of reporting abuse and /or neglect. The Screening Unit assesses the level of risk to a child and makes a referral. The referral is given to a social worker that will respond immediately, within 24 hours or up to 10 days depending on the level of assessed risk.

In 2007, approximately 2200 calls were received. An immediate response was required of 263 calls. Approximately 1200 calls required a 10 day response time. Over 100 calls were made regarding children and families already in the system. The remaining calls were referred to other community programs. Court intervention was needed in 146 cases. Court intervention is sometimes necessary to reduce or alleviate abuse/neglect in the home. The families that do not need court services are given preventative service through community based prevention activities and are monitored by a social worker.

The department is committed to providing family support services to prevent children from entering the child welfare system. The families are referred to Family Resource Centers which promote positive parenting skills and behaviors to increase the ability of families to nurture their children.

The Continuing Court Dependency Services program provides Reunification, Court-ordered Family Maintenance and Permanent Placement Service. Reunification is strived for when possible. Placement services include long term foster care, guardianship, and adoption.

The Placement and Dependency Care Social Workers serve approximately 460 children and their families each month in 2007. The majority of the children (72%) were placed in homes throughout the county of Imperial. Group home settings and relatives out of the county had 25% of the children. The rest of the children were placed with relatives out of the state.

In 2007 there were 30 children placed in pre-adoptive homes of which 23 adoptions became finalized. The remaining adoptions are to be finalized in 2008.

Older children between the ages of 16 and 18 are offered Independent Living Programs provided by contracts with Imperial Valley College, Imperial Valley Regional Occupational Program and many other programs. Youth who are no longer in foster care between the ages of 18-20 receive Independent Living Program services through Aftercare services.

Each case worker handles about 40 cases that require them to work a substantial amount of overtime. The workers are given more than they can accomplish which leads to burn out. Some caseworkers leave the field, or get promoted to better paying positions which leaves positions to be filled. Temporary jobs are available, but prospective temporary employees do not want demanding jobs that do not offer benefits. It takes several weeks to get a social worker hired and trained. Having the process streamlined would help fill the vacancies quicker. The caseworkers are very dedicated and do the best they can with the limited amount of manpower.

Due to the limited number of local foster homes, some children are placed in foster homes in different counties which make the caseworkers spend a day in travel time just to see one case. The county advertises the need for foster families at numerous county fairs and activities throughout the year. They also use public service announcements, newspapers, and billboards.

The department is constantly striving to provide services and works with community partners and non-profit organizations when possible. Service has been expanded to Brawley and bringing service to other cities is being discussed. Some services and programs are mandated without federal or state funding. Every Child Welfare agency nationwide is monitored and expected to achieve standards with measurable outcomes for the children. Every county must complete a Peer Quality Case Review, County Self-Assessment and a System Improvement Plan. These activities result in accountability and show strengths and where improvement is needed.

There has been a marked increase in substance abuse over the last few years in Imperial County. Substance abuse as the presenting problem was involved in 38% of cases in 2004. It nearly doubled to 65% in 2007 with methamphetamine use being involved in most of the cases. The Child Abuse Response Team (CART) is a multidisciplinary task force that is assigned specifically for children that are in homes where drugs are used, sold or manufactured. Many children test positive due to drug exposure in the home. Court intervention is often required.

RECOMMENDATIONS

The county should consider hiring more caseworkers to alleviate the shortage. A lot of overtime is paid that could be put toward the hiring and employment of more caseworkers. This would decrease the burnout of the workers. The hiring, training, and promotion processes should be looked at to see if they could be streamlined to enable caseworkers to start as soon as possible.

The public must be made aware of the need for more foster parents. Media advertising and booths in community activities are already being done. More TV and/or radio advertising on both English and Spanish channels may help raise awareness of the shortage.

The county needs to have intensive outpatient and inpatient drug counseling to help break the addictions which would eventually benefit the children.

RESPONSE

The Imperial County Civil Grand Jury respectfully requests that it be notified by the Director of the Department of Social Services of actions taken in response to these recommendations.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

The Imperial County Fire Department

REASON FOR INVESTIGATION

The Civil Grand Jury is authorized by California State Law to investigate the Imperial County Fire Department periodically.

BACKGROUND

The Mission Statement of the Imperial County Fire Department is: *To enhance the quality of life, environment, and safety of our community in an atmosphere of courtesy, integrity and quality service.*

The Imperial County Fire Department is responsible for providing fire protection and emergency medical services to an area of 4,175 square miles with a population of over 160,000 residents. It also contracts with several cities in Imperial County to provide public safety services for its residents. These include the cities of Imperial, Brawley, Calipatria, Holtville, Westmorland, Niland, Salton Sea Beach, Winterhaven, and Salton City. These cities house the county fire engines within their firehouses.

The Imperial County Fire Department is comprised of 38 full-time firefighters and 40 reserve firefighters. It recently hired 9 full-time firefighters to help cover stations 1 and 4.

The County Fire Department is comprised of a Fire Chief, an Assistant Fire Chief, Deputy Fire Chief/Training Officer, a Deputy Fire Chief/Marshal, an Office of Emergency Services Coordinator, Captains and Firefighters. The Department handles approximately 4,500 combined emergency calls per year. The Department responded to approximately 600 emergency runs to the City of Imperial out of those 4,500 runs. The County Fire Department operates with a budget of \$4.4 million per year.

The Imperial County Fire Department provides services through six stations at the following locations:

- Station 1- located at the Imperial County Airport in the City of Imperial
- Station 2- located in the unincorporated town of Heber
- Station 3- located in the unincorporated town of Seeley
- Station 4- located within Station 1 which covers the City of Imperial exclusively

- Station 5- located in the town of Palo Verde in the northeastern section of Imperial County
- Station 6- located in the town of Ocotillo, which was previously operated by a volunteer fire department.

During its investigation the Imperial County Grand Jury toured some of the stations and conducted several interviews with Fire Department Personnel. Its findings are based on the tours and interviews with the persons listed below.

- Imperial County Fire Chief
- Imperial County Assistant Fire Chief
- Imperial County Deputy Chief/Training Officer
- Two shift Captains
- A Firefighter
- A Reserve Firefighter
- The Director of Human Resources and Risk Management for Imperial County

The Imperial County Civil Grand Jury thanks all of those interviewed for their willingness to cooperate and assist in the investigation. It is because of such individuals that deficiencies can be made known and improvements made. Despite the issues raised and recommendations offered below, the Jury recognizes that Imperial County firefighters are performing well given the resources available to them. Their service is appreciated.

FINDINGS

Personnel:

- Two of the upper level officers within the Department are planning to retire sometime this year. Nonetheless, the turnover rate for the Department is low.
- The Department's staffing levels are inadequate and too low to provide the manpower that is recommended by the National Fire Protection Association (NFPA). The NFPA has a fire services industry code and regulation development council that drafts, proposes and recommends safety standards. The NFPA 1710 standard recommends that at least four firefighters respond to a structure fire for safety purposes. Currently, the Department responds with three firefighters per engine on a structure fire or any other emergency run.
- The Department uses its reserve firefighters to supplement staffing levels.
- Standards for filling vacancies in personnel positions have varied. Minimum qualification standards are used at times, but not with consistency.
- Vacancies in the Department are sometimes filled from within (in-house) and at other times they are open to the public. Firefighters find unpredictability of the recruitment approach stressful and not good for Department morale.
- The Department is made up of many recent fire academy graduates who are young and relatively inexperienced.

Response Time:

- The Department is plagued with long response times to arrive at the scene of emergency calls. This can be attributed to the large geographical areas that it covers. The response time of arrival to the scene to some remote areas of the county can be as long as twenty minutes. The National Fire Protection Association recommends that fire department resources arrive at the scene of an emergency within four minutes. The Department reports that it opened its newest station in November of 2007 in Ocotillo to shorten the response time to the westernmost parts of Imperial County. The Ocotillo fire station became operational 24 hours a day, seven days per week on January 4th 2008. The Department is planning to remodel Station 5 in Palo Verde due to the severe damage it sustained from a storm in November of last year. The Department also is planning to open a seventh station in the area of the east international port of entry.

Reorganization:

- Recently, the Department reorganized its personnel structure at the upper management level which resulted in creating new Deputy Chief positions. Principally, two reasons were given for the reorganization: (1) the need for a high ranking officer, other than an engine captain, to take charge of large scale emergency incidents; and (2) to have the ability to send a Chief Officer as a strike team leader on state mutual aid calls and responses. That officer would take charge of a strike team made up of five engines, which included apparatus from most Imperial Valley fire departments.
- Some Fire Department personnel were concerned about the fairness of the reorganization process and the resulting changes in job titles. The reorganization involved reclassification of some positions which were known as Captains to Deputy Chiefs. The reclassification of the positions was explained by the Director of Human Resources and Risk Management for Imperial County and the Fire Department Chief. It was determined that the reclassifications of positions were actually changes of titles. The personnel holding the positions in question were found to have been originally classified at a higher pay scale than were other captains. Originally, these positions were planned to be of a higher rank than a captain, even though those officers were referred to as captains and wore captain rank insignias on their uniforms. They were actually higher ranking officers. The Human Resource Director was not aware that the captains whose titles were changed to Deputy Chiefs were actually known to other Fire Department personnel as captains. The confusion contributed to problems with staff morale and perceptions of unfairness.

Apparatus (fire engines) and Equipment:

- During the last six years, the department received \$2.8 million in grant money which was spent on apparatus and equipment. The Departments' fire apparatus (fire engines) are in very good shape. Each station has at least two engines that are in good running condition.

The Department has adequate apparatus and equipment to handle the present demands for services. It plans on replacing two to three apparatus per year to maintain a good working fleet.

Individual Stations: A number of issues were identified at various fire stations that are summarized below:

- Station 1/Station 4,
 1. The Airport Station's overhead apparatus stall doors will not close. Concerns for safety were expressed.
 2. The air conditioning unit is not adequate.
 3. Basic essentials such as toilet paper, laundry detergent and soap are consistently in short supply or not available. (This finding was reported for most of the Department as a whole)

- Station 2.
 1. The Heber station is in good shape. However, the sleeping quarters are too small to house four firefighters.
 2. The kitchen does not have an oven.

- Station 3.
 1. The Seeley station is of adequate size to house its three firefighters.
 2. The kitchen range is in need of an exhaust fan hood.
 3. The stairs to the kitchen and multipurpose room are too steep and short. This becomes a safety issue when the firefighters are quickly responding to an emergency call. The steps are 9" high with a tread of 10".
 4. The sleeping quarters on the second floor do not have windows. Windows serve as a second escape route in an emergency.
 5. There is a locked room on the 2nd floor with unknown contents and no access as nobody has keys to it.
 6. There are no smoke or heat detectors.
 7. There are no portable hand held fire extinguishers hung in the station.
 8. The upstairs A/C unit is too small to cool the sleeping and kitchen areas during the summer.

- Station 5
 1. The Palo Verde station needs to be remodeled due to severe storm damage.
 2. The station was not visited or toured.

- Station 6
 1. The Ocotillo station was found to be of adequate size to house its three firefighters.

2. The station needs to be cleaned, repaired and painted.
3. A portion of the ceiling in a storage room has leaks from the roof.
4. There is an old fire engine and four other junked vehicles are on the grounds.
5. One of the two toilets is out of order.
6. The washing machine and clothes dryer need to have hook ups.
7. The station does not have smoke or heat detectors.
8. The station does not have portable fire extinguishers hung on the walls.
9. The hot water heater is not strapped to the wall.
10. The work required to bring the station up to acceptable standards is placed on the firefighters. The heavy labor the firefighters do may delay or extend their response time to emergencies.

RECOMMENDATIONS

- The Department should consider hiring additional firefighters to meet NFPA standards and provide needed fire and emergency services to the public. Consideration should be given to hiring experienced firefighters, given the relatively large number of inexperienced firefighters in the department.
- The personnel reorganization plan should be explained to all Department members to avoid any misunderstandings.
- The filling of vacant positions within the Department should be uniform and consistent. Hiring, reorganizing, and promotion practices should be consistently followed to avoid the appearance of favoritism or catering to selected employees.
- A succession plan should be in place to smoothly and effectively replace vacancies. The Director of Human Resources and Risk Management should be informed and aware of personnel reorganizations or changes early in the process.
- A Chief Officer should be designated to be a facilities safety officer to ensure that the safety issues and basic necessities of the Department's living quarters are met.
- The Department's upper staff should be more responsive to the needs and concerns of its lower ranking staff. This is likely to build up the morale of the Department and confidence in its leaders.
- Coverage for outlying and remote areas of the county should be studied and plans made to shorten response times.
- The County Fire Department should prioritize and address the various deficiencies identified by the Civil Grand Jury Investigative Committee at each of the fire stations.

RESPONSE

The Imperial County Civil Grand Jury respectfully requests that it be notified by the Imperial County Fire Department and the Director of Human Resources and Risk Management of actions taken in response to these recommendations.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

Imperial County Prison

REASON FOR INVESTIGATION

The Civil Grand Jury is mandated by California State Law to inspect the Imperial County Jail yearly.

BACKGROUND

The Imperial County Jail is operated by the Corrections Division of the Imperial County Sheriff's Office. The jail consists of two facilities which have total bed space for slightly more than 600 inmates. The jail is staffed by nearly 100 correctional personnel, including 19 correctional clerks, about 70 correctional officers, 10 sergeants, 2 lieutenants, and a captain. The lower security facility is known as the Herbert Hughes Correctional Center (HHCC) and was built in the early 1960's. It is a dormitory-style jail and has bed space for 324 males. Two sixty-two man dormitories and a multipurpose room were added to this facility in 1989. Most inmate workers and federal inmates are housed at HHCC. The inmate population includes both sentenced inmates and pre-trial county and federal inmates. At the time of the Civil Grand Jury inspection, there were 122 inmates housed in this facility; half of these were county inmates and half were federal inmates.

The higher security facility is known as the Regional Adult Detention Facility (RADF). It was built in the late 1970's and began housing inmates in August, 1981. It has bed space for 298 inmates, including male and female offenders. Inmates are housed either by themselves or with another inmate. Both sentenced and non-sentenced county, state, and federal male and female inmates are housed at this facility. At the time of the Civil Grand Jury inspection, there were 236 inmates housed in the RADF; this included 190 males and 46 females. There were 210 county offenders and 26 federal offenders. The security systems of the RADF include closed circuit video cameras with recording capabilities. These have been installed along with intercoms in the individual cells throughout the facility.

A committee of the Imperial County Civil Grand Jury interviewed the Jail Commander and a Correctional Lieutenant who also escorted the committee throughout the jail facilities. During the tour, the committee inspected the receiving and booking areas, housing units and cells (including showers), dormitories, kitchen facilities, dining areas, the infirmary, the recreation yard, and laundry. During the tour, committee members interviewed several Correctional officers and other staff persons. The findings presented below are based on information provided by the persons interviewed and observations made by Civil Grand Jury members.

FINDINGS

- There were no escapes or attempted escapes in the previous twelve months.
- There was one suicide during the previous twelve months.
- There are over 160 cameras in the jail facilities. At times, cameras do fail, but are repaired or replaced as soon as possible.
- There is no inmate overcrowding in the facilities. The lower security facility is at only about 30 percent of inmate capacity.
- There are problems with the utilities in the Regional Adult Detention Facility. There are times when the heaters do not work properly in parts of the jail. This is true of the air conditioning system as well. Despite repairs made to the chillers last year, there are parts of buildings which are not effectively cooled. This is particularly a problem in the infirmary area during the summer months. The committee also observed paint peeling off of the walls and ceiling in inmate shower areas. There was evidence of mold as well. Drainage of water and sewerage appears to be a continuing problem. A leak was observed from the base of a toilet in the recreational yard that ran into the activity area. The committee examined a drain in a shower area that had just been dug up and repaired; it also noted evidence of other similar repairs on drains throughout the facility.
- Hepatitis and tuberculosis is found among the inmate population. About one case of tuberculosis is detected every six months.
- The ceiling is not water tight in the infirmary / medical area. When it rains the ceiling becomes damp and drips water. The patient beds are about 26 years old. Some are rusty and missing parts; the brakes do not work on some of the beds. The patient bed area may not be American Disabilities Act (ADA) compliant. In particular, there is not a system of rails to assist disabled inmates housed in the infirmary area.
- In some control center areas of the jail, newspaper was used to cover window areas so that inmates could not look in. The taped newspapers give the facility a less than professional appearance.
- With the exceptions noted above, the facilities inspected during the tour were clean and in good condition.

- On November 6, 2007, the Corrections Standards Authority (CSA) of the California Department of Corrections and Rehabilitation conducted the 2006-2008 biennial inspection of the Regional Adult Detention Facility (RADF) and the Herbert Hughes Correctional Center (HHCC). The previous inspection done by CSA had found had identified several deficiencies including the lack of hourly safety checks and housing three inmates in double cells. The current inspection found that these deficiencies had been rectified. In the current inspection, CSA found that the RADF was not in compliance with requirements that single occupancy cells house a maximum of one inmate. In fact CSA found that all single cells have been double-bunked and used as double cells. The Jail was instructed to submit a corrective plan within 90 days of receipt of the 2006-2008 inspection report.
- The Imperial County department last inspected the HHCC on 3/31/06. A fire inspection is required every two years by the Health and Safety Code. Materials reviewed indicate that the HHCC had a fire inspection on 3/31/06. A health inspection was last done for both facilities on November 14, 2006.

RECOMMENDATIONS

The Civil Grand Jury was impressed with the dedication and professionalism of Correctional personnel operating the Imperial County Jail. The jail appears to be run very efficiently, given available resources. Based on the findings and observations, the Civil Grand Jury makes the following recommendations:

- The administration should consider implementing a routine program of inspection of shower facilities so that shower areas do not fall into extremely poor condition before they are repaired. Also, the drainage situation appears to be a recurring problem because of the age and condition of the facilities. It is not clear what can be done to address this situation in a preventative way without building a new structure. Nonetheless, the administration should make repairing drains a priority when they are obviously clogged or in poor condition.
- The leaky ceiling in the infirmary should be repaired immediately.
- The condition of the beds in the infirmary is a problem that should be addressed soon. Consideration should be given to replacing the existing beds.
- The heating and air conditioning problems in the infirmary should be addressed in a way that results in a more permanent solution to this problem.

- The patient areas of the infirmary should be inspected to see if they are ADA compliant, and if they are not, then they should be made ADA compliant as soon as possible.

RESPONSE

The Imperial County Civil Grand Jury respectfully requests that it be notified by the Imperial County Sheriff and Jail Commander of actions taken in response to these recommendations.

FINAL REPORT

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

Calipatria State Prison

REASON FOR INVESTIGATION

The Civil Grand Jury is mandated by California State Law to inspect Calipatria State Prison yearly.

BACKGROUND

Calipatria State Prison is part of the California Department of Corrections and Rehabilitation (CDCR). Its mission is to “*enhance public safety through safe and secure incarceration of offenders, effective parole supervision, and rehabilitative strategies to successfully reintegrate offenders into our communities*”. The prison opened its doors for business in January 1992. Although originally designed to house 2,208 inmates, it has a budgeted capacity for 4,218 inmates. Currently, it houses about 4,200 inmates. Level IV (maximum security) inmates make up most of this population with the remainder consisting of Level I (minimum security) inmates who help maintain the prison’s grounds and physical plant. A substantial portion of the prison population consists of inmates with Life-With-Out-Parole (LWOP) sentences and inmates who have life sentences, but with the possibility of parole. The prison covers 1,227.5 acres (with the prison on 300 acres) and operates with an annual budget of about \$120 million.

A committee of the Imperial County Civil Grand Jury interviewed the Acting Warden and a Correctional Lieutenant. The committee also toured the prison, in particular the infirmary, Administrative Segregation Unit (ASU), Central Kitchen, the Sensitive Needs Yard, and a housing unit. During the tour, committee members interviewed several Correctional officers and other staff persons. The findings presented below are based on information provided by the persons interviewed and observations made by Civil Grand Jury members.

FINDINGS

- Despite budget cuts by the State, Calipatria State Prison is reportedly operating very efficiently and effectively.
- Unlike many other prisons in the California Department of Corrections and Rehabilitation, overcrowding of inmates is not a problem at the Calipatria facility.
- There were no escapes during the past year.

- Levels of violence, including both staff assaults and inmate assaults have decreased over the past two years.
- The administration has worked diligently to bring order and control to the facility. A major focus has been on reducing gang-related violence and increasing the level of vocational and academic programming at the institution. Emphasis has been placed on supporting programs that are relevant to employment opportunities on the street and help offenders reintegrate back into society.
- Morale among staff is reportedly high. Several staff members attribute this to the arrival of the Warden two years ago and changes in some prison policies and procedures.
- The Acting Warden retired as Warden of Calipatria State Prison last year, but he has returned in an acting capacity until May 2008.
- The facilities examined during the tour were clean and well organized.

RECOMMENDATIONS

The Civil Grand Jury was impressed with the professionalism and dedication of CDCR personnel during the annual inspection. The Civil Grand Jury has no recommendations.

RESPONSE

No response is required.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

Centinela State Prison

REASON FOR INVESTIGATION

The Civil Grand Jury is mandated by California State Law to inspect Centinela State Prison yearly.

BACKGROUND

Centinela State Prison is part of the California Department of Corrections and Rehabilitation (CDCR). Its stated mission is to “*provide long-term confinement to men who have been convicted of felonious crimes and remanded to the State of California for incarceration. Inmate productivity and self improvement are considered integral components to Centinela’s overall objective to reduce recidivism among those inmates incarcerated at our institution*”. The prison was opened in October 1993. Although originally designed to house 2,383 inmates, it currently houses 5,110 inmates. At the time of the Civil Grand Jury inspection the prison housed mostly medium security Level III inmates (3,715), with the remainder consisting of maximum security Level IV inmates (1,000) and minimum security Level I inmates (395) who help maintain the prison’s grounds and physical plant. The prison covers 2,000 acres and operates with an annual budget of about \$160 million which includes funds budgeted for medical and educational services. There are approximately 1266 employees of which 805 are custody staff.

A committee of the Imperial County Civil Grand Jury interviewed the Warden, Chief Deputy Warden, and the Administrative Lieutenant who is also the Public Information Officer. The committee toured the prison, in particular the investigative unit, Administrative Segregation Unit (ASU), Central Kitchen, one yard and two housing units, as well as a Fabric Products program being operated by Prison Industries. During the tour, committee members talked with several staff persons and a few inmates. The findings presented below are based on information provided by the persons interviewed and observations made by Civil Grand Jury members.

FINDINGS

- Centinela State Prison is reportedly operating efficiently and effectively.
- Like many other prisons in the California Department of Corrections and Rehabilitation, overcrowding of inmates is a problem at the Centinela facility. Dormitory style beds (called e-beds or ugly beds) are used in the common areas of seven housing units to provide sleeping and living quarters for approximately 280 inmates. These beds are not in conventional cells and pose special safety and security challenges for correctional staff. Prison officials anticipate deactivating the e-beds during the coming year. In addition, the prison uses two former gymnasiums on two yards to house approximately

120 inmates in dormitory style settings. Officials anticipate that these facilities also will be deactivated by the end of 2009.

- During the past twelve months, about 135 inmates were released to Imperial County from Centinela State Prison. The majority of these inmates consisted of Parole Violators With a New Term (PVWNT) who had their parole revoked, were resentenced, and finally released again from prison. Prison officials estimate an additional 120 inmates will be released into Imperial County over the next twelve months.
- There were no escapes or escape attempts during the past year.
- There were no suicides, but there were three suicide attempts during the past year.
- In 2007, there were 33 incidents of battery on staff and 130 incidents of battery on inmates.
- The recent establishment of a Fabric Products manufacturing operation run by Prison Industries exemplifies the prison's efforts to provide productive and meaningful rehabilitative programs for inmates. This practical program employs 38 inmates and produces approximately 2,200 men's boxer shorts per day which it supplies to prison facilities throughout California.
- Morale among staff is reportedly high.
- The facilities examined during the tour were clean and well organized.
- Prison administrators are proud of their relationship with the Imperial County community. Many of the prison's employees are from the county, and many who have come to the area because of their employment have chosen to make it their home. Prison officials expressed a strong interest in working with the Imperial County community.

RECOMMENDATIONS

The Civil Grand Jury appreciates the professionalism and dedication of CDCR personnel. Based on the findings, it recommends that prison officials closely monitor the numbers of parolees released to the county from the prison in the future, their performance with respect to successfully completing parole, as well as their impact on the county with regard to crime. As indicated by prison officials, most of those paroled from the prison have already demonstrated difficulty complying with the conditions of parole. Such information would be helpful in evaluating whether parolees are successfully reintegrating into society and the need for more effective parole support services.

RESPONSE

The Imperial County Civil Grand Jury respectfully requests that it be notified by the Warden of actions taken in response to this recommendation.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

Juvenile Hall, Imperial County Probation Department

REASON FOR INVESTIGATION

The Civil Grand Jury is authorized to periodically investigate the Imperial County Juvenile Hall.

BACKGROUND

The Imperial County Juvenile Hall operates under the regulations of the California Standards Authority (CSA). The name has been changed from the California Youth Authority to the California Department of Corrections and Rehabilitation Division of Juvenile Justice. The Juvenile Hall is located behind the main Probation Dept building. The Probation Dept administers to the Juvenile Department and has a Chief Deputy directly over Juvenile Hall and staff. All staff is cross trained to handle both juveniles and adults.

The Juvenile Hall consists of two buildings. Building one was built in 1976 and is called Control one. A wing was added in 1996 and is referred to as Control two. Together they can house seventy youths. The average youth population in 2007 was forty-eight. The youth population has averaged thirty-five for the first three months of 2008. According to the chief probation officer, this drop is attributed to the work of the probation officers on school campuses that are readily available for the youth to talk to if needed and they more closely supervise those on probation.

Sixteen hundred youth came through the Juvenile System in 2007. Approximately two hundred fifty of them went to court. Infractions and minor violations are adjudicated prior to Juvenile Court or returned to parental custody.

Juvenile Hall is always open. The staff to youth ratio is one to ten during the day and one to thirty at night, which is in compliance with CSA. The shortest stay is approximately one hour and the longest stay is approximately one year. The longer time is because of the long wait for hearings/court. The District Attorney's office has a quick turnaround time to minimize the youths stay in Juvenile Hall. Additional time is added if offenses are committed while in Juvenile Hall. The average stay for a youth is two to three months. The youth are seven to eighteen years old with an average age of fifteen.

FINDINGS

The Civil Grand Jury investigative committee interviewed several key County Juvenile officials during March 2008. The officials included:

- The Chief Probation Officer (has jurisdiction over both adult and juvenile programs)
- The Chief Deputy Probation Officer (in charge of the Juvenile Division)

- The Facility Manager (in charge of Juvenile Hall facility and staff)

During the interview and tour of the facility, the following was discovered:

Control One

- All youths arrive in Control 1 for receiving, classifying (knowing their situation or risk), room assignment and educational placement. Every youth receives a medical check within 72 hours of arriving.
- The on-site health clinic has a nurse whose time is divided between Juvenile Hall and the Betty Jo Mc Neece Receiving Home. Two Physician Assistants are available as needed. If a service cannot be provided at Juvenile Hall, the youth is transported to El Centro Regional Medical Center for the necessary service.
- Control 1 has single or double occupancy rooms, bathrooms (with no privacy doors), laundry rooms, showers, and recreation areas. All areas are monitored with cameras and/or staff.
- The dining room is clean. All youths can have a second or even a third serving if there is food left. All meals are planned by a nutritionist.
- The kitchen is located in the Control 1 building. The concrete kitchen floor is uneven and worn. Other than the floor, the kitchen area was clean, and organized.

Control Two

- Control 2 is designed to house youth that have shown improved behavior and respect towards staff. Control 2 has 100 Square Foot single or double occupancy rooms, bathrooms, showers, laundry rooms, and recreation/dining areas. The kitchen brings food and utensils to the youth in the recreation areas. All areas are monitored with cameras and/or staff. The youth stay in the dorm areas for safety and security.
- Education classes are provided for all youth and are held in Control 2. The Education staff consists of teachers and instructional assistants from the Imperial County Office of Education (ICOE), Alternative Education, Resource Specialist Assistants (RSP), Imperial Valley College Work Study students, and a Records Clerk. The youth are given a Wide Range Achievement Test (WRAT) for placement and resource transcripts from the school they attended. The computers and other educational tools requested by the staff have enhanced their achievements.
- A Drug and Alcohol counselor is on staff. Due to economic cutbacks, the counselor is only available three times during the week.
- Youth are assigned rooms by infraction, temperament and gender. Girls and boys are together except for shower/bath times.

A grievance system is in place for the youths to use. The number of grievances is very low due to the fact that the youth understand the rules and what is expected of them. The experienced staffs have training and experience in handling situations as they occur. The County Office of Education and the El Centro Public Library donate books to the facility. Outdoor activities consist of soccer, basketball, baseball, and volleyball.

Programs

- The Girls Club – Family Solutions, (previously known as Women Haven) comes every Wednesday to talk, counsel and educate the girls on issues affecting them.
- Point System – Points are acquired for good behavior, being helpful, doing something extra, etc. These points can be used to make a phone call or buy snacks.
- Grandparent Program – This program is in place through the Betty Jo McNeece Receiving Home and Community School.
 - Catholic Charities Grant pays senior citizens for 6 hours.
 - Senior citizens work with the youth individually. They help with education, art, music, etc.
- RSP Programs - The Resource (RSP) program provides a mainstream curriculum in a small class setting. Students in RSP classes are expected to complete the same core subjects as mainstream students, which include passing the SAT eight or nine.
- Peers Court Program – Youth (not those in the program) are the prosecutors, defendants, and jury with a Juvenile Judge overseeing the courtroom. Brawley, Calexico, and both El Centro high Schools, along with the Westmorland and Calexico Junior High Schools participate in the program. Some of the schools give class credit for participating. Youths who go through this program only have a 2% return rate. Sentencing can be community service, a tour of prison/jail, or a tour of Juvenile Hall.

Conclusion

The facility is well organized, orderly and clean. The staff know their jobs and work well together. The staffs that were interviewed enjoy their jobs and are proud of how well the youth do in the facility. The guards visibly hold a strong presence of authority.

RECOMMENDATIONS

1. Modesty panels in all bathrooms in Control 1 need to be installed.
2. New concrete flooring in the kitchen, and throughout Control 1. This flooring is old and needs to be replaced for safety reasons. Flooring similar to that in control 2 is highly recommended.

RESPONSE

The Civil Grand Jury requests to be notified of the actions taken by the Probation Department.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

City of El Centro Central Union High School District

REASON FOR INVESTIGATION

The Civil Grand Jury is authorized by California State law to investigate the El Centro School District periodically.

BACKGROUND INFORMATION

Central Union High School District consists of three high schools, a District Office complex, and a central warehouse. District enrollment this year is 4100, down slightly from last year. Southwest High School has about 2100 students, Central High School has about 1800 students, and Desert Oasis High School has about 180 students. There are a total of approximately 320 employees, of which 200 are certificated, 100 classified, and 20 clerical. In addition, there are 14 employees at the District Office. The total annual budget is \$35 million. This year the District will receive about \$200,000 of Lotto money, which goes into the general fund.

Interviews were conducted with the District Superintendent, three principals, five teachers, two classified employees, and two students. The Civil Grand Jury findings presented below are based on interviews with these individuals.

FINDINGS

- Southwest High School is ten years old and the buildings are in good condition; the buildings were re-roofed in 2006. Central High School is an older facility. The plumbing was replaced five years ago and the electrical system will be replaced soon, using money obtained through the State Hardship Plan. Under the Hardship Plan, a district contributes what maintenance money it has and the state supplies the rest for a particular project. The amount of space available at Central High School (27 acres) is insufficient for the number of students it serves. It should have 40 acres. Therefore, some new construction is planned incorporating two-story buildings. Desert Oasis High School is a new facility and is in good condition. A site for an additional high school is being considered in the southeast area of the District, but construction is 8 to 10 years in the future.
- The Academic Placement Index (API) for the District is good. Central High School is a California Distinguished School, and Southwest High School has been so honored in the past and is close to achieving that goal again. The District has a dropout rate of only 6%. Eighty percent of District graduates go on to college, including both four-year colleges and community colleges, but only 4% of those continue to graduation. Seventy percent of the District seniors pass the exit exam; the others can take summer school classes or go on to the Adult Education program.

- Forty percent of the students are English language learners. The District is proud of its success with these students; the program at Central has been cited as a national model. Central is also proud that two of its Advance Via Individual Determination (AVID) students last year received scholarships from the Bill Gates Foundation. Almost all of the Gifted and Talented Education (GATE) classes have been phased out and replaced with Advanced Placement classes, in which students can earn college credit. There are sufficient textbooks and they are up-to-date. All three sites have up-to-date computers and software and sufficient budget to upgrade as necessary.
- Three of the four administrators at Southwest High School are new this year. Two of them, including the Principal and the Vice-Principal in charge of discipline, do not speak Spanish and must communicate with many parents and students through an interpreter.
- The Southwest campus includes the Southwest Academy for the Visual and Performing Arts (SAVAPA). Its curriculum includes instruction in the regular courses but also special courses in theater, dance, and music. Students are admitted to the program by audition. Public performances are given regularly and are very popular in the Imperial Valley. There is no data on how many of these students continue in the arts, either in college or professionally.
- Food Service is not self-sustaining and has to be subsidized from the General Fund. The Healthy Foods Initiative has been implemented, and the Food Service is in compliance with state guidelines.
- There is one police officer assigned to the District. There is also one Community Liaison person and one Probation Officer for the District. In addition, Southwest has four Security Guards, Central has three, and Desert Oasis has one. A system of security cameras is being installed throughout the District and will be completely operational before the end of the school year. A policy of mandatory drug testing before participating in any extracurricular activity is in place. Student athletes must maintain a 2.0 grade average.
- The restrooms on the northwest outside of the gym at Southwest have been closed during school hours because of security problems. The location is at the far end of the campus and not within sight of any classrooms. Other restrooms are available for the students. These restrooms are opened when there are events in the Auditorium.
- There are continuing efforts at all sites to encourage parent involvement in school activities and decisions. Many students, especially Hispanics, are unable to participate in after-school activities because of bus schedules.
- Southwest High School has a Lead Custodian with eight employees under him. Central High School has a Lead Custodian and six employees. Their duties have been increased this year to include care of floors and carpets and other maintenance work which formerly was done during the summer or holiday breaks. Some equipment is old and not

working properly. It is reported that communication between school-site staff and warehouse supervisors is problematic.

RECOMMENDATIONS

- Given the large numbers of Spanish speaking parents in the district, English-Spanish bilingual skills should be taken into account when hiring new administrators.
- The workload of custodial staff should be assessed given the recent changes in workload.
- At Southwest High School, the District should consider the need for new carpet shampooers.
- At Southwest High School, the District should consider the need for a mechanized cart to assist custodians when moving heavy loads.
- The District should examine ways to improve communication between the Maintenance Supervisor and the school-site custodial staff.
- The District should reexamine bus schedules in order to allow more students to stay after school for extracurricular activities.

RESPONSE

The Civil Grand Jury respectfully requests that it be notified by the Central Union High School District of actions taken in response to these recommendations.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

City of El Centro Elementary School District

REASON FOR INVESTIGATION

The Civil Grand Jury is mandated to investigate the El Centro School Districts periodically.

BACKGROUND INFORMATION

Interviews were conducted with the District Superintendent, one Assistant Superintendent, two Principals, three Teachers, and three classified employees.

FACILITIES

The District is comprised of nine Elementary Schools, one Middle School, and one Junior High School, plus the District Office complex and the Central Warehouse. A new gymnasium is being completed at Wilson Jr. High School and should be ready for use in the Fall of 2007. There are ninety-five portable classrooms in the District. Two new elementary sites are being considered, but construction is several years in the future. The enrollment is 5800, down 60 from last year. There are 750 District employees, of whom 300 are certificated, 250 are classified, and 200 are contingency workers (substitute teachers, hourly employees, etc.). There are 35 employees at the District Office, and about 60 employees at the Central Warehouse. The total annual budget is \$50 million. The District this year will receive \$852,000 of Lotto money; 47% will be used for instructional materials and 53% for employee bonuses. There are 26 Food Service employees. Approximately 1200 breakfasts are served daily, which are free to all students, and 5000 lunches, of which 72% are free or reduced in cost. At one school site the Principal stated all meals are free.

FINDINGS

The District is working to improve its Academic Performance Index scores, which are currently at about 700, to about 800 (out of 1000). Because of the push toward meeting test score goals, reading, language, and math instruction fill almost all of the school day. Some teachers interviewed expressed dissatisfaction with the locked-in district-wide curriculum that allows for little creativity or individual initiative in teaching. Social Studies and Art instruction are virtually non-existent.

Because of its geographical location, the District has a large number of English language learners. Bilingual classes are possible only when 20 or more parents at a single grade level request one. There is currently one bilingual class, at Kennedy Middle School. However, state law allows up to 30% of instruction to be in Spanish in a regular classroom (called Structured English Immersion). In assessing the API score, all students take the same test, in English.

The availability of computers, either in a Computer Lab or directly in the classroom, is not uniform throughout the District. All schools do not have a staffed Computer Lab. In some schools innovative software programs either are not in use or they are not continually upgraded. Textbooks are current and there are enough for all students. Some schools do not provide sufficient time in the library for all students.

An application for a Charter School recently was denied by the Board of Trustees. Charter Schools offer diversified curricula, but with less District and State oversight. Regular schools in the District may lose monies received from ADA (average daily attendance) funds, because of students moving to the Charter School.

Primary classrooms (K, 1, 2, 3) have Instructional Assistants (aides), but the upper grades do not. Aides are also used in Special Education programs.

Parental involvement is a major concern for the teachers and administration, and all the schools are striving to increase the interaction between parents and schools. Almost all schools have Parent Teacher Organizations and School Site Councils. In addition, there is a GATE Parents' Program, and an English Learners' Advisory Council. Parent volunteers are welcomed and used in a variety of ways.

The Central Warehouse is currently short one Stock Clerk and three Maintenance Workers. Some Maintenance Workers feel the importance of their job is underestimated and their job performance is under-appreciated. Communication is not always good between supervisors and staff, both at the Warehouse and at individual schools. Not all schools have a gardener on staff, so the Custodians are responsible for the care of the grounds as well as the buildings, putting additional pressure on their time management. There have been occasions when the supply of paper products to school sites has not been sufficient.

Discipline is sometimes a problem, particularly in the upper elementary grades (5 and 6). A teacher suggested that some sort of mandatory detention system might help.

RECOMMENDATIONS

- More access to computers and more computer instructors are needed. Also needed are innovative software programs.

- The amount of time students spend in the school library needs to be increased at some sites.
- Instruction in science, social studies, and the arts needs to be included as a regular part of the curriculum.
- Warehouse Staff positions currently unfilled need to be filled.
- Communication between Warehouse Supervisors and Staff, and between Principals and Custodians, needs to be improved so that employees' concerns can be dealt with in a timely manner.
- The use of Custodial Staff needs to be examined and changes made so that the division of duties is equitable.
- Budgets for custodial supplies need to be examined and increased where needed.
- Ways of ensuring good classroom behavior, particularly in the upper elementary grades, need to be re-evaluated and new methods incorporated where necessary.

COMMENDATION

The Civil Grand Jury commends the District for the consistently high morale of its employees, and the determination of all staff interviewed to lead the children in their care to their highest learning potential.

RESPONSE

The Civil Grand Jury respectfully requests that it be notified by the El Centro Elementary School District of actions taken in response to these recommendations.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

Imperial County Behavioral Health Services

REASON FOR INVESTIGATION

The Civil Grand Jury is authorized to conduct a review of Imperial County Behavioral Health Services (ICBHS) periodically.

BACKGROUND

Members of the Civil Grand Jury interviewed the Director of Behavioral Health Services and two Behavioral Health Managers.

Mission Statement

“Imperial County Behavioral Health Services provides quality professional services that respect individuality and cultural diversity. Our services, offered in a nonjudgmental environment, will promote dignity and self-empowerment for individuals on their journey of wellness and recovery. Our goal is independence and community integration for individuals with the support of family, peers, and the Community.”

Organizational Structure

There are three hundred twenty five employees in ICBHS. Included in this number are:

- Five psychiatrists
- Two PhD Psychologists
- Twenty employees with a Masters degree in Social Work
- Fifteen nurses and Licensed Psychiatric Technicians
- One-Hundred employees with a Bachelor degree

The Director of Behavioral Health Services is assisted by the following:

- The Deputy Director of Administration
- The Deputy Director of Clinical Services
- Three Senior Behavioral Health Managers
- Four Behavioral Health Managers

The Director reports to the Imperial County Board of Supervisors.

Number of Facilities

There are 16 facilities throughout Imperial County. Some services are provided in schools, some in buildings owned by Imperial County, and some in buildings that are leased.

Type of Services

ICBHS provides a variety of services, including those to

- Adults and adolescents with emotional problems.
- Victims of child abuse and/or neglect
- Persons in need of alcohol and drug rehabilitation
- Children with Attention Deficit Disorder

Number of clients

Approximately five-hundred clients are treated annually for drug and alcohol- related issues; also treated annually are two thousand one hundred adults and children with diverse emotional needs.

FINDINGS

Provision of Care

There is no holding facility in Imperial County. ICBHS has contracted with several psychiatric facilities in San Diego to provide inpatient services at \$425/day.

Sources of Revenue

The current budget for operating and maintaining services is \$30 million. ICBHS receives no funds from Imperial County. Revenues are generated from billing for services provided to Medicare and Medi-Cal recipients. Funds also are received from State sales tax and allocated grants. The allocated State funds are expected to be decreased by 10% in the near future.

Human Resources

In addition to the 325 full-time employees, ICBHS hires per diem (temporary) help on an as-needed basis. All employment activities, according to the Director of the ICBHS, are handled through the Department of Human Resources (HR). The organizational chart does not identify specifically the HR Department. However, Staff Development is specifically mentioned in the organizational chart. Training and orientation provided

during fiscal year 2006-2007 indicated Staff Development presented 70 training programs covering a variety of subjects including anger management, non-violent crisis intervention, applied suicide intervention skills and behavior modification training. These programs not only contribute to increased performance improvement but also enable the employees to provide care in a safe environment.

At this time, there is no employee satisfaction survey at ICBHS.

Lease Agreements

The ICBHS leases the following properties:

LESSOR	SQUARE FEET	\$ AMOUNT	UNIT
Brawley Elementary School District	1240	1910.00	per month
El Centro Elementary School District	1574.5	1940.33	per month
Calexico Unified School District (one modular classroom)	Not specified	20,840.00	per year
San Pascual Valley Unified School District	1699	1537.41	per month
Menvielle Plaza (1295 State Street El Centro)	13,000	20,003.14	per month
Prince and Associates Realty (345 S. 8 th St. El Centro)	Not specified	4,500.00	per month
R.J. Development Company			
Buildings at 2895,2695,2999 S. 4 th St. El Centro	75,000	111,000.00	per month
Building at 2795 S. 4 th St. El Centro	16,000	23,200.00	per month

Approximately \$2 million per annum are allocated to the above properties.

Safety/Security

- Security is provided by Desert Security
- ICBHS is required to have in place an emergency plan to handle natural disasters, fires and other emergencies. The list of training provided to staff during fiscal year 2006-2007 included several training sessions in crisis intervention, but it did not include any training for Emergency Preparedness such as earthquakes and other disasters.

Performance Reviews

There were three Performance Reviews:

1. Imperial Negotiated Net Amount (NNA) Contract Compliance Review

Dates of review: October 2 and 3, 2007, carried out by the Performance Management Branch of the Department of Alcohol and Drug Programs, State of California, Health and Human Services, for the purpose of meeting requirements for the Treatment Block Grant. Annual funding amount: \$64,292.00.

2. State Department of Mental Health (DMH) Medi-Cal Oversight Review

Dates of review: April 16-20, 2007. ICBHS performed well with only one item requiring a Plan of Correction.

3. APS Healthcare. California External Quality Review Organization (CAEQRO)

Dates of review: March 13-14, 2007. The purpose of the review was to evaluate the quality of mental health services provided to beneficiaries enrolled in the Medi-Cal managed mental health care program. Key findings:

- Fiscal year 05-06 Denials of Medi-Cal claims (7.06%) ranked 26 on a scale of 1-56: 1 being the highest percentage of denied claims and 56 being the lowest. In fiscal year 03-04 the denial rate was 2.95% and in 04-05 the denial rate was 6.22%.
- More barriers exist in accessing mental health services for females than males.
- During the consumer/Family Member Focus Group meeting with CAEQRO, one of the aspects that troubled all participants was that upon calling the Crisis Center for help, the staff would refer the caller to the police. It was stated that “the police are the only ones who can initiate a 5150, and the Mental Health staff does not accompany the police on these field calls. The person is handcuffed and put in the back of the police car ‘with no dignity.’ No one thought this was a good way to handle someone in crisis.”

Client Satisfaction Survey

Reported below are the findings on the outcome of services provided:

- Adults: 63% were satisfied (40%) and very satisfied (23%) with the outcome of services provided in comparison to the State's 61% for the same indicators.
- Older adults: 82% were satisfied (50%) or very satisfied (32%) with the outcome of services received in comparison to the State's 69% for the same indicators.
- Youth: 55% were satisfied (48%) and very satisfied (7%) with the outcome of services provided in comparison to the State's 67% for the same indicators.

RECOMMENDATIONS

The Imperial County Civil Grand Jury makes the following recommendations to the Director of the Imperial County Behavioral Health Services:

- The current organizational chart should be re-evaluated for easier understanding. Perhaps it can be fitted on one page.
- A staff satisfaction survey should be conducted. This will identify issues that contribute to employee dissatisfaction.
- Emergency Preparedness Training should be provided, and who conducts the drills and maintains the required logs should be specified.
- The reason(s) the number of denials relating to Medi-Cal claims is increasing should be identified, as this has a direct effect on revenues.
- The reason(s) the local youth rate the outcome of services they receive locally significantly lower (12% lower) than the youth statewide should be identified (CAEQRO Survey).
- The current procedure of referring patients to the police when they call the Crisis Center for help should be reassessed, and recommendations for change should be made to the Board of Supervisors. Especially the need for a person asking for help to be handcuffed by the police, in order to initiate a 5150, should be reassessed, and alternative methods recommended.

RESPONSE

The Imperial County Civil Grand Jury respectfully requests that it be notified by the Director of the Imperial County Behavioral Health Services of actions taken in response to these recommendations.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

Imperial County Airport

REASON FOR INVESTIGATION

The Civil Grand Jury is authorized by California State law to investigate the Imperial County Airport periodically.

BACKGROUND

The Imperial County Airport is located next to State Highway 86 just south of the City of Imperial. It is a publicly owned airport with commercial airlines providing passenger service daily to Yuma and Los Angeles. Commercial carriers such as FED-EX and United Parcel Service also operate out of the airport. According to the Federal Aviation Administration's (FAA) records, there are four runways operating at the airport and 86 aircraft based there including 66 single engine planes. There are about 73,000 air operations (take offs and landings) at the airport each year. The airport is administered by an Airport Director, an Assistant Director, and a Manager. Of these persons, only the Airport Manager is located at the airport.

The Civil Grand Jury Investigative Committee toured the airport facilities and interviewed several officials from the Imperial County Airport and Imperial County Fire Department. Among the officials interviewed were the:

- Imperial County Airport Director
- Imperial County Airport Assistant Director
- Imperial County Airport Manager
- Imperial County Airport Operations Supervisor
- Imperial County Airport Financial Assistant
- Imperial County Assistant Fire Chief
- Imperial County Fire Prevention Captain

FINDINGS

During the investigation the Committee learned the following facts with respect to the physical facilities, management, and finances of the Imperial County Airport.

Physical Facilities

- It is not possible to expand the airport. The highway on the east, development on the south and on the west, and the City of Imperial water plant on the North prohibit making the airport larger.
- The second floor of the airport terminal has not been used since 1994/95 because it is not in compliance with American Disabilities Act (ADA) requirements for handicapped persons. Neither access to the second floor nor to access to the restrooms meet ADA standards. Consequently, while the second floor has a number of potential uses, it has remained idle for over ten years.
- The runways are in poor condition.
- The airport rents airplane hangars to the public. The hangars are being used in some cases for purposes other than airplanes. One hangar is used to store a motor home and another is used to store a vehicle. One individual rents two and uses them as a repair garage for airplanes.
- Over the years the locks have been changed on the airplane hangars, but management does not have keys to all of the locks. This poses a problem for airport fire officials who need to be able to inspect each hangar to determine what is stored inside, (gas, oil, paint, etc.) and to determine whether there is proper fire safety equipment in place including flammable lockers and fire extinguishers.

Management

- The Airport Director wears many hats. He is also the County Agricultural Commissioner, the Director of Weights and Measures, and the Imperial County Air Pollution Control Officer.
- There have been four airport managers in the past five years.
- The County recently hired a new Airport Manager and gave him the charge to improve the look and image of the airport, with the goal of bringing additional scheduled air service to the airport.

- The current Airport Manager has enthusiastically accepted this challenge. He is working on streamlining maintenance services and improving the look of the airport and the quality of its services.
- The Airport Manager does not have access to timely budgetary information about revenues and expenses. Finances are handled in El Centro by the Airport Director, Airport Assistant Director, and the Airport Financial Assistant. None of these persons is located at the airport. The Airport Manager has no idea what monies are being collected or what bills are being paid each month. This makes it very difficult to plan for and manage the facility.
- The County Department of Maintenance sends two workers to the airport daily to maintain the airport facilities. The Department bills county the airport for this service. These workers do not take direction from the Airport Manager with respect to maintaining airport facilities. Apparently, the workers are only responsive to the County Maintenance Department.
- There is a demand for airplane hangars. There is a waiting list of 28 persons wanting to rent a hangar at the airport. There has not been a review of the hangar rental agreements for years and it is not known how comparable the rental rates are with hangars at similarly situated airports.

Finances

- The monies collected by the airport are not put into the General Fund. The airport money is handled by the Imperial County Auditor/Controller, and is not mixed with other Imperial County funds.
- The airport receives some money to operate from federal grants that are based on passenger use of the facility. These monies have been declining in recent years.
- The airport leases/rents several acres of land at the airport, office space, T-hangars, and outdoor hangars. There has not been a review of these leases/rental agreements for a number of years. Most are on a month-to-month basis. There is confusion in some cases as to what specific parts of the airport geography are being rented by various individuals. Rental property parcel boundary lines are not clear.

- The county has contracted with a firm to survey the airport several months ago so that lease areas can be identified. The Airport Director is waiting for the report.
- A new lease document is being drafted, and all who lease/rent land from the airport will be signing a new lease very soon.
- Interviews suggest that the Imperial County Board of Supervisors is not enthusiastic about investing money in the existing airport. Supervisors would prefer to see a cargo airport established in the county and think that this would be a wiser investment.

CONCLUSIONS

Based on the findings from the interviews and tour, the Civil Grand Jury Investigative Committee arrived at a number of conclusions. Among them is that the airport has been badly neglected. It is in need of a lot of maintenance and improvements that have been known about for years. At a time when the airport appears to have great needs, it appears to be receiving very little attention from those who are managing it. The excessively high turnover in the Airport Manager position appears to be a reflection of the problems with the management of the airport operation. The current Airport Manager appears to be a competent and conscientious employee who is capable of maintaining the airport and making it grow and become more profitable. However, the Committee found a number of circumstances that appear to complicate the efforts of the Airport Manager and make it difficult to perform his job. Among these is a lack of communication and cooperation between the Airport Director, the Airport Assistant Director and the Airport Manager. While the Airport Manager seems to have much responsibility, he appears to have little authority to carry out his job responsibilities. He lacks timely budgetary information and has limited interaction with the Airport Financial Assistant who is located across town. He has limited or no authority to direct grounds maintenance workers.

The state of the lease / rental agreements for airport grounds and facilities is chaotic. While the Airport Director is working on it, this situation is likely to have already cost the airport considerable revenue. The lack of information about competitive hangar rental rates and no review of existing rental agreements for years are also likely to have cost the airport revenue. Importantly, there are also several potential safety problems that need to be addressed, including the lack of access to hangars by fire officials, appropriate use of hangars, materials stored in hangars, and the availability of appropriate fire safety equipment.

RECOMMENDATIONS

The Imperial County Civil Grand Jury makes the following recommendations:

- The management of the Imperial County Airport should be examined to improve its productivity and functioning. Consideration should be given to reorganizing the existing management structure to ensure that the many outstanding issues and problems identified above in this report are addressed in a timely fashion, and to enable the Airport Manager to perform his duties in a more efficient and effective manner. The Civil Grand Jury is concerned that part of the airport's neglect and management difficulties arise from (1) the Airport Director having too many roles to play and (2) not enough delegation of authority within the agency. Lines of authority and responsibility appear to be problematic. Given the scope of the problems at the airport and the need for them to be addressed in a timely manner, the Civil Grand Jury recommends that the Imperial County Board of Supervisors consider the many jobs that the Airport Director is already responsible for and consider allocating airport direction responsibilities differently or elsewhere so that the airport can function more productively in the future.
- A better system of communication should be developed within the Imperial County Airport chain of command.
- Annual budget and monthly revenue and expenditure information should be provided to the Airport Manager in a timely fashion.
- Consideration should be given to assigning the Airport Manager authority over the activities of the crew from Imperial County Department of Maintenance.
- The review of present lease / rental agreements, the competitive pricing of facilities and services, the survey of property boundaries, and the execution of new lease / rental agreements should be completed as quickly as possible to ensure that the airport is receiving the revenue that it is capable of generating.
- The alternative uses of the second floor of the airport terminal and their revenue generating capacities should be evaluated with respect to the cost of bringing this portion of the terminal up to ADA standards.

RESPONSE

The county Civil Grand Jury requests to be notified as to the actions taken by the Imperial County Supervisors, the Airport Director and the Airport Manager in these matters.

**THE
IMPERIAL COUNTY**



CIVIL

GRAND

JURY

**2007-2008 FINAL REPORTS
COMPLAINT DRIVEN**

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

City of Holtville Officials and Police Department

REASON FOR INVESTIGATION

The Civil Grand Jury received a complaint concerning driving golf carts on public streets in Holtville city limits.

BACKGROUND

In this report the term “low-speed vehicles” and “golf carts” are used in the same way as described in the California Vehicle Code 2115, 21250, 21716 and Title 49 of the Federal Motor Vehicle Safety Regulations 571.5 et seq.

The Civil Grand Jury received a citizen complaint about golf carts being driven on the streets of Holtville. The complaint alleged that the Holtville City Manager had instructed the Police Department not to enforce traffic laws related to the driving of golf carts on city streets. The Civil Grand Jury investigated the complaint to determine whether:

- Golf carts can be driven legally on California city streets.
- A city official directed the Police Department not to write tickets to persons driving golf carts on city streets.

The Civil Grand Jury investigative committee interviewed several key Holtville City officials and Imperial County officials during four days in August 2007. The officials included:

- Mayor
- City Legal Counsel
- City Manager
- City Council members
- City Clerk
- Executive Assistant
- Police Department officers (all)
- Imperial County Sheriff
- Representatives of the California Department of Motor Vehicles (El Centro)
- Representatives of the California Highway Patrol (Imperial)

FINDINGS

The investigation revealed the following facts:

- Prior to the investigation, owners of golf carts had registered their carts with the California Department of Motor Vehicles (DMV) which issued them license plates and registration stickers. The golf cart owners believed that with proper DMV documentation, they could drive their carts around the city legally. Holtville police and the California Highway Patrol (CHP) have stopped and issued traffic tickets to golf cart drivers and informed them that it is illegal to drive “low speed vehicles” on city streets and that the carts in question do not meet the standards set forth in Title 49 of the Federal Motor Vehicle Safety Regulations 571.5 et seq. under “Low-speed Vehicles”¹. The golf cart drivers complained to the City Manager to correct the problem.
- In a telephone interview, the DMV Chief Supervisor stated that untrained employees in her department had issued golf cart registrations in error. She also indicated that this is a statewide problem, not only in Holtville. The DMV main office in Sacramento is working on a solution that will identify golf cart owners who have registered their golf carts, and to inform them that they will not be allowed to renew their registrations.
- The CHP is aware of the DMV’s error and has visited the local DMV to train employees on the vehicle codes. The DMV’s error does not prevent the CHP or Holtville Police Department from enforcing California traffic laws concerning “low speed vehicles”.
- Holtville’s Mayor stated that she was not aware of the golf cart problem or issues concerning their use on city streets.
- The Holtville City Manager was very aware of the golf cart issue, but did not mention it to the Mayor. A city council member expressed concern that residents around town, mainly golf carts owners, were told that they could not drive their golf carts around town. He asked the City Manager to look into this issue. The City Manager did some investigation on her own and learned that some of the golf cart owners had gone to the DMV where they had their carts registered and were issued license plates. The owners of the golf carts believed that having their carts registered meant that they could drive on city streets legally. After registering and licensing their carts, owners/drivers were being stopped by the CHP or city police and receiving either verbal warnings and/or traffic violation citations. Because golf cart owners were frustrated that they could not drive their DMV registered and licensed vehicles on city streets, they appealed to the City Manager to resolve the situation.
- The City Manager expressed frustration with the DMV issuing plates and tags, because it essentially conveys to golf cart owners that it is permissible to drive their carts on city streets under 25 miles per hour, while law enforcement is saying it is not. With this in mind, the City Manager instructed the Chief of Police not to ticket persons driving golf carts on the streets of Holtville. Her instructions were emphasized to the Chief of Police by threatening job termination if he or any one of his officers stopped or issued tickets to any drivers of golf carts. She ordered the Police Department via email, to “overlook the golf cart issue” and to concentrate on more serious crimes around the city. In an email

¹ See Code of Federal Regulations current as of 03AUG07, Title 49: sec 571.500

- to the Chief of Police, she stated, “You are directed to not issue citations on this state law”². She also stated in an interview, “Until the DMV and the Department of Transportation (DOT) get this matter resolved; the Police Department should refrain from issuing tickets to licensed golf carts drivers.” She wanted the DMV to deal with the golf cart issue not the City of Holtville.
- Interviews suggest that Holtville Police Department morale is at an all-time low. Officers complain that City Manager is telling them the laws they can and cannot enforce. Officers express concern that the City Manager has tried to dissolve the city police force many times since taking office by having the Imperial County Sheriff’s Department take over policing responsibilities in Holtville. The most recent attempt was in July 2007, when she had a meeting with the Imperial County Sheriff. The City Manager stated to the Sheriff “she has concerns with the performance of her police force and wants it dissolved”. The Sheriff stated to her, that, “the Sheriff’s Department can’t cover the city of Holtville due to man-power issues with his department”. The Sheriff said, “He would table this issue for a year”.
 - Police officers stated that, “they want to do their jobs as trained in law enforcement”³. They know the law and want to enforce the law pertaining to golf carts, just as they do other laws. They want to treat all people fairly, without regard to economic background and the political influence that golf cart drivers appear to have over City Hall. Apparently, some golf cart owners stopped for violations have been quoted as saying, “Write that ticket and see what the City Manager does” or “do it and you’ll see”. Statements like these, officers maintain, put police officers in precarious and difficult to manage situations.
 - Interviews revealed that the Holtville Police Department invited the local CHP Commander to speak at the June 2007 Holtville City Council meeting (open forum) to educate the members about the issue concerning low-speed vehicles. The City Manager went to the meeting location and encountered a group of officers standing in front of City Hall who were waiting for the meeting to begin. Thereupon, she informed the CHP Commander and the police officers that they were not allowed to attend or to speak at the meeting⁴. The City Manager told the CHP Commander, “You’re not running my city”. Three people from two separate agencies corroborated the incident. Holtville police officers feel that the City Manager in particular, is putting them in an awkward situation by having the golf cart violations go unchecked. If they do enforce these violations around the city, they fear their jobs and livelihood will be in jeopardy as stated by the City Manager.
 - City officials not mentioned above, who were interviewed, indicated not to be aware of details or information concerning the golf cart issue other than seeing golf carts being driven around city streets.

² Email between City Manager and Police Chief, Monday June 11, 2007 @ 0943

³ See City of Holtville Job Description “Police Officer”

⁴ Verbal confirmation during committees’ face-to-face and telephone interviews.

ADDITIONAL CONCERNS

Additional concerns surfaced during the Civil Grand Jury investigation with regard to the conduct of City Hall and the City Manager. Police Department officials in their sworn statements raised three in particular:

- Hispanic officers complain they have not been treated fairly by the city manager's office in the promotion and hiring process.
- Officers expressed concern about a possible conflict of interest in the City Manager serving as both city manager and personnel manager (see Municipal Code section 2.28.030).
- Given the experience with the golf cart issue, police department officials are concerned about the objectivity of pending contract negotiations between Holtville police officers and the City of Holtville.

CONCLUSIONS

- Golf Carts cannot be driven on city streets.
- The golf cart issue has created much frustration among Holtville city officials, police officers, and residents, particularly golf cart owners. Much of this frustration is due to the contradiction between the California DMV's actions of registering and licensing golf carts for use on public streets, and the federal and state vehicle codes governing the use of vehicles on public streets. The factors that led to this situation are unfortunate, but understandable. The California DMV appears to be taking steps to remedy the problem.
- At a minimum, the Holtville City Manager has contributed greatly to the frustration experienced by law enforcement officials seeking to execute their duties in a lawful manner. Beyond this, however, it appears she may have created a difficult, if not hostile, work environment by ordering Holtville police officers not to enforce valid laws and threatening them with job termination if they did so. The City Manager efforts to prevent the California Highway Patrol from attending a public meeting are also of serious concern, and raise questions about the best interests of the community and violations of laws pertaining to public meetings.
- Importantly, the City Manager's explicit orders to Holtville police officers that they not enforce valid vehicle code may increase the risk and legal liability for the city and its taxpayers should accidents arise involving the use of golf carts on Holtville public streets.
- Sworn testimony from interviewees indicates that the City Manager has a very tight grip on every aspect of city government in Holtville, dominating the way the city is run in all departments and censoring out information to the Mayor and/or City Council on issues of importance to the city's residents.

RECOMMENDATIONS

The Imperial County Civil Grand Jury makes the following recommendations:

- The Holtville Police Department should be allowed to do its job as specified under law without interference from the City Manager and other city officials.
- The Holtville City Council, Mayor, City Manager and City Legal Counsel should review and clarify lines of authority between the City Manager and other city departments, especially the police department, to ensure that city employees can function in a manner that is consistent with federal and state laws. It should also ensure that there is no conflict of interest in the City Manager serving as the personnel manager.
- The Holtville City Council, Mayor, and City Legal Counsel should also examine the actions of the City Manager to determine whether there has been any abuse of authority or violation of federal, state or local laws, particularly with regard to access to public meetings to ensure that the city and its tax payers are not exposed to any liability.

RESPONSE

The Civil Grand Jury requests to be notified of the actions taken by the Holtville Mayor, City Council, City Manager, and the Chief of Police in this matter.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

Imperial County Sheriff's Office (ICSO) Deputy

REASON FOR INVESTIGATION

A complaint concerning an Imperial County Deputy Sheriff was received by the Imperial County Civil Grand Jury.

SUMMARY AND FINDINGS

The complaint alleged that the Deputy Sheriff was lobbying for the Chief of Police position in Calexico at the same time the Deputy was on duty and in uniform. The complaint also alleged that the Deputy was being driven around on some occasions by another Deputy Sheriff in a marked patrol car while engaging in the lobbying activity in Calexico.

Two investigations were conducted at different times in regard to the complaint; one by a committee of the Imperial County Civil Grand Jury and another by the Imperial County Sheriff's Office. In the course of the investigations, the Civil Grand Jury committee interviewed a number of persons including:

- The Deputy Sheriff who was the focus of the investigation
- The Imperial County Sheriff
- A County Supervisor
- Two Chiefs of Police
- Two Calexico Police Officers
- The Calexico City Manager

The Civil Grand Jury found the following:

- The Deputy in question was assigned by the Sheriff's Office to perform patrol duties in the southern part of the county that includes Calexico.
- The Deputy had applied for the Calexico Police Chief position.
- Most of those interviewed indicated they had either seen the Deputy more frequently than usual in Calexico or heard from others who had seen him more frequently than usual in Calexico during the time the city was recruiting for the Calexico Police Chief position.
- Some of those interviewed indicated that an unusual number of "sightings" of the Deputy were becoming a topic of conversation among public officials.
- The Deputy indicated that he did spend more time than usual in the city and talking with residents, friends and officials during the time the Chief's position was open. He also indicated that this was done while in an off-duty capacity.

RECOMMENDATIONS

Calexico is a relatively small community and events like the hiring of a Chief of Police are likely to attract much attention. In this case, the Civil Grand Jury understands how the Deputy may have given the appearance of pursuing his own interests while being on duty as an Imperial County Sheriff's Deputy. Regardless, the Civil Grand Jury did not find sufficient evidence to support the allegations. In its own investigation of the matter, the Imperial County Sheriff's Department found the allegations to be "not substantiated". The Civil Grand Jury has no recommendations with respect to this matter.

RESPONSE

No response is required.

FINAL REPORT

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

The City of Calexico City Council and various City Officials in the matter of the hiring of the Calexico Chief of Police.

REASON FOR INVESTIGATION

A complaint was received by the Imperial County Grand Jury concerning the hiring practices and selection method used in hiring the Chief of Police in Calexico.

SUMMARY AND FINDINGS

The complaint alleged that an Imperial County Deputy Sheriff was lobbying, while on duty, for the position of Police Chief. It was further alleged that the hiring process was compromised in several other ways. These included interference in the process by City Council members, favoritism displayed by Council Members, the leaking of information on the ranking of candidates to the media before a decision was made, allowing one candidate to withdraw and then to re-submit his application after the deadline for applying had passed, and the illegal composition of the hiring committee itself. A committee of the Imperial County Civil Grand Jury conducted an investigation into the allegations. In the course of the investigations, the Civil Grand Jury interviewed a number of persons including:

- The Calexico City Manager
- Two of the three candidates for the Chief position
- A County Supervisor
- Two Police Chiefs (including the Calexico Chief)
- Two Calexico Police Officers.

Based on the interviews, The Civil Grand Jury determined the following:

- The City of Calexico advertised for a Chief of Police position in the fall of 2007. The only significant criteria specified were that candidates have the rank of Sergeant or higher and have a minimum of 25 years of experience.
- The hiring process was conducted by the Calexico City Manager under the direction of the City Council. City Council members provided considerable input during the hiring process and expressed their hiring preferences throughout the process.
- A hiring committee was selected, which then interviewed and rated the candidates. One of the persons initially selected to be on the hiring

committee disqualified herself because she knew one of the candidates. This person's daughter, a minor under the age of eighteen, was selected to take her mother's place on the committee. Other than this minor, the committee consisted of persons serving on various committees and commissions in the City of Calexico.

- There was considerable confusion in the decisions and actions surrounding the hiring process. One candidate, who had withdrawn his application, was allowed to re-submit it after the application deadline had passed. Confidential information on the ranking of candidates was leaked to the media, and published in the I.V. Press, before a hiring decision had been made. Some Council persons publicly supported the idea of seeking an outside firm to conduct the hiring process when that process was already nearing completion.

The Civil Grand Jury Committee found that the hiring process did not violate any laws or procedures established by the City of Calexico. The Calexico City Attorney did review the decision to allow one candidate to re-submit his application after the deadline had passed.

Despite finding no violations of ordinances or codes, the Civil Grand Jury committee did find reasons why the complainant, and others, might see impropriety in the hiring process as it was conducted by the City of Calexico. The Civil Grand Jury committee was negatively impressed by the lack of effort on the part of the City to generate a competitive pool of candidates for the position. There were virtually no educational requirements for the position, and the requirement of 25 years of experience may have served to exclude otherwise well-qualified candidates throughout the state. Many law enforcement officers with 25 years of experience are looking to retire at that point in their career. The requirements, or lack of requirements, gave the impression that the position was being tailored for specific individuals.

Because Calexico is a relatively small community, events like the hiring of a Police Chief attract much attention. Although the Imperial County Sheriff's Deputy may have given the appearance of pursuing his own interests while on duty, the Civil Grand Jury did not find sufficient evidence to support allegations of wrong-doing. In its own internal investigation of the matter, the Imperial County Sheriff's Department found the allegations to be "not substantiated".

RECOMMENDATIONS

- No minor should serve on a committee to select a City employee.
- The hiring practices of the City of Calexico need to be re-examined and official procedures and protocols adopted.

RESPONSE

The Imperial County Civil Grand Jury respectfully requests that it be notified in writing when the above recommendations are implemented.

FINAL REPORT

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

City of Holtville / Police Department

REASON FOR INVESTIGATION

The Civil Grand Jury received a complaint from a former City employee that contained numerous allegations.

BACKGROUND

The Civil Grand Jury met with the person who had filed the complaint and we felt that the allegations merited investigation.

FINDINGS

- Among the allegations were that the City had misused in the area of \$400,000.00 in Grant monies. We reviewed the Grant expenditures and found that the Grant monies were used in accordance with the Grant request.
- Another allegation was that an unauthorized bank account had been established with captured drug money. This account was supposedly to be used to set up a Police Athletic League (PAL) program. This account had been moved to the City of Holtville by a former Chief of Police.
- There was the allegation that guns, radios and various other items were missing from the Police Department inventory. Inventories between each change of leadership in the Police Department were just about nonexistent.

CONCLUSION

After interviewing several individuals in the Police Department, including two past Chiefs and the City Manager we could not find evidence or facts that supported the allegations.

RECOMMENDATIONS

The Civil Grand Jury recommends that an inventory system be set up for the Police Department and that it be kept current at all times.

RESPONSE

No response is required.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

City of Holtville Fire Department

REASON FOR INVESTIGATION

The Civil Grand Jury received a complaint concerning the Holtville Fire Department.

BACKGROUND

The complaint alleged that the Fire Chief ordered the Daily Stand-by Schedule be falsified to show that the number of men working was greater than it actually was in order to meet the ISO insurance standards. The Fire Chief and one Fireman were interviewed.

FINDINGS

The Holtville Fire Department ISO rating is six on a scale of one to ten, one being the best. A current Daily Stand-by Schedule was examined. The Fire Chief explained the manpower issues the department faces and the challenges he has during a fire dispatch. He further explained that the schedule is on computer and easily can be changed or modified. Therefore, the hard copy posted at the Fire Station, with necessary pen and ink changes made due to sick calls or reserve duty, is considered "original" at the end of the month. The Grand Jury found no validity to the charges of deliberate falsification.

Several improvements were found to have been implemented:

- The Fire Department has moved to a newer building to accommodate both the fire engines and the Department's office requirements.
- New equipment has been purchased, including a mobile air-recharging station which allows spare air tanks to be charged while on call, and new fire suits, which meet state safety requirements, for each fireman.
- The fleet of fire trucks, one primary and two secondary, is in excellent condition.
- The Fire Safety Prevention program (FSP) has been improved by the addition of a FSP trailer and a motorized (robot) fire-safety dog for presentations to children.

RECOMMENDATIONS

The Civil Grand Jury makes no recommendations to this complaint.

RESPONSE

No response is required.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

Imperial County District Attorney's Office

REASON FOR INVESTIGATION

A complaint concerning the Imperial County District Attorney's Office was received by the Imperial County Civil Grand Jury.

SUMMARY AND FINDINGS

The complaint alleged that the District Attorney's (DA) Office gave preferential treatment in a DUI case involving the relative of an employee of the District Attorney's Office. It also alleged that arrest reports submitted to the DA's Office were not being processed in a timely manner resulting in (1) the statute of limitations expiring for some cases, (2) people not being served with timely notice for court proceedings, and (3) in some instances, bench warrants being issued for the arrest of persons who were unaware that they had a court appearance date.

A committee of the Civil Grand Jury interviewed a number of persons with respect to the complaint including those listed below. It also examined several documents including the arrest report pertaining to the DUI case.

- District Attorney
- Assistant District Attorney
- Two California Highway Patrol officers
- Imperial County Court Assistant Executive Officer

The Civil Grand Jury committee found the following:

- A relative of an employee of the District Attorney's Office was arrested by the California Highway Patrol (CHP) for driving under the influence (DUI). The arrest report was submitted to the DA's Office, reviewed, and declined by the DA's Office for prosecution. The Civil Grand Jury committee found that a complaint was not filed on the arrest report because the blood alcohol content (BAC) level reported for the arrestee did not exceed the legal limit. Importantly, the committee determined that the case was handled in the same manner as similar cases submitted to the DA's Office.
- In the course of investigating the DUI incident, it was found that CHP officers are not routinely informed of the disposition of arrest reports they submit to the DA's Office. While the decision not to prosecute cases is reported by the DA's Office to the court officer at the CHP, this information does not appear to be routinely

passed on to arresting officers. However, the CHP officers interviewed indicated they were interested in receiving such feedback.

- With regard to the processing of cases at the DA's Office, the Civil Grand Jury committee did find there was a sizeable backlog of arrest reports that needed to be acted upon. The backlog had been a continuing problem for years and was inherited by the current District Attorney. Hundreds of cases would sit for long periods of time before being processed. The situation continued due to continual staff shortages over the years. It is difficult to determine how much this situation has contributed to the problems alleged in the complaint. Representatives of the DA's Office do not think the backlog accounted for any significant number of cases not being prosecuted because of statute of limitations expiring. They did acknowledge that, at times, persons may not receive notices to appear in court because they move or change addresses. It would seem that the length of time between an arrest report being filed and then acted upon by the DA's Office could exacerbate this problem.
- In discussing the backlog problem with the District Attorney, the committee learned that the DA's Office has made significant progress in reducing the size of the backlogged arrest reports during the past year. This has greatly increased the workload of the office's nineteen Deputy District Attorneys. The District Attorney is optimistic that the backlog problem will be remedied in the short-term, but recognizes that it is likely to recur if the DA's Office's workload increases and he does not have enough attorneys to process the reports in a reasonable period of time. The DA's Office is currently recruiting for two deputy positions. It has difficulty recruiting and retaining deputies, particularly at the senior levels because of the salary levels offered in the county. About half of the attorneys in the DA's Office have less than two years of experience.

RECOMMENDATIONS

The Civil Grand Jury recommends that the District Attorney assess the personnel resources needed for the DA's Office to process arrest reports in a timelier manner and request these resources from the Imperial County Board of Supervisors.

RESPONSE

The Civil Grand Jury respectfully requests that it be notified by the District Attorney of actions taken in response to this recommendation.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

El Centro Police Department

REASON FOR INVESTIGATION

The Civil Grand Jury received an anonymous complaint about low morale in the ECPD.

BACKGROUND INFORMATION

The Mission Statement of the ECPD is as follows: “We are dedicated to serve our community through partnerships, professionalism and uncompromising excellence. Quality of life, protection and service is (sic) our commitment.”

The current Chief of Police was hired in December, 2006. He came from National City where he had been employed for less than two years. He was Captain there. Before going to National City he was employed by the Los Angeles PD for twenty-two years.

At this time the Department consists of forty-seven sworn officers, including the Chief, the Captain, two Lieutenants, and eight Sergeants; there is also a professional staff of nineteen. The Department is organized with the Captain reporting to the Chief; the Lieutenants, who report to the Captain, each have their own area of responsibility. One is the Patrol Lt. who oversees four Patrol Teams, each consisting of a Sgt. and four or five officers. The other is the Administrative Lt. who heads Traffic, Investigations, and Training, each of which consists of a Sgt. and a number of officers. In addition, there is an Administrative Sergeant who reports directly to the Chief.

A committee of the Imperial County Civil Grand Jury interviewed the Chief of Police, the Captain, the Lieutenants, 5 Sergeants, 2 Patrol Officers, 1 Detective, 3 civilian employees, the City Manager, and 1 City Council member.

FINDINGS

The officers and civilian personnel interviewed reported that the Chief has shown a lack of administrative and leadership skills in the following ways:

- He rarely issues orders in writing. When questioned about a verbal order, he often says, “You misunderstood,” or “there was a miscommunication.”
- He does not observe the “chain of command.” He often ignores the Captain; they sometimes go days without speaking. He tends to micro-manage, issuing orders to those lower on the organizational chart. He recently

created the position of Administrative Sergeant, who reports directly to the Chief, skipping over the Captain and the Lieutenants.

- He does not use personnel wisely. He has created new teams and positions, such as the Graffiti Team and the Administrative Sgt., without hiring new people, thus weakening Patrol Teams that are already understaffed. He makes assignments that are not clear, again because they are not put in writing. Some officers report, “He does not let us do what we know how to do and what we know needs to be done.” He changed the rules in the middle of the most recent promotion of an officer to Sgt; which has made other officers wary of applying for promotion.
- He has lowered the standards for qualifying at the shooting range, making the Range Master fear for the competency of his officers in an emergency.
- He does not communicate well with his officers. In three recent shootings he failed to inquire about the welfare of his men, but instead asked about press coverage; this has resulted in a huge lowering of morale. Some officers report they have been directly lied to, often in small things; they now question his veracity in bigger things. In public statements the Chief consistently says “I have”, never “We have”.
- He has ordered laws enforced unevenly. Towing companies who were found to be unlicensed and completely out of compliance with City regulations were allowed to continue doing business with the City. Posted two-hour parking regulations were directed by the Chief not to be enforced in some instances. In February, 2007, the Chief was made aware of a problem with big trucks on Imperial Avenue, but the issue continues to be unresolved. In November and December of 2007 ECPD Patrol Teams were ordered to make themselves available to merchants in the new Mall even though the City of El Centro was thus left under-patrolled.
- He lacks visibility in El Centro. On two separate occasions when there were officer-involved shootings, the Chief was not available for three hours because he was at his home in Rancho Cucamonga. He is not seen by his officers on weekends, or even on most evenings, in local stores or restaurants.

A letter of Grievance, from the El Centro Public Safety Management Association, was taken to the City Manager on July 16, 2007. The City Manager wrote back that same day that the complaint did not meet the criteria for a Grievance. He further indicated that he

would refer their concerns to the Chief. The El Centro Public Safety Management Association then wrote a letter to the City Council, dated July 26, 2007, apprising them of the situation. The Mayor responded that the Council had every confidence in the City Manager to solve the problems expressed. At this time the Chief announced that there would be a Team-Building Workshop for the Department. This Workshop was held in La Quinta in September of 2007, with two follow-up workshops subsequently held in El Centro. The officers interviewed by this committee reported that there were no substantive changes made as a result of these workshops. No further action was taken by the City Manager or the City Council. At the meeting of the El Centro City Council on March 19, 2008, the President of the Police Officers Association read a letter of No Confidence in the Chief.

Before this investigation was completed, and before he could respond to these complaints, the Chief of Police resigned his position. Nevertheless, this committee completed its investigation and makes the following recommendations to the management of the city and to the new Chief.

RECOMMENDATIONS

- The City Manager and the City Council should be more responsive to complaints within city departments so that serious problems do not develop.
- The Committee charged with the responsibility for hiring a new Chief of Police should include officers from the Department.
- The new Chief should work with the Management Team to determine why the Department continues to lose officers and to develop a plan to reverse this loss.
- The new Chief should examine the new Training Practices and determine whether the old Training Practices were better for the Department, and make changes if necessary.
- The new Chief should examine the teams and positions recently created to determine whether or not they make the best possible use of existing personnel, and make any necessary changes.

RESPONSE

The Imperial County Civil Grand Jury respectfully requests that it be notified in writing as each of the above recommendations is implemented.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

Imperial County Sheriff's Office

REASON FOR INVESTIGATION

A complaint was received from an Imperial County Jail inmate. He claims to have suffered multiple injuries due to being tased while being taken into custody and that proper medical treatment was not subsequently administered.

Complainant had been tased during prior arrests.

BACKGROUND

The inmate was apprehended by Officers of the Imperial County Sheriff's Department in Winterhaven, California on October 23, 2007 at 1815 hours. According to the Sheriff's office reports, it was necessary to dry tase him while attempting to move him to the patrol car and again in the patrol car due to the complainant's behavior. A dry tase is when the taser is applied directly on the person as opposed to the taser prongs being projected from a distance, which causes the prongs to be lodged in the skin. During the ride to the Winterhaven sub-station, the complainant repeatedly hit his head against the window until it broke.

After escorting the complainant into the substation, it was noticed he was bleeding from his head. The officers requested Emergency Medical Treatment to attend to the complainant's cuts and to check for any possible taser related medical issues. The Imperial County Sheriff's Office has a set protocol to follow after a suspect has been tased which requires a suspect be medically cleared. At the substation, complainant continued to spit and thrash about and refused medical treatment by the EMTs.

An ID technician was called to take photographs of the damage to the patrol unit and of the suspect's cuts. Due to his aggressive behavior only one photograph was taken which showed a red substance on his face. The inmate's behavior prevented the officers from taking him to a hospital for medical clearance.

FINDINGS

The suspect was taken to the Imperial County Jail Facility on October 23, 2007 at 2255 hours. He had an Intake Triage Assessment which found him to be intoxicated, aggressive and belligerent. Vitals were not initially taken due to his refusal. He was placed in a detox cell for two days. Inmates are visually checked every 15 minutes. Every eight hours an assessment is made to determine if an inmate is able to be released from the detox cell. The triage report did not mention any injuries. The complainant

answered no to all questions on the Pre-Entry Health Screen. The following questions were asked:

1. Do you have any medical problems?
2. Have you had any recent illnesses?
3. Have you had any recent injuries?
4. Do you take any medicines?
5. Have you ever been hospitalized for nerves or mental problems?
6. Are you sick today?
7. Are you hurt or in pain today?
8. Do you drink heavily?
9. Are you doing drugs?
10. Do you expect withdrawal problems?
11. Have you ever wanted to end your life?
12. Do you feel that way now?
13. Do you have special diet needs?

Medical personnel observed and documented that the complainant:

- a. was not ill or disabled;
- b. did not have any blood or trauma signs;
- c. was not confused or disoriented;
- d. did not have behavior suggesting that he was a danger to himself or others;
- e. did not appear developmentally disabled; and
- f. did not appear to be intoxicated.

He was seen while in detox by a physician who prescribed medication for his previously documented seizure disorder. The physician made no mention in the medical chart of physical injury. His booking photograph shows no trauma to the face. The inmate denied having any injuries and none were noted by medical personnel.

The Imperial County Civil Grand Jury finds the inmate's complaint to be invalid.

RECOMMENDATIONS

The Civil Grand Jury recommends copies of photos taken by ID techs be sent with the inmates to the jail and put in their Intake Triage Assessment form.

RESPONSE:

No response required.

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

Calexico Police Department

REASON FOR INVESTIGATION

A complaint was received from a woman in Calexico whose husband recently shot and killed his 2-year-old daughter and then committed suicide. A Restraining Order had been issued by the judge, but the Calexico Police Department would not serve it.

BACKGROUND INFORMATION

The Domestic Violence Prevention Act makes provisions for the issuance of Restraining Orders intended to prevent domestic violence. It also provides support services to victims. A judge must issue the order and it is then served. In this case the order included the surrendering of all weapons.

The Civil Grand Jury interviewed the Calexico Police Chief, the Imperial County Sheriff and his Lieutenant, a clerk of the Superior Court, three people in the Family Services Center, and the Complainant.

FINDINGS

The Restraining Order was filed on Thursday, February 21, and the Complainant picked it up the following day, Friday the 22nd. On Monday, February 25, she went to the Calexico Police Department and asked to have it served. She was told they did not serve Restraining Orders and was directed to the IC Sheriff's Office. She went there and was told they would serve it but that it could not be served that day. It was later served, and a Hearing was scheduled for Wednesday, February 27.

The Calexico Police Chief, in the presence of the City Attorney, informed the Civil Grand Jury that it is departmental policy not to serve Restraining Orders. An exception is made when ordered to do so by a judge. It is departmental policy to refer persons to the Sheriff's Office.

The Imperial County Sheriff and his Lieutenant said they had no specific knowledge of the request of the Complainant, but explained the problems involved in serving Restraining Orders and other documents caused by the manpower required. The Sheriff's Office has just 3 people for the entire county who do such serving, and on the day the Complainant was there the Department was short by one. The Complainant was told that anyone who is at least 18 years old, and who is not a close relative and who does not have a personal interest in the case, can serve a Restraining Order.

The Civil Grand Jury's final interview was with the Complainant. She discussed her marriage and the events that led her to obtain the Restraining Order. She went to the Calexico PD because she wanted him disarmed; she was hoping it could be done at his workplace, the U.S. Port of Entry, where he is a security guard, and which is close to the Police Department. Her perception is that such action could have prevented the tragedy that ensued.

CONCLUSIONS

- The Calexico Police Department followed its standard procedures in referring the Complainant to the Imperial County Sheriff's Office.
- The Imperial County Sheriff's Office could have served the Restraining Order, but not on the day requested by the Complainant.
- The Restraining Order was served.
- The husband attended the Court Hearing on Wednesday, February 27, as ordered in the Restraining Order.
- The judge directed the husband to surrender any weapons to the proper authorities.
- The murder-suicide happened that day, shortly after the conclusion of the Court Hearing.

RECOMMENDATION

Since no laws were broken and yet a tragedy occurred, current policies and procedures in all the agencies involved should be re-evaluated with the intent of preventing future tragedies of this nature.

RESPONSE

The Imperial County Civil Grand Jury requires no response.

**THE
IMPERIAL COUNTY**



CIVIL

GRAND

JURY

**2007-2008 FINAL REPORT
VOLUNTEER INSPECTION**

IMPERIAL COUNTY CIVIL GRAND JURY 2007-2008 FINAL REPORT

SUBJECT OF INVESTIGATION

Imperial County Clerk - Recorder- Registrar of Voters

REASON FOR INVESTIGATION

The Registrar of Voters called the Foreman of the Civil Grand Jury and asked if Jury Members could be represented at the Clerk's Office on January 30th at 10:00 A.M. for a presentation.

BACKGROUND INFORMATION

The Registrar of Voters invited a representative from the local Republican Central Committee, a representative from the local Democratic Committee, a citizen at large, two members of the Civil Grand Jury and a member of the local press to observe voting procedures and security measures that are planned for the upcoming elections in Imperial County.

The Registrar informed those in attendance that anyone in the county may arrange a tour of the Registrar's facility and receive an in-depth lecture about the voting process and the handling and counting of the ballots both before and after an election. They only have to call the office and schedule a visit. The demonstration took about two hours to witness and covered what takes place in the voting process and the security measures followed by the Registrar's Office.

The Registrar, her assistant, and two persons who operated the voting machines demonstrated the voting process including the opening and processing of some absentee ballots. The security was impressive. No one is allowed to enter the room or handle any of the equipment or forms involved in the voting process without at least two people present at all times. The voting machines and the cases in which they are placed to transport them to and from polling places have numbered seals that are recorded and kept on file. There are several of these seals that are connected with the process. Some must be broken in order for the machine to operate and then other numbered seals are attached when the voting is completed. There are seals on the cases, on the machines in several places, on the printers, and even on the printer cartridges.

For the upcoming election, there will be one voting machine at each polling place. However, the majority of the voting will be by paper ballot.

FINDINGS

The Civil Grand Jury members appreciated the opportunity to learn about the voting process and the measures put in place by the Registrar's office to prepare for the upcoming elections. We commend the Registrar of Voters for taking this pro-active stance.

RESPONSE

No response required.

FINAL REPORT

**THE
IMPERIAL COUNTY**



CIVIL

GRAND

JURY

**2007-2008 FINAL REPORT
ADDITIONAL INFORMATION**

NOTE TO RESPONDENTS

The legal requirements affecting respondents and responses to Grand Jury findings and recommendations are contained in the California Penal Code, Section 933.05.

For the assistance of all Respondents, Section 933.05 of the California Penal Code is summarized as follows. Any Respondent in doubt concerning these legal requirements should consult legal counsel prior to responding.

The responding person or entity must respond in one of two ways:

1. That you agree with the finding
2. That you disagree in whole or in part 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 for the disagreement.

Recommendations of the Grand Jury require action. The responding person or entity must report action on all recommendations in one of four ways:

1. The recommendation has not yet been implemented, with a summary of the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. If a person or entity reports in this manner, the law requires a detailed explanation of the analysis or study must be submitted to the officer, director or governing body of the agency being investigated.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

If either a finding or recommendation deals with budgetary or personnel matter of a County department headed by an elected officer, both the elected officer and the Board of Supervisors shall respond if the Grand Jury so requests. While the Board of Supervisors' response is somewhat limited, the response by the department head must address all aspects of the findings and recommendations.

Prior to the release or publication of the Grand Jury findings, the Grand Jury may request a personal appearance by the person or entity to discuss the proposed findings. Two working days prior to release or publication of the Grand Jury Final Report, the Grand Jury will provide a copy of the portion of the report to all affected agencies or persons. No officer, agency, department, or governing body of a public agency shall disclose the contents of the report prior to its release.

Section 933.05 of the California Penal Code, depending on the type of Respondent, provides for two different response times and to whom you must respond.

1. Public Agency: The governing body of any public agency must respond within ninety (90) days. The response must be addressed to the Presiding Judge of the Superior Court.

2. Elective Office or Agency Head: All elected officers or heads of agencies who are required to respond must do so within sixty (60) days, to the Presiding Judge of the Superior Court, with an information copy provided to the Board of Supervisors.

The Presiding Judge of the Imperial County Superior Court system is:

The Honorable Donal B. Donnelly
Presiding Judge of the Superior Court
County of Imperial
939 West Main Street
El Centro, CA 92243

Also, please send responses in the form of an original hard copy as well as digital copy on compact disk to the Imperial County Civil Grand Jury, addressed as follows:

Imperial County Civil Grand Jury
P.O. Box 2011
El Centro, CA 92244

FINAL REPORT

**THE
IMPERIAL COUNTY**



CIVIL

GRAND

JURY

**2007-2008 FINAL REPORT
2007-2008 RESPONSES**



CITY OF HOLTVILLE

121 WEST FIFTH STREET

CIVIC CENTER • HOLTVILLE, CALIFORNIA 92250-1298 • (760) 356-2912

"THE CARROT CAPITAL OF THE WORLD"

October 30, 2007

Allen Earley, Foreman
County of Imperial
Civil Grand Jury
P. O. Box 2011
El Centro, CA 92243

Subject: Response to 2007-2008 Civil Grand Jury Report Concerning the City of Holtville

To Whom It May Concern:

This response is written with respect to the 2007-2008 Civil Grand Jury report concerning the City of Holtville. Specifically, the Grand Jury purported to respond to a complaint concerning "golf carts" in public streets within the City limits of Holtville, California. While the work of the Civil Grand Jury is appreciated, recognizing the limits of their investigative powers as contained in Penal Code § 925a, the report contains gross inaccuracies and appears to meddle in the internal policy matters of the City of Holtville. Statements in the report notwithstanding, it should be noted that not all City Council members were interviewed, nor was the City attorney.

The issue whether golf carts or low speed vehicles can be legally driven on the roads and highways of the state of California is not, in the City's estimation, an issue within the purview of a Civil Grand Jury. While the report uses the terms interchangeably, it is clear from a reading of the law that low speed vehicles and golf carts are not identical forms of transportation.

The second issue the Grand Jury purported to address was whether or not a city official directed the police department "not to write tickets to persons driving golf carts in city streets." This issue, as well, does not appear to be one that falls within the investigatory powers of the Grand Jury as outlined by statute.

The City strongly disagrees with the Grand Jury making a determination that the City Manager has created a "hostile work environment." This accusation is unfounded, undocumented and extremely reckless exposing not only the City of Holtville, but the County of Imperial to litigation defending this false statement.

RESPONSE TO FINDINGS

The Grand Jury report infers that “golf carts” on city streets are a widespread problem in Holtville. The City believes that there may be 2 or 3 validly registered low speed vehicles used by their owner/operators from time to time within the City limits. It is worth noting that:

- The real conflict between the Department of Motor Vehicles and the California Highway Patrol regarding the licensing and registration of low speed vehicles does, in fact, mean that law enforcement should not issue citations for lack of license and registration.
- The “issue” was brought to the City Manager’s attention by a council member who inquired why warnings were being issued to operators of low speed vehicles regarding the lack of license and registration when those same vehicles were, in fact, licensed and registered with the DMV.
- Under the City Manager form of government, the City Manager has responsibility for directing the management and operation of all City departments on behalf of the City Council. With respect to low speed vehicles, the only directive given to the Chief of Police was that citations should not be issued for lack of a license and registration unless and until the CHP and DMV resolved the issue. The Chief of Police was further advised that nothing prevented the police from issuing citations for moving violations or equipment violation where appropriate. The Chief of Police was directed to concentrate on other pressing issues within the City of Holtville, and within the police department, rather than focusing on the licensing and registering issues for low speed vehicles. He was advised by the City Manager that such was a state issue, and the state agencies involved needed to fix the problem. Apparently the Chief of Police ignored or declined to follow the City Manager’s direction. No Police Officer jobs were threatened concerning the City Manager’s direction.
- The City Manager has no power to dissolve the police department or any other department within the City of Holtville. The present City Manager, as well as her predecessors, was directed by City Council to analyze the possibility of outsourcing law enforcement. This is a responsible and valid inquiry from a local agency faced with departmental budget and performance issues, and is not a proper area of inquiry for the grand jury.
- Under Council direction, the City Manager sets the agenda for each open and public meeting. If a department head, employee, or member of the public wants to request a matter be placed on the agenda for Council action, there is a process for so doing. The Chief of Police and local CHP officers did not follow that process and were advised that an unagendized presentation was not legally possible. No one, however, was prevented from speaking during the public comment portion of the Council meeting.

- Neither the City Manager nor any member of City government had direct contact with police officers regarding the “golf cart issue”. The only communication in that regard was from the City Manager to the Chief of Police, as previously described. No Police Officer’s jobs were threatened.

ADDITIONAL CONCERNS

- Under the City Manager form of government, the City Manager is solely responsible for hiring, promotion, and termination. As a practical matter, recommendations for hiring and promotion within the police department come directly from the Chief of Police. The City Manager has approved all requests for hiring and or promotion by the Chief of Police regardless of ethnicity. Additionally, police officers are statutorily protected by the Police Officers Bill of Rights, and are, as well, members of a recognized bargaining unit. There have been no complaints relative to hiring or promotion of any officer, regardless of ethnicity.
- With respect to the alleged conflict of interest, the report again illustrates a basic misunderstanding of the City Manager form of government. Under both state law as well as the Holtville Municipal Code, the City Manager is the Chief Executive Officer and directly responsible to the City Council for hiring and termination. While larger cities may enjoy a human resources department and department head, most small agencies have a personnel assistant (as does the City of Holtville) with the ultimate human resources decisions remaining vested in the City Manager as required by law. Thus, there is no real or apparent conflict of interest as expressed by the report, and no such concerns have ever been raised, formally or informally, by the police officers bargaining unit or any individual officer.
- Labor negotiations between the City of Holtville and the recognized bargaining unit for the police department “Holtville Police Officers Association” are stringently governed by state law in the conduct of negotiations. Typically, those negotiations concern wages, hours, and terms and conditions of employment. The so-called golf cart issue, has not, and will never be, an item of negotiation or concern between the City and the Holtville Police Officers Association.

GRAND JURY REPORT CONCLUSIONS

- The Grand Jury concludes that golf carts cannot be driven on city streets. This conclusion is contrary to California law, as there are several instances where golf carts, low speed vehicles and other electric or motor driven vehicles can legally be driven on the streets and highway of California.
- The Grand Jury appears to have overstepped its bounds by taking sides in an internal issue concerning City government policy. Furthermore, the Grand Jury makes a legal

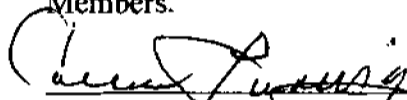
conclusion that it is not qualified to make when it asserts that the City Manager has created a hostile work environment. This conclusion, as well as much of the report, is based upon false assumptions, incorrect facts, and inadequate investigation. It is worth reminding the Grand Jury of the following facts:

- No police officers were ever told not to enforce valid laws;
- No police officer jobs were ever threatened regarding the "golf cart issue";
- No one was prevented from speaking at an open public meeting;
- The Grand Jury is not competent to draw the conclusion that legal liability or increased liability results from the use of validly licensed and registered low speed vehicles on the streets and highways of California.

RECOMMENDATIONS

Despite the inaccuracies and inadequacies of the Grand Jury report the City of Holtville will review the recommendations contained therein, will continue to monitor all aspects of City government in a manner consistent with sound government practice, and will take action consistent with their sound discretion as elected government officials. This will include stringent oversight by the City Manager of all City Departments, including the Police Department.

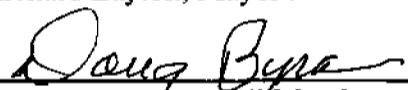
The 2007-2008 Civil Grand Jury report concerning the City of Holtville was reviewed by the Holtville City Council on October 29th and this response has the full support of all Council Members.



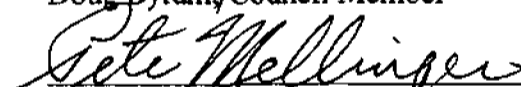
Colleen Ludwig, Mayor



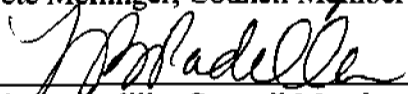
Richard Layton, Mayor Pro-Tem



Doug Byram, Council Member



Pete Mellinger, Council Member



Bianca Padilla, Council Member

CC: County Counsel
City Attorney
City Manager

Stephen L. Birdsall
Director of Airports
stephenbirdsall@imperialcounty.net

Connie L. Valenzuela
Assistant Director of Airports
connievalenzuela@imperialcounty.net

150 South Ninth Street
El Centro, CA 92243-2850
(760) 482-4314
Fax: (760) 353-9420



IMPERIAL COUNTY AIRPORT

Robert C. Weigele
Airport Manager
robertweigele@imperialcounty.net

1099 Airport Road
Imperial, CA 92251
(760) 355-7944

Fax: (760) 355-2485

April 7, 2008

Imperial County Civil Grand Jury
P.O. Box 2011
El Centro, CA 92243

RE: Response to Report concerning Imperial County Airport

Grand Jury:

This letter in response to the January 7, 2008 Imperial County Civil Grand Jury report of the Imperial County Airport.

RESPONSE

Background

The Imperial County Airport is located next to State Highway 86 just south of the City of Imperial. It is a publicly owned airport with commercial airlines providing passenger service daily to Yuma and Los Angeles. Commercial carriers such as FED-EX and United Parcel Service also operate out of the airport. According to the Federal Aviation Administration's (FAA) records, there are four runways operating at the airport and 86 aircraft based there including 66 single engine planes. There are about 73,000 air operations (take offs and landings) at the airport each year. The airport is administered by an Airport Director, an Assistant Director and a Manager. Of these persons, only the Airport Manager is located at the airport.

Response to Background Statement

FED-EX and United Parcel Service are CARGO operators not commercial carriers. There are only TWO runways at Imperial County Airport. Airport administration staff, located at the airport also includes an airport Analyst and an Office Assistant.

Findings

Physical Facilities

Issue 1

It is not possible to expand the airport. The highway on the east, development on the south and on the west, and the City of Imperial water plant on the North prohibit making the airport larger.

Response

While perhaps not practical, it is possible to expand the airport. In fact, the Federal Aviation Agency has recently requested the airport to evaluate extending the north – south runway as part of the one of the “next steps” to the “cargo airport feasibility study”.

Issue 2

The second floor of the airport terminal has not been used since 1994/95 because it is not in compliance with American Disabilities Act (ADA) requirements for handicapped persons. Neither access to the second floor nor to access to the restrooms meet ADA standards. Consequently, while the second floor has a number of potential uses, it has remained idle for over ten years.

Response

Certain improvements must be made to the terminal before the second floor can be utilized. Design of the terminal building improvements including the second floor is on the airport’s capital improvement plan for FAA grant funding.

Issue 3

The runways are in poor condition.

Response

On October 3, 2007 an inspection of the runways and taxiways was completed by the FAA Safety and Standards Branch. In a report received January 17, 2008 from that agency it was stated that “the runway and taxiway pavements appeared to be in good to fair condition”. The airport has developed a “signage and marking plan which will be submitted to FAA for funding. The airport is currently in the design phase of a “pavement preservation” plan which is scheduled for funding next federal fiscal year.

Issue 4

The airport rents airplanes hangars to the public. The hangars are being used in some cases for purposes other than airplanes. One hangar is used to store a motor home and another is used to store a vehicle. One individual rents two and uses them as a repair garage for airplanes.

Response

Use of airplane hangars is continuously monitored and inappropriate uses are abated as necessary. Please be advised that two hangars and two offices are rented to a certified aircraft mechanic for the purpose of performing maintenance service for based and transient aircraft. This is a historical and authorized use and there are no other facilities currently available for this enterprise.

Issue 5

Over the years the locks have been changed on the airplane hangars, but management does not have keys to all of the locks. This poses a problem for airport fire officials who need to be able to inspect each hangar to determine what is stored inside, (gas, oil, paint, etc.) and to determine whether there is proper fire safety equipment in place including flammable lockers and fire extinguishers.

Response

Airport management was not aware that "airport fire officials" desired access for inspection purposes. While access is limited pursuant to hangar rental agreements, every effort will be made to make arrangements for "airport fire officials" to inspect airport hangars upon request.

Management:

Issue 6

The Airport Director wears many hats he is also the County Agricultural Commissioner, the Director of Weights and Measures, and the Imperial County Air Pollution Control Officer.

Response

The Airport Director was appointed to the position by the Imperial County Board of Supervisors.

Issue 7

There have been four airport managers in the past five years.

Response

Correct. Two of these managers retired. One resigned for a better job and the fourth is currently employed.

Issue 8

The County recently hired a new Airport Manager and gave him the charge to improve the look and image of the airport, with the goal of bringing additional scheduled air service to the airport.

Response

The managers' primary responsibility is the safe operation of the airport. Safe operation includes not only physical safety and security but also interfacing with the tenets, four separate FAA agencies, the TSA, CalTrans Division of Aeronautics, the Imperial Police department and the Imperial County Fire Department.

Issue 9

The current Airport Manager has enthusiastically accepted this challenge. He is working on streamlining maintenance services and improving the look of the airport and the quality of its service.

Response

Noted.

Issue 10

The Airport Manager does not have access to timely budgetary information about revenues and expenses. Finances are handled in El Centro by the Airport Director, Airport Assistant Director, and the Airport Financial Assistant. None of these persons is located at the airport. The Airport Manager has no idea what monies are being collected or what bills are being paid each month. This makes it very difficult to plan for and manage the facility.

Response

The airport manager does have “access to timely budgetary information” as any and all information is available via a telephone call to appropriate staff. High speed computer access via a fiber optic line is currently under construction and expected to be completed the summer of 2008.

Issue 11

The County Department of Maintenance sends two workers to the airport daily to maintain the airport facilities. The Department bill the airport for this service. These workers do not take direction from the Airport Manager with respect to maintaining airport facilities. Apparently, the workers are only responsive to the County Maintenance Department.

Response

Two maintenance workers are assigned to the airport by County Facilities Management, they take direction from and are responsive to the airport manager.

Issue 12

There is a demand for airplane hangars. There is a waiting list of 28 persons wanting to rent a hangar at the airport. There has not been a review of the hangar rental agreements for years and it is not known how comparable the rental rates are with hangars at similarly situated airports.

Response

The “Rates and Charges Analysis” that was completed in 2001 showed that the hangar rents, as well as several other airport property rents, were below market. Most of the rents and charges were brought up to market via Board action in July of 2005 but the hangar rents remained slightly below market. In July 2007 the Board authorized the airport to have a certified appraiser update the “2001 Rates and Charges Analysis”. This update has been received and is currently under review.

Finances

Issue 13

The monies collected by the airport are not put into the General Fund. The airport money is handled by the Imperial County Auditor/Controller, and is not mixed with other Imperial County funds.

Response

Correct; as required by law.

Issue 14

The airport receives some money to operate from federal grants that are based on passenger use of facility. These monies have been declining in recent years.

Response

The airport receives about 85% of its total funding from Federal grants. The amount of annual grants is based on the number of “enplanements” in a calendar year and not on Passenger Facilities Charge (PFC). Enplanements include not only the number of commercial revenue generating outbound passengers but also the number of outbound passengers who fly on charter aircraft. PFC only includes commercial revenue passengers. If the enplanements are over 10,000 per year then the airport is eligible for one million dollars in grant funding if it is below that figure then it could be as low as \$150,000.00. There was only one year in the last 6 grant cycles that the airport has received less than one million dollars in grant funding. During that same period PFC funds have remained pretty much static. The airport’s operating budget, which does not include grant funding, has increased over the past five years because it was recognized that there was a need for more personnel to manage the airport, to do more maintenance, manage the facilities, manage and secure grant funding, etc.

Issue 15

The airport leases/rents, several acres of land at the airport, office space, T hangars, and outdoor hangars. There has not been a review of these leases/rental agreements for a number of years. Most are on a month-to-month basis. There is confusion in some cases as to what specific parts of the airport geography are being rented by various individuals. Rental property parcel boundary lines are not clear.

Response

Existing leases values are reviewed updated and governed accordingly. The latest two leases (both done in 2006) were negotiated, approved and signed by the board at fair market value. Further, a lease that expired in December 2007 and assumed by the airport was renewed at fair market value. All recent leases have automatic CPI escalators written in. Airport staff has been directed to develop a system by which these leases can be reviewed and adjusted on an annual basis.

All terminal office rents, excluding the airline counter and the auto rental counters (these are leases), are set according to the “rental and landing fee schedule” adopted by the BOS in July of 2005. These fees were derived from the Rates and Charges Analysis done in 2001 and adjusted by adding a CPI escalator.

There are three “legacy” leases at the airport that were approved by different Boards at different times. It was recognized early on (shortly after assuming responsibility of Director) that there were significant boundary errors when maps of these three leases were compared. As such a survey was commissioned and a property line map developed that best reflected what the airport believed was a fair representation of the property lines between leases. One of the lessees property lines was reconciled as part of their lease renewal. The airport is currently in final negotiations with another of the lease holders to adjust their boundaries. Once all of these boundaries have been adjusted and accepted by the lessees the airport will do “record of survey” for each lease to memorialize their property lines.

Issue 16

The county has contracted with a firm to survey the airport several months ago so that areas can be identified. The Airport Director is waiting for the report.

Response

The survey was last updated on August 2005 and is currently undergoing further updating. See response to Issue 15.

Issue 17

A new lease document is being drafted, and all who lease/rent land from the airport will be signing a new lease very soon.

Response

Noted.

Issue 18

Interviews suggest that the Imperial County Board of Supervisors is not enthusiastic about investing money in the existing airport. Supervisors would prefer to see a cargo airport established in the county and think that this would be a wiser investment.

Response

The record of the Board of Supervisors speaks for itself, but it is understood that the construction of a new cargo airport is strongly supported by the county Board and airport management. It must be kept in mind that it will take several years to realize this goal. In the mean time the current airport must be maintained in a safe

and operational manner to accommodate commercial and cargo operations, general aviation and law enforcement.

CONCLUSIONS

Issue 19

Based on the findings from the interviews and tour, the Civil Grand Jury Investigative Committee arrived at a number of conclusions. Among them is that the airport has been badly neglected. It is in need of a lot of maintenance and improvements that have been known about for years. At a time when the airport appears to have great needs, it appears to be receiving very little attention from those who are managing it. The excessively high turnover in the Airport Manager position appears to be a reflection of the problems with the management of the airport operation. The current Airport Manager appears to be a competent and conscientious employee who is capable of maintaining the airport and making it grow and become more profitable. However, the Committee found a number of circumstances that appear to complicate the efforts of the Airport Manager and make it difficult to perform his job. Among these is a lack of communication and cooperation between the Airport Director, the Airport Assistant Director and the Airport Manager. While the Airport Manager seems to have much responsibility, he appears to have little authority to carry out his job responsibilities. He lacks timely budgetary information and has limited interaction with the Airport Financial Assistant who is located across town. He has limited or no authority to direct grounds maintenance workers.

Response

Conclusion – Issue 19 is disputed. While the airport does need maintenance and improvements these activities are governed by available funding and are being addressed on a priority basis. Stating that the airport receives very little attention is unsupportable.

Having two managers retire and the third leaving for personal reasons certainly doesn't constitute "excessive". Further, the nature of the noted "management problems" are unclear and thus cannot be responded to.

Managing an airport, particularly one that has commercial service, is complex, extremely technical and sometimes tedious. The airport has to answer to several entities including four separate FAA divisions, the TSA, and CalTrans. Added to the mix are airport tenets, local government and airport neighbors. Notwithstanding the airport is continually striving to increase performance levels.

Issue 20

The state of the lease / rental agreements for airport grounds and facilities is chaotic. While the Airport Director is working on it, this situation is likely to have already cost the airport considerable revenue. The lack of information about competitive hangar rental rates and no review of existing rental agreements for years are also likely to have cost the airport revenue. Importantly, there are also several potential safety problems that need to be addressed, including the lack access to hangars by fire officials, appropriate use of hangars, materials stored in hangars, and the availability of appropriate fire safety equipment.

Response

Noted. Leases are reviewed and adjusted when appropriate – generally governed by the terms and conditions of the lease. With the receipt of the new Rates and Charges Analysis the airport will propose to the BOS a new “Rent and Fee Schedule”.

This is the first time the airport has been notified by the fire dept that they wanted access to the hangers to inspect for improper storage of flammable materials and proper fire safety equipment. Within the confines of the law, every effort will be made to make arrangements for “airport fire officials” to inspect airport hangars upon request.

RECOMMENDATIONS

The Imperial County Civil Grand Jury makes the following recommendations:

Issue 21

The management of the Imperial Count Airport should be examined to improve its productivity and functioning. Consideration should be given to reorganizing the existing management structure to ensure that the many outstanding issues and problems identified above in this report are addressed in a timely fashion, and to enable the Airport Manager to perform his duties in a more efficient and effective manner. The Civil Grand Jury is concerned that part of the airport’s neglect and management difficulties arise from (1) the Airport Director having too many roles to play and (2) not enough delegation of authority within the agency. Lines of authority and responsibility appear to be problematic. Given the scope of the problems at the airport and the need for them to be addressed in a timely manner, the Civil Grand Jury recommends that the Imperial County Board of Supervisors consider the many jobs that the Airport Director is already responsible for and consider allocating airport direction responsibilities differently or elsewhere so the airport can function more productively in the future.

Response

It is believed that the current organizational structure is functionally quite well and that reorganization is not necessary. However, the Grand Jury's recommendation will be taken under advisement.

Please remember that after many years of operation as a general aviation airport the events of 9-11 and the certification of the airport as a Commercial Airport Operator, the county has had to make many changes in the way the airport is managed including interacting with the TSA, FAA, and CalTrans Division of Aeronautics.

Issue 22

A better system of communication should be developed within the Imperial County Airport chain of command.

Response

As with any new hire and particularly a managerial position, communications will take time to evolve. After 6 months in the Airport Managers position the communications within the chain of command has improved considerably. The addition of the Asst. Airport Director in September 2007 was designed to enhance the communications between the Airport Manager and the Director.

Issue 23

Annual budget and monthly revenue and expenditure information should be provided to the Airport Manager in a timely fashion.

Response

Annual budget and monthly revenue and expenditure information is available to the Airport Manager in a timely fashion. A fiber optic line is scheduled for installation to enhance information access. Installation is scheduled to be completed summer of 2008.

Issue 24

Consideration should be given to assigning the Airport Manager authority over the activities of the crew from Imperial County Department of Maintenance.

Response

The airport manager currently has the ability to direct the activities of the two county maintenance personnel assigned to the airport.

Issue 25

The review of present lease / rental agreements, the competitive pricing of facilities and services, the survey of property boundaries, and the execution of new lease / rental agreements should be completed as quickly as possible to ensure that the airport is receiving the revenue that it is capable of generating.

Response

In July 2007 the Board authorized the airport to have a certified appraiser update the "Rates and Charges Analysis". This update has been received and is currently under review. After evaluation the airport will make a recommendation to the Board for adjusting the rents. Lease rates will be adjusted when legally possible.

Issue 26

The alternative uses of the second floor of the airport terminal and their revenue generating capacities should be evaluated with respect to the cost of bringing this portion of the terminal up to ADA standards.

Response

The second floor of the terminal is unavailable for use because of access issues. A cost benefit analysis is currently underway to determine if updating the second floor is fiscally prudent.

Sincerely,



Stephen Birdsall
Airport Director

cc Board of Supervisors
CEO
County Counsel



CITY OF CALEXICO

FIRE DEPARTMENT

430 E. 5th Street
Calexico, CA 92231
Tel.: (760) 768-2150
Fax.: (760) 768-2153
www.calexico.ca.gov

Imperial County Civil Grand Jury
939 West Main Street
El Centro, CA 92243

April 7, 2008

Subject: Response to the Grand Jury Findings:

In February of this year the City of Calexico appointed me as its permanent fire chief, after serving as the Interim Fire Chief since April 2007. As a result of this appointment, the department will realize additional promotions to fill vacancies among the supervisory ranks.

The city is continually striving to increase the staffing levels of its suppression force to achieve the nationally recommended ratio of firefighters per 1000 residents. Based on the recommended ratio of 1.0-1.5 firefighters per 1000 residents, the city would be required to increase its staffing level by 10-15 personnel. Recognizing the financial status of the city, it would be financially unfeasible to hire any additional personnel this fiscal year. It continues to be the recommendation of this administration that the highest priority be given to increasing the staffing level of our fire suppression staff as the financial status of the city improves.

As the city expands to its northern boundary, with mixed use industrial and commercial areas and additional residential developments, a fourth station may conceivably be in the works for the area along the Jasper Corridor. This northern most region of the city will potentially host a casino, Target retail store, and numerous master planned residential developments.

City management and staff have been working on securing property for a future fire station to be located in the north-east portion of the city. A community facilities district has been established to help fund this specific project. The city has recognized the immediate need for additional fire resources in the area and is working diligently to facilitate that need. In the mean time, the fire department is working on establishing a Reserve Firefighter Program and beginning to prepare for future growth with improving its fleet of firefighting equipment and rehabilitating its existing fleet.

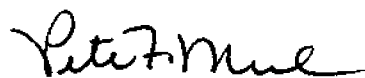
Viva Calexico!

Items of misinformation that require correction:

- The reorganization proposed to the city included the addition of two battalion chiefs, not three.
- The interim has 18 years of experience in the fire service, the last 15 with the City of Calexico.

Feel free to contact me if you have any further questions.

Respectfully,

A handwritten signature in black ink that reads "Peter F. Mercado". The signature is written in a cursive style with a large initial "P" and "M".

Peter F. Mercado
Fire Chief